Members on this side of the House represent people approximately equal in number to those represented by members on the Government side. So quite an appreciable proportion of the people in the metropolitan area are represented by us.

Mr. Graham: Labor holds 12 metropolitan seats and the Liberal Party holds nine.

Mr. W. HEGNEY: In the light of the undertaking given by the Premier and the promise made by the Minister for Labour this evening that a land tax Bill will be introduced some time this session, it is not unreasonable to ask the Government to agree to a postponement of the Bill until the land-tax measure is introduced. We will not know the contents of the proposed land tax Bill until it is introduced. I am not prepared to accept the statement of the Minister that as there will be a Bill to reduce the land tax, the measure now before us should be proceeded with. I want to know to what extent relief is forthcoming under the land tax proposals.

The Government should agree to a postponement. It is only August, and Parliament is not likely to rise before the middle of November; so there is plenty of time between now and then for the land tax Bill to be introduced.

Mr. Watts: It is very close to the end of August.

Mr. W. HEGNEY: We have the whole of September, October, and part of November. I request that further consideration be given by the Minister to a postponement of this Bill.

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

Ayes—24.

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
	(Teller.)

Noes—21.

Mr. Andrew	Mr. Kelly
Mr. Bickerton	Mr. Moir
Mr. Curran	Mr. Norton
Mr. Evans	Mr. Nulsen
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May
Mr. Jamieson	*(Teller.)*

Majority for—3.

Clause thus passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

House adjourned at 11.33 p.m.

Legislative Council

Thursday, the 1st September, 1960

CONTENTS

The PRESIDENT took the Chair at 2.30 p.m., and read prayers.

QUESTION WITHOUT NOTICE

WATER RATES

Annual Value and Assessment of a Nedlands Property

The Hon. A. R. JONES asked the Minister for Mines:

(1) What was —

(a) the annual value upon which the water rate was assessed;

(b) the rate assessed; and

(c) the amount of water available on Lot 6, House No. 8, Bostock Road, Nedlands for

the years ended the 30th June, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960 and for the year ending the 30th June, 1961?

(2) If there were increases, what were the reasons for such increases?

Basis of Valuation

(3) How are the valuations for rating arrived at?

(4) Is the present system of calculating annual rental value according to law?

The Hon. A. F. GRIFFITH replied:

(1)

Year Ended	Net Annual Value	Water Rate in £	Water Rates	Water Rebate Including 5,000 galls. p.a. for Flushing gallons
		s. d.	£ s. d.	
30/6/50	45	1 6	3 7 6	50,000
30/6/51	45	1 6	3 7 6	50,000
30/6/52	45	1 6	3 7 6	50,000
30/6/53	45	1 6	3 7 6	50,000
30/6/54	45	1 9	3 18 9	50,000
30/6/55	74	1 9	6 9 6	79,000
30/6/56	74	1 6	5 11 0	69,000
30/6/57	74	1 6	5 11 0	69,000
30/6/58	110	1 6	8 5 0	100,000
30/6/59	140	1 6	10 10 0	125,000
30/6/60	140	1 6	10 10 0	125,000
30/6/61	172	1 6	12 18 0	134,000

(2) Increase as from the 1st July, 1955, due to review; increase as from the 1st July, 1957, due to building additions; increase as from the 1st July, 1958, due to review; increase as from the 1st July, 1960, due to general increase in valuation levels.

(3) Under section 74(2) and 74(3) of the governing Act.

(4) Yes.

INTERSTATE MAINTENANCE RECOVERY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 31st August.

THE HON. H. C. STRICKLAND (North) [2.37]: I have had a look at this amending Bill and, as the Minister has explained, it is very necessary as it enables the provisions placed in the Act last year to operate. I support the Bill.

THE HON. L. A. LOGAN (Midland—Minister for Local Government—in reply) [2.38]: I promised to give Dr. Hislop an answer to his query concerning the apprehension of husbands and fathers who had skipped away from their wives and families. I asked the department to give me a brief report on this matter, and it is as follows:

> The Acting Director, Child Welfare Department, advises there can hardly be any new thought on this matter. The department provides the police with all the information available to it, and only when the police can apprehend the husband, can the department deal with the matter. The Secretary for Police advises that the department follows up every possible avenue of inquiry. Photos and descriptions, and the slightest clue available are forwarded as far afield as the Northern Territory. No loophole is left unattended and, in effect, assiduous search is made for these gentlemen.

This particular aspect of my department has caused me not a little concern, because it costs the State quite a lot of money. When a husband leaves his wife and family, it falls upon the Child Welfare Department to ensure that his children do not starve. Amounts ranging up to £600, sometimes, are debited against the individual; and then I generally receive a request that, because the person concerned cannot be found, the debt might just as well be wiped off. This is going on all the time.

I have discussed the matter with departmental officers on more than one occasion to see whether we could find a better method of ensuring that some of this money is returned to the State, but, unfortunately, we have not been able to do anything about it. We must, therefore, rely on the Police Department and the information it can give us as to the whereabouts of these people. I can assure members that the matter is not unnoticed.

The Hon. E. M. Davies: Is there any provision to apprehend defaulting spouses who join ships and travel from one port to another?

The Hon. L. A. LOGAN: There is only the ordinary course of law. I understand that a Bill will be introduced along those lines.

Question put and passed.

Bill read a second time.

In Committee

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

LOCAL AUTHORITIES, BRITISH EMPIRE AND COMMONWEALTH GAMES CONTRIBUTIONS AUTHORISATION BILL

Second Reading

Debate resumed from the 31st August.

THE HON. E. M. DAVIES (West) [2.43]: This Bill is for an Act to authorise local authorities to expend amounts exceeding 3 per cent. of their ordinary revenue for purposes connected with the preliminary arrangements for the Empire Games. It is a small Bill but, in my

opinion, of much importance to Western Australia particularly, and to Australia generally. The Lord Mayor of Perth and the Perth City Council are to be commended for having obtained the Empire Games for this State. In my opinion, this was a very fine achievement.

For a State of the area of Western Australia, with such a small population, it is an achievement to have the games held here; and they will focus world attention upon Australia generally and not only upon this State. The previous Government undertook a guarantee of £200,000 towards the games, and the present Government is supporting the guarantee. The Commonwealth Government has guaranteed up to £100,000, which I think indicates the importance of holding the games in Australia.

This legislation will enable local authorities to make payments for donations to the Empire Games Fund from their 3 per cent. accounts. As I have already stated, this is a small Bill but, in my opinion, it is one of great importance to this State. I understand that some local authorities are not exactly favourable towards this proposition, but no objection can be raised to the legislation because it imposes no compulsion; it merely gives a local authority the right, if it so desires, to make payments from its ordinary revenue; and also, if it so desires, to make donations from its 3 per cent. account.

Whilst some local authorities may have a difference of opinion over this matter—and they are entitled to this—generally speaking, I can see no reason why this Bill should not become law, because all it does is to enable a local authority to make payments or donations to the Empire Games Fund, should it so desire. Personally, I agree with the contents of the Bill. If it passes both Houses of Parliament and becomes law, there are many local authorities that will take advantage of it. Should a local authority prefer not to donate to the Empire Games Fund, it will not be compelled to do so. Australia is one of the five continents of the world, and it has the lowest population; and Western Australia represents one-third of the area of the Commonwealth of Australia. Therefore it is an achievement to think that the games are to be held in Western Australia. It is indeed something that Western Australia has been granted these games because, as I have already indicated, they will focus world attention on Australia as a whole and not only on one particular State.

Those of us who have had the opportunity of travelling overseas do not call ourselves Western Australians, Victorians or New South Welshmen—we simply say we are Australians. Therefore, when an event is held in Australia, it not only focuses the attention of the world upon a particular State but upon Australia as a whole. I support the Bill and hope that it will become law by passing both Houses of Parliament.

THE HON. W. F. WILLESEE (North) [2.49]: I am one who would not have received this Bill with any great approbation save for the fact that the Minister, in his concluding remarks, qualified his speech by saying that the proposed increase in the 3 per cent. accounts of local authorities in Western Australia would not be compulsory.

Western Australia is a very big State; and there are many small road boards and local authorities which have a minimum of finance with which to achieve very great objectives; and if we consider that on the east side of Australia we incorporate, as against the west side, three States with different idealogies, different conceptions, and different thoughts with regard to a feature such as the Empire Games, we can realise that some local authorities thousands of miles away from the metropolitan area would not have a great interest in the games.

I am one who, subject to confirmation being given by the Minister that the provisions in the measure are not compulsory, will support the Bill. But I would ask that when this Bill becomes law, the Minister, by letter or some other means within the control of his department, lets the secretary of each authority in the State know that there is no compulsion; and that any contributions from the 3 per cent. funds will be made voluntarily.

I have no complaint or grievance in connection with any money that may be expended by metropolitan authorities, because the advantage to the inhabitants of this close area will be very great. But I do feel that when we consider the atmosphere at places thousands of miles away, with problems very much down to earth and very essential to the people at those places, we should not lose our perspective when dealing with this measure. I support the Bill.

