The Hon. R. F. HUTCHISON: The new clause provides that the Act shall be operative until the 31st December, 1967, and no longer. To explain that, I am pointing out what should be done. If the new clause is agreed to it would improve the situation. I do not believe in these machines and I refuse to have anything to do with them. The Government will risk being condemned by introducing this legislation. I make an appeal to the Government that steps be taken to investigate the reasons people drive when they are drunk. What advantage is gained in ruining a man by sending him to prison?

New clause put and a division taken with the following result:—

Ayes—10

Hon. J. Dolan	Hon. F. R. H. Lavery
Hon. E. M. Heenan	Hon. H. C. Strickland
Hon. J. G. Hislop	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. A. R. Jones	Hon. R. Thompson

(Teller)

Noes—14

Hon. C. R. Abbey	Hon. N. McNeill
Hon. G. E. D. Brand	Hon. T. O. Perry
Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. C. E. Griffiths	Hon. S. T. J. Thompson
Hon. J. Heitman	Hon. H. K. Watson
Hon. E. C. House	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. V. J. Ferry

(Teller)

Pairs

Ayes	Noes
Hon. R. H. C. Stubbs	Hon. L. A. Logan
Hon. J. J. Garrigan	Hon. J. M. Thomson

Majority against—4.

New clause thus negatived.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and returned to the Assembly with an amendment.

MARRIED PERSONS AND CHILDREN (SUMMARY RELIEF) BILL

Returned

Bill returned from the Assembly without amendment.

House adjourned at 10.3 p.m.

Legislative Assembly

Thursday, the 18th November, 1965

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CONTENTS—*continued*

The SPEAKER (Mr. Hearman) took the Chair at 2.15 p.m., and read prayers.

PARLIAMENTARY BUILDINGS SITE RESERVE BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Bovell (Minister for Lands), and read a first time.

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [2.20 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to excise from Class "A" Reserve 1162, which is set apart for the purpose of parliamentary buildings, an area of 3 acres 19.6 perches surveyed as Perth Lots 834 and 836 and shown on Lands and Surveys original Plan No. 10063.

This land at the present time is occupied by Government offices and the occupation of part of the reserve by these buildings is authorised by the Parliament House Site Permanent Reserve (Class "A" Reserve 1162) Act 1956-64. Officers occupying these buildings are to be moved to the new Government offices fronting King's Park Road and the new Superannuation Board building in St. George's Terrace.

With the excision of the land from the reserve and the removal of the buildings, the authorization granted under this Act is no longer necessary and it is proposed by the Bill to repeal this Act.

The greater part of the land to be excised from the reserve is required for the construction of the first section of the Mitchell Freeway, and it is proposed that work on this section of the project will commence early in 1966. As part of the project, a narrow strip of the reserve is also required along Hay Street to Harvest Terrace to improve the capacity of an off-ramp from the Mitchell Freeway. The Bill also provides a narrow strip to be

taken along Malcolm Street to Harvest Terrace to enable Malcolm Street to be developed as a dual carriageway major street.

The Mitchell Freeway will pass under new bridges at Malcolm and Hay Streets and will be constructed in a cutting where it passes through the land required for the freeway as proposed in this Bill. Sloping banks and low retaining walls with non-glare texture finish will combine to produce a pleasing effect when the cutting is viewed either from high level or from road level.

These proposals are essentially in accord with the regional plan approved by Parliament. The alignment of the Mitchell Freeway is governed by the location of the Narrows Bridge.

The location, character, and topography of King's Park, Parliament House, and the new Government offices, and the need for a connection through a traffic interchange in the vicinity of Hamilton Park with the north side of the proposed inner ring freeway and the extension of the Mitchell Freeway north-west through Leederville all have a direct bearing on the plan. An early start on the construction of the freeway is necessary to relieve the pressure of mounting traffic congestion in the central city area.

Discussions have taken place between the interdepartmental committee appointed by the Government and the Parliamentary Joint House Committee on the future of Harvest Terrace and the provision of car parking space in this area. Harvest Terrace, between Malcolm Street and Parliament Place, could be closed at some future date, when the overall plan has taken shape. The Road Closure Act, 1961, provided that this portion of Harvest Terrace may be closed by the Governor by proclamation on a date to be decided with the intention that the land be included in Class "A" Reserve 1162.

Mr. Speaker, there are a number of plans here which I could table with your permission and members could distribute them amongst themselves.

The SPEAKER (Mr. Hearman): Permission granted.

The plans were tabled.

Debate adjourned, on motion by Mr. Jamieson.

BILLS (4): INTRODUCTION AND FIRST READING

1. Caves House Disposal Bill.
2. Reserves Bill.
3. Road Closure Bill.

Bills introduced, on motions by Mr. Bovell (Minister for Lands), and read a first time.

4. The Broken Hill Proprietary Company Limited (Export of Iron Ore) Bill.

Bill introduced, on motion by Mr. Court (Minister for Industrial Development), and read a first time.

QUESTIONS (14): ON NOTICE

MILLEN INFANTS' SCHOOL

Additional Grades

1. Mr. DAVIES asked the Minister for Education:

(1) Adverting to my question 15 of the 26th August, 1965, is he aware that grade 3 students attending Millen Infants' School have been advised they will continue to attend that school as grade 4 students next year?

(2) In view of this development, how does he reconcile his answer to my previous question with action now taken by the Education Department?

Mr. LEWIS replied:

(1) The answer given on the 26th August, 1965 was correct at that time. There was then no intention of increasing the number of grades at Millen Infants' School.

(2) The school enrolment estimates for 1966 received subsequently to this date indicated that Millen Primary School would be filled to capacity while Millen Infants' School numbers would drop to the stage where the school would have to be downgraded and the teaching staff reduced.

It was then decided to retain 30 grade 4 pupils at Millen Infants' School in 1966.

This will ease loads and will allow Millen Infants' School to retain its present grading in staff.

AIR POLLUTION

Scientific Advisory Committee: Personnel

2. Mr. J. HEGNEY asked the Minister representing the Minister for Health:

(1) What are the names of the seven persons constituting the Scientific Advisory Committee appointed by the council set up under the Clean Air Act, 1964?

Swan Portland Cement Works: Complaints, Inspections, and Preventive Measures

(2) Have they received any complaints regarding the pollution of the air with cement dust within a radius of ¾ of a mile from the Swan Portland Cement Works at Rivervale?

(3) Have any inspections of the works followed such complaints?

(4) What was the result of such inspections?

(5) Are dust catching precipitators fitted to all stacks in the works?

(6) Is the committee satisfied that they work efficiently?

(7) Is he aware that residents near the factory are complaining about the damage to property and health arising from the discharge of large quantities of calcareous and siliceous materials from the factory?

(8) Will he take immediate steps to have the nuisance abated if unable to eliminate it?

Mr. ROSS HUTCHINSON replied:

(1) The Scientific Advisory Committee has not yet been appointed.

(2) Complaints have been received by the Department of Public Health.

(3) The works have recently been visited a number of times by the Engineer, Air Pollution.

(4) and (6) He is investigating the efficiency of the dust arresting equipment.

(5) Dust arresters are fitted to both the stacks.

(7) Some residents near the factory have recently been complaining about dust settling on their property.

(8) A thorough investigation by the Engineer, Air Pollution, is already under way. His report will be submitted to the Clean Air Council.

WATER SUPPLIES AT POINT SAMSON

Tabling of Papers

3. Mr. BICKERTON asked the Minister for Water Supplies:

Would he table all papers in connection with the Point Samson water supply, including proposals for extensions, and any other matter relevant to this issue?

Mr. ROSS HUTCHINSON replied:

No. However, if the honourable member requires information about this matter I will attempt to provide it for him.

LAND: SALT AFFECTED

Acreage, and Methods to Combat

4. Mr. HALL asked the Minister for Agriculture:

(1) What is the approximate acreage of land known to be salt affected in this State for 1965?

(2) What was the acreage of land known to be salt affected in this State for the years 1961, 1962, 1963, and 1964?

(3) What regions were surveyed to ascertain approximate acreages of salt-affected land, and what were the findings in these regions for the years abovementioned?

(4) Can he advise if the department feels inroads have been made in combating or eliminating salt erosion of fertile land and, if so, what methods are being used to combat and prevent salt affecting land?

Mr. NALDER replied:

(1) Annual surveys of salt-affected land are not made. Surveys in association with the Government Statistician's agricultural statistics were made in 1955 and 1962. No figures for 1965 are available.

(2) 1961—Not available.

1962—305,000 acres of land previously regarded as normal for crops and pastures. In addition, the 1955 survey showed 933,000 acres of virgin land—e.g., salt lakes, samphires and lake channels—were included with the farms and this area of virgin land not included in the 1962 survey may remain about the same.

1963—Not available.

1964—Not available.

(3) The Southern, Central, and Northern Agricultural Divisions, together with the Shire of Boddington and Boyup Brook in the South-West Division and the Shires of Yilgarn, Dundas, Esperance, and Ravensthorpe in the Eastern Goldfields Division were included in the 1962 survey.

(4) The department feels confident that progress has been made in improving the productivity of salt land. Emphasis is placed on establishment and grazing of salt-tolerant plants.

HOUSING AT EXMOUTH

Programme, Costs, and Source of Funds

5. Mr. NORTON asked the Minister for Housing:

(1) How many houses is the Government committed to build at Exmouth?

(2) What is the estimated total cost?

(3) What is the total amount which has been expended on housing at Exmouth to date?

(4) What percentage of the total estimated expenditure on housing at Exmouth will be met by the Commonwealth?

(5) From what source is the State's share of the cost of houses at Exmouth coming?

Mr. O'NEIL replied:

(1) Forty-five including doctor's quarters but not including police quarters, which are included in police buildings.

(2) The cost will be £365,000 including doctor's quarters but excluding police quarters.

(3) The amount of £331,424.

(4) Fifty per cent.

(5) A special allocation from the General Loan Fund.

POLICE STATIONS

Nollamara: District Area and Population

6. Mr. GRAHAM asked the Minister for Police:

(1) What are the boundaries and the area of the district for which the Nollamara Police Station is responsible?

(2) What is the approximate population of the area?

Metropolitan Area: District Areas and Population

(3) What is the approximate area covered by each other police station in the metropolitan area?

(4) What is the approximate population in each case?

Mr. CRAIG replied:

(1) (a) Boundaries of Nollamara police subdistrict:

Lines starting from the intersection of the centre lines of the Wanneroo Road and Beach Road and extending easterly along the centre line of a one-chain road passing along the northern boundaries of Lots 385, 399, and 400 of Swan Location 1315 as shown on L.T.O. Plan 4617 and Lots 8, 43, and 50 of Location H as shown on L.T.O. plan 4948, to a point situate in prolongation northerly of the centre line of Maud Avenue; thence southerly to and along that centre line to the centre line of Lennard Street; thence south-easterly along that centre line to the centre line of Nanson Street; thence south-westerly along that centre line and onwards to the centre line of Bedford Avenue; thence south-easterly along that centre line to the centre line of Osborne Park Road; thence easterly along that centre line to the centre line of Joy Street; thence generally south-easterly along that centre line to the centre line of Gay Street; thence south-westerly along that centre line to the centre line of Withnell Street; thence south-easterly along that centre line to its intersection with a line parallel to and 50 links east of the eastern boundary of Lot 1586 of Location 1115 as shown on L.T.O. plan 7570; thence southerly along that line to a point situated in prolongation north-easterly of the centre line of Hayes Avenue; thence south-westerly along that prolongation to the centre line of Ponsonby Road; thence south-easterly along that centre line to the centre line of Eastland Street; thence south-westerly along that centre line to the centre line of Kiddle Street; thence southerly along that centre line to the alignment of the centre line of Milner Street; thence westerly along that alignment to the centre line of Windsor Avenue; thence southerly along that centre line to the centre line of April Road; thence south-easterly along that centre line to the centre line of Derril Avenue; thence south-westerly along that centre line to the centre line of Swan Street; thence generally westerly along that centre line to the centre line of Hamilton Street; thence generally northerly along that centre line to the centre line of North Beach Road; thence westerly along that centre line and the centre line of George Street to the centre line of Cedric Street; thence northerly along that centre line to the centre line of Delawney Street; thence westerly along that centre line to the centre line of Odin Road; thence generally north-easterly along that centre line to the centre line of Balcatta Road; thence north-easterly along that centre line to the centre line of Allan Street; thence generally north-easterly along that centre line to the centre line of Wanneroo Road aforesaid and thence northerly along that centre line to the starting point.

(b) Approximately 8 square miles.

(2) Approximately 20,000.

(3) and (4) This information is not readily available. However, the average area covered by each police station in the metropolitan police districts is approximately 13 square miles and the average population of these areas is approximately 13,300.

7. *This question was postponed.*

AIR POLLUTION: CLEAN AIR COUNCIL

Membership, Date of Appointment, and Meetings

8. Mr. GRAHAM asked the Minister representing the Minister for Health:

(1) Who are the members of the Clean Air Council?

(2) When were they appointed?

(3) Has it yet held a meeting? If so, when?

(4) If not, when is it to meet?

Kwinana and Cockburn Sound Area: Consideration

(5) Is the matter of sulphur dioxide pollution from factories and power stations in the Kwinana locality to be discussed by the council when it meets?

Mr. ROSS HUTCHINSON replied:

(1) (a) Mr. W. J. Gillies (an officer of the State Electricity Commission nominated by the Minister administering the State Electricity Commission Act).

(b) Mr. T. J. Lewis (nominated by the Minister for Industrial Development).

(c) Mr. H. C. Morris (nominated by the Minister for Town Planning).

(d) Mr. R. C. Paust (nominated by the Minister for Local Government).

(e) Mr. T. H. Burgess (nominated by the Minister for Labour).

(f) Mr. P. Donnelly (nominated by the Minister for Mines).

(g) Professor N. S. Bayliss (nominated by the Senate of the University of Western Australia).

(h) Mr. P. Anderson (nominated by the Trades and Labour Council of Western Australia).

(i) Mr. L. H. Chipperton (nominated by the Local Government Association of Western Australia).

(j) Mr. N. G. Humphries, Mr. W. L. Hughes, Mr. L. R. Gascoine, (nominated by the Western Australian Chamber of Manufactures, Incorporated).

(2) The 10th September, 1965.

(3) No.

(4) In the near future.

(5) Yes.

WOOL: MINIMUM RESERVE PRICE PLAN

United Kingdom Manufacturers' Reaction

9. Mr. HART asked the Minister for Agriculture:

While in the United Kingdom did he receive any reaction from wool manufacturers to the proposed Australian minimum reserve price plan?

Mr. NALDER replied:

Yes. I met representatives of one of the oldest and largest woollen mills in the United Kingdom. They expressed their interest in and strong support of any scheme that had as its aim the stabilising of wool prices on a satisfactory level.
They considered any move to overcome the violent price fluctuations now experienced was in the best interests of the industry.

PETROL AND OIL

Prices: Comparison in Capital Cities

10. Mr. HAWKE asked the Premier:

(1) What is the price to motorists of motor spirit in each of the capital cities of Australia?

(2) What is the price to motorists of engine oils in each of the capital cities of Australia?

(3) If the price of motor spirit and engine oil is dearer in Perth than in other capital cities, what is the reason?

Mr. BRAND replied:

(1) and (2)

	Perth	Melbourne	Adelaide	Sydney	Brisbane	Hobart	Darwin
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Super (gal.)	3 10½	3 10½	3 9½	3 9½	3 9½	3 11½	4 1½
Regular (gal.)	3 7½	3 7½	3 6	3 6	3 7	3 8½	3 10½
Standard Straight Motor Oil (pint)	1 11	1 11	1 8½	2 0	1 11	2 2	2 2 (est.)
Multi-Grade Oil (pint)	2 7	2 7	2 3	2 9	2 5	2 9	....

(3) Reference to the previous answers will indicate that prices on the average appear comparable.

FIRE BRIGADES IN COUNTRY TOWNS

Special Services and Inspections of Premises

11. Mr. HALL asked the Chief Secretary:

(1) What was the number of special services attended to by fire brigades at Albany, Bunbury, Geraldton, Northam and Kalgoorlie, for the years 1961, 1962, 1963, 1964, and 1965?

(2) How many premises were inspected under the heading of special fire service in the above towns for the years 1961, 1962, 1963, 1964, and 1965?

Mr. CRAIG replied:

(1) Special services (privately owned chemical extinguishers and hose lengths inspected and tested) are shown below for years 1963 to 1965. (Records prior to 1963 disposed of.)

Town	1963 Extinguisher	1963 Hose
Albany	1,406	243
Bunbury	1,158	400
Geraldton	1,121	98
Northam	3,200	243
Kalgoorlie-Boulder	1,738	476

Town	1964 Extinguisher	1964 Hose
Albany	1,543	235
Bunbury	1,235	338
Geraldton	1,264	113
Northam	2,271	228
Kalgoorlie-Boulder	1,837	598

Town	1965 Extinguisher	1965 Hose
Albany	1,510	139
Bunbury	1,488	356
Geraldton	1,295	88
Northam	2,741	326
Kalgoorlie-Boulder	2,156	693

(2) Station returns show premises (including theatres) inspected for the years 1963 to 1965 as per table below. (Returns prior to 1963 disposed of.)

Town	1963	1964	1965
Albany	143	162	254
Bunbury	266	311	305
Geraldton	319	383	356
Northam	264	343	044
Kalgoorlie-Boulder	418	462	390

PUBLIC TRANSPORT PASSENGERS

Insurance Coverage: Introduction of Legislation

12. Mr. BRADY asked the Minister representing the Minister for Justice:

(1) In view of the Government's decision not to award compensation to Mrs. M. Bell arising from her accident in June, 1962, what action is being taken to see other fare-paying passengers are protected in similar accidents?

(2) Is legislation to be introduced this session; if not, why not?

Mr. COURT replied:

(1) As the honourable member was advised on the 12th August, 1965, the question of payment of compensation was heard by the Chief Justice and the claim was dismissed.

Passengers have always been covered against negligence by the Metropolitan Transport Trust or its servants.

(2) There will be no legislation introduced removing the negligence from the third party insurance.

NEW COMPANY IN WESTERN AUSTRALIA

Protection of Investors

13. Mr. DAVIES asked the Minister representing the Minister for Justice:

(1) Did he see a report in the *Weekend News* of the 13th November, 1965, headlined "Investors Beware" and indicating that a new Western Australian company has the hallmarks of a racket?

(2) If so, will he name the company concerned in order that some measure of protection can be afforded the public if there is any truth in the report?

Mr. COURT replied:

(1) Yes.

(2) Pacific Industries (W.A.) Pty. Ltd.

MEATWORKS IN ALBANY

Establishment: Commonwealth Assistance

14. Mr. RHATIGAN asked the Premier:

(1) Would he approach the Commonwealth Government with the object of establishing a meatworks at Albany?

Stock Carrying Capacity: Albany and Bunbury

(2) What is the carrying capacity of stock in—

(a) Albany area;

(b) Bunbury area?

Port Accommodation: Albany and Bunbury

(3) What is the tonnage of ships which each port accommodates?

Mr. BRAND replied:

(1) A meatworks is already in existence at Albany.

(2) Present stock numbers in shires which could be expected to ship through Albany and Bunbury respectively are—

(a) Albany—
Cattle—96,130
Sheep—5,020,402

(b) Bunbury—
Cattle—314,537
Sheep—3,708,959

(3) In broad terms the dead weight tonnages which the two ports can accommodate are—

Albany—20,000 tons

Bunbury—10,000 tons.

QUESTIONS (5): WITHOUT NOTICE

EASTERN GOLDFIELDS HIGH SCHOOL

Playing Field Improvements and New Hall

1. Mr. BURT asked the Minister for Education:

(1) In view of his answers to questions in this House yesterday stating that playing fields extensions were planned for several high schools in the metropolitan area, does he not regard the claims of the Eastern Goldfields High School in this respect to be deserving of at least equal recognition?

(2) If so, will he advise the House what decision is to be made concerning a request from the Eastern Goldfields High School Improvement Committee for playing field improvements and a new amenities hall at the school, presented to him in the form of a petition last month?

Mr. LEWIS replied:

(1) The answers given by me yesterday concerned one high school and two primary schools. These have no adequate playing areas at present. In fact, the Governor Stirling High School has no oval and the long-term project mentioned entails considerable land fill on the river flat. The Eastern Goldfields High School is provided with an area which can be used as a football ground on which the department has agreed to provide two cricket pitches.

(2) Requests contained in the petition are still under consideration and a decision will be made in the very near future.

The petitioners asked for the fencing of the oval. Most of the metropolitan high school ovals are not fenced and assembly gymnasium halls have not been built for many years.

HOUSING FOR NATIVES

Transitional Homes at Kalgoorlie

2. Mr. EVANS asked the Minister for Native Welfare:

As he is no doubt aware of the letter which appeared in *The West Australian* of yesterday's date, and a *facsimile* of which appeared in the *Kalgoorlie Miner* last Saturday morning, and as he is most certainly aware of the letter I have received, as member for Kalgoorlie, from the same correspondent protesting at the policy of the department to put into operation certain transitional homes for natives in the Kalgoorlie area, would the Minister, for the purpose of allaying any unrest on the part of the goldfields citizens and to prevent the fomenting of undue prejudice, care to comment on the matter raised by this correspondence?

Mr. LEWIS replied:

In order to afford natives a better opportunity for necessary social education, in accordance with the policy of assimilation, it has been the policy of the department to build what we know as standard transitional houses within townsites. They are built within townsites in order that the natives can have the convenience of a water supply and an electricity supply. These are self-contained houses; and the natives, after careful selection, are placed in them and afterwards they are supervised under the threat of eviction if they do not live up to the requirements of the department. It is for this reason we build standard transitional housing in towns as distinct, of course, from the conventional housing and as distinct from transitional housing on reserves.

It has been a long-standing policy of the department that we do not build these standard transitional houses in towns without first obtaining the approval of the local authority concerned, because we look to the local authority to recommend an area within its

townsite which is not necessarily adjacent to existing housing and in an area set apart, preferably, in order not to arouse the animosity of near neighbours, but yet still within the townsite so that the amenities of which I have spoken can be provided.

This policy, unfortunately, has met with a certain amount of resistance on the part of some ratepayers, but not altogether by the local authorities although, in some cases, the local authorities have bowed to the protests later put up by certain ratepayers. It was in this regard that I made my comment the other day that we may have to change the policy of first relying on the approval of the local authority. This decision has not yet been made.

