Legislative Assembly

Tuesday, the 26th October, 1965

CONTENTS

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

QUESTIONS (29): ON NOTICE

LOCAL AUTHORITIES: ELECTION OF PRESIDENT OR MAYOR

Method Used

1. Mr. W. A. MANNING asked the Minister representing the Minister for Local Government:

   What number of shires and town councils elect their president or mayor by—

   (a) the councillors;

   (b) the electors?

   Mr. NALDER replied:

   Thirteen town councils and five city councils elect mayor by electors. One shire council only elects president by electors.

   125 shire councils elect president by councillors.

TRAFFIC ACCIDENTS

Liquor as a Contributing Factor

2. Mr. WILLIAMS asked the Minister for Police:

   What number of road accidents, casualty and non-casualty, have been attributed to the effects of alcohol during the 12 months ended the 30th June, 1965?

   Mr. CRAIG replied:

   Road traffic accidents attributed to intoxication of drivers or riders of vehicles for the 12 months ended the 30th June, 1965 in Western Australia—

	Metropolitan	Country	Whole State
Casualty	31	29	60
Non-Casualty	93	49	142
Total	124	78	202

Source: Bureau of Census and Statistics.

T.A.B. ALLOCATIONS TO RACING AND TROTTING CLUBS

Limitation: Introduction of Legislation

3. Mr. WILLIAMS asked the Minister for Police:

   (1) Is he aware that there are persistent rumours that the Government will introduce legislation to impose a limit on T.A.B. allocations to racing and trotting clubs?

   (2) Is there any substance in these rumours? If so, when is it intended to introduce the limitation?

   Mr. CRAIG replied:

   (1) and (2) No.

SWAN RIVER RECLAMATION

Use of Land for University Buildings

4. Mr. TONKIN asked the Minister for Works:

   (1) In connection with the proposal for a teachers' college on University land involving reclamation of 8½ acres of the Swan River to enable recreational and parklands to be restored and Hackett Drive to be realigned, which particular scheme of those considered in 1953 has been adopted by the Government?

   (2) What area of reclamation was involved in the adoption of scheme 4?

   Tabling of Files

   (3) Will he table the relevant Education Department and Public Works Department files?

   Mr. ROSS HUTCHINSON replied:

   (1) The site proposals are based on No. 4 scheme of 1953 with modification of the road alignment and the occupancy of the site by the W.A. University instead of the Education Department.

   (2) 9.9 acres; although, if I remember aright, the Press notice of the day given by the Deputy Leader of the Opposition mentioned 11 acres.

   (3) Yes. The files will be tabled for one week, with the concurrence of the Minister for Education.

   The files were tabled.

URBAN LAND ADJACENT TO RAILWAY LINES

Subdivisions

5. Mr. RUSHTON asked the Minister representing the Minister for Town Planning:

   Will he encourage subdivision and densification of the suitable urban land adjacent to the metropolitan rail routes to aid the economic usage of the intended rapid rail services?

   Mr. LEWIS replied:

   Yes, subject to other relevant considerations.

RAPID RAIL SERVICE: ARMADALE LINE

Terminal: Establishment

6. Mr. RUSHTON asked the Minister for Transport:

   (1) Has a decision been made, should a rapid rail service be provided on the Armadale line, for the terminal to be at Kenwick?

   (2) If not, will he have all aspects investigated relative to establishing the terminal at Armadale?

   Mr. O'CONNOR replied:

   (1) No decision has yet been made in this matter.

   (2) The suitability of Armadale for this purpose will be fully examined in due course.

POULTRY FARMING

Levy on Producers

7. Mr. ELLIOTT asked the Minister for Agriculture:

As poultry farmers became liable on the 14th July for the Commonwealth hen levy, will he advise—

(a) if this payment was for the preceding two weeks, commencing on the 1st July;

(b) if so, why were egg producers still required to pay W.A. Egg Board pool charges up to the 17th July;

(c) if it is agreed that producers, therefore, were subjected to a double levy for the first 17 days of July, will arrangements be made for a rebate to those producers so charged?

Mr. NALDER replied:

(a) No. The first fortnightly payment of hen levy was required to be made by the 28th July, 1965, and was calculated on the number of hens over the age of six months and kept for commercial purposes on the 14th July, 1965; 25 such fortnightly payments will be made in the 1965-1966 year.

(b) All State Egg Marketing Boards levied "pool contribution" for the first fortnight of the 1965-1966 year. In this State to avoid unnecessary expense in altering the machine system of accounting of the Western Australian Egg Marketing Board for two days only the "pool contribution" did not cease to apply until the 17th July, 1965.

(c) Total pool and hen levy collections, less administrative costs, are ultimately returned in full to the egg industry in the prices paid for eggs consigned.

OMBUDSMAN

Appointment in New South Wales

8. Mr. TONKIN asked the Premier:

(1) Is he aware that it was reported in the *Sun-Herald* of Sunday, the 17th October, that Justice Minister J. C. Maddison announced the previous week that the question of an ombudsman would be the top priority job for the newly-appointed Law Reform Commission in New South Wales?

(2) Does the statement of The Hon. J. C. Maddison that he was convinced that there was a need for an impartial investigator who could look into claims of injustice tend, at all, to influence the Government to take a more realistic view of the need for an ombudsman in this State?

Mr. NALDER (for Mr. Brand) replied:

(1) Yes.

(2) The views attributed to The Hon. J. C. Maddison have been noted as have the varying opinions of other commentators on this subject.

SCIENTOLOGY

Activities in Western Australia: Report

9. Mr. GRAHAM asked the Minister for Police:

(1) Has he received reports regarding the activities of scientologists in this State?

(2) What is their nature?

Mr. CRAIG replied:

(1) and (2) No, but a complaint in respect to a particular case was made to the department some years ago. Investigations were made and appropriate action taken. However, the Police Department and the Public Health Department are now considering the details of the Victorian Commission's findings, after which a submission will be made.

M.T.T. FARES FOR PENSIONERS

Charges: Adjustment and Scales

10. Mr. GRAHAM asked the Minister for Transport:

What was the scale of charges, respectively—

(a) prior to;

(b) subsequent to

the recent adjustments made by the M.T.T. for each fare section as applying to pensioners?

Mr. O'CONNOR replied:

(a)			(b)		
1	Section	3d.	Section	1- 6	6d.
2	"	5d.	"	7-15	1/-
3	"	6d.	"	16-21	1/6
4	"	7d.	"	22-27	2/-
5	"	8d.	"	28-33	2/6
6	"	9d.	"	34-38	3/-
7	"	10d.			
8	"	10d.			
9	"	10d.			
10	"	1/-			
11	"	1/-			
12	"	1/1			
13	"	1/2			
14	"	1/3			
15	"	1/4			
16	"	1/6			
17	"	1/6			
18	"	1/7			
19	"	1/8			
20	"	1/8			
21	"	1/10			
22	"	1/10			
23	"	2/-			
24	"	2/-			
25	"	2/3			
26	"	2/3			
27	"	2/7			
28	"	2/7			
29	"	2/7			
30	"	2/7			
31	"	3/-			
32	"	3/-			
33	"	3/-			
34	"	3/-			
35	"	3/4			
36	"	3/4			
37	"	3/4			
38	"	3/4			

CARNARVON-ROEBOURNE ROAD

Maintenance Cost: System of Calculation

11. Mr. BICKERTON asked the Minister for Works:

Reverting to question 19 on the notice paper of the 20th October, 1965, concerning maintenance figures for the Carnarvon-Roebourne Road, will he advise the system of calculation that is used to arrive at average maintenance figures for each mile of road, showing if possible the breakdown figures for such items as labour, machinery, repairs, supervision, etc.?

Mr. ROSS HUTCHINSON replied:

The maintenance work involved on this road consists principally of grading and gravel sheeting of weak sections and creek crossings. Because of the nature of the work no detailed costs are kept. However, the main item of expenditure is incurred on plant charges.

NANNUP HIGH SCHOOL

Sewage Disposal

12. Mr. ROWBERRY asked the Minister for Works:

(1) Has the method of disposal of sewage effluent at the Nannup High School been decided upon?

(2) If so, what is the method?

(3) Has this method the approval of the Nannup Shire Council?

(4) Is he satisfied that the best possible method will be used, having proper regard for all the circumstances of the case?

(5) Is it usual for the Public Works Department to disregard local opinion in such cases where a nuisance or offence to the aesthetic sense could arise?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) Aerobic lagoon.

(3) No. The last letter to the shire, dated the 23rd September, has not yet been answered.

(4) Yes.

(5) No. There has been considerable correspondence with the shire over this matter. An aerobic lagoon is an approved method of disposal of sewage effluent and has been used with satisfactory results in many areas within the State. In the opinion of the department there will be no nuisance or offence to the aesthetic sense.

WUBIN-MEEKATHARRA ROAD

Maintenance Cost, and Allocations

13. Mr. BICKERTON asked the Minister for Works:

(1) What is the average cost per mile which has been spent on maintenance to the road from Wubin to Meekatharra for the following years:

1961-62;
1962-63;
1963-64;
1964-65?

(2) What amount per mile has been allotted for the year 1965-66?

Mr. ROSS HUTCHINSON replied:

(1)

Year	Length of Road miles	Expenditure £	Cost per Mile £
1961–1962	271	9,940	37
1962–1963	271	16,650	61
1963–1964	271	13,103	48
1964–1965	271	14,949	55
(2) 1965–1966	271	15,000	55

BRIDGE AT CHATHAM STREET WEST MIDLAND

New Structure

14. Mr. BRADY asked the Minister for Works:

(1) Has any decision been made as to when, where, and if, a new bridge will be built at the south end of of Chatham Street, West Midland, to divert traffic through Hazelmere?

(2) If not, when will a decision on this important matter be reached?

Mr. ROSS HUTCHINSON replied:

(1) No.

(2) Provided survey investigations and plans are sufficiently advanced, consideration will be given to the provision of funds for this bridge in the department's 1966-1967 programme of works.

LEVEL CROSSING AT WEST MIDLAND

Footpath: Provision

15. Mr. BRADY asked the Minister for Railways:

(1) Has the Midland Municipal Council requested a footpath to be made at the level crossing, West Midland?

(2) Has approval been given to building a footpath?

(3) Is he aware the existing footpath under the subway has been closed for approximately two months?

Mr. COURT replied:

(1) Yes.

(2) Yes.

(3) Yes. However, the roadway is available to pedestrians as this has been closed to vehicular traffic.

MIDLAND RAILWAY COMPANY

Midland Property: Use

16. Mr. BRADY asked the Minister for Railways:

(1) Has the Railways Department any plans for use of or leasing of property acquired from the Midland Railway Company opposite the Town Hall, Midland?

(2) What stage is the planning at?

(3) Is the Town Planning Department co-operating in the proposed plans?

(4) Are plans available to the public?

Mr. COURT replied:

(1) and (2) The position as advised in my reply to the honourable member on the 6th October, 1965, regarding the use of land acquired from the Midland Railway Co. still obtains. No definite plans have been formulated.

(3) Co-operation with the Town Planning Department will be maintained.

(4) Answered by (1) and (2).

17. *This question was postponed.*

ESPERANCE HARBOUR WHARF

Rail Link Connection

18. Mr. MOIR asked the Minister for Railways:

(1) Does the reply to question 11 of the 14th October, 1965, mean that the planned railway extension to the wharf at Esperance will not be proceeded with?

(2) If this is so, will he state the reason for this decision?

(3) If not, will he state when the extension will be constructed?

Mr. COURT replied:

(1) A final decision on the ultimate method of conveying cargo to and from the wharf has not yet been made.

(2) The requirements of the district as a whole are involved and are currently under survey.

(3) Answered by (1).

CONDITIONAL PURCHASE LAND AT SCADDAN

Allocations: Details

19. Mr. MOIR asked the Minister for Lands:

(1) What number of blocks has been made available for selection in the area east of Scaddan on conditional purchase conditions?

(2) Where were they situated?

(3) What was the number of applicants?

(4) Whom were they allocated to?

(5) Were these blocks advertised in the usual manner?

(6) If so, what were the various publications used?

(7) If not advertised, what was the reason?

Mr. BOVELL replied:

(1) to (7) It is not possible to identify the land from the description given.

The Lands Department has not recently released any land east of Scaddan. Notifications on land releases are published in the *Government Gazette* and agricultural journals. A mailing list is also maintained.

ROAD TRANSPORT: PERTH-ALBANY

Tonnage Rates

20. Mr. HALL asked the Minister for Transport:

(1) What are the tonnage rates laid down by the Transport Commission when permits are issued for the cartage of various commodities between Perth and Albany?

Bricks: Permits Issued

(2) How many permits have been issued by the Tranport Commission for the cartage of bricks from Perth to Albany in the last six months, April to September, 1965?

Mr. O'CONNOR replied:

(1) When issuing a permit for the transport of commodities between Perth and Albany, the Commissioner of Transport does not prescribe tonnage rates; these are a matter for negotiation between the carrier and his client.

(2) 18 permits covering 133,300 bricks transported from Midland Junction, Armadale, and Jandakot.

RAILWAY TRANSPORT OF BRICKS: PERTH-ALBANY

Freight Rates and Tonnages

21. Mr. HALL asked the Minister for Railways:

(1) What are the rail freight rates per ton on a minimum eight-ton load for the cartage of bricks from the metropolitan area to Albany?

(2) Can he supply the loading charge of bricks per 1,000, Perth and Albany, when transported by rail?

(3) How many tons of bricks have been transported by rail from Perth to Albany in the last six months, April to September, 1965?

Mr. COURT replied:

(1) The principal points from which bricks are consigned from the metropolitan area to Albany, are Armadale and Midland.

The rate from Armadale to Albany is 75s. 2d. per ton. Midland to Albany, 72s. 6d. per ton.

(2) Loading charges per 1,000 bricks—

	£	s.	d.
Armadale: Direct loading in brick works siding	1	0	0
Midland: Loading onto motor truck and loading into rail wagon	3	0	0
Albany: Unloading from rail wagon and unloading from motor truck	4	0	0

(3) Nil. During this period 25 tons were forwarded to Albany from Armadale, and six tons from Cannington.

PERTH GOODS YARD

Safety Helmets: Issue to Crane Crews

22. Mr. DAVIES asked the Minister for Railways:

(1) Did the Railways Department recently refuse the application made by crane crews employed in the Perth goods yard to be provided with fibre glass or similar safety helmets?

(2) If so, what was the reason for such decision?

(3) How many employees were concerned?

(4) What is the cost of a suitable helmet?

(5) How does the department relate its decision in this instance to the Premier's repeated entreaties to industry to take all possible precautions in regard to industry safety?

Mr. COURT replied:

(1) Yes.

(2) It is fundamental safety practice that workers should be clear of the load when being lifted, and this precaution should be observed at all times.

(3) There would be six employees concerned in the issue to crane crews at Perth goods yard. However, issues could not be limited to this depot if issue of this equipment were to be approved.

(4) 33s. 6d. each.

(5) It is emphasised that if crane crews conform to safe loading practices in relation to material handling no danger to the employee should ensue. However, the question of the issue of safety helmets is receiving further consideration including issue to employees additional to crane drivers who might be appropriate.

IRON ORE

Sales: Comparison of Prices

23. Mr. FLETCHER asked the Minister for Industrial Development:

With reference to a recent Press comment, "U.K. Paper Sees W.A. Gas Need", which says, in part, "that the W.A. Government was being criticised in some quarters for selling its iron ore at a price 15 per cent. below world price," is he in a position to confirm or correct this assertion by stating the percentage our price is above or below world prices?

Mr. COURT replied:

The price obtained for Western Australian iron ore—f.o.b.—is considered satisfactory and compares favourably with general long term prices being obtained by other countries.

It is not possible to state what could be regarded as a standard world price, but the f.o.b. price for Western Australian ore is higher than Brazilian sales to Europe. Brazilian ore is considered to be comparable as to quality and grade with the best Western Australian ores.

In comparing C. & F. prices, shipping distances to user countries has a big bearing and can account for differences up or down. F.O.B. is the more reliable comparison of return to us as a State.

APPRENTICES

Payment of Percentage of Tradesmen's Rate

24. Mr. FLETCHER asked the Minister for Labour:

(1) Is he aware that in the apprenticeship feature article of *The West Australian*, of the 3rd June, 1965, Mr. Bowyer, Industrial Registrar, is quoted, in part, as saying: "the best labour that industry could get was provided by training our own boys"?

(2) In view of this and the Premier's recent public pronouncements regarding the shortage of skilled workers and as an incentive to boys to join a trade, rather than to seek better paid unskilled work, will he, through the Department of Labour, and/or the Industrial Commission, or by way of legislation if necessary, make provision for payment of a percentage of the tradesman's rate annually rather than the present percentage of the unskilled basic wage?

Mr. O'NEIL replied:

(1) Yes.

(2) The question of rates of pay is essentially a matter for determination by the Industrial Commission.

In regard to incentives, it is pertinent to mention that, with the co-operation of the unions and the employers, the newly-appointed Apprenticeship Advisory Council is making considerable progress in this regard; in fact, provision for shortened apprenticeships in the engineering trades has already received the approval of the Industrial Commission.

IRON ORE MINING COMPANIES

Temporary Reserves: Allocation of Additional Areas

25. Mr. BICKERTON asked the Minister representing the Minister for Mines:

Have any of the iron ore companies been given additional temporary reserve areas for minerals since the signing of final agreements and, if so, what companies are involved and where are the areas located?

Mr. BOVELL replied:

The following temporary reserves have been granted in relation to the fulfilment of iron ore agreements made with the State:

Company	Temporary Reserve No.	Locality	Type of Mineral
Hamersley Iron Pty. Ltd.	3053H	King Bay area	Limestone, Lime Sand and Shell Grit.
Broken Hill Pty. Co. Ltd.	3514H	Ashburton River	Water.
	3515H	Fortescue River	Water.
	3516H	Robe River	Water.
Consolidated Gold Fields (A/asia) Pty. Ltd., Cyprus Mines Corporation, Utah Construction & Mining Co., (Mt. Goldsworthy Mining Associates)	3373H	Finucane Island	Sand and Limestone.
	3374H	Pt. Hedland area	Limestone.
	3375H	Pt. Hedland area	Limestone.
	3376H	Pt. Hedland area	Sand and Limestone.
	3377H	Pt. Hedland area	Sand and Limestone.
	3378H	Pt. Hedland area	Sand and Limestone.
	3381H	Pt. Hedland area	River Gravel.
	3382H	Pt. Hedland area	Igneous Rock.
	3383H	Pt. Hedland area	Sand.
	3384H	Pundano	Gravel.
	3385H	Table Hill	Sand.
	3386H	Pt. Hedland area	Sand.
	3387H	Tabba Tabba Creek	Sand.
	3388H	De Grey Station	River Gravel.
	3389H	Strelley River	River Gravel.
	3390H	De Grey River	River Gravel.
	3392H	De Grey River	Water bores.
	3393H	Mt. Goldsworthy ..	Greenstone.
	3394H	Mt. Goldsworthy ..	Granite.
	3395H	Pt. Hedland area	Sand and Limestone.
	3396H	Pt. Hedland area	Quartzite.
	3519H	Tabba Tabba Creek	Rock.
	3520H	Tabba Tabba Creek	Rock.
	3521H	Mt. St. George	Rock.
	3522H	Mt. St. George	Rock.
	3523H	Mt. St. George	Rock.

TIMBER RESERVES

Tone River: Production over Three-year Period and Firm Concerned

26. Mr. HALL asked the Minister for Forests:

(1) Has the Government any plan for opening up Tone River as a timber town?

(2) How many acres are reserved in the Tone River area as timber reserves?

(3) What firms hold the rights over such timber reserves and what area do they control?