THE HON. L. A. LOGAN (Midland—Minister for Local Government—in reply) [2.53]: I thank Mr. Davies and Mr. Willesee for their remarks on the Bill. I can assure Mr. Willesee that had the measure been a compulsory one, it would not have been before this House. I can assure him that every local authority will receive notice of this through the medium of the monthly bulletin; they will be told exactly what the score is.

I understand that one member, with whom I was in conversation, thinks the amount should be notified by the local authorities before the 30th June, 1961, to enable the ratepayers of any local authority to object if they so desire. I

promised to have a look at that in the Committee stage, but I have not had time to do so as yet.

There is a safeguard, however, in the fact that the sanction of the Minister has to be obtained before the amount can be agreed to. I do not know whether the Minister should take all the responsibility, but it is a safeguard against any local authority that is likely to be a little extravagant. Whoever may be the Minister, I think the matter should be left to his good judgment to make sure that the amount is well within the means of the local authority.

In view of the fact that I have not had a look at what has been suggested, if the second reading is carried I intend to move that the Committee stage be made an order of the day for the next sitting of the House.

Question put and passed.

Bill read a second time.

DOG ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.58]: I move—

That the Bill be now read a second time.

This Bill is a short one, but it contains several rather important provisions which I commend to the members of this Chamber.

The first amendment is to section 6A of the principal Act which at present authorises a registering officer to refuse to license a dog if, in the opinion of the local authority, it is of a destructive nature. It is proposed to authorise refusal of registration also if the dog is suffering from an infectious or contagious disease. This provision is a necessary one.

The second amendment is to section 19 of the principal Act. That section authorises a police officer or an officer of the local authority to seize and impound a dog, but, because of amendments which have been made in the section and which require the dog to be disposed of in the manner prescribed, the position is left ambiguous and doubtful in the absence of by-laws dealing with the question; and it may be that under the existing legislation a policeman seizing a dog must retain that dog until it dies. Therefore the section is to be amended to provide a definite statement of the duty of the police officer and the method of obtaining the release or destruction of the dog.

The next amendment is to insert a new section 21A which will prohibit dogs from being in shops or on beaches specified by the local authority for the purpose, unless they are on a chain, cord or leash. An exception has been made in the case of dogs in pet shops or in veterinary establishments.

From time to time complaints are received concerning dogs being allowed in streets and not subject to any adequate control. For hygienic and other reasons this practice should be restricted at least so far as shops are concerned. Dogs will still be permitted in shops provided they are under proper control; and that control consists of a chain, cord or leash.

The next amendment is the insertion of a new subsection in section 29 of the principal Act. Section 29 as it stands at the present time authorises an adult male aboriginal native to register one male dog free of charge, and it also requires the local authority to issue a collar and disc free of charge on demand. In view of the fact that in the South-West Land Division aboriginal natives are now able to obtain satisfactory employment, there is no justification for the continuance of the practice of free registration which is, of course, a relic of the time when the natives were more tribalised.

The amendment, therefore, is to confine the right to a free license to the areas outside of the South-West Land Division. That is to say, natives on the goldfields or in the pastoral areas will be able to obtain a free license, but natives in the South-West Land Division will have to pay for any dog they desire to keep.

The next amendment is to insert a new section 29A which will require the owner of a dog suffering from a contagious or infectious disease to isolate that dog and, if a justice of the peace considers it desirable, to destroy it in order to prevent the dissemination of the disease. At the present time this power is confined to dogs owned by aboriginal natives under the free licensing provisions. The effect of the amendment is to make it applicable to all dogs suffering from contagious or infectious diseases.

The next amendment is to extend to any dog which is being kept and trained to be used as a guide for a blind person the same right of free registration as is at present applicable to a dog actually used as a guide. This means that whilst the dog is in training it is entitled to be registered free of charge just the same as when it is actually being used as a guide for a blind person.

The next amendment is an increase in the fees set out in the third schedule. The present fees are 7s. 6d. for male dogs and 10s. for bitches. Provision is made in the amendment for an increase of the charge to 10s. for male dogs and £1 1s. for bitches, with a further provision that if the bitch is sterilised and a certificate to that effect is produced, the fee shall be the same as for a male dog. It is a well established fact that the greater nuisance value in connection with dogs falls to the female of the species; and that is the justification for the higher charge. Where the animal

has, however, been effectively sterilised, there is no reason why there should be any discrimination in the fees.

In the schedule, provision has also been made for a fee of £5 per annum for premises where dog breeding or trading is carried on or dogs are cared for. At the present time each dog must be registered separately, and the fee paid. Under the amendment, wherever kennels are maintained for dog breeding or dogs are kept for sale or are simply cared for as in places such as the Dogs Refuge Home, one fee of £5 per annum will be sufficient, and the individual dog will not require to be registered until it is taken out into the ownership of some other person.

Since the Bill was printed, I have noticed an anomaly in section 10; and at a later stage it is my intention to give consideration to an amendment to clarify that section which is at present definitely anomalous and confusing owing to amendments which were made in 1923 and which have rendered it unnecessary for there to be the two subsections which at present stand in the section concerned.

I now formally introduce the Bill, and I ask that members give it the careful consideration which is usual in this Chamber.

On motion by the Hon. F. R. H. Lavery, debate adjourned.

BILLS (2)—FIRST READING

1. War Service Land Settlement Scheme Act Amendment Bill.

   Bill received from the Assembly; and, on motion by the Hon. L. A. Logan (Minister for Local Government), read a first time.

2. Evidence Act Amendment Bill.

   Bill received from the Assembly; and, on motion by the Hon. A. F. Griffith (Minister for Mines), read a first time.

LICENSING ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. N. E. BAXTER (Central) [3.3]: I move—

That the Bill be now read a second time.

In introducing this Bill I wish to inform the House that it is only a brief measure containing provisions whereby certain nominated hotels shall be permitted to trade on a Sunday. As everyone realises, the Act provides that only those hotels outside a radius of 20 miles of the Perth Town Hall shall be permitted to engage in Sunday trading. There have been what I consider anomalies relating to certain other hotels which can be regarded as tourist establishments and where, on Sundays, people congregate whilst out for a drive or a tour. During their excursions they would appreciate being able to obtain a drink in these hotels.

So the Bill proposes, in the first instance, to amend section 122 to embrace this type of hotel by inserting the words, "or are specified tourist premises." Therefore, by this wording there can be no attempt to shorten the radial distance from the Perth Town Hall in order that other hotels may be included in this amendment. The Bill means that unless these establishments are included in the schedule to this Act they will not be regarded as specified tourist premises. By the insertion of a schedule specifying the type of hotel that will be covered by this amendment, members will be given an opportunity to debate whether, in their opinion, each individual hotel can be regarded as tourist premises.

From the Bill it will be seen that the hotels I have included in the schedule are, firstly, the Hotel Rottnest, at Rottnest Island. It is well known to everyone that trading is fairly liberal at that hotel on a Sunday. Rather than see that continue, I consider the position should be covered in this legislation, and that Rottnest—which is actually within the 20-mile radius of the Perth Town Hall—should be permitted the privilege of Sunday trading as a tourist resort. If this were done it would give the manager of that hotel an opportunity to say to those people who were seeking a drink on that day, "We now have legalised trading hours and during this time you can get a drink." The people would respond to that privilege, and the practice of the manager being pestered all the time by people coming to his door and asking for a drink on a Sunday would be obviated.

The second hotel is one I am particularly interested in and that is the Weir Lodge Hotel at Mundaring Weir. There is such a small local trade at this hotel that it will be impossible for the licensee to carry on much longer unless he is granted an opportunity for some further trading such as is envisaged in this Bill. This is quite a fair-sized building, and, as most members know, it is surrounded by forest country, and gardens; and the weir itself is in the near vicinity. It has definite attractions for tourists. The present proprietors have gone to great lengths to prepare a plan to carry out extensive outside alterations for the purpose of providing additional amenities for tourists who may be attracted to the weir. Unfortunately I have not a copy of the plan with me to show members, but the proposal has been submitted to the tourist section of the Premier's Department; and I believe it has given its full approval, because the plan would convert the area into an extremely attractive tourist resort.

The plan also has the approval of the Mundaring Road Board which has indicated that it is willing to assist by improving the surroundings of the hotel in order that the whole area may be made into an attractive tourist resort. At present people visit Mundaring Weir every Sunday in large numbers and many of them, not realising that the hotel has not the right to open on a Sunday, often wait outside the hotel and ask the proprietor, "Are you not going to open today?" This is rather a worry to the proprietor and annoying to the people he has to turn away, because they had gone out for a drive into the hills and to the weir with the thought that they could obtain a drink at the Mundaring Weir hotel. When they are refused they are rather disappointed.

The Hon. A. L. Loton: It may be a lesson to some.