I forget the term used by the correspondent in the paper, but I think it was, "riding rough shod." There is no intention of doing that, and there is no intention whatever of taking natives from the Kalgoorlie native reserve. Here I want to acknowledge that the natives from the Kalgoorlie native reserve are far less advanced socially than are natives on reserves generally in the more closely settled areas. There is no intention of selecting natives from the Kalgoorlie reserve and placing them in transitional houses in Kalgoorlie.

DEPARTMENTAL FILES

Water Supplies at Point Samson: Tabling of Files

3. Mr. BICKERTON asked the Minister for Water Supplies:

In question No. 3 on today's notice paper I asked the Minister to table certain departmental files, and in reply the Minister said he would not table them but he would supply me with the information if I required it. Of course, that was the reason for asking for the papers to be tabled. I now ask the Minister: Will he advise the reason for not tabling these papers?

Mr. ROSS HUTCHINSON replied:

It is not good policy for a Minister to table files.

Mr. Tonkin: It depends on the point of view.

Mr. ROSS HUTCHINSON: From anyone's point of view, particularly as many of these files are working files and they enable members to extract from them, and take out of context items and points which could be stated to be the Government's intentions, or officers' intentions, when in fact the files are frequently just written discussions between officers or Ministers, or between officers themselves. I had a file tabled recently in this Chamber concerning the possible reclamation of some 8½ acres of the river, and the Deputy Leader of the Opposition drew all sorts of conclusions from it—

Mr. Tonkin: Not without justification.

Mr. ROSS HUTCHINSON: —conclusions that were not fair in any way, shape, or form.

Mr. Tonkin: We will see later on whether they were or were not.

Mr. ROSS HUTCHINSON: The reason, therefore, is that I do not want the member's question is, "No". Each out of context from a working file. If he wants certain information about matters concerning this water supply, and he cares to phrase his questions to me in such a way as to obtain that information, I will do my best to supply him with it.

Tabling: Attitude of Minister for Works and Water Supplies

4. Mr. BICKERTON: I have a further question I would like to ask the Minister:

Does his answer mean that it will be useless in the future asking a Minister, or at least the present Minister for Works and Water Supplies, to table any papers at all? Does it mean he will refuse in the future to table any departmental files?

Mr. ROSS HUTCHINSON replied:

The answer to the honourable member's question, is "No". Each request will be treated on its merit.

Mr. Bickerton: But could the same objections apply?

Mr. ROSS HUTCHINSON: Possibly.

Water Supplies at Point Samson: Inspection of Files

5. Mr. BICKERTON: I have another question to ask the Minister. Can I inspect these files at the Minister's office?

Mr. Hawke: Be careful!

Mr. ROSS HUTCHINSON replied:

I will have a look at the files again and let the honourable member know at a later date whether he may do this.

Mr. Hawke: Dictatorship is growing fast, is it not?

Mr. ROSS HUTCHINSON: I would not be the first Minister to refuse files.

Mr. Hawke: You are refusing the lot now.

STATE TENDER BOARD ACT AMENDMENT BILL

Second Reading

MR. BRAND (Greenough—Premier) [2.49 p.m.]: I move—

That the Bill be now read a second time.

This is a very short Bill and, in fact, it is a minor amendment to a measure which was introduced this session. The Bill seeks to amend the principal Act by providing for the Governor to appoint a person to the board not holding office in the Public Service but who was previously a member of the Tender Board constituted by Treasury regulations made under the Audit Act.

As members will recall, and as I have just said, the principal Act was passed this session, and during the second reading of that Bill I said that Mr. Telfer, the then Under-Secretary for Mines, was about to retire and that for many years he had been the Chairman of the State Tender Board, as it then existed. As the Government has invited Mr. Telfer to remain on in an advisory capacity to the Minister for Mines, it was felt that his long experience with the Tender Board might well be taken advantage of in the formative stages of the new Tender Board by asking him to remain as chairman.

Accordingly I bring this small Bill to the House seeking an amendment to enable us to do just that. I realise it is a strange procedure that we should want to amend a Bill immediately after it is proclaimed; but as Mr. Telfer will remain in the employment of the Government, it is felt he will be most helpful in establishing a new Tender Board; because at a time not far distant it is possible that the chairman of the board will be paid a salary.

The Tender Board plays a very important part in the activities of the Government in relation to contracts and procedures which must be followed, and a great deal of reliance is placed on the integrity of the board, and on its suitability.

Debate adjourned, on motion by Mr. Jamieson.

LICENSING ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed, from the 10th November, on the following motion by Mr. Gayfer:—

That the Bill be now read a second time.

MR. COURT (Nedlands—Minister for Industrial Development) [2.52 p.m.]: This measure, introduced by the member for Avon, seeks to make provision, in the case of certain clubs, for people who are under the age of 21 years to enable them to stay with their parents, or with adults, as the case may be, and have meals in these club premises; whereas under the strict reading of the present law they would be excluded.

The Bill has been studied by the Government and it has been decided that it can and should be supported, because it seems to serve a useful purpose in dealing with a situation which is peculiar to certain areas; although, of course, it is not specified for certain areas.

The nature of the legislation is such that it will, in the main, be of greatest value in certain localities. The Bill appears to cover the vital points that the House would normally expect to be protected, such as the frequency with which this type of privilege can be used; the time limit during which the privilege will be available; the degree of supervision, and the fact that there will have to be an adult with the person under 21 years of age. Probably the most important provision is that the dining facilities shall be separated from any bar. Having regard to the safeguards that have been built into the measure, I support the second reading.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Gayfer in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 187A added—

Mr. HALL: I wonder whether the honourable member could clarify something for me. On the occasion of bowling festivals, a meal could be served in the latter part of the evening after the sports, and I think it is most undesirable that children under the age of 21 years should be around at that time. I have witnessed such a spectacle where children have been on the premises well into the latter part of the evening. A meal could be served in the latter part of the evening and therefore children could be allowed to remain on the premises on that pretext.

Mr. GAYFER: Children will not be allowed on premises on any day unless a permit has been sought. Paragraph (d) on page 3 of the Bill states that a permit shall specify the name of the club, the date, and the period—that is, the time for which they wish the permit to be issued, but not exceeding 8 o'clock in the evening of any day. If the Licensing Court is agreeable the permit will be issued.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Gayfer, and transmitted to the Council.

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 9th November, on the following motion by Mr. Court (Minister for Industrial Development):—

That the Bill be now read a second time.

MR. EVANS (Kalgoorlie) [2.58 p.m.]: The Administration Act was enacted in 1903, and it has been amended several times since that date. The purpose of the Act is to deal with the transmission or devolution of the property of deceased persons.

Section 13 of the Act deals with real and personal property of a deceased person in the case of intestacy; and that section sets out the order in which the near relatives or the next of kin of a deceased person shall be entitled in the case of intestacy to share in the estate of that person.

There are two old English Statutes entitled the Statutes of Distribution which actually set out the priority and define in each particular case who is the next-of-kin. Section 13 of the Administration Act qualifies that order, and the following sections, 14 to 17, are the statutory qualifications brought about by the Administration Act, 1903, as amended subsequently.

This Bill introduced by the Government, and sought to be amended by the member for Subiaco, amends sections 14, 15A, and 139 of the parent Act. Section 14 deals with the interests of husbands and wives in the estates of each other, where one spouse dies and leaves property. The Minister quite rightly mentioned that the value of the home is usually the important, if not the most important, factor in the total value of small estates. It is, of course, reasonable for the surviving spouse to expect full entitlement to the family home in preference to the rights of issue. With the tendency of the value of houses to continue to rise, it becomes necessary to preserve the matrimonial home for the surviving spouse. The Bill seeks to safeguard the home, so that it will not be necessary for the home to be sold, or converted into cash to be distributed in accordance with the provisions of the Act. That is the principle of the first amendment in the Bill before us.

Because of this amendment, it is also necessary to amend section 15A, as provided for in clause 3. I agree with the proposals in the Bill, and I do not intend to speak on the amendments foreshadowed by the member for Subiaco, except to say that I intend to support him, particularly in regard to his proposed amendment to clause 4, which deals with section 139. The Act is to be found in volume 12 of the reprinted Acts, but section 139 does not contain the amendments which were made to it last year. It reads as follows:—

> On the death of any person leaving a sum not exceeding fifty pounds standing to his credit in any bank, if no probate or administration is produced to such bank within three months of the death of such person, and no notice in writing of any will, or of an intention to apply for administration, is given to the bank within the set period, the bank may, after notice in writing to the Public Trustee, pay such sum of money to any person who appears to the satisfaction of the manager of the bank to be the husband, widow, parent, or child of such deceased person, and payment of such sum of money accordingly shall be a valid discharge to the bank against the claims of any other person whomsoever.

Under the amendment which was made last year the amount of £50 mentioned in this provision was increased to £200. From memory this section is now in two parts, whereas previously it was in one part.

Clause 4 of the Bill seeks to amend section 139, and if the Bill is passed the section will read—

> On the death of any person leaving a sum of money not exceeding the amount of six hundred pounds, or such other amount as may for the time being be declared by proclamation, standing to his credit in any bank, if no probate or administration is produced to that bank within three months of the death of the deceased person, and no notice in writing of any will or of an intention to apply for administration is given to the bank within that period, the bank may, after notice in writing to the Public Trustee, apply that sum of money—

The determination of the amount by proclamation will introduce a desirable form of elasticity. The money is to be applied for certain purposes, which are defined and placed in an order of priority. It is applied firstly—

> in payment of the funeral expenses of the deceased person, or in reimbursing any person who has paid those expenses, and in payment of the balance, if any, to any person who appears to the satisfaction of the manager of the bank to be the husband, widow, parent or child of the deceased person; or

I pause to indicate that the member for Subiaco has contemplated an amendment to delete the word "husband" and insert the word "widower" in lieu to bring the term into accord with the corresponding relationship of widow. The money is applied secondly—

> in payment to such other persons or for such other purposes as may be declared and authorised by proclamation from time to time,

Under the Bill a bank is defined as meaning a person carrying on the business of banking, and includes a building society. I do not intend at this stage to analyse the amendments foreshadowed by the member for Subiaco, and I shall reserve my comments until we progress to the Committee stage. I indicate my support of the measure.

MR. GUTHRIE (Subiaco) [3.8 p.m.]: As the honourable member who has just resumed his seat indicated, the main purpose of the Bill is to increase the amounts which are generally regarded as fixed sums which a widow takes on an intestacy. In cases where there are children the fixed sum available to the widow is to be increased from £2,500 to £5,000; and where there are no children it is to be increased from £5,000 to £7,500. That is in keeping with the general trend over the years of increasing such sums, firstly, as the value of money depreciates; and, secondly, as the value of the family home increases.

It is fairly important to endeavour to make certain that the widow can get, if she so wishes, an absolute title to the home. Consequently I must support the general principles of the Bill, but there are one or two features which have crept into it and which require some examination and some amendment.

First of all, dealing very shortly with the matters in respect of which I have placed amendments on the notice paper, it will be recalled that the Minister, in introducing the measure, mentioned that in addition to the widow's share there would be an additional sum of 5 per centum; and this provision is to be found in proposed new section 14 (1B) in clause 2 of the Bill.

I understand this has been taken completely from an English Statute and I think I am correct in saying that in England the draftsman does adopt the practice of describing rates of interest—and this is intended to be a rate of interest, and nothing else—in this method of saying five per centum, and from a day to a day. I would agree the legal implication is just that, but in the principal Act—the Administration Act itself—and in all other Statutes and legal documents in this State we always refer to a rate of interest as a rate per centum per annum, and it is desirable as a matter of draftsmanship to have it like that.

I would not have worried about this except that I am moving other amendments so I felt we should correct that point and put in the words "per annum" to make it quite clear that what is intended is not a flat five per cent. What is intended is a rate of interest, according to the delay from the time her husband dies to the time the estate is distributed, which could be a matter of years in some cases, depending on the type of the estate.

The next matter is of some moment because unwittingly the amendment proposed in paragraph (a) of clause 3 is going to destroy something this House has been at great pains in recent years to achieve. It is necessary to go back a little in history to explain this; and perhaps on this occasion I had better be a little more precise than I was on the occasion I spoke about it last time because my remarks did receive some criticism by the editor of the University *Law Review*, because I dealt with the matter then in somewhat cavalier and general language. With due respect to him, I do not think he quite understood what it was all about.

The history of this matter is that for very many years there was not a great difference between the probate value of an estate and the actual amount at which it was ultimately valued when distributed, whether it was realised or not. As members could well imagine, in the 1920s and 1930s, if a man died at the beginning of the year and his estate was worth £1,500, it was reasonable to assume that it was still worth that at the end of the year and even two years later. I can well recollect that when one was required to make application to the Supreme Court, the court accepted the probate value as still being generally the value of that estate and did not ask anyone to go to the trouble of getting a further valuation to disclose whether or not the valuation had increased in the meantime.

However, after the war we ran into a totally different situation, and the difficulties in this regard were highlighted quite considerably when we had land sales control legislation on the Statute book as the result of wartime conditions. For quite a considerable time the Commissioner of Stamps as he then was—and still is; but members will recall that probate duties were assessed by the Commissioner of Stamps but now they are assessed by the Commissioner of Probate Duties—the commissioner initially took the view that he could only value for probate duty purposes real estate at the price it would be passed by the Sub-Treasury even though it was generally regarded that any administrator or executor would indeed be failing in his duty if he were to allow the property to be sold while those controls were still in force.

There was at that time a black-marketing—not that executors or administrators could avail themselves of that; but they were advised it would be sensible to hang on to the property until such time as controls were lifted. At a later stage, as the result of an Eastern States decision, the commissioner changed his mind and assessed them at their true value. The High Court gave a decision on a resumption case. It thought property could not be resumed at the Treasury valuation.

This situation was highlighted in an estate, consisting of houses in the metropolitan area and in the electorate of the Leader of the Opposition which were valued for probate duty purposes at the Treasury price. However, when those houses came to be sold they realised exactly double, and the net result was that the value of the estate which was to be distributed was considerably greater than the value of the estate at the time of death. The question then arose, when working out the respective rights of the widow—there were no children—and the next of kin, on what set of values should they strike the fractions? It made a considerable difference.

An examination of the law on the English decisions of the time disclosed that the law was in a very unsatisfactory state. The basis of the law on distribution goes back to the Statute of Distribution passed by the English Parliament many centuries ago. The Statute of Distribution did not make any provision for a first £500 or a first £1,000, or any fixed sum. It broke estates up in fractions and it did not matter whether the value increased or decreased. The fractions remained constant. However, when the change was made to a fixed sum and there was a variation in values, it produced a totally different result. In any event in that particular estate the matter was compromised.

In 1955, the then member for Mt. Lawley (Mr. Oldfield), introduced a number of amendments to the Administration Act. I was not a member of this House at that time, but I did speak to him and persuaded him to include in his Bill the original section 15A. He asked me what he should provide in it and I suggested that he should provide that the value on which a distribution was made should be the value at the time of distribution. I fondly imagined that would cover the situation.

Parliament duly approved of that, but that led us into further trouble inasmuch as when it was proposed to transfer, say, the family home to the widow on the basis that it was less than £2,500, the Commissioner of Titles ruled that he could not accept the transfer. He stated that even though this particular house may have been valued at, say, £2,250 for probate duty purposes, that was only the value as at the date of death and was not the value at the date of distribution which may have been a year or two later; and he had to be satisfied that that figure was, in fact, the valuation.

He was then offered a new valuation, and he said that that was only a matter of opinion. He said it would be possible to obtain seven valuations and be given seven different figures. He therefore said he could not rely on it. This forced people into the situation that they either had to sell the house or get an order of the court before the Commissioner of Titles could, in safety, register the transfer.

As a consequence in 1961, when the former Attorney-General (Mr. Watts) introduced a Bill amending this legislation, I persuaded him to go back and change the situation completely and provide as the present section 15A does now. That is the situation we are in today and it works quite satisfactorily. The fractions are established on the commissioner's valuation and even if the value increases, those fractions are established and are applied only to the new set of figures.

The proposed amendment contained in paragraph (a) of clause 3 is to provide that the present provisions of 15A continue if the estate does not exceed £7,500, but do not apply if the estate exceeds £7,500. The proposed amendment does not even state what are the principles which are to apply when the estate does exceed £7,500. So we get a certainty and one definite set of principles when the estate is £7,500 or less, and, then uncertainty when it exceeds £7,500.

I took the trouble to find out why this amendment was proposed, and I was told it was suggested by the Law Reform Committee of the Law Society. I went to the Law Society and was told that the reason the proposal was suggested had nothing to do whatever with the matters I had mentioned but was to cover another situation. It was quite openly conceded to me that the set of facts I have just described were completely overlooked and had not been taken into account.

The circumstances which the Law Society had in mind are these: There are quite a number of family partnerships and private companies where the articles of the company or the partnership agreement provide that on the death of one partner the surviving partner may buy his interest at a certain price which is specified, or the manner of assessment of it is contained in the partnership deed or Articles of Association. It may or may not be the true value, but that is what the parties have agreed on. A formula might be set down, or there might be an arbitrator nominated or the last balance sheet might have to be used to determine the the parties have agreed in this manner to amount, or it might be anything else; but provide for their private affairs.

The Administration Act provides that the Commissioner of Probate Duties is not bound by any such agreement when assessing duty, and he proceeds to assess the value of the estate at its true market value. In consequence the situation can arise that the most the administrator can get for the estate, under the terms of the partnership agreement is, say, £10,000, whereas the Commissioner of Probate Duty values the estate at £15,000. Under this section the fractions are worked out accordingly.

However, I put it to the Law Society that the occasions when that happens are surely extremely rare. The type of person who enters into such an agreement usually makes a will. The occasions when such a person would die intestate would be one in a thousand, I would say. To alter the law just to cover that extreme circumstance and penalise a great number of other people did not seem to me to make commonsense; and I must confess that the gentleman representing the Law Reform Committee to whom I spoke agreed with me entirely and authorised me to tell this House that he agrees that this particular subclause, which he originally suggested, should come out; and that is the basic reason why I have suggested its deletion.

The other amendment concerns section 139. Members will recall that when the Minister for Lands introduced his amendment to the Rural and Industries Bank Act earlier this session, he took out of that Act section 65S and indicated that it would be re-enacted in the Administration Act to cover all cases; but the re-enactment of that section, as contained in this Bill, is not a repeat of what was in the Rural and Industries Bank Act.

Members will also recollect that the Minister indicated that the purpose was to bring the section into identical terms with what the Commonwealth Parliament has provided in the Commonwealth Bank Act so that all banks would be on exactly the same basis as the Commonwealth Bank. Again this provision is not in the terms of the Commonwealth Bank Act, and the whole purpose of my amendment is to bring it into conformity.

The chief distinctions are that in both the Commonwealth Bank Act and the Rural and Industries Bank Act it was provided that if a person leaves a will and the executor notifies the bank that he does not intend to prove it, the bank can pay the money over. But because of the way the provision in the Bill is worded, if there is a will and the executor does not intend to prove it, the bank cannot help itself; and the first alteration I propose is in connection with that matter.

The second major difference is that neither the Commonwealth Bank Act nor the Rural and Industries Bank Act provide that notice shall be given to the Public Trustee. Again I propose to delete that provision. The other Acts provide that the banks can pay out after one month, and this measure proposes three months.

The whole purpose of my amendment is to ensure that the House will do what the Minister for Lands promised; namely, bring all the banks into the same category. With those comments, I support the Bill.

MR. COURT (Nedlands—Minister for Industrial Development) [3.25 p.m.]: I thank the two honourable members for their constructive comments and their support of the Bill. I say to the member for Subiaco that the amendments he requests have been studied, and I think they are desirable. They will, subject to any argument that might be advanced when we are in Committee, be supported. However, I thought I should foreshadow at this stage that we cannot see any objections to them. Generally, the Administration Act is an important piece of legislation and affects many people. I was going to say that it affects the lives of many people, and I suppose that is so, although it does not start to apply until death occurs; but many people are closely related to deceased persons and they will feel the effect of the changes we make to this law.

The Minister for Justice and I are appreciative of the study made of the legislation by the two members who have some special qualifications in this matter.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning), in the Chair, Mr. Court (Minister for Industrial Development) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 14 amended—

Mr. GUTHRIE: I move an amendment—

Page 3, line 12—Insert after the word "centum" the words "per annum."

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3: Section 15A amended—

Mr. GUTHRIE: For the reasons I gave at some length in my second reading speech, I move an amendment—

Page 4, lines 4 to 8—Delete paragraph (a).

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4: Section 139 amended—

Mr. GUTHRIE: I have on the notice paper four amendments to this clause. I move an amendment—

Page 4, line 25—Delete the words "three months" and substitute the words "one month."

Amendment put and passed.

Mr. GUTHRIE: I move an amendment—

Page 4, line 27—Insert after the word "will" the phrase " and of intention to prove it".

Amendment put and passed.

Page 4, lines 30 and 31—Delete the passage ", after notice in writing to the Public Trustee, ".

Mr. EVANS: I do not wish to delay the House nor to offer any opposition to this amendment. I agree that on the surface the requirement that the bank must first give notice to the Public Trustee seems completely unnecessary inasmuch as the bank does not have to wait any time for the trustee to take any action. However, I would like to ask the member for Subiaco if he could comment on the fact that up to 1941 section 22 of the Act provided that, pending administration, the estate of a deceased person was to vest in the Chief Justice. However, in 1941, that section was repealed, which would indicate the reason for inserting in the Act that notice was to be given to the Public Trustee. However, on the surface the words appear unnecessary and just a burden.

Mr. GUTHRIE: The situation is that the insertion of the words "Public Trustee" have nothing to do with changing the system of vesting in the Chief Justice. Ever since 1903 the estate was legally vested in the Chief Justice. In any event, the member for Kalgoorlie, when speaking to the second reading of the Bill, admitted he did not vote for the subparagraph that was inserted last year which requires the bank to send a list to the Commissioner of Probate Duties of all moneys it pays over. So far as an official list is concerned the commissioner was never mentioned in the Rural and Industries Bank Act and he is not mentioned in the Commonwealth Bank Act, and in 99 cases out of 100 the Commonwealth Bank does not have to send a list. So I cannot tell the honourable member why notice had to be given to the curator in 1903.