(4) Has there been any activity with respect to working of such timber reserves and, if so, what is the nature of such activity, relevant to timber production, over the past three years?

Mr. BOVELL replied:

(1) There is no town of Tone River. The following answers refer to the town of Strachan where the Tone River mill is situated.

(2) 88,900 acres.

(3) Bunning Bros.—88,900 acres.

(4) Production for the past three years:

	Cubic Feet
1962-63	337,900
1963-64	338,500
1964-65	345,850

Southern Areas: Acreage and Firms Concerned

27. Mr. HALL asked the Minister for Forests:

(1) How many acres are reserved for timber production in the following areas:—

Walpole;

Nornalup;

Denmark;

Redmond?

(2) What firms hold the rights over timber reserves in the respective areas and how many acres are held by the firms mentioned?

(3) Are the timber reserves as held being worked by the firms concerned and, if so, what are the activities relevant to timber production over the past three years?

Mr. BOVELL replied:

(1) Walpole: 45,791 acres.

Nornalup: 45,791 acres.

Denmark: 103,531 acres.

Redmond: Nil.

(2) Walpole: No permit over State forest or timber reserve.

Nornalup: Bunning Bros. hold a permit over 13,614 acres of vacant Crown land and alienated land with timber reserved to the Crown.

Denmark: Whittaker Bros. 12,100 acres of State forest and 103,000 acres of Crown land and alienated land with timber reserved to the Crown.

Hawker Siddeley Building Supplies hold a permit over 41,590 acres of Crown land and alienated land with timber reserved to the Crown.

Redmond: J. Menegola holds a permit over 52,554 acres of vacant Crown land and alienated land with timber reserved to the Crown.

(3) The production of the above permit holders over the past three years is as follows:—

	Production in Cubic Feet		
	1962-63	1963-64	1964-65
Bunnings, Walpole	217,200	218,600	208,350
H.S.B.S., Kent River	....	....	77,300
Whittakers, Denmark	189,200	186,400	195,500
J. Menegola, Albany	21,600	18,700	22,900

STANDARD GAUGE RAILWAY

Cost: Original and Amended Estimates

28. Mr. HAWKE asked the Premier:

(1) Will he provide the main items of expenditure which make up, or are finally to make up the expenditure of £9.674 million referred to in his reply to my question (4) of No. 26 on the notice paper on the 10th August, 1965, including the cost of the new overway at West Northam and the new bridges over the Avon River and the Great Eastern Highway on the west side of the Northam township?

Deviation through Spencers Brook and North Northam: Cost and Distance

(2) How much of that total amount has been or will be expended between the point at which the narrow gauge railway deviation near Spencers Brook commences through to the point at North Northam where the railway line will merge into the dual gauge standard gauge railway system?

(3) What is the distance between those two points?

Dual Gauge System: Expenditure

(4) How much of the £9.674 million has been or will be expended on the dual gauge system?

(5) How has the balance of the total amount (if any) been expended?

Interest and Sinking Fund Payments

(6) What is the estimated annual burden on the railway system and the State by way of sinking fund and interest payments on the £9.674 million?

Spencers Brook-Bellevue Section: Interest and Sinking Fund Payments

(7) Following the abandonment of the existing narrow gauge system between Spencers Brook and Bellevue, what is the estimated annual cost to the Railway Department and the State for sinking fund and interest payments on the outstanding capital expended on that section of the railway system?

(8) For how many years will such and similar payments have to be made?

Mr. NALDER (for Mr. Brand) replied:

	£
(1) Land and compensation	345,000
Earthworks, fencing, etc.	3,493,000
Bridges and culverts	1,260,000
Tracklaying	367,000
Ballasting	640,000
Rails and fastenings	1,955,000
Sleepers	548,000
Signalling, incl. level crossings	419,000
Telephone lines, etc.	167,000
Buildings	50,000
New yard at Toodyay and bridge over river	230,000
Miscellaneous works	200,000
	9,674,000

(2) This question is not clear. The narrow gauge railway link to dual gauge starts at a point west of the existing Northam yard; not near Spencers Brook.
The total expenditure on this connection, together with minor work at Spencers Brook and Spring Hill, will be £504,000.

(3) (a) The total distance from Spencers Brook to the point of linking in with the dual gauge is 7 m. 35 c.
(b) Of this distance, the actual length of deviation i.e. from a point west of the existing yard, is 2 m. 44 c.

(4) £8,890,000.

	£
(5) Link with G.S.R. as in (2)	504,000
New 3 ft. 6 in. yard at Toodyay and bridge over Avon River for Miling Branch	230,000
Buildings, roads, etc. at new Toodyay yard	50,000
	784,000

(6) The estimated average annual burden on the State and the Railways Department—financed from State Consolidated Revenue—will be as follows:—

Source of Funds	Interest Amount	Interest Years	Sinking Fund or Repayments Amount	Sinking Fund or Repayments Years
	£		£	
(a) General Loan Fund	4,000	53	27,400	53
(b) Commonwealth Advances—				
Developmental	85,000	20	169,000	20
Standardisation....	36,000	50	29,000	50
(c) Commonwealth "gift" contribution	Not applicable		Not applicable	

(7) If the normal process is followed the remaining capital value of the abandoned narrow gauge line between Bellevue and Kalgoorlie—less the value of recovered material—will be written out of Railways capital and debited to Treasury—Railways expired capital.

The remaining value of the section Bellevue to Spencers Brook is not separately recorded but is assessed at roundly £850,000 after allowing for the value of recoverable material. However, as the figures for capital expenditure year by year since inception are not available, it is not practicable to relate debt charges to a particular section of line.

(8) Answered by (6) and (7).

ESPERANCE BREAKWATER CO. PTY. LTD.

Paid-up Capital

29. Mr. TONKIN asked the Minister for Works:

(1) When the Esperance Breakwater Co. Pty. Ltd. finalised formalities with the Companies Office in connection with its incorporation, what was the amount of its paid-up capital?

Carrati Holding Co. Pty. Ltd.: Affiliation

(2) Was the company a subsidiary of Caratti Holding Co. Pty. Ltd.?

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

(4) At the time did Caratti Holding Co. Pty. Ltd. have assets in excess of £800,000?

A. B. Pearce: Shareholding

(5) Was Mr. A. B. Pearce a shareholder in Esperance Breakwater Co. Pty. Ltd.?

Arrangement with Barbarich Construction Pty. Ltd.: Government Guarantee

(6) When the liquidator of Barbarich Construction Pty. Ltd. made arrangements with Esperance Breakwater Co. Pty. Ltd. to complete the contract for the construction of the Esperance breakwater, did The Hon. G. P. Wild in his capacity of Minister for Works guarantee the liquidator against any loss which might result from the failure of Esperance Breakwater Co. Pty. Ltd.?

Meeting of Creditors

(7) Did the Esperance Breakwater Co. Pty. Ltd. have a meeting of creditors recently?

Government's Liability under Guarantee

(8) What is the amount of the Government's liability consequent upon the guarantee to the liquidator?

Mr. ROSS HUTCHINSON replied:

(1) £1.

(2) No.

(3) Answered by (2).

(4) Yes.

(5) Yes.

(6) No. The liquidator was absolved from personal liability only.

(7) Yes.

(8) Nil. It is considered that the liquidator has now no personal liability.

QUESTIONS (5): WITHOUT NOTICE

ROAD TRANSPORT IN THE NORTH-WEST

Haulage Rates: Increase

1. Mr. BICKERTON asked the Minister for Works:

(1) Has he seen the article in *The West Australian* of the 23rd October dealing with increased haulage rates for the north-west?

(2) Does he agree with the statement by the W.A. Road Transport Association that the reason for a 10 per cent. increase is the sub-standard condition of the roads; and, if not, will he supply his reasons for disagreement?

(3) As the present haulage charges are to a very great extent responsible for the high cost of living in the north-west, what steps does he propose to take to upgrade the roads, thus enabling haulage rates to be reduced?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) The W.A. Road Transport Association has stated that in addition to road conditions there were a number of other factors which had caused it to increase haulage rates in the north-west. These, as mentioned, were labour costs, heavy capital outlay, maintenance, and depreciation.

(3) The Main Roads Department is spending more money in this part of the State than ever before. Every effort is being made to bring the principal road system to a reasonable standard, and this year there has been an increase in the allocation for maintenance work. However, with the increase in heavy traffic on these roads some deterioration of the surface is to be expected.

2. Mr. BICKERTON asked the Minister for Transport:

(1) Has he seen an article in *The West Australian* of the 23rd October dealing with increased haulage rates for the north-west, and, if so, does he agree with the views expressed; and, if not, what steps does he propose to take to prevent an increase?

(2) Has he been approached by the W.A. Road Transport Association concerning this matter; and, if so, what are the details?

Mr. O'CONNOR replied:

(1) Yes, I have seen the article referred to, and do not consider the increased rates unreasonable, having regard to the high costs and damage sustained by the vehicles involved in this transport.

(2) No.

GOLDMINING INDUSTRY

Labour Shortage: Opportunities for Migrants

3. Mr. BURT asked the Premier:

(1) Is he aware that the Commonwealth Immigration Department secretary (Mr. Peter Heydon) is in Perth to investigate employment possibilities for migrants, particularly in respect of developing mining centres in the north-west?

(2) Will he undertake to bring to Mr. Heydon's notice the urgent labour requirements of the goldmining industry in this State—a recent announcement stated that 300 men could be absorbed immediately—particularly stressing the fact that a miner in the goldmining industry still earns the highest pay per hour worked of any industry?

Mr. NALDER (for Mr. Brand) replied:

(1) Yes.

(2) The Minister for Immigration has already discussed with Mr. Heydon the general immigration situation for this State. The urgent labour requirements of the goldmining industry are recognised.

SULPHUR IMPORTS: PRICE INCREASE

Effect on Commonwealth Bounty on Local Product

4. Mr. CORNELL asked the Minister for Industrial Development:

I am reliably informed that the f.o.b. price of sulphur has advanced by nine dollars. If this is so what effect will that have on the Commonwealth bounty payable in respect of sulphur manufactured from local pyrites?

Mr. COURT replied:

I will obtain a carefully considered answer for the honourable member, but my understanding is that as the price of imported sulphur goes up, so the Commonwealth bounty is reduced. I would not like this to be taken as the official answer, but that is my understanding off the cuff. I will have the matter properly researched for the honourable member.

SUPERPHOSPHATE WORKS

Establishment Inland

5. Mr. CORNELL asked the Minister for Industrial Development:

In view of the apparent desire of certain contending companies to break into the fertiliser industry in Western Australia at any price, does he not consider it would be cheaper for one or other of them to be interested in establishing an inland super works, rather than buying into Cresco?

Mr. COURT replied:

Knowing the business efficiency of the companies to which I think the honourable member is referring, if they felt it would be better and cheaper to establish in the country, they would be there like a shot. Obviously they do not think they can.

LICENSING ACT AMENDMENT BILL (No. 3)

Introduction and First Reading

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

ROAD MAINTENANCE (CONTRIBUTION) BILL

Second Reading

MR. O'CONNOR (Mt. Lawley—Minister for Transport) [4.54 p.m.]: I move—

That the Bill be now read a second time.

As the Bill indicates, its intention is to raise revenue solely for the purpose of maintaining and repairing roads within Western Australia. In order to give the House the general background, some reference to road finances is necessary.

Last year, 1964-65, was the first under the new arrangements arising from the Commonwealth Aid Roads Act, 1964. Under the provisions of this Act, each State receives a basic grant to assist with the development of its road system. In addition, the Commonwealth makes available an extra assistance grant which is conditional upon each State matching this by increasing its own allocations to roads by an equivalent amount.

Because of the favourable treatment of Western Australia in the distribution of Commonwealth road grants—due to the weight given to area in the formula—the additional assistance available to us increases at the very high rate of £530,000 in each of the next four years, including 1965-66. However, as I explained, in order to obtain this benefit our own allocations to roads must increase by a corresponding sum per annum.

The normal growth in collections from vehicle and drivers' license fees at present rates, will fall far short of the amount necessary to attract the maximum Commonwealth grant. The maximum grant available over the next four years will be £7,420,000. Towards this, the normal net increase in fees is estimated to contribute only £3,644,000.

As the Treasurer stated to this House when presenting the Estimates for the current year, we stand to lose £3,776,000 in Commonwealth grants for roads over the four-year period unless we raise additional revenue for road works.

It is not feasible to contemplate any further use of loan funds as we did in 1964-65 for road works. There are already insufficient of these funds for other capital works.

Members will agree that we must endeavour to obtain the full benefit of available Commonwealth assistance if we are to have an adequate and well-maintained road system in this State. The expansion of our road system, especially in the north, is vital to the exploitation of our industrial resources. While we are doing this the funds available to meet a constantly increasing road maintenance bill on existing roads are diminishing.

Therefore there are two important reasons why additional funds for road maintenance are essential—to meet the needs of industry, and to protect the capital investment in the roads already in use. This is the position which revenue from road maintenance charges is intended to meet. If we delay in taking action, the ultimate financial burden will not only be greater, but we will have lost the benefit of Commonwealth matching moneys in the meantime.

Legislation of this nature has been in force in Victoria, New South Wales, and Queensland for some years and was more recently adopted in South Australia. The only difference is that the first three States levy road maintenance charges on all vehicles over four tons capacity, but South Australia limits it to those over eight tons.

After a careful examination of our own position, it is estimated that if we followed South Australia's example and limited the charge to vehicles over eight tons, that would attract sufficient revenue for our purposes.

Further to this, it is felt that we can afford to ease the impact of the road maintenance charges to the extent of allowing a rebate of 50 per cent. of normal license fees in the case of vehicles subject to road maintenance payments. It is intended to give effect to this in an amendment of the Traffic Act. Also, the proposed new scales of vehicle license fees will remove an anomaly that exists at present in relation to the fee assessed on semitrailers. As a result, license fees on many semitrailers will be considerably reduced apart from the 50 per cent. concession which will also apply.

The Eastern States legislation evolved following a close study of litigation before the High Court from which there are certain clear factors which we must observe in order to conform to constitutional requirements. These are: Firstly, the charge should not exceed an amount which can be considered fair recompense for the actual use made of the highway having regard, not only to the wear and tear which every use of it contributes, but to the costs of maintenance and upkeep; secondly, the whole of the proceeds must go to road maintenance; and, thirdly, the charge must be universal between vehicles in the category mentioned—those over eight tons in this case—and there must be no discrimination of treatment between one road user and another. The Bill has been drafted having full regard for these stipulations.

The charge itself of one-third of a penny per ton-mile would be levied on the tare-weight plus 40 per cent. of the maximum carrying capacity of the vehicle. This formula has been adopted by all States imposing the charge following the findings of a detailed research conducted by the Victorian Country Roads Board and presented in evidence to the High Court of Australia. It recognises that a vehicle may frequently travel on roads while less than fully laden or while empty and as well as simplifying assessment, it brings the charge well below that which could be assessed as compensation towards maintaining Western Australian roads. Therefore the charge will be payable at all times, whether the vehicle is fully or partly laden, or whether it is carrying any loading at all at a particular time.

I would emphasise that the whole of the proceeds of this charge will be paid into a special fund to be called the road maintenance trust fund. The whole of the expenditure from this fund will be directed towards the repair and maintenance of roads—roads which are vital to the efficient operation of the road transport industry. Members who travel frequently in the country will be well aware of the inordinate amount of damage done to roads by heavy transport vehicles. It is only fair and reasonable that the owners of those vehicles should make an additional contribution to the repair and maintenance of the roads.

The heavy traffic now moving to the north is taking toll of the roads to this area; and if this road system breaks down, the cost to the industry in slower running times and higher repair and maintenance bills could well exceed the cost of this charge. It is also important that transport operators bringing goods interstate at present make no contribution whatsoever to the upkeep of roads in this State by way of vehicle license fees or Transport Department permit charges. The volume of this traffic is continually increasing, and it is essential that those operators be required to pay something for the upkeep of the roads they use. One of the principal objects of this Bill is to ensure that they do make such a contribution.

The Bill provides for vehicle owners to keep a record of all miles travelled on roads in this State and to return a statement monthly to the Commissioner of Transport in the form contained in the second schedule. The amount of the charge payable for the month is to be calculated on the return and paid at the same time as the return is lodged. The Bill also empowers the commissioner to enter into special arrangements with owners to keep records and make payments on an alternative basis to meet the administrative convenience of the owner concerned. In such cases quarterly payments may be permitted but in no case may the period between payments exceed three months. Under this provision it will also be possible for arrangements to be entered into with farmers, in approved cases, for the return to be compiled on a simplified basis rendering unnecessary the keeping of a daily log of vehicle miles travelled.

It will be obvious to members—and indeed experience in other States has shown it to be so—that this method of collection could be open to evasion of the charge by unscrupulous operators in the absence of administrative measures to ensure the completeness of returns. Transport department inspectors will continually check on the movement of heavy vehicles anywhere in the State and their sighting reports will be checked against owners' returns. Returns will be required from owners of all vehicles in excess of 8 tons capacity as determined from vehicle licensing records.

Members will probably remember that a week or two ago, when this move was first mooted, the Press indicated that people would be able to avoid this tax by disconnecting their speedometers. However, the procedure which it is hoped will be adopted here is one which is adopted in other States and it has been found to be quite satisfactory. That method has been to have inspectors on the road sighting vehicles and checking the return which is lodged at the end of each month. In this way, the inspectors are able to check on people who avoid the charges.

As problems are encountered, other measures of checking may have to be found. At the moment the Commissioner for Transport and two of his officers are in the Eastern States inspecting the operations of the controlling departments. It is hoped that we will be able to implement the most efficient method in this State.

Penalties are provided for deliberate evasion of the charge and provision is made for recovery of arrears in such cases. The penalties specified are as follows:—

For a first offence	up to £100;
For a second offence	up to £200;
For a third and subsequent offence	up to £300.

The amounts of the fines appear substantial but the difficulties of enforcement of a measure of this nature call for an adequate deterrent and the courts need to be given the scope to match the penalty with the seriousness of the offence particularly in the case of the persistent offender. No minimum penalties are provided, this being left to the discretion of the court. However, every effort will be made, particularly in the early months of the operation of the charge, to assist vehicle owners to become familiar with the requirements of the legislation and to correct any misunderstandings which may arise.

In order to conform to the judgment of the High Court of Australia the whole of the proceeds of the charge must be devoted to the repair and maintenance of roads. Consequently the cost of collection must be met from some other source. The Bill provides for the cost of collection to be met from the Transport Co-ordination Fund in the first instance; and where this is insufficient for the purpose, any remaining cost is to be met by the Commissioner of Main Roads from metropolitan vehicle license revenue.

Clause 14 of the Bill seeks to amend the State Transport Co-ordination Act, 1933-61, and the Main Roads Act, 1930, to enable the costs of collection to be met from those sources. In submitting the Bill to the House, I would add that clause 15 has been inserted after very careful examination and consideration of developments which have occurred in other States. We are not bound to follow other States blindly, of course, but in this case we can profit from their experience.

These provisions may seem somewhat extraordinary as they require a company director to accept company liabilities beyond those he would customarily be expected to accept. One of the most common methods of evasion of road maintenance charges has been for a carrier to form a company with a nominal paid-up capital as low as £2. He then leases his vehicles to the company, has them registered in the company name, and then carries on his normal operations.

The company pays no road maintenance contributions. When action finally becomes possible after the expenditure of a good deal of manpower and cost, and a court conviction is obtained, it is found impossible to execute the court orders for fines or for payment of contributions because the company has no assets. If matters become somewhat pressing, the company goes out of existence. The leases of the vehicles to it are cancelled and the vehicle owner forms a new company which, in its turn, carries on his original business—happily incurring liabilities.