The Hon. N. E. BAXTER: That could be; but it would not be a lesson for the majority of those people who go to Mundaring Weir, because they generally visit that spot whilst they are out for a Sunday drive and for the purpose of enjoying the surroundings. On the other hand, they may be only passing through showing the beauty spots to visiting tourists. Therefore, on a Sunday, particularly, I consider that it would only be a question of bringing the hours up to date so that the proprietors of these hotels could say to the people who were seeking a drink, "The session is on; you can come and have a drink."

The Hon. A. L. Loton: They line up for a swill.

The Hon. N. E. BAXTER: I do not agree with the honourable member's contention. In an area such as Mundaring Weir it would not be a case of people lining up for a swill. However, I can point to many other places in the State, not far distant from the city, where people do line up for a swill at various hotels on a Sunday.

If Sunday trading can be conducted on a reasonable basis, and the trade spaced out more evenly, there will be less swilling —as stated by Mr. Loton—than at present; and particularly if Sunday trading is permitted in the hotels specified in the schedule to the Bill. This Bill will be the means of reducing the so-called swilling which goes on in some hotels on Sundays.

The Hon. W. F. Willesee: What is this swilling?

The Hon. N. E. BAXTER: Mr. Loton referred to the question of swilling on Sundays. I take it he is referring to people partaking of alcoholic liquor, and drinking like pigs from a trough. I have heard that colloquial expression used quite commonly, but I do not consider it to be a very nice one. Some people refer to this type of drinking as swilling, but I do not.

Included in the schedule is the Mundaring Hotel, which is very nice and modern. Large numbers of tourists visit Mundaring on Sundays in the course of their driving. The same applies to the Parkerville Hotel. Those two are mainly tourist hotels.

Along the coast there is also the Naval Base Hotel, and it cannot be termed anything else but a tourist hotel. It serves no residential district; it relies entirely on the trade of the travelling public; the tourists, and the people camping in the vicinity. This hotel has as much right to Sunday trading as has the Rockingham Hotel. We should recognise the fact that the Rockingham Hotel is only 18 miles from Fremantle; it is well within a 20-mile radius of Fremantle. However, the Act specifies that only hotels outside a radius of 20 miles of the Perth Town Hall are entitled to trade on Sundays; therefore the Rockingham Hotel comes in this category. I consider it is wrong to include the one and exclude the other.

In the Mundaring district there is the Weir Lodge Hotel, and many tourist buses visit that hotel. There are several roads leading to it, but the tourist buses take a road known as Holland Drive which runs above the hotel. The passengers are dropped on one side of the weir and are expected to walk across the wall of the weir and meet the bus on the other side. Quite a number of the tourists on these buses prefer, rather than to walk across the wall of the weir to catch the bus on the other side, only to look at the weir and then to go into the hotel to have a drink before boarding the bus again. If the hotel were open on Sundays, many of the elderly tourists would be able to have a drink before they caught the bus; and they could do so without having to walk to the other side.

This Bill will also reduce road congestion in some areas. At present, in the spring time, there is much traffic congestion along the road to Sawyers Valley on Sundays. With the inclusion of additional licensed premises entitled to trade on Sundays—particularly the tourist hotels—people touring the hills will be able to stop and have a drink at several hotels. They will not have to proceed to Sawyers Valley before they can obtain a drink.

There are no catches in the Bill; it has been drafted in such a manner that if objections are raised against any particular hotel in the schedule, with the consent of the House the hotel in question can be struck out.

The Hon. F. R. H. Lavery: You have the wrong address of the Naval Base Hotel. It is several miles from East Rockingham.

The Hon. N. E. BAXTER: These addresses were obtained from the Licensing Court. If the address is incorrect, something can be done to amend it when the Bill is in Committee. If the honourable member seeks to amend the address I will

have no objection. I have nothing more to add. If members desire to examine the Bill in greater detail and to consider the proposals contained therein, I have no objection to an adjournment of this debate; I am completely in their hands.

THE HON. R. THOMPSON (West) [3.15]: I support this measure. I want to refer to the Rockingham Hotel and the Sawyers Valley Hotel. Most people who desire to drink on Sundays head south towards the Rockingham Hotel in the summertime to have—according to Mr. Loton—a swill. The conditions at the Rockingham Hotel on Sundays can be described as such. The conditions there on Sunday evenings are disgraceful. I have only been there once since the war and I was very disgusted with what I saw.

I live on the road between the Rockingham Hotel and Perth, and on Sundays thousands of cars travel from Perth to Rockingham; the people go there purely for the sake of drinking. If the Naval Base Hotel was granted the same privilege to trade on Sundays, quite a lot of the existing traffic towards Rockingham, particularly on Sunday evenings, would be reduced. Such a move would be the means of popularising to a greater extent the Naval Base and Coogee beaches, which, without any shadow of doubt, are the safest in the metropolitan area. People going to those beaches on Sundays would then be able to obtain a drink if they wished. Further, they would be able to journey home fifteen minutes ahead of the people returning from the Rockingham Hotel.

I do not know whether members have noticed the number of accidents which occur after the trading hours on the coast road and the Rockingham Road during the summer months on Sundays. They are quite numerous. Between the hours of 6 and 8 p.m. on Sundays in the summertime, cars travel bumper to bumper along those roads.

If Sunday trading facilities are extended to the Naval Base Hotel, and possibly to the licensed premises at Medina—although the latter is only a road house and does not qualify for Sunday trading—the rate of accidents along the roads mentioned will be reduced.

At the Sawyers Valley Hotel in the spring, much the same thing occurs. People travelling to the hills on Sundays are aware of the traffic on the road to Sawyers Valley.

I do not think it should be necessary for people to drive long distances to obtain a drink on Sundays. Many people go as far as 20 or 30 miles to a Sunday "session," as it is called. I know of some who go from Perth and Fremantle to Ravenswood for that purpose.

I commend the honourable member for bringing this Bill forward because it will reduce the conditions that do exist in actual fact as far as the people from Cottesloe and the south part of the river are concerned. In their case Rockingham has the monopoly in regard to Sunday drinking, and the conditions there are not good; and far too many children are left unattended. One could easily speak against Sunday trading, but I think if it is going to be allowed, better facilities should be provided. I support the Bill.

On motion by the Hon. F. R. H. Lavery, debate adjourned.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [3.21]: I move—

That the Bill be now read a second time.

This amendment of the Judges' Salaries and Pensions Act is necessary in consequence of the appointment of an acting judge under the Supreme Court Act in March last. Though there was need for this appointment of an additional judge, a full judge could not be appointed because of the limitations of the Act. Only five judges are permitted under the Act, and there was a full complement of judges, including the President of the Arbitration Court.

There has been a steady increase in court work—the Chief Justice had commenced an absence of twelve months on long service leave, and Mr. Hale was approached in the matter of an appointment as an acting judge. This gentleman was given to understand that, should he accept such an appointment, steps would be taken to amend the Supreme Court Act, in order to provide for the appointment of another judge, and that such an amendment would confirm his position.

As the proposition entailed the abandonment of his private practice, he would have been very unwise to have consented to the appointment as an acting judge, had such an assurance not been given. It was on this understanding that the appointment was made.

Additionally, there is the question of pension rights. When an acting judge has been appointed in circumstances such as I have just outlined, and while holding that office is appointed a judge, his appointment as a judge, for pension purposes, should be deemed to have taken effect as from the date of his appointment as an acting judge. The Bill provides for this eventuality.

While the case of Mr. Acting Justice Hale is instanced in the presentation of this measure, the statute, if amended, would of course, not only cover his case, but also that of any other person who, in similar circumstances, may be appointed in the future.

In the matter of salary, too, a similar provision is to apply. In accordance with the circumstances explained to members, the Bill ensures that the salary of Mr. Acting Justice Hale should be paid as from the 1st July, 1960, under the provisions of the principal Act. Members will recall this Act having been amended last year to adjust the salaries paid to judges of the Supreme Court.

Small machinery amendments entail the deletion of the figures "-1949" from three sections.

THE HON. E. M. HEENAN (North-East) [3.24]: This is a relatively brief measure and there is not a great deal which I can add to the remarks of the Minister. It might be of interest for me to say that at present there are, as we know, five judges, these being in order of seniority, the Chief Justice (Sir Albert Wolff), Justice Jackson, Justice Virtue, Justice Nevile, and Justice D'Arcy; and, of course, we now have an Acting Judge, (Acting Justice Hale) as stated by the Minister. Also mentioned by the Minister was the fact that the Supreme Court Act provides for only five judges; and I agree entirely with his submission that with the increase of work in the courts due to the development of our State and the increase in population, an extra judge is necessary.

The Hon. G. Bennetts: Because of the amount of alcohol that is drunk and the number of motor vehicle accidents.

The Hon. E. M. HEENAN: Those cases are mainly dealt with in the Police Court.

The Hon. A. F. Griffith: They have nothing to do with it.

The Hon. E. M. HEENAN: I was saying that I entirely agree that the stage has been reached when the number of five judges provided for in the Act should be increased.

