the point he is making is the subject of representation of the Trades and Labor Council under other pieces of legislation.

The Hon. D. W. COOLEY: We simply want the Bill to be deferred until such time as the Government is able to make an examination of the position. My research into this matter has been very limited. I have gone into only three or four Acts, but I can see some anomalies arising.

If the Government is agreeable to making an examination of the situation to ascertain there will be no anomalies with the passing of the Bill, we will be happy to let it go through without opposition.

The Hon. N. McNEILL: I have a list of some of the Statutes that are affected, but none of these comes under my jurisdiction. Mr Coolely wants some assurance from me that the Government will look into the situation. I will certainly convey his views to the Minister concerned with the administration of the particular legislation, but beyond that I cannot make any commitment whatsoever relating to possible changes of the Statutes affected.

Clause put and passed.

Clauses 5 and 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

PERTH MEDICAL CENTRE ACT AMENDMENT BILL

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [8.25 p.m.]: I move—

That the Bill be now read a second time.

In introducing this Bill I wish to advise members that only one amendment is proposed by the Bill; this is to extend the power provided under section 5 so as to make possible the excision of land on the Perth Medical Centre site for the purposes of roads in addition to the present power for excision of land for purposes of drainage.

Studies of traffic flow and estimates of future increases in traffic by the Subiaco and Nedlands City Councils show that it is necessary for Aberdare Road to be widened.

There is already a traffic hazard at the junction of Winthrop Avenue and Aberdare Road which cannot be rectified until existing Perth Medical Centre land is made available for roadworks.

Planning of buildings on the Perth Medical Centre site made provision for adequate land to be made available and the Perth Medical Centre Trust has agreed to the release of land for this purpose.

Both Subiaco and Nedlands City Councils have funds available to enable them to commence work immediately and the passage of this Bill will enable this to occur.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

House adjourned at 8.27 p.m.

Legislative Assembly

Tuesday, the 4th May, 1976

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

QUESTIONS (19): ON NOTICE

1. MENTAL HEALTH

Retarded Children: Accommodation

Mr DAVIES, to the Minister representing the Minister for Health:

(1) How many of the 15 profoundly retarded physically handicapped persons under the age of 18 years listed as being on the urgent waiting list at MHS in answer to part (4) of question 44 on 12th August, 1975, have since been accommodated?

(2) How many of that number were taken off the list for other reasons?

Mr RIDGE replied:

(1) Five with Mental Health Services; one with another agency.

(2) One deceased. There are still 15 on the urgent waiting list.

2. EXPLOSIVES

Storage

Mr TAYLOR, to the Minister for Mines:

(1) With respect to the explosives area at Woodman Point what alternative areas are available to receive, store and redirect explosives and associated materials?

(2) Has the Government any areas of land which may be suitable for the development of an alternative explosives area?

(3) If "Yes" where?

(4) If "No" has it any investigations in train at present in an endeavour to locate such a site?

(5) What is the estimated cost of resiting the explosives area?

Mr O'Neil (for Mr MENSAROS) replied:

(1) No suitable areas are available.

(2) No.

(3) Not applicable.

(4) Yes.

(5) No detailed estimate is available but a figure of $2 million may be taken as an indication of cost.

3. LAND SUBDIVISIONS
Charges: Averaging System

Mr TAYLOR, to the Premier:

When does he intend to implement his election promise to use private funds to introduce an averaging system into the charges levied against developers for the water, sewerage and drainage headworks they provide?

Sir CHARLES COURT replied:

Legislation is in course of preparation to facilitate the recoup of water supply, sewerage and drainage headworks costs to pioneer developers from future developers, who benefit.

In the meantime, considerable progress has been made in respect of the Government's policy to provide financial facilities to remove some of the anomalies that have existed in the past so far as original area developers are concerned.

4. STATE ELECTIONS, 1974
Expenses of Candidates

Mr CARR, to the Minister representing the Minister for Justice:

(1) How many candidates contested the 1974 State elections?

(2) How many forwarded returns of electoral expenses as required by the Act?

(3) How many indicated expenditure in excess of the permitted limits?

(4) What action, if any, was taken with regard to candidates who did not submit returns or who indicated they had exceeded the limits?

(5) Is the Minister satisfied that all candidates who submitted returns indicating expenditure within the limits, did in fact confine their expenditure to within those limits?

(6) Does the Government have any intention of either amending the Act to make limits more realistic, or to enforce the provisions more strictly?

Mr O'NEIL replied:

(1) 189.

(2) 183.

(3) 7.

(4) Cabinet agreed that no further action be taken on this occasion.

(5) The returns submitted by candidates are declared to be true in every particular.

(6) The matter is under consideration.

5. GOLD BUYERS ACT
Amendment

Mr T. D. EVANS, to the Minister for Mines:

(1) In the light of the Federal Government taking action to remove the restriction on private citizens holding or possessing gold, does he intend to introduce legislation to amend the Gold Buyers Act?

(2) If not, would he please explain how the certain provisions of the said Act, e.g., section 36, are compatible with persons now lawfully being permitted to hold gold?

Mr O'Neil (for Mr MENSAROS) replied:

(1) and (2) All provisions of the Gold Buyers Act are being examined with a view to ascertaining what amendments should be made in the light of the Federal Government taking action to remove the restriction on private citizens holding or possessing gold.

6. GOLD SPECIMENS
Display at Kalgoorlie

Mr T. D. EVANS, to the Premier:

(1) Would he please advise the dates when the gold specimens display owned by the State Government was made available for public viewing on the last two occasions in Kalgoorlie?

(2) Would he please give consideration to having this display again exhibited in Kalgoorlie under similar viewing and security conditions during this year's annual race round week, as an added tourist attraction, and in due course advise me of his decision?

Sir CHARLES COURT replied:

(1) June, 1968, and July, 1971.

(2) These gold specimens are of important geological significance and are irreplaceable. They are retained as a permanent record and sample of the gold types produced in Western Australia. Many are very frail and fragile and can be easily damaged in moving them for display purposes. For these reasons it is not desirable for the collection to be made available for exhibition, except on very special occasions.

In view of this I endorse the view of the Minister for Mines that we should await such an occasion.

Whilst the significance of the annual race round week is appreciated, I think the member would agree that there may be a more suitable time which we can reserve for one of the infrequent displays which can be permitted.

7. TOURISM

Commonwealth Grants

Mr T. D. EVANS, to the Premier:

(1) With reference to the answer given by the Minister for Tourism to question 75, 1st April, 1976, wherein it was indicated that advice had been received from the Fraser Government that such Government had decided to discontinue the programme of grants (vigorously pursued by the Whitlam Government) for the development of tourist attractions, has his Government protested to the Prime Minister concerning the decision to discontinue such grants?

(2) If so, when and with what result?

(3) If not, why not?

Sir CHARLES COURT replied:

(1) No.

(2) Answered by (1).

(3) It is the opinion of both Governments that the development of tourist facilities should be undertaken by the private sector, local government and the states, Commonwealth involvement being in the provision of general, rather than specific grants.

An exception could apply to a major project calling for substantial funds which justifies joint participation owing to its importance to tourism at the national level.

8. HIGHGATE SCHOOL

Works Timetable

Mr T. J. BURKE, to the Minister representing the Minister for Education:

Would the Minister please provide full details, including timetabling, of work to be undertaken at the Highgate Primary School during 1976?

Mr GRAYDEN replied:

Firm details of all programmes for the 1976-77 year will not be available until both State and Commonwealth Budgets are finalised.

9. NORTH PERTH SCHOOL

Works Timetable

Mr T. J. BURKE, to the Minister representing the Minister for Education:

Would the Minister please provide full details, including timetabling, of work to be undertaken at the North Perth Primary School during 1976?

Mr GRAYDEN replied:

No works are proposed for this school during the current year.

10. PEDESTRIAN CROSSING

Lake-Newcastle Streets Intersection

Mr T. J. BURKE, to the Minister for Transport:

(1) When is it anticipated some action will be taken by the Government to secure pedestrian safety at the intersection of Lake and Newcastle Streets?

(2) Would he please provide details of action proposed?

Mr O'CONNOR replied:

(1) Funds have already been authorised for this project. In February the City of Perth was given an advance payment and requested to expedite necessary road work.

(2) The project involves reconstruction of the intersection with provision of median refuge islands in all approaches. Underground conduits will also be included to enable incorporation of signal control when such is justified on a priority basis.

11. HEALTH

Cigarette Smoking: Warnings

Mr T. J. BURKE, to the Minister representing the Minister for Health:

Would the Minister please advise details of programmes undertaken by the Health Department to warn people of the dangers of cigarette smoking?

Mr RIDGE replied:

The Health Education Council has been very actively engaged in programmes to warn people of the dangers of cigarette smoking.

(1) In the modern social issues programme for high schools and community groups and in health education courses in schools of nursing and teachers' colleges.

(2) A wide range of publications.

(3) In special programmes on cancer for use by senior high school students, and other cancer education programmes.

(4) A stop-smoking course offered to the public.

(5) Talks and films for community groups.

12. COMMUNITY HEALTH CENTRES

Busselton and Mandurah

Mr DAVIES, to the Minister representing the Minister for Health:

(1) Have any "management committees" or the like been formed to assist with the running of community health centres at Busselton and Mandurah?

(2) If so, can the Minister advise the names of the persons on each committee, who they represent, and the functions of such committees?

Mr RIDGE replied:

(1) Neither Busselton nor Mandurah Community Health Centre has a "management committee" as such. However, both centres have an "advisory committee".

(2) The answer to part (2) consists mainly of a list of names and the composition of the committees in question. I have handed the list to the member.

13. ARMADALE HIGH SCHOOL

Classrooms

Mr BATEMAN, to the Minister representing the Minister for Education:

In view of the fact there are insufficient classrooms to cater for special students at the Armadale High School, will the Minister advise—

(1) Is it his department's intention to add another classroom to Armadale High School to cater for these special students?

(2) If not, why not?

(3) If "Yes" to (1), when can it be expected the construction will begin?

(4) If "No" to (1), will the Minister investigate this problem to ascertain the urgency of such construction?

Mr GRAYDEN replied:

(1) to (4) The teaching areas at the Armadale Senior High School are sufficient for the number of classes at the school, including the special class, and there are no plans to add further accommodation at present.

14. AUSTRALIAN DREDGING AND GENERAL WORKS PTY. LTD.

Blasting at Bunbury: Claims

Mr JAMIESON, to the Minister for Works:

(1) Is it true that the Australian Dredging and General Works Pty. Ltd., did not have insurance cover for its blasting operations in Bunbury as it was required by its contract with the Public Works to do?

(2) If it is true, when did the Government become aware of this and why did it not publicise this fact?

(3) If the company did have insurance cover, is that cover still operative, and if so, why is the company paying claims direct itself?

(4) How many claims for blasting damage by local residents are still outstanding?

(5) Have any claims been made directly against the Public Works Department?

(6) Has the PWD sought an opinion on its liability from Crown Law, and if so, when did it first ask for an opinion?

(7) If an opinion has been obtained, will the Government table the opinion and the case stated on which it is based?

Mr O'NEIL replied:

(1) and (2) Australian Dredging and General Works Pty. Ltd. had insurance cover for its blasting operations in Bunbury, in accordance with its contract, taken out by its brokers, Australian Insurance Brokers, with Century Insurance Co. Ltd.

(3) The cover taken out was a deductible insurance policy, with Australian Dredging and General Works Pty. Ltd. meeting a pre-determined amount for each individual claim met.

(4) 204 claims have been received. Cash settlements have been made in the case of 124 of these claims. Work is being carried out to repair damage in four other cases. In 13 cases offers of settlement have been made but not yet accepted. Forty-five claims have been denied without prejudice. Five claims are with insurers. The balance of 13 claims have either been denied originally and are now being reconsidered, or the claimants have refused offers or have withdrawn.

(5) No formal claims have been made directly to the Public Works Department. However, the department has received a letter from a

solicitor in Bunbury in connection with alleged damage to a number of houses owned by clients.

(6) The Public Works Department has not sought an opinion as to its liability. However, the Crown Law Department has been asked to advise the department in connection with the letter referred to in part (5).

(7) Not applicable.

15. LAND AGENTS
Area of Operations

Mr T. D. EVANS, to the Minister representing the Attorney-General:

Under what circumstances may an office purporting to be a land agents office transact business when the licence under which it operates is held by a land agent who is not resident in the area in which the office operates?

Mr O'NEIL replied:

Section 7A of the Land Agents Act provides for the establishment of a branch office and further that such office shall be under the control of a licensee or a person holding a certificate of registration as a land salesman and who has been registered as a land salesman for at least two years.

There is no limit imposed under the Land Agents Act on the number of branches that a land agent may operate nor is there a limit on the locality in which a branch may be established.

16. SOUTH KALGOORLIE SCHOOL
Sports Ground and Library-resource Centre

Mr T. D. EVANS, to the Minister representing the Minister for Education:

(1) Is the Minister in receipt of two letters dated 6th April, 1976, and 8th April, 1976, concerning upgrading the library and resource centre facilities at South Kalgoorlie Primary School and grassing of a playing area to serve this and other schools in the South Kalgoorlie area?

(2) If "Yes", in the light of these letters, will the Minister give the matters raised a higher priority?

(3) If (2) is "Yes" would he please elaborate?

Mr GRAYDEN replied:

(1) Yes.

(2) and (3) In view of the limited availability of funds for works other than new accommodation to house increasing enrolments, improvement works on the library cannot be undertaken. However, the building will be included in the next repair and renovation programme and some of the improvements may be included at that time.

No finality has yet been reached on the proposed effluent scheme to serve the schools in the South Kalgoorlie area.

17. SCHOOL BUS SERVICES
Recommendations of Committee

Mr MOILER, to the Minister representing the Minister for Education:

(1) What action has the Government taken to implement recommendations of the committee investigating school bus services in Western Australia and provided to him in April 1974?

(2) When will recommendation No. 16, which reduces the percentage of children permitted to stand in the bus from 50% to 20% be implemented in relation to the buses transporting children to Mt. Helena Primary School and Eastern Hills High School?

Mr GRAYDEN replied:

(1) Most of the recommendations have been implemented. The remainder are being implemented progressively.

(2) School bus services to the Mt. Helena Primary School and the Eastern Hills High School are under review to determine how recommendation 16 can be implemented as early as possible.

18. SCHOOL AT MUNDARING
Establishment

Mr MOILER, to the Minister representing the Minister for Education:

(1) Has the Mundaring Shire Council offered a loan to the Education Department or the Government in an effort to have a new primary school built in Mundaring?