This process carries on from one of these "straw" companies to another so that there could be no end to their continued evasion, which not only avoids contribution to road maintenance but gives them an unfair advantage over those carriers who do meet their commitments. This is the reason for clause 15 of the Bill: to circumvent unscrupulous evasion of road maintenance payments. The genuine and *bona fide* company operating transport will not be affected by these provisions; they are aimed solely at the defaulter. It is anticipated that, in practice, they will act as a deterrent and it will be rarely that proceedings will have to be instituted.

It might be of interest to members if I quote some figures taken out during the last week or two in connection with transporters from the Eastern States. Unfortunately no record is kept of vehicles which travel across the Nullarbor. The

figures relating to trucks which travelled between Perth and Kalgoorlie are as follows:—

Week ended the 25th September, 1965:

Ex Kalgoorlie to Perth—84 vehicles carrying 1,036 tons;

Ex Perth to Kalgoorlie—87 vehicles carrying 923 tons.

Week ended the 2nd October, 1965:

Ex Kalgoorlie to Perth—76 vehicles carrying 942 tons;

Ex Perth to Kalgoorlie—83 vehicles carrying 962 tons.

Week ended the 9th October, 1965:

Ex Kalgoorlie to Perth—75 vehicles carrying 914 tons;

Ex Perth to Kalgoorlie—53 vehicles carrying 536 tons.

The above figures relate only to interstate trucks travelling to and from Kalgoorlie. In the three-weekly period there was an average of 76 trips per week each way with an average load of nearly 12 tons. The vehicles involved make no contribution of license fees towards the maintenance and upkeep of the Great Eastern Highway. In their own States they would have been required to pay over £2,500 in road maintenance tax for similar journeys.

No current figures are available for direct journeys along Eyre Highway. During the year ended the 31st December, 1964, approximately 6,000 vehicles used the pickaback service on the transline between Port Augusta and Parkeston. They carried 84,500 tons, an average pay load of 14.1 tons per vehicle. I think members will agree that vehicles coming from the Eastern States and using our roads, and carrying heavy loads which do most damage, should contribute in some way towards the maintenance of the roads.

Debate adjourned, on motion by Mr. Norton.

DENTAL HYGIENISTS REGISTRATION BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Ross Hutchinson (Minister for Works), read a first time.

LAND ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed, from the 21st October, on the following motion by Mr. Bovell (Minister for Lands):—

That the Bill be now read a second time.

MR. KELLY (Merredin-Yilgarn) [5.14 p.m.]: This Bill proposes to alter 12 sections of the parent Act and it appears to have a great deal to commend it. It is also noticeable that the Bill is, I think, a complete justification for the motion recently moved in this Chamber by the member for Gascoyne in connection with land matters generally.

It is noticeable that the only matter which is not covered in the Bill and which was mentioned in the motion debated in this House mainly last week, was that of land allocation. I think it could be said that the Bill actually received its christening round about the March-April period, when *The Countryman* made a great feature, in several issues, of the shortcomings of our land transactions over the previous 12 or 18 months, and as long as two years ago. It is very pleasing to realise that once it had been fully recognised by the department, the necessary changes were brought down in the form of this Bill. I think it goes some distance towards eliminating premature land transfers and in eliminating what has become known as trafficking. Of course the genuine tidying-up that will be possible once these amendments become law, will be very pleasing to many people.

It can be said, too, that in the general approach of the Bill some of the cumbersome sections have been tidied up, and the total result will be a lesser volume of work to be carried out by the Lands Department. The question of forfeitures and cancellations, where land has, because of either of those two factors, reverted to the Crown, is dealt with. Previously the method of reallocation, if and when the department decided to release the land once again, was a lengthy one and caused a great deal of delay, and just re-enacted what had occurred when the land was first thrown open. By the suggested change the Minister will have power to reallocate simply by a *Gazette* notice. This will have a beneficial effect within the department as well as making the process of releasing the land a much faster one than at present.

One factor in the Bill that has created a great deal of general approval in the minds of many people, and in regard to many sections of people in Western Australia, is the debarring of incorporated companies from taking up C.P. land. This has been a bone of contention for a long time. I do not know just how far it goes back, but over a period of years people have had a very poor regard for the method of allocating this land, particularly when we realise that when C.P. land is normally released, genuine settlers put in their applications and then, if they are successful, they are granted the land in an orderly manner, and in turn, develop it. That is not the position under the incorporated companies set-up; and I doubt whether, because of the other amendments, incorporated companies would be able to operate at all satisfactorily even if this particular amendment had not been included.

Some changes are suggested to section 47; and I think this section is the main factor in the apparently successful outcome of the total amendments to the Act. This section will now streamline and modernise the portion of the Act dealing with deposits, release, residence, and the development of C.P. land held; and, of course, it is the main factor in the Bill in regard to curtailing the degree of malpractice that seems to have been gradually overtaking many of the good intentions of the original Act.

In dispensing with the formality of lodging a deposit with each application, I do not think the Act will lose any of its effectiveness. On the other hand, it will undoubtedly enable a much better approach by applicants and will be the more effective as a result.

In broadening the residental requirements without actually altering the overall time, I think the Bill achieves a great deal. On this occasion the time factor is so arranged as to bring about a very much better set of circumstances; and the development of land can benefit because, under the new set-up, the different phases of development will be able to show a down-to-earth approach that will enable the land to be developed on an orderly basis; and I think there will also be the assurance that forfeiture will not be so likely to occur and will not remain as a threat to people because of non-compliance with residential conditions.

There is, however, one of the amendments to section 47 that I do not know that I am in love with; namely, the amendment which seeks to lengthen the distance from 20 miles to 50 miles that will constitute a residential qualification. I think this is a rather shandygaff sort of an idea. Either you live on your land, or you do not. You cannot have residential qualifications that extend over such a distance as 50 miles. I know the Minister did, in his introduction, say the distance had been increased from 20 miles to 50 miles because of the difference that now exists between the present method of travel as against the method that obtained when the Act first came into operation.

Even so, I just cannot see that 50 miles is a necessary adjunct to the Bill; and I never thought 20 miles was a good provision, except in a few instances where a person in a small town built a home and lived in it so that it became his home for some time, and then he acquired C.P. land adjacent to the township. It would obviously be very silly for him to leave the town and go half a mile or a mile over a commonage in order to live up to the settlement conditions applying to land. In such a case, 20 miles, or five miles, would be quite all right; but there does not seem to be a great deal of merit in an amendment of this kind. Perhaps the Minister has some good reason for it, but personally I cannot see it. When the honourable gentleman replies, I would like him to tell us what he has in mind.

Under another amendment, land improvement will, in future, be assessed on an acreage basis. I think this will be a far more factual method of approaching the assessment for the improvements carried out and will bring them into line with current requirements more easily than has been the case in the past when an entirely different method was adopted. I think it will provide a sounder and more progressive programme for the settler to put into effect. He will probably, with the different ideas he has of developing his property, be able to develop it to greater advantage because of the reduced acreage basis being the deciding factor.

I think the fencing provisions are better related to the settlers' requirements. In past times many people have been of the opinion that it was necessary for them to entirely boundary fence their properties, even though they knew that much of the land could not be used in a productive sense for many years. So, much of the small amount of capital available to the settlers was absorbed in putting in boundary fences in the first place. Under the amendment the settlers will be able to use their capital to better advantage and will be able to improve their properties on lines that they consider best.

Another amendment deals with dispensing with the need for land to be contiguous to land already held in cases where an uneconomic position has developed because of the circumstances under which the particular settler labours. This, too, should be a very useful provision; because we must realise that in these advanced times not a great deal of land is available for a person requiring a larger area, particularly land which is in the right place, contiguous to his property.

It has been realised, apparently, that it is not so tremendously important that the land to be selected shall be adjoining the property. Certainly it is an advantage if a man can get land in that way, and it is less costly to develop. But it is not absolutely essential that he should have an unbroken boundary; and it is not true to say that only by having an unbroken boundary can a person make a good property of his acreage. I think that amendment should have a beneficial effect, and it will enable people to improve their properties to a better economic level than previously.

Another amendment—and I think it is a pleasing one—is that in future Crown grants will be made only when the fuller improvement required has been carried out in its entirety. The existing provision has been a hardship on many people; and I think mostly those affected are the ones who cannot get land. I think they have realised that people have been holding land

for long enough just to comply with the Act in some form or other, and have then disposed of it; whereas the person who has been overlooked could easily have been someone who could have developed the land and remained on it as a farmer, and not have been a fly-by-night type that takes up land for speculation. I think this amendment will have a very beneficial effect and should improve the Act tremendously.

The Minister will have to withhold approval for land transferred. I think this is a wise precaution. In the past—the figures in this connection were recently released in this Chamber—many parcels of land changed hands over a very limited period at a tremendous profit. That is an entirely wrong principle to allow to remain in the Act, and this amendment will overcome the position. In cases where an exorbitant profit is disclosed the Minister will have power to withhold the transfer of the land. This, too, should have a salutary effect on the minds of many people, apart from the fact that he will be doing the right thing.

Taking it all round I think the Bill should effect, in a general sense, a very reasonable improvement; and it will enable reasonable action to be taken to replace what has been rather lenient procedure in the past. At the same time it will enable the genuine settler to develop his property on a more orderly basis. He will be reassured in the knowledge that in developing his property under the current method, if the Bill becomes law, he will have a better chance to get through the stages that normally have to be passed, under some circumstances, with certain misgivings. The assurance and reassurance he will have will be contained in this legislation, and I support the second reading.

MR. HART (Roe) [5.31 p.m.]: I feel I would like to add a little to this debate in support of the amendments contained in this Bill which the Minister has brought forward. In the first place I consider the Land Act is having some worth-while amendments made to it; and I am of the opinion that the several amendments contained in this Bill, which have been outlined very fully by the Minister, and which follow on the amending Bill that was recently passed in this House, will go a long way towards making the Land Act more applicable to the conditions that pertain today.

Over recent years we have heard complaints and observed certain aspects developing which have revealed weaknesses in the Act; and again, only recently, when we were debating the motion that came from the other side of the House, there was shown a need to modernise and bring up to date the Land Act in many respects; and I am of the opinion that the amendments which we have before us this evening will do that. In particular, I would like to speak on three amendments which the Minister has brought forward in this Bill, because they are particularly good.

The gist of the amendment contained in clause 4 is that it seeks to amend section 47 by substituting for subparagraph (ii) of para (f) of subsection (4) the following subparagraph:—

> (ii) shall effect in improvements by way of clearing and cultivation at least ten per centum of the total area of the land in the first two years . . .

The effect of this will be that instead of the monetary value per annum on the unimproved value of the land being cleared the position will be more practical and in keeping with today's conditions, because it will now provide that a portion of the area of land has to be improved and passed each year until a total of five years has been reached. That is a very sound amendment and it has my full support.

I now pass to another one which I think is very worth while. I refer to the amendment contained in clause 5, and the section to be amended is section 53. When a large number of applications is being made, say 10 to 30 for every block of land, it is found that every applicant has to place a deposit with the land board. Eventually the successful applicants are allotted blocks of land, and the deposits lodged by the unsuccessful applicants must be returned.

Under the amendment the application will be lodged in the usual way, but no deposit will be required. This new method will undoubtedly save a tremendous amount of paper work and time; and, as I said earlier, the provisions of the Land Act are being brought right up-to-date to suit present-day conditions. I commend also the proposed amendment to section 143 of the Act, contained in clause 13 because it is, perhaps, one of the best and most important we are discussing this evening. It seeks to tighten up considerably the transfer of conditional purchase land. In the past, transfers of conditional purchase land have been the subject of much criticism. At present, subsection (2) of section 143 reads—

> The Minister may, before approving any transfer or sublease, require the proposed transferee or sub-lessee to make a statutory declaration of his eligibility to hold the land intended to be transferred or sublet.

The amendment proposes to insert after the word "sublet" the words—

> , or the Minister may, in his absolute discretion, refuse to approve any transfer, sublease or other dealing.

The subsection, as amended, would then read—

> The Minister may, before approving any transfer or sublease, require the proposed transferee or sub-lessee to

make a statutory declaration of his eligibility to hold the land intended to be transferred or sublet, or the Minister may, in his absolute discretion, refuse to approve any transfer, sublease or other dealing.

It is also proposed to repeal subsection (2a) of this section and re-enact it with the following amendments:—

(2a) (a) The holder of any lease or license shall not without the approval in writing of the Minister being first obtained—

(i) sell, assign or otherwise dispose of the lease or license in whole or in part; or

(ii) agree to sell, assign or dispose of the lease or license in whole or in part.

The amending of the Act in this way is, I consider, touching on a section which has been the subject of much heartburning and misunderstanding, and has, perhaps, been the cause of a great deal of criticism which has been levelled against the officers of the Lands Department, the Minister, and members of Parliament, because it has been extremely indecisive. The amendment will make this section quite clear and effective and yet still leave room for the Minister to exercise his power and discretion, etc. Therefore, I feel that on the one hand, the amendment is tightening up the Act in certain respects; and, on the other hand, is making it more flexible; and thus we are proceeding to bring the Act up to date to suit present-day conditions.

The need for the modernisation of the land board is a subject which has been mentioned in this House recently and is something for which an amendment to the Act is still needed. It is perhaps one of the most difficult to put into effect because of the many arguments that can be advanced on land settlement, the ability of the applicant who wishes to develop a block, and what he can and cannot do. If the Minister and the officers of his department can follow along the lines of the amendments that have been introduced by this Bill this evening and make a deliberate effort towards streamlining the operations of the land board, we will move along in the direction in which I, for one, feel we should be going. I therefore commend very strongly the amendments which have been put forward by the Minister.

MR. NORTON (Gascoyne) [5.37 p.m.]: The amendments in this Bill, I feel sure, will do much to modernise the provisions of the Land Act because the sections which the Bill proposes to amend were those that were passed in 1933 when the development of farms was carried out by means of the axe and the transport of goods and produce was done by horse and dray. Over the years that have passed since this Act was placed on the Statute book, the methods of clearing and the developments that have been made in agriculture have been revolutionary and entirely different from the practices of earlier years.

The Bill proposes to tighten up the provisions of the Act considerably and place greater obligations on a person who is allocated a block of land. The amendment contained in clause 4, relating to section 47, although not appearing to be very important to the average person reading it, will, upon a closer study, be found to be of great assistance to the person who settles on a block of land, and will also be of great assistance to those administering the Act. This amendment refers to the time in which a person shall take up residence and start clearing and developing the block allocated to him.

Under the existing legislation the times were set from the date of the lease, which could be any time from the approving of the lease; that is, it could be 12 months or more. That would mean that the applicant who is granted a lease of a block of land may not be required to carry out any development for 12 months afterwards. This amendment will correct that, and the time will be gauged from the date of the approval of the application which, I take it, would be from the date on which the land board would submit its recommendation to the Minister for approval. I should also imagine that that would be done within a few days of the sitting of the land board.

To my way of thinking the next amendment effects the greatest improvement to the Act, and it refers to the residential requirements. As the Act stands at present, a person allocated a block of land is required to take up residence within six months of the date of the lease. The amendment now proposes that he shall take up residence within two years of the date of the approval of the lease. However, he must start to make improvements within six months of such approval. This will mean that an applicant will have to start developing the land considerably earlier than was considered necessary under the existing legislation.

This amendment will give a settler a chance to develop his land and to erect some sort of habitation instead of, as in the old days, camping out in the open. Like the member for Merredin-Yilgarn, I am not quite certain about the amendment which permits a man to reside 50 miles from a block of land that has been granted to him under conditional purchase conditions. If a person is going to develop land which is 50 miles from his normal habitation I am afraid he is going to have a hard struggle. There is no doubt that in many instances a person who has a small leasehold would be unable to obtain land contiguous to it or

within 20 miles of it to make his proposition successful economically. But I am not quite sure whether the proposed amendment should allow him to reside 50 miles distant from the block of land allocated to him, and therefore I have some reservations on it.

The proposed amendment to section 47 of the Act will improve it considerably and bring it up to date. The Bill proposes that when the lessee takes up his land within six months he shall clear and cultivate 10 per cent. of that area within two years. After that he must progressively crop or sow to pasture the cleared and cultivated area. Each year after the second year he shall clear and cultivate five per cent. of the total area, and so he continues progressively until the 11th year when all the conditions of the leasehold will be complied with. The amendment also provides that he shall, within six years, sow at least 25 per cent. of his holding with pasture and other crops.

I suggest to the Minister that he might have a further look at the amendment for the purpose of bringing it into line with section 143 of the Act, which allows the Minister to grant permission to a person to transfer his leasehold after five years. If this percentage were reduced to make it 20 per cent. under crop at the end of the fifth year it would definitely put within the Act the minimum which must be under crop or under pasture at the end of the fifth year, when it is permissible for a transfer to be effected. I cannot understand why the sixth year has been used in this clause. Nevertheless, if it is to be brought back to the fifth year and to the figure of 20 per cent. of the land which shall be under crop this would definitely put a condition on the area of pasture that would have to be sown.

Prior to that, the wording used was "progressively put under pasture or crop," but a man in the last year could put in 75 per cent. of his 25 per cent. requirement and so comply with the Act; but if he desired to transfer his lease at the end of the fifth year a certain amount of pasture would have to be sown.

To give some idea how this affects the present lessee under the provisions in the Bill, as compared with those in the Act, I have used the same location which I referred to in the motion I moved in this House recently. I use this location because it is the highest-priced one which has been allocated this year. The improvements that are required under the Act to be effected, whereby the lessee has to develop the land to the extent of one-fifth of its cost, will total £685 in the two years. If we take the costs of burning, logging, and ploughing—so as to bring the land under cultivation—we will find that in those two years he will have to develop 182 acres.

Under the set-up in the Bill the lessee will have to develop one-tenth of his land, and it will be necessary for him to expend in clearing, ploughing, and cultivating, at least £3 15s. per acre, or a total of £1,434 10s. in the two years, as compared with £685 under the Act. It would mean that instead of developing 182 acres in the first two years he would have to develop 380 acres. That would speed up the rate of clearing and development. The conditions which have been included in section 47 of the Act will bring about much better development of the country districts.

Regarding the granting of land in fee simple, the conditions have been strengthened, as was pointed out by the member for Merredin-Yilgarn. The section of the Act which deals with the requirements in the granting of land in fee simple is to be tightened considerably by the insertion of a few words. The provision in the Act, without the amendment proposed in the Bill, prescribes that at the expiration of the lease or at any time after five years from the commencement, if the conditions have been complied with, the grant shall be made. The words, "If the conditions have been complied with" are very loose. It is then up to the Minister to decide whether the Crown grant shall be given. If the words "in respect of the total period of the lease" are inserted in that section, then what has to be complied with, before a Crown grant is given, is set down very plainly. Those words will definitely impose a condition on the granting of a Crown grant—a condition which as yet has not been included in the Act.

In considering the granting of a transfer or otherwise of a conditional purchase lease, it is necessary, under the amendments to section 143, for the applicant to make a statutory declaration that he is eligible to hold a conditional purchase property. That is a very good idea and will strengthen the Act considerably. The amendments to this section will take away from the Minister a great deal of the existing responsibility.

Unfortunately, any Act of Parliament is only as good as the way in which it is policed. In referring to the policing of the Land Act I do not intend to cast any reflection on the inspectors, because I do not know them. I wish to point out that at the end of 1964 there were 11,152 conditional purchase leases in the State. The Minister told us that last year 10 inspectors were engaged on inspections and were able to undertake 5,000 inspections for that year. It is very interesting to note from the annual report of the Lands and Surveys Department that all such inspections are undertaken under instruction, and apparently no organised inspection is carried out by the inspectors of the department.