This Bill relates also to judges' salaries and pensions; but, as the Minister pointed out, it is being introduced mainly, but not specifically, to meet the circumstances surrounding the appointment of Mr. Acting Justice Hale. He was made an acting judge, in about May, I think. Presumably he would have been made a judge at the time but, as I have said, the Act provided for only five judges, and he was therefore made an acting judge. However, he was given an understanding that when the Supreme Court Act was amended he would be appointed to the full status.

This Bill makes a provision for his salary and his pension rates to date back to July. I think that is to honour the assurance and undertaking given to him. As the Minister has pointed out, this measure will provide for the appointment of any other acting judge whom it might be necessary to appoint.

I give this Bill my full support, and I will be one of those to applaud the appointment of Mr. Acting Justice Hale as a judge in view of his present status of acting judge.

Question put and passed.

Bill read a second time.

In Committee

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

STOCK DISEASES ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [3.31]: I move—

That the Bill be now read a second time.

In the introduction of this Bill I would say that Western Australia is extremely fortunate in its relative freedom from stock diseases. This is due to its isolation from the other States of the Commonwealth. Because of this isolation, Western Australia enjoys freedom from stock diseases that are existent in other States where substantial amounts of money have been expended in the eradication of outbreaks of stock diseases.

The purpose of this Bill is to authorise the Governor to prohibit by proclamation the introduction of infected stock into the State. The necessity for such proclamation is supported by the belief that unless such steps are taken, stock disease will be, or is likely to be, introduced into this State.

Members may be prompted to inquire as to the necessity for an amendment to this Act which, apparently, has withstood the test of time. Admittedly Crown Law advice is to the effect that the present wording of the Act is wide enough in its scope to prohibit the introduction into Western Australia from other States of any stock for any reason whatsoever. Nevertheless, considerable doubt has been expressed quite recently regarding the adequacy of the Act to withstand legal challenge. This is something new, for the reason that the Principal Act was passed in 1895 and to date has remained unchallenged.

Nevertheless, there is to an extent some degree of chance in this regard, for some months ago a move was made to bring a consignment of cattle from the Eastern States into Western Australia for breeding purposes. The department refused to permit the entry of such cattle, and this refusal was queried by the principals concerned on a legal basis. Close examination of legal aspects by our Crown Law officers resulted in advice to the effect that, in view of the extent and effect of section 92

of the Commonwealth Constitution, the Act should be amended to ensure that it in no way conflicted with the Constitution.

It is appreciated that members might well ask why the urgency now arises. The answer to this is that in all the years during which this legislation has been operative it has remained unchallenged until quite recently. In view of the recent move to import a large consignment of cattle, reputedly for breeding purposes, and the refusal of the department to give a permit, doubt has been expressed concerning the adequacy of the Act to withstand a legal challenge. Actually, the deal in question fell through; and this explains the reason why it is desirable, in the interests of all concerned, to have the position clarified and legalised through statute in order that the cattle in this State may be protected.

As members will be aware, particularly those representing farming districts, very special precautions are taken within the State in respect to stock diseases. We all know that pleuro-pneumonia, for instance, is endemic in the Kimberley Division, while the whole of the State south of the 20th parallel is free from this serious disease; and very effective methods are taken to ensure that this will remain so.

This disease, as is well known, exists in other States and has been responsible for wholesale losses in the Eastern States. In Victoria, for instance, an amount of no less than £100,000 was spent recently in the eradication of a series of outbreaks.

The Hon. F. J. S. Wise: We drew a pleuro line in the Territory to control it.

The Hon. A. F. GRIFFITH: Yes. The precautions taken in this State ensure that cattle from the North brought south are transported under quarantine conditions, subject to slaughter on arrival.

It transpires, therefore, that the State is faced with the obligation of establishing that its statutes do not conflict with the Constitution, but at the same time provide the protection that is necessary for the livestock industry. Under the statute at present, stud cattle are permitted entry into Western Australia; but this is subject to certain health requirements. The only other cattle that are permitted interstate entry are from South Australia, and then only to Kalgoorlie; and they are subject to slaughter on arrival.

By confining the introduction of cattle to stud cattle, the trade in this movement of cattle is naturally very limited. Consequently, the properties of origin, as expressed in the departmental language, as to the health history of the cattle are easily checked in order to enable the required certification to be made. All this is necessary because the State has too much to lose by risking the general introduction of cattle other than stud. As expressed previously, the great risk is the possibility of introducing contagious bovine pleuro-pneumonia.

It might be added *inter alia* that the weakness in the present legislation lies rather in its strength and wide powers for the prevention and, in fact, actual exclusion altogether of the introduction of cattle other than stud into Western Australia. As a result of this, the complete ban imposed by the Act has had to be replaced with a permit for entry subject to certain safeguards. The safeguards taken have been a series of tests, but these have not been altogether satisfactory because the tests themselves have not been 100 per cent.

In view, therefore, of the over-all experience in recent times, it is felt there is now an urgent need to strengthen the Act; and this is proposed in the Bill, the object being to make certain that our livestock industry is protected from any infection which could eventually be of a catastrophic economic nature.

THE HON. H. C. STRICKLAND (North) [3.37]: I have listened carefully to the Minister, and there is not the slightest doubt that this legislation is necessary. It is essential to strengthen the hands of the Chief Veterinary Officer and his department with respect to the control of stock diseases within the State.

The veterinary officers of the department have done a remarkable job over the years in controlling pleuro-pneumonia. When we consider that something like 10,000 head of cattle from pleuro areas are brought each year to the metropolitan area for slaughter, we can have no doubt that the law, as it stands, and the policing of the law as it has been carried out, have had marvellous effects.

The work of the department, over the years, has not been 100 per cent. successful because with relaxation on various occasions disease has followed. Early in the 1930's a shipment of cattle from the Leopold Downs in West Kimberley were tested and showed negative results, and so were thought to be free of disease. These cattle were bought by some graziers at Yatheroo in the Moore area, and an outbreak of pleuro-pneumonia occurred there, with the result that all the cattle on that property had to be slaughtered. Another outbreak occurred, also in 1930, at Upper Swan when some Kimberley cattle were sent there for agistment; and this despite the fact that the cattle showed negative reactions to the test.

So the Chief Veterinary Officer, as I have said, has done a good job by refusing even to allow cattle which show a negative reaction to be grazed anywhere in the metropolitan area now; or, in fact, to be grazed anywhere south of the pleuro line

which runs between Broome and Anna Plains, somewhere in the vicinity of La Grange Bay.

Another serious outbreak occurred at Hamilton Hill in about the year 1942. There a dairy herd of some 30 cows came into contact with cattle in quarantine which were waiting to be slaughtered at Robb Jetty. The whole herd had to be slaughtered because of this outbreak of pleuro. It is quite easy for a disease to be introduced into clean herds in the southern area of the State; and the department and the Government are to be congratulated for taking this step because, although they have full control over the movement of cattle within the State, apparently somebody has challenged the Act under section 92 of the Commonwealth Constitution which provides that there must be free trade within the States.

The Minister mentioned serious outbreaks in Victoria where tested cattle, or cattle which had been inoculated with vaccines, had been found to be carriers and had taken the disease into clean herds. Those outbreaks had disastrous financial results to some of the Eastern States because of endeavours to wipe out the disease. I recommend that the Bill be supported by all members, and the sooner it becomes law the better it will be.

The Hon. J. G. Hislop: What is the bacterial organism responsible?

The Hon. H. C. STRICKLAND: I do not know.

On motion by the Hon. A. L. Loton, debate adjourned.

LAND ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister or Mines [3.42]: I move—

That the Bill be now read a second time.

The purpose of this Bill to amend the Land Act is two-fold. There exists under the parent Act some legal doubt as to the powers of the Governor to authorise agistment of stock on certain reserves. This Bill, which is being brought down to amend the Land Act, will, if passed, remove these doubts. Of greater importance, however, is the proposed amendment, which will empower the Minister for Lands to prevent trafficking in Crown land, the subject of conditional purchase lease.

The amendment to section 32 of the Act deals with the former provision. Before proceeding with the measure, I wish to refer, firstly, to the power enjoyed in this respect by local authorities. Many members, particularly those representing rural areas, are well aware of the fact that certain reserves vested in a local authority under the Land Act, or placed under the control of a board under the Parks and Reserves Act, may be used for the depasturing of animals. The local authority is empowered to grant licenses and collect such fees as are made under by-laws from time to time.

No similar authority has been given to the Governor, however, to lease reserves that are being used for their allotted purpose. There are occasions, however, when it is not only convenient but desirable, in the interests of a reserve and of the farmers concerned, to grant short-term leases for the pasturing of stock. I wish to emphasise here that there is no intention to interfere in any way with the reserve itself or to restrict the use of any such reserve by the general public.

[Sitting suspended from 3.45 to 4.1 p.m.

Before afternoon tea I was saying there was no intention to interfere in any way with the reserve itself, or to restrict the use of any such reserve by the general public. There are definite legal doubts regarding the legal position of the Governor in this regard. It is considered most desirable that in certain cases stock should at times be put on certain reserves; and this amendment would authorise the Government to permit this being done on reserves that are set apart and used for public purposes, but are not vested in or placed under the control of any other authority under either of the Acts previously mentioned.