(2) As that shire proposes to make portion of the loan funds available for the building of a new Mundaring Primary School, with the repayments of the loan being the responsibility of the Government, would the Government give genuine consideration to building a new school at Mundaring?

(3) If "No" to (2), will the Minister explain why not?

Mr GRAYDEN replied:

(1) No official offer has been made.

(2) On the possibility of the shire making the offer, the matter was investigated by the Treasury and has been rejected.

(3) The extra cost involved in servicing a local authority loan makes the suggestion unacceptable.

19. TRAFFIC

Mt. Helena School

Mr MOILER, to the Minister for Traffic:

(1) What action is being taken to relieve the traffic congestion in the vicinity of the Mt. Helena Primary School?

(2) What has caused the delay in having this work implemented if action has not commenced?

Mr O'CONNOR replied:

(1) and (2) Main Roads Department officers have discussed the problem on site with the school principal.

Appropriate parking restrictions have subsequently been forwarded to the Shire of Mundaring for concurrence prior to implementation. Advice from the shire is now awaited.

QUESTIONS (2): WITHOUT NOTICE

1. NATIONAL PARKS

Review Committee Report

Mr A. R. TONKIN, to the Minister for Conservation and the Environment:

(1) Will the Minister for Conservation and the Environment table the National Parks Review Committee report?

I understand that this was commissioned some years ago, probably during the time of the Tonkin Government.

(2) When was the committee established and who were the members of it?

(3) What alternatives to the recommendations were considered?

(4) What reasons were given for not adopting them?

Mr P. V. JONES replied:

(1) to (4) I thank the member for Morley for notice of the question. I table the review which he has sought. The answers to the other three parts of his question are contained within the review.

The paper was tabled (see paper No. 195).

2. STATE GOVERNMENT INSURANCE OFFICE

Royal Commission Report: Tabling

Mr HARMAN, to the Premier:

(1) Is the Premier aware that this year, 1976, the State Government Insurance Office will celebrate its fiftieth year?

(2) Is he also aware that on the 21st May this year the State Government Insurance Office will celebrate that occasion?

(3) Is he also aware that two years ago, in May, 1974, the Royal Commission presented to the Government a report dealing with matters affecting the State Government Insurance Office?

(4) In view of this very notable occasion will the Premier cease procrastination and table the report?

Sir CHARLES COURT replied:

(1) Yes.

(2) Yes.

(3) Yes.

(4) There has been no procrastination and, as I promised the honourable member, the report will be tabled in due course.

EDUCATION ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Grayden (Minister for Labour and Industry), and read a first time.

ACTS AMENDMENT (PORT AND MARINE REGULATIONS) BILL

Second Reading

MR O'NEIL (East Melville—Minister for Works) [4.49 p.m.]: I move—

That the Bill be now read a second time.

The Bill now before members is unusual in that it proposes to amend six separate port authority Acts, and in addition, the Jetties Act, the Shipping and Pilotage Act and the Western Australian Marine Act. The effect of the amendment on each Act is identical, although in respect of the Jetties Act and the Shipping and Pilotage Act there are additional clauses which I will refer to later.

The purpose of the amendments is to permit the port authorities and the Harbour and Light Department to incorporate by reference in regulations made pursuant to the various Acts any rules, regulations, codes, instructions, or any other subordinate legislation made under any other Act of the State or Commonwealth or the United Kingdom, or standards, rules, codes, etc., prepared by such organisations as the Standards Association of Australia, the

British Standards Institution, the Association of Australian Port and Marine Authorities, or similar organisations.

The great benefit which will arise from such amendments is that it will be possible to incorporate in the various Acts, without having to spell out in detail, complicated procedures for handling explosives, dangerous goods, inflammable substances, etc. Furthermore, when such codes are updated, it will not be necessary to go through the formalities required to amend the regulations as it is envisaged that the reference to the adoption of such procedures would provide for the updated codes to be applicable at all times.

Undoubtedly these amendments will result in substantial financial savings. Fewer reprints of regulations will be required. The Parliamentary Counsel's Office will also be saved the task of drafting detailed and comprehensive regulations covering complex procedures.

The first of the variations I referred to earlier in my speech occurs at clause 13. This clause is designed to incorporate in the Jetties Act the authority to make regulations in respect of handling of flammable liquids, explosives and other dangerous goods, and thereby overcome a defect which exists in the Jetties Act at the present time.

The second variation appears in clause 19. Paragraph (b) extends the authority under the Shipping and Pilotage Act to make regulations covering the handling, loading, and unloading of explosives and dangerous goods, thereby rectifying a defect which exists in that Act.

I commend the Bill to the House.

Debate adjourned, on motion by Mr T. H. Jones.

AGRICULTURE AND RELATED RESOURCES PROTECTION BILL

Second Reading

MR OLD (Katanning—Minister for Agriculture) [4.53 p.m.]: I move—

That the Bill be now read a second time.

The Agriculture and Related Resources Protection Bill is a major redrafting of the Vermin and Noxious Weeds Acts which currently provide for the control, prevention, and eradication of vermin and noxious weeds. The associated Agriculture Protection Board Act Amendment Bill deals with necessary amendments to that Act consequent on this redrafting, together with some amendment of sections necessary to update the Act to meet changes which have occurred since that Act was last amended.

The Agriculture and Related Resources Protection Bill establishes a new system of management and provides for amalgamation of the control, prevention, and eradication of vermin and noxious weeds. In the Bill the terms "declared plants" and "declared animals" are introduced to replace the terms "noxious weeds" and "vermin".

The existing Vermin Act was designed on a system of separate local vermin authorities with responsibility for the control, prevention, and eradication of vermin. The vermin authorities were empowered to raise funds by rating and to employ administrative, inspectorial, and operative staff to carry out their responsibilities. Subsequently the Act was amended to permit shire councils to assume the role of vermin authorities. Over 100 of these separate local vermin authorities still exist. Later the Agriculture Protection Board was established with Statewide responsibility but, nevertheless, the whole system with respect to vermin is still based on control by local vermin authorities.

In the past 40 years no vermin authority has carried out the total functions and duties clearly specified in the Vermin Act. Some have been keen and active in carrying out some of the duties and fallen short on others, and many other local authorities have done little or nothing.

The present Noxious Weeds Act places the control of primary noxious weeds under the Agriculture Protection Board with shire councils controlling secondary noxious weed legislation. The shire councils have taken little action to enforce weed legislation and the prime responsibility, as with vermin, has passed back to the Agriculture Protection Board.

The effect of the responsibility passing to the board has resulted in an undesirable degree of centralisation of decision making and the proposal in the new legislation is for the establishment of a number of zone control authorities supported by regional advisory committees which will have the responsibility to determine the approaches to be taken to "declared plant" and "declared animal" control in their areas. They will be supported by having permanent Agriculture Protection Board staff closely associated with them to ensure that, provided the policies they suggest are not contrary to the overall objectives of vermin and noxious weed control, these policies can be implemented by the control authority.

In this way decentralisation of control will be achieved and, hopefully, the dissatisfaction and criticism which is so often expressed with centralised control, will be reduced through the experience of being directly involved with the necessary decision making. It is emphasised that the Bill does not propose to reduce the local contribution to policy development through the repeal of the vermin board and shire council responsibility but rather aims at

providing an effective regional management system to replace the previously ineffective arrangements and, at the same time, retains the experience and knowledge of local people.

The Bill incorporates the provisions of the repealed Vermin and Noxious Weeds Acts. In particular it continues through into the new legislation the basic responsibility of the landholder for the control, prevention and eradication of "declared plants" and "declared animals". At no time should this responsibility be lost sight of as the costs of the Government accepting the overall responsibility would be prohibitive.

The Government has, however, accepted the responsibility for financing the costs of administration, inspection, research, and extension. Landholders will be primarily responsible for the operational work on their properties. The financing of this operational work has been a major source of discussion in the preparation of the Bill.

The original proposals provided for an overall State rate for this work. After much consideration the Government has decided against the imposition of a rate in agricultural areas to cover the cost of this on-farm operational work. Landholders, whether farmers or local authorities, will be charged directly in the agricultural areas for the work carried out on properties under their control. There is, of course, no compulsion on them to use the services provided by Agriculture Protection Board staff and they may elect to use private contractors or to carry out the work themselves if they are convinced that these alternative approaches are less costly or more convenient.

The nature of the pastoral areas requires organised community activity. It is therefore proposed that in the pastoral areas a rate based on the unimproved capital value of pastoral properties will be imposed. This approach has the support of the Pastoralists and Graziers Association. It provides for a rate up to a maximum of 4.5c in the dollar to be imposed with the actual rate, in the first two financial years, being limited to 3c in the dollar. This will involve a Government contribution in the first year of $345 000 and a higher contribution to meet rises due to inflation in the second year. In subsequent years the rate raised from pastoralists will be matched by the Government. This will involve a contribution by the Government estimated at $306,000 per annum if the maximum rate of 4.5c is imposed. Additional amounts that may be needed can be raised on the decision of the zone control authority through the provision of a zonal rate.

This rating should continue existing activity in the pastoral areas at around its present level. Effective control of declared animals must continue to include a major involvement of the pastoralists themselves. This is expected to be supported by pastoralists in view of their contention that vermin are their major problem.

The amalgamation of the control activities for declared plants and animals under one Act provides a framework within which the most efficient staff management can be developed. Current reorganisation of the staff has centred around developing a separate inspection and operational work force. It is emphasised that the objective of the board and the Government is to have the most efficient arrangement. It could be that alternative staff organisational arrangements will prove to be better in some cases, or perhaps even the majority of cases. The present situation which has been developed after a trial period should be given an opportunity to settle down and be tested for effectiveness.

In considering the staff situation it must be remembered that the Government's prime responsibility is for the inspection of properties to ensure that declared animals and plants are not permitted to establish and thrive to the detriment of the general farming community. It is the landholders' responsibility to carry out control or eradication. It is important that the Government officers do not become so involved in the operational control work on farms that their inspection responsibilities are neglected. This was the developing situation under the arrangements which existed before the staff was reorganised. On the other hand, it is recognised that staff need involvement and work satisfaction if morale is to be retained. I emphasise that the framework is established by the Bill and the precise arrangements which are developed in the future will be dictated by efficient use of the available staff resources.

Members will note that the Bill is divided into 10 parts which I will now deal with separately.

Part I covers clauses 1 to 7. Clauses 1 to 6 deal with the short title, commencement, object, construction, and arrangement of this Bill and the repeal of other Acts. Clause 7 outlines the definitions and interpretations used in the Bill. Most definitions are straightforward and are used in the present Vermin and Noxious Weeds Acts, but there are some to which I would like to draw attention.

The definition "control" is specific in regard to the category to which plants and animals are assigned, and outlines the measures that are required to be taken. Animals and plants in categories denoted as A2 and P2, respectively, are required to be eradicated. Plants in category P3 may need to be eradicated in a particular situation but in other situations measures approved by an inspector to reduce the numbers or distribution of these plants may be taken. An example would be with

a plant such as Cape tulip where there may be properties in a district with only a few plants, while other properties have larger infestations. Treatment aimed at eradicating plants on lightly infested properties will be implemented, but on other properties a control programme aimed at progressively reducing the infestation would be required.

A similar position exists with animals in the category known as A5.

Plants in category P4 would be treated in the same way as those in P3 except that the prime objective would be to prevent spread and contain the plants to a particular area.

Plants in the P5 category are those declared only in respect of public or local authority land where action as prescribed may need to be taken.

The definition of control in relation to animals in category A7 is particularly important as the category relates to animals such as kangaroos. Control here means that a management programme would be laid down and measures undertaken to manage and regulate the movement, numbers, and distribution of the animals. In effect, this means that an obligation does not exist to destroy all animals in this category present on a property, but a large range of measures can be taken in keeping with the need to preserve the species while at the same time protecting agriculture and its resources.

"Eligible person" is a definition which does not exist in the present Noxious Weeds and Vermin Acts. It has been included so that the eligibility for membership of regional advisory committees and zone control authorities, which will form part of the administration structure proposed under the Bill, can be defined. An eligible person in this sense is someone who is a member of a local council or a producer association.

"Producer association" is separately defined to mean the Farmers' Union of Western Australia (Inc.), the Pastoralists and Graziers Association of Western Australia (Incorporated), or any other body representative of the interests of persons engaged in primary industry.

Part II, dealing with administration, covers clauses 8 to 12. Part II contains the provisions of the present Act providing for the appointment of officers and inspectors, the delegation of powers to the chief agriculture protection officer and the appropriation of moneys for the administration of the Act. An addition is that deputy chief agriculture protection officers as provided in clause 9 may now be appointed, and these persons will be able to exercise the powers of the chief agriculture protection officer in his absence.

Members will note that the chief agriculture protection officer or the Chairman of the Agriculture Protection Board may appoint "authorised persons" under clause 11. These persons may be appointed for such situations as emergencies, or where temporary staff may be employed, and they are required to have power to enter properties and take action under this legislation.

Part III, relating to zones and regions, covers clauses 13 to 34. A major change in the administration of plant and animal pest legislation is provided by this part of the Bill. It is proposed that vermin boards be replaced by zone control authorities, advised by regional advisory committees, to decide on local control policies and programmes for both plant and animal pests, and to ensure their implementation through staff provided by the APB. The allocation of APB staff is in accordance with the Government's agreement to meet the costs of administration as well as inspection. The part is divided into three divisions.

Division 1, clause 13, in essence allows for the APB to divide the State into zones and further subdivide these into regions. Further, the Agriculture Protection Board has the power to define and alter boundaries, assign and alter names, and abolish both zones and regions.

Division 2, clauses 14 to 27, deals specifically with the establishment, functioning, and powers of authorities for the zones that have been constituted.

Clause 14 provides for the authority to have between six and nine members unless the Minister determines otherwise, and each region within a zone shall be represented on the authority by at least one member.

Clause 15 contains a number of subclauses relating to the appointment of the chairman, deputy chairman, and members of an authority. A board officer shall be appointed chairman of a zone control authority and this person may be chairman of one or more authorities at the same time. The reason for this is that a link will be established between the zones; also the chairman, who would be a senior board officer, will have direct access to the executive of the Agriculture Protection Board and the board itself. A member of an authority from either a council or producer association shall be appointed the deputy chairman of the authority to provide a local contact and reference point in the zone. The clause provides for the method of appointment of members to authorities when regional advisory committees have been formed for a zone which already has been subdivided into regions; or the zone has been subdivided but committees are not in existence; or the zones have not been subdivided into regions.