I thought it was necessary for the inspectors to make a check of each property once a year to ensure that the residential and other qualifications were carried out; but apparently that is not so, because inspections are made as directed by the Lands Department. If the Act is to be implemented to its fullest extent and to the best advantage of the State, then many more inspectors should be engaged, the districts should be reduced, and an obligatory inspection of each property each year should be made. That might cost a lot of money, but it would achieve the desired objective, which is full development of the land.

From the figures which I have given, we find that it will be necessary to have at least 20 inspectors if all the conditional purchase leases are to be covered. In fact, the number required might be greater than 20, because when an inspector visits a property and the lessee happens to be away, then the inspector has to return on a subsequent occasion. It is necessary for the tenant-lessee to be present when the inspector calls, to enable the inspector to obtain all the required information.

I trust that when the Act becomes law more inspectors will be engaged; rigid inspection will be made of conditional purchase leases; and pastoral leases will be more rigidly inspected than they were in the past.

MR. GRAYDEN (South Perth) [5.53 p.m.]: I support the amending Bill which the Minister for Lands has introduced. There is one aspect of conditional purchase, however, which I wish to bring to his notice. One clause in the Bill, relating to the conditions which are imposed on people who take up conditional purchase land, prescribes that a certain portion of such land is to be developed each year. That is laid down in order that the people who take up this land can develop it gradually, and in a way within their means.

Unfortunately, one section of the community is, to some extent, circumventing this provision. I refer to what is taking place on some of the pastoral properties in Western Australia, and particularly in the Murchison area. In the Murchison district many pastoral properties intrude into the agricultural areas, and over the last few years there has been a remarkable increase in the amount of chaining that has been undertaken. I can name one station on which last year 35,000 acres of mulga scrub were chained; while on the adjacent station property 25,000 acres were chained. It would appear that was done completely in contravention of the Land Act, because section 105 provides as follows:—

> A pastoral lease shall give no right to the soil, or to the timber, except to such timber as may be required for domestic purposes, for the construction of buildings, fences, stockyards, or other improvements on the lands so occupied.

Section 107 provides as follows:—

> (1) A pastoral lessee desiring to ring-bark trees upon the demised land shall first obtain permission to do so from the Minister, and in his application shall describe the boundaries and area of the land upon which he proposes to ring-bark, and the Minister may, in his discretion, refuse or grant permission for the same after such inquiry and upon such conditions as to him may seem necessary.
>
> (2) And any lessee who without such permission ring-barks trees on the demised land, or causes or knowingly permits or suffers the same to be done, shall render his lease liable to forfeiture.

These provisions were inserted into the Act for good reason: it was to stop the type of wind erosion which occurs, for instance, at the Ord River. Those who have been to the Ord River will realise that sheet erosion has occurred on an area approximately 200 miles by 35 miles in extent. In the Murchison district there is one station on which 35,000 acres were chained last year. If either through lightning or through a deliberate act a fire were to start that area would be burnt clear, and as a consequence there would be another 35,000 acres of sheet erosion. That is a serious danger that can arise with the chaining of the land that is being undertaken.

Unfortunately, in many cases chaining is undertaken deliberately with a view to making it impossible for any conditional purchase applicant to take up the land, because a conditional purchase lessee has not only to comply with the conditions laid down by the Minister, but also to pay for improvements to the land. He would therefore have to pay for the cost of fencing and water points, and possibly £1 per acre for chaining the land.

To be an economical proposition the blocks in this area have to be 5,000 acres, but under one of the amendments in the Bill the Minister is to be given the right to increase the area of the blocks to 10,000 acres. If the 10,000 acres of a block happen to be 10,000 acres of a pastoral station which the lessee has chained, then the conditional purchase applicant is, first of all, confronted with all the charges laid down by the Act, and then with £10,000 for the chaining of the land which has been done by the owner of the pastoral property. If a property which is allocated to a conditional purchase applicant comprises 10,000 acres which have been chained by the owner of the pastoral property, then as soon as the applicant is allotted the land he will have to pay £10,000, in addition to the other charges.

I have heard one particular station owner stress the fact that he is chaining the land with the express purpose of keeping out people who wish to apply for a portion of his station under conditional purchase conditions. I repeat that not only on this station, but also on many others, chaining is undertaken on portions which adjoin existing agricultural areas. I emphasise that in some cases chaining is done for that express purpose, and such land does not become an attractive proposition for anyone wishing to take up land on a conditional purchase basis. Even though such land might be eminently suitable for agricultural development, by deliberately chaining the land the station owner can keep out applicants.

Many applicants for conditional purchase blocks are in fairly straitened circumstances—living in country towns, doing contracting work, being the sons of farmers, and having limited capital. They cannot possibly take up conditional purchase land on station properties when this sort of improvement is being undertaken.

I do not think the station owners are within their rights in chaining the country, because the Land Act even goes so far as to say that a pastoral lease can be forfeited if the owner even so much as ringbarks trees on the property. In those circumstances, if a pastoralist chains extensive areas of his property, is that not equivalent to, or much worse than, ringbarking? It would seem to me they are not within their rights; and, in those circumstances, when the portion is thrown open, they may not be able to claim the value of those improvements. If that is the case they should be advised, because they are doing it extensively for that purpose and it circumvents the legislation.

I wanted to submit that matter to the Minister because I regard it extremely seriously. I am particularly concerned to see so much of the mulga country chained, knowing the effect, because these huge areas must suffer from erosion. I feel the matter should certainly be investigated, because when the Land Act was originally drawn up it went out of its way to prevent the despoilation of flora on the station properties, with a view, no doubt, to preventing erosion.

MR. BURT (Murchison) [6.2 p.m.]: I support this Bill in principle, and particularly the amendment to section 98, which will delete the word "contiguous" where it refers to small sections of pastoral leases. On several occasions since the Act was amended two years ago I have found there are tracts of land which are not large enough to comply with the provisions of the Act; that is, 6,000 sheep or 1,200 cattle. However, there are pastoralists who hold small properties not contiguous to these small tracts and they are very keen to make use of the land.

Before this amendment was submitted, a section of land, not big enough to carry 6,000 sheep or 1,200 cattle finally had to be offered to one of the surrounding contiguous properties. In quite a number of cases that meant that a pastoralist who had already more than his fair share of the country was given the right to take up more when someone perhaps in the same district 20 or 30 miles away, but not contiguous to the piece of land, was prevented from making use of it. Therefore I think this is a very worthy amendment.

I was interested to hear what the member for South Perth had to say. I am in agreement with him up to a point, but I have found the lessees of pastoral land adjacent to agricultural areas are not so much interested in rolling the scrub in their own country. It appears that the neighbouring farmers are coveting the land which lies alongside the agricultural areas. I agree with the honourable member that rolling this type of scrub is not only a definite menace from the point of view of fire, but it also is a means of starting great erosion.

Most of the country abounding the edge of the pastoral land is salt lake country in this State and anyone who has been in the Broken Hill district has seen what havoc has occurred as a result of opening up the country for agricultural purposes. The erosion is tremendous, and in almost all cases the land has become useless for either agricultural or pastoral purposes.

I understand that the owners of leases to the east of the emu-proof fence have been told by the department that there is a possibility that the paddocks adjoining the emu-proof fence could be used for agricultural purposes. I feel this is quite wrong. The fence is considered to be the boundary of all the land that can be economically used for agriculture, and the land east of the fence should, in my opinion, be reserved for pastoral purposes always, because the rainfall tapers away and the nature of the country itself makes it fairly useless for agriculture. I would like the department to desist from any possible acquisition of these pastoral leases which are, in my opinion, outside the rainfall area necessary for agriculture.

I will confine myself to those two remarks; and, as I said, I support the Bill.

MR. BOVELL (Vasse—Minister for Lands) [6.6 p.m.]: I want to express my appreciation to the members who have spoken on this Bill. There has been, I was very pleased to hear, a general acceptance of it, and perhaps I might briefly comment on some of the points raised.

The member for Merredin-Yilgarn, who was the first member to speak—and who, incidentally, is a former Minister for Lands

—referred to the fact that the Bill, if correctly administered, would prevent trafficking and also premature land transfers. He also stated that the provisions of the Bill should assist in speedier releases of land.

He raised one question in regard to the alteration of the required distance from 20 miles to 50 miles. This 20 miles was included in the horse-and-buggy days. Today land is being developed at far greater distances from centres than was the case heretofore. Esperance is an example of this. Land is now being developed in excess of 50 miles from a township where amenities are available. Under present-day conditions, with more improved roads and transport, it is only reasonable to allow a person who is developing land, amenities in a township until he actually takes up residence. As I said, Esperance is an example of this. Development is taking place away from the settlement. This might also apply to the district of the member for Roe, where a considerable amount of activity has been engaged in in recent years in connection with land releases.

The member for Merredin-Yilgarn asked me to give some explanation as to the alteration of the mileage. I must say that I am not wedded to this provision. If the House wants it to stay at 20 miles, I do not mind; but I think it is a reasonable proposal, when we think of the distances and in view of all the circumstances, to increase the mileage from 20 to 50 miles.

I mentioned the example of Esperance. I think it is approximately 120 miles from Esperance to Ravensthorpe, and it is only right that people developing the land there should be able to enjoy the amenities of a recognised centre. Therefore I would ask the House to allow the amendment to pass; and then if it is found by experience not to be working satisfactorily, I will be the first one, if I am still Minister for Lands, to submit an amendment to revert to the 20-mile distance. However, I think the Esperance-Ravensthorpe area is a classic example of the need for this amendment.

The member for Merredin-Yilgarn referred to the proposal giving the Minister certain powers, which he has not possessed before, to refuse a transfer if, in his opinion, the transfer has no real justification and there are some features of the transaction which he considers are not satisfactory. This is going a long way and is placing a great responsibility on the Minister and the departmental officers; but I would say it is necessary. It has been proved necessary to allow the Minister some discretion in the refusal of transfers.

When speaking on the motion by the member for Gascoyne recently, I stated that the legal advisers had informed me that it was my duty to approve a transfer if the conditions as laid down by the Act, in regard to improvements, the payment of rent, and so on, had been complied with. This amendment will give the Minister the authority to refuse a transfer, especially as far as excessive consideration is concerned.

I would like to thank the member for Roe for his contribution. He does, as I said, represent an electorate in which there has been a great amount of activity. I think that in recent years over 1,000,000 acres has been released in his electorate for agricultural development. Apart from other matters which had already been referred to by the member for Merredin-Yilgarn, he commented on the operations of the land board.

When speaking on the motion to which I have already referred, I mentioned the functions of land boards in other States and indicated that in my opinion the system of land allocation in Western Australia was second to none. I did admit, however, that nothing is perfect, and we can always improve on even the best of conditions. Consideration will be given to ascertaining ways and means by which the operations of the land board can operate more easily and better in the interests of those who are allocated land.

I do not know of any way but with the advice of those who are engaged in primary production, and from general information which may be conveyed to me, I will be very happy to consider any proposals for reform which may be though desirable. However, I would emphasise that we must not make the operation of the Act or the board too difficult for the genuine farmers who want to develop land. They should be given every encouragement and opportunity; and it is upon that basis that the Act has been examined.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. BOVELL: Before tea I was referring to the comments made by the member for Roe relating to the land board. The member for Gascoyne referred to the need for a closer examination of the improvements and more detailed inspections. He quoted figures from the last annual report of the Department of Lands and Surveys and said there were approximately 11,000 leases in existence. He also referred to the figures I gave—when I spoke recently to the motion he had moved—indicating that in the last year 5,000 inspections had been made. I will have his submissions examined with a view to ascertaining whether more inspectors can be appointed, and also whether it is possible to implement any of the proposals he has requested.

I am indebted to the member for South Perth for his comments, and I will certainly have the position mentioned by him —that pastoralists on the fringes of the agricultural areas are carrying out clearing operations illegally—examined. It will indeed be an interesting exercise. I would say that if work on pastoral properties had been carried out illegally, and it could

be classed as improvements, there would, in my opinion, be no obligation on the Crown to pay for those improvements illegally effected. However, that is only my opinion. I would need to have it substantiated by the Government's legal advisers; but I would certainly oppose any payment for work done on pastoral properties which was considered not to conform with the requirements of the leases.

The member for Murchison referred to the proposal in the Bill to allow land in the same district, but not contiguous, to be made available to pastoral lessees who might have small areas which, by the addition of another area, could be made more economical. The honourable member referred to the encroachment of agriculture into the pastoral areas; but I would remind him that in my lifetime most of the Wongan Hills line, which is one of the most productive agricultural areas today—

Mr. Lewis: Hear, hear!

Mr. BOVELL:—was included in pastoral leases. As scientific advances are made, and improvements are effected in agriculture, it is inevitable that there must be further encroachment on pastoral properties. The potential for agricultural land in Western Australia is limited; and, while the department will have full regard for the rainfall and other matters which are so vital to agricultural production, I cannot give the honourable member any guarantee that the Government will not continue agricultural development into the pastoral areas if it is considered to be of advantage to the State.

I am grateful to the House for its reception of this measure and I thank those members who have contributed to the debate. I am always ready to welcome any suggestions from members which will assist in this problem of land releases and land allocation.

I should like to take this opportunity of recording my appreciation, and the Government's appreciation, of the work done by the Under-Secretary for Lands and his staff on the administration side, and the Surveyor-General and members of his staff, who, of course, are the professional officers of the department. They have a wide and varied responsibility, especially at the present time when there are so many projects in train. Land is the basis of everything. If we establish a hospital, a school, a new town, a railway, a farm, or a station, land is the basis of it, and so the basis of overall development must be initiated in the Lands Department. Therefore I would like to record my appreciation for the assistance given to me by the Under-Secretary for Lands (Mr. Gibson) and his staff, and the Surveyor-General (Mr. Camm) and his staff.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Bovell (Minister for Lands) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 47 amended—

Mr. NORTON: During the second reading I mentioned that I thought amendments could be made to make clause 4, which is the main clause in respect of conditional purchase land, comply with the other sections of the Act relating to the transfer of land after the fifth year. On page 3, this clause states—

> at least 5 per cent. of the total area of land in each of the next following eight years, and progressively sow to pasture or crop, or to both, to ensure that at least 25 per cent. of the total area of the land is or has been so sown by the end of the sixth year.

However, there is no specific mention as to how much pasture or cropping shall be done between the first and sixth years, except that it shall be progressive.

I suggest to the Minister that two slight amendments could be made to this clause to bring it into line with the five-year period after which a lease may be transferred. In line 36 on page 3 we only need to alter the word "twenty-five" to make it "twenty", and in line 39 on the same page we would have to alter the word "sixth" and make it "fifth". This would mean that before a lease could be transferred 20 per cent. of the total area would have to be sown to pasture or other crops, and thus it would set a standard for development in respect of transfers. I think the other amendments are very good but I make that suggestion for the Minister's consideration.

Mr. BOVELL: The suggestion of the member for Gascoyne might have some merit, but at this stage I am not prepared to alter a proposal which has been thoroughly examined by the officers concerned. The general principle behind the amendments in the Bill provides for the progressive development of the land in lieu of a monetary consideration as exists at present. I would prefer to have the Bill passed as it is until I have had an opportunity of examining the position further. The Act can be amended at some future time if the honourable member's proposals can be substantiated.

Mr. NORTON: I think this proposal might have been overlooked by the departmental officers responsible for drawing up the Bill. Could the Minister have the position investigated and the Bill amended in another place if this is thought to be warranted? I think it is because it definitely sets down a standard which must be complied with before a lease can be transferred.

Mr. BOVELL: I indicated I would examine the position, but whether I will be convinced that the proposal submitted by the honourable member is worthy of consideration and the Bill should be amended in another place remains to be seen.

Clause put and passed.

Clauses 5 to 14 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

As to Third Reading: Point of Order

Mr. TONKIN: Not wishing deliberately to transgress the Standing Orders, I seek your guidance, Mr. Speaker, on a procedure I propose to follow. The question arose at the last sitting of the House as to whether the suspension of Standing Orders enabled one to proceed through the various stages without the necessity of observing the formality.

So that your mind will be refreshed, Sir, I will read what you said on the matter before you answer the question I propose to pose to you. I quote from the duplicate of your ruling—

> The House yesterday passed a resolution enabling the second reading to be carried straight on and for the Bill to pass through all stages in the one sitting. The second reading is a stage. I know the procedure has been adopted by some Ministers only in the past of formally moving that the Bill be printed and the second reading be taken forthwith. This does seem something of a contradiction because if the Minister seeks permission for a Bill to be printed and then the Bill is immediately distributed, it means obviously the Bill has been printed previously. I consider the requirements of procedure have been met inasmuch as so much of the Standing Orders have been suspended as was necessary to enable this procedure to be followed.

My question to you is, Sir: Am I in order in proceeding straight to the third reading? If so, I propose to talk on it.

Speaker's Ruling

The SPEAKER (Mr. Hearman): The position has always been, at this stage of the session, on the third reading that once the report of the Committee has been adopted we have gone straight on to the third reading. Of course, the third reading would be conducted in the same manner as any other third reading, and anyone who wishes to speak may do so after the Minister has moved the third reading.

Mr. Tonkin: Why after the Minister?

The SPEAKER (Mr. Hearman): Because the Minister has to move that the Bill be read a third time.

Mr. Tonkin: Where does it say that?

The SPEAKER (Mr. Hearman): This has been the practice and common usage over hundreds of years.

Third Reading

MR. BOVELL (Vasse—Minister for Lands) [7.50 p.m.]: I move—

> That the Bill be now read a third time.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [7.51 p.m.]: I commend the Minister on his conciliatory attitude in connection with this Bill, and on his readiness to give consideration to the proposal put up by the member for Gascoyne. If the Minister had done the same the other evening as he has done now and put the proposition to Parliament, thus giving the Assembly an opportunity to turn it down, no point of order would have been taken.

I submit I would have been perfectly in order this evening, having regard to the decision of the House last Thursday, in going straight on to the third reading before the Minister actually moved it; because Standing Orders having been suspended there was no need, according to that decision, to go through the formality of putting something before the House. So that this matter might be reflected upon might I say that the basic principle in Parliament is that before anybody can proceed through the various stages of a Bill the sanction of Parliament to do so must be obtained.

In the procedure which was adopted the other evening the House had no opportunity to determine whether it was prepared to let the Minister proceed to the second reading or not. That being so the decision deprived the Assembly of one of its rights; and that is a very bad thing.

I would hope, despite the precedent which has been set in connection with this Bill that, in future, even though Standing Orders may have been suspended, each stage will be submitted to the Assembly for decision, and before anyone proceeds with a Bill, the permission of the House will be obtained to introduce it. If that permission is not granted, that is the finish of it.

In like manner, one must obtain the permission of the House to proceed to the second reading, and that permission can be obtained in one of three ways: The Minister, or whoever is in charge of the Bill, moves that the Bill be printed and the second reading made an order of the day for the next sitting of the House; that the second reading be taken forthwith; or that the second reading be taken at a later stage of the sitting; and the House is given an opportunity to make a determination on any of these questions.

Mr. Burt: What section of the Land Act does this refer to?

Mr. TONKIN: We have a new Speaker.

The SPEAKER (Mr. Hearman): I do not think we have a new Speaker. It was an interjection.

Mr. TONKIN: We have one who considers he knows better than the Speaker.

The SPEAKER (Mr. Hearman): He is probably one who is getting a bit fed-up with the Speaker's indulgence.

Mr. TONKIN: Surely it is important, even if a mistake is made—and I think it has been, though others think it has not—for the proper conduct of the business that the rights of members should be protected. I would say—and I am sure you will agree, Mr. Speaker—that the person whose responsibility that is, in the main, is the Speaker himself. Therefore, if an opportunity is taken on the third reading to explain points of view which may not have been properly understood, then I consider any Speaker attempting to stifle discussion at that time would be losing an opportunity to safeguard the rights of members.