The second part of the Bill affects section 143 of the Act and deals with the disposal of leases. It has come to the notice of the Government that prospective purchasers and *bona fide* farmers are being exploited by leaseholders who are asking excessive prices for undeveloped Crown land. There have been cases where land, the subject of recent conditional purchase leases, has been named in contracts of sale at prices far in excess of the unimproved value of the land as fixed in the conditional purchase lease. As the law stands at present, a vendor, who may have paid only a small amount in interest or survey fee for the first year or two of the lease, is not only able to pass on to a purchaser his responsibilites, but to pass them on in such a way that he obtains a price consistent with the value of improved freehold property, at the same time leaving the purchaser to comply with the improvement conditions, and, further, to pay the initial purchase price to the Crown.

No Government could stand by and see such trafficking in Crown leases taking place. For the most part, no purchase money has been paid under a lease, as instalments of purchase money do not commence on a conditional purchase lease until after the first five years. During the first five years, payments are confined to survey fees and/or interest thereon.

Existing legislation provides that no transfer, mortgage, or sub-lease of any lease or license shall be valid or operative until the approval in writing of the Minister for Lands has been first obtained. The amendment now proposed will ensure that no conditional purchase lease shall be sold, assigned, or disposed of by way of any contract, or agreement, without the approval of the Minister for Lands having been first obtained. There is no other reason for the suggested amendment but to prevent the trafficking in conditional purchase land before the improvement conditions have been complied with.

The amendment will also, of course, protect prospective buyers and farmers from the exploitation which is taking place. It will protect a prospective purchaser under such an agreeemnt by the forfeiture of the conditional purchase lease. This would take place upon receipt of reliable evidence that the registered holder of the conditional purchase lease had attempted to sell the lease without the prior approval of the Minister for Lands. The amendment put before the House will serve a dual purpose: the protection of Crown interests and the protection of the farmers or other interested and prospective purchasers.

THE HON. F. J. S. WISE (North) [4.5]: This Bill contains two very important principles. I think the one dealing with the ability to ensure the leasing of reserves under section 32 of the parent Act is a very good one, because it so often happens that areas of Crown land held for specific purposes in the interests of the public are improved by stocking and thus render a service to some members of the community in the near vicinity. There is no doubt that the Governor should have the right to lease for purposes other than the one specified in the vesting order, or in the order creating such reserve.

The second provision in the Bill, to amend section 143, is also very important. On many occasions I have been very concerned that so many people who have been allotted Crown land under conditional purchase conditions—that is under section 47 of the Act—have been ready, so quickly, to make it clear that they have no intention of complying with the conditions of living on the property or of effecting improvements; and that they are anxious to sell to somebody.

It is a most unfortunate happening. Without casting any adverse comment against land boards created to hear and deal with applications, I have often wondered whether at all times sufficient notice is taken by the boards of the qualifications of the local applicants, as against those of people outside the district. I know of one case that occurred within the last 12 months, of a very worthy young man who had a property and who was developing it. He is married with one child. He was doing an amazing job in an area which even when fully developed would not be an economic unit.

He went to the Lands Department and visited the district surveyor. He discussed with him the design of the area adjoining, which had been released from the Forests Department. The district surveyor agreed that in fact his was such a good case that the design would include, along his boundary, an area, which, if added, would be sufficient to make an economic unit when fully developed. The district surveyor was not only cordial but also interested in the case of this young man who, as I have said, was a worthy citizen in an important town of this State. He was a member of the show committee, and he took part in everything of public interest.

He stated his case with many other applicants for this block, before the land board when it met; but in everyday parlance, he was not in the race. He stated his case factually; his father was assisting him and there was no worry about finance. His evidence, as submitted, was undoubted, and expressed his qualification as an applicant for such a block.

The Hon. F. D. Willmott: Was the successful applicant an adjoining landowner?

The Hon. F. J. S. WISE: No; the successful applicant is now quite anxious to sell.

The Hon. L. A. Logan: At a profit.

The Hon. F. J. S. WISE: At a considerable profit. I know of another case in the recent Hay subdivisions where, after three months, a person who has no intention whatever of developing the property deprived a local applicant of it. He stated definitely before the board that it was his intention to comply with all the conditions, and he pointed out his ability to do so. He has no wish to go on with it; and at no stage, in fact, did he have any intention to go on. He deprived good local applicants—farmers' sons—from having that block.

Without casting any slur upon the qualifications of the board, I say that unless greater attention is given to the personality of the applicant and to the personal equation, or to local qualifications, we will have a continuance of blocks being available because of the wrong people getting them.

The Hon. J. M. Thomson: He was no more successful the next time.

The Hon. F. J. S. WISE: That is so; Mr. Thomson knows of the case. This young man missed again, and, in my opinion no more worthy young man could have applied. When the land board sits as a local board, whether it be in Albany, Katanning, Geraldton or anywhere else, I

would like to see it take a lot more notice of the local people. Where local witnesses are called to vouch for a local young man or citizen with promise and achievement a lot more notice should be taken of them.

The Crown has been extremely generous with the public estate; and I hope it will continue to be so. Crown land should be available so that there is within it a premium for the person who is game enough to take it on. I hope that is always the case. All of us know that if the Crown was not the owner, in many recent subdivisions the price would not be 10s. or 15s. an acre; it would be many pounds per acre. Therefore, it is necessary to have as a successful applicant a worthy person; an experienced person; and a person who will value the increment presented to him. From the point of application, he should be encouraged to develop within the law.

Section 47 of the Land Act is very generous, and it is intended to be so. It was so intended when the law was framed and submitted to Parliament in about 1933. The section we seek to amend—section 143—deals with the avoiding of transfers, where the conditions have not been complied with, without the sanction of the Minister. There is also a provision applying to pastoralists.

I think I can say that I have at least a working knowledge of the Land Act of this State. Having looked at it quite a while ago I think there is a need to divide that section of the Act; and I submit with respect to the Minister that it be looked at. Section 143 deals with Parts V and VI of the Act—both of them—in relation to the ability to transfer leases, subleases, and the like.

It also deals with the transference of pastoral leases which come under Part VI of the Act dealing with transfers, mortgages, and so on. In that will be found a stocking provision of pastoral leases which could be transferred from the miscellaneous Part IX to Part VI of the Act.

If the Minister will look at Section 143 he will find what I mean. He will find that section affects Part VI of the Act, and the transference or subletting of any part affected by that section; and that provided he keeps the land stocked in the ratio of two head of stock or 20 head of sheep it is in order. In my view the provisions of that section are appropriate to the amendment; and we are amending it. If the Minister has the stocking provision looked at, I think he will agree that part should more properly come under the pastoral section—sections 96 onwards in Part VI of the Act—rather than in the miscellaneous section Part IX.

However, these remarks are not relevant to the subject of this Bill, but they are relevant to that section of the Act. I hope the Minister will draw the attention of the Minister for Lands to my remarks in regard to land boards. Theirs is a very great responsibility; their decisions can make or mar the success of individual properties.

The Hon. J. Thomson: Hear, hear!

The Hon. F. J. S. WISE: They can prevent properties from falling into wrong hands if they scrutinise the personal equation within the application. If they avoid that, or miss it, we are likely to have many more persons desirous of transferring unworthily and improperly, and avoiding the conditions for which they are responsible. I support the Bill.

On motion by the Hon. A. R. Jones, debate adjourned.

METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.16]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to clarify the position regarding appointments and remunerations of members of the trust. Subsection 5 of section 8 of the parent Act makes provision in paragraph (b) that the respective terms of tenure of office of the persons first appointed to office of the trust expire by effluxion of time, as follows: In the case of the chairman, at the expiration of seven years; in the case of the second member, at the expiration of six years; and in the case of the third member, at the expiration of five years. Subsection 1 of this section empowers the Government to make subsequent appointments.

However, paragraph (a) of subsection 5 of section 8 requires the term of appointment to a vacancy to be for a period of five years. This may not always be desirable. It is consequently considered that the term of appointment to such vacancy should be for the unexpired balance of the term of the respective office, and thus the staggered appointments as provided for in paragraph (b) of subsection 5 will be maintained. The proposed amendment will be effectuated by its introduction into the Act through the Bill by clause 2 paragraphs (a) and (b).

The parent Act makes no provision for the services of a member who is unable effectively to carry out duties on account of his chronic illness. The amendment proposed in paragraph (b) of clause 2 rectifies the matter. Facilities for alterations of conditions and salaries have been overlooked in the parent Act. It is conceivable that some changes will become necessary from time to time in the conditions of service of the chairman and members, and it is logical to make provision for salaries

adjustments under changing conditions. Clauses 3 and 4 of the Bill cover these eventualities by enabling the Governor to authorise adjustments as necessary from time to time.

The rights and privileges of the Public Service Act applying to an officer of the Public Service appointed as a member of the trust are safeguarded by the parent Act. There is, however, no provision in respect of any other Act applying to him as a public servant. Clause 5 of the Bill makes provision for the preservation of such rights and privileges.