These three eventualities cover the situations that could arise in practice. Nominations will be called in each case for persons to be appointed to membership of the zone control authority. If no nominations are

received, the Agriculture Protection Board may appoint eligible persons to be members. Similarly, if nominations received for the two last-mentioned situations are inadequate to form a panel of names, the Agriculture Protection Board may appoint eligible persons to membership of an authority.

Clause 16 provides for the chairman to hold office until his appointment is revoked and for members of an authority to serve a three-year term on the basis that the term of one-third of the members shall expire annually. A retiring member will be eligible for reappointment. The board has the power to terminate an appointment of a member and to reappoint another person for the unexpired term of office.

Clause 17 provides for the Agriculture Protection Board to assign an executive officer to the authority and other staff as necessary.

Under clause 18 members of an authority shall be paid remuneration and allowances as the Minister determines.

Clauses 19 to 22 deal with matters relating to the validity of the actions of the authority, procedures at meetings, and records of proceedings; and all are in accordance with accepted practice. It is important to note that only members will have a deliberative vote at meetings and the chairman, who is an APB officer, will have a vote. This is in keeping with the thought that the authorities should act as independent bodies.

Clauses 23 to 25 provide for the Minister to dissolve an authority, appoint a commissioner to act in its place, and reestablish an authority in the event of a situation arising which makes this necessary.

The SPEAKER: Order! Would the Minister please resume his seat. I want to draw the attention of Ministers, particularly, and members who may introduce legislation to the fact that it is not appropriate to read notes regarding the detailed Committee workings of a Bill. This matter should properly be left to the Committee stage. If any points need elaboration in the second reading stage it is quite appropriate for them to be mentioned, but it is not really appropriate under the Standing Orders to nominate the detailed function of each clause.

Mr OLD: Thank you, Mr Speaker. I will endeavour to select those portions of the notes which I think are important.

Clause 26 is probably the most important clause in this division as it outlines the powers of zone control authorities. These are—

(a) to ensure the provisions of the legislation are efficiently carried into effect;

(b) to ensure, through its executive officer and other staff assigned to the authority by the APB, the efficient control of declared plants and animals within the zone;

(c) to formulate policies and schemes for control in the zone and to make recommendations on the implementation;

(d) to advise and recommend on the expenditure of funds within the zone allocated from general ratting and/or other funds.

The SPEAKER: Would the Minister also try to avoid mentioning the number of the clause?

Mr OLD: Yes, Sir.

Funds raised under the separate zone rating provisions will be spent for the purposes decided by the zone control authority.

The authority may delegate its powers to the executive officer for day-to-day activities and may also delegate to the regional advisory committee such of its powers as it so decides to ensure that the provisions of the legislation are carried out effectively.

The routine matters relating to the running and functioning of the committees are the same as in the case of zone control authorities; and members are also appointed in basically the same way. Provision has been made for a chairman to be elected from among members if the committee so desires. The powers of the committee will be to advise and to make recommendations to the zone control authority on all matters affecting the control of declared plants and animals in the region.

Formation of these authorities and committees is aimed at restoring local involvement in the control of declared animals and providing for active participation in the control of declared plants as well as using local expertise and knowledge. Advice will be obtained from committees and authorities at local level and policies and decisions will be formulated at this level. These in turn will be co-ordinated through the APB to provide for the maximum possible level of uniformity but at the same time allow for the special handling of local situations.

With regard to the declaration of plants and animals, the term "vermin" will be replaced with the term "declared animals", and "noxious weeds" with "declared plants". The replacement of the term "vermin" will remove the objections both in Australia and overseas relating to the use of this term in regard to the control of native animals such as kangaroos, which is necessary in some circumstances.

Declaration of a plant as a noxious weed has traditionally implied the need for total eradication. This may not be either possible or practicable. The term "declared

plant" has been introduced to get away from this association of ideas. Provision is made for different measures to be taken according to circumstances. This is the more realistic approach. Declarations may apply to the whole or a specific part of the State, generally or in particular circumstances, and a list shall be published in the *Government Gazette* each year.

The use of categories is a major departure from previous legislation and will allow for flexibility in measures to be taken and a clear definition of what is required. The categories in relation to plants have been designated as P1 to P5, with appropriate definitions. For animals the categories are A1 to A7, with appropriate definitions.

Part V deals with control of declared plants and animals on public, local authority, and private land. Provisions are basically similar to those existing in the present Vermin and Noxious Weeds Acts except that councils will now be responsible for control of vermin on roadsides. Previously, vermin control on these areas was the responsibility of the adjoining landholder, while local authorities were responsible for weed control. It is considered that by having one authority responsible for control a uniform approach will result and also the measures taken will be in accordance with other roadside management programmes.

The Agriculture Protection Board is authorised, through inspectors and authorised persons, to carry out contract operational work. Operational work may be done by agreement with a Government department, local authority, or private individual. Also the Agriculture Protection Board is given power to undertake operational work on public land from funds provided for that purpose. Special provision has been made for the protection board to undertake work on pastoral leases from funds provided from a rate in pastoral areas and held in a fund known as the "Control Fund".

Although the provisions of this division give the APB the power to undertake contract operational work, the basic responsibility for control will rest with the occupier of the land.

The Bill specifically provides that—

(a) In the financial years commencing on the 1st July, 1976, and the 1st July, 1977, the rate will be 3c in the dollar unimproved value.

(b) In the financial year commencing the 1st July, 1978, and financial years thereafter, the rate will not exceed 4½c in the dollar unimproved value.

A special zonal rate may be levied on the recommendation of a zone control authority to provide funds for operational work on pastoral leases in relation to the zone. The method of calculating the unimproved value of the pastoral lease is dealt with in the Bill. The unimproved value is defined as a sum equal to 20 times the annual rental. The rate will be collected by the State Taxation Department and normal provisions are made for the deferment and write-off of rates.

The proceeds of the rate will be held in the Declared Plants and Animals Control Fund—or Control Fund—referred to previously. In 1976-77 and 1977-78 a sum will be appropriated from the Consolidated Revenue Fund which, when added to the rate proceeds in those years, will make up the balance of the cost of control work on pastoral leases. A definite date has been set—the year commencing the 1st July, 1975—so as to provide a standard to which control should be undertaken. Subsequently in the financial year commencing the 1st July, 1978, and thereafter, a grant will be made from the Consolidated Revenue Fund to match the rate proceeds. The Bill provides for the costs of collection up to $10 000 or such greater sum as is approved by the Treasurer to be met from the Consolidated Revenue Fund. Collection costs in excess of this figure will be met from the Control Fund.

Management programmes for animals in category A7, such as kangaroos and other native animals, will be covered under division 7. A requirement is that management programmes be designed to ensure the movement, numbers, and distribution of the kangaroos, and regulated so as to achieve protection of agriculture and related resources, while also ensuring that the continued existence of the animals is not endangered. The programmes require the approval of the Agriculture Protection Board and shall be published in the *Government Gazette* and the Press.

Councils will have the power to assist, financially or otherwise, the occupiers of land with control measures. A number do so already with blackberry, Cape tulip and other control programmes and this will allow them to continue if they wish.

In order to prevent the introduction and spread of declared plants and animals division 1 relates to declared plants and contains provisions identical to the present Noxious Weeds Act. The power to deal with declared animals covers introduction and keeping of these animals as dictated by the categories to which the animals have been assigned. Special allowance has been made for the protection board to grant permits for the introduction or keeping for scientific or educational purposes of animals, which otherwise would be prohibited.

Part VII deals with the power of entry, the power to search conveyances and a number of legal procedures which need to be laid down for the legislation to be effective. The provisions virtually follow those of the present vermin and noxious weeds legislation.

Inspectors and authorised persons are given the power to enter upon land or premises on the land other than dwellings

or other places of permanent residence. Entry to dwellings or places of permanent residence requires a warrant to be issued by a justice. An owner of a dwelling may complain to a justice if, in his opinion, an inspector or authorised person enters and searches the enclosed garden or curtilage of a dwelling without reasonable grounds. These procedures have been accepted in other legislation such as the wildlife conservation legislation and without them action would be very difficult in emergency situations such as the escape or entry of dangerous pests.

The Governor may make regulations relating to general matters such as the manner in which nominations shall be made for membership of control authorities and regional advisory committees.

Specific regulation-making powers of the Governor in regard to declared plants and animals are laid down. The powers are based largely on those provided in the present Noxious Weeds and Vermin Acts.

A number of plants are presently declared secondary noxious weeds because of their nuisance value in urban areas. These plants may not necessarily be pests to agriculture and part IX allows councils to make by-laws requiring the plants to be controlled and giving the council power to take action for their control.

Part X provides for regulations under current legislation to remain in force until new regulations are made and for existing appointments to continue. All present accounts shall be credited to the APB fund which is mentiond in the APB Act. Vermin boards shall be dissolved and the assets and liabilities transferred to the APB. Any excess moneys from the disposal of assets shall be used by the protection board for operational work on private property in the former vermin board district. If a debt exists the Agriculture Protection Board may rate as if it were a vermin board to recover the outstanding money.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

AGRICULTURE PROTECTION BOARD ACT AMENDMENT BILL

Second Reading

MR OLD (Katanning—Minister for Agriculture) [5.22 p.m.]: I move—

That the Bill be now read a second time.

This Bill will amend the Agriculture Protection Board Act and relates to the Agriculture and Related Resources Protection Bill now before the House.

The present Act provides for the establishment of an Emu and Grasshopper Advisory Committee to advise the board on control policies relating to these species. Although of assistance in its initial stages, the committee has not met since 1959 and will be abolished by this Bill

The Bill allows for the Agriculture Protection Board to resell equipment purchased or materials manufactured or purchased at a price to cover administrative charges, including an additional amount which will be set aside in a reserve account. The latter is an additional power and is necessary for the replacement of plant and premises associated with such projects as the board's bait manfacturing factory.

The board's present borrowing powers to meet emergency situations are limited to $200 000; the Bill increases the limit to $500 000 so as to keep such borrowing powers in relation to inflation movements.

The present Act allows the board to make advances of money to vermin boards and local authorities for control purposes. The Bill deletes reference to vermin boards as the provision to establish these will no longer exist, and at the same time extends this power thus enabling advances to be made to other bodies or persons.

The Bill provides for the Agriculture Protection Board to determine conditions of employment, subject to Public Service Board approval; the employment of staff and creation of positions will also be subject to Public Service Board approval.

Other revisions have been made, such as deleting reference to the Vermin Act and the Noxious Weeds Act in order to conform with the repeal of these Acts and the introduction of the Agriculture and Related Resources Protection Bill.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

ROAD TRAFFIC ACT AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Traffic) [5.25 p.m.]: I move—

That the Bill be now read a second time.

This is only a small Bill and it introduces two separate amendments to the Road Traffic Act, the first relating to motor drivers' licences issued on probation, and the second to the penalty provisions of the Act where a driver or person in charge of a vehicle may not comply with a request of a patrolman to weigh a vehicle or load.

In respect of the first amendment, research has recently been conducted by the Road Traffic Authority in consequence of a recommendation by senior patrol officers that the system be abolished or at least modified as it no longer has any real benefits.

Members may be aware that the probationary system as it stands places new licence holders on a three-year probationary period which provides for a cancellation of the licence for a minimum period of three months for a variety of prescribed offences. Additionally, they are restricted to a speed limit of 80 km/h for the period of their probation and are required to display "P" plates on the vehicle they are driving for the first 12 months.

In considering the recommendation I have taken several factors into account, not the least of which is the number of cancellations and consequential necessity to retest probationers before a further licence is issued. This creates a considerable work load on Road Traffic Authority staff.

Unquestionably, young drivers are overrepresented in both accidents and driving offences and my attention has been drawn to the fact that probationary drivers represented 13.5 per cent of all licensed drivers and were the recipients of 31.6 per cent of summonses issued for traffic offences. Additionally, drivers aged 17 to 20 years, who comprise approximately 10 per cent of all drivers are reported to have sustained approximately 25 per cent of the total casualties, so their vulnerability to accidents is quite marked. It is believed that this is, to some extent, caused by two factors—

(a) greater exposure in terms of vehicle miles driven; and

(b) greater exposure of this group to hazardous driving times which are late nights and weekends;

Also by the fact that they form the majority of motor cyclists.

In support of the recommendation it is pointed out that authorities in New Zealand have come to the conclusion that probationary licences have little or no effect on the accident rate, and that the probationary system was serving no useful purpose and they have recommended its abolition.

The "P" plate provisions which require all probationary licence holders to display the plate during the first year of their holding a licence are to be retained and this will mean that the probationary term and the requirement to display the "P" plates will expire at the same time.

If the period of probation is reduced from three years to one year it is felt that, if the probationary system has any benefit at all, it is in the first 12 months of driving and its effectiveness is less marked in the following two years of driving. This reduction would ease the work load of the Road Traffic Authority as far as the re-issue and retesting of cancelled licences is concerned.

It will also be noted that this amendment introduces a new term in respect of drivers' licences—this term is an "unrestricted licence" and it simply means a driver's licence not issued on probation.

All previous drivers' licences issued on probation would be affected by the new provisions.

The second matter which the Bill introduces results directly from the difficulty now encountered by patrolmen in the event that a driver refuses to allow his vehicle or load to be weighed. The present penalty for refusing to weigh is a fine of $100 which, it has been found, is preferred in order that an excess load, worth many times that amount, may proceed without hindrance. Repair of the resultant damage to roads and roadworks, particularly in remote areas, can be extremely costly.

It is believed that a more effective control could be achieved if a refusal to weigh incurs an economic disadvantage and this is the reason for the amendment which would provide a maximum penalty of $500 for a first offence and a $1 000 maximum penalty for a subsequent offence.

An additional incentive to allow the vehicle to be weighed is contained in the Road Traffic (Vehicle Weights) Regulations 1975 which provide a maximum penalty of $500 for the offence of overloading, it being reasonable to assume that a driver would opt for the lower penalty.

An alternative to an increase in penalties would be to empower patrolmen to drive-weigh the vehicle. However, there are problems with this in the event of any damage being caused to the vehicle and/or load, or the driver claims a malfunction of the clutch or gears. A further difficulty would be the case of a driver refusing to hand over ignition keys. Therefore, a recommendation has been made for an increase in the area of penalties.

I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Second Reading.

MR O'CONNOR (Mt. Lawley—Minister for Transport) [5.31 p.m.]: I move—

That the Bill be now read a second time.

Section 77 of the Government Railways Act provides that any permanent employee of the department who, because of misconduct has been fined, regressed, dismissed or transferred by way of punishment, may appeal against the action taken against him through an appeal board.

The board is constituted in accordance with sections 78 to 84 of the Government Railways Act and consists of a chairman,

a departmental representative, and an employees' representative. Each is appointed for a three-year term.