Amendment put and passed.

Mr. GUTHRIE: I move an amendment—

Page 5, line 2—Delete the word "husband" and substitute the word "widower".

The member for Kalgoorlie supplied the reason for this amendment. The line reads, "husband, widow," etc., and it should read, "widower, widow," and so on.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and returned to the Council with amendments.

LAND TAX ASSESSMENT ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 17th November, on the following motion by Mr. Brand (Treasurer):—

That the Bill be now read a second time.

MR. HAWKE (Northam—Leader of the Opposition) [3.39 p.m.]: There are two main amendments in this Bill which proposes to amend the Land Tax Assessment Act. The first one with which I intend to deal seeks to amend section 73 of the Act. That section provides that any arrangement, agreement, or contract entered into for the purpose of evading or trying to evade the payment of land tax is void.

We are given to understand by the Treasurer that representations have been made to the Government in recent months by a very large insurance company in connection with this part of the law. The insurance company in question apparently has large sums of money to invest. It is keen to invest some of it for the purpose of constructing buildings on land which it owns; and, following the construction of such buildings, it would be the intention of the company to lease the land and buildings to industrial undertakings or for industrial undertakings.

It seems clear the insurance company would, in making agreement or contracts in connection with business of this kind, wish to put a legal obligation upon the lessee to pay all land tax which would fall due from year to year. Under the existing law that would not be legally enforceable because section 73 of the Act, as I have already said, lays it down that such an arrangement, agreement, or contract could not be enforced at law. The legal obligation in connection with land tax under the present law is an obligation which rests exclusively upon the owner of land. He is not entitled to enter into any arrangement or agreement where a provision in such agreement or contract would place or attempt to place the legal obligation for the payment of land tax upon the lessee.

The amendment in this Bill in relation to section 73 would lay it down that any such agreement or contract where it proposed to allow the incidence of any land tax or to relieve any person from liability to pay the tax or contained any intention of defeating, or evading, or avoiding any duty in connection with the payment of land tax and so on would be absolutely void as against the Commissioner of

Taxation. Otherwise, any such arrangement or agreement would be enforceable at law by the lessor against the lessee provided there was a condition in any contract or agreement that the lessee would accept the obligation of paying land tax. Presumably the lessee would pay the land tax to the lessor direct who, in turn, would pay it direct to the Taxation Department.

I think it is reasonable to suggest that where a lessee freely and voluntarily enters into an agreement with a lessor to meet certain conditions, including the payment of land tax, the law should not allow any lessee to escape that obligation by continuing to retain the provision which is at present in the Land Tax Assessment Act.

The Commissioner of Taxation will be fully safeguarded whatever argument might develop as between lessor and lessee in connection with this issue. Therefore the State does not stand to lose in any shape or form by the amendment which is contained in this Bill. So far as I am able to judge there is no legitimate objection which could be raised to the amendment under this heading.

In connection with the other amendment, I am not able to see my way clear to support it.

Sitting suspended from 3.45 to 4.6 p.m.

Mr. HAWKE: The second amendment with which I am concerned proposes to repeal subsection (3) of section 8 of the Act. Subsection (3) reads as follows:—

> In the case of any owner who has not been resident in the Commonwealth of Australia during any portion of the year next preceding the year of assessment, the rate shall be increased by fifty per centum—

In other words, this part of the Act lays down that an individual absentee owner of land has the rate of land tax applying increased by 50 per cent. above the normal rate.

The Treasurer, in supporting the move to delete this subsection and to wipe out the 50 per cent. surcharge now applying, tells us a land agent, or some land agents, had made representations to someone on this point. The Treasurer went on to say there was apparently in this 50 per cent. surcharge on absentee landowners some bar on the investment of overseas capital in Western Australia. The approach in the first instance from one or more land agents does not impress me very much. The suggestion that apparently this 50 per cent. surcharge on absentee owners is preventing some investment of overseas capital in Western Australia, impresses me even less.

I think we should consider this move to be ill-timed in any event. We know that taxes and charges of many descriptions have been greatly increased upon people and industry in Western Australia over the last few months. In that situation the time is not appropriate to bring proposals before Parliament such as this one to wipe out a surcharge in regard to land tax which has been upon individual absentee land owners for a considerable period of time. This provision operates in at least two other States of Australia, although in one the surcharge is not as high as in Western Australia.

From what we have read and been told over the last year or more, there is no shortage of overseas investment in Western Australia. Without knowing the facts we could easily have been persuaded there is an embarrassing surplus of overseas investment in Western Australia, so much so as to produce serious labour shortages in several directions and to create difficulties and embarrassments in other directions.

If this 50 per cent. surcharge which is now operating is going to prevent someone overseas who owns land in Western Australia from investing money in the land or upon the land, it seems to me that the intention of such an individual overseas is not very genuine at all. His intention to invest money in connection with this land which he already owns—his intention to develop or build on it—is not likely to be defeated simply by the fact that he has to pay 50 per cent, surcharge on the land tax. The land tax, in any event, would not be very great; so it seems to me to be stretching the long bow to almost breaking point to try to persuade us to believe the abolition of this 50 per cent. surcharge on absentee landowners is necessary to ensure the coming into Western Australia of the money for investment, which money, unless the law is altered accordingly, is not likely to come.

I am satisfied, in my own mind, any absentee landowner with money to invest in connection with that land he already owns here, or any absentee individual overseas who has some intention in his mind to purchase and develop land in Western Australia, is not likely to be defeated in his intention simply by the fact that he has to pay £50 land tax instead of say £25 by virtue of the fact that he is resident outside of Australia.

In any event, as I said earlier, this is not the time to reduce taxation on anybody and certainly not the very small number of well-placed individuals such as those absentee landowners would be. Parliament has imposed terrific burdens by new taxes on our own people and our own industries, and in that situation I think there is no justification whatever for giving approval to the proposal in this Bill which aims to take out of the law the 50 per cent. surcharge which now applies in regard to absentee landowners. I will oppose that proposal when the Bill is in Committee.

MR. BRAND (Greenough—Treasurer) [4.14 p.m.]: This piece of legislation was considered last year, but I did not bring the actual Bill forward until this session. On the face of it, one would feel inclined to agree with the Leader of the Opposition and ask why we should provide for an absentee landowner or not pay this extra charge. But on examination I find it is not a question of the actual result. Representations have been made to me by agents, and people in this business, who say that this fact has been raised and that Western Australia has the highest tax of any State in this regard.

We must bear in mind too, of course, that we have a land tax on unimproved land in any case, and this would create an incentive, if there is one to be created, for improvements to be made to any land which is held. In Victoria the tax is only 20 per cent., and then only on land held for industrial or rural purposes, and the tax in Queensland is somewhat less than our own. However, because it seemed to provide some deterrent, and because the Commissioner of Taxation finds it difficult to collect the tax, and it amounts to only £1,000, I agreed that the proposal should be introduced, and Cabinet, after having discussed the matter, also reached agreement that it should be included in this Bill.

I understand that if by any chance a landowner leaves this State, and he is absent for 12 months or more, he is up for the 50 per cent. surcharge and apparently the Taxation Department finds it somewhat costly to chase absentee owners and, in general, believes it is not worth while. If a person decides to come to Western Australia, instead of any other State, we could find ourselves in the position of having a large investment in land or property and the income from this by way of land tax would be such that it would offset anything we lost by the abolition of the surcharge. Therefore, while acknowledging the point of view expressed by the Leader of the Opposition, I believe, from the arguments that have been put forward it would be in the interests of everyone if the surcharge were repealed.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Brand (Treasurer) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 8 amended—

Mr. HAWKE: This is the clause which proposes to abolish the existing provision for the imposition of a 50 per cent. surcharge in regard to individual absentee owners. The only new point brought forward by the Treasurer in his reply to the second reading debate had to do with some difficulty which the Commissioner of Taxation encounters in collecting land tax from absentee landowners. If this is a difficulty the abolition of the 50 per cent. surcharge will not reduce the difficulty in any degree; because individual absentee landowners will still have to pay the normal rate of land tax. Therefore there is no strength in the contention that the Commissioner of Taxation has difficulty in tracking down these absentee landowners and in collecting the double rate of tax from them; because they have to be tracked down for the purpose of collecting the normal rate of tax. Once they have been tracked down to collect the normal tax then it is a simple matter to collect the double rate.

The Treasurer did mention that some resident landowners periodically go overseas and stay there for a year or longer, and this presents a difficulty to the commissioner. But does that matter much? In these instances the commissioner has no trouble in collecting the normal rate of land tax; and, in any event, I should say a person who is a *bona fide* resident of Western Australia, and who goes overseas for a year or more, could in my view still be regarded as a *bona fide* Western Australian resident. I should say the commissioner should not worry about individuals who do that sort of thing, provided they are *bona fide* residents of Western Australia and they propose to come back after a year or two and continue to be *bona fide* residents of the State.

I would like to repeat the contention I put forward in my second reading speech: This is not an appropriate time in any event to start reducing existing rates of taxation to anybody, and especially not to absentee landowners. Therefore I hope the majority of members will vote against the clause.

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

Ayes—25	
Mr. Bovell	Mr. Hutchinson
Mr. Brand	Mr. Lewis
Mr. Burt	Mr. Marshall
Mr. Court	Mr. Mitchell
Mr. Craig	Mr. Nalder
Mr. Dunn	Mr. Nimmo
Mr. Durack	Mr. O'Connor
Mr. Elliott	Mr. O'Neil
Mr. Gayfer	Mr. Runciman
Mr. Grayden	Mr. Rushton
Mr. Guthrie	Mr. Williams
Mr. Hart	Mr. I. W. Manning
Dr. Henn	*(Teller)*
Noes—18	
Mr. Bickerton	Mr. W. Hegney
Mr. Brady	Mr. Jamieson
Mr. Davies	Mr. Kelly
Mr. Evans	Mr. Moir
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. J. Hegney	Mr. Norton
	(Teller)

Pairs	
Ayes	Noes
Mr. Cornell	Mr. May
Mr. Crommelin	Mr. Curran

Majority for—7.

Clause thus passed.

Clauses 5 to 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Brand (Treasurer), and transmitted to the Council.

LICENSING ACT AMENDMENT BILL (No. 4)

Second Reading

MR. BRAND (Greenough—Minister for Tourists) [4.32 p.m.]: I move—

That the Bill be now read a second time.

I would like to thank the House for its indulgence. This Bill and the Tourist Act Amendment Bill are interrelated, and the position would be better understood if I introduced the Licensing Act Amendment Bill first. The measure deals with hotel grading which, I think, is a very desirable development in our State. As Minister for Tourists I find it is more and more important that the grade of accommodation available to our visitors be improved; that it be graded in such a way as to enable us to at least offer a standard of accommodation similar to that available in other countries.

We are a relatively young State, and, for a long time, the general standard of accommodation, particularly in the country areas, has not been very high. With the latest developments that are taking place, and with more people travelling, we realise just how important this aspect is. Our own people who travel overseas and return compare the two standards, and I think it is now considered that a general introduction of hotel grading would be of interest to all concerned.

Mr. Jamieson: Don't tell me we are going to build a chain of Chevron-Hilton hotels!

Mr. BRAND: No; although I do regret very much that it was not possible for the Chevron-Hilton hotel to be built here. It is not likely that we will get one, but I would like to have an international standard set for hotels. Western Australia needs something like this over and above the accommodation which is available at the moment. The State is not likely to provide a hotel, particularly in view of the comments made by the member for Boulder-Eyre last evening in respect of the State Government Insurance Office.

The Tourist Development Authority has for some time held the view that the travel industry could derive very considerable advantages by the introduction of a system of grading hotels. Representatives of the authority have from time to time discussed this matter with me, as Minister for Tourists, and with the Chairman of the Licensing Court.

The principle of hotel grading has long been used in overseas countries, and it is undoubtedly of great benefit to the traveller to be able to ascertain the grades into which various hotels are placed. The jet age in civil aviation, and fast modern ocean liners, have imposed heavier demands on the hotel industry. People coming from overseas to Australia expect to find in the capital cities standards of accommodation equal to those overseas, and if the State is to attract visitors into the country, improved standards are also necessary in our principal tourist areas.

Not all travellers require the top standards and many are looking for medium or cheaper classes of accommodation. Whatever the standard desired, they all like to know which hotels fit into the particular class they are seeking.

The grading, to be of real value, must be reliable and authoritative. In Western Australia there is only one authority equipped to carry out this work and that is the Licensing Court. The court has expressed itself as completely willing to undertake the task.

In a report to the Minister for Justice, dated the 7th July, 1965, the Licensing Court suggested that in view of the considerable improvement in a substantial number of hotels, it was probable that there was now sufficient differentiation in the standards of accommodation available in various places to warrant some action being taken in relation to the grading of hotels, which the court considered would not have been very practicable in earlier years, owing to the lack of differentiation except in the case of a very few, and principally city hotels.

In respect of this differentiation, the court mentioned that during the year ended the 30th June, 1965, over 300 beds with self-contained units had been created in a substantial number of hotels, both in the city and the country. These now total approximately 500 beds in 35 or more places, each of which are self-contained to include toilet and ablution facilities.

This is a very marked improvement. In the same report, the Minister was informed that the court was of the opinion that the reception of guests, the standard of meals, and the attention of the licensee and his staff in regard to the comfort and convenience of guests, were also of great importance, and that a change of licensee could quickly reduce these lastmentioned standards to a low level. We all appreciate that even though it may be a very meagre building, and the hotel might not look the part, it could be a very comfortable and homely place to stay in, depending of course upon the general character

and approach of the licensee. If the licensee is out only to sell beer, the meals and the balance of the hotel appointments are generally not of a very high standard. Licensees change quite frequently, so much so that in the metropolitan area alone 37.4 per cent. of licensees have changed within a period of one year.

The court has also indicated that since that report, similar rooms are in course of erection, either as improvements to existing hotels or in respect of new provisional certificates that have been granted.

This Bill proposes to amend the Licensing Act in order to give the Licensing Court power to introduce a grading system. Before doing so, the court is required to consult the Tourist Development Authority. Once the system is decided upon—and this is important—the court will have the sole power to allocate hotels into the various grades. I understand, from the point of view of hotel owners, or licensees, this is acceptable.

Mr. Davies: Are they going to be graded whether they want it or not?

Mr. BRAND: The system that we decide upon will be administered by the Licensing Court, in whom the hotel owners and licensees have every confidence. The court is required to give notice in writing to the licensee of any hotel, informing him of the grade into which the hotel is to be placed and to give consideration to any representations or objections he may wish to put forward. The grading will be published in the *Government Gazette* thus becoming public information available for insertion in tourist publications.

It is recognised that the standard of service in hotels is dictated not only by the accommodation available but by the quality of the licensee. Provision is therefore made in the Bill that where an application is made to transfer a license of a graded hotel, the court may refuse the transfer unless it is satisfied that the proposed transferee possesses suitable qualifications and sufficient experience to enable him to conduct a hotel graded in that particular class.

The object of this legislation is twofold: firstly, to grade hotels for the information of guests; and, secondly, to improve standards of accommodation and encourage hotelkeepers to move into the higher grades.

It is appreciated that the introduction of hotel grading will create a strong demand for finance from the hotel industry which it may be difficult for it to meet.

Provision is therefore made in this Bill that where a hotelkeeper desires or is ordered by the Licensing Court to effect improvements to accommodation and is unable to finance those improvements, he may apply to the Licensing Court for a certificate. If it is satisfied that the application complies with these conditions, the court may give a certificate to the Tourist Development Authority for the purpose of enabling that authority to render financial assistance. The nature of that assistance I shall explain when introducing the amendment to the Tourist Act.

Since this Bill was printed, a doubt has arisen as to whether section 4 (2) (a) will enable the authority to lend money to a hotelkeeper to effect improvements to move into a higher grade. I propose, in Committee, to move a small amendment to clear up this point.

This move is a very important one so far as Western Australia is concerned. We continually hear of the value of the tourist industry to our country, and to those overseas. Listening in to the Commonwealth Parliament the other evening I heard quite a number of members complaining that insufficient money and assistance were being given by the Commonwealth to further expand and develop the tourist industry.

It is not necessary for me to point out just how important this is to our State, and although at the moment it may not represent such a large industry, it is important that we lay down standards and establish good relations, and a good reputation overseas and in the Eastern States; because with the developments taking place in trade we will attract more and more people here.

Mr. Davies: Have you any figures in relation to tourism?

Mr. BRAND: No.

Mr. Davies: Shall I put a question on the notice paper?

Mr. BRAND: The honourable member may do so if he wishes, and I will be only too happy to provide the information. The report of the Tourist Development Authority will no doubt contain quite a lot of the information which the honourable member might seek in this regard.

It is a fact, however, that there is a sharp increase in the number of people who visit Western Australia, not only from the Eastern States, but also from overseas. As better port facilities are developed, more and more people will be visiting different parts of Western Australia. Not only will they come to Fremantle and the known ports, but the port facilities in the north will also attract the shipping of the world.

Debate adjourned, on motion by Mr. Hall.

TOURIST ACT AMENDMENT BILL

Message: Appropriations

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

Second Reading

MR. BRAND (Greenough—Minister for Tourists) [4.45 p.m.]: I move—

That the Bill be now read a second time.

As I informed the House in introducing the Licensing Act Amendment Bill, this measure is complementary and provides means by which the Tourist Development Authority may give financial assistance to hotelkeepers for the improvement of accommodation where the Licensing Court certifies that such improvements are necessary, and that the hotelkeeper is unable to finance them with funds from other sources.

I would emphasise this point: The financial assistance which the Government hopes to make available will be very limited, and will go to those cases in the country and outside the city where improvements are essential. Such assistance will not be granted until the court and the authority are absolutely satisfied that there is no alternative to the granting of assistance in order to implement the requirements of the Licensing Court.

The Bill proposes to give the Tourist Development Authority the power to borrow up to £100,000 per annum. This figure is the maximum permissible without forming part of the semi-governmental loan programme requiring submission to the Loan Council. The money will be borrowed upon such terms and conditions as the Treasurer approves.

From this money, loans will be made to hotels in accordance with the policy to which I have referred, such loans being subject to terms and conditions to be specified by the Treasurer. The intention is that the money will be advanced at a rate of interest as near as possible to the cost of the money to the authority.

It is appreciated that this comparatively small sum will not enable a great deal of work to be carried out. It is small, when we have regard to present-day costs of building and improvements to bathrooms and bedrooms. One hundred thousand pounds will not go very far. If each year this amount of money is available then some progress to a very desirable end will be achieved. It is, however, a beginning and it may be possible to extend the assistance in the light of experience.

Because of the limited amount available, assistance will be extended only in exceptional cases, generally in the remoter areas, where it is established that there is a very strong demand for improved accommodation for tourist purposes.

I emphasise that this arrangement does not in any way affect the authority given to the Treasurer under section 51B of the Licensing Act to guarantee advances under the Industries Assistance Act for hotel improvements up to a total liability of £250,000 at any one time. In a number of cases we have operated under this provision, and it has resulted in improvements being effected in Broome, Kununurra, and one or two other places.

Opportunity is being taken by the introduction of this Bill to include a further small amendment to the Tourist Act. Members of the Tourist Development Authority nominated by Ministers in accordance with the conditions laid down in section 6 of the principal Act, are sometimes absent from Perth either on leave or in the course of their official duties. It is desirable for the proper functioning of the authority that the departments concerned should be represented at all meetings. It is therefore proposed in this Bill that the Ministers concerned may nominate deputy members to act at any time when the appointed members are absent.

I would point out to the House that it has been found from experience that the Commissioner of Main Roads and the Director of Engineering are often away from Perth at times when the authority meets. It is desirable for the Ministers concerned to be able to appoint deputies. In the case of members representing the private interests on the authority, we consider it is not necessary to have deputies. We want to encourage those representatives to be present at all meetings, and to take a continuing interest in the affairs of the authority.

Debate adjourned, on motion by Mr. Hall.

CITY OF PERTH PARKING FACILITIES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 13th October, on the following motion by Mr. Graham:—

That the Bill be now read a second time.

MR. CRAIG (Toodyay—Chief Secretary) [4.50 p.m.]: At the outset I want to say that the Government will support the second reading of the Bill with certain reservations. Members might recall that some months ago the member for Balcatta introduced a Bill to amend the Local Government Act, and in it he sought to write into the Act the provisions which have been included in the City of Perth Parking Facilities Act.

According to the honourable member the reason for introducing that Bill was that the City of Fremantle was about to install parking meters, along with the establishment of parking facilities. Incidently, these meters are now in operation. He considered that the requirements which apply to the City of Perth should also apply to the City of Fremantle.

In reply the Government stated that the circumstances of the two cities were entirely different, in that the City of Fremantle provided all the finance for the installation of the meters and parking facilities from its general funds, whereas the City of Perth proceeded with its plans for parking on a loan of about £400,000 from the Government. It was necessary to have some binding arrangement with the City of Perth in respect of the income from parking meters and parking facilities, so it was required to expend the surplus revenue from that source in the provision of additional parking facilities.

The Government therefore agreed to the representations from the City of Fremantle that it be allowed to absorb its revenue from parking into the general funds, because it was responsible to the ratepayers who had approved of the spending of funds on the provision of parking facilities.