On motion by the Hon. H. C. Strickland, debate adjourned.

VERMIN ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.20]: I move—

That the Bill be now read a second time.

The Commissioner of Taxation at the present time collects the rates levied by the Agriculture Protection Board and transmits the proceeds to the Treasury. The annual collections are paid to the credit of the Vermin Act Trust Account to meet the items of expenditure as defined in the Act. Under the existing system, separate notices are issued for the rates and separate records are kept at the Taxation Department.

The purpose of this Bill is to enable the Commissioner of Taxation to group all State taxes on a composite land assessment form and notice. The Commissioner of Taxation submitted the proposal and it was readily endorsed by the Treasury. The proposed system will be more economical than the one at present in operation; and it will be a more efficient system. It will effect economies in administration, remove duplication of records, and, at the same time, provide a better service to the community. Opportunity has been taken to place the measure before the House early in the session, for the reason that both the Treasury and the Taxation Department are anxious to have it applied as from the commencement of the current financial year.

The Crown Law Department has suggested that the proposed new subsection (9) be introduced owing to the fact that the power to rate is affected, and payment by the Treasurer could be in doubt. With a view to putting the matter beyond all doubt however, the Crown Law Department further advises that section 103 (8) should be declared to have operated until the 30th June, 1958, only. The effect of this is to make it quite plain that the Treasury responsibility ended on that date, as was originally intended by the 1956 amendment.

The assessment form will show the land tax, the vermin tax, and the metropolitan region improvement tax. They will all be set out on one form instead of on the two which are used at present.

THE HON. G. E. JEFFERY (Suburban) [4.21]: I rise to support the second reading of the Bill and, in doing so, I will take as much time as it takes to count the toes on a two-toed sloth. As the Minister pointed out, this is a machinery Bill and its intention is to allow the Commissioner of Taxation to issue the assessment for all the taxes on one form.

This will enable more efficient and economic working within the department. However, the assessment will no doubt hurt just as much when it arrives. The idea is laudable, and this House can support the measure without any fears whatsoever.

On motion by the Hon. H. K. Watson, debate adjourned.

FRUIT GROWING INDUSTRY TRUST FUND COMMITTEE (VALIDATION) BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.22]: I move—

That the Bill be now read a second time.

The parent Act was introduced by the Minister for Lands and Agriculture (the Hon. F. J. S. Wise), in December, 1941, during the life of the Willcock Ministry. The only present members of the Legislative Council who were then members are Messrs. Hall, Heenan and Dr. Hislop. The original Bill was brought down in 1941 to provide financial assistance to the W.A. Fruit Growers Association Inc., and to assist the fruit-growing industry generally.

A committee of three was set up to carry out the purposes of the Act, and, amongst its objects were the prevention and eradication of pests and diseases, and also the recompense by the committee, to fruit growers suffering loss from such causes. The measure provided also for scientific research into the improvement of crops and their transport. The committee was empowered to inspect books of growers and ascertain particulars in respect of their business undertakings. One member, the chairman, is nominated by the Minister; the other two by the association. Members were appointed for a period of three years.

This procedure continued without hitch until appointments were due in February in 1957, when no action was taken to reappoint the committee. Through this oversight, there arises some doubt as to the legality of the functions of the committee during the period the 9th February, 1957, to the 5th September, 1958, on which latter date the reappointments were made.

The committee members due for reappointment on the 9th February continued in office though not reappointed. Consequently, because it functioned without legal power over this period of time, this measure is now necessary in order to validate all acts of administration carried out by members of the committee, and to bring them under the protection of the Act.

Incidentally, no action has been taken, nor is any expected by any grower or other interested party, as a consequence of the oversight which is now being made good. The Crown Law Department advice is to the effect that because of the provisions of the Act, the position, having been brought to light, should be rectified; an opinion with which we must all agree.

On motion by the Hon. N. E. Baxter, debate adjourned.

NATIVE WELFARE ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.27]: I move—

> That the Bill be now read a second time.

This Bill, if adopted, will do much to correct certain anomalies existing in the parent Act. A case in point is the first amendment affecting section 2 of the principal Act. Some aspects of the definition "native" are quite misleading. It is considered that the definition of "native" as relating to quadroons and those of less than quadroon blood calls for clarification; and that is what this amendment proposes.

The reason that there has been some considerable difficulty in interpreting this portion of the definition is that in its present form, the subsection which exempts quadroons from the Act is unnecessarily involved, and, in the case of subsection (3), anomalous as well as being misleading. There was never any intention of quadroons or persons of less than quadroon blood being classed as "natives"; but the particular wording of the exemption in this subsection implies that such persons who were born after the 31st of December, 1936, may be classified as "natives."

The present exemption reads—

> A person of less than quadroon blood who was born prior to the 31st day of December, 1936, unless such person expressly applies to be brought under this Act and the Minister consents.

The position is clarified by the proposed amendment to section (2) and the deletion of subsection (3).

There is some confusion regarding the Minister's powers to acquire land for certain purposes. The Department of Native Welfare envisages that this section could well be used for native ventures in secondary industries, such as in slipways, garages, shops, bakeries, and workshops. The powers under this section have been implemented to date in assisting natives in home purchases. On the other hand, there is an interpretation—the Treasury interpretation—that the section applies to land which is to be used for agricultural or pastoral development.

In view of the foregoing explanation, members will, I think, agree on the need for definite clarification of this section. The Bill accordingly contains a new subsection, reading "the provisions of this section may be applied to agricultural, pastoral, industrial, commercial, domestic, or other purposes, as the Minister deems fit."

Due to the increasing volume of work being handled by the department, there is need for the appointment of a deputy commissioner empowered to carry out any duty which the commissioner may exercise or is required to carry out under this Act, whether the commissioner is absent or not.

The addition of a new subclause 1 (a) to section 7 of the principal Act makes provision for such appointment. The only statutory authority and responsibility vested in the deputy at the present time whilst the commissioner is present in office is by virtue of his appointment as a protector of natives. It is now desired that the deputy should share some of the statutory responsibilities whilst the commissioner is present.

The second amendment to section 7 provides for the exemption of the Minister and his officers from personal liability. This is in line with similar amendments which have been made to other Acts. The Child Welfare Act has been amended in this manner, for instance, and it is most desirable that similar protection should be made under the Native Welfare Act.

The operation of section 36 of the Act has been found by experience to be ineffective in the administration of estates of natives who have died leaving no next of kin. There have been cases in which difficulty has occurred in the administration of the estates of illegitimate natives who have died intestate.

A case in point is one in which an illegitimate, whose father and mother were both living, died intestate. He himself was unmarried. The Crown Solicitor ruled that, under the laws of the State, as the deceased was illegitimate, there could be no next-of-kin who were entitled to the estate under section 36 (2) of the Native Welfare Act. As there was no next-of-kin and no person who by the regulations was entitled to succeed to the estate, the estate was paid to the special trust fund in accordance with the first proviso to section 36 (2).

The Crown Solicitor commented regarding this case as follows:—

> If I may, with respect, say so, there appears to be the possibility of an injustice to the parents of an illegitimate intestate native under the Native Welfare Act which would not necessarily apply to a non-native. If the deceased were a non-native, his estate would be escheated to the Crown, but under the Escheat (Procedure) Act 1940 section 9 (1), the Governor may order payment of the escheated property to persons having a moral but no legal claim thereto. The effect of the first proviso to section 36 (2) of the Native Welfare Act seems to preclude the beneficial operation of the Escheat (Procedure) Act from applying to persons who may have a moral but no legal claim to a deceased native's estate.

There are obviously good reasons why the position should be remedied, and the Bill empowers the Governor to make distribution to persons having a moral but no legal or equitable claim thereto.

THE HON. W. F. WILLESEE (North) [4.33]: This Bill to amend the Native Welfare Act, introduced by the Minister, contains five amending provisions. It is proposed to qualify that section of the Act which deals with quadroons and people of lesser blood. I am quite sure it was never the intention should quadroons, or people of lesser blood, be classed as natives. However, there is a doubt created in the Act in this connection with regard to such persons born after the 31st December, 1936; and it is intended in this Bill to delete section 3 and amend section 2. The section which is to be deleted reads—

> Any quadroon over 21 years of age may on application being made by the Commissioner in the prescribed manner to a magistrate, be ordered to be classed as a native under this Act or, on his application and with the consent of the Minister, be classed as a native under this Act.

That is the section which will be deleted. The proposed amendment will clarify the situation beyond the possibility of a reversion from the point of accepting white status.

The second portion of the Bill seeks to widen the powers for the Minister to acquire land for natives in respect of any vocation they might wish to follow. In the past it has been considered sufficient that a Minister could acquire land for natives for purposes of agriculture or for pastoral development. Today, with the advent of education and better facilities for all the people of Western Australia, this field is obviously growing much larger. Natives today work in very many avenues; and certainly many of them have no desire to return to the land and should not be forced to do so. The new subsection in this connection will provide that the provisions of the section may be applied to agricultural, pastoral, industrial, commercial, domestic or other purposes as the Minister deems fit.