However, in deference to the honourable member who does not want to hear me any longer—and he had his opportunity if he knew his Standing Orders—I further compliment the Minister on his attitude on the Bill. I never at any stage of the sitting had the desire to prevent him speaking in connection with it, but I think it is desirable and necessary that the requirements of the Standing Orders be obeyed.

The SPEAKER (Mr. Hearman): Perhaps I should draw the attention of the House—and I am sure the Deputy Leader of the Opposition will agree with me—to the fact that I have made a mistake myself this evening, and I intend to rectify it forthwith. It is a mistake in procedure. Before putting the third reading I forgot to certify that this Bill was a fair print as agreed to in Committee and reported, so the whole debate has been out of order. This will probably satisfy the Deputy Leader of the Opposition and the member for Murchison. I now propose to certify that this is a fair print of the Bill as agreed to in Committee and reported.

Question put and passed.

Bill read a third time and transmitted to the Council.

WEIGHTS AND MEASURES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 21st October, on the following motion by Mr. Craig (Minister for Police):—

That the Bill be now read a second time.

MR. BRADY (Swan) [7.55 p.m.]: This Bill seeks to amend the Weights and Measures Act, 1915-1964, and to continue the proposal for standard weight measurement, and for volume, better known as liquid measurement. It is proposed that these standards shall operate throughout the Commonwealth, and this legislation is being effected in conjunction with the other States of the Commonwealth, and the Commonwealth Government itself.

The question of getting uniform weights, measures, and volumes has been under consideration by the Commonwealth and State Governments since 1948. In 1960 the Commonwealth Parliament passed a National Standards Act. The Bill the Minister introduced the other night brings up to date the approach of the State Ministers and the departmental officers to this proposed unification of weights and measures. As I have already said, volumes, such as liquid measures, will also be dealt with under the proposed standards.

It is proposed to introduce new standards in the main as from January, 1966. Some of the standards will be held over to be introduced in 1967 and, in the meantime, all the States are putting through legislation to adopt the various standards that have been agreed upon at the various conferences held from time to time in the Eastern States.

It would seem that in the main the Bill lays down the four grades or standards that have been agreed upon by the various States in conjunction with the Commonwealth. These grades will be known as the primary grade, the secondary grade, the tertiary State standards, and inspectors' standards. The Bill also provides for marking, and for standard packs to be dealt with by regulation. It deals with the uniform code, and this new code will operate from January, 1967.

The Bill also provides that, in future, weights are to be easily seen by the customers; fees are to be fixed by regulation; and penalties, previously fixed in 1915 at £20, will now be amended and set down at £50. If there is one part of the Bill about which I am not happy it is that part which sets down the penalty at £50 in lieu of the £20 as fixed in 1915.

I think the Minister indicated that values have changed since 1915. The Minister's measure of values in 1915 and 1966 is that £20 in 1915 is equal to £50 in 1966. I cannot see the same measure of value in regard to the penalties, and I will be moving an amendment to make the penalty of £50 at least £100. My reason for doing that is this: if it was good enough for Governments to fine people £20 for breaches of the Weights and Measures Act in 1915, when the basic wage was approximately £3, in these days when it is about £15 15s.—five times as great—the fine should be much more than

that proposed. Therefore, if the Minister wanted to bring the penalty to somewhere near what it was in 1915, he should have provided for a penalty of £100.

Apart from that, any person who is handling large volumes of trade would stand to gain considerably more in 1966 by providing short measure than in 1915. I think this has to be discouraged to the fullest extent.

The Bill also provides for the Governor to make regulations to deal with petrol products and the instruments used in connection with the measuring of petrol products. That is bringing the measure up to date. It also provides that the Governor may make regulations for the licensing of people who measure petrol. That, of course, is also bringing the weights and measures activities up to date. Just as scale testers and people who go around dealing with scales have to be licensed, it is now intended to license pepole who measure petrol.

A new schedule A will replace the old schedule A; and the Government has provided that the Governor may, by regulation in the future, alter tolerances in connection with weights and measures, standards, and volumes. I think that is desirable.

Subsequent to his moving the Bill in the House, the Minister handed to me a very comprehensive code which the States and the officers of the various weights and measures departments have been considering. This code deals most comprehensively with all items dealt with in the commercial and mercantile world; and I would advise anybody who is interested in business to have a very close look at the Bill and the Act, as well as this code, because it is desirable that everybody should know all about the avoirdupois weights, the metric systems, and other systems that will apply after January, 1967.

I cannot find anything in the Bill to which the Opposition could object. As a matter of fact, some of the initial legislation in connection with creating Australian standards was initiated during the time when the Opposition was the Government, and it would seem that the great expanse of business, commerce, and mercantile activities generally in the Commonwealth make it desirable, in the interests of all concerned—retailers and customers—that there should be standards. So I have much pleasure in supporting the Bill; but, as I said before, I reserve the right in Committee to try to stop any organisation from obtaining some advantage by virtue of the fact that the Minister has not brought the penalties in 1965 up to the relative value of the penalties fixed in 1915.

I support the measure and will move my amendments at the Committee stage.

MR. GAYFER (Avon) [8.5 p.m.]: In dealing with this Bill to amend the Weights and Measures Act I would like to make one or two observations, not only as a member of Parliament, but also as a farmer and a shareholder of Co-operative Bulk Handling—which, as you know, Sir, handles most of the grain that is harvested and eventually exported from this State.

The standardisation of weights and measures throughout the Commonwealth seems to be most desirable, particularly in the light of the swing towards the universal adoption of the metric system, which some have considered a logical step following the change to decimal currency. The metric system has, as the Minister explained, already been adopted in the medical and pharmaceutical fields. The adoption of the uniform code for marketing and standardising of packaged goods has become more and more necessary following the introduction of high-pressure advertising and selling techniques.

Co-operative Bulk Handling Ltd. has some 325 weighbridges scattered throughout the length and breadth of the State. These are of a conventional type and are calibrated in tons, hundredweights, quarters, and pounds; and the port scales, or port weighbridges, are calibrated in thousands of pounds. Co-operative Bulk Handling has a gang which has to be issued with certain machinery; and this gang travels and tests these weighbridges throughout the length and breadth of the State. The equipment used to test these weighbridges is rather expensive. As a matter of fact, the whole outfit is well in excess of £20,000.

The equipment comprises a utility, a truck, and a semitrailer with all of the necessary weights on it. It has 25 tons of weights that have to be O.K'd. by the Weights and Measures Division. There is also a front-end loader that must shift the weights off the prime mover and put them on to the weighbridges for the purposes of testing. There is also a light truck; and in that truck is all the machinery needed to calibrate and test the scales.

In the past, the Police Department has been most co-operative in allowing an inspector from the department handling weights and measures to travel with the Co-operative Bulk Handling gang as it goes from siding to siding. By travelling with the team, he is there when every inspection at every siding is made.

Under this scheme that has been operating, should it be desirable for overtime to be worked because of particular circumstances, this has always been done and the cost has been debited against Co-operative Bulk Handling. I assume this same congenial atmosphere will continue with the Department of Labour, and that the Department of Labour will be equally as efficient and co-operative as the Police Department. I see the Minister for Labour

sitting in front of me, and noticing the measure of the Minister and his weight, I think we have nothing to fear on that score.

Under the regulations of this Act, weighbridges are to be verified every year. In the past, with the big outfit I talked about that goes from siding to siding it has been literally impossible to cover the State in one particular year. This is for many reasons. I think the main one is that Co-operative Bulk Handling weighbridges are in use for only a short time. They are particularly scattered, and consequently the department has allowed these weighbridges to be verified once every two years. Of course, any Co-operative Bulk Handling weighbridge that is moved from one site to another is verified by an inspector before an O.K. for use is given.

If this measure means that each weighbridge must be inspected every year—and in the past very few mistakes have been found, and those that have been found have been exceedingly minor—then Co-operative Bulk Handling will have to put on perhaps another one or two outfits of the same magnitude as those I have described. This would entail two officers travelling with this particular outfit. because they carry all the testing gear. I would hope sincerely that the Co-operative Bulk Handling scales at the country sidings can be verified once every two years.

I noticed in the Minister's second reading speech that he said, "Provision is also made to provide that the weight indications on machines—that is, weighing machines—can be easily seen by the purchaser. This, I feel sure, will offer a safeguard to the customer". I do not interpret that as applying to weighbridges at sidings, because we are not purchasers; we are, in fact, sellers. A move has been made towards having the scales calibrated, and it has been suggested through the Farmers' Union and other circles that this be done on both sides so that the person delivering wheat can see his tonnages.

I would point out that last year Co-operative Bulk Handling conducted an experiment at Merredin by calibrating tons on the back of a set of scales. At the end of the year the company went around and asked farmers of what use these particular markings had been. When I say farmers, I mean six of the farmers who were using this siding. Only one of these farmers noticed the scales were calibrated and the other five were not even aware that there were markings on the back of the scales, even though the markings were within range of their eyesight.

This year, Co-operative Bulk Handling is bringing out a new system whereby the carrier or driver of the truck will sign after each load is carted in; and when the tare is taken he will sign for his net result before he leaves the weighbridge. This is a departure from the customary rule, but Co-operative Bulk Handling has set up tables adjacent to the scales and on those tables will be a book which has to be verified by the driver as soon as he gets rid of his load.

There is another point to make in respect of these calibrations and that is if they are visible to the public it will really contravene the Bulk Handling Act, because the privacy of the deliverer is upheld at all times; and it is not considered the correct thing that other people who may be around the weighbridge at a particular time should know the size of a load a particular farmer is delivering. If that farmer wishes to see the scales he may enter the weighbridge and have a look at them and watch the actual weighing take place. Some of them do this, but not all.

Mr. Rowberry: Why is it secret?

Mr. GAYFER: It is not secret. The point is that a farmer may have a look at these scales. The officer in the weighbridge calls the weight, and if the farmer is not satisfied with the call he is quite entitled to have a look. The point is that under the Act, the nature of the business is the man's personal affair and it is not for every Tom, Dick, or Harry to look at the weights. I think that is fair enough.

Mr. Davies: Why is this information considered to be private?

Mr. GAYFER: It is his own business, in conjunction with Co-operative Bulk Handling. There is another point: a traffic inspector may be standing behind one.

Mr. Toms: It could be a taxation officer looking on.

Mr. GAYFER: When the business is between the owner of the grain, or his representative and Co-operative Bulk Handling, it is nobody else's business any more than an individual's banking account. That has been abided by for many years. Incidentally the calibrations at Merredin were only done to the ton and not to the finer measures as we feel there would have been an infringement on the privacy of the customer.

I also notice that provision is to be made for the insertion of "short" ton and "cental", in place of the customary "ton" and "100 lb." as shown in the legislation. This, of course, refers only to mill production—grain, such as flour, and the like.

However, it is interesting to note that there is a movement in the Eastern States for these measurements, of centals and customary ton and hundreds of pounds, to be adopted for trading in whole grain as well as milled grain. From the point of view of Co-operative Bulk Handling it would make little difference ultimately, although it would call for the fitting of all the road weighbridges with new calibrated beams.

However, the directorate of Co-operative Bulk Handling does not feel it would make a great deal of difference. Of course, the marketing of grain by the Wheat Board, and the Oat Pool, and the Barley Board is at present done on a bushel basis. Naturally, we try to keep all measurements to a standard right throughout Australia. With those few remarks, I support the Bill.

MR. DAVIES (Victoria Park) [8.17 p.m.]: This legislation comes before us at the request of the Commonwealth. It seeks to adopt an Australian standard and, like so much other legislation which has come to this House over the last couple of years, it is endeavouring to get uniformity throughout this country.

That is important in matters of this nature, but it also indicates that we will eventually be able to do away with State Parliaments altogether. Perhaps that is a long way in the future, but it seems to be the way we are heading because, the Australian standard, having been set, the rest of the amendments to the Act—if one could call them amendments—will be by regulation. Therefore Parliament will have little say in the matter.

Like the two previous speakers, I support the legislation generally. The establishment of new standards, as applied by the Commonwealth, does not create very much difficulty, although it does create a lot of verbiage in amending the Act. I do not think anyone can object to that. The new code for the standard packaging and marking of goods, which is provided for in this Bill, is a subject I have been interested in for quite a few years. It is very encouraging to see that there is some promise of something being done in this regard. I think that initially the matter was brought to public attention in an official way by the Victorian Government which asked a magistrate in that State, Mr. W. J. Cuthill, to inquire into the standardisation and packaging of goods. That was in June, 1962. Mr. Cuthill's report was very comprehensive: as a matter of fact, it ran into something like six volumes comprising over 2,000 pages. The Minister for Police was good enough to let me have a copy of it as a great favour.

Mr. Craig: That was so that you could tell me what was in the report.

Mr. DAVIES: Yes, so that I could tell the Minister what was in the report. Although I spent some considerable time poring over it, I am afraid I was not able to make much of it. The terms of reference were that Mr. Cuthill was to inquire into the position generally, but he was not required to make any recommendations. This was something of a mistake, I think, because he having had this vast experience and having travelled to every State in the Commonwealth and taken so much evidence, I am sure he could have formed some opinion as to the best way to overcome the problem. The report was brought down in February, 1964, and since that time there have been various conferences of the State Ministers.

Arising from those State conferences, as our Minister for Police indicated the other evening, this code has been established which proposes to incorporate various Acts of the States of Australia. It is to come into operation on the 1st January, 1967. Clause 9 of the Bill, which seeks to amend section 22 of the Act, is the working clause, so far as I am concerned. It sets forward initially some of the recommendations—or some of the suggestions—contained in the uniform code, as to how a person shall be prosecuted for breaking the law and what right of protection he is afforded.

The actual code itself, it appears, will be incorporated in the Act by way of regulation, and I think it is in section 35 of the principal Act that the Governor may make the regulations according to what is considered necessary. Of course, in this case, he will make them in regard to the uniform code, no doubt.

The Minister mentioned that there were several matters which required attention but that he expected to get some finality before the operative date; that is, the 1st January, 1967. The code itself is very interesting, and it sets out in several appendices the different denominations of packages of various products which shall be covered. I think it will be agreed that there is a very great need for some standardisation in this regard. It is very difficult for an ordinary housewife—in fact, even for a politician—to compare values and prices. There can be a 13½ oz. packet costing 3s. 2d.; a 1 lb. 9½ oz. packet costing 4s. 10½d.; or a 2 lb. 5½ oz. packet costing 6s. 11d., which was one instance quoted by Mr. Cuthill in his report. I think it is almost impossible to work out quickly which is the cheaper. Most shoppers have not got the time to make strict comparisons, as would be required if they are to get the best value for their money.

Not only are the many commodities packed in odd sizes, but also in oddly-shaped packages, and the size of the packages are no indication of the actual contents. This has been proved in the case of soap powders and breakfast cereals. I think those are the two examples which are generally quoted.

Of course, most "bread-and-butter" lines vary in quantity and price. So if some kind of standard is brought into what I call "bread-and-butter" lines I think it will be easier for the housewife and she will be less liable to confusion. It is astounding the way things are developing these days.

I understand that in some types of tooth paste the smallest size available is the "large" size. Then it goes on to the "king" size; "giant" size, and "jumbo" size, or some

such name. It is becoming a farce when, as I say, the smallest size is the "large" size. Some attention is also required to be given to the packaging of goods and commodities which can fill a carton quite comfortably at the factory, but which, by the time they reach the point of distribution, have generally shaken down to about half fill the carton. Not only are the consumers being confused in regard to odd weights and quantities in various packages, but they are also confused—not confused, but being robbed—by the practice, which was introduced during the war, of various commodities not showing any weight or volume, which are being dropped considerably in size and subsequently the price remains the same.

I understand there are no quarter-pound blocks of chocolate now. They weigh 3 oz. to 3¼ oz., yet the price has remained the same. Indeed, it has gone up in some cases. I have quite a list of items. I am told that all brands of tinned fruit have dropped from 30 oz. to 29 oz., which means a 3 per cent. increase, even if the price remains the same. In beverages, milo has dropped from 16 oz. to 14 oz. For mixed fruit there are three brands stated, and the standard package has been dropped from 16 oz. to 12 oz. That means, in effect, if the price remains the same, a 25 per cent. increase to the consumer. And so it goes on. There are quite a lot of other items on my list. I think the time has come for the consumer to expect to have the weight of the "bread-and-butter" lines clearly shown on the article which is being purchased.

The code which the Minister was good enough to let me have shows that probably most of the "bread-and-butter" lines are covered. I am sure that from time to time it will be necessary to add new items to the appendix and, possibly, some of the others can be deleted. Looking over the list of goods, there are one or two matters which it seems to me can be attended to. For instance, butter has to be packed in 4 oz., 8 oz., or 12 oz. packages, and bigger. However, if the package is less than 1 oz., it is the usual thing not to show any weight at all. Butter may not be a good example.

Some of the other items, if below 4 oz., are not required to show any weight. I think this might be a mistake and it might be necessary in the long run to show weights of all goods sold if they come under the code. As I understand it, and I would be pleased if the Minister would correct me if I am wrong on this point, the code will be added to the Act by way of regulation, and will contain items which have been presented to the House with one or two minor amendments.

As I said, the legislation will mean that the consumer will be given some protection but I do not think this in itself is enough. I think two other matters that have to be attacked are the establishment of a consumers' council, and an ethical code of advertising; because the three together would, I think, provide reasonable protection for the confused housewife.

I notice there is a consumer council in Britain and one in Victoria. I saw in the paper the other day that, in New South Wales, Mr. Askin is going to fight a by-election at Bondi on three points, and one is the establishment of a consumers' council to check unsatisfactory trading practices.

So, of two Liberal Party coalition Governments in the Eastern States, one has already established a consumers' council and the other proposes to establish such a council. I hope the Liberal Party coalition Government in this State will give some thought to this question and will set about establishing a consumers' council here. It is very badly needed.

The Australian Consumers' Association has done a magnificent job in this regard; but, of course, it has no legal standing and the best it can do is to encourage subscribers and, through the pages of its magazine *Choice*, show to its subscribers just what rackets are being worked, not only in household lines but in all manner of lines. So, as the Australian Consumers' Association has proved so successful—it has grown out of all proportion to what was originally anticipated—and as other Governments are establishing consumers' councils, and as there is a consumers' council established in Britain, I hope this Government will take the lead here and will, as an adjunct to this uniform code of packaging and labelling, establish a consumers' council.

The other point that I said needs attention is ethical advertising. At least the public seem to be waking up to the damage that is being done by impact advertising. Unfortunately most people are fairly gullible and take things at their face value, which probably is not a bad characteristic. However, in matters of advertising, the producers are not going to spend vast sums of money to sell their goods without some kind of gimmick going with it; and it is this impact advertising that has been growing so alarmingly throughout the country that has brought about great expressions of concern from the Federal Government. I believe Sir Robert Menzies recently attended an advertising convention in the Eastern States and said he hoped the convention would concern itself with establishing a reasonable and ethical code for its advertising standards.

Having got this far with packaging and labelling, I hope the other two matters I have mentioned will follow and that in the next session of Parliament we will see something done in regard to a consumers' council; because, goodness knows, the housewife has a tremendous job just making the money go round without being duped by false advertising and by false packaging!

I think that we, as a Parliament, have a responsibility to legislate for the protection of the little man. We do not have to worry about the big fellow all the time; he can look after himself. We must, however, not forget that most of the people who put us here are only ordinary working people, and it is our responsibility to see that something is done to protect them. I support the measure generally and am glad to see that it gives some promise of improvement in regard to packaging and labelling.

MR. CRAIG (Toodyay—Minister for Police) [8.35 p.m.]: I thank the members for Swan, Avon, and Victoria Park for their comments on, and support of, the Bill. The member for Swan gave a reasonably accurate summary of the contents of the Bill, and he is no doubt aware of the considerable time it has taken to bring it to this stage, because, as Minister for Police some years ago, he had something to do with this matter.