During the course of my speech the member for Beeloo interjected and asked if we would show the same consideration to the City of Perth by amending the relevant Act. If I remember correctly I said that if any request were received from the City of Perth, then due consideration would be given to the matter. When the member for Balcatta introduced the Bill before us I interjected and asked whether he had been motivated by a request from the City of Perth, to which he replied in the negative. My conclusion is that he has introduced the Bill on his own initiative, with the thought of making the Government's attitude consistent in the use of the money derived from parking. I think I am correct in my assumption. Instead of dismissing the matter there and then I sought the views of the City of Perth on this matter, and I have received a letter dated the 18th October, 1965, which sums up the views of the City of Perth. The letter is as follows:—

> Re: Bill for Proposed Amendment to City of Perth Parking Facilities Act.
>
> Dear Sir,
>
> Since the enactment of the City of Perth Parking Facilities Act, which was assented to on 18th January, 1957, no representations have been made by the City of Perth to amend the financial provisions set down in the Act, which provide for all revenue received by the Council under this Act to be paid into the Parking Fund.
>
> The proposed amendment would seek to divert approximately £40,000 per year from fines and other penalties into the Municipal Fund. There are two aspects which make such a scheme undesirable. First of all, the revenue from the scheme will be wholly required for the provision of parking facilities and, from the funds accumulated to date, it should be appreciated that the major expenditure for which the Parking Fund is required, is the acquisition of off-street parking sites close to the centre of the city and this will need all the available money that the scheme can provide.
>
> It should also be borne in mind that there would probably be a psychological effect on the minds of the public generally, who now appreciate that the Council receives no part of the Parking Fund into municipal revenue and, therefore, it cannot be said that the Council has any motive in its administration other than to carry out the terms of the Act and that, where offences occur and revenue accrues to the Council through fines and other penalties, the procedure is a dispassionate one, as such funds may only be used for the purposes of the Act, and that is to provide more parking facilities. Such a procedure frees the Council from the suggestion that its administration seeks to increase the penalties under the Act simply to add to the money received into the Municipal Fund.
>
> It is strongly recommended that no amendment be made in this respect.
>
> There is, however, no objection to the second amendment, as the Council may, at some future date, require to make street widenings in order to provide more reasonable access to the entrances to these off-street car parking areas, particularly where multi-storey buildings are close to the central core of the city.

The opinion of the City of Perth has been expressed in that communication, and its views coincide with those of the Government. It is felt rather strongly that the surplus revenue from parking should be devoted to the development of parking facilities, although the Government is agreeable that some of the money which comes from parking fees could be used for street widening that is associated with the establishment of parking facilities. That is in line with the view of the City of Fremantle. The second reading of the Bill is agreed to.

Mr. Hawke: Don't we have a say?

Mr. CRAIG: If the honourable member wants a say he can have it.

Mr. Hawke: I thought the member for Balcatta and you carried this Bill on your own!

Mr. CRAIG: I am telling the honourable member what are the intentions of the Government. We agree to clause 2 (b) but oppose clause 2 (a) and (c).

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Graham in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 7 amended—

Mr. CRAIG: I move an amendment—

Page 1, lines 15 and 16—Delete paragraph (a).

Mr. GRAHAM: I do not think the Minister has made out a convincing case for the action he has now taken. The difference between the Perth City Council and other local authorities in the matter of involvement in borrowing is, in my view, completely beside the point, since the amount initially loaned to the Perth City Council has been paid and therefore it is operating on the same basis as any other local authority as far as future activities are concerned.

It is true, as the Minister said, that I acted on my own initiative in respect of the preparation of this Bill, and the reason for it was that no-one in my view can justify that one local authority out of approximately 150 should be singled out to operate under a formula different from the others.

I would ask members to bear in mind that if the Bill is carried in its present form—in other words if the proposal of the Minister is rejected—there is nothing to stop the Perth City Council paying the fines and penalty into the parking fund. All the Bill will do will be to remove the legal obligation from the council to do that. Therefore there is no conflict whatever between the expressed attitude of the Perth City Council and the viewpoint I hold.

Mr. J. Hegney: You are endeavouring to have the parking law apply equally to all local authorities.

Mr. GRAHAM: Yes. Parliament has agreed to a set of provisions in respect of parking, at the request of one local authority—the Fremantle City Council—without consulting any of the other 150 local authorities to ascertain their views. In my opinion the Government properly looked at the question and decided that a certain proposition was fair and equitable. That is precisely my approach. I repeat that I am not seeking to bind the Perth City Council to do anything. It could be that at this moment the council desires that the fines and penalties should go into the parking fund; but in two or 10 years' time it may see no necessity for this action, but could please itself entirely. Surely that is the spirit of the local government legislation. They should have the opportunity of deciding this matter for themselves rather than be in the position of being told by us, as members of Parliament, what they shall do with their money.

It is true that initially the attitude of the Government and others was that any revenue, however derived, in respect of parking should go back into parking facilities. However, it is with the greatest facility that the Government changes its mind in the space of a few weeks, a few months, and, on occasions, a few years. I hate to say it, but it would appear that the Government is merely playing politics by moving this amendment. It has been done to deny me the satisfaction of having my Bill passed as it is, because the only difference is that if there is a change of circumstance or a change of heart on the part of the Perth City Council in respect of its activities, it will not be permitted to do what any of the other local authorities are permitted to do. In my view such an attitude is nonsensical and for that reason I ask members to vote against the amendment.

Mr. CRAIG: I can assure members we are not playing politics. We are endeavouring to apply a bit of commonsense. The Perth City Council could put this parking money into the fund if it so desires. The City Council is quite definite in its views and I give it credit for this, and I feel sure that those views express the views of the motoring public as a whole.

Mr. GRAHAM: I do not know how the Minister can suggest that the attitude of the motoring public in Perth would be at variance with the attitude of the motoring public at Fremantle or in any other part of the State. If I park my car in Perth and commit a breach, I am insistent that the fine shall go into the parking fund, but if I commit an identical offence in Fremantle or anywhere else, I do not care a straw whether the proceeds of the penalty are used to provide extra parking facilities, to entertain distinguished guests, to build a swimming pool, or anything else.

There is no logic, rhyme, or reason, in the Minister's suggestion. Under my proposal the local authority does have a little latitude to determine the issue itself. However, if the Minister perseveres with his viewpoint, which cannot be sustained by logic, he will be successful because he has the numbers. I know when I am beaten.

Amendment put and passed.

Mr. CRAIG: I move an amendment—

Page 2, lines 13 to 15—Delete paragraph (c).

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

ARCHITECTS ACT AMENDMENT BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

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

The DEPUTY CHAIRMAN: The amendments made by the Council are as follows:—

No. 1.

Clause 2, page 2, lines 7-11 inclusive—Delete paragraph (b) and substitute the following paragraph—

(b) by adding after the word, "Act" in line three of subsection (1), the passage, ", and no body corporate".

No. 2.

Clause 3, page 2, line 12—Delete.

Mr. ROSS HUTCHINSON: Some considerable time has elapsed since this Bill left this Chamber. In the intervening period there has been considerable discussion on the aspects of the Bill, and it was found that difficulty surrounded the registration of companies. The Government proposes to agree to both these amendments. The first amendment makes it clear that section 29 applies not only to natural persons, but also to bodies corporate. This will enable the board to have some control over bodies corporate, if they attempt to describe themselves wrongly. I therefore move—

That amendment No. 1 made by the Council be agreed to.

Mr. HAWKE: I intend to support the Minister. I understand the adoption of this amendment by the Legislative Council is as a result really of the acceptance of an argument submitted in this House during the second reading debate. As the argument was largely submitted by those on this side of the Chamber, it appears to us that the Legislative Council at least on this occasion has done the right thing.

Question put and passed; the Council's amendment agreed to.

Mr. ROSS HUTCHINSON: I also propose to agree to the second amendment, which is really a consequential one. I therefore move—

That amendment No. 2 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

ORDER OF BUSINESS

Rearrangement

MR. BOVELL (Vasse—Minister for Lands) [5.15 p.m.]: I wish now to proceed with the three Bills that were taken to the second reading stage earlier in the afternoon. I move—

That the Caves House (Disposal) Bill; the Reserves Bill; and the Road Closure Bill be now proceeded with in that order.

MR. HAWKE (Northam—Leader of the Opposition) [5.16 p.m.]: I am not going to oppose this motion, but I point out that the member for Kalgoorlie has been at the barrier waiting for the tapes to go up, or for the electric button to be pressed, for quite a while. He is a young colt, but not temperamental fortunately; but it is a bit hard on any honourable member, whether he is young or old, to be sort of ready to leave the barrier to gather speed and make an effort, and then to find, without any indication or warning of any kind, that something else is forced in.

I do suggest to the Ministers that when we reach this sort of situation where there has to be a departure from what looks certain to be the next item of business, we should be given some advice so we will know just what procedures are being adopted.

We are as anxious as members on the other side to co-operate, but I do hope we will be given some consideration; and I am sure the Minister for Lands would be the first and the keenest to give us that consideration. I rise on that point.

MR. BOVELL (Vasse—Minister for Lands) [5.18 p.m.]: I thank the Leader of the Opposition for his comments. I am sorry I pressed the wrong button at the right time. With your permission, Sir, and that of the House, I will withdraw my motion if I can proceed with it after the Child Welfare Act Amendment Bill has been dealt with.

We want to co-operate, but I did not realise the member for Kalgoorlie was rearing to go. With the permission of the House, I will withdraw my motion with a view to moving it at a later stage, if I am able to do that. I do not want to get caught up in Standing Orders. I will seek to postpone my motion.

The SPEAKER (Mr. Hearman): Order! The Minister will have to withdraw his motion. He is quite entitled to move it again because it has not yet been resolved.

Mr. BOVELL: Very well. I ask leave to withdraw my motion.

The SPEAKER (Mr. Hearman): Has the Minister the permission of the House to withdraw his motion? There being no dissentients, the motion will be withdrawn.

Motion, by leave, withdrawn.

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 17th November, on the following motion by Mr. Craig (Chief Secretary):—

That the Bill be now read a second time.

MR. EVANS (Kalgoorlie) [5.20 p.m.]: Mr. Speaker—

Mr. Hawke: Don't stumble!

Mr. EVANS: —I would like to thank both the Leader of the Opposition and the Minister for Lands for their remarks made prior to my rising to my feet.

This Bill is the first of a series of three on the notice paper which are intended to codify certain provisions of the law in relation to what might be termed disharmony in domestic relations. The Child Welfare Act Amendment Bill consists of certain amendments which, as the Minister said—and on examination I find that I agree with him—fall definitely into four groups.

The first group of amendments is concerned with the transfer from the Child Welfare Act to the proposed new Act, which will be the subject of the third Bill of this series—the Married Persons and Children (Summary Relief) Bill—of certain provisions giving, in effect, jurisdiction to the proposed new court to function under the Married Persons and Children (Summary Relief) Act. The jurisdiction is in respect of those provisions at present found in the Child Welfare Act dealing with maintenance, affiliation, and custody.

I am sure that all members will agree, after a little pondering on the subject, it is desirable that matters arising out of disturbances to domestic relations—family disturbances—should be placed within the ambit of one single court; and this new court would seem to be more appropriate than the Children's Court, for, after all, some of the matters that arise under this heading are not strictly concerned with children.

The new court will be the subject of the third Bill I have mentioned, and will be the court to be established under the Married Persons and Children (Summary Relief) Act which it is proposed to have enacted.

The second group of amendments seeks to modernise the treatment of deprived and delinquent children. These amendments seek to repeal certain provisions of the Child Welfare Act which only allow a court faced with an uncontrollable child, or even a neglected child, to send such child to an institution. Members will agree that it could be more appropriate in such cases that a court should be able to commit the child to the custody of the Child Welfare Department when circumstances peculiar to that child could be considered, professional diagnosis of the child's troubles made, and then appropriate treatment for the child's condition prescribed and put into effect.

The third group of amendments in the Bill concerns the affording of protection to young offenders from publicity being given to their appearances in the Children's Court; and about that I do not desire to say anything except that I have examined the provisions in the Bill, and I agree with the remarks of the Minister. There are also provisions within this group of amendments which deal with the conditions under which young children can be imprisoned; and about this matter I do desire to express a few thoughts.

Clause 12 provides that section 34A of the principal Act is to be repealed and re-enacted. The proposed new section 34A will read—

34A. (1) The court—

That is, the Children's Court. To continue—

shall not impose a sentence of imprisonment—

(a) on a child under the age of fourteen years;

(b) exceeding three months, in respect of any one offence, on a child aged fourteen years and under the age of sixteen years; or—

That, of course, still carries the meaning that the court shall not impose a sentence of imprisonment. The provision goes on—

(c) exceeding six months, in respect of any one offence, on a child aged sixteen years or more.

The second subsection of this proposed section will read—

(2) In sentencing a child to imprisonment the court may direct that the imprisonment be served in a penal institution established by the Department for the imprisonment of children.

Members will realise that, by virtue of paragraph (a) of the first subsection, which provides that the court shall not impose a sentence of imprisonment on a child under the age of 14 years, the second subsection cannot apply to a child under that age.

As the parent Act now stands, a child under the age of 14 years cannot be imprisoned for a most serious offence, even if that offence be murder. It is obvious that some provision must exist for the secure detention of children, no matter how rarely children commit serious offences. The appropriate amendments are to be made to the Criminal Code, the Bill to effect these amendments being item No. 16 on today's notice paper.

Provision is made in that measure for imprisonment—although it is only deemed to be imprisonment—for any child under

the age of 18 years. Of course, that provision in the Criminal Code Amendment Bill will cover a child under the age of 14 years who commits a serious offence, even though the present Bill before the Chamber provides in subsection (1) (a) of proposed new section 34A that the Children's Court shall not impose a sentence of imprisonment on a child under the age of 14 years.

The last group of amendments consists of several unrelated items, but it would seem that these are designed to provide, in their own way, a more efficient means of care for unfortunate children by the Child Welfare Department. It is intended to bring these amendments into operation until the day the proposed Married Persons and Children (Summary Relief) Bill is passed and comes into operation and, accordingly, the court that will be constituted under that legislation will have the jurisdiction to hear the matters that will be transferred to it for hearing. The position will then be that there will be only one court to attend to all these matters which arise from disturbances in the domestic life of many families. I support the Bill.

MR. CRAIG (Toodyay—Chief Secretary) [5.31 p.m.]: I, too, was getting impatient at the barrier because I was handling this matter on behalf of the Minister for Child Welfare, who is in another place, and my knowledge of the legislation was somewhat limited. However, after hearing the clear enunciation by the member for Kalgoorlie, my knowledge is greatly improved, and I thank him for his comments.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Craig (Chief Secretary), and passed.

ADMINISTRATION ACT AMENDMENT BILL

Council's Message

Message from the Council received and read notifying that it had agreed to the amendments made by the Assembly.

PIG INDUSTRY COMPENSATION ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

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

GUARDIANSHIP OF INFANTS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 17th November, on the following motion by Mr. Craig (Chief Secretary):—

That the Bill be now read a second time.

MR. EVANS (Kalgoorlie) [5.38 p.m.]: This is the second of a series of three Bills which I referred to whilst speaking to the debate on the Child Welfare Act Amendment Bill, and it seeks to amend the Guardianship of Infants Act. In fact, there are two Statutes in Western Australia which contain the law relating to the guardianship of infants. Firstly, there is the 1920 Act; and, secondly, there is the principal Act of 1926, both of which are read as one Act containing the law relating to the guardianship of infants.

Again, all these matters which arise from disturbances in family life should be resolved in one appropriate piece of legislation. It has been decided, as a matter of policy on the part of the Government, that the appropriate court should be the married persons and children (summary relief) court. This court is to be constituted under the proposed third Bill of this series; namely, the Married Persons and Children (Summary Relief) Bill.

To give effect to this matter of Government policy we have seen that the maintenance, affiliation, and custody provisions of the Child Welfare Act have now been transferred, by virtue of the third reading of the Child Welfare Act Amendment Bill being passed by this Chamber a few moments ago, to the jurisdiction of the new court to be constituted under the third Bill of the series. It is, of course, now necessary to make two amendments to the Acts relating to the guardianship of infants; namely, the Act of 1920 and the Act of 1926, which at present are read as one Act.

The Bill before us makes the clear distinction between the meaning of having custody of a child and having guardianship of a child. As the Minister mentioned during his speech, guardianship implies more than mere custody. The person appointed as a guardian of a child has the right to administer the estate of any child, whereas a person who has the legal custody of any child has only a legal sanction over that child.

The Bill before us sets out quite clearly that any matters relating to the guardianship of infants should come under the sole

jurisdiction of the Supreme Court. That matter of policy will be effected by clause 3 of the Bill, whereas matters relating to the custody of a child can, and I agree should, come within the jurisdiction of a summary court dealing with all these unfortunate matters which arise from family disturbances. That recognition is contained in clause 4 of the Bill. I support the passage of this measure.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Craig (Chief Secretary), and passed.

ORDER OF BUSINESS

Rearrangement

MR. BOVELL (Vasse—Minister for Lands) [5.44 p.m.]: I move—

> That the Bills which I introduced earlier in the sitting; namely, the Caves House Disposal Bill; the Reserves Bill; and the Road Closure Bill, be taken forthwith in that order.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [5.45 p.m.] I do not wish to be pedantic, but I think we should not be slovenly in this House. The word "forthwith" means "immediately and without delay." I am unable to appreciate how any Minister can deal with three Bills immediately and without delay. It seems to me he must delay two of them until he has finished with the first.

Therefore I suggest to him that in connection with the first one he desires to deal with he move that it be now taken; and when he completes that he can go on to the next one in order.

I will not subscribe to a motion which is impracticable; we should be sensible about this. I suggest to the Minister that he alter his motion accordingly.

MR. BOVELL (Vasse—Minister for Lands) [5.46 p.m.]: I am in a most co-operative mood today and I will do anything to please the House. If it pleases the Deputy Leader of the Opposition and the House I will be only too pleased to again co-operate. Therefore I move—

> That the Caves House Disposal Bill be taken now.

Mr. Tonkin: What about withdrawing the first motion?

Mr. BOVELL: I will withdraw the first motion.

The SPEAKER (Mr. Hearman): The Minister will have to have the permission of the House to withdraw his first motion.

Mr. BOVELL: In that case I will seek the leave of the House.

Motion, by leave, withdrawn.

MR. BOVELL (Vasse—Minister for Lands) [5.47 p.m.]: I move—

> That the Caves House Disposal Bill be taken now.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [5.48 p.m.]: I support the motion and thank the Minister for his urbanity and co-operativeness. This is the correct way to deal with business. If we allow ourselves to slip into a slovenly manner of doing business we will reach a pretty low standard; and it is well we should do it in a proper fashion.

Question put and passed.

CAVES HOUSE DISPOSAL BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [5.49 p.m.]: I move—

> That the Bill be now read a second time.

I can only say that the mention of Yallingup might have brought back pleasant memories to the Deputy Leader of the Opposition. I well recall that he was once headmaster of the Yallingup School. As a matter of fact, he had the temerity—if I might say so—to contest the Sussex election against an uncle of mine who held the seat in 1927. I would say again that perhaps the mention of Yallingup brought to mind the experience of the Deputy Leader of the Opposition as a school teacher; and he felt, perhaps, somewhat annoyed because I used the English language in the wrong direction. It has always been my desire to use correct English at the right time—

Mr. J. Hegney: Are you going to connect this up with the Bill?

Mr. BOVELL: —but sometimes we stray from the right path. However, I am pleased to be guided by the Deputy Leader of the Opposition and can only—

Mr. Nalder: On this occasion.

Mr. BOVELL: Yes; on this occasion. I will now proceed with the Bill. This Bill deals with a proposal with which members should be familiar. It relates to a decision arrived at by the Government in 1959 to dispose of State hotels, having in mind the Government's policy and the losses sustained by the hotels over a long period of years.

These hotels were the subject of an Act of Parliament; namely, the State Hotels (Disposal) Act and, as is now well known, they have been sold to private interests. They numbered six in all, but excluded the Caves House Hotel which, at that time, was also under the management of

the State Hotels Department, and, like the other hotels, was showing a substantial loss in its operations.

Consistent with Parliament's decision to dispose of the hotels to private enterprise, it was necessary also to make some arrangements about Caves House Hotel. It was decided to lease it, a decision which, by the way, had already been arrived at by the previous Government, but had not been given effect to by the time the present Government came into office.

Caves House Hotel is on a Class "A" reserve. Over the years it has had a close link with the Yallingup Cave and tourist activity, and this fact in itself influenced the decision to lease rather than to sell, a proposition which, in any event, would have required parliamentary approval. The Bill which I now present seeks approval for that purpose for reasons which I will explain.

In 1959 when it was decided to lease Caves House Hotel, tenders were called throughout the Commonwealth. Not much interest was exhibited. There were four tenderers, the highest tender being accepted, this being from Mr. and Mrs. E. M. Copley. The lease was advertised for a term of seven years with the option of a further period of seven years.

Apart from the leasehold rental, the lessees were obliged to purchase furniture and fittings and a valuation of approximately £13,000 payable over the first period of seven years of the lease, which expires in December, 1967, so that the lessees have now been in occupation for a period of nearly five years.

The lease at present involves: Firstly, Caves House site, Class "A" Reserve 17695, Sussex Location 360, of approximately 15 acres. Also on this location are quarters, tuck shop, and other outbuildings. Secondly, an area south of Caves House site, portion of Class "A" Reserve 8427, Sussex Location 4310. This area has been developed mainly as a caravan park. It also includes the pipeline to the reservoir further south providing the necessary water.

As I have said, the lessees have been in occupation for nearly five years. In the first year of the lease they established a new bowling green, cut a road through to the beach, and endeavoured to re-establish the old golf course. In this way they have attempted to attract patronage to the hotel and to maintain tourist interest in the locality, but have encountered problems which, because of age and the need for improvements, require substantial capital to develop.

By the terms in which the lease was advertised, there was a condition that tenderers would need to inform themselves of the existing state of buildings and services. These were in a somewhat run-down condition. It has nevertheless been obligatory on the part of the Government, as lessor, to meet substantial expenditure on sewerage and other work beyond the capacity of the lessees. The obligation, however, still rested with the Crown as the work involved should have been effected long before the leasing of the property.

Even with assistance given in this manner, the lessees have written to the Government advising that the venture is not a success financially. They asked for a review of the conditions of the lease and sought further financial aid for improvements and other considerations. The lessees have produced statements showing financial returns since the inception of the lease, illustrating that the project is not a paying proposition.

The Licensing Court is now asking for substantial improvements to the hotel, beyond the financial capacity of the lessees to effect. When the lessees wrote on this matter some months ago, an investigation was made by the Treasury into all the financial circumstances, with the result that the Government agreed to give certain rental concessions to the lessees until the expiry date of the lease; namely, December, 1967. The lessees have reviewed their position and have expressed a desire to continue only to the 31st March, 1966.

In dealing with this issue, the future of Caves House Hotel does, of course, need to be considered; and, in this matter, the Cabinet authorised a committee consisting of the Under-Treasurer; the Under Secretary, Chief Secretary's Department; and the Under-Secretary for Lands, to recommend ways and means by which it should be disposed of. The committee's report has now been considered, resulting in the presentation of this Bill.

One provision in the Bill seeks to excise from Class "A" Reserve 8427 an area of approximately 21 acres. It is intended to lease this area, if applied for, under the provisions of section 116 of the Land Act, for a period not exceeding 21 years.