This wider field of acquirement is one which will be of benefit directly to the native in his quest for settlement and in his desire to fulfil the pursuit for which he feels he is most suited, and which serves to give him an equality with his associate Australian citizens.

The third item of the Bill deals with the appointment of a deputy commissioner to carry out duties imposed upon him by the commissioner. As the Native Welfare Department has grown, it has become increasingly necessary for the commissioner to delegate his higher administrative powers. No doubt, up to this point of time there has been a considerable amount of work done by some officers in an *ex officio* capacity as deputy commissioners; they have gradually taken over duties which lend themselves to an office of this nature, and which are beyond the capacity of the commissioner within his own right and within his own capacity and energy to fulfil—the heterogeneous constitutional jobs which would come his way. So a further subclause is proposed to be added to section 7 which will allow the deputy commissioner to carry out his duties with or without the presence of a commissioner.

Apparently, in the past, the actual function of a deputy commissioner only took place when it became necessary for a commissioner to leave the State or be absent from his office intrastate or interstate on duties that called him away. This authority would obviously carry a most limited scope; and it would leave a deputy commissioner without right or title with regard to the management of the department in the absence of the commissioner. Therefore, this appointment must in itself help considerably with the administration of this department, with its increasing growth.

The fourth item of the Bill contains a further amendment to section 7: It proposes the exemption of the Minister and his officers from personal liability. This follows procedure that has been obtaining recently with regard to other Acts. It is certainly not a new procedure, and I think it is an essential amendment for people acting in the name of the Government, and carrying out the provisions of an Act which has been put forward as the considered opinion of the majority voice of Parliament. These people should be free from any personal liability when they are carrying out a duty which has been imposed on them by virtue of their office.

The fifth item seeks to have extended to the Native Welfare Act similar provisions to those obtaining for non-natives

under the Escheat Act of 1940. It is considered that the first proviso to section 36 (2) of the Native Welfare Act seems to preclude the operation of this particular Escheat Act. I do not think it is necessary for me to read section 36 (2) because it is quite lengthy; but with all its wording, it definitely does not specifically cover the situation as envisaged by the introduction of this amending Bill.

There has been a comment by the Crown Solicitor, which the Minister read, in connection with cases of this nature. I do not intend to repeat that particular statement, but it does deal with the case of an illegitimate native dying intestate. The limitations of the Native Welfare Act are such that the parents would not be able to inherit whatever personal effects may have been left. There must have been many such cases over the years; and this limitation must have edveloped to the extent that it has now become a matter for legislation within the confines of Parliament. The proposed amendment would provide for the provisions of the Escheat Act to be incorporated in principle in the Child welfare Act, and so remove this limiting factor within the present Act.

I support the amending Bill in all of the five points that it brings forward. It certainly will create better machinery; and it will facilitate the working of the department from the point of view of the Minister in control, and the officers who have to augment the Act in its various phases.

If I have a personal consideration with regard to the Bill, it is that I think it has not gone far enough. I consider that the time has arrived when all native children born on and after a certain date in this year, 1960, should automatically be granted citizenship rights in exactly the same way as the child of a white citizen or, for that matter, the child of a migrant of some other nationality who is born in Australia. That could be done with, perhaps, some reservations which were advanced when my Government was in office and submitted provisions that were extremely sweeping. I consider that any native child from this year onwards, should begin his or her life with the right of Australian citizenship.

Surely, by good government and the subsequent application of all the laws of this land, a person who becomes 21 years of age and reaches the status of full manhood in this State should be given an equal opportunity and an equal right with others to earn a living and to marry in this civilised State of ours; and when he begets children, they should have the automatic right of citizenship despite their colour. I hope that this Government, before its term of office expires, will do at least that for the natives of Western Australia. If it does not, I hope that my Government, when it is returned to office—

The Hon. H. K. Watson: What do you mean by "your Government"?

The Hon. W. F. WILLESEE: The Labor Government.

The Hon. H. K. Watson: Any Government is Her Majesty's Government of West-Australia whether it be a Liberal Government or any other Government.

The Hon. W. F. WILLESEE: Not by title.

The Hon. A. F. Griffith: Come on!

The Hon. W. F. WILLESEE: I seem to recall that on occasions Mr. Watson says one thing and, later on, in an advertisement published in the Press, says something else. I think I can remember an instance when he emphasised the fact that this was a House of Parliament where parties did not mean anything. However, at election time, he had an advertisement in the Press which read, "Support your sitting Liberal member." I do not know whether that is a complete analogy to the circumstances I have in mind.

The Hon. H. K. Watson: I do not think it is.

The Hon. W. F. WILLESEE: The honourable member would not! I did not expect him to agree with me. The fact is that when the Government I support comes back to power—

The Hon. A. F. Griffith: Oh, yes!

The Hon. W. F. WILLESEE: If those on the other side of the House will give me a chance, I will not take long to finish my speech. Mr. President, will you help me?

The PRESIDENT: Order!

The Hon. W. F. WILLESEE: The position is that when there is a change of Government it will put into effect the thoughts that I have expressed; namely, it will grant equality of Australian citizenship to natives at birth—who are the oldest Australians of all—in the same way as it is granted at birth to the children of white Australians and new Australians.

Question put and passed.

Bill read a second time.

In Committee

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

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [4.52]: I move—

That the Bill be now read a second time.

The Commissioner of Stamps is becoming increasingly heavily engaged in the performance of duties in respect to various statutes under which stamp duty and similar taxes are now payable. The purpose of

this Bill is to remove the matter of assessment of probate duties from the Commissioner of Stamps and bring the matter of assessing such probate duties under the Crown Law Department. It is considered that this change will facilitate the assessment of probate and other duties assessable under the Administration Act.

The Bill is designed to obviate many of the delays, about which frequent complaints have been received. Such delays have been brought about purely because of the overloading of the Commissioner of Stamps' office. All matters concerning grants of probate or administration have been dealt with for a great number of years by the Probate Office of the Supreme Court. It is considered highly desirable at this juncture to bring the assessment of probate duties into the same department. The proposal, incidentally, has the recommendation of the Under Treasurer.

The amendment to section 65 of the principal Act has been inserted with a view only to fill any hiatus between the actual passage of the Bill and the appointment of the commissioner of probate duties. This explains why "Commissioner" has been defined as including, for the time being, the person appointed to be Commissioner of Stamps.

THE HON. J. D. TEAHAN (North-East) [4.54]: I think most members in this House, and perhaps many people outside the Chamber, have found reason to complain about the delay in finalising the estates of deceased persons. Most members have enquired into the cause of these delays following complaints having been received; and, invariably, the answer is that the delay is due to the documents having passed from the Probate Office to the office of the Commissioner of Stamps. Although that is the answer that is given, I am not actually blaming the office of the Commissioner of Stamps for the delay, because, with the increased number of Bills of Sale that are handled and the added work brought about by the large volume of hire-purchase agreements, that office has become particularly busy.

Short as it is, this Bill will remove the cause of the complaint inasmuch as the Probate Office is the one that assesses the duty and thus, some of the delays that now occur will be short-circuited. If the Bill expedites the administration of deceased persons' estates it will certainly serve a good purpose.

THE HON. H. K. WATSON (Metropolitan) [4.55]: I support the second reading of the Bill. I think any measure designed to speed up the issue of probate and death duty assessments should be supported. For many years past, as the Minister explained when introducing the Bill, the assessment of probate duty has actually been an appendage to the work of the Stamp Office with the result that there have been inordinate delays in securing assessments. I have a shrewd suspicion that, on some occasions, the delays are not altogether unconnected with the Treasury expediency of leaving probate duty unassessed in the current financial year so that it may be assessed in the following financial year. Be that as it may, the executors and those persons acting for executors find great difficulty in having assessments finalised.

The Hon. F. J. S. Wise: I understand that, in the Treasury, they have a list of anticipated contributors to probate so that they can calculate the assessments for the next year.

The Hon. H. K. WATSON: That is so. Indeed, I think Mr. Wise and myself are probably on that list by now.

The Hon. F. J. S. Wise: Not of sufficient moment.

The Hon. A. F. Griffith: He probably started the list when he was Premier.

The Hon. H. K. WATSON: It is only because of some consideration for my prospective executor that I am speaking now. I would not like to see my executor and his agents suffer the inconvenience I have suffered and which I have seen other people suffer when administering the estates of deceased persons. The time is long past when the assessment of probate duty ought to be as it is now proposed to be by this Bill.

I merely wish to offer one word of warning. I feel that, in the past, many of the interrogations that have been sent out to executors have been very pernickity. The department calls for the deceased's bank statements for, say, the past three years, and then follows a list of queries as long as one's arm as to what this cheque was issued for, or what that cheque was issued for. It is extremely irksome and expensive—and, for a widow, very distressing—to have to answer all these questions.

The Hon. J. D. Teahan: Which mean nothing.