It has taken a long time to deal with this question and it has been the subject of many conferences, but I am pleased—and I presume this House is too—that we are at the stage when we can debate the legislation so that we may have a better degree of uniformity in respect of weights and measures between the States, and also in order that we may accept the gift from the Commonwealth of the standards of weights and measures.

The member for Swan did not agree with the proposed penalty of £50. I pointed out, when moving the second reading, that the penalty of £20 has been in force since 1915. The honourable member felt the amount should be much higher than £50. I am always a bit hesitant about suggesting a figure that would, possibly, not be acceptable to certain members; and, acting upon the advice of departmental officers, the amount of £50 was included in the Bill.

Of course, we have to take into consideration, too, that possibly in matters of weighing we do have the persistent offender, and that the present penalty of £20 does not offer a sufficient deterrent to the continued persistency by that offender to rob the customer. But I would prefer, if the honourable member would agree, to seek the department's opinion on his suggestion that the amount be raised to £100. If the department is agreeable, I can make arrangements to have the Bill amended in another place.

Mr. Davies: That would be the maximum, would it not?

Mr. CRAIG: Yes: it would be up to £100. The three members who spoke referred to the uniform package code and hoped it would be possible to introduce the code at the same time as the other provisions contained in the Bill; that is, on the 1st January. However, because of one or two difficulties that have become apparent, that is not possible.

I am glad the three members made the points they did in regard to the measure. We have to keep in mind that we are concerned in the Bill with weights and measures; we are not actually concerned, at this point of time, with the presentation of the article; and this is where the difficulties arise when "King Size" and other like expressions are given to certain types of packages; and those expressions could mislead the public. The code definitely lays down the requirements in relation to describing the net contents of a package. Perhaps I should quote from the particular section of the code which states—

> Where such adjectives or adjectival phrases as "King Size", "Large", "Economy Size", "Family Size", etc., are used to describe the content of packages, a statement in conspicuous and legible characters of the actual content in terms of weight or measure (as appropriate) is to appear in close proximity to such adjectives or adjectival phrases, the characters comprising the statement being not less than one-third the height of the characters comprising the adjective or adjectival phrase and in any case not less than the appropriate height specified in Clause B2 of Appendix B.

In other words there is a set standard size of print for any statement referring to the contents of a particular package. I think this could be an indication of what is contained in the packet when the purchaser compares a similar line of food in another package. The purchaser, of course, has the opportunity of knowing the actual contents of the package, irrespective of size. The Bill provides for a number of protective measures for the purchasing public, and I feel the House would be well advised to accept it and the suggestions it contains.

The question of adopting, or suggesting, a uniform advertising code is not, of course, within the ambit of this particular measure or within the sphere of the Ministers who have taken part in bringing uniformity of weights and measures to this stage. I would like to meet the person who could suggest a uniform code of advertising, because it presents some difficulty. In any case I do not think anyone wants to lay down rules and regulations as to how a person shall present an article he has manufactured or how he shall advertise it, unless he deliberately misleads people.

Mr. Davies: The Australian Institute of National Advertising is attempting to do so at its Surfers' Paradise convention.

Mr. CRAIG: The institute set down a code of ethics, more or less, in regard to advertising, but not a code that must be followed. But that is by the by; it is not within the province of the Bill. I again thank members for their support of the measure and commend it to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Craig (Minister for Police) in charge of the Bill.

Clauses 1 to 14 put and passed.

Clause 15: Section 35 amended—

Mr. BRADY: I am pleased to hear the Minister say he is prepared to give consideration to the matter I raised. I hope that after he has discussed it with his officers he will see his way clear to increase the penalty to £100, rather than to retain the figure of £50, which he considers is fair compared with the amount of £20 in 1915.

I refer the Minister to section 35 of the Act, which includes the figure of £20. That fine of £20 was in the Act of 1915. During the wintertime especially many people who purchase firewood are exploited by firewood merchants. To a lesser degree this applies to coal also, but there is no doubt that some of those who deliver firewood seem to take advantage of their clients, and only recently I heard of one man who had been fined twice for delivering firewood of short weight. Therefore I consider the Minister should bring this penalty up to a figure commensurate with the figure that was imposed in 1915.

Mr. CRAIG: I assure the honourable member I will give his suggestion every consideration, and if it is thought desirable an amendment will be introduced in another place to put it into effect.

Clause put and passed.

Clauses 16 to 21 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

PUBLIC WORKS ACT AMENDMENT BILL

In Committee, etc.

Resumed from the 23rd September. The Deputy Chairman of Committees (Mr. Crommelin) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

Clause 4: Section 29B added—

The DEPUTY CHAIRMAN: Progress was reported on the clause after the member for Melville (Mr. Tonkin) had moved the following amendment:—

> Page 2, line 8—Insert after the figure (1) the following passage, "Subject to the proviso".

Mr. ROSS HUTCHINSON: Some time has elapsed since the Bill was last debated in Committee and the intervening period has given me an opportunity to consider the remarks made by the Deputy Leader of the Opposition when he moved his amendment, and to discuss the amendment and other provisions in the Bill with members of the Government parties and also with members of Cabinet. As a result there are some changes which are proposed to be made at this stage which I would like to mention.

At the outset the Government's opposition to the amendment moved by the Deputy Leader of the Opposition still stands because it is so complete in its effect on the measure. In the Bill we have passed over a clause which will be dealt with on recommittal in a way which will largely satisfy the Deputy Leader of the Opposition and make it unnecessary, I think, for him to proceed with his amendment. It is proposed to delete the amendment which will provide that where land has been resumed for a period of 10 years it may be used with the approval of the Government for a specific purpose, because it was thought that perhaps this would be best in view of the difficulties met by people and the future possibilities.

I have also had circulated among members a further amendment to the one I already have on the notice paper to give a person who is aggrieved with a price determined by the Minister an opportunity to appeal to the court. So with the two proposed amendments I think all reasonable cause for opposition should be greatly dissipated, and I oppose strongly the amendment before the Chair, because if it were passed it would stultify all the provisions in the Bill and make it practically unworkable.

Mr. TONKIN: Although the Minister's proposed amendments go some distance in the direction I would like to go, his Bill still cuts across the intention of Parliament with regard to resumed land. It will still leave it open for the Government to sell land which it has resumed for a specific purpose but which it has not used.

Mr. Ross Hutchinson: No.

Mr. TONKIN: I understood the Minister to say that he proposed to take out paragraph (b) of proposed new section 29B.

Mr. Ross Hutchinson: I quite agree; but this is where the land has ben used for the specific purpose for 10 years.

Mr. TONKIN: As long as it is used for the purpose specified, I agree. I understood the Minister to say he was going to take paragraph (b) of proposed new section 29B right out.

Mr. Ross Hutchinson: That is correct.

Mr. TONKIN: That being so, is the situation to be that that is the only case in which the land will not be offered back to the owner, and that the position will be, when the land is taken for a specific purpose, and has been used for a period for that purpose—

Mr. Ross Hutchinson: That is right.

Mr. TONKIN: In every other case it will be offered back to the owner?

Mr. Ross Hutchinson: Yes.

Mr. TONKIN: The only point at issue is the price at which it will be offered back to the owner. The Minister says it will be offered back at a price which he considers fair according to the existing price of land. I have had a quick look at the amendment proposed by the Minister and I am at a loss to see on what points the court will determine the selling price.

Mr. Ross Hutchinson: We can discuss that question when we reach it.

Mr. TONKIN: That being so, as my objection in regard to the use of the land has been removed, and as the Government intends only to exercise its right to sell by public auction all land which has already been used, I do not think there is a great deal of objection to the provision.

Mr. Ross Hutchinson: Not by public auction, but as the Minister wishes.

Mr. TONKIN: The words used in the Bill are—

(i) sold by public auction or private contract; or

(ii) used by the Minister or local authority in which it is vested for any other public work.

But that is only in a case where land has been taken over for a specific purpose and has been used for 10 years for that purpose. Land which is taken over and has not been used at all is not covered by that provision and must be returned to the owner.

Mr. Ross Hutchinson: That is what the Bill provides.

Mr. TONKIN: Yes, if you delete paragraph (b) of proposed new section 29B. That goes a long way towards meeting my objection.

The reasons which prompted the Minister to introduce the Bill were not good ones, because they emanated from an approach made by the Shire of Perth. In the report of the discussions one reason given was that the existing law was bad, and there was no doubt that councillors disregarded it in several ways. People were reluctant to challenge the right of local authorities, and the reversion of resumed land could be effected without their knowledge. That is a fine argument to submit for the amendment of the law! The Government proposes to amend the law to enable local authorities to act within the law. Could there be a weaker argument for the amendment of a Statute?

I regret very much that this amendment to the Act is being made. It is fair enough if the Government takes land for a specific purpose at the price at which it offers; but if it does not use the land for that purpose then it should restore the land to the original owner. It should not expect to make a profit on the restoration of the land. This principle still remains in the Bill, despite the alteration proposed by the Minister. In the circumstances I do not wish to proceed with the amendment and ask leave that it be withdrawn.

Mr. GUTHRIE: There appears to be a printer's error in line 11 on page three. The word "at" should be "as."

The DEPUTY CHAIRMAN (Mr. Crommelin): I understand that the Clerk of the House will attend to that automatically.

Amendment, by leave, withdrawn.

Mr. ROSS HUTCHINSON: I move an amendment—

Page 2, lines 25 to 38—Delete paragraph (b).

It will be seen that when determining a reasonable price the Minister shall have regard to the present value of the land, comparable to the value of land in respect of which the option to purchase is granted. It was felt that too much latitude would be given to the Minister, and so limits are sought to be placed on the reasonable determination by the Minister.

Mr. TONKIN: The Minister referred to the recommittal of the Bill, but I cannot see any need for it, because my amendment has been withdrawn.

Mr. ROSS HUTCHINSON: What the honourable members says is correct. I was led astray in thinking the Bill had to be recommitted, in view of the executive part of the proposed amendment of the honourable member—the proviso which he intended to insert.

In my earlier remarks I pointed out that the purpose of the amendment of the Deputy Leader of the Opposition was too wide, and incorporated paragraphs (a), (b), and (c). The real effect of his amendment could only concern paragraph (b). After considering this matter the Government has agreed to the deletion of paragraph (b).

Amendment put and passed.

Mr. ROSS HUTCHINSON: I move an amendment—

Page 3, lines 12 to 17—Delete subsection (2) of proposed new section 29B with a view to substituting the following:—

(2) The reasonable price determined by the Minister under paragraph (c) of subsection (1) of this section shall not be—

(a) less than the aggregate amount of the compensation and the value of improvements, if any, made on the land by the Minister or authority subsequent to the date on which the land was last compulsorily taken or resumed under this Act for a public work; or

(b) more than that aggregate amount plus one-tenth of that amount for each year or part of a year since the date on which the land was last so taken or resumed.

I have pointed out that instead of the Minister determining the reasonable price according to existing values, it should be determined by fixing the aggregate amount of compensation at not less than the compensation price, nor more than 10 per cent. of the compensation price added to the compensation price for each year that the land is resumed. There will be a minimum and a maximum, and the Minister will be able to make a determination in between.

I have caused a further amendment to be circulated to members which seeks to give an aggrieved person a right of appeal to a court in regard to the price determined by the Minister.

Amendment put and passed.

Mr. ROSS HUTCHINSON: I move an amendment—

Page 3, line 12—Substitute the following for the subsection deleted:—

(2) The reasonable price determined by the Minister under paragraph (c) of subsection (1) of this section shall not be—

(a) less than the aggregate amount of the compensation and the value of improvements, if any, made on the land by the Minister or authority subsequent to the date on which the land was last compulsorily taken or resumed under this Act for a public work; or

(b) more than that aggregate amount plus one-tenth of that amount for each year or part of a year since the date on which the land was last so taken or resumed.

I remarked earlier in the debate on this Bill that it was possible for a person to receive a double benefit. Parliament did not intend that should be the position. The reasonable determination of a price by the Minister, together with the right of appeal to a court, will enable a price to be fixed above the compensation price; the price fixed will approximate the resumption price and the amount of rates and taxes which would normally be paid by the owner if he still owned the land.

It has been suggested that when local authorities hold land, for the purpose for which it is resumed, for a long period they are loth to agree the land is no longer so required. This amendment will enable them to recoup the rates and taxes which normally would be paid by the owner if the land had not been resumed.

Mr. J. Hegney: What if the price of land were to fall? Prices did fall when I first came into Parliament.

Mr. ROSS HUTCHINSON: It is considered that this amendment will meet the situation. There would be no need for the person concerned to exercise his option.

Mr. TONKIN: I am at a loss to find out how an appeal can be made to a court in respect of the determination of the price. Upon what criteria will the court make a decision, if the Minister should fix a price which was not less than the aggregate amount of the compensation together with the value of improvements, and not more than the aggregate amount plus one-tenth of that amount for each year? Because it is left to the Minister to determine a reasonable price within those limits. If the Minister has a look at those limits and says that he regards such-and-such a figure as a reasonable price, what is the criteria upon which an appeal can be lodged?

Mr. Ross Hutchinson: On the word "reasonable".

Mr. TONKIN: That is a pretty difficult one and reminds me of an incident which occurred some years ago. A colleague of mine in the ministry was asked what "reasonable" was and he replied, "Why, reasonable, of course". That is about where we get. If Parliament fixes a minimum and a maximum price and the Minister selects some price in between, what argument has to be put up to an arbitrator that the price decided upon is not a reasonable price? What factors can be produced to show that between those limits set by Parliament a price fixed by the Minister is wrong? There must be some criteria, surely.

Mr. Ross Hutchinson: It is not necessary.

Mr. TONKIN: It seems to me to be necessary. I do not know how far one would get under those circumstances in an appeal to a court on a decision of the Minister.

Mr. Grayden: It could run into several thousands of pounds on a very large estate.

Mr. TONKIN: What could?

Mr. Grayden: A reasonable figure.

Mr. TONKIN: But surely a court will say, "Parliament has laid down a minimum and a maximum standard, and the Minister has gone somewhere in between. Who am I to say the decision within those limits is a wrong decision?" Surely there has to be some criteria upon which the Minister's judgment can be measured!

If it had some relation to the length of time the Government held the land and the increase in the cost of the land in the intervening period, or if it had some relation to the value the Government itself had derived from having the land during that period, I could understand it; but I cannot see anything here on which a lawyer could hang an appeal. All he could do would be to say to the court that Parliament fixed a minimum valuation and a maximum valuation, but he thinks the Minister's decision between those limits is unreasonable.

Mr. Ross Hutchinson: That is right.

Mr. TONKIN: Having regard to what?

Mr. Ross Hutchinson: That he was unreasonable.

Mr. TONKIN: The Minister might be able to see some way out of that, but frankly I cannot. I would far rather get some definite figure, although I still believe that if the Government takes a man's land intending to use it for a specific purpose and does not, it should be made to give it back to him at the price at which it was resumed. Although I still believe that, I can see we have made some progress along the way and this is a very different matter from what it was when the Bill was originally introduced. However, I do not think that this provision is going to help in any way at all. It will have no value whatever when put to a practical purpose.

I think the position will still be that we will set a minimum and maximum price, and a man will get his land back, but it will cost him no more than the aggregate amount paid by way of compensation plus a tenth of that amount for each year or part of a year since the date the land was resumed. Therefore, if land is kept for 10 years, he will be up for double the amount of compensation paid. That will be the position and I cannot see that he could make any appeal to anyone against that if Parliament fixes that figure.

I am opposed to the provision and I shall vote against it because I do not think it is playing fair with the people whose land is resumed. A man who signed himself Mr. W. K. Quinn-Schofield wrote a letter to *The West Australian* on the 13th April this year and had this to say—

> We are discussing land that has been forcibly removed from that owner, allegedly for a definite and urgent purpose. If the local body has not made use of it in that period who is to blame?
>
> To expect the former owner to be held responsible for this unsatisfactory state of affairs is a curious way of thinking.
>
> One amendment that could be considered is that where land resumed has not been used for its stated purpose within three years it should be mandatory for the body concerned to return it to the original owner, free of all charge.

That represents the view, I think, of the majority of people in this community—that where the Government forcibly takes land from an owner for a specific purpose and it does not use it for that purpose, then the land should be returned to the person from whom it was taken, at the price he was paid for it.

After all, he has been deprived of the value which would accrue to him for the use of that land during the whole of the period concerned. Therefore why should he not get his land back at the price for which the Government took it in the first place? That is a principle we thought right and that is why we asked Parliament to insert it in the legislation in, I think, 1955; and we still adhere to that idea. However, the Government thinks otherwise and has the numbers to determine its will; and therefore we have to accept that situation.

Mr. DURACK: I was somewhat concerned to hear the Deputy Leader of the Opposition say he proposed to vote against this provision. If the provision is not inserted, the Bill will be left as it is at present, and the option price will be such reasonable price as the Minister determines.

From a number of speeches made by the Deputy Leader of the Opposition I would have thought that result was completely contrary to the principles he has enunciated very eloquently during the session. The situation would obviously be that a very large discretion would be left to the Minister to fix such a price and there would be no redress on the part of the person at all.

The proposed amendments which the Minister has outlined do qualify that discretion of the Minister in a very considerable way and they do provide ultimately for an appeal to a court by a person who is aggrieved by the Minister's decision.

The Deputy Leader of the Opposition wondered how a court would deal with an appeal under these provisions and how a lawyer would be able to frame an argument to the court. I feel fairly confident that I would be able to construct an argument myself if there were facts available to me in those circumstances. I will give an example.

The phraseology which appears in lines 10 and 11 on page 3 of the Bill states that the price shall be such reasonable price as the Minister determines. That is constructed in a way which fixes a reasonable price as an objective price; in other words, one which could be the subject of proof in court of what is reasonable. It is not phraseology that sometimes appears in legislation where it is left really to the discretion of the Minister entirely; in other words, in his own subjective opinion.

I believe, therefore, that it would be perfectly open to a court to investigate the reasonable nature of it, having regard to such evidence as may be available in the circumstances. If, in fact, the price of the land had skyrocketed over a period of 10 years and the market price was very much more than the original price when the land was resumed, plus the 10 per cent. per annum, then I would certainly advise any person who was seeking to appeal to a court, to give it away, because he would have no chance at all of persuading the court that the Minister had not determined a reasonable price if he, in fact, determined the price within the limits laid down, even if he determined the maximum under his powers.

However, if, in fact, the market price of that land over those 10 years had not increased to the maximum limit under the formula proposed to be inserted, and if the Minister fixed the option price at that maximum, then I have no doubt that one could go to a court with a very impressive argument that the Minister's decision should not be upheld.

I would point out to the Committee that the amendment which is to follow this one and which is, I think, before most if not all of us, provides that the court hearing the appeal may make such order as appears to the court to be just. That is a form of phraseology which is well known to the courts of this country and is applied by them every day. More and more modern legislation is in this form and gives the courts wide powers of discretion. I can think of many Statutes in which such a wide discretion is given, but the one which comes immediately to my mind is that of the Testator's Family Maintenance Act. However, there are many where a wide discretion is given to a court to determine what appears to be just: and that, coupled with the objective phraseology which appears in this Bill—namely, that it has to be a reasonable price on objective grounds—appears to me to establish that the provisions now proposed will be perfectly worded from a legal point of view.

Mr. GRAYDEN: May I just add briefly to the comments made by the member for Perth? Like him, I am rather surprised that the Deputy Leader of the Opposition intimated he would vote against the provision for an appeal to the court in the event of a person not accepting the reasonable price offered by the Minister. The Deputy Leader of the Opposition said that because the Minister was confined between a lower and an upper limit, the amount concerned could not be very much. But that, of course, is not so. I could quote a specific case.