The employees' representative is elected from the employees, and to meet this requirement the department's staff is divided into five occupational groups. Each group has the right to nominate a member, a deputy member, and a substitute member to provide a representative on the board when it deals with an appeal from that particular work group.

When more than one nomination is received for any position an election is held. The election is conducted by the Chief Electoral Officer in conjunction with departmental resources and all costs are met by the WAGR. Each election and by-election costs the department $700 and since 1968 three general elections and six by-elections have been held.

There have been recent instances where no nominations have been received for positions on the board and this legislation is being introduced to amend sections 78 to 84 of the Act to avoid this situation; also to reduce the cost of conducting elections by providing for the unions concerned to nominate the employees' representatives on the board.

For other boards, such as the Promotions Appeal Board and boards of reference, the unions simply nominate representatives without holding an election and there is no reason that they should not do the same for the Railway Appeal Board.

I recommend this Bill to the House.

Debate adjourned, on motion by Mr McIver.

COAL MINES REGULATION ACT AMENDMENT BILL

Second Reading

MR O'NEIL (East Melville—Minister for Works) [5.34 p.m.]: I move—

That the Bill be now read a second time.

The principal Act which this Bill proposes to amend relates to the inspection and regulation of coalmines. In respect of management, supervision, and the certification of officials, the Act is oriented to underground mining.

However, approximately 66 per cent. of the total coal production at Collie is won by open-cut methods, so it has become necessary to give consideration to officials being employed in open-cut operations and to the board of examiners constituted under the Act.

The proposals contained in the Bill, therefore, relate primarily to certificates of competency and the board of examiners while consequential and minor amendments are also included.

Three certificates of competency are provided for under the Act—

(i) The first class certificate of competency;

(ii) the second class certificate of competency; and

(iii) the third class certificate of competency.

These certificates are for managers, undermanagers and deputies, respectively, so it is proposed that the names of the certificates be amended to make them more indicative of their respective purposes—

(i) The first class mine manager's certificate of competency;

(ii) the second class mine manager's certificate of competency; and

(iii) the third class or deputy's certificate of competency.

To qualify for the issue of any one of these certificates an applicant must have had previous experience in underground coalmining.

However there are men in the industry who are well experienced in open-cut mining but are unable to progress to supervisory and managerial positions because they have little or no underground experience and therefore cannot qualify for the necessary certificates of competency.

Accordingly then, to accommodate such personnel it is proposed in the Bill to introduce two new certificates—

(i) The open-cut mine manager's certificate of competency; and

(ii) the deputy's (open-cut) certificate of competency.

The two new certificates will be issued on a lesser standard than the corresponding existing certificates, but whereas the existing certificates have application to both underground and open-cut operations, the application of the new certificates will be restricted to open-cutting.

The Bill provides for the qualifications and practical experience on which the respective certificates will be issued and also the duties and responsibilities of persons being appointed to positions appropriate to the respective certificates.

With the question of safety in mind, it is appropriate when considering duties and responsibilities of officials, also to provide that senior officials shall be relieved during their absence on leave or due to sickness by persons holding a certificate that is appropriate to the position involved. This is proposed in the Bill.

Currently a general manager or superintendent of a group of mines may be appointed only if he is the holder of the first class certificate. It is proposed that this provision be extended to include the holder of the new open-cut mine manager's certificate if the mines to which he is being appointed are restricted to open-cut operations.

While on the subject of certificates it also is necessary to consider the issue of certificates in reciprocity to applicants holding certificates issued by other authorities.

The Act empowers the board of examiners to issue certificates in reciprocity when it is satisfied that the certificate on which reciprocity is claimed is equivalent in all respects to the certificate applied for.

This implies that, inter alia, the applicant must have had practical experience appropriate for the issue of the particular certificate under ordinary circumstances, but one exception is proposed.

The exception is in respect of the new open-cut mine manager's certificate of competency. It is to be provided that under the normal issue of the certificate an applicant will be required to have had at least three years' practical experience in open-cut coalmines, or at least two years if he is the holder of a degree or diploma in engineering, but when the certificate is being issued in reciprocity, this is not to be required.

The reason for this is that open-cutting involves much the same engineering principles irrespective of whether it be on a coalmine or any other type of operation, and therefore it is considered that if an applicant is sufficiently experienced in open-cutting generally, it is not essential for him to have had specific experience in an open-cut coalmine.

Turning now to the board of examiners, at present the Act provides that the board shall be constituted by three members appointed by the Governor.

It has been almost traditional that the three persons appointed are those for the time being occupying the positions of the Chief Coal Mining Engineer, the senior departmental inspector and the Director, Geological Survey.

However it is considered industry should be represented on the board, so in the Bill it is proposed that the board shall be composed of—

(i) The Chief Coal Mining Engineer (Chairman);

(ii) the senior departmental inspector; and

(iii) a person holding a first class mine manager's certificate of competency appointed by the Minister on the nomination of the Association of Colliery Management,

and when the board is assessing the experience qualification of a candidate—

(iv) a person appointed by the Minister on the joint nomination of the Collie Combined Mining Unions' Council and the Australian Collieries Staff Association, Western Australian Branch.

The proposals include particulars relating to the board—for example, that it may approve or refuse the issue of a certificate, that members may appoint deputies, what will constitute a quorum, the chairman to have a casting vote, etc., and also to rules for the conduct of examinations.

Consequential to the proposals I have mentioned, it has been necessary to include new definitions and amend others.

Several other matters are dealt with in the Bill. It is proposed to clarify the position with regard to first aid requirements, and to this end the Bill provides that it shall be a condition precedent to the issue of any certificate of competency that the applicant shall have an appropriate certificate in first aid.

The Act at present prevents unnaturalised workers from voting at an election of a workmen's inspector. It is considered that an inspector is concerned with the safety of all workers and therefore it is proposed that the bar be removed and the right to vote at such elections be extended to all workers.

It is proposed that general penalties be increased to be more in keeping with present day money values.

It is proposed that the audit of the Accident Relief Fund be made on a 12-monthly rather than a six-monthly basis. The reason for this is that the audit is being taken over by the State Audit Department and its officers visit Collie on only an annual basis and the audit does not warrant special visits being made.

Minor amendments are proposed which amount only to "tidying up" provisions.

Finally, the proposals have been discussed with management and the unions and general agreement has been reached except on the question of practical experience in open-cut coalmining not being required of an applicant for the issue in reciprocity of the open-cut mine manager's certificate of competency.

I commend the Bill to the House.

Debate adjourned, on motion by Mr T. H. Jones.

LAND TAX ASSESSMENT BILL

Second Reading

Debate resumed from the 1st April.

MR JAMIESON (Welshpool—Leader of the Opposition) [5.43 p.m.]: In the main, the Opposition agrees to this legislation which relates to an Act on the Statute book which has been constantly amended since 1907 and which in anybody's language has become a little outdated. However, we cannot agree with all the propositions contained in the Bill and I suggest the Treasurer should have another look at some of them.

The measure contains a number of proposals and I will deal with those I consider to be objectionable as I progress through my speech. It is of interest to make comparisons with the situation in the Eastern States, particularly in relation to land valuation and the proposed amendments to the Act.

At this point, I raise issue with the Treasurer that he did not indicate either in his explanatory notes or his second reading speech what period is proposed should apply between valuations. The Treasurer says it will be "at regular intervals"; however, that does not imply much at all. It is this sort of phrase which gets Governments into trouble from time to time. When land has not been revalued for some time, a huge increase in valuation is suddenly imposed, due to inflation. The Opposition would like a more specific idea of what the Treasurer intends in this regard.

In view of the shortage of valuers in this State I doubt whether we can effect revaluations at intervals of less than three years. It would be more like five-year periods. Having that in mind one wonders why the Treasurer does not adopt a system similar to the one adopted in South Australia last year when that State introduced an equalisation scheme.

South Australia applied an equalisation factor to all areas which had not been revalued recently. That is in line with the need to keep up with inflation. That method is based on a set formula. Such a system is more desirable than one under which great increases in values would occur with periodical reviews. This system would be tantamount to a gradual indexation of land tax valuations, and it is preferable to the proposal we have before us.

This is one of the vital aspects which we must examine in order to ascertain whether the proposal will benefit the public by passing the Land Tax Assessment Bill, which according to the Treasurer will result in a saving of $1.6 million to the public. As against that, in time the proposal put forward by the Treasurer might have some disastrous effect on landowners who are not prepared to meet huge increases in valuations.

With modern trends we should be looking at some permanent form of revaluation. It is interesting to note that under the Bill it is proposed that we adopt the unimproved value or site value method for all valuations in the future, and we will have one rate of tax. That matter is dealt with specifically in another Bill.

There are some problems associated with this, and they require further explanation. One of them relates to people who are granted exemptions which differ from Act to Act. If we start to alter the exemptions in taxation Acts we will have to look at not one Act, but a whole multitude of Acts, such as the Local Government Act, the Metropolitan Water Supply, Sewerage, and Drainage Act, and the Country Areas Water Supply Act. All these Acts contain specific types of exemptions. Unless we attend at the one time to all the Acts that are affected we will confuse the public. Some of the bodies that have been confused appear to be rather upset, because the Bill seeks to impose a tax on certain bodies which previously had not been subject to this tax.

In respect of exemptions, I do not think that endowment lands granted to universities, tertiary institutions, and similar bodies should be subject to tax. Despite what the local authorities might say, the reason for making such endowment land available was not necessarily that the land be used by the universities or tertiary institutions; the land was made available to enable those bodies to raise the finance that is required to run them, and for that reason many years ago endowment lands were granted under the relevant Act.

This endowment land has been held by the bodies to which the land was made available, and over the years gradually the land has been disposed of, as was the case with the land held by the University of Western Australia. The university has sold some of it to enable it to raise the necessary finance for its activities. Such exemption to these institutions should not be terminated. I know that under the proposals in the Bill they are given up to 1978 to tidy their affairs, but it appears to me that what is proposed is not desirable. The reason those bodies were given the endowment land was to enable them to hold the land so that later on they could dispose of it and raise finance to conduct their affairs. By that means there would not be a need for them to dip into the public purse.

Nowadays tertiary institutions are financed more and more by Commonwealth grants, but despite that I see no reason why the plums that were given to them years ago to enable them to raise finance for improvements and additions to the campuses should be subject to some form of taxation. Under the proposals in the Bill, in some instances the rate of tax is to be 50 per cent of the full tax, and in the case of leased land the rate is to be the full tax. If land is leased, the position could be covered under the terms of the lease.

It is interesting to note that in the other States many more organisations are exempt from land tax, than are proposed under our system. In New South Wales the exemptions range from Crown land to council areas. Turning to council areas, some local authorities, particularly the Perth City Council, still have endowment lands. If the University of Western Australia and tertiary institutions are to be taxed for the land they hold, then I suggest the lucrative return derived by the Perth City Council from its endowment lands should be looked into, and a decision should be made as to whether such return should be free from tax.

Possibly such local authorities are better able to look after their affairs because of their ability to rate the landowners, than

are the universities and tertiary institutions which generally are struggling to raise the finance they require. If it is the intention of the Government to tax such land held by local authorities, it should make mention of the fact that when this land is sold—as was the case of the land auction last Saturday when the blocks were sold at prices which were not expected to be obtained when the land was granted to the local authority many years ago—it should be subject to tax.

Dealing with the land tax exemptions in the various States, in New South Wales besides the exemption on Crown lands and council lands it is also granted to any public authority. A public authority is defined as any board with five commissioners of New South Wales, and includes the Broken Hill Water Board. The bodies exempted include a considerable number of instrumentalities such as hospitals; charitable, child welfare, and educational bodies; religious institutions; industrial organisations including trade unions, and employees' and employers' bodies; Aboriginal lands; nonprofit societies; and cemeteries and crematoriums.

No doubt the cemeteries and crematoriums in Western Australia governed by public Acts would be given exemption. Other bodies exempted in New South Wales include public gardens, friendly societies, health benefit organisations, building societies, Anzac House, and primary production land, etc. In Western Australia we also have exemption for primary production land.

It is of interest to compare the exemptions in Victoria on the same basis. It appears that Victoria has adopted a system which is somewhat akin to the system we have. In that State all primary production land is exempted except land which is within the borders of the metropolitan area and also land with an urban type of zoning. Exemption applies only if the owner personally farms the land and his principal occupation is farming.

General exemption applies to land that does not qualify as residential land, and has a total site value of $9 000 but not exceeding $13 500. In Victoria there are more exemptions granted. There is exemption on the basis of finance and not on area, and with this aspect I shall deal later.

It would appear that partial exemption from land tax is granted to nonprofit organisations such as clubs, educational institutions, sporting bodies, etc., at a fixed rate that is determined under the Act from time to time. In Victoria valuations are made each year by the shire bodies by either contracting or employing land valuers. That State uses these valuations as the basis of taxation. More regular reviews of valuations take place in Victoria, and I think that is very desirable. We should rely on regular revaluations that have been made by valuers. In Victoria exemptions are granted on residential land, and this is a financial exemption and not one based on the size of a block.

In South Australia partial exemption is available to various nonprofit organisations which hold land for the following purposes—

Sporting
Racing
Ex-Servicemen and dependants' associations
Employer or employee industrial associations
Community recreation
Agricultural shows and exhibitions
Hospital buildings

I would like all these types of exemptions to be mentioned so that we may have an idea of where we are going in Western Australia when we bring in other categories which previously had not been subject to tax.

In Queensland all rural land used for the specific purpose of primary production with a total unimproved value not exceeding $60 000 is exempt from land tax. Conditions for exemption in this case also demand a resident farmer who determines his full income from the land. No exemption is granted to companies or absentees. I think this is a good idea, and we should make a similar provision in Western Australia. In Queensland an absentee is defined as a person owning land in that State and residing outside Australia.

In Tasmania no exemption is granted if the total unimproved value exceeds $25 000. At that level the full rate is applied. It is on a basis of valuation, and this is the factor that governs exemptions. In that State partial exemption from land tax is granted to nonprofit organisations such as churches, charitable institutions, hospitals, rest homes, schools, sporting clubs, etc., at a set rate. Valuations are made by the Valuer-General every five years. So, this is the basis of valuation in a fixed way.

In Western Australia we have not been given any indication as to when it is anticipated valuations will be made. In respect of exemptions I would like to refer to the provision governing two-hectare lots. This seems to me to be a cockeyed way of granting exemption. However, the Treasurer did indicate that he had given some undertaking about this in the last election campaign; he was referring to the exemption on five-acre lots.