The Hon. H. K. WATSON: Yes. I would express the hope, therefore, that the establishment of this new department will not mean the appointment of an extra number of clerks who find time hanging heavily on their hands and who will thus increase the number of interrogations that are sent to executors. I would make a plea for simplification, rather than complication, of the assessment of probate and death duties.

THE HON. E. M. HEENAN (North-East) [5.0]: I think this Bill is a move in the right direction. As members know, applications for probate are lodged in the Supreme Court and all the procedural steps are taken there. It is the Master of the Supreme Court who finally grants the

probate certificate. Assessment of duty has always been in the hands of the Commissioner of Stamps. He is a highly skilled officer and he assesses the probate duty. When it is paid probate is granted.

There has been some implied criticism of the Commissioner of Stamps. In fairness to him I must point out that in the whole of my experience I have found that he has done a very good job. When people die their affairs are at times very complicated. There has been a tendency to avoid probate duty as much as possible; there is nothing wrong with that. People try to minimise the amount of taxation they have to pay. Some people, in anticipation of death, try to distribute their estate in such a way that their beneficiaries will have to pay as little probate duty as possible. The majority of people do this openly, fairly, and correctly.

It has always been the duty of the Commissioner of Stamps to investigate estates carefully. That is the reason for delegating these duties to him. Undoubtedly in respect of some estates delays do occur in obtaining the assessments; and queries have to be answered. It is not correct to place any blame for this on the Commissioner of Stamps. His role is to investigate the affairs of deceased estates very carefully and to assess the duty thereon. His role is similar to that of the Commissioner of Taxation who has to investigate the income and earnings of people, and who then makes assessments accordingly. Our society would not function if conscientious officers did not carry out their duties in that manner.

It would be much better to have the whole probate administration under one staff and one roof. If members assume that arising from this change there will be a sudden speeding up of assessments in respect of probate duties they might be disappointed, because the new assessor will carry out his duties as carefully and conscientiously as the Commissioner of Stamps. Whether he will be able to avoid delays is, in my opinion, problematical.

The Commissioner of Stamps has many other duties, apart from the assessing of deceased estates, to perform. Handing over the assessment of probate duty to an officer who will deal with this matter solely should result in overcoming delays in assessment. I feel constrained to make these remarks in fairness to the Commissioner of Stamps whom I have found to be a very conscientious officer.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines—in reply) [5.5]: I take this opportunity to thank members for their contribution to this debate. The only thing I can say in reply to Mr. Watson is that I shall draw the attention of the Attorney-General to his remarks relating to the staff of the office.

The Hon. L. A. Logan: What about the names of those on the list?

The Hon. A. F. GRIFFITH: I shall not do anything about them. I shall let time play its part; I hope time will not play its part for a long period to come. In reply to Mr. Heenan, the purpose of separating the assessment of probate duty from the duties of the Commissioner of Stamps is to speed up the procedure to some extent. I hope that disappointment will not result from the change-over. If disappointment does follow, it will be the responsibility of the Minister in charge to investigate the reason. Several members —Mr. Heenan, Mr. Teahan, and Mr. Watson—said that this move was one in the right direction. The duties of the Commissioner of Stamps are becoming heavier and more arduous; to separate the assessment of probate from his duties and to delegate them to another officer must surely be a step in the right direction.

Question put and passed.

Bill read a second time.

In Committee

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

BILLS (2)—FIRST READING

1. Metropolitan Region Town Planning Scheme Act Amendment Bill.
2. Metropolitan Region Improvement Tax Act Amendment Bill.

Bills received from the Assembly; and, on motions by the Hon. L. A. Logan (Minister for Local Government), read a first time.

SUPREME COURT ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.12]: I move—

That the Bill be now read a second time.

It may have been better if I had arranged the notice paper to bring this Bill and the Judges' Salaries and Pensions Act Amendment Bill closer together because, in a way, they are related in respect of the appointment of an acting judge and the confirmation of his appointment.

The Supreme Court Act provides that no more than five judges may be appointed. For reasons which I shall now give, it is desired to make provision for this number to be increased to seven.

Of the five judges at present appointed, only four are readily available for Supreme Court proceedings, for the reason that Mr.

Justice Nevile, who is President of the Industrial Arbitration Court, can take little or no part in Supreme Court proceedings.

Because of the increase in Supreme Court business and the absence of the Chief Justice on twelve months' long service leave, it became necessary earlier in the year to appoint an acting judge in the person of Mr. Acting Justice Hale. It is consequently necessary to increase the number of judges to six, in order that Mr. Acting Justice Hale's appointment as a judge might be confirmed.

Discussions are to take place with the Chief Justice upon his return from England with a view to making arrangements for a judge being available to conduct sittings of the Supreme Court and criminal sessions at some of the larger country towns at regular intervals.

Such provision has been made in respect of Kalgoorlie, as is known, with a resultant saving to litigants of substantial costs in travelling expenses and witness expenses.

With the present development of the State it is considered desirable that arrangements be made now for a judge to go on circuit in other populous centres. There would be definite advantages to litigants, for instance, if it were arranged to have cases dealt with in such towns as Albany, Bunbury, and Geraldton. Not only would the cases be dealt with at towns close to their homes, but the court hearings would enable country practitioners to familiarise themselves more readily with Supreme Court procedures by their appearance in Supreme Court actions and trials. There are good reasons, therefore, for a judge to be available to go on circuit in those centres.

Consideration has been given to the desirability of a judge of the Supreme Court being available to preside at criminal sessions. There is no intention to appoint a seventh judge forthwith, however. It is desirable first to await the return of the Chief Justice for discussions covering the proposed establishment of the circuit courts. The appointment of a seventh judge will depend, to a very large extent, on the views expressed by the Chief Justice, and eventual determination of the situation which in consequence must be made.

As explained, there is immediate need for the appointment of a sixth judge. It is most probable that a seventh will be shortly needed. In view of this latter prospect, it is most desirable that enabling legislation be submitted now rather than that the Supreme Court Act should be brought before the House, perhaps later in the session, for a similar amendment.

On motion by the Hon. E. M. Heenan, debate adjourned.

CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.16]: I move—

That the Bill be now read a second time.

The purpose of the Bill is to give full autonomy to the Church of England in Australia and, at the same time, to ensure the continuity of identity of the church as a true branch of the Anglican Communion. This is the first occasion on which such a step has been taken in Australia to secure local autonomy. This is a domestic affair of the church in Australia and does not concern the administration of any other religious body.

The Government has been advised by the Anglican Archbishop that the church's missionary enterprise during the past two centuries has led to the development of branches of that church in many countries. These branches are linked in a confederation of local churches known as the Anglican Communion. The branches are completely autonomous in many places, such as Canada, the United States of America, South Africa, India, China, Japan, etc.

This is the first such step taken in the history of the Australian Church, and similar legislation is in course in other States. The "Terms of Trust" of the Church of England in Australia are those recognised by the established church in England. These cannot be varied or revised without the authority of the church in England. The ultimate authority for that purpose, I am advised, is the Judicial Committee of the Privy Council.

The desires of the Church of England were brought to the notice of the Premier by letter under date the 5th April last, under the heading "The Chuch of England in Australia—Constitution," and signed by the Anglican Archbishop of Perth. His Grace informed the Premier that it was considered desirable to legalise the constitution of the church per medium of State legislation, the Anglican Diocese of Australia having reached agreement as to the terms of the constitution. We have further been advised that the Bill now being brought down conforms with similar measures submitted to other State ministers.

The Bill has been drafted by the Chancellor of the Diocese of Perth (Mr. Ernest Tindal) in conjunction with Mr. Clive Treece (Chancellor of the Diocese of Sydney), and the church solicitors, together with our own parliamentary draftsman.

Should members so desire, Mr. Tindal would be happy to explain any detail requiring elucidation. The Government has been advised that the Attorney-Generals

in New South Wales and Victoria are taking charge of similar Bills in those States; and likewise the same legislation is to be introduced later in Queensland and Tasmania. A decision to adopt the new constitution by the South Australian church has been held up somewhat because of the appointment of a new bishop there. Acceptance of the constitution in that State is considered by church authorities to be only a matter of time. The church is hopeful of the early passing of this Bill so as to enable the promulgation of the constitution at an early date.

I understand that a question was asked in another place as to the reason for the reference in the Bill to the Church of England in "Australia and Tasmania". I am informed that this title belongs to the very old days when Australia and Tasmania were separate countries. The new title of the Church of England in Australia is, of course, incorporated in the new constitution, and so rectifies the matter. The church is anxious to and desirous of retaining the name.

On motion by the Hon. W. R. Hall, debate adjourned.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines): I move—

That the House at its rising adjourn till Tuesday, the 13th September.

Question put and passed.

House adjourned at 5.21 p.m.

Legislative Assembly

Thursday, the 1st September, 1960

CONTENTS

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS ON NOTICE

PUBLIC WORKS DEPARTMENT

Albany High School Plans and Specifications

1. Mr. HALL asked the Minister for Works:

   (1) When plans and specifications are being prepared by the Public Works Department, how many copies are made?

   (2) How many copies of plans and specifications were made for the additional classrooms at Albany High School this year?