A couple of years ago, W. J. Lucas & Co. had a property on the escarpment of the Darling Range resumed. It was valued then at £250,000. If that property was resumed by the Government, as it was, for open space, and held for 10 years, with the 10 per cent. per year provision, the upper limit, if the property was offered back to the people from whom it was resumed, would be £500,000. The Minister therefore would be in the position of being able to say to W. J. Lucas & Co., "If you want your land back you have to pay £500,000, notwithstanding that 10 years ago it was resumed for £250,000, and no improvements have been effected on it."

On the other hand, the Minister could offer it back to the company for £250,000. That is the extent of the lower and upper limit in that case. We can imagine many properties valued far in excess of £250,000 being resumed; but even in the case which I have just quoted, there could be a difference of £250,000. If W. J. Lucas & Co. were dissatisfied with the price set by the Minister, as the Bill stands at the moment, there would be no appeal to the court, and in my view it is imperative that there should be an appeal. I urge the Committee strongly to support that principle.

As regards the proposal relating to the figure of one-tenth per annum, etc., I support it because when someone has had land resumed he is paid a price which is considered reasonable at the time of the resumption, and he can put that money in the bank, or invest it, and get interest on it. He is also freed from the necessity to pay rates, etc. on the land, and in the aggregate these benefits must approximate 10 per cent., as is proposed each year. I would have preferred to see a figure of 5 per cent., but I am happy to go along with 10 per cent.

Mr. TONKIN: I am grateful to the member for Perth for setting my mind at rest on a number of aspects in this matter; but the question remains, of course, that in principle there is a departure from the existing Statute. Basically the idea was that if the Government compulsorily takes a man's land for a specific purpose, in the

interests of the State, it should use the land for that purpose. The Government's legislation departs from that inasmuch as the Government can resume for one purpose and use for any other.

Mr. Ross Hutchinson: Only after it has used the land.

Mr. TONKIN: No.

Mr. Grayden: You are completely wrong; when you resume you must use it for that specific purpose.

Mr. TONKIN: No. It says that where any land compulsorily taken or resumed under this Act for a public work is not required for that or any other public work, at any time after a period of 10 years since it was last so taken or resumed—

Mr. Grayden: Are you talking of paragraph (b)?

Mr. TONKIN: No; (b) is out. I am dealing with (c), to which the addition is now being made. The proposal of the Minister refers to land which is dealt with under paragraph (c), which states—

> (c) is not required for that or any other public work, at any time after a period of ten years since it was last so taken or resumed, sections twenty-nine and twenty-nine A of this Act apply . . .

which means that the original owner of the land has to be given an option to purchase.

Mr. Grayden: I am sorry; I cut that out in my Bill.

Mr. TONKIN: I hope I brought the honourable member up to date. This is a departure from the existing law; and the guiding principle in the existing law is that if the Government says to an owner, "We need your land. We have to take it from you even though you may sorely need it yourself, because we want it for a specific purpose and we can only satisfy that purpose by taking your land," having got it the Statute will now enable the Government to use it for any other public purpose.

Mr. Ross Hutchinson: I cannot follow you. The Government or a local authority cannot use the land for any other public purpose.

Mr. TONKIN: Will not the law read this way—

> Where any land compulsorily taken or resumed under this Act for a public work—
>
> (c) is not required for that or any other public work, at any time after a period of ten years since it was last so taken or resumed . . .

Mr. Ross Hutchinson: Yes; you have made your point. Is it the reference to "that or any other public work"?

Mr. TONKIN: Yes.

Mr. Ross Hutchinson: Where is the executive action for any other public work? I will have it deleted if you wish, but leaving it in it has no force or effect.

Mr. TONKIN: Why not?

Mr. Ross Hutchinson: Where is the executive action for that phrase to be used?

Mr. TONKIN: If it stays in the law will read this way—

> Where any land compulsorily taken or resumed under this Act for a public work—
>
> (c) is not required for that or any other public work, at any time after a period of ten years since it was last so taken or resumed . . .

Mr. Ross Hutchinson: I don't mind having that taken out.

Mr. TONKIN: All right. If the law reads, "where it is not required for that public work", then we get somewhere where I want to go.

Mr. Ross Hutchinson: I don't mind that coming out.

Mr. TONKIN: It will be necessary for the Minister to recommit the Bill to do that.

Mr. Ross Hutchinson: We can do that if you like, or it can be done in another place.

Mr. TONKIN: That being understood, my objection to the provision disappears, and I am grateful for the explanation given by the member for Perth as to how the court would determine a reasonable price. I am prepared to support the Bill.

Mr. GRAYDEN: I deleted paragraph (b), from my Bill and I automatically crossed out the particular words to which the Deputy Leader of the Opposition referred. I entirely agree with him that they must come out, and I assumed it was consequential and would automatically follow.

Mr. Tonkin: Don't assume too much here.

Mr. GRAYDEN: It cuts completely across what was said earlier and therefore the words would have to come out, because otherwise there could be a change of purpose.

Mr. ROWBERRY: I cannot go along with the Deputy Leader of the Opposition when he says that land which has been held for 10 years should be handed back to the original owners at the same price. In the first place, where did the Crown get the right compulsorily to resume land? The land was originally vested in the Crown for public purposes and was only given to individuals as a privilege. If land has been resumed and held by the Crown for 10 years, it has increased enormously in value during

that period. What has caused the increase in value? Has it been the amount spent by local government on amenities, etc.? Or has it been because of the money spent by the Government on services to the district? Therefore, should the original owner who bought the land cheaply in the first place be entitled to stand the public up to auction when the land is given back to him at the price at which it was originally resumed? He could sell it immediately for double the price.

Mr. Lewis: What about his next-door neighbour? He could have done that with his land long ago.

Mr. Tonkin: That is the point.

Mr. Grayden: It might have depreciated.

Mr. ROWBERRY: The next-door neighbour would be lucky that his land had not been resumed. The fact remains that the right rests with the Crown compulsorily to resume land. The Crown and the local authorities are the organisations which have put value into the land.

Mr. J. Hegney: Not necessarily.

Mr. ROWBERRY: The owner cannot put value into the land because he has not had it.

Mr. J. Hegney: The other citizens can.

Mr. ROWBERRY: Let us suppose the general public puts value into the land. The value in the land rests with the general public, or the representatives of the general public, which should be the Government. One of the big reasons for inflation in our community is the value of land which has increased by the increment of association; where the increases in the value of land have been caused by the general public. It should not belong to any individual at all. I think the Crown feels the same when it reserves to itself the right to resume land for public purposes.

Mr. TONKIN: When we give expression to our ideas on this question it is as well that we should have as much information as possible. Although there is a good deal in what the member for Warren says about the valuation of land, what he overlooks is that the Government should not take any action which deals unfairly with individuals as against the mass of the people.

If the Government compulsorily resumes "A's" land at a price, but leaves "B's" land which is adjacent thereto for him to do with it what he likes, then "B" gains an advantage of Government work and increase in price, and he pockets what he gets. Are we to say to "A", "You have been unlucky that the Government has grabbed your land, and we are not going to do anything about it?" That is what we must try to redress. The person who has his land forcibly taken from him is, in many cases, most unfortunate. I have received a number of letters in this connection. I received one today explaining circumstances under which a man's land was taken from him. He was using this land for agricultural purposes, and was making a nice income from it. The Government decided it wanted the land and took it; but it has not used it for the purpose for which it was taken.

So the man was deprived of land of which he should not have been deprived. Are we going to say to one man, "You are going to get no advantage from the increase in price because the increase is due to the actions of other people besides yourself"; whereas to his next-door neighbour we say, "You have been fortunate to be able to keep your land and we must allow you to gain any accretion in value thereon?"

Amendment put and passed.

Mr. ROSS HUTCHINSON: I move an amendment—

> Page 3—Insert after subsection (2) of proposed new section 29B, in lines 12 to 17, the following new subsection to stand as subsection (3):—
>
> (3) If the person to whom an option to purchase the land is granted is aggrieved by the amount of the purchase price specified therein as determined by the Minister under subsection (2) of this section, he may, within twenty-one days after being notified that he has been granted the option to purchase, appeal in manner prescribed by Rules of Court to—
>
> (a) the Supreme Court, if the amount of the purchase price specified in the option to purchase exceeds five hundred pounds; or
>
> (b) the Local Court held nearest to the land to which the option of purchase relates, if the amount of such purchase price is five hundred pounds or less,
>
> and the Court hearing the appeal may make such order as appears to the Court to be just, including an order for the payment of costs and the extension of the period of the option to purchase, whether or not the application therefor is made before or after the expiration of the time allowed for the exercise of the option to purchase.

This gives the person aggrieved at the Minister's decision an opportunity to appeal to the court against the determination of the option price by the Minister. The appeal will be made to the Supreme Court if the amount of the purchase price is

over £500, and to the local court if it is £500 or less. The court will hear the appeal and make such order as it thinks just—including an order for payment of costs—and, if it wishes, extend the period of option.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5 put and passed.

Title put and passed.

Bill reported with amendments.

Recommittal

Bill recommitted, on motion by Mr. Ross Hutchinson (Minister for Works), for the further consideration of clause 4.

In Committee

The Deputy Chairman of Committees (Mr. Crommelin) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

Clause 4: Section 29B added—

Mr. ROSS HUTCHINSON: Mention was made that there were redundant words in paragraph (c); that the words, "or any other public," should have been deleted as a consequence of former paragraph (b) having been removed from the Bill. I move an amendment—

Page 3, lines 1 and 2—Delete the words "or any other public."

Amendment put and passed.

Clause, as further amended, put and passed.

Further Report

Bill again reported, with a further amendment, and the report adopted.

ANNUAL ESTIMATES, 1965-66

In Committee of Supply

Resumed from the 21st October, the Chairman of Committees (Mr. W. A. Manning) in the Chair.

Vote: Legislative Council, £20,039—

MR. TONKIN (Melville—Deputy Leader of the Opposition) [9.57 p.m.]: When the Treasurer introduced his Budget proposals he announced proposed increases in taxes and charges left, right, and centre. I was somewhat amused at the member for Stirling who felt constrained to make some reference to this fact, when he said that taxation had been raised on some points. I find it difficult to find any point on which it has not been raised.

When we have regard to the fact that some years ago the Treasurer claimed that taxation had reached breaking point, the present situation is ludicrous; because the Government has done nothing but pile on charge after charge, especially on the motorist. One wonders what the poor old motorist has done to deserve these imposts one after another, year after year.

The Treasurer appears to be following the pernicious principle of imposing taxation in order to get matching money. We have it with the expenditure on roads, because the Commonwealth introduces a scheme to provide money if the State itself provides a certain amount. We tax the people to raise this money so that we shall acquire it whether we can afford to do so or not.

Mr. O'Connor: You think we should forfeit it, do you?

Mr. TONKIN: There is a point beyond which we cannot go with matching money; and it applies not only to roads but to University fees as well. We have the same principal there. We have had to depart from a free University and keep on loading additional fees on students so that we will qualify for payments from the Commonwealth Government for University education.

Mr. Ross Hutchinson: This goes back basically to uniform taxation, doesn't it?

Mr. TONKIN: The Government is in no different a position from an individual in regard to this matter. One cannot go on raising more money and spending it in order to qualify for some *quid pro quo* from somewhere else.

Mr. Ross Hutchinson: What are you going to do?

Mr. TONKIN: There reaches a point where we have to forgo some of this matching money. We cannot afford to go out after it.

Mr. Craig: That means £3,000,000.

Mr. TONKIN: I said there comes a point beyond which we have to say we must stop. Is the Government's point of view that, irrespective of the impost upon the people or what we can afford, so long as the Commonwealth Government offers matching money we will obtain it? Is that the Government's attitude?

Mr. Court: Not necessarily. The proposition you are putting forward is to condemn us to mediocrity in the standards of our roads and University education; and it is the duty of any responsible Government to go as far as is reasonably practicable to keep up our standard.

Mr. TONKIN: I never for one moment accused the Government of any mediocrity in road construction, so the Minister is completely wrong in that statement.

Mr. Court: No. If we follow your philosophy we will condemn ourselves to mediocrity because we will be accepting a lower standard than other people.

Mr. TONKIN: That does not necessarily mean mediocrity; and, I repeat, there comes a point beyond which we cannot continue to go in taxing our people in order to qualify for the matching money which is offered. Surely there must be a point

beyond which we cannot go in imposing fees on students of the University without forcing some of them out of the University.

Mr. Court: They are still not up to those of the other States.

Mr. TONKIN: That has nothing to do with this.

Mr. Court: Of course it does. They are all Australians.

Mr. TONKIN: That is a question of keeping up with the Joneses. I am entitled to my opinion, and my opinion is that there comes a point when a State like Western Australia cannot afford to keep on imposing additional charges upon its people in order to qualify for some extra gift which the Commonwealth Government is making available, any more than the individual family can keep on striving to spend more on luxuries for itself simply because by doing so somebody else will give it a present.

Mr. Lewis: Can we afford to do without the Commonwealth offer? That is the point.

Mr. TONKIN: That is not the point. We can qualify for some of the matching money, but we have to seriously consider whether we can afford to qualify for the lot.

Mr. Court: I am interested in your point of view, but what I would like from you is some indication of what yardstick you would try to determine the point beyond which we do not go.

Mr. TONKIN: The impact of taxation upon the people and the result with regard to University students. In recent days I have studied some figures which prove conclusively that the impost of these additional fees has resulted in the exclusion of certain classes of students who cannot afford to go to the University with the increased charges. Surely that is not desirable, but it is the result of going out after this matching money.

Mr. Court: Are you sure of that?

Mr. TONKIN: Yes, I am sure of that.

Mr. Court: Can you give examples where poeple are excluded?

Mr. TONKIN: Much as I would like to my time is limited to one hour and I have a lot to say. I must press on to another subject. I noticed in this morning's paper a certain firm known as Clementsons Pty. Ltd. is going to employ a force of about 130 men on a £1,078,633 standard gauge rail contract. This firm is the firm of the Mr. Clementson who came over here and bought up a number of properties in this State and obtained a very handsome loan from the Rural and Industries Bank.

Mr. Court: I don't think you are on the right track with that one.

Mr. TONKIN: Surely this is the same Clementson!

Mr. Court: He is not in this company at all.

Mr. TONKIN: Not in Clementson Pty. Ltd.?

Mr. Court: No.

Mr. TONKIN: He must have got out of the lot because he sold his interest in Kimberley Meats at a very nice profit. What I want to know is why a man who was in such a lucrative business as that was able to get a loan from the Rural and Industires Bank on the basis that the Government pays the interest on the loan.

Mr. Court: How did you work that out?

Mr. TONKIN: How did I work it out? By looking at item 66 of the Estimates. That is how I worked that out. On page 55, item 66, there appears an item "Kimberley Meats (1964) Pty. Ltd.—Payment of Interest on amount advanced by the Rural & Industries Bank, £3,938 for 1964-65; £5,250 estimated for 1965-66", and referred to by the Auditor-General, in his report, page 40, "Payment of interest on advances under guarantee—Broome Freezing and Chilling Works Pty. Ltd. State undertook to meet interest on State guaranteed advance totalling £100,000 to the company through the Rural and Industries Bank. Interest for the period 1st April, 1963, to the 31st December, 1963." Does the Minister know how I worked it out?

Mr. Court: You had this stuff explained to you. I would not say by the hour, but by question after question.

Mr. TONKIN: I want explained to me why the State has to pay the interest.

Mr. Court: I think you had better put some questions on the notice paper and get the answers you got once before.

Mr. TONKIN: Of course, when I asked questions as to whether this was good business for the Rural and Industries Bank I was told it was. I could not see it at the time but I can now. Of course it was when the Government guaranteed payment of the interest—guaranteed the account. What banker would not take that business? But we were not told that at the time. All we were told was that it was good business and that the Rural and Industries Bank was satisfied with the business. Of course it was! But I have not had it explained to me why it became necessary for the Government to guarantee the amount and pay the interest and keep on paying the interest.

Mr. Court: You know the old arrangements that go back for donkey's years before Clementson came into it.

Mr. TONKIN: This was loaned to Clementson.

Mr. Court: The Government's position has improved greatly as a result of it.

Mr. TONKIN: That does not meet the situation at all.

Mr. Court: Of course it does!

Mr. TONKIN: I want to know why a wealthy man like this should get a substantial payment for his interest. I understand he is no longer in the company that got this loan; that he got out at a big substantial profit to himself. Why was it necessary for the Government to guarantee the account and to continue to pay the interest? That question still remains unanswered.

Mr. Court: If you want answers to that, you can have them. I am sure you asked enough questions on it once before.

Mr. TONKIN: I did not get all the information I was entitled to receive.

Mr. Court: I am sure you did.

Mr. TONKIN: How can the Minister be sure I did when I did not?

Mr. Court: You know that certain information between banker and customer is not given, and for good reason.

Mr. TONKIN: The next point is the expenditure of £43,000 to Sogreah. Fancy taxing the people and continuing to put these impositions on the people in order to pay £43,000 for something that could have been carried out by our own officers!

Mr. Court: What makes you say that?

Mr. TONKIN: Because I believe it.

Mr. Court: Why did you engage Maunsell & Partners to design and assist with the bridge; and why did you suggest last year that we send town planners abroad before any reclamation, so they would obtain world-wide experience?

Mr. TONKIN: You asked the question; let me answer it. The answer to the first question as to why Maunsell & Partners were engaged is that the department concerned recommended we get them. I think that is an adequate answer.

Mr. Court: As they did in this case.

Mr. TONKIN: I was not aware of that; and I am not so sure it is so, either—

Mr. Court: Do you think we just plucked their name out of the air?

Mr. TONKIN: —because I had information to the contrary at the time they were here. What was the second question?

Mr. Court: The other one was why did you advocate last year when dealing with the question of the Mitchell Freeway and the river that we send officers abroad?

Mr. TONKIN: I was dissatisfied with the decision made, and I am still dissatisfied with it, and was of the opinion that if we sent our local officers abroad for experience, as has been done with so many officers over the years—the Commissioner for Railways is one, and previous Commissioners for Main Roads—we would gain by that wider knowledge and experience.

Mr. Court: In this other case you are complaining about, your own officers were employed as well.

Mr. TONKIN: I must move on quickly to make the best possible use of my time. The next point to which I want to refer is the question of the proposed profit by the State Electricity Commission of more than £1,000,000 for the next financial year. Why does that commission have to budget to make more than £1,000,000 profit in 12 months? I just cannot believe it. Here is a State instrumentality whose job is to render service to the community at the least possible cost—not to amass profits—and the Budget proposal for next year is a profit exceeding £1,000,000.

Mr. Jamieson: That is snatching money not matching money.

Mr. TONKIN: Let us look at the results of the State Electricity Commission; and I quote from page 24 of the Index to Returns. We find that in 1960-61 the profit was £103,813; 1961-62, £212,778; 1962-63, £544,580; 1963-64, £510,607; 1964-65, £766,918; and estimated for 1965-66, £1,059,000 as the net surplus. It is estimated there will be a surplus on metropolitan operations of £1,335,000, and that there will be a loss on the country undertakings, but that the net surplus for the year will be £1,059,000. What possible justification can there be for the State Electricity Commission aiming to make a profit of that magnitude?

We have to keep in mind that it has changed its system of imposing charges. It has now put on a service charge, which presses heavily on pensioners, at a time when it is budgeting for a surplus of over £1,000,000. I say it is wrong and the Government should have taken some steps to see that the charges were scaled down and the profit kept within reasonable bounds, unless the S.E.C. is being used for the purpose of producing revenue.

Mr. Norton: There is also a service charge for gas.

Mr. TONKIN: This is a question which I think ought to exercise the mind of the Minister concerned, and the Government as a whole, as to whether a public instrumentality, the main purpose of which is not to make a profit for the Treasury, but to render a service, should be permitted to go on with the charges which have been levied and make such huge profits. It would be far better to extend its services to the people who have been asking for them but who have been limited because they are more than a certain number of poles away from the supply.