Another provision seeks authority to excise from Class "A" Reserve 17695 an area of approximately 10 acres. In clause 4, power is sought for the Governor to sell any area not exceeding 10 acres as referred to in the preceding clauses, covering an area which would include the premises referred to as Caves House and its outbuildings.

With the powers granted by this Bill, it will be possible to sell an area of land up to 10 acres, which is part of the original 15 acres surrounding Caves House Hotel and other buildings. In effect, the existing provision to lease is extended to a power to sell, but up to an area of 10 acres only. Should the purchaser desire to acquire a lease of the caravan park area over which there is already an existing lease, he may make application, and this would be considered on the merits of the case.

It is intended to call tenders or submit the property for auction, subject to stock and plant at valuation. In respect of plant and fittings, the proposal is that the lessees receive the net proceeds from sale based on their equity. On this basis they would be entitled to approximately 7/12ths of such proceeds.

It is considered that these proposals are in the best interests of the State. In their existing condition, the hotel and its environs require substantial investment of capital funds to bring them up to standards acceptable to the community and to the Licensing Court. The Government is not prepared to invest further moneys in a project of this nature, and considers that the fee simple of the property will invite interests with the required capital to rehabilitate the whole project.

Mr. Tonkin: Does this Bill give power to sell the caves?

Mr. BOVELL: It does not include the area where the caves are situated. I will have that matter checked, but my understanding of the position is that it only includes the area where the Caves House buildings are.

I would ask your permission, Mr. Speaker, to table a plan which I have; and there are several others which could be distributed amongst members of the Opposition and members supporting the Government.

The reason why I have introduced this Bill is that it affects a Class "A" reserve; but any negotiations in regard to the disposal of the hotel, subsequent to the passing of this measure, if it is passed, will, of course, be the responsibility of the Chief Secretary. However, as the Minister for Lands controlling, for the time being, all Crown lands in Western Australia, I am introducing this Bill; but the actual disposal and negotiations following the passing of this legislation will, of course, be dealt with by the Chief Secretary who is responsible for the administration of Caves House itself.

The plan was tabled.

Debate adjourned, on motion by Mr. Norton.

RESERVES BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [6 p.m.]: I move—

That the Bill be now read a second time.

This is the usual Reserves Bill which is brought down towards the end of the session each year. The purpose of bringing it down towards the end of the session is to enable measures to be included which might arise at the last minute. I will outline the proposals which affect the constituencies of various members. I have a copy of my notes available for the Leader of the Opposition and members of the Opposition, and members supporting the Government can peruse my copy after I have introduced the Bill.

The first clause deals with an excision from Class "A" Reserve No. 24258 near Albany. The Shire of Albany proposes to provide a tourist lookout platform at "The Gap" on the south coast, near Albany. The land is at present included in Class "A" Reserve No. 24258 set apart for the purpose of "National Park and Recreation".

The Shire of Albany intends to apply to the Tourist Development Authority for a subsidy towards the construction of this tourist amenity, but that authority will not grant subsidies unless the land is vested in the Shire Council. This clause proposes to excise an area of about 25 acres from Class "A" Reserve No. 24258, and to reserve this land for a "Tourist Lookout" to be vested in the Shire of Albany.

The next proposal also refers to Albany and is an amendment and change of purpose of Class "A" Reserve No. 24429 at Albany. The Albany Town Council desires to develop Class "A" Reserve No. 24429 at Albany as a botanical garden.

This reserve is at present set apart for the purpose of "Recreation," and contains an area of 3 acres 2 roods 33 perches bounded by Middleton Street, Boronia Street, and Burt Street. It is considered to be ideal for the purpose of a botanical garden.

The reserve previously comprised Albany Lot 1010 and Suburban Lot 670 and with the addition of two small areas adjoining the land has been identified as Albany Lot 1155. The clause seeks to change the purpose of the reserve from "Recreation" to "Botanical Gardens".

The next provision is cancellation of Class "A" Reserve No. 26135 at Arumvale. Class "A" Reserve No. 26135 is low-lying and wet, and is not suitable for the purpose of camping. The Shire of Augusta-Margaret River has suggested that this reserve be cancelled and the land included in adjoining lands which will, after survey, be made available for general selection.

It is intended to provide an alternative site for camping and recreational purposes eastwards of the Bussel Highway on completion of the survey of a widening of the highway and closure of an unnecessary one-chain road. The Shire of Augusta-Margaret River has concurred in the selection of this new site.

The next provision is an amendment of Class "A" Reserve No. 24089 at Bunbury. The land in Reserve No. 24089 was surrendered to the Crown by the State Housing Commission for the purpose of a children's playground and provision should have been made before the reserve was declared for the extension of Henderson Street and a truncation at the intersection of Little and Eccleston Streets.

The Town of Bunbury, in which the reserve is vested, is agreeable to the excision of the land for these purposes. The area of the reserve will remain at 1 acre 2 roods 28.7 perches.

The next provision is in relation to an amendment of Class "A" Reserve No. 6638 at Fremantle. The Metropolitan Water Supply, Sewerage and Drainage Board has requested that a small portion of Class "A" Reserve No. 6638 at Fremantle be excised from the reserve and be created a new reserve for sewerage purposes and vested in the board. The land is required for the purpose of the Hordern Street-Woodman Point sewerage pressure main in connection with the south of the river sewerage project.

Class "A" Reserve No. 6638 is set apart for the purpose of "Park Lands" and is vested in the City of Fremantle in trust for this purpose with power to lease. The City of Fremantle has indicated that it has no objection to the proposals of the Metropolitan Water Supply, Sewerage and Drainage Board.

This provision is for the excision from Class "A" Reserve No. 6638 of an area of 2 roods 20.5 perches more or less which will be surveyed as Fremantle Lot 1909, and for the vesting of the new reserve in the Metropolitan Water Supply, Sewerage and Drainage Board in trust for sewerage purposes.

The next provision relates to change of purposes of Reserve No. 20253, Houtman Abrolhos Islands. The control of the Houtman Abrolhos Islands has been investigated by an interdepartmental committee which has recommended that the purpose of the reserve be changed from "Public Recreation and Tourist Resort" to "Conservation of Flora and Fauna, Tourism and for purposes associated with the Fishing Industry". The committee found that portion of the group of islands comprised the most intensive and best controlled crayfishing area in the State, while any tourist potential could be exploited only with substantial capital, and that difficulties would be encountered in reconciling interests of the crayfishing industry and any tourist development.

It was also recognised that the natural flora and fauna in the islands had declined, and adequate measures would be necessary to preserve the islands where flora and fauna still existed. In addition to recommending that the purpose of Class "A" Reserve No. 20253 be changed, the committee recommended that no tourist development be permitted on any part of the reserve prior to investigation, and that the whole of the reserve be vested in the Minister for Fisheries and Fauna.

The next provision refers to Kondinin Lot 63. It was provided by the Reserves Act, 1928 and 1934, that the Shire of Kondinin could sell Kondinin Lot 63 provided the proceeds of the sale were applied towards the erection of an agricultural hall and local government office on Kondinin Lot 19.

A hall and office were erected on Lot 19 in the years 1934 and 1935, and repayment of the loan was completed in 1964. The council sold Lot 63 on the 3rd July, 1963, for the consideration of £60, and as the repayment of the loan was then nearly completed it was not possible for the council to fulfill its obligations regarding this lot as the hall and offices were already erected. The consideration of £60 is still subject to the obligations of the Reserves Act, 1928 and 1934, and this clause will relieve the council of such obligations and permit the money to be included in the general revenue of the council.

The next provision refers to an amendment of Class "A" Reserve No. 11759 near Margaret River. The Shire of Augusta-Margaret River has requested an addition to Cemetery Reserve No. 12298 near Margaret River, which will involve an excision of an area of 4 acres 2 roods 2 perches from Class "A" Reserve No. 11759. The Margaret River cemetery is located on Reserve No. 12298.

Class "A" Reserve No. 11759 is set apart for the purposes of "Park and Recreation" and is vested in the Shire of Margaret River with power to lease. The greater part of this reserve is at present leased to the Margaret River Golf Club Incorporated. It is also intended to include in Class "A" Reserve No. 11759 all that portion of a closed road which abuts the eastern-most boundary of the reserve.

The next amendment is to Class "A" Reserve No. 25466 at Mosman Park. In order to obtain the most suitable grade, the Town of Mosman Park has constructed a scenic road near Chidley Point which connects Marshall Street with Fordham Street, and which has been constructed through Class "A" Reserve No. 25466.

This reserve is set apart for the purpose of "Recreation" and is vested in the Town of Mosman Park with power to lease. Part of the reserve has been leased to the Chidley Point Golf Club Incorporated.

It is not possible to construct a road on the portion of Marshall Street between Bird Street and the river frontage, and the Town Council has requested the closure of this portion of the street and for the contained land to be made available to the council. Provision is being made in the Road Closure Bill to close this portion of Marshall Street.

This provision is for the excision of the necessary land from Class "A" Reserve No. 25466. Portion of Class "A" Reserve No. 25466 abutting the portion of Marshall Street which it is proposed to close in the

Road Closure Bill will be included by survey in two new lots which is proposed to sell to the Town of Mosman Park.

The next provision refers to the excision of portions and change of purpose of Class "A" Reserve No. 20378 at Narembeen. Class "A" Reserve No. 20378 at Narembeen is set apart for the purposes of "Park and Children's Playground" and is vested in the Shire of Narembeen. The Shire of Narembeen is desirous of constructing a swimming pool and a caravan park on portions of this reserve in order to provide amenities for the town of Narembeen.

Two sites have been surveyed for these purposes, and the excision of these sites will reduce the area of the reserve by 1 acre 3 roods 32 perches, with the area of the reserve remaining at 25 acres 1 rood 20 perches. On creation of the new reserves, it is proposed that they will be vested in the Shire of Narembeen in trust for the respective purposes for power to lease.

The Shire of Narembeen has also requested that the purpose of the balance of Reserve No. 20378 be changed to "Recreation" as this description answers more clearly the actual use of the reserve.

The next provision refers to the reservation and leasing of Northam Lot 342. Section 18 of the Reserves Act, 1964, gave authority to the town of Northam to sell that portion of Northam Town Lot 46 on which is erected the Northam Mechanics Institute provided the proceeds of the sale were applied towards the provision of a branch of the State Library in this town. The land has been redesignated as Northam Lot 342, containing an area of 1 rood 10-4/10ths perches.

The Northam Town Council has now advised that it has no desire to sell this land, but desires the power to lease the land and apply the proceeds to a future civic building and library. This clause will authorise the town of Northam to lease Northam Lot 342 for any purpose and for any term not exceeding 21 years, subject to the condition that the proceeds of any such lease shall be applied towards the provision of a civic building and library at Northam.

I was in Northam recently and His Worship the Mayor and the Acting Town Clerk conferred with me on this proposal. Subsequently, I discussed it with the Leader of the Opposition. Of course, he represents Northam. I am not going to commit the Leader of the Opposition, but I make the point that the matter was discussed with me by the Mayor of Northam and the Acting Town Clerk, and I later told the Leader of the Opposition what was proposed.

The next provision refers to amendment of Class "A" Reserve No. 20091 near Wanneroo. The Shire of Wanneroo is desirous of developing the northern portion of Class "A" Reserve No. 20091 for recreational purposes, including a public golf links. Class "A" Reserve No. 20091 is at present set apart for the purposes of "Preservation of Flora and Fauna" and is vested in the Shire of Wanneroo in trust for these purposes.

The Surveyor-General has indicated he is well acquainted with this land, which is lightly timbered sandy country, gently undulating, and in his opinion should be most suitable for a golf links. When the Shire of Wanneroo provides an assurance that the council is in a position to proceed with the development of recreational facilities on this land, it is proposed that the new reserve will be vested in the council in trust for the purposes of "Recreation".

Those are the clauses in the Reserve Bill, and I submit them for consideration by the House.

Debate adjourned, on motion by Mr. Norton.

Sitting suspended from 6.15 to 7.30 p.m.

ROAD CLOSURE BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [7.30 p.m.]: I move—

That the Bill be now read a second time.

This Bill is the usual one introduced to Parliament towards the close of each session. It provides for the closure of certain roads, and the first provision is in relation to the closure of portion of Verdun Street, Hollywood. To provide for the inclusion of the contained land in the projected Hollywood Medical Centre, it is proposed that the portion of Verdun Street between Kingston Street and University Avenue will be closed.

In the Road Closure Act, 1956, provision was made for the closure of University Avenue by the Governor by proclamation when an alternative road system was provided and the land was required for the Medical Centre. It is intended that the closure of the portion of Verdun Street will not become effective until proclaimed by the Governor. The City of Nedlands has resolved to agree to the closure of this portion of Verdun Street.

The next provision has reference to the closure of portion of Marshall Street, Mosman Park. The town of Mosman Park has advised that it is not possible to construct a road on the portion of Marshall Street between Bird Street and the Swan River frontage, and the council has requested the closure of this portion of the street and for the contained land to be made available to the council.

A scenic road has been constructed by the council through Reserve A 25466, which connects Marshall Street with Fordham Street. Objections were received from the adjoining owners to the closure of this

portion of Marshall Street, and the council has accepted the responsibility for all or any objections to the proposal.

In the Reserves Bill, it is proposed to excise from Class "A" Reserve 25466 the land required for the scenic road and a small area adjoining the portion of Marshall Street which it is now proposed to close. This clause provides for the closure of the unwanted portion of Marshall Street, and the disposal of the contained land and small portions of Class "A" Reserve 25466 in the following manner:—

(1) the truncations adjoining the existing lots 6 and 7 to be sold to the adjoining owners, and

(2) the balance of the land, after providing for the extension and widening of road No. 10970, to be sold to the Town of Mosman Park.

The final provision relates to the closure of certain roads and rights-of-way at Balga in the Shire of Perth. The State Housing Commission has acquired a large area of freehold land at Balga, and for the purpose of resubdividing the land to modern requirements and to fit in with the major road proposals of the Metropolitan Regional Plan in this area, it is necessary to close certain old roads and rights-of-way within the old subdivision.

A number of roads and rights-of-way to the southward and eastward were closed by the Road Closure Act, 1964. The Shire of Perth has agreed to the closure of the roads and rights-of-way.

The land in the roads when closed will be disposed of to the State Housing Commission for incorporation in its resubdivision of the adjacent land, under the provisions of the Land Act, 1933, in such manner as the Governor may approve.

I might add I have already handed a copy of the notes to the Opposition Whip for the information of members opposite.

Debate adjourned, on motion by Mr. Kelly.

THE BROKEN HILL PROPRIETARY COMPANY LIMITED (EXPORT OF IRON ORE) BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [7.38 p.m.]: I move—

That the Bill be now read a second time.

This Bill is to authorise the export of iron ore from B.H.P. deposits in Western Australia ahead of the time foreshadowed in clause 20 of the 1964 B.H.P. agreement, subject to the following conditions:—

(a) The issue of the necessary export license by the Commonwealth from time to time, and

(b) Payment of the full scale of export royalties provided in subclause (2) of clause 20 of the 1964 agreement.

There is, of course, the other obvious condition that the company must conform to the requirements under each of the three agreements that are involved in respect of B.H.P. operations in Western Australia.

Mr. Tonkin: This Bill is a bit rich!

Mr. COURT: No.

Mr. Tonkin: The export of iron ore from any deposits at any time!

Mr. COURT: If you listen for a minute you will see.

Mr. Tonkin: I can read English.

Mr. COURT: It is a very desirable amendment and I am amazed that the honourable member is opposed to the Australian company participating—

Mr. Tonkin: I can read English. Any iron ore from any deposit at any time!

The SPEAKER (Mr. Hearman): Order!

Mr. COURT: Just remain calm and you will be amazed. Members will recall that in 1964 the Government, in the course of negotiating with a number of companies, also negotiated with B.H.P. for the development of the iron ore deposits over which the company had a temporary reserve in the Deepdale area as an extension of B.H.P. activities in Western Australia already committed under the 1952 and 1960 agreements in respect of Yampi, Koolyanobbing, and Kwinana.

Briefly stated, the company's commitments under the 1952 and 1960 agreements provide for—

1. The development of the Yampi deposits, the main ones of which are Cockatoo and Koolan Islands.

2. The development of Koolyanobbing deposits, which include Koolyanobbing, Bungalbin, and Dowds Hill.

3. The establishment of an integrated iron and steel industry at Kwinana with all the necessary port and other developments that go with it.

The 1952 agreement provided for a ban on export of Yampi ore, whereas the 1960 agreement did not provide a ban on the export of Koolyanobbing ore, but made this only subject to the consent of the Government. The circumstances surrounding the ban on the export of Yampi and other deposits are well known to members. Suffice to say there was a time when Australia felt its iron ore resources were fairly limited so far as high-grade ore was concerned, and the Commonwealth imposed an embargo on the export of iron ore.

Following the lifting of the ban exploration took place on a most skilled and spectacular basis, and large deposits have been discovered and proved. It can now be said that the known deposits of good grade ore in the north of this State are in excess of 15,000,000,000 tons. At the time when the 1964 agreement was being negotiated by us with B.H.P. it was thought desirable to advise the Commonwealth that the State Government felt B.H.P. should be given the right to export iron ore from Yampi if certain conditions were complied with. I explained those provisions in some detail when introducing the 1964 agreement last session. The 1964 agreement, of course, did not provide this limited right to export for reasons which I gave at the time and which I will briefly state now.

One of these conditions was a provision that the other companies who were seeking to develop deposits in the Pilbara and Ashburton areas should write substantial contracts in excess of 30,000,000 tons over reasonably long periods to demonstrate the Government's good faith in granting the temporary reserves and entering into agreements with these several companies. These companies at that time were well advanced in their planning and in their negotiations with the Japanese steel mills. It was not very long after that decisions were made by the Japanese steel industry and announced progressively and covering a wide range of agreements including ore and iron ore pellets.

These contracts already written, and which exceed 250,000,000 tons of iron ore and pellets, are far in excess of what was thought necessary as a qualification in agreeing to export by B.H.P. In other words, it is safe to say that contracts have been written on such a large scale that it could not reasonably be claimed by other companies that B.H.P. entering into the iron ore export field on what was expected to be a fairly modest basis by comparison with the other companies would in any way influence the price, the markets, or the economics of the several other companies.

In 1964 the Commonwealth would not agree to change its policy in respect of Yampi, Koolyanobbing, Bungalbin, Dowds Hill, and Middleback Range, the last-named deposit being in South Australia and the main source of iron ore for the Australian steel industry for many years. However, in recent times the Commonwealth has advised that it can see no valid reason why B.H.P. should not have a right to export, subject to normal export conditions, and it has also pointed out that B.H.P. could achieve some export income for the Commonwealth fairly quickly through the Yampi deposits, and ahead of exports by other companies which are undertaking development to commence deliveries in the near future under terms of their various contracts and agreements that were made with the State Government and which have been duly ratified by the State Parliament. In view of this fact, and the very definite advice from the Commonwealth Government that it had changed its policy in respect of the Yampi deposits, the State Government thought legislation should be introduced to clarify the position, and in particular lift the ban relating to Yampi.

It is pertinent to point out—and I want to emphasise this in view of the interjection by the Deputy Leader of the Opposition, who has apparently overlooked this point—that under clause 20 of the 1964 agreement it was foreshadowed in that agreement that when the Deepdale development was completed by B.H.P. the ban on export so far as State approval is concerned would be lifted—that is the ban on all exports—

Mr. Tonkin: It might have been foreshadowed but it was never approved by us. What safeguards are there against increases in prices to local consumers?

Mr. COURT: I do not know what irritates the honourable member.

Mr. Tonkin: Just that.

Mr. COURT: When an Australian company like this is under discussion it seems to get under his skin. The honourable member said it was not approved by us. I do not know whom he means by, "us", because Parliament approved it.

Mr. Tonkin: Yes, I know, your side did.

Mr. COURT: There was no division on that Bill, and the honourable member would not have been game to vote against it.

Mr. Tonkin: We said over and over again, at every opportunity, that we were opposed to the export of iron ore from Yampi, and still are.

Mr. COURT: The Deputy Leader of the Opposition amazes me, particularly as he was a member of a Government that wanted to give Yampi away to non-Australians, with no processing in Australia, at 6d. a ton.

Mr. Tonkin: That is a lot of claptrap.

Mr. COURT: It is a fact. It looks as though it might be as well if I mentioned this later on in reply to whatever the Deputy Leader of the Opposition has to say.

Mr. Tonkin: I am not afraid.

Mr. COURT: The Deputy Leader of the Opposition seems to get excited when the Australian company is mentioned, but not when other companies are mentioned.

Mr. Tonkin: What did the member for Subiaco say when I spoke about the question of copper up north.

Mr. COURT: I suppose the honourable member is entitled to switch from iron ore to copper and then to gold, if he wishes.

The SPEAKER (Mr. Hearman): Order! The Minister should get on with the Bill.

Mr. COURT: Thank you, Mr. Speaker, but I am very interested in the remarks of the Deputy Leader of the Opposition.

Mr. Tonkin: I will make a few more.

Mr. COURT: It is pertinent to point out, and I will go back to the point where I was interrupted by the honourable member, and invite the attention of members to the comments made at that time. This means that regardless of this legislation the company would then only be subject to the granting of Commonwealth export licenses from time to time when Deepdale is developed.

I wish to invite the attention of members to the announcement recently made by the Premier in respect of the agreement reached between, B.H.P. and Cleveland-Cliffs over the joint development of a large proportion of the facilities required in the Ashburton area. In this announcement it is made known that they had agreed to undertake joint development of towns so far as practicable and of the railway and the port. They are also going to have joint development of the pellet plant. This is good business from the State's point of view. It would have been completely illogical for them to have two separate railways and ports. It would make the two propositions uneconomical, and quite apart from any benefit to the companies themselves it would make them uneconomical in world competition if they were to operate separately rather than together.

It was foreshadowed when the two agreements were presented to Parliament last year, and I expressed the hope; that they would come together and undertake the development on this basis. It is in their interests; and what is more, it is in the State's interests.

Mr. Jamieson: You cannot have railway lines running everywhere.

Mr. COURT: I well recall the comments of the member for Pilbara on this point, and I agree with him on this question of bringing together as many of these operations as practicable, although it was not our desire that the whole lot be brought into one operation, because we would have missed the decentralised development that we are now getting in the Ashburton and Pilbara area.