I have heard many complaints made in the Perth area. It has been said that many pensioners hold blocks of 15 to 20 acres on which they have built a shed, planted a few trees, constructed a small

home and run a few cows. As I understand the position such people will be granted an exemption in respect of five acres of the land they hold, but tax will have to be paid on the balance. Previously, these people, being pensioners, were exempted in respect of the whole area.

The Treasurer has dismissed these complaints by saying that most of the pensioners would not require the pensioner exemption, because most of the blocks would not be more than five acres in area. I agree, but there are exceptions. He was inclined to believe that some of these people would build palatial homes on large estates, under this exemption provision. It is probable that there are fewer people in that category in the Perth metropolitan area than there are people who own 10-acre lots.

Because of town planning regulations there is no way by which people can dispose of part of their land when they live in a region where the minimum size of the lots is 10 acres. Some of the lots cover 15 acres. So, I suggest this matter requires far greater examination than has been given to it by the Treasurer.

It is interesting to note the tax paid by taxable landowners in the various States. By comparison, the landowners in this State are on a fairly low scale even though it is hard to compare one State with another because the rates of tax vary. For instance, in South Australia 77.1 per cent of the landowners pay tax, whereas in Western Australia, in the present situation, 17.53 per cent of landowners pay tax. I do not imagine that the new scale will be much different because all landowners are owners of taxable land.

By comparison, the tax paid per taxable landowner in New South Wales is $1 007.50; in Victoria the figure is $748.14; in South Australia it is $47.77; in Queensland it is $629.48; in Tasmania it is $55.16; and in Western Australia it is $214.47.

In New South Wales land with unimproved value not exceeding $30 000 is exempt from tax. In Victoria the exemption is $9 000 on the unimproved value; in South Australia it is $1 700; in Queensland it is $20 000, and in Tasmania it is $2 000. South Australia has a very low rate of tax, as has Tasmania, although Tasmania is somewhat higher in the amount of tax paid per taxable landowner.

It can be seen there is a great variation between the States in the method of applying land tax. It is something which I think will cause us to run into problems in the ultimate when we have our new federalism. At that stage we will be looking for some means of getting more money from land tax and will probably do something along the same lines as New South Wales and Victoria. I suggest that we have not heard the last of this particular Act.

There has been some criticism with regard to the taxing of tertiary institutions. I have no doubt that we will hear loud and clear protests from those institutions before long. The intent of the legislation does not seem to have got through to them as yet but I suggest that before long those affected will be chasing the Treasurer wanting to know why he did not give them more consideration. I would like to know whether the Treasurer consulted the institutions before he ventured into this type of taxation.

I would like to know also why the Treasurer has disregarded the suggestions of the committee of inquiry into rates and taxes. The report of that committee was tabled, or made available, last year. The committee suggested many amendments which have not been incorporated in the present Bill, and it made particular reference to another form of tax with which we will be dealing later. It seems that these matters require further negotiation with regard to the intention of the Government.

I would like to hear comment from the Treasurer, specifically, on the possibility of adopting some form of equalisation. It is most necessary to do something in this regard in order to keep valuations up to date. For various reasons, a period of many years passes before revaluations take place. Unfortunately, in such cases the vast increases cause much heartburning.

I do not agree with the Treasurer that the previous method of taxing, which was aimed at forcing land onto the market, had failed. That method cannot be judged because there was so much money around that the extra costs associated with subdivisions were passed on to the purchasers. The method could be judged only after a period of some time. I doubt very much whether the proposed method will improve the situation because land will not be any cheaper than it would have been had a change not been made. I do not believe new landowners will benefit, but that is a matter of one's own judgment. It is hard to know exactly what will come of the proposed system. I think that concluded my remarks on the matter.

The liability for land ownership will be land owned at midnight on the 30th June each year. The methods of assessing land tax are clearly set out in the Bill. Other provisions associated with land tax remain unaltered.

I do suggest that clarification is needed with regard to the basis for exemption. It does not seem to have been applied in any other State. The Government has not come to grips with it at all. It seems exemption will be on a financial basis rather than on the basis of area of land.

I agree that it was necessary to tidy up the Act and to bring it up to date. There will be objections to certain features of

the Bill and no doubt the Government will have to face up to those objections when they arise.

The metropolitan region is not defined clearly enough to enable us to know whether or not it will be a guiding factor with regard to taxing valuations. More consideration is necessary in this regard. I am disappointed that these aspects were not defined more clearly in the new Bill. However, the provisions of the new Bill are far better than those in the old Act, which has run out of time.

We give the measure qualified support. We support the second reading and look forward to some explanation from the Treasurer on the aspects I have raised during the course of my remarks.

MR MOILER (Mundaring) [6.10 p.m.]: I want to support briefly one or two of the comments made by the Leader of the Opposition and, in particular, I want to comment on that section of the Bill which provides that pensioners, resident on land larger than two hectares in area, will be required to pay land tax for the area over and above two hectares.

A number of pensioners in my electorate have for many years occupied homes on land greater than two hectares in area. Those people were able to defer their rates and taxes under the provisions of the Local Government Act.

Mr Jamieson: They were completely exempt in the past.

Mr MOILER: I believe that situation should be continued. A pensioner should be entitled to exemption from land tax. Under such a scheme the Government is not giving anything to the pensioners; it is merely allowing them exemption until such time as they either sell their land, vacate it, or pass away. At that time deferred rates and taxes become a cost on the property and are recoverable by the Government.

I can see no reason that those provisions should not continue. In his policy speech the Treasurer claimed it was the intention of the present Government to help those on fixed incomes—the retired people who were not in receipt of full pensions. He said it was the intention of his Government to help those people. However, the present Government has already excluded from the exemption provisions of the Local Government Act those who do not receive a 100 per cent pension. Those people can no longer defer their local government rates.

We see now that pensioners who do not receive a full pension will be required to pay land tax. I refer to all those who own and occupy an area of more than two hectares. I would like the Treasurer to clarify that point and have a second look at it in an attempt to continue the system which existed in the past whereby pensioners had the right to defer rates and taxes. The pensioners would be receiving only that which they rightly deserve.

I would like the Treasurer also to clarify the position regarding clubs and societies which operate for the benefit of the community and provide sporting facilities on recreation reserves. Government reserves often are vested in local authorities and then leased to clubs or societies for recreational purposes. Is it the intention of the Government that those groups of people will now be required to pay land tax? If that is the intention of the Government I believe it to be quite wrong.

Sitting suspended from 6.15 to 7.30 p.m.

Mr MOILER: Before the tea suspension I raised two matters on which I sought further clarification from the Treasurer when he replied to the debate. One issue on which I sought clarification concerned nonprofit organisations such as sporting clubs or bodies of that kind which operate mainly or entirely for the benefit of the community they serve.

Mr Nanovich: Does the Bill say that?

Mr MOILER: I do not think the honourable member would know.

Mr Nanovich: I do not know what you are talking about.

Mr MOILER: I assume the honourable member will merely agree with all the Treasurer has told him, and unless he is prepared to debate the issue I suggest he keeps quiet.

For the benefit of the member for Toodyay, the point on which I am seeking clarification from the Treasurer concerns the position of sporting clubs or nonprofit organisations which operate in an area solely for the benefit of the community in which they are based. I ask whether these are going to be taxed 50 per cent of what would be assessed as the land tax in the future. If this is to be the case I think it is quite wrong that such community groups should be taxed in this manner, particularly where they are operating on Crown land reserved for recreational or other purposes which entitles them to use of that land which, in some cases, has been vested in the local authority by the Crown and which the local authority in turn has leased to the community groups for a period of time at a peppercorn rental. This land is leased to such groups so that they may collectively provide some benefits to the community concerned. I ask again: are these people going to be taxed?

To emphasise my initial point which appears to be the case under the present Bill, are pensioners now going to be taxed if they occupy or own land of more than two hectares?

I earnestly urge the Treasurer to give this matter his consideration. It is not fair or reasonable for pensioners, or for anybody else over the age of 65 years, to be

so taxed. At this point I would remind members of the principle enunciated by the Federal Labor Government by which it intended to abolish the means test, by working regularly back to the age of 65 at which point the means test would be abolished. This was the policy the Federal Labor Government proposed to adopt at the time there was a change of Government and we find the Fraser Government has now cancelled this out.

I believe people who are over the age of 65, whether they be in receipt of a full pension or not, should be entitled to have their rates and taxes deferred if they request this be done.

Under the present Act, and up till the present time, pensioners in receipt of a pension have been able to defer their rates and taxes, and I believe this position should prevail. The deferment merely becomes a charge upon the land and is paid at a later stage. The authority concerned eventually is paid the money owing to it and the Government of the State thus gives nothing to the pensioners.

This is one issue which the Treasurer should agree to acknowledge; he should agree to allow to pensioners the deferment of their rates and taxes.

The only other point I would like the Treasurer to consider and clarify is that concerning the annual assessment which must be made to the commissioner by landowners who are liable for land tax. If we are trying to save costs, I query whether it should be necessary for a person to submit a return every year, particularly if he puts in his return for one year and there is no change in his return for future years.

If a person submits a return for one year surely the only occasion on which he should submit a subsequent return should be the occasion where his landholding is altered.

I ask the Treasurer to give some thought and consideration to this point; that only in the event of an individual's landholding altering should it be necessary for him to submit a subsequent return.

SIR CHARLES COURT (Nedlands—Treasurer) [7.38 p.m.]: I thank the Leader of the Opposition and the member for Mundaring for their contributions to the debate and their interest in the Bill. It is not an easy measure to understand; it is a very lengthy one and, of course, like all taxing measures of this importance it is very difficult to understand at times, unless one has a practical knowledge of it or is actually using it from day to day.

However, I want to assure members that in the framing of the legislation the commissioner on the one hand and the Government on the other have endeavoured to arrive at a situation whereby we have legislation which will be not only up to date but will remove many of the anomalies that have existed; and I should hope this would be the desire of all of us.

As is to be expected when a new Bill is introduced to replace an old Act, and an endeavour is made to streamline some of the procedures and iron out some of the anomalies, there are some people who instinctively feel they are losing an old friend; they feel they are losing something they had. Very rarely do they sit down and study the thing in detail, because if they did they would find they may have shown a profit or got something better than they had.

For instance, when dealing with a deputation yesterday one gentleman got very irate about what the Bill was going to do to his friend. He lost his interest in the deputation, however, when I was able to tell him that under the new Bill his friend would pay exactly half what he paid under the old legislation.

I do not criticise this aspect because it is natural when we have a matter as complex as this and some people give advice without studying the full impact of it. In such cases wrong advice is generally given and people get disturbed and, in fact, they get very upset because they feel something has been taken away when, in point of fact, after they have had the situation expertly explained to them they realise they are better off; and in others they are certainly not worse off.

Of course there may be the odd few cases—indeed there will be the odd few cases—where people may have to pay slightly more than they paid before.

Incidentally, I also want to say that I have no apology to make in respect of tax cheats. I can hardly imagine that members opposite would want to fight the battle of such people; because there will be quite a few of these who will be caught up under the new Bill. I suppose it is they who are complaining the loudest because they have had a set of circumstances under which they have been able to get away with something that was very convenient and comfortable and, naturally, they do not like their "comfort" being upset even though some thousands of people would benefit because of a better, a more equitable, and more modern system.

The Leader of the Opposition raised a number of pertinent issues that should be answered as, of course, did the member for Mundaring. One of the points raised by the Leader of the Opposition was the question of valuations. Summarised, the Leader of the Opposition asked what assurance can we have that there will be regular valuations; that they will not be at such distant intervals as to cause chaos and confusion and sometimes a considerable amount of distress when they are at irregular and unpredictable intervals. I think that seems to be a fair and reasonable summary of his comments.

Apparently the valuation cycle for the metropolitan area is approximately on a four-year basis. There are some cases where this could be on a three-year basis, but in general principle it is a four-year basis.

So far as the country is concerned it is at quite longer intervals because the urgency of it is quite different. The reasons for it are quite different from what they are in the metropolitan area. In these cases it could be anything from five to 10 years and it does not cause the same dislocation as we get in metropolitan valuations if the interval is too long. But as a general principle the aim is four-yearly in the metropolitan area and as the trainee valuers are being recruited and then trained the period could be shortened.

At this time I think it is pertinent for me to mention the reference made by the Leader of the Opposition to an equalisation system. He referred to the South Australian system. On the surface this sounds to be a sensible scheme from a practical point of view inasmuch as we have a form of indexation, and we acknowledge inflation and other factors and apply these systematically and evenly over virtually the whole of the land which is subject to valuation.

One of the anomalies there, of course, is that we do get some land—and considerable amounts of land—which are very special; they do not escalate with inflation. They have some very special reasons for having a slow growth so far as valuation is concerned in terms of dollars.

I refer to some of the land that would be of interest to many members in this House; land in some of the fringe areas where we have these "green wedges" and where there is land that is not going to be subdivided in the foreseeable future because of town planning considerations. This of course puts something of a dead hand on such land from the market point of view, and it is the market that substantially influences the valuation as the revaluations take place. If we have a lively market in an area, obviously the valuation will reflect it. If the market is dead that too would be reflected by the valuation.

Mr Davies: Would you not have appeal procedures that could overcome the situation?

Sir CHARLES COURT: The honourable member cannot have it both ways. He cannot have an equalisation system that would give a general spread of the burden and at the same time have an appeal system that will pick the eyes out of bits and pieces, because obviously people on the lower valuation because of equalisation will shut up, and those with a higher valuation will squeal. I am not dismissing the principle because in its report the committee which considered land values where these affected rating systems—and this report is still under study—has come down with the suggestion about a State valuation of land Act.

The Government is still looking at this question to see whether it is a practical proposition, because the report in connection with valuations on which rates and taxes are based made some play about this particular point. The Government has certainly not dismissed it. Under that system there is a State valuation of land Act; and if this system is adopted that would automatically be legislated for on the basis that it would cover land tax, and so nothing would be lost in getting land tax operative as from the 1st July—as is the intention—so that people will obtain the benefit of these concessions as from the next financial year. We are going to go on with this under the present valuation system, and if and when we adopt this recommendation for a State valuation of land Act, legislation could be enacted which would, of course, prescribe the arrangements for making valuations for—and I emphasise this—all purposes.

Mr Davies: They spoke about a graduated scale of valuations.

Sir CHARLES COURT: I am making the point that if we adopt the recommendation and we finish up with a State valuation of land Act, obviously it would have application to land tax and would set out the method to be used. It would set out whether there was to be an equalisation type of approach, whether there were to be more frequent valuations, or whether there was to be an equalisation system with a periodical valuation at, say, four, five, or six-year periods superimposed on that as a check to iron out anomalies in respect of valuations which would inevitably develop where there is an equalisation or a form of indexation system.