The commission would be far better occupied, in my view, in expending some of that money in order to extend the service to people who are being denied it. It would also relieve the consumers of some of the burden of the price in view of the fact that the Government itself is loading taxation burdens left, right, and centre.

I guessed the temper of the Government exactly when, very early this year, I forecast that the Government would take advantage of the decimal currency introduction to put up its charges. As a matter of fact, I wrote a letter to *The West Australian*, which it published, pointing out that it was the Government's intention to increase stamp duty on cheques from 3d. to 6d. No reply came, so I knew I had hit the nail on the head. We did not have to wait long, because when the Treasurer introduced his Budget he informed the House that it was the intention to raise the duty on cheques. That is a fine lead to give to the business community! In order to be able to divide charges into decimal currency and not lose anything in the process, we have 3d. charges put up to 6d. Five cents will be charged without any loss, and with a substantial profit. That is what the Government did.

Can we blame other people in the community if they follow that lead and do the same thing? Up 3d. to 6d. and charge five cents instead of being content with two cents! Of course, to have kept the price at 3d. would have meant a loss, so the Government takes advantage of the opportunity and makes a substantial profit. Up goes the charge on cheques from 3d. to 6d., and in February that will be five cents. Then we will hear people complaining that some of the retailers have done the same thing and where a price was 2s. 3d., it has been put up to 2s. 6d. in order to have a nice even division of cents; 25 cents.

Mr. Court: That was not the only reason that the Treasurer gave, you know. This was a specific measure.

Mr. TONKIN: It seems to me to be the main reason. Of course, reasons given are not always the right reasons. Another question I wish to deal with will show why too much reliance cannot be placed on what one is told here. On Tuesday, the 11th August, 1964, I asked a question about the Esperance Breakwater Co. Pty. Ltd. which had a contract for the Esperance breakwater. Part of the question I asked was as follows:—

> With whom has the liquidator for Barbarich Construction Pty. Ltd. made arrangements to complete the contract for the construction of the Esperance breakwater which work, he stated, was resumed on the 14th July, 1964?

Part of the reply from the Minister for Works was as follows:—

> (1) and (2). Esperance Breakwater Co. Pty. Ltd., a subsidiary of Proprietary Holdings Co. Ltd. which has assets in excess of £800,000.

I did not ask for that information but the Minister threw it in, in order to show what a substantial company the Esperance Breakwater Co. Pty. Ltd. was. It was a subsidiary of a company which had £800,000-worth of assets. The company he mentioned was Proprietary Holdings Co. Ltd.

On page 367 of *Hansard* for 1964 I asked some questions about this Proprietary Holdings Co. Ltd. The Minister replied to me that the correct title of the company was Caratti Holding Co. Pty. Ltd., which is a local company. So that was an admission to me that when he said the Esperance Breakwater Co. Pty. Ltd. was a subsidiary of Proprietary Holdings Co. Ltd., he was wrong and the Esperance Breakwater Co. Pty. Ltd. was a subsidiary of Caratti Holding Co. Pty. Ltd.

Later on in the year I had the temerity to suggest that the Minister gave misleading answers and the Premier took me to task on page 825 of *Hansard* by saying—

> I regard the suggestion that Ministers should be requested to be truthful as objectionable and unworthy of a member occupying the important position of Deputy Leader of the Opposition.

I had reason to know that I was not being given the truth, so I recently asked a further question, the answer to which was given today. Part of the question was as follows:—

> (1) When the Esperance Breakwater Co. Pty. Ltd. finalised formalities with the Companies Office in connection with its incorporation, what was the amount of its paid-up capital?
>
> (2) Was the company a subsidiary of Caratti Holding Co. Pty. Ltd.?

The Minister's reply was "No." But last year I was told it was. This year I am told it is not. I will leave that to you to work out, Mr. Chairman. One of those answers is obviously incorrect.

Mr. Jamieson: There might be another Minister next year and you might get another answer.

Mr. TONKIN: That is a direct contradiction, and I knew it would be the case; I fished for it. Is it any wonder that I am very dubious about information which is supplied? There is no excuse for that. The Minister's explanation as to why he mentioned Proprietary Holdings Co. Ltd., instead of Caratti Holding Co. Pty. Ltd. was given on page 367 of *Hansard* and is as follows:—

> I would like to advise the Deputy Leader of the Opposition that the name Proprietary Holdings Co. Ltd. was given to my office when the information was obtained over the telephone last week from the liquidator. The name should have been Caratti Holding Co. Pty. Ltd.

There is no doubt about that. The Esperance Breakwater Co. Pty. Ltd. according to the Minister for Works, was

a subsidiary of Caratti Holding Co. Pty. Ltd. The present Minister for Works tells me it is not.

Mr. O'Connor: Has there been a change in the meantime?

Mr. TONKIN: No; the only change is that the company has gone bankrupt. I was going to complain about the contract being given to a company of straw, but the Minister told us that it was a subsidiary of a company with £800,000 capital. Of course, that knocked the props from under me at the time. However, it now transpires, as was admitted today, that the company has had a meeting of creditors. In order to get the liquidator on the previous occasion to complete the contract at the Esperance breakwater, the Government had to guarantee him against personal loss. That is a fine set-up! The custodian of the public funds—the Government—which withheld the contract from worthy people in the first instance, after the Minister had promised to give it to them, gave the contract to a company which I knew at the outset did not have the financial resources to carry out the job. I am proved right because the company has had a meeting of its creditors. More will be heard of this matter, because I understand this contract will cost the Government considerably more than the original contract price.

I am going to make a suggestion which will not be palatable to the Government and certain sections of the community. I cannot help that, because I think it is very necessary that someone should speak out. I notice in *The West Australian*, of the 5th June, of this year, that all the weekly appeals which were held in the metropolitan area for various worthy considerations, yielded only £62,839. The article reads as follows:—

> Appeals Yield £62,839
>
> Metropolitan street appeals last year grossed £62,839, the highest for ten years and an increase of £2,783 on the previous year.
>
> Chief Secretary Craig said yesterday that 57 organisations had taken part in last year's appeals, held on 36 days.

So more frequently than once a fortnight the public have had the collection boxes thrust under their nose for a total yield of £62,000. I am going to show where much more than that can be obtained, and should be obtained.

I also have a cutting from *The West Australian* of the 30th September, which reads as follows:—

> Old Boys of Home Sought
>
> The Salvation Army is looking for its old boys.
>
> More than 5,000 boys have passed through the army's Nedlands Boys Home since the home was founded 50 years ago.
>
> Accommodation at the home has changed little through the years, and the army is now appealing for £100,000 to build the Hollywood Children's Village.

There is an appeal for a very worthy organisation, and it wants £100,000, and it is battling to obtain it. Another cutting from *The West Australian* of the 24th May, of this year, reads as follows:—

> Finding Homes for the Aged
>
> It can be many things but for most it means somewhere to live in comfort and independence.

Further on it states—

> Clearly, there is a need for more accommodation for the aged, particularly for those who cannot afford the donations asked for by the welfare organisations.
>
> State funds are stretched to the limit in a rapidly-expanding economy, but there are good arguments on moral grounds for allocating more money for housing the needy aged.

There is a very worthy cause which is battling for money. The heading for this next news cutting reads—

> Adults Must Help Youth—Police Chief

And the article continues—

> It was the duty of adults in the community to help provide activities and centres to attract the 14 to 18-year-old teenagers who did not belong to any youth group, Police Commissioner J. M. O'Brien said last night.
>
> He was speaking in the Perth Town Hall at the launching of the £100,000 State appeal of the Federation of Police and Citizens' Youth Clubs.
>
> "If we provide the money to allow the youth of today to give vent to their own ideas, emotions and feelings in suitable surroundings, we will go a long way to solving the problem of delinquency," he said.

With which I heartily agree. *The West Australian* of the 7th May, 1965, also contained this article—

> Facilities Needed—Leader
>
> Facilities are inadequate to cope with the prospective membership of youth clubs in Australia, according to a world vice-president of the Young Men's Christian Association, Mr. Ian McLaren, of Melbourne.
>
> He said in Perth yesterday that the association had about 50,000 members in Australia, but many more would join if they could be absorbed. The main problem was lack of finance.

Again, in *The West Australian* of the 13th March, 1965, we find this—

> Women Appeal For Funds
>
> An appeal to the sportsmanship of those who watch on television the Australian women's athletic championships held recently in Perry Lakes Stadium was made last night by Mrs. Gwen Chester, president of the W.A. Women's Amateur Athletic Association.
>
> But our attendances suffered accordingly, and now the association is faced with the difficult task of raising £500 to cover the deficit on the meeting.

That deficit was caused by bad weather. *The West Australian* of the 30th April, 1965, also contained an article extracts from which read—

> Home For Needy Is In Need.
>
> Nearly all are the children of broken homes and, for some, their cottage life at Parkerville is the only home life they have known.
>
> Some children have lived from babyhood to adult life at Parkerville. They may never have seen their real parents and call their cottage parents Mum and Dad.
>
> With a loss of £200 a week it has run £7,000 into debt.
>
> Like the children it cares for, Parkerville itself is in need.

So I could go on repeating the names and identities of these organisations which are established for very worthy purposes and are in dire need; and, whilst they are in dire need, we distribute £584,000 a year to the racing and trotting clubs. I submit the matter has become completely out of perspective and it is time we had some regard to a sense of values.

The actual turnover in off-course betting last year was £17,488,000. Obviously, gambling in Western Australia has increased, and the situation has now been reached where gambling off-course is very considerably greater than gambling on the course; so much so that the newspapers which once used to give the totalisator figures for on-course and off-course betting, first of all eliminated the giving of the figures separately for the gallops, but continued to give them for the trotting. More recently, however, they have ceased to publish them for trotting.

Now one is simply told that the total of off-course and on-course betting is a certain amount. When the newspapers published the separate figures it was easy to see how the turnover on the course was falling and the turnover off the course was substantially rising. Now the difference is so substantial that the authorities do not want us to know and so the information is not published.

Mr. Craig: That is not so. It would not be of a matter of convenience so far as the newspapers are concerned, would it?

Mr. TONKIN: How could it be a matter of convenience for them to publish the figures for trotting and not for the gallops?

Mr. Craig: It depends on what the newspapers want to publish.

Mr. TONKIN: At one stage it was possible to obtain both figures for trotting, although only one figure was given for the gallops, and I have noticed in more recent times that the total betting on the trotting now is greater than the total betting on the gallops, yet the gallops get a far bigger proportion of the money available. That is pretty hard to justify.

When the legislation was introduced it was never anticipated that the volume of betting would reach the heights it has now reached. As a matter of fact, if we look at vol. 2 of the 1960 *Parliamentary Debates*, on p. 1615 it will be found that the Minister announced that the expected turnover, when the whole State was covered by totalisator agency betting shops, would be £11,500,000.

Last year we reached a figure of almost £17,500,000—£6,000,000 more than the estimate. I mention that because the proposed distribution to the clubs was based on an ultimate turnover of £11,500,000. In 1960, the Minister had this to say—

> A substantial drop in turnover through the off-course totalisator as compared with off-course betting shops has been allowed for, because credit betting off course in totalisator regions will no longer be legal, and bets will be possible only in cash or against cash deposits or winnings held by the T.A.B.

No wonder the Minister smiles!

Mr. Craig: I am merely smiling at your interpretation of credit.

Mr. TONKIN: No wonder the Minister smiles at that; namely, that bets will be possible only in cash. However, I do not want to go into that question because it will be determined in the court before long. If we take the turnover of both the gallops and the trots for last year and subtract the £11,500,000 anticipated turnover, we get a surplus of almost £6,000,000. I say that the profit on that amount of money should not go to the racing clubs or to the trotting clubs. It would be no breach of faith to hold that because it was never anticipated that the turnover would go above the figure of £11,500,000, and if the profit on the excess were withheld and put to proper use it would be possible completely to eliminate every weekly appeal that is held, and give the organisations that are appealing more money than they are getting now and this would assist them out of their state of penury at no cost to the Government and with no breach of faith to the racing or trotting clubs, either.

In my opinion there would be at least £200,000 a year available from this source. Why should the W.A.T.C., one racing club, receive £288,000 a year? That is a tremendous figure! The country clubs last

year, in the aggregate, got £72,000. I have the latest report from New Zealand and Victoria and I propose to quote the comparative figures. In New Zealand the turnover is £31,835,559. That is almost double the turnover in Western Australia. The Government takes in taxation £2,976,625, and the total profit for the year, to racing and trotting clubs comes to £955,322, which is equal to 3.05 of the net turnover—approximately the same percentage as our own. The Auckland Racing Club, the largest in New Zealand, gets £78,438.

Mr. Craig: But how many meetings does the Auckland Racing Club hold every year?

Mr. TONKIN: It holds 15 a year.

Mr. Craig: And how many does the W.A.T.C. hold?

Mr. TONKIN: About 60 a year. Why should that make any difference when the actual turnover of the T.A.B. for the whole of the State is £17,488,000, from which the W.A.T.C. receives £288,000? Yet the premier racing club in New Zealand receives only £78,000 a year. I suggest that the W.A.T.C. could get along with substantially less.

Mr. Craig: Twenty per cent. of that amount goes to the country racing clubs.

Mr. TONKIN: No it doesn't! I took my figures from the report, which states that the W.A.T.C. now receives £288,311, and the country clubs £72,079.

Mr. Craig: I did not know you were quoting two separate sets of figures.

Mr. TONKIN: An amount of £72,000-odd is not 20 per cent. of £288,000, but it is 20 per cent. of £350,000, so the Minister is wrong.

Mr. Craig: I did not know you were quoting just the one separate figure. I said that the country clubs get 20 per cent. of the total figure, and you are comparing the Auckland Racing Club in New Zealand, which holds only half a dozen meetings or so a year, with the W.A.T.C.

Mr. TONKIN: No; it holds 15 a year. The next largest racing club in New Zealand is the Wellington Racing Club, and that receives £66,182, which is vastly different from £288,000.

We now come to Victoria. The turnover in Victoria has reached an astronomical figure. For 1965 it was £55,824,975. I will now give the distribution figures. To the Hospitals and Charities Fund £2,093,434 was distributed. Four per cent. on the net turnover was paid to the Government, which amounted to £2,232,997. The V.A.T.C., which is the largest club in Victoria—and which does not hold only half a dozen meetings a year either—receives £352,400, or some £70,000 more than the W.A.T.C. Surely there is no comparison between the premier Victorian racing club—in a State which is the home of racing—and the premier club in Western Australia! The V.R.C. in Victoria gets £225,015, or some £50,000 less than the W.A.T.C.

I suggest it is time the Government had a look at this situation. Surely there must be some point at which we stop pouring money into racing, and use some of it for some of these more worthy purposes. I would agree that the local racing clubs are entitled to the profit which is made on the programmes which they put on themselves. But I cannot see how they are entitled to profit from money which is obtained by the T.A.B. on events held out of the State.

If we limited the local clubs to the off-the-course betting profits made on the events they run, they would have no valid argument, because the amount they would receive would be comparable with that which was anticipated would be available for them when the Bill was first introduced.

But by dint of almost unlimited credit betting; by allowing betting to take place at mid-week country meetings in Victoria —like Cranbourne and Geelong—the T.A.B. has built up its gambling capacity in the State, and so it has increased its turnover. Why should all that money go to racing, worthy as some people believe it is, whilst these other worthy causes are battling for funds; having to go on the streets with collection boxes regularly; and having to open public appeals from time to time to raise money?

Why should they have to go on in a state of almost penury while we pour into racing more than £500,000 a year? I do not think it is right and proper that we should continue to do that, and it is time we took a serious look at the position. I am not one to advocate any breach of faith. The racing clubs and the trotting clubs sponsored off-course betting and they are entitled to a reasonable return from it; but the basis upon which I would calculate the return would be on the estimated turnover they expected at the time, and which the Minister informed the House would be ultimately reached; that is, on a sum of £11,500,000.

So let them have the profit on the anticipated turnover of £11,500,000; but give the rest of the profit—some £200,000 a year at least, and it will continue to grow —to these other causes. I would suggest that there ought to be established in Western Australia a kind of community chest with a board of trustees appointed. From that chest assistance could be given to the aged people for their requirements; to the youth clubs for theirs; to places like the Parkerville Home, and so on; and these worthy causes, which are now living hand-to-mouth, would have a regular income substantially greater than they have now;

and the racing and trotting clubs would still have a very reasonable amount with which to carry on.

But we have a situation where we are pouring into racing more than £500,000 a year—it was £584,000 last year. I would limit the amount to £400,000. I would split it up on a better basis than is now being done, because the trotting clubs have demonstrated that they are entitled to at least the same consideration as the racing clubs—the galloping clubs—on the volume of betting being done. Attendances have not been boosted on the courses; there has been very little increase there and the bulk of the betting now is obviously taking place off the course.

I suggest to the Government that we have lost our sense of proportion if we allow this to go on unchecked, because although it is just over the £500,000 mark now, it will keep on going up, and finally the racing clubs will receive £600,000, £700,000, or £800,000 a year, whilst these other organisations which I have mentioned as an indication, will be starving for funds and will be repeatedly having to appeal to the Government for assistance.

It is a shocking commentary on our sense of responsibility to keep on pouring this money out for the benefit of a handful of people. Let us draw a comparison between the number of people who go to the races and the number who attend a football match. Nothing is being done to provide a decent home for the footballers where tens of thousands of people go to get their enjoyment. We do nothing about that; but we pour in more than £500,000 a year to foster the gallops and the trots. To continue to do that is, I suggest, to completely lose our sense of proportion.

The CHAIRMAN (Mr. W. A. Manning): The honourable member has another five minutes.

Mr. TONKIN: It is time we took a very good look at the situation and determined what was fair and just in the circumstances. If we got down to the basis of what was anticipated when this legislation was introduced I think we could reach a reasonable figure for distribution without hurting anybody. The racing and the trotting clubs would have no ground for complaint if they received the profit on the amount of turnover which was estimated when the legislation was introduced, when they expressed themselves as being satisfied with the proposal.

We could very well limit it to that; and if we did there would be, as a commencement, £200,000 a year which could be directed to more worthy causes. I say without hesitation that there are very many more worthy causes than the gallops and the trots. With the right persons in charge to give consideration to the needs of youth clubs, amateur sport, homes for the needy, homes for the aged, and so on, I can visualise that a community chest set-up would do far more than the Lotteries Commission is doing. In any event it could aid substantially what the commission is doing. Who would suffer? It would not cost the Government a penny, because it is not getting the money now; so it would not be deprived of it.

Let me conclude by asking this: If it was reasonable for Victoria to provide, with the profit available after the Government got its cut, that £2,083,434 should go to hospitals and charities, why should not we provide something like that in this State, instead of providing for nothing and giving it to the racing clubs?

Before they distribute the balance in Victoria they say that the charities and hospitals must be looked after. The balance is then distributed in the proportions I have mentioned. It is true that the turnover in Victoria is substantially greater than it is in Western Australia; but we could deal proportionately with the amount that is available. I would strongly urge the Government to give serious consideration to this question, and not what it did before in respect of a suggestion which I made on a previous occasion. When I pointed out that racing and trotting clubs were not entitled to unpaid dividends which the Totalisator Agency Board was withholding, and that the money should go to the Old People's Welfare Council, the Government argued against the proposal in the first instance, but later on it introduced a Bill and took the money itself. That proves the argument that the clubs were not entitled to the money. When I first brought forward the proposal the Government argued that there was no need to make any change. I hope the Government will give some consideration to the proposals I have made.

Progress

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

House adjourned at 10.56 p.m.

Legislative Council

Wednesday, the 27th October, 1965

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