Mr. Bickerton: It was regrettable that Onslow was not the single port.

Mr. COURT: We tried hard to have the project based at Onslow, but there were reasons why this could not be achieved. It would have been good for the district, and given us even a further spread of development. When these two agreements were being explained to this Assembly it was pointed out that they had a different feature from any other agreements, because it was hoped they would come together. This led us to make provisions for the two companies to be tied together, and untied at a later date should this prove necessary because of expansion and any change in circumstances.

This, of course, is the machinery that will be used to bring about the joint operation of the two companies. They will still maintain their identity, but the main facilities will be jointly constructed and jointly used.

It is also significant that apart from these two companies coming together, they will be establishing in progressive stages a pellet plant in the Cape Preston area which is to have an initial capacity of 5,000,000 tons per annum. This will not be the end of it, because it will grow from there. But it is a very sizable project, and I understand the direct work force in this project will be in the vicinity of 820 men. It will be far the biggest industry outside the metropolitan area, and it will be one of the biggest industries in the State. I am referring to the industry itself which will process the ore as distinct from any other considerations.

Another feature is that it brings together an American company and an Australian company. This is something we have sought to achieve in attracting development to this State. There is criticism in some quarters in regard to overseas capital. We have never made any secret of the fact that we will seek overseas capital if it will do something to open up the country and give us new development which we would not otherwise get.

Mr. Jamieson: What are the estimated royalties that will be received when these companies are in operation?

Mr. COURT: I cannot give the figure off the cuff, but an estimate of the revenue that will be received in progressive stages has been worked out by the Treasury, and if the honourable member would like me to have the figures summarised I will do so.

Mr. Jamieson: Tasmania seems to have these figures available.

Mr. COURT: We have them available, but theirs is not a very big return over the life of the project. Tasmania's is a modest figure.

Mr. Jamieson: £250,000 a year is not bad.

Mr. COURT: We will be getting much more than that.

Mr. Jamieson: That is only one project.

Mr. COURT: But they are only getting the processing rate of royalty; they have not any direct shipping ore that we will get, at 7½ per cent., with a minimum of 6s. per ton or 3¾ per cent. with a minimum of 3s. per ton if it will pass through a half-inch screen.

It is not expected that B.H.P. will enter into long-term commitments in respect of iron ore exports from Yampi. Rather

it is likely to enter into more spot types of orders because of its peculiar position as a steel producing company within Australia and a company which naturally is in competition with Japanese and other steel mills. These spot type orders are orders that are obtained progressively throughout the years, and not in the same form as the other Ashburton and Pilbara contracts, where their commitments run over a long period of years.

This is not unusual, particularly with the peculiar situation B.H.P. will find itself in of competing in the steel industry. It must be recognised that some of its customers for raw materials will be some of its strongest competitors in the steel market. B.H.P. has also been taking very active steps, not only in connection with pellets which are of more interest to us than ore, but also in respect of our pig iron.

These efforts by B.H.P. to sell our pig iron to the steel interests of the world are very important to Western Australia; because it would be in our interests if they could develop an overseas market for pig iron and other products processed in our State, rather than have our pig iron go to the Eastern States for final treatment. In other words it gives us a degree of independence in this industry which we could develop. We have a lot of geographic advantages in our proximity to the South-East Asian countries, including Japan, and if they placed a substantial order for pig iron it would be of advantage to us. It is trying to negotiate something in the vicinity of 350,000 tons of pig iron a year, and if we measure this in terms of return per ton, we will see the tremendous advantage to us in terms of money as well as employment, compared with sending out the same amount of iron ore in the unprocessed form. We want to encourage B.H.P. in this idea. Nevertheless the amount of business that B.H.P. can undertake from Yampi, and later from the other deposits, with particular reference to the export of pellets from Cape Preston can be important to Australia at a time when export income is badly needed.

It is, of course, so important to the Australian steel industry. that B.H.P. should be given access to some additional revenue to assist it in the provision of the very heavy capital expenditure it will undertake as part of its total development in this State, widely spread between Koolyanobbing, Kwinana, Deepdale and Yampi.

This investment is expected to exceed £100,000,000 within the next few years; and knowing the necessity for industries of this type to expand as part of a general programme to take advantage of economies of scale, we can expect their investment and their capacity within this State to keep on expanding. This is something we should bear in mind, and if they can obtain added revenue from outside sources, it is something we should encourage, because it will be of great advantage to Australia. It will be money that will not have to be serviced abroad.

We can also expect B.H.P. to expand beyond its bare legal commitments over the next few years, because if industries of this kind are to succeed and defeat the escalations of cost that are inseparable from their production costs, they must expand.

Perhaps I could best illustrate the fact that this company has a history of expansion by referring to the fact that when Parliament approved the 1952 agreement the company was only tied to 50,000 tons per annum of rolling mill capacity at Kwinana. Already it has reached 250,000 tons a year, and is employing over 500 men. This has been our experience with this company in respect of its commitments. It therefore appears to the State Government that is is unreasonable to place an Australian company at a disadvantage with other companies developing iron ore deposits in the north, and this quite apart from any other considerations is one of the most important reasons why this Bill is brought to the State Parliament—particularly as it cannot be claimed by any stretch of the imagination that other people developing deposits in the State are disadvantaged by allowing B.H.P. to export from their established Yampi facilities.

One important point which is covered by the Bill and which should be emphasised is the fact that the provision to export only applies while the company complies from time to time with the provisions of the several agreements. There is no slackening of any of the provisions in the several agreements; and I come back to clause 20 of the 1964 agreement which sets out the conditions that were foreshadowed then as soon as Deepdale had come into production, regardless of any measure such as this in connection with the Yampi deposits.

In the circumstances it would be both foolish and undesirable so far as Australia is concerned to miss the opportunity to earn some additional export income by allowing the Australian company to compete immediately as well as under the rights already given to it following the establishment of Deepdale in terms of the 1964 agreement.

Debate adjourned, on motion by Mr. Norton.

BILLS (4): RETURNED

1. Decimal Currency Bill.
2. Death Duties (Taxing) Act Amendment Bill.
3. Land Tax Act Amendment Bill.
4. Superannuation and Family Benefits Act Amendment Bill.

Bills returned from the Council without amendment.

MARRIED PERSONS AND CHILDREN (SUMMARY RELIEF) BILL

Second Reading

Debate resumed, from the 11th November, on the following motion by Mr. Bovell (Minister for Lands):—

That the Bill be now read a second time.

MR. EVANS (Kalgoorlie) [8.3 p.m.]: This Bill represents the third and final one in the series of three Bills I mentioned earlier this afternoon, and culminates in the plan then envisaged. It seeks to consolidate in one Act the maintenance provisions of the Child Welfare Act, the maintenance provisions of the Married Persons (Summary Relief) Act, the Interstate Maintenance Recovery Act, and the Reciprocal Enforcement of Maintenance Orders Act.

As I said, this sees the culmination of these provisions in one Act and the establishment of one court of summary jurisdiction to deal with matters arising therefrom. There are 111 clauses in this Bill and I do not propose to deal with each and every one of them. As a matter of fact I propose to limit my remarks to only three of the clauses in the measure.

The first clause to attract my interest was clause 14 which deals with applications with respect of the custody of children generally. This will be the proposed section 14 of the new Act, and subclause (1) reads as follows:—

> Subject to subsection (2) of this section, a person may apply, by way of complaint, to the court for an order against a person having the legal custody of a child on the cause of complaint that it is in the interest of the child that some other person should have that custody.

Subclause (3) of the same new section reads as follows:—

> The court shall not grant an application made under subsection (2) of this section, unless—
>
> (a) the applicant can establish a *prima facie* case; and
>
> (b) the court is satisfied that the applicant has such an interest in the welfare of the child as, in the opinion of the court, warrants his bringing the complaint.

This provision will allow a person other than a parent to comply with an existing order in respect of a child, but there will be the necessary safeguard there that a person other than a parent will have to show the court he is not a nosy-parker; that it is in the interests of the child; and he has particular reason for so applying. It is a very well compiled provision and is worthy indeed of support.

Clause 27 of the Bill is a provision relating to the cessation of orders for the benefit of wives or husbands. This is an entirely new provision in the Statute law of this State, although it embodies the general law. It reads as follows:—

> A provision in an order for the maintenance of a wife or a husband by the other party to the marriage, if not sooner discharged, ceases to have effect when either party dies.

So maintenance will henceforward be awarded only during the joint lives of the spouses. The effect of this will be that when a person who was paying maintenance, for example, dies, his estate will be enabled to be wound up in the normal manner; but if maintenance was still to be charged against this estate, the winding up could be postponed for many years. There are safeguards there for the spouse who was receiving maintenance, as there is the Testator's Family Maintenance Act where the spouse, who is deceased and obliged to pay maintenance, left a will; and there are the provisions of the Administration Act in case of intestacy—the Act we dealt with earlier this afternoon.

Clause 93 is one about which I am not particularly happy; it is an evidentiary section, and the body of this new section reads as follows:—

> Subject to this Part, all parties and the wives and husbands of all parties are competent and compellable witnesses in proceedings under this Act.

Members will recall that this proposed new Act will embody the provisions of the Child Welfare Act relating to affiliation orders where a female complainant alleges that some male person is the father of an illegitimate child, whether that child be born or unborn; and this particular evidentiary provision will enable the complainant to have the male alleged to be the father brought before the court and compelled to give evidence.

The Bill contains a very necessary provision elsewhere that no female can succeed to such a claim that a male person is the putative father of her child unless she can show that she was not a common prostitute at the time and her evidence can be corroborated.

Harking back to clause 93, this enables the putative father to be compelled to give evidence so that, if possible, she will have his evidence under cross-examination seeking to corroborate hers. Strictly speaking, the putative father, if called, would not be cross-examined by the complainant's solicitor, if she were represented by same, because if he were called he would only be examinable and subject to re-examination and not cross-examination.

I am not particularly happy about that aspect, but the Bill has a great deal of merit and I will support it in its entirety. I will support this measure as I have done the other two.

MR. DURACK (Perth) [8.10 p.m.]: I also support this Bill and in doing so I would like to commend the Government for bringing together in the one court all the various forms of redress in the sphere of domestic relations—the court of summary jurisdiction. For many years there has been a great deal of dissatisfaction in the legal profession with the procedures in the Children's Court. That court is properly one for dealing with delinquent children or children charged with some offence; and the whole atmosphere of that court and work of that court are directed to that one problem.

In my view—and, in fact, in the view of most members of the legal profession who have had experience in the jurisdiction—that should be the sole work of that particular court; but for many years, as has been explained to members, that court's jurisdiction has been cluttered up with jurisdiction to grant custody and maintenance orders in respect of children when this issue arises between parents of the children, and what is known as the affiliation cases, where the mother of an illegitimate child is claiming maintenance for that child from the alleged father, who is before that court.

As a result of the jurisdiction of the Children's Court also including this type of legal work, there has in the past been great delay in the disposal of this type of business. I, personally, have had a great deal of experience of being obliged to sit around in the Children's Court all day waiting for a case of custody to come up for hearing; and waiting while the court has disposed of the charges and arrests against children, which take priority. Furthermore, the court has sometimes had to deal with these cases at a peculiar time of the day. When it has had no hope of finishing the case, the case has had to be adjourned to another day; and I know that in some cases they have been adjourned three or four times for a period of several weeks before the matter was disposed of.

So this matter has been one which has been in crying need for reform in the legal procedure in this State for a number of years. Therefore I am very pleased indeed to find that this abuse is being rectified by this Bill. I think that is the main feature and object of the Bill. It is a most commendable one indeed. Of course the success of it will depend on the number of magistrates and the space which is available to this new summary relief court.

This Government, fairly early in its life, set up new premises for what has been known as the Married Persons Relief Court in a building in Sherwood Court; and that was a great step forward in the administration of the married persons jurisdiction of the lower courts. However, I notice that building is getting more and more crowded and the work of the court is becoming heavier and heavier. Magistrates have been finding it a greater and greater strain. Therefore the success of this new court is going to depend greatly on the number of magistrates assigned to it and on the premises which are going to be available to them for the carrying out of their most important work. I noticed in the debate on this Bill in the Upper House that one of the members there, who is a member of the legal profession, commented on this aspect of the matter; and I am pleased to find his views on it, with his experience, are the same as mine.

That is the first main purpose of this Bill, and I am sure it is of great value to all those unfortunate people who are involved in matrimonial discord, of which there is far too much in our State and, indeed, in the world today. It will also be of value to those people who are involved in the maintenance of illegitimate children which problem, unfortunately, appears to be on the increase in the world in which we live.

The other principal object of this Bill which has also been highly commended, is the section which deals with the reciprocity of enforcement of this type of maintenance between the various States of Australia, and between Western Australia and overseas countries. With the large number of migrants coming to this country and to this State, this is not just an interstate problem. It may be desired that an order in existence in England should be enforced here. We could also have the situation where it was desired to obtain an order for maintenance against someone who had gone overseas and was residing in another country.

The provisions of this Bill, dealing with those matters, I understand are the result of a number of conferences which took place between officers of the Crown Law Departments of the various States of Australia. The provisions follow a standard pattern which has been adopted in other States. A number of the provisions have largely been enforced in this State for some years. It is a great virtue to have the same provisions applying in all States and countries as far as possible—certainly as between the States of Australia. I understand the provisions of this Bill are going to be uniform throughout the Commonwealth and it will therefore be much more satisfactory for the enforcement of this type of order anywhere in Australia.

Those are the main features of the Bill. However, naturally in a Bill of this size—containing 111 clauses—dealing with somewhat technical subjects, there are some clauses which could be open to criticism. I do not propose, in this debate, to move any particular amendments. I do not think the criticism I have on some matters is of urgent necessity and I do not want to hold up the passage of this

Bill unnecessarily, particularly with all the other matters of an urgent character which are before us.

However, I would not like this Bill to go through without having an opportunity to comment on one or two matters which appear to me to require some further consideration. The first matter of this kind which struck me is that dealing with polygamous marriage. As was explained, this Bill makes an alteration in the existing law which confines monogamous marriages to the jurisdiction of the married persons court. As has been quite rightly pointed out it is wrong that parties who have contracted a polygamous marriage and are living here and part company and find themselves in this court, are denied relief. I agree entirely with that principle.

However, I feel that the actual provisions of the section dealing with this matter have not been very well drawn up and do create some technical legal problems. I hope this matter will be given attention by the officers of the Crown Law Department with a view possibly to amending the section at some future date. I think we all agree that the likelihood of some polygamous partners being involved in this State in the next year or so is somewhat remote and therefore I will not weary the House with any suggested amendment at this stage.

Mr. Fletcher: We have Mormons living in this State.

Mr. DURACK: Another section on which I would like to make some comments is that to which the member for Kalgoorlie has already referred. It is the section which brings into the jurisdiction of this new summary relief court, what has been the childrens courts' jurisdiction in regard to illegitimate children. That jurisdiction is the same as that which has been exercised in the children's courts hitherto. However, it did seem to me that it would be desirable to extend this provision of the Act to enable disputes as to the custody of illegitimate children to be resolved in this particular court rather than a person being forced to take proceedings for *habeas corpus* and face all the expense in the Supreme Court.

I have handled cases where disputes have arisen as to the custody of illegimate children. One actual case was where the mother of an illegitimate child was unable to obtain custody of the child from her own parents. Under the previous legislation and under this new legislation that woman will not be able to take proceedings against her parents even though she has, in effect, custody in law. Unless she is prepared to hijack the child she cannot get the assistance of the police until there is some order to that effect.

Another section of this Bill which, incidentally, is most worth while and on which I wish to say a few words is section 27. It was also referred to by the member for Kalgoorlie. My comments will be in relation to clause 27 and clause 28 dealing with the enforcement of maintenance orders. The law in this State, which will be the law until this Bill is passed, has been that warrants of execution can only be issued to enforce the payment of maintenance for six months prior to the issue of the warrant. Therefore, and this frequently happens, women sometimes have been unable to recover any arrears beyond six months of the issue of the warrant and they are thereby suffering hardship. It has been said that women should not let maintenance orders get into arrears, but there are all sorts of reasons for this, unfortunately.

This Bill, very rightly, eliminates that feature of our existing law in clause 28. It then goes on, as the member for Kalgoorlie pointed out and gives a new right to a woman to recover arrears of maintenance from the estate of the husband when he dies; if, in fact, there is such an estate. The clause permits that but it puts a six months' limit on the recovery, and that appears to me to be quite illogical. It is taking the limit off when the husband is alive, but when he dies—and it is usually much easier to recover the money then—we put a six months' limit on it.

I had a case the other day where a widow was taking proceedings under the Testator's Family Maintenance Act against a husband who left a very large estate. That man had not paid maintenance under an order to his wife for years and years. It would be ridiculous in a case like that where a widow had not been paid maintenance by a wealthy husband for many years to not be able to obtain arrears.

Mr. Hawke: Was the widow, in fact, poor?

Mr. DURACK: Yes; an age pensioner. I am happy to say she is not poor any longer. That is a classic example. I commend the clause, but I do not think it goes far enough. It is not consistent with the abolition of the limit in the case of the living husband.

The only other matter I wish to refer to was also mentioned by the member for Kalgoorlie. It is in relation to the proof that is required in proceedings for the maintenance of an illegitimate child. The mother has to establish the paternity of the defendant, naturally. In order to do that she has to observe certain conventions which have been observed for many decades in our law. Those conventions are preserved in this Bill in section 96. The main feature is that her evidence must be corroborated. That is an important safeguard in the matter.

There has been inserted into this Bill a new clause. It has been placed in a very strange position; in fact, it is subclause (5) of clause 17. It is new to the law, and I find it hard to reconcile with that other provision. It says that a court may be satisfied that a defendant is the father of an illegitimate child where he has been found to be the father in any other legal proceedings. Yet in those legal proceedings it might not have been of the same importance or the woman might not have been even a party to the case. Nevertheless, by this section the court is said to be able to accept that finding; whereas, of course, the other section observes the time-honoured rule. I simply draw the attention of the Government to that apparent conflict which I think should be looked at.

The member for Kalgoorlie did reflect on section 93. This section also deals with the question of proof. This Bill states that the father or putative father of the illegitimate child can be a compellable witness in the case. That means he can not only be permitted to give evidence, but he can also be forced to give evidence by the other side; in other words, by the woman seeking proof that he is the father of her child. There have been some doubts about this. I never thought it was a very serious matter, but I think that in the interests of justice it is a very good idea that the alleged father of the child can be called upon by the mother of the child to give evidence if she is having difficulty in proving her case.

I cannot see any reason why, in a case of this kind, the alleged father of a child should not be put in the witness box and asked whether he has, in fact, had intercourse with the mother at the relevant time. To me, that seems to be in the interests of justice and in the interests of proof of paternity which should be available to the woman concerned.

There is another feature of the Bill I would like to mention because it has not been referred to correctly in any speech I have read on the Bill, and it is of some importance. This Bill does provide for the recovery of what is known as preliminary expenses by the mother of an illegitimate child in proceedings under this legislation. As it stands now, the law enables the mother of an illegitimate child to obtain maintenance only for the child after born, and all the confinement expenses, which include medical expenses, hospital expenses, and clothing for the child. But the father of the child cannot be forced to maintain the mother during the latter stages of her pregnancy, or at any time subsequently, and this Bill enables an order to be made against the father for the maintenance of the mother during the latter months of her pregnancy and for a period of three months after the birth of the child when she would not be able to maintain herself.

That is a commendable feature in the Bill and an important change that is to be made in the law as it now stands, and it is a feature which I think was worth pointing out to the House.

For those reasons I support the Bill with considerable enthusiasm. I believe it is a piece of legislation that is long overdue, and I am sure it will work quite satisfactorily. I would like to have the assurance of the Minister that some of the comments I have made will be considered. I think that, in the introduction of new measures such as this, certain changes can be made usefully. Unfortunately there has not been time to make them in this House this session. They are not urgent matters, but I hope they will be considered and be included in another measure to be introduced next session.

MR. COURT (Nedlands—Minister for Industrial Development) [8.33 p.m.]: To all members who have studied and commented on this measure I express my thanks for their contributions. I will make sure that the comments of the member for Kalgoorlie and of the member for Perth are brought to the notice of the Minister concerned. I would also suggest to those two honourable members that between now and the next session of Parliament they take the opportunity to discuss the matter in person with the Minister who is in charge of this legislation and any officers he suggests, because it is only as a result of keeping this type of legislation under review that we can eventually achieve what is not only fair and equitable, but also what is practicable.

This is important legislation which affects the lives of so many people who otherwise might be unfairly disadvantaged, and it will be a service to Parliament and to the people concerned if those members discuss this subject with the appropriate people. I thank them again for their interest in the measure and I can assure them their suggestions will be conveyed to the Minister in another place.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and passed.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

MR. LEWIS (Moore—Minister for Education) [8.47 p.m.]: I move—

That the Bill be now read a second time.

The amendments to the Town Planning Act proposed in this Bill are mainly of an administrative nature. The original Act made provision for the making of regulations to regulate certain prescribed procedures relative to the submission and approval of the town planning schemes, inquiries, notices, and enforcement. However, powers were not provided for prescribing penalties for offences against regulations so promulgated.

It is of some importance that the department should be able to enforce these regulations since the interests of landowners could be prejudiced if they are not complied with. The amendment will therefore authorise the making of regulations prescribing the maximum penalty of £100 for these offences. This authority will also be extended to regulations made under a later section of the Act for giving effect to its provisions.

Recent events have shown that some of these regulations have not been complied with and that some punitive action may be required to discourage further breaches. In particular, I refer to applications for the subdivision of land which are required to be signed by the owner. It will be appreciated that an owner may be at a disadvantage in a negotiation if, unknown to him, some other person has sought the approval of the Town Planning Board to a subdivision on his land, and this actually took place.

The parent Act, when it came into force in 1929, prescribed penalties for offences against the provisions of a town planning scheme made under the Act. These have not since been altered. It will be appreciated that, having regard to the greatly increased value of land, these penalties have lost a good deal of their effectiveness as a deterrent.

It is now proposed to lift the maximum penalty for an offence from £50 to £250, and to provide for an additional penalty of £10 a day for a continuing offence where land is being used contrary to the provisions of an approved town planning scheme. The increase of from £50 to £250 will also apply to other offences against the provisions of the Act.