The Government has not dismissed this, and there is no need to wait for a decision in respect of such legislation. We have decided it is best to press on and give the taxpayers the benefit of this more modern legislation and some of the concessions it introduces, rather than wait until a decision is made on the other matter.

The next point raised by the Leader of the Opposition was his reference to exemptions made in other States and by other bodies such as the Metropolitan Water Board and local authorities. I want to make the point here and now that we cannot make a strict comparison between this type of approach and the other, because in the one case we are dealing with a charge that is made for water, sewerage, drainage, electricity, or transport; in other words, we are paying for a service. This includes local authority rates. That is quite a different situation from that which exists when we are dealing with something that is a straightout tax, as is land tax. Therefore, it is not relevant to try to relate this to some of the other

Government charging systems such as those in respect of water, electricity, local government, and the like.

So I want to say that we have had regard for the situation of some of these other authorities, and we just could not tie land tax to them. Take the case of a local authority. It could have a thumping big increase in valuations in the whole of its area and still, by varying the rate, not impose a higher charge on its ratepayers. This, of course, is the decision of the local authority, but it still must have a valuation as a starting point. The difference is that local authorities use that valuation for a purpose entirely different from that for which it is used in the case of land tax. Therefore, I make the point that no good purpose can be served by relating this tax to charges by other Government instrumentalities and local authorities.

In respect of the exemptions applying in other States, it would be quite wrong if we tried to chase everything the other States do; we would become giddy because the other States have completely different circumstances and reasons. Do not forget that we have been through a long period under the Grants Commission, when all these matters were exposed and were subject to test by the commission to determine the entitlements of the State; and we in turn had to adjust our own taxes to our own situation.

For instance, I doubt whether any other State in Australia has a lower proportion of landowners who pay tax than has this State. We have approximately 300 000 landowners, of whom only 50 000 are assessed. I think that agrees roughly with the percentage quoted by the Leader of the Opposition, because my figure works out to one-sixth and he quoted something a little in excess of 17 per cent.

Once the Government exempts all farming land and takes it right out of the system altogether—and we have no intention of bringing it back in following the recommendation of the committee in this respect—it immediately gets a lower proportion of the landowners in the State paying tax. If we want to make a real test regarding the land tax paid, we have to do it on a *per capita* basis over the population, and not on a per landowner basis or on a per taxpayer basis; in order to get a more equitable assessment of what is paid in comparison with other States it must be done on a *per capita* basis over the whole of the State, and not just over one particular section of the taxpaying community.

A further point raised by the Leader of the Opposition related to institutions such as universities, institutes of technology, churches, and the like. I can say that the Government had a discussion with a representative from the university and, as a result of this, I arranged for a group of university representatives to meet the Commissioner of State Taxation so that he could explain in detail exactly what is meant. Here again one gets distorted interpretations and explanations, and people become upset. Without knowing the full facts they get the idea that the Guild of Undergraduates will be taxed, or that the bank or some of the little shops that are part of student activities on the campus will be taxed. Of course, there is no suggestion of their being subject to land tax.

I want to make a point concerning some lands held by institutions, where the lands held have nothing to do with the original purpose of the institution. I want to emphasise this again and again, because I think it partly answers the question raised by the member for Mundaring, with which I will deal more specifically in a moment. The simple fact is that when we are dealing with the true function of these bodies as universities or churches there is no problem and there is no change; but when these bodies become involved in activities which are outside of their genuine activities—such as the university owning a lot of land which will never be part of the university and will never be used for university purposes—we have to have another look at the matter.

I know Governments past and present have been fairly generous in their attitudes towards this and have turned blind eyes to some of these things because land has been held against increases in valuations, sometimes to the detriment of the community because the institution concerned has stood astride developments that could otherwise have taken place at a lesser cost had the land in question been available. I do not begrudge these institutions the gain they receive from this, but I want to emphasise that I have never seen a piece of this land come onto the market at a price deliberately lower than the market rate so that the community obtains some benefit. By the same token I do not blame the institutions for putting the land on the market at the market price.

Mr Jamieson: They did not, of course; they gave the site for the secondary teachers' college.

Sir CHARLES COURT: That is part of the reason for the existence of the university, and it has nothing at all to do with the point I am making. If one of these church bodies or universities or other bodies which are referred to as charitable bodies within the definition in the Bill, is prepared to declare that the whole of a particular lot of land is being held for the purpose for which that body was established, the land is automatically exempted. We had to include another clause stating that if such a body sent a certificate to the commissioner declaring under the terms of the Act that the land was being held for the legitimate purpose of that body, and then after about five or seven years free of land tax said, "Aha, that was clever; now we will subdivide

the land and put it on the market", tax can be applied retrospectively. I do not think that is unreasonable. Most of the people to whom I have spoken in respect of this matter accept this provision as reasonable and are surprised and pleased that we have given such bodies a period of grace in which to adjust their financial situation. Bear in mind that in many cases a good deal of progress has been made for the disposal of land held by the institution we are talking about, and in the main it has enjoyed the major part of the capital gains that occur.

I believe if people look at this legislation objectively and fairly they will see that the Government has been understanding. It has also gone further; we have made it quite clear to these bodies —be they churches, tertiary education institutions, or others—that when they eventually qualify to pay tax in respect of certain parts of their land which are not part of their real purpose for existing, if they find they have liquidity problems, the commissioner in dealing with them under the provisions of the Act can give them extensions of time so as to assist them until such time as they get to the realisation of the land.

Another point raised by the Leader of the Opposition was in respect of the metropolitan region definition. I think he would agree that, on a study of the legislation, this has been spelt out as clearly as possible. The definition is one which must follow from one Act to the other. If the honourable member refers to page 45, clause 12, he will find it contains the definition of "metropolitan region" and like so many of these Acts one has to look at another Act, in this case the Town Planning and Development Act, 1928. The definition is spelt out very clearly in that legislation, and there is no real doubt in my mind. I think we have endeavoured to remove as many arguments as we can as far as the actual implementation of the legislation is concerned.

The Leader of the Opposition put forward another philosophy in respect of the method of assessing exemptions. He raised a number of queries including the relativity with valuations of other authorities, such as the Metropolitan Water Board, and local authorities, and the relativity with other States. I have dealt with those. He then made another point and queried whether it is wise to use an area exemption basis, or whether we should adopt an altogether different philosophy and stick to values.

We gave this a lot of thought, and I believe we made the right decision. I want to explain why. Under the amendment brought down by the Brand Government if a person has improved land which he uses himself he receives an automatic exemption up to $10 000.

That was included in order to give exemption to people in the lower brackets of land ownership, and it was not related to area. However, it was related to a dollar value, having previously been increased from another figure, and it was related to the test of improvement, except in the case of rural land which, of course, did not need to qualify under the normal improvement requirements. However, that amendment also introduced another principle that the moment the value got above $10 000 it started to extinguish itself at the rate of 1:4, so by the time it reached $50 000 it no longer existed, and the person got no more benefit from it. That had a weakness.

It had another weakness because $10 000 might have sounded a lot of money at that time, but today there would be many people who have land valued at more than $10 000 and own only one piece of land or have one residence on a piece of land. So it became a diminishing factor in two ways; it had a self-extinguishing formula built into it and at the same time the onward march of inflation automatically wiped this $10 000 benefit out in time; and it would have become quite meaningless a few years hence.

The Tonkin Government brought in another form of concession. It brought in the half-acre provision. I do not know whether it realised what it was doing at the time, but in point of fact if one had half an acre in the most delightful and expensive suburb in the whole of Perth with a house worth half a million dollars on it, and provided one owned no other land, one went completely scot free. So this is a case where the area basis failed or had weaknesses. It also had another disability. Forgetting the rich people, if one had half an acre or a quarter of an acre and had some other land elsewhere, the whole lot was taxed; it was self extinguishing. The other land one had contaminated the original land with the residence. So we became completely confused with the anomalies that developed between the $10 000 provision of the Brand Government and the half-acre exemption provision of the Tonkin Government, except that under the Tonkin Government amendment of course the moment one got a second piece of land it contaminated the first half-acre with a house on it and one copped tax at an aggregated rate on the lot.

I come to the question raised by the member for Mundaring. I can only say, with all kindness, that if he read some of the provisions of the Bill he would find that many of the queries he raised in fact have already been dealt with. For instance, the question of deferment is covered by clause 38 of the Bill. This matter has been discussed with the commissioner in the formation of the legislation and a *modus operandi* worked out as to how this would apply in cases where hardship is incurred.

It can apply to many cases. It can apply to the case of the university where there has to be some assistance with a liquidity

problem and it wants to get a deferment. The commissioner has all these powers given to him. In the case of genuine pensioners with a genuine problem not only can he give them an extension of time for the rest of their lives, if he wants to, but he can also give it to them interest free. That is the intention in cases of that kind; cases which are genuine and which involve hardship.

I come back to the point I made in introducing the Bill; namely, that the complete exemption we have given, the five-acre or 2.022 hectares exemption, is a complete exemption. It does not get contaminated in any way. If that is one's residence and under five acres, it is free of tax; it does not come in and have a self-extinguishing factor as is built into the $10 000 provision at present in the Act. It does not get contaminated if one has some other land. As long as that is one's home on that land, one is completely and utterly exempt; that is a mighty important provision because it does not get contaminated. I believe this is something we must not undervalue.

Of course there would be cases such as the honourable member referred to where a person might have 10 or 15 acres and be a pensioner. Of course, the first five acres would not be included at all; they would be completely free. They would stand on their own. The comparatively small value of the balance, if it is the type of land to which the honourable member was referring, would attract very little tax indeed. If it did attract tax and it could not qualify under one of the other exemption provisions, the commissioner has this right to exempt it for life, if necessary, and on a no-interest basis.

I wish to refer to the last point before I cover another matter which is vital to all members. This is the point raised by the honourable member in respect of people who are doing things of a community nature and are undertaking recreational activities on a nonprofit basis, a commendable basis, and are perhaps using an oval or a hall which they have in turn acquired or leased under an arrangement on a user basis which is not necessarily under a lease from the local authority. That happens in dozens and dozens of cases. Those people would not be taxed; and the law is quite clear on this point. I certainly would not want it to be incorporated. The only time this land gets caught when it comes from a local authority is when it is used for business, professional or commercial purposes.

I remind members that if we do not have such provisions written into the Bill an anomaly could be set up. If somebody leases a piece of land from the railways he is immediately liable for land tax. But under some of the existing provisions he can get it from some of these charitable bodies—as defined in the Act— and not pay land tax. If he hires it for business from a church at the moment and pays a rental for it, it does become subject to a tax, but in the hands of the institution and not the individual. Where one leases land from the railways for business and is able to identify each individual separately one does not have to aggregate the whole of the Government's land. So those sporting bodies which are leasing facilities from a local authority for recreational purposes certainly would not catch any tax. I hope that satisfies the honourable member. I wanted to record it in *Hansard* so that there will be no argument about it later.

Before I conclude I wish to refer to a matter which arises from some of the points that have been made today and from other points. I refer specifically to the question of exemption provisions, under clause 22. Since the introduction of the Bills some concern has been expressed by members of Parliament, by local authorities on the fringe of the metropolitan area, understandably, and by many genuine primary producers fearful that they might be unable to meet the tests that are set out in the Bill. They have fears that they will not enjoy the exemption provided for primary producers.

Examples were given of those who held an area of land in the metropolitan region and used it as part of a farming activity which is carried on elsewhere. That is one example. Another situation is where a genuine producer located in the metropolitan region finds he cannot meet the income test for some period—that is, the 30 per cent test—because an economic circumstance has temporarily reduced his income or he has encountered losses from his primary producing business.

Concern has also been expressed by another group, those who are genuine primary producers in an area of water catchment, or what they refer to as green wedges, because they may not be able to meet the income test and will not be permitted to subdivide their land or to put it to any other use. It is for those reasons and others that I have mentioned on previous occasions that conditions relating to exemptions appear in clause 22 of the Bill. Under this clause, which is a vital one, the commissioner is given power to exercise his discretion in favour of the taxpayer where the commissioner is satisfied that the exemption should be granted. I admit, as I said in the second reading speech, that generally speaking discretions in the law, particularly relating to taxation, are not popular either with the taxpayer or the administration, least of all with the administration. Everybody prefers the law to be spelt out if possible, but this is one case where if we spelt out the law we would be inhibiting some of the exemptions that could be given to all sorts of people, particularly pensioners.

The SPEAKER: The Premier has 10 minutes.

Sir CHARLES COURT: Thank you, Mr Speaker. In the cases under examination it is not possible precisely to spell out under any Statute every conceivable circumstance. I emphasise that the discretion that is written into clause 22 can be exercised only for the benefit of the taxpayer. It cannot be used against the taxpayer. It is not as though the commissioner can decide that he is going to bring him in; he can only decide to take him out—wholly or in part. It is for the benefit of the taxpayer and was put there for that purpose.

So that members are clear about the way the commissioner proposes to deal with primary producers' problems, I shall detail some of the tests that the commissioner proposes to apply, after consultation with the Government, in determining whether he should use the proposed discretion. I want to emphasise that this is not exhaustive. The commissioner still has a discretionary power to go far beyond this, but at least these are the points that have raised the greater number of queries. I want them to be recorded so that members will know, both now and in the future, the criteria that will be employed by the commissioner. As members know, we cannot bind the courts in *Hansard*, but Governments can give a very clear direction and indication to the administration in their observations and intentions on a Bill where it is an administrative decision as distinct from one of a judicial body.

I shall deal with each of these in turn. Where land is in the metropolitan region but is used as part of a total primary producing business, most of which is carried on in country areas, and there is no doubt that the landowner's main source of income is obtained from primary production, the land will be granted exemption. The next case is as follows: Where land is in the metropolitan region and is used for genuine primary production but for some reason, usually economic, the producer temporarily is not able to meet the income test, the land will be granted exemption.

I shall now deal with the next example. Where land is in the metropolitan region and is used for genuine primary production but is an area where town planning authorities refuse subdivision and restrict the activity that can be carried on to one of the forms of determined primary production, the commisioner will provide exemption, subject to the following tests: The first is inspection and check of past records disclosing that the primary production was and is being carried on on the land. The second test is that the Town Planning Commissioner advises that approval to subdivide is not likely to be given in the foreseeable future because the intention is to preserve the area for its existing use. The owner's main use of the land for primary production is the further test.

The foregoing tests are not exhaustive and the commissioner is open to hear other reasons why his discretion should be used.

In addition, I propose to amend the discretionary clause when the Bill is in the Committee stage to provide that an appeal against the commissioner's decision on an application for the exercise of his discretion may be made to the Treasurer. I shall explain that in a little more detail, but from what I have said it is clear that no genuine producer need be concerned about losing the exemption that he currently enjoys, nor should any genuine pensioner be concerned about getting the necessary consideration from the commissioner, if he is a genuine pensioner with a genuine need and needs to invoke the provisions of clause 38.

Mr Jamieson: That would extend if he had a 15-acre lot and that is all he had?

Sir CHARLES COURT: There could be a situation such as that where the person concerned was a genuine pensioner, bearing in mind that the value would not be very great in a case such as that. I am thinking in terms of land which cannot be subdivided, no matter how much the owner wants to do it, and there is a special set of circumstances where it does not qualify for exemption under one of the other tests or under the primary production test and, therefore, the commissioner has to invoke clause 38. There would be very few such cases, but this is one of those matters where one cannot legislate for every single case when trying to bring in sweeping changes which will be for the benefit of a large number of people.

Mr Davies: What about each year publishing a list of exemptions which are granted? That will make everyone happy then.

Sir CHARLES COURT: I think the commissioner would be very reluctant to do it, and whatever its political colour, the Government of the day would be too, because it is a direction of Parliament that the information obtained by the members of these departments and officers like the commissioner and other people working with him is strictly secret and unless the permission of the taxpayer is obtained for its release, the golden rule is that the information cannot be disclosed.

Tonight I could give exciting information about some of the people who are a little up-tight about this legislation and who have been having a grand time for a few years; but, heaven forbid that we reach a stage in our Parliament where we parade this type of information.

Before I conclude, in the time available to me I wish to refer to the appeal to the Treasurer. Some people might not regard this as having any great value, but I think experienced members will realise it has. In the Statute before us there is included clear-cut machinery for appeal against the commissioner's decisions. It is common to all tax laws and there it is. It stands on its own. I understand that a person, if he wanted to, could go through the academic exercise and appeal against the discretion the commissioner has used. In other words, a person could say he has not been reasonable in his exercise of the discretion.

My understanding of the attitude of courts towards this is that unless a person can demonstrate that the commissioner, in using his discretion, was unreasonable, did not take into account the appropriate factors placed before him, or did not seek the proper information, he would have no chance in an appeal.

Mr Hartrey: I think you would be right.

Sir CHARLES COURT: It is very hard to understand a man's discretion; it is in his mind. Provided he can demonstrate he studied the accounts, the property and its background, and its income capacity, a person would be battling, and I do not think any court would set his discretion aside. Therefore, we will include for this purpose only—I emphasise the words "for this purpose only"—a provision—a copy of which I have given to the Leader of the Opposition because the matter has arisen from discussion which has taken place only in the last few days—for an appeal to the Treasurer on this particular issue so that he can receive representations. In many cases they will be from local members as well as individuals; and the Treasurer can form his own judgment as to whether the commissioner has reasonably and properly used his discretion in granting or rejecting an exemption.

I believe in these particular circumstances it has a value. It is in some other Statutes under which people prefer to have an appeal to the Minister rather than to a judicial body because they feel in that way they get further quicker and cheaper. I just mention that in passing because at the appropriate time I do propose to move an amendment.

I thank members for their support.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Sir Charles Court (Treasurer) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Repeal and saving—

Mr DAVIES: I have to agree with the Treasurer when he says the clause does a lot to tidy up the Act and make it a great deal easier to understand. However, he readily admitted that many of us would not completely understand it.

The clause seeks to repeal some provisions and provide a saving in relation to section 8A of the repealed Act and as I see it it could hit some of the young people getting their first block for their first home. As I understand it, the Treasurer said the unimproved land was waived for a period of up to four years once it became improved land; that is, a home was completed and, no doubt, occupied. That meant that the owners could obtain a rebate of the tax they paid on their unimproved land for four years.

However, in his second reading speech the Treasurer pointed out that because there was one rate of tax now and that it is generally a lower rate of tax, this concession would no longer apply except for four years from the 1st July. That means that for the next four years the rebate would be paid on a block of land provided that eventually the land on which the house was situated did not exceed 2.02 hectares.

Although it will be a lower rate of tax under the new method, it will mean that under no conditions will the young married couple or the couple hoping to be married receive a rebate of land tax even though it may be a lower rate. Those who are enjoying the rebate now will continue to enjoy it for a period of four years.

If my interpretation of the Treasurer's second reading speech—and the reference to it will be found on page 178 of *Hansard*—is correct then I regret that this is a concession which will be no longer available.

Sir CHARLES COURT: This subject is dealt with in considerable detail on pages 5 and 6 of the explanatory booklet which gives an example of how the provision will work.

First of all this clause has been included to protect people who would otherwise lose the concession available under the existing legislation. If we had not included it we would find the anomaly that people who would otherwise have qualified to get this rebate would not qualify for it because they would have paid their tax and under the new Act there would be no mechanism under which they could get what they had been promised under the old Act.

To keep that alive until it runs out with the effluxion of time we have inserted this clause and once we reach 1977-78, as mentioned on page 6 of the explanatory booklet, the whole of that provision will have been honoured by the Government of today and the future. Then, of course, these people, and particularly those referred to, would not be the least interested in this provision because they would be paying no tax, assuming their home is erected on the land.

Mr Davies: Will they not be paying it if they do not have a house on the land?

Sir CHARLES COURT: In future there will be no unimproved tax, but only a flat rate.

Mr Davies: There is a tax and it must be paid. People do not become exempt until there is a building on the land. Although it is a lower rate, and provided the land is not more than 2.02 hectares in area, they still must pay the tax.

Sir CHARLES COURT: I do not seem to be getting my message across. Under the new Bill they will be at the very base figure. They cannot pay any less under the old law because there will be no unimproved rate in the future.

Mr Davies: Under the old law they did not pay any tax at all for a period of four years once they erected a house on the land.

Sir CHARLES COURT: Once the house is erected they get back some of the tax they paid. That is the point I am making. They do not gain any profit. They are merely brought back retrospectively to an improved rate. In point of fact under our system that no longer applies because we cannot give them less than the lowest. Therefore they will be paying at the base rate.

Mr Davies: It is the lowest rate, but it is still some tax.

Sir CHARLES COURT: Therefore they will have nothing on which to get a rebate. I think the honourable member is mistaking the situation. Page 6 of the explanatory notes states—

> Assume a person purchased a vacant lot early in 1974 and erected a residence on the land at the end of 1978. The assessed unimproved value for Land Tax purposes is $5 000.
>
> The assessed Land Tax each year would be—
>
> | | $ |
> |---|---|
> | 1974/75 | 50.00 |
> | 1975/76 | 50.00 |
> | 1976/77 | 15.00 |
> | 1977/78 | 15.00 |
>
> On making application the owner would receive a rebate of tax amounting to $35.00 for each of the years 1974/75 and 1975/76, which is the difference between the improved and unimproved rates.

The example is included to illustrate that the concession will no longer have effect after four years of assessment at the common rate. Otherwise people would be punished because of the introduction of the Bill, and that was not the intention.

Clause put and passed.

Clause 4 put and passed.

Clause 5: Interpretation—

Mr DAVIES: After prompting by me, the Leader of the Opposition asked the Treasurer whether it was intended that a definition of "metropolitan region" be included. Reference to the metropolitan region is made in the introductory notes and once or twice in the Bill. The Treasurer referred to the commissioner having jurisdiction and discretion over "grey" areas; but there is no definition of "metropolitan region". The Metropolitan Water Board, the Town Planning Department, and the Public Health Department may all have a description of the metropolitan region, but each description could differ. It would be interesting to know what the commissioner will use as a definition. The State commissioner is a very obliging fellow and always helps with queries, but I do not think this is the kind of query a person would like to make. It would be better if we could have a definition included in the Act.

Sir CHARLES COURT: I mentioned earlier that the definition is covered on page 45 of the schedule, and it is the definition as contained in the Town Planning and Development Act, 1928.

Mr Davies: I am sorry; I missed that. Thank you.

Clause put and passed.

Clauses 6 to 12 put and passed.

Clause 13: Land tax—

Mr JAMIESON: I think this is the appropriate clause on which to raise a query on which I want clarification. A person may have erected a home over the border of two quarter-acre blocks, and in those circumstances the whole half acre is exempt. However, if a half-acre block has already been subdivided into two quarter-acre blocks and a house is erected on one of those quarter-acre blocks, although the owner is using the other block for a garden and so on, I take it that the other quarter acre will not be exempt under the provisions of the legislation. It will be subject to taxation. Is that so?

Sir CHARLES COURT: I understand that is superficially the position. I have asked the commissioner about a situation where one could have a tennis court which is on a separate title. I understand this would be a separate title, but I will give the answer to that in a minute or two.

Where one has, say, 10 acres of land with a house on a title for two acres, there would be no question at all: the two acres would be absolutely exempt and the other eight acres would be subject to tax. My understanding is that the house stands free on a title, and that is exempt. Any other land is not regarded as residential land to be exempt.

Clause put and passed.

Clauses 14 to 21 put and passed.

Clause 22: Power of Commissioner to exempt land—

Sir CHARLES COURT: I have circulated an amendment which I think it is desirable to explain to the Committee and,

if the Committee so decides, to include in the Bill rather than have it dealt with later on.

In the course of the second reading I explained why it is suggested we take the unusual procedure of introducing an appeal to the Treasurer. I want to make it clear that this amendment in no way interferes with the appeal machinery which exists in the Bill. That stands on its own and is an important part of the machinery whereby a taxpayer can appeal. If members refer to part VIII of the Bill they will see the specific provisions relating to objections and appeals in clauses 35 to 37.

I could see there was some uneasiness on the part of those raising queries about clause 22. I understand that, from a practical point of view, if a person used the appeal machinery because he felt the commissioner had not used his discretion properly under clause 22, he would not get very far because it is very difficult for a tribunal to hear an appeal when a question of opinion, discretion, or something of that kind is involved. It would be proper for such an appeal tribunal to rule against the commissioner if it were demonstrated he had taken no notice of representations made by people who felt they had stated a case about economic distress of a temporary nature—that they were genuine primary producers and he had not taken this into account.

Under those circumstances they could succeed in an appeal but I cannot imagine any commissioner leaving himself exposed to that. The commissioner would be very thorough in his study of all the relevant machinery available to him, such as inspection of the land to ensure it was used for primary production, ascertaining the previous income of the person concerned, and generally making the appropriate tests. It is believed we should go outside the machinery relating to clause 22, which is the exemptions provision. I move an amendment—

> Page 18, line 32—Insert after the clause number "22." the subclause designation "(1)".

The purpose of this amendment is to enable additional subclauses to be added which would stand as subclauses (2) to (5).

Mr JAMIESON: I cannot see any great objection to this, except that it throws the work onto a Minister of the Crown. It is usually desirable that appeals be heard by somebody else. I used to have to sit in judgment on appeals in relation to resumptions, some of which caused me a lot of heartburning. When one is in the position of a political being, one is more likely to give one's decision with the heart than with the head, which is not always desirable. I do not know that it is the best way out but at least it is an improvement which will ensure people have some right if they are in the position I suggested they might be in when I was addressing myself to the second reading. To that extent I cannot see any great harm in it and we go along with it as an improvement.

Amendment put and passed.

Sir CHARLES COURT: I move an amendment—

> Page 19—Add after line 3 the following new subclauses—
>
> (2) A person who is dissatisfied with the decision of the Commissioner on an application by that person for exemption under subsection (1) may within forty-two days, or such further time as the Treasurer may for reasonable cause shown by that person, allow, after service by post of notice of the decision, post to or lodge with the Treasurer an appeal in writing against the decision stating fully and in detail the grounds on which he relies.
>
> (3) The obligation to pay, and the right to receive and recover land tax shall not be affected by any appeal to the Treasurer, but if the person succeeds on the appeal the amount (if any) of the tax received by the Commissioner in excess of the amount which, according to the decision on the appeal is payable by him, shall forthwith be repaid to him by the Commissioner.
>
> (4) The Treasurer shall, with all reasonable despatch, consider the appeal and may either disallow it or, for reasonable cause shown by the person making the appeal, allow it wholly or in part.
>
> (5) The Treasurer shall give to the person making the appeal written notice of his decision on the appeal.

Amendment put and passed.

Sir CHARLES COURT: In view of the fact that this clause deals with exemptions it is appropriate for me to respond to the Leader of the Opposition. When I was on my feet previously I was trying to find the definition to answer his question about the situation where there is a house on a quarter acre which has its own title and which has alongside it another quarter acre, both blocks being used for all practical purposes as one piece of land for the home. This situation is dealt with on page 6 under the definition "parcel". The definition of "parcel" is as follows—

> "parcel" means two or more lots of land in the same ownership which have common boundaries, and which, for good and sufficient reason, may be deemed by the Commissioner to be a single property for valuation and assessment under this Act;

In other words, there could be the situation already raised by the member on a previous occasion of a tennis court on a block alongside a house where, for all practical purposes, the two blocks were for one common usage. Although they had separate titles they could be assessed, for the provisions of the five-acre exemption, as one assessment.

Clause, as amended, put and passed.

Clauses 23 to 37 put and passed.

Clause 38: When tax payable—

Mr MOILER: I merely wish to continue the line of argument I raised during the second reading debate. The Treasurer suggested that the deferment of taxes for pensioners was covered by the provisions of clause 38 to 40. Whereas pensioners may be given deferment, it is not spelt out. The clause sets out that deferment for a time can be given at the discretion of the commissioner to any person.

In his policy speech the Treasurer stated quite clearly that the Liberal Party was seriously concerned about the plight of retired people in an inflationary economy. We still have an inflationary economy and if the Treasurer is genuine it would be a simple matter to provide a blanket cover for pensioners to be exempted.

On several occasions this evening the Treasurer has used the term "the genuine pensioner". I hope that when the Treasurer replies to my remarks he will classify or define what he considers to be "the genuine pensioner". He may consider a genuine pensioner to be one who is able to obtain deferment of local authority rates. That would clarify the situation.

If the genuine pensioner is to be known as a pensioner entitled to the deferment of local authority rates, it would be an easy matter to amend this Bill so that "the genuine pensioner"—according to the classification of the Treasurer—would not have to go cap in hand to the commissioner and give reasons that he should not have to pay the tax; that he should receive deferment and allow the tax to become a charge upon the land. I think that would be simple enough.

Clauses 38 and 39 do not cover the situation, as suggested by the Treasurer. Clauses 38 to 40 cover all persons. The provisions of those clauses have merit inasmuch as a person who is not a pensioner may have good reason to seek deferment of taxes for a period of time.