The Town Planning Board may require owners of land to be subdivided to set aside areas for open space as a condition of approval to a subdivision. These areas are then vested in the Crown and become "A"-class reserves. Where a number of small allotments in one locality is being subdivided it often happens that several small areas are retained for public use. Their size and scattered nature make it difficult to maintain them, and it reduces their suitability for the purpose for which they have been set aside.

The fact that these areas are "A"-class reserves creates a difficult administrative problem for local authorities which desire to rationalise them. However, this Bill provides for some flexibility in dealing with these open spaces.

It is proposed that where a condition requiring the setting aside of open space is imposed, the owner be permitted, as an alternative and subject to the approval of the local authority and the Town Planning Board, to pay to the local authority a sum equal to the value of the land. To arrive at this figure the value of the total area of land to be subdivided will be assessed by the Commissioner of Taxation, and the value of the portion otherwise required to be set aside will be in proportion to the value of the whole.

Moneys so received by a local authority are to be paid into a separate account and may be applied in one of three ways: They may be used for the purchase of open space in the locality of the subdivision; or in repaying any loans raised by the local authority for the purchase of any such land; or, with the approval of the Minister, for the improvement or development of open space. This latter provision has been included as there will be cases where a local authority has acquired alternative open space for an area, the development of which could be aided by funds obtained from subdivisions.

In 1961 Parliament agreed to an amendment to the parent Act which makes the subdivider of land responsible for a proportion of the cost of constructing the road on which the subdivision fronts. Where the land on which the road is constructed is provided equally by the subdividers this provision has worked satisfactorily. However, there are cases where one subdivider has provided more than 50 per cent. of the land, and is therefore disadvantaged by the existing provisions. In order to rectify this anomaly it is proposed that the local authority, in assessing the amounts to be paid by subdividers, take into account the respective amounts of land provided by each.

Debate adjourned, on motion by Mr. Toms.

PARIAMENTARY ALLOWANCES ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by Mr. Brand (Treasurer), and read a first time.

Second Reading

MR. BRAND (Greenough—Treasurer) [8.54 p.m.]: I move—

That the Bill be now read a second time.

I would point out there is another Bill to follow this; namely, the Members of Parliament, Reimbursement of Expenses, Act Amendment Bill. I hope that in the course of what I have to say on the measure before us I shall cover most of the important points which are referred to in both.

As members are all aware, on the 13th September, 1965, the Government appointed a committee headed by the Chief Justice, and including two other members —Mr. Rushton and Mr. Groom, both being prominent businessmen and accountants in this city. The purpose of the committee was to investigate and advise the Government on what would be proper allowances for members of Parliament, Ministers, and officers associated with Parliament.

I think it was on the 12th of this month that we received an 80-page report setting out the recommendations of that committee. The contents and the details of that report have been made public, and the report was laid on the Table of the House at the first opportunity; therefore it is not my intention to waste the time of the House by going through a large number of figures showing what members of Parliament have been receiving. I propose to make reference only to the changes, as compared with the existing position.

I did refer to the fact that the Government in the main accepted the recommendations of this committee, the members of which applied themselves diligently to a difficult task. Anyone reading the report must be impressed by the fact that all aspects of this inquiry have been covered, and must realise that the recommendations to the Government were based on the best information that could be obtained from all sources.

When the Government set up the committee I made it public that it was open to receive any suggestions from the members of the public. However, it was decided by the Chief Justice and the other two members that it was not necessary to hold a public inquiry, as such a course had not been adopted previously, and as, in fact, only four members of the public showed any inclination to come forward with ideas or suggestions.

The recommendations as to the actual salaries and allowances were accepted *in toto* by the Government; but it was decided that instead of the increases applying from the 1st July, 1965—as recommended by the committee—they should apply as from the 1st September. To some extent this is retrospectivity, but not to a great extent. Having considered the matter, the Government and the parties concerned felt this was a principle which we could not support, although I realise that school teachers, academics, and civil servants have all benefited from decisions which had retrospectivity. As a Government we felt we could not go along with that recommendation of the committee, so the increases will apply as from the 1st September last.

The recommendation in respect of private members of Parliament is that they will receive as a composite salary £3,250 which, in fact, is an increase of £690. Having decided on the base salary of the private member, the recommendations, with the composite allowance, were—

Premier, £6,500.

The Deputy Premier, £5,450.

The Leader of the Government in the Legislative Council, £5,400.

Ministers, £4,750.

The Leader of the Opposition in this House, £4,250.

The Leader of the Opposition in the Legislative Council, £3,600.

The Deputy Leader of the Opposition in this House, £3,600.

The Leader of a recognised third party in this House, £3,400.

The Speaker and President, £4,000.

Chairman of Committees, £3,600.

The Government and Opposition Whips, £3,550.

This is a change. The Government Whip did receive a larger amount than the Opposition Whip and therefore the increase for the Opposition Whip is somewhat greater than that applying to the Whip on the Government side. The following are the reimbursements to be paid:—

Premier, £600.

The Deputy Premier, £300.

The Leader of the Government in the Legislative Council, £300.

Ministers and the Leader of the Opposition, £200.

The Leader of the Opposition in the Legislative Council, the Deputy Leader of the Opposition in the Assembly, and the leader of a third party, £100.

The Speaker and President, £150.

Chairmen of Committees, £75.

These are the actual reimbursements of expenses; and, of course, on top of that there are the electoral allowances to which I will refer later when I introduce the Bill covering them. I might say, however, that we were advised by the committee that there should be certain changes in the grouping of electorates; and instead of having four—the north, the inner and outer agricultural areas, and the metropolitan

area—it has been recognised that the provinces and districts should be divided into five groups, these being—

Group A: £1,400.

Provinces—North, Lower North.

Districts—Pilbara, Kimberley, Gascoyne, Murchison.

Group B: £1,100.

Provinces—Upper West, South, South East.

Districts—Greenough, Merredin-Yilgarn, Boulder-Eyre, Roe.

Group C: £1,000.

Provinces—Central, South West.

Districts—Geraldton, Moore, Mt. Marshall, Stirling, Albany, Vasse, Blackwood, Warren, Kalgoorlie.

Group D: £900.

Provinces—West, Lower West, Lower Central.

Districts—Toodyay, Murray, Wellington, Bunbury, Northam, Avon, Narrogin, Collie, Katanning.

Group E: £700.

Provinces—Metropolitan, North Metropolitan, North East Metropolitan, South East Metropolitan, South Metropolitan.

Districts—Perth, Claremont, Cottesloe, Nedlands, Subiaco, Balcatta, Karrinyup, Mt. Hawthorn, Wembley, Bayswater, Belmont, Maylands, Mt. Lawley, Swan, Cockburn, East Melville, Melville, Fremantle, Beeloo, Canning, South Perth, Victoria Park, Dale, Darling Range.

These are allowances which will be covered in a Bill I will introduce later. There are one or two slight amendments in this Bill. In particular the basic wage adjustment was abolished. It was thought by the commitee that there ought to be a standard and considered salary and that the basic wage adjustment was not in keeping with the office and therefore a better arrangement of adjustments should be made. Such a recommendation was made and I will refer to it later.

There is also another matter. Members will recall that under the existing Act the Deputy Leader of the Opposition, when there was a second party in Opposition, received, I think, half pay. We are of the opinion that irrespective of the number of parties in Opposition, the Deputy Leader of the Opposition, who is recognised and has an office, should receive the same salary as if there was but one party in Opposition. This is a principle which applies throughout the Commonwealth. I think that in this State it was an anomaly which crept in and therefore the new schedule provides for the Deputy Leader of the Opposition to get his standard salary as recommended. I will leave any general remarks to the next Bill.

Debate adjourned until Tuesday, the 23rd November, on motion by Mr. Hawke (Leader of the Opposition).

MEMBERS OF PARLIAMENT, REIMBURSEMENT OF EXPENSES, ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Brand (Premier), and read a first time.

Second Reading

MR. BRAND (Greenough—Premier) [9.8 p.m.]: I move—

That the Bill be now read a second time.

As I have already referred to this particular Bill, I will remind members that I have stated it provides for a new grouping of electorates; namely, five. Members will see that adequate provision has been made, particularly for the northern areas, where an allowance of some £1,400 is to apply. The committee in its recommendations has taken into account the distances of these electorates from the capital, their vast areas, the difficulty of getting around, the wear and tear on private vehicles which are used, and the distances from point to point.

Although some provision is made for free air and ship fares, the committee recommends that the very distance away from Parliament does call for very much increased expenses. So this consideration has been given to the rest of Western Australia inasmuch as the other four groups are divided into what might well be the larger rural areas, the mining areas, and the inner groupings—those which are nearer to the metropolitan area —and the metropolitan area itself.

A new feature in this Bill is that only 75 per cent. of these reimbursements will apply to the ministry generally and to the Leader of the Opposition. The committee has taken into account that these officers have the use of a car and that petrol is provided and therefore it seems to me that it is unarguable that the Ministers and the Leader of the Opposition working under these conditions should not receive the full reimbursements. I might say that the principle has applied in Queensland now for some time, and I think until this last adjustment was made in recent days, the Ministers and the Leader of the Opposition drew only 60 per cent. of the electoral allowances.

Mr. Jamieson: Now they are to get 80 per cent.

Mr. BRAND: I was going on to say that an adjustment has been made. Evidently it was found that 60 per cent. was too little to cover the expenses in spite of the availability of a car and the expenses which go with it; and the percentage has now been lifted to 80 per cent.

In speaking generally I would point out to the House that in the recommendations was a summary of the main findings, and if I could deal with them one by one I will cover all of these points and express the Government's decision on them. The first one was—

> That the basic allowance paid to members has tended to lag in comparison with salaries and wages paid in industry generally since the second World War.

I think it is fair to say that the committee has decided on an appropriate salary for the private member of Parliament, this being £3,250. It has been stated in the Press over recent days that this is the highest in Australia, but it has now been decided in Queensland to pay the private member £3,350, which is £100 more than here.

I would point out that if we refer to the salaries paid to chief executives, general managers, professional men, and high-ranking officers in the Civil Service, then I am sure we would realise that the salary of £3,250—having regard for what might be called some of the hazards of parliamentary life including the insecurity of it—is an appropriate sum and one which could be well justified by anyone who cared to impartially—and I repeat impartially—examine the general situation for salaries of members of Parliament. The second point reads—

> That it is wrong in principle to tie the allowances paid for the office of a member to any office in the Public Service. There is no comparison.

I think for the sake of the House I should draw attention to what the committee had to say on this particular matter, because for a long time members of Parliament—in other States, too, I think—have sought to obtain a system whereby the salaries of members of Parliament are tied in some way to an office such as the Under-Secretary of the Premier's Department, or some other Under-Secretary within the Public Service. I would remind members that that system did apply in Queensland for some time, but the increases applying to the Civil Service were such that the increases for members of Parliament reached a point where it was decided to abandon the system.

I think that the committee in the examination of the proposals submitted by the Rights and Privileges Committee representing each party in this House was quite reasonable. I quote from the report—

> The general answer to such a claim is that there is no comparison between Under-Secretary's duties and the singular duties of a member of Parliament. An Under-Secretary should have an intense knowledge of the statutes and regulations administered by the department as well as a knowledge of the staff, the departmental policy and administration. He is responsible for the planning, development and supervision of the whole of its activities. He examines and makes proposals for improvements in policy and administration.
>
> He draws up the departmental estimates for the Treasury and generally advises the Minister of the Department on administrative matters. If the Under-Secretary's advice is wrong it can spell trouble for the Minister. An Under-Secretary may not undertake any employment outside his office without the consent of the Governor-in-Council but a Member of Parliament is not so restricted.

I think that indicates generally the findings of the committee, and by and large members of Parliament themselves will realise it is not altogether practicable to adopt such a line. The third point in the summary is—

> That in determining the basic allowance for members a sum be fixed at a rate which will allow the member and his family to live in reasonable comfort and be able to move in his position without embarrassment.

I think that is a very reasonable assessment. Whatever walk of life a member of Parliament may come from—and we do represent a cross-section of the people, and we are representative of whatever community we may come from—we are in this House because we have been elected as the representatives of the people. When we arrive some of us do not quite understand what the job is but, nevertheless, we quickly realise the demands that are made upon us after we arrive here; and, we having been elected, the public in general expect us to be of a particular standard, but whether that standard is forthcoming is beside the point. They expect so much from a member of Parliament that very often the salary and allowances which have been paid to him in the past, and particularly in more recent times, have not enabled him to live up to this standard.

The problems of purchasing a vehicle are very real. I instanced the outlay one has to make to buy a motorcar. It is very substantial and the running costs are continuous and ever-increasing. In recent times members of Parliament have been called upon more and more to attend to their electorate and to the general requirements of their electors. In fact, it has become a full-time job, and irrespective of whether a member has an outside income, from a business or anything else, I think the efficient and conscientious member of Parliament finds that he cannot spend his time on anything else but his parliamentary duties. The public is expecting that more and more. The fourth finding was—

> That basic wage adjustments are unsuited to this class of remuneration and should be abolished.

I have already referred to this. To continue—

> That the system of fixing Members' allowances ever since the start in 1960 has been haphazard. In particular the basic wage adjustments probably reacted adversely to Members. That there should be a statutory system of review at least every three years when the whole allowance should be considered in the light of the then cost of living.

This is a problem which has exercised the minds of members of Parliament, not only in Australia, but also in many overseas countries; because no matter what we do there is the ever-present difficulty of facing up to an adjustment of the salaries of members of Parliament, having regard to the usual public reaction and the Press publicity which follows any increase.

As I have already said, attempts were made in Queensland to make statutory adjustments and to couple the salaries to that of the under-secretary of a particular department. In Tasmania at the present time there is a law which I think the committee refers to as "unique in Australia" inasmuch as there is a statutory committee which makes a revision of the salaries of members of Parliament and then makes recommendations to the Government from time to time.

This is a very important principle, and apart from the findings of the committee, it is a most difficult matter to face up to at some definite point. One never knows the right time to adjust the salaries of members of Parliament, and I think if we had a statutory authority, which is recommended in general by the committee, this would overcome many of our problems. The Queensland committee which was set up, and whose findings have been published, recommended a system to which I have already referred. In reply to the suggestion of the committee which has just reported on the position in this State I would say that it is the Government's intention to examine a proposal along these lines in the early part of next year in the hope of introducing a Bill to Parliament next session in an endeavour to resolve one of these problems.

Mr. Graham: There will still be criticism and abuse.

Mr. BRAND: I have no doubt about that, and I am not suggesting it will resolve the problem and prevent any criticism or abuse. I should like to finish reading the various points that have been referred to before I proceed to make a few comments in conclusion.

Mr. Jamieson: You have not received any nasty letters like some of our members have, have you?

Mr. BRAND: I have not; but I have no doubt that when I open my mail tomorrow morning, or over the weekend, there will be plenty of them.

Mr. Rowberry: Wait until you read the paper tomorrow.

Mr. BRAND: The findings continue—

> That Ministerial salaries call for a revision and should be increased.

With this we agree, and the committee has set out its reasons for saying that, and the Government parties who have seen those reasons agree with them. To continue—

> That adjustments and increases be made in the scale of reimbursements.

This also has been agreed to and I think I have already referred to the fact that the Government did not accept the recommendation regarding retrospectivity to the 1st July but has made it the 1st September. To continue—

> That a system of Parliamentary superannuation is good in principle but the State legislation badly needs overhaul as the actuarial basis of the fund is unsound.

I think this is a fact that has been publicised on a number of occasions; and I heard the Leader of the Opposition, when he was Premier, and when a meeting was held in this Chamber in regard to superannuation for members of Parliament, refer to the reports of the actuary. I have done the same thing, and he states that there is a weakness in the fund; and to the extent that it should be examined and put right the Government proposes to look at the Act early in the new year.

I might say that the solution might be that members of Parliament should make a bigger contribution along with the contribution that will be made by the Treasury. However, on looking at the figures, it would appear it will be some time before the Treasury will be called upon further to support the fund.

Mr. Graham: The income of the fund is still more than twice as much as the outgoings.

Mr. BRAND: I do not want to argue with the honourable member on this matter, but I think he will see that the situation is deteriorating, and if it is not put right the Treasury will ultimately be forced to come in with further support. No doubt from time to time members of Parliament will have the opportunity to examine the situation, but they might well be called upon to make a contribution.

Mr. Jamieson: This is only on an actuarial basis: it is not on a practical basis. The Commonwealth people were in the same way and they now have an accumulation of millions. They do not know how to hold it.

Mr. BRAND: To the layman it would appear that this is the situation and the comments that are made are somewhat supported by the figures. I might say, regarding our superannuation fund, that I doubt if it is all that it appears, and I am wondering whether some brain might be applied to bring about a more practical superannuation fund for members of Parliament.

Mr. Hawke: I will think it over.

Mr. BRAND: It is good to know the Leader of the Opposition will think it over. In any case, if he will come up with some bright idea we can have it examined by an expert, and if it is worth while it can be adopted.

Mr. W. A. Manning: The general public does not realise that we pay in £5 per week.

Mr. Graham: It is £6.

Mr. BRAND: I hope members will stand up on their feet on Tuesday and tell the public about it because I do not think they realise what is involved and that we make the contributions we do.

Finally, there is a recommendation for air fares or an increase in the number of air fares to be paid for north-west members. The proposal is to increase the present five free fares to eight per annum, plus one flight per annum for the wife or husband of the member, as the case may be, and also at election time a member should be entitled to take his wife with him and a similar air fare should be provided for her.

There are certain members involved in this; and in view of the changes that are taking place, the increasing use of air transport, and the availability of that type of transport all over the State, and not only in the north-west, the Government is examining this question in a comprehensive way and we propose to extend some of these facilities. They have been extended in Queensland and in other States and will apply to members in general.

Mr. Graham: The gold pass is virtually worthless today, isn't it?

Mr. BRAND: It is freely recognised that the gold pass is of value only when travelling by train, but the train never seems to be going where one wants to go, when one wants to go there, and never at the right time.

Mr. J. Hegney: Don't be critical of the railways!

Mr. BRAND: This committee was set up as a result of an undertaking I made at election time, and I did this because in previous years we have been accused of increasing our salaries without a mandate. I felt at least we could disclose the fact that we recognised that early in this Parliament there would have to be an increase in the salaries of members of Parliament, and to this end we would set up an impartial committee. We had been criticised severely, on every occasion, whether it was a committee which recommended salary increases, whether it was an adjustment that was recommended and put forward to us by Treasury Officers, or whether it was by some arrangement we made between ourselves. Nothing has ever been right and nothing ever will be right when it comes to increasing parliamentary salaries.

The criticism of the present committee is that it was not composed of the right people to assess our salaries. It appeared to me that the Chief Justice and two prominent people, efficient accountants, such as Mr. Rushton and Mr. Groom, were folk who would be impartial. They have no axe to grind so far as members of Parliament are concerned, and they were able properly to assess the general requirements regarding salaries and allowances of members. The committee put in a great deal of time and in a general way I think it has done a very good job.

Mr. Jamieson: You had better put McCartney and Richards on with the Chief Justice next time.

Mr. BRAND: Someone suggested to me that an editor had been placed on such a committee in New Zealand. I do not know what the result was, but I wonder if some of our critics would like their salaries assessed by—

Mr. Graham: Us.

Mr. BRAND: —a partial committee and not an impartial one.

Mr. Graham: No, by us.

Mr. BRAND: The fact is that this is all grist to the mill so far as the Press is concerned, and I suppose in public life we have to expect this sort of thing. We cannot avoid it and we accept it in the knowledge that we are doing something conscientiously, and that we are not taking more than we are entitled to take. I think the standard proposed by the committee compares with the Queensland decision. A separate committee was appointed there for this purpose; it was sitting quite apart from our own committee and it has come down with similar suggestions, and for the same reasons.

The committee in Victoria, which sat some two years ago, came up with the same reasons and recommendations. The general standard is similar throughout Australia, leaving aside the Commonwealth salaries. It has been suggested that the average should be taken, but if this were continued in every State it would level out and that is where it would stay.

There must be someone to decide the proper salary and allowance, allowing for conditions at the present time. Someone must always be out in front, if I might put it that way. In spite of what has been said, Western Australia is not out in front as a result of the recent adjustments. As Premier I receive a very substantial increase of £2,000 and others, in their relative positions receive other rather large increases.

Mr. Jamieson: You are still £500 behind Nicklin.

Mr. BRAND: I accept the findings of the committee, because as we look down the findings of this committee, or any other committee, we find it is a matter of judgment and opinion in respect of the various decisions they have made.

In all conscience we feel it is a fair and reasonable assessment, and it cannot be claimed that it is a large increase, even though there has been criticism in this direction. I cannot see how this will help to contribute towards an upward trend in inflation, and so on. Why should the salary given to members of Parliament contribute towards inflationary tendencies any more than the salaries of other people?

Mr. Bickerton: The State members should not be blamed for the pension rate.

Mr. BRAND: It was a matter of coincidence that on the Tuesday the report was released the Industrial Commission decided that there should be a quarterly adjustment and an increase of 1s. 9d. These decisions were not comparable in any way. We are fair game for cartoonists and others, and they have taken full advantage of the position.

Whatever is said by the Press and the public all we must worry about is that we are not helping ourselves to the Treasury funds beyond a point that is reasonable. As the Parliament in this State we are responsible for the laws that govern the State; for the executive that governs the State. We are responsible for its progress, and this is often overlooked. There should be a reasoned attitude towards this situation having regard for the fact that a member of Parliament must face an election every three years. I commend the Bill to the House.

Debate adjourned until Tuesday, the 23rd November, on motion by Mr. Hawke (Leader of the Opposition).

ARTIFICIAL BREEDING BOARD BILL

Second Reading

Debate resumed, from the 17th November, on the following motion by Mr. Nalder (Minister for Agriculture):—

That the Bill be now read a second time.

MR. ROWBERRY (Warren) [9.34 p.m.]: The Bill before us is an Act to establish an artificial breeding board, to regulate its functions and for incidental and other purposes. I think this measure is a step in the right direction. It is one that has come about by a process of evolution when it is definitely required in the economy of the State. I am particularly pleased to support the Bill, because of certain recommendations and suggestions I have made to the Minister over the past years. I am very glad to see that the measure will enable artificial breeding to be extended to such places as Albany, Denmark, Walpole, and Northcliffe. I have very intimate relations with some of these places.

It is possible that there are several other reasons why this legislation is before us. It could be the result of the visit of the Minister for Agriculture and the Director of Agriculture to places overseas where artificial breeding is conducted. It is likely that they have put into effect in this legislation the ideas they picked up in their travels.

It is also possible that the Bill is the result of certain pressures brought to bear by me as the member for the people in the southern part of the State which I represent, and who eminently deserve the benefits of artificial breeding.

As we all know, dairy farming is becoming the most unpopular form of primary production, not only in this State but in the world. If my memory serves me right I recently read that 30,000 dairy farmers were leaving the industry every year—and this includes Britain—because the returns are so poor, and the work is so arduous.

I think the House will agree, therefore, that anything we can do to help the people who wish to stay in the dairying industry and produce butterfat should be done. For that and other reasons I very much welcome the legislation before us. I have perused the measure and examined it to the best of my ability, in between reading my fan mail, and I have no great adverse criticism to offer against it at all.

When boards are set up, however, and given statutory powers by legislation, the personnel of the board generally becomes a matter of very close attention by members. During his speech the Minister said there will be five members of the board. He also said the chairman will be appointed by the Governor and that he will be a person of considerable business and commercial experience, though not necessarily in the stock breeding industry.

I was interested to hear the Minister say this while introducing the Bill to the House, because a little earlier he had said that the possibility of the service being taken over by the dairy produce manufacturing companies was explored. Commercial concerns, however, showed no interest in this proposal, but strongly urged that the artificial breeding service should continue; and they indicated they were in favour of the establishment of a board.

Since the chairman will have commercial and business experience I am wondering whether he will be a member of one of those firms which did not show any interest in the proposal at all in the first place. It would appear that the chairman of the board has already been selected. This could be inferred from a reading of the Minister's speech, because he says that the chairman will be appointed by the Governor and will be a person of considerable commercial and business experience.

I should hate to think that we would appoint as chairman of this board someone who did not in the first place show any interest in the formation of the board, or in the setting up of a process of artificial breeding. However, if the chairman is competent to carry out his duties as chairman, I do not think we should quibble about it. I merely make this remark in passing.

I should also be very disappointed, once we have established this board and shown that artificial breeding can be conducted on an economic basis, if we hand it over to private enterprise to exploit the community. The board will consist of another member who will be a veterinary surgeon, and I have no objection to that. I think it is a wise choice. The South Australian legislation dealing with this particular subject has the veterinary surgeon as the director of the board. Our Bill, which is based on the South Australian legislation, contains a slight amendment, and we merely say that one member shall be a veterinary surgeon.

The Bill further states that two members will be selected from a panel of five names submitted by the Farmers' Union. At first glance I wondered why this should be so—why the whole of the Farmers' Union should be asked to submit a panel of five names from which two members will be selected. But the purpose of the board is to promote artificial breeding in stock and this would, of course, affect all the members of the Farmers' Union, quite apart from the dairying section, which I think is the section from which the panel of names should have been selected. Artificial breeding will deal with goats, oxen, pigs, and sheep; it even includes poultry of all kinds. It could include other animals if the Government saw fit to do so.

I hope legislation will not be introduced to make it necessary for human beings to undergo artificial insemination. Even though members of the Farmers' Union generally grow wheat, they do mix woolgrowing with wheatgrowing. Accordingly, on further reflection, I have no objection to the fact that the five names will be submitted from the Farmers' Union as a whole. I would have preferred the dairy section of the Farmers' Union to be given preference.

Mr. Nalder: What about the whole-milk section?

Mr. ROWBERRY: The dairy section includes the whole-milk section. The remaining member shall be selected from a panel of three names submitted by the Royal Agricultural Society. Perhaps the Minister could give us more information as to why the Royal Agricultural Society was chosen to supply three names.

I said that I had no adverse criticism to offer against this Bill. However, I will discuss one or two points in it. One clause deals with the conduct of meetings of the board and states, among other things, as follows:—

> a question arising at the meeting shall be decided by a majority of the votes of the members present at the meeting

> and voting and in the event of an equality of votes the question shall be deemed to be resolved in the negative.

Why should the question always be resolved in the negative when there is equality of votes? After all, the minority is generally right. We just had an instance of that. The minority more often than not has the right thinking. When a proposition comes before a meeting, generally the people who bring the proposition forward do so in order to make progress; but, if they have not made enough progress to convince the remainder of the members, there is an equality of votes and a deadlock. We always seem to cling to this stick-in-the-mud habit. We just had a remarkable instance of the minority being very much in the right when dealing with the legislation preceding this Bill, where three members of the community were definitely proved to be right in opposition to quite a large number of the community. I think we should bring our thinking up to date on this sort of thing.

In the matter of financing this board, I notice the board will set up a fund, and any moneys earned from the board's operation will be paid into this fund. In my opinion, this is a step in the right direction.

I have very bad memories of certain State instrumentalities which paid their funds, at the end of the year, into Consolidated Revenue and from then on that finance was lost altogether to the instrumentalities. We have had the experience of seeing great sums paid into Consolidated Revenue by a certain State instrumentality which is now no longer a State instrumentality. At the end of its financial year, or just after, it required money for the purpose of expanding its business or indulging in more capital expenditure and this was shown on the Auditor-General's report as a loss. The loan from the Treasurer was shown as a loss in the Estimates or in the Auditor-General's report. I do not think this will happen here, because the moneys that will accrue to the board will be paid into what will be known as the artificial breeding board account and will remain in that account as belonging to the board.

In comparing this legislation with that of South Australia, I notice that this measure is practically a reprint of the South Australian legislation. This measure states—

> Any moneys paid by the Treasurer to the Board under this section may be paid to the Board out of moneys appropriated by Parliament for the purpose.
>
> The Board shall keep accounts in such form as the Treasurer of the State approves.

The South Australian Act states—

> The board shall keep its accounts in a manner of which the board approves and which the board thinks fit.

The board in South Australia is not dictated to by the Treasurer or by the Auditor-General; it keeps its accounts as it thinks fit. It must keep proper accounts of receipts, expenditure, assets, and liabilities, but that is all that is laid down.

I support the Bill; and I would like to commend the draftsman on the clear, concise, and unambiguous way the clauses of the Bill are written. It is a pleasure to read them. I suppose being new legislation and similar to legislation which has already been enacted in South Australia, we could expect that possibly our draftsman has modelled his drafting upon the legislation of South Australia. Anyway, I would like to express my pleasure at the simple way in which the provisions of the measure are written. I could understand them at first glance.

We have heard a lot of talk in this Chamber about legal costs. I think if this simple method of setting out legislation was adopted there would be lower legal costs. After all, even lawyers have to read certain sections of Acts to find out exactly what a thing really does mean; and even then we find they go to court and argue, not upon the facts to be determined in the court, but as to what the law really means in application to the facts. The law should really mean what it says at the time it is in this Chamber; and it should be clear and unambiguous.

Before sitting down I would like to join the Minister in congratulating the Artificial Insemination Advisory Committee which this board supplants and which laid down the foundations on which this board will work. I believe that Mr. Cullity will now have a much easier life and fewer worries. I think part of the cause of his bad relations with certain of my people was because he was trying to do too much on his own: and the setting-up of this board will relieve him of a lot of responsibility and enable him to go back to the job for which he was appointed. I would like to congratulate him and his committee.

MR. MITCHELL (Stirling) [9.55 p.m.]: I wish to make a few general comments on this Bill and, in particular, thank the Minister and the Government for introducing it so as to make possible the setting-up of an artificial insemination board.

In my own electorate there is quite a bit of dairy farming carried on, but not by the type of farmers in the south-west

where many are in the whole-milk business and finance is perhaps not so important to them as to the smaller dairy farmers in Denmark, Albany, the Walpole area, and portion of my electorate. These people have for years been trying to induce the authorities to extend this service into their own particular areas but have not been very successful; and it is a great pleasure for me to know that now, with the setting-up of this artificial insemination board this service might be extended throughout the State. At the moment I suppose it refers more particularly to the dairying industry and that the first steps taken towards expansion will be in that industry.

In setting up this board the Minister has wisely made provision for representatives from the Royal Agricultural Society, who, naturally, will represent the breeders of dairy-bred stock that will provide the source for this service; and they will also represent a great section of primary producers. We hope to see the time when this service will be extended to other avenues. We can envisage, as is the case in many parts of the world, that it can be extended to the sheep industry, the pig industry, and other industries related to primary production. Therefore I think it is quite fair that there should be representatives from the Farmers' Union and the Royal Agricultural Society. In addition, we must have, as the Bill lays down, a veterinary officer on the board; and there is still room for one more person to be appointed by the Governor.

Unlike the member for Warren I would suggest that that appointment has perhaps not yet been made, but the provision is there for one extra to be appointed, representing no particular section of the community. He will be a person well versed in the business world and able to offer advice on the business portion of the conduct of this board.

I will not delay the House, but again I thank the Minister for introducing this Bill, because I think it is a step in the right direction and one that could have important repercussions in regard to the stock-breeding industry in this State.

MR. I. W. MANNING (Wellington) [9.57 p.m.]: I desire to support this measure. There are two Bills on this subject and the one before us at the moment is that which provides for the constitution of the artificial breeding board. This board will regulate the functions of artificial breeding.

I think artificial breeding, as we know it in Western Australia, has been in progress for approximately 10 years, operating from the Wokalup Research Station. The setting-up of the centre at Wokalup was brought about as the result of a visit overseas by Mr. Cullity and the report he made when he returned. As has been mentioned, he made visits to various dairying districts. I have followed his visits to those areas, and there was some considerable agitation on the part of farmers, particularly in the whole-milk districts, for the setting-up of an artificial breeding centre.

From my observations, I think the centre at Wokalup has been reasonably successful and has made progress as far as the breeding of stock in the dairying industry is concerned. Like the member for Stirling, I believe there has been quite a deal of care and thought given to the preparation of what should be the constitution of the board and the method of appointing suitable members.

I support the provision that there should be a veterinary surgeon on the board. Two of the personnel will be selected from a panel of five names submitted by the Farmers' Union of Western Australia; and one from a panel of three persons submitted by the Royal Agricultural Society. I would think from this provision it should be possible to select men who have had some considerable experience in the breeding of stock. The Farmers' Union, in submitting five names, ought to be able to put forward the names of farmers who have possibly already had experience in this field by having been on the advisory committee which is at present operating.

From the Royal Agricultural Society, as the member for Stirling indicated, we should get someone suitable who is particularly interested in the breeding of stud stock. I suppose it would be reasonable to expect that the stud breeders would be in competition with the artificial breeding centre. But I believe, from what I have seen, with artificial breeding, many topline breeders are already importing semen from the other States and from overseas for artificial breeding purposes. So it is quite apparent from that that this artificial breeding centre will have the support of the State stock breeders.

I think, too, there is one other important aspect of the institution of this board in that the area now being serviced from the Wokalup centre is at present pretty static. The constitution of this authority and the bringing of new men into the sphere of activities will, I think, give an impetus to artificial breeding and extend its activities further afield into the furthest corners of the State. Possibly, we could launch into the artificial breeding of beef cattle too, which is not practised very much these days.

Artificial breeding has been very largely, up to the present, confined to dairy cattle. But there is no reason at all why it should not be extended to beef cattle with great benefit to the beef cattle industry. There is, of course, the opportunity of introducing new breeds by this method. We have not seen very much of this in Western Australia but I am thinking of the Santa Gertrudis cattle of which only odd ones have come to Western Australia. That breed is becoming quite popular in Queensland and New South Wales. That has come about from cross breeding and it is quite possible by means of artificial insemination to introduce these cattle more extensively.

There has been another new breed evolved known as the Murray Greys. We have not seen this in Western Australia yet and I think that breeding stock from this new strain would be limited, but I would suggest that there is a possibility in this direction also. Then, of course, there may be other dairy breeds in Europe which can possibly be introduced by artificial means. All in all, in my view only good can come from the introduction of this legislation.

As I said earlier, I think the operations in the area now being served have become static, although the number of stock available or being offered for insemination is increasing. I think a lot of useful work can be done by extending the area serviced and making services available to a greater number of farmers and a greater number of cattle. In that way the artificial breeding in Western Australia can give an improved service to the cattle breeding industry.

MR. RUNCIMAN (Murray) [10.5 p.m.]: This Bill, which seeks to place the artificial breeding centre at Wokalup in the hands of a board, is of great interest and of great importance to cattle breeders and stockmen, but particularly to the dairy farming community in Western Australia. The advantages of artificial breeding are, firstly, the improvement of stock by the use of better bulls. The ordinary or average farmer is not able to purchase outstanding animals because of the very high cost involved. The bulls used at the artificial breeding centre are very carefully selected on pedigree and very carefully tested from a health or disease point of view. The average farmer is not able to purchase one of those bulls owing to the high price, but through artificial breeding he has an opportunity of using those bulls in his herd to improve his stock.

I have noticed in the whole-milk areas particularly that animals artificially bred are commanding a higher price than animals bred under normal conditions. Therefore, whatever price a person might pay for artificial breeding, he is well compensated.

The other very important item associated with artificial breeding is the freedom from disease, particularly venereal diseases such as vibriosis and trichiomasis and one or two others. Instances of those diseases were very prevalent a few years ago in the dairying districts, but in the areas where artificial breeding has been the method of breeding, the diseases have been gradually eliminated. I think members will readily understand that with the increase of artificial breeding the diseases will be gradually eliminated altogether. In the past, diseases have caused great losses to farmers, by causing infertility in cattle. Through artificial breeding this will be gradually eliminated.

Another point is that artificial breeding leads to better management in the handling of herds. How many farmers are inclined to be careless in the use of the bull? The bull is often allowed to run, or he gets out at the wrong time of the year. That leads to a certain amount of inefficiency on the farm. Therefore, artificial breeding on right lines will be of value to that type of farmer. To the small farmer who milks only a few cows, and to whom every acre is precious, the cost of keeping and running a bull is something he has to consider very carefully. By using artificial breeding and not running a bull, he will probably be able to carry another one or two cows. Therefore, he will be amply compensated for the fees paid for artificial breeding.

Another item is the safety angle. We are all well aware of the accidents which occur from time to time through bulls getting out and savaging people. Over the years there have been quite a number of deaths because of this. Those of us who have handled bulls, or been in the dairying industry, know that there have been quite a number of near misses, or know of accidents which have occurred. There is always a great danger. Through artificial breeding, this danger also will be eliminated.

There has been a great deal of talk in recent years over milk quality and the need for cross breeding. Some breeds give a large quantity of milk, but in many cases the quality is not as good as we would like it to be. Therefore, with the mating of some of these breeds that do not give as much milk—although it is rich in quality—it is possible, through artificial insemination, to improve the quality of the milk and of the herd generally.

In recent years there has been a good deal of mating of culled cows with good beef bulls, and this has produced some

satisfactory results. The two beef breeds at the Wokalup farm are the Aberdeen Angus and the Hereford, and many farmers in the whole milk and butterfat areas have made use of the breeds at the centre with very good results.

We know of the very high prices which are obtaining at present for vealers and beef cattle, and artificial breeding from topline beef bulls has very distinct advantages. Artificial breeding is paying dividends and its use is increasing not only in Western Australia, and Australia generally, but also throughout the rest of the world; and, in my view, in the hands of a board the use of artificial insemination will increase still further.

The history of artificial breeding in Western Australia is rather interesting. The Minister said the other evening that the pilot scheme started in 1952, but it was not until 1957-58 that it really got going. Last session I asked some questions on this matter, and I think it would be appropriate if I read the information I obtained. The question I asked was as follows—

> (1) How many cows have been inseminated under the artificial breeding scheme in each year since the centre was opened?
>
> (2) What were—
>
> (a) operating costs;
>
> (b) receipts
>
> for each year since the centre has been in operation?

The answers I received were to the effect that in the first year, 1956-57, which was just after the pilot scheme commenced, only two cows were inseminated, but from there on the figures increased considerably. The Minister's figures for the other years were as follows—

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

The figures show a steady and commendable increase, while the operating costs for the last year given, 1963-64, were £20,876 and the revenue was £26,932.

Mr. Bickerton: How do you come to get comprehensive answers like that? When I ask a question I cannot get an answer.

Mr. RUNCIMAN: You want to ask the right question.

Mr. Bickerton: I think you have to be on the Government side.

The SPEAKER (Mr. Hearman): Order! I think the honourable member had better relate his remarks to the Bill. I have been waiting for him to tell me something about the Bill.

Mr. RUNCIMAN: I do not know whether the Speaker means I have not been saying anything about the Bill.

The SPEAKER (Mr. Hearman): You spoke about 1957 but you have not related your remarks to the Bill.

Mr. RUNCIMAN: The Bill is for an Act to establish an artificial breeding board, regulate its functions, and for incidental and other purposes. The Artificial Breeding Committee report at the Annual Dairy Conference held in 1964 made this recommendation—

> That a Statutory body be set up to take over the whole of the existing artificial breeding services with full power and authority to administer and operate same and to make such alterations in techniques, management, and extension as may from time to time be desirable.

That indicates that those who are vitally interested in artificial breeding—that is the whole-milk people, the dairy farmers, and the members of this committee generally, who come from all areas where artificial breeding takes place—strongly recommend that the Government appoint a board to take over this work.

Right from the inception of artificial breeding in Western Australia the Government has made it perfectly clear that when the scheme became properly organised, and was working satisfactorily, it would hand it over to private enterprise, or to a board. Some two or three years ago the Government approached the Farmers' Union in this respect and suggested that it, or the farmers themselves, organise and take over the artificial breeding scheme at Wokalup.

To some extent the artificial breeding scheme in Victoria is run on co-operative lines, and the farmers themselves got together to operate it. It is a very big success in that State and I would say that in this regard Victoria is the leading State in the Commonwealth. Naturally it was thought that the farmers of Western Australia would want to do likewise. However, at that time the Farmers' Union felt that it was not able to, or was not capable of, taking over the scheme.

The next step was to suggest to private enterprise—that was to the milk treatment plants that are engaged in the dairying industry, both on the dairying side

and on the whole-milk side—that a committee be formed with the idea of taking over the scheme at Wokalup. However, after a good deal of consideration and a number of meetings they decided against it. So there was only one thing to do and that was to form a board.

This matter has been given a great deal of consideration by the Government and the schemes in the other States are all operated by boards. The Milk Board in N.S.W., which is responsible for the scheme in that State, has a magnificient set-up at Graham Park. This is one of the leading establishments of its kind in the world and a great deal of information has been obtained from all the schemes that are operating in the Eastern States.

South Australia is the most recent State to set up an artificial breeding board, and, as the Minister pointed out earlier, this Bill has been largely influenced by the Act in operation in S.A.

I am sure this legislation will be a step forward. There may be some who are wondering whether a board will be in the best interests of all concerned, but I feel sure it will be very much in their best interests. At the annual dairy conference the Artificial Breeding Committee also made this observation—

> Whilst it is generally acknowledged that the conception rates are being maintained at a satisfactory level, the present Service is remaining virtually STATIC with the small increase in the cow numbers offered for insemination being barely enough to offset the constant rise in costs—costs that will eventually have to become the full responsibility of the users of the A.B. Service.

That shows the interest in this service and that most of the users of it have studied the position very carefully. In common with other members, I, too, would like to pay a tribute to the Department of Agriculture for the work it has done on artificial breeding in this State, with particular reference to the Superintendent of Dairying for the work he has performed because, after all is said and done, I am sure he has been responsible for the organisation and the establishment of the whole scheme.

At one stage he went to England to investigate the latest techniques and to obtain full knowledeg of the scheme and then, some two years later, he was on long service leave in England and he used a good deal of his leave to visit a number of establishments in England to obtain further information. He sent that information back to Wokalup whilst he was still overseas, and quite a number of improvements were made almost immediately as a result of the knowledge and information he gained on that trip.

The station has worked particularly satisfactorily. Conception from the artificial breeding scheme in this State is the highest in Australia, and that is no mean effort when we realise that the largest centres in the Eastern States have been more handsomely endowed than our centres in Western Australia. They have larger laboratories and more technicians engaged, but the work of the department in this State has really been outstanding in furthering the efforts that have already been made with this scheme.

The percentage of cows in this State which has been inseminated in relation to the overall numbers of dairy cattle is particularly high when compared with the figures for other schemes throughout Australia. I was rather surprised a few months ago when the insemination charge was suddenly increased from £2 to £2 5s. This increase, for no apparent reason, upset a number of people, particularly those in butterfat areas. However, comparing the charges in Western Australia with those in the Eastern States I find they are comparable. In Victoria the charges are even higher than those in this State, rising to £3, depending, of course, on the amount of travelling that is done and the number of herds in a certain area. These factors do have an effect on the charge made. In Victoria, the charge ranges from about £1 15s. to £3.

On page 2 of the Bill appears the definition of "stock". The definition reads—

> "stock" means any goats, horses, oxen, sheep or pigs and includes poultry of all kinds and such other animals of any kind of species that the Governor proclaims to be stock for the purposes of this Act.

All those animals, of course, can be artificially bred and, in fact, the first known cases of artificial breeding occurred in the 17th century. Arabs used it. Artificially bred sheep are quite common in Russia. I understand that something like 40,000,000 or 50,000,000 have been artificially bred in that country. I believe this method of breeding has been found most practicable in certain countries, especially where there has been a shortage of first-class rams.

I noticed recently that semen was flown from England to South Africa for the insemination of pigs in that country. Now that this artificial breeding service has been established for use on dairy cattle I am sure that people will soon make use of the service for beef cattle also. Gradually we will find that other animals, such as pigs and sheep, will be artificially inseminated. It is interesting to note that a ban was lifted 18 months ago, and semen can

now be imported from the United Kingdom, New Zealand, and from the United States of America.

In referring to the chairman of the board, I make mention that no matter how capable an applicant for this position may be, the Minister, when considering the appointment, should take full cognisance of the fact that such a person is enthusiastic about artificial breeding and is a great believer in it. It could be that the principal requirements for the position are that an applicant shall be a capable and good businessman; but it would be a mistake, with this scheme, to appoint a man who was not enthusiastic about the progress and the development of artificial breeding in Western Australia.

In regard to the constitution of the board, the Bill provides that—

> Of the members, one shall be a