Sir CHARLES COURT: With respect I suggest to the honourable member that he understands, as much as any of us, what a genuine pensioner is. However, if he desires that I should be precise I will provide him with the background.

Until we started to talk about pensions without a means test, we had the general term of "pensioner". I would be very interested to know whether the honourable member wants me to take literally his suggestion with regard to making exemptions automatic for pensioners, "full stop".

Mr Moiler: I would like you to define "a genuine pensioner".

Sir CHARLES COURT: The definition of "a pensioner" today is quite different from what it was 10 years ago. It might surprise the honourable member to know that if we had not introduced this legislation, under the new law a person could be receiving the pension without a means test because he was over the age of 70 years—and that pensioner could have property valued at $1 million—but he would be able to send a letter to the commissioner and demonstrate he was in receipt of a pension, because he was over the age of 70, and pay no tax. If the honourable member wants to exempt those people let him say so.

On the other hand, we are trying to deal with genuine cases where people have a problem. We have already had cases where rich people, with properties worth considerable sums, have applied for exemption because they were receiving a pension without a means test, but they were receiving that pension merely because they were 70 years of age or over. We have to look at this in a different way.

First and foremost, the very basis of what we have done covers most pensioners. If they have land with a house on it, and they live in that house, they have no problems. They could receive no more exemption than that which applies under the provisions of this Bill because the land on which they have their house is not aggregated with any other land. It is completely free of land tax. That is No. 1.

No. 2: In view of the fact that there might be people caught in a situation where they could not get exemption under the provisions of clause 22—and many of the cases which the honourable member is thinking of will receive exemption under that clause completely—if by any chance there is still a group of people left, the provisions of clause 38 will come to their aid. I have stated in those genuine cases not that the commissioner "may" but that he "will". That is why I want it recorded. In genuine cases the commissioner will give exemption.

Mr Moiler: Previously it was "genuine pensioners" and now it is "genuine cases".

Sir CHARLES COURT: If the honourable member wants to indulge in semantics, that is for the little people. I will not be bothered with it. He is aware of what I mean.

If the honourable member wants us to be as restrictive as he suggests, we could draw the line so finely that a person who did not qualify under the old term of "pensioner", and who was temporarily distressed, would not be able to receive any relief from the commissioner.

I suggest that if the honourable member reflects he will see we have written in machinery to provide for that situation. We have gone further. In genuine cases the commissioner will be using the provisions of clause 38, given to him by the Parliament, to provide necessary relief during the lifetime of this legislation. The amount of tax would be very small, if any, if a person was not able to qualify for exemption under the provisions of clause 22.

I feel we have spelt it out clearly. The fact that the honourable member raised the question has enabled me to record the explanation in *Hansard*, in the clearest of terms, and that is how the commissioner will interpret it.

Clause put and passed.

Clauses 39 to 62 put and passed.

Schedule—

Mr JAMIESON: The draftsmen never fail to amaze me when they prepare schedules such as this. It would have been more practical to include these exemptions in the Bill, although they are part and parcel of it even in the schedule. One can understand the necessity for a schedule in taxing legislation involving a series of figures, or even when part of a measure amends another Act. However, to include these exemptions in the schedule rather than in the Bill seems to me to be quite ludicrous and unnecessary. Anyone studying the legislation will have to refer from the clause to the schedule to work out what is exemptable land. People who are involved in a calling or an organisation which is a little out of the ordinary will have to study the measure very closely.

My colleague, the member for Victoria Park, became concerned when he did not see a definition of the words "metropolitan region". This definition does not appear with the other definitions but in the schedule. This seems to me to be a piecemeal arrangement, or perhaps two measures in one.

That is the only comment I wish to make. I hope people reading the Bill will not stop short when they come to the schedule, which is usually an appendage with reasonable application to certain features of taxation and other matters which are not consistent with the provisions of the Bill.

Sir CHARLES COURT: The observations of the Leader of the Opposition are noted. By way of explanation I can say only that the procedure of using a schedule in a taxing measure like this is intended to stop the main Bill establishing the principle from becoming too voluminous and cluttered. In this case all the schedule does is to set out the details that are necessary for the implementation of clause 21; that is, the provisions in relation to exemptions and concessions. These exemptions could be spelt out clause by clause and added to part IV, but this is a matter of opinion. I believe the draftsman tried to simplify the matter so that anyone wishing to look at the exemptions does not have to wade through the whole Bill. It is not an unusual procedure.

Schedule put and passed.

Title put and passed.

Bill reported with amendments.

LAND TAX BILL

Second Reading

Debate resumed from the 1st April.

MR JAMIESON (Welshpool—Leader of the Opposition) [8.56 p.m.]: It is not my intention to say much about this Bill. It is complementary to the Land Tax Assessment Bill and sets out the rate of tax to be applied. Under our system of legislation, when we make amendments to a taxation Bill we must have the rates set out separately. We have canvassed the general provisions of the proposed amendments, and I need say no more about this measure.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st April.

MR JAMIESON (Welshpool—Leader of the Opposition) [8.59 p.m.]: This also is complementary legislation to the two previous measures. Having amended the basis for the levy of land tax, the Metropolitan Region Town Planning Scheme Act must be amended also to authorise the new mode of assessment. I do not think there is any necessity to say more about this measure. It is a feature of the parent Act that it is tied to the land tax legislation and it must be amended to fit in with the legislative programme of the Government.

Sir Charles Court: Thank you.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

METROPOLITAN REGION IMPROVEMENT TAX ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st April.

MR JAMIESON (Welshpool—Leader of the Opposition) [9.02 p.m.]: This, too, is a consequential Bill, and one in respect of

which I cannot make many comments. However, I draw the attention of the Treasurer to the fact that the report of the committee of inquiry into rates and taxes recommended that the metropolitan region improvement tax be abolished and the requirements of the Metropolitan Region Planning Authority be a charge on the Consolidated Revenue Fund of the State.

The committee considered the matter quite deeply and was not very impressed with the present system, in my opinion mainly because its members thought the tax should apply over a wider field than the metropolitan area, and it felt the only exemptions should be those which could be classed under the general heading of religious and charitable institutions.

As we are dealing with this matter now, and we have this report from the committee of inquiry before us, I wonder whether the Treasurer will give some indication as to whether he intends to act on the recommendations of the committee. It would appear to be a little ludicrous to amend this Act now and then to come back a little later and wipe it out altogether. The Treasurer must have made some assessment as to whether or not he will keep this tax. It is one of those fiddly taxes and perhaps could be more properly applied by increasing land tax, as distinct from having a separate tax. The Consolidated Revenue Fund would benefit from this.

With those comments I support the Bill.

SIR CHARLES COURT (Nedlands—Treasurer) [9.04 p.m.]: Firstly, I would like to thank the Leader of the Opposition for his support of these consequential Bills, and the facility he provided the Government and the Parliament in enabling them to go through so expeditiously.

In respect of the specific point he raised, the Government has not made any decision regarding what it will do in respect of the recommendation of the committee which inquired into rates and taxes imposed on land. However, we felt it would be undesirable to hold up the implementation of a modern Land Tax Bill until we had dealt with all the provisions of the committee's report. Also, the Leader of the Opposition will appreciate that the new type of Federal-State local government taxing system will impinge on the finances of local government, and it could be that local authorities will want to have an entirely different approach to this whole question of income.

Tied in with this, of course, is the special tax that we raise in respect of metropolitan region planning. Therefore, the Government at this stage is not prepared to make any firm pronouncement one way or the other regarding the adoption of the recommendations of the committee in this respect. In the meantime we want to keep this income flowing, otherwise we could seriously embarrass the work of the department concerned and bring to a halt some of its programmes, which would be quite disastrous. Any small inconvenience that may be caused if we do decide to adopt the recommendation of the committee of inquiry would be comparatively unimportant; and for the moment I cannot see this recommendation being given effect in the forthcoming Budget.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILLS (3): MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills—

1. Agriculture and Related Resources Protection Bill.
2. Agriculture Protection Board Act Amendment Bill.
3. Coal Mines Regulation Act Amendment Bill.

JETTIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st April.

MR T. H. JONES (Collie) [9.09 p.m.]: As the Minister said when introducing it, this amending Bill is to increase the value of fines which may be imposed under sections 4 and 12 of the Act. The existing fine is only $40. The interests of the public must be protected. The only amendment contained in the Bill is to lift the penalty from $40 to $200. We on this side support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st April.

MR T. H. JONES (Collie) [9.12 p.m.]: This is a similar measure to the Jetties Act Amendment Bill which has just passed through the Committee stage, and provides for an increase in the penalty from $40 to $200, to take into account changing money values and to look after the interests of the Harbour and Light Department; for the same reasons, the Opposition supports the Bill.

MR JAMIESON (Welshpool—Leader of the Opposition) [9.13 p.m.]: I should like to support my colleague, the member for

Collie, in his remarks. This is one of those Bills which probably should have come before us a long time ago. It provides for an increase in penalties for the breach of regulations relating to the navigation of vessels, prescribed safety regulations in connection with navigation and the mooring and berthing of vessels.

With the ferry operators using rather large vessels these days, a fine of $40 for a breach of these regulations would not be a button off their shirts; they would not worry about it very much. However, if the magistrate were empowered to impose a fine of $200, they might think more about what they are doing.

Evidently, magistrates have expresssed amazement that the maximum fine for such breaches is only $40, because breaches of these regulations could mean that life and limb are put in danger by people who act foolishly and who are not in control of their vessels. These regulations are laid down by the Harbour and Light Department for the safety of the people who use our waterways.

The only criticism I could offer is that probably the maximum penalty should be much higher than the proposed fine of $200. People are inclined to take a lot of risks, and the fine should act as a deterrent. One of these days, one of our ferry operators will take one too many risks which could endanger the lives of many people, and we will be sorry that more severe action could not be taken against the offender. With those remarks, I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

EMPLOYMENT AGENTS BILL

Second Reading

Debate resumed from the 1st April.

MR SKIDMORE (Swan) [9.17 p.m.]: My contribution to the debate will be brief. The introduction of this Bill will create an anomaly in an Act which is of paramount importance to workers; namely, the Industrial Arbitration Act. This Act will be at variance with the legislation now before the House, which seeks to control the actions of brokers who place certain employees into employment. Clause 4 (1) (b) of the Bill states—

> . . . an arrangement whereby a person is to assist in the domestic work of a household in consideration of receiving hospitality with or without further or other remuneration;

That implies that somebody must establish the conditions under which those workers will be employed, and of course it will be the employment broker, carrying out the obligations of his brief from the employer, who will ensure that the prospective employee is informed of the remuneration offering and the type of hospitality he will receive; in fact, the broker also relates the rights of the worker as contained in the Industrial Arbitration Act or any relevant award relating to conditions of employment.

The Opposition feels that, basically, this is wrong. Surely any worker who is subject to the provisions of this legislation should be entitled to say to a broker, "I do not mind going up to the pastoralist's property to become a housekeeper on the basis that I will live in, be paid a certain amount, including my board, and receive certain other increments."

Section 6 of the Industrial Arbitration Act states as follows—

> "Worker" means any person of not less than fourteen years of age of either sex employed or usually employed by any employer to do any skilled or unskilled work for hire or reward, and includes an apprentice;—

The Act then makes the following exception—

> —but shall not include any person engaged in domestic service, in a private home . . .

This means in essence that where a broker shall have the right essentially to determine the wages and conditions of a person who seeks employment through that brokering firm, the broker can then say "You will do that job for these terms and for those reasons and the hospitality received will be so and so." There is no protection or redress for the worker under the Industrial Arbitration Act because domestic workers are specifically excluded. I feel this is an anomaly which has been created by the introduction of this clause and I suggest that at a later stage we on this side of the House may be looking at a suggested amendment to the Industrial Arbitration Act to remove from section 6 of that Act the reference to exclusion of people in domestic service so that we may be consistent in our point of view. Having expressed that point of view, I should like to indicate that we have no further objections to the Bill and we support it.

MR GRAYDEN (South Perth—Minister for Labour and Industry) [9.21 p.m.]: I thank the member for Swan for his support of the Bill. I give him an assurance that we will certainly look at the section to which he has referred along the lines he has indicated.

Mr Bertram: That is good, because you will be the first Minister on that side for a long time who has done it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st April.

MR SKIDMORE (Swan) [9.24 p.m.]: This amending Bill is consequential upon the Bill which has just been passed. We on this side of the House wish it a speedy passage and are in complete agreement with it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

WEIGHTS AND MEASURES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st April.

MR SKIDMORE (Swan) [9.26 p.m.]: In speaking to this Bill I wish to indicate to the Minister that we agree with it but I should like to make a comment expressing some alarm at the probability of giving adequate notification to the people under clause 2 which says—

> 2. Section 52 of the principal Act is amended by adding after paragraph (v) the following paragraph—
>
> (va) Requiring the prescribed units of measurement to be used in the sale and in the offering, exposing and advertising for sale, of prescribed goods or articles or classes of goods or articles, either in specified parts of the State or generally throughout the State.

We express some concern that adequate time should be given for people to be aware that there will be a requirement upon them to use the prescribed units, metric units, in certain areas. We feel that adequate time should be given to the people to be able to understand that, having been given time, they will then move from the old weights system to the metric system. We suggest a period of two or three months so that people will be adequately prepared to understand the changes that will take place.

MR GRAYDEN (South Perth—Minister for Labour and Industry) [9.28 p.m.]: I thank the honourable member for his support of the Bill. I can assure him that we will give adequate notification in the circumstances to which he has referred.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

PUBLIC AND BANK HOLIDAYS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st April.

MR SKIDMORE (Swan) [9.30 p.m.]: We on this side of the House agree with the amending Bill and do not oppose any of its provisions.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 9.32 p.m.

Legislative Council

Wednesday, the 5th May, 1976

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

MODE OF ATTIRE IN CHAMBER

The Hon. T. O. Perry

THE PRESIDENT (The Hon. A. F. Griffith): Honourable members, the Hon. T. O. Perry has advised me this afternoon that he has suffered an injury in a traffic accident. His doctor's advice is that he be dressed in a comfortable manner. In the circumstances I have allowed him to appear in the Chamber this afternoon in the manner in which he is now dressed, including the collar!

The Hon. T. O. Perry: Thank you, Mr President.

QUESTION WITHOUT NOTICE

LEGISLATIVE COUNCIL

State of Parties

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

> In view of the Press report on the front page of this morning's paper, regarding the position of the Hon. A. A. Lewis, could the Minister advise the state of the parties in this House at the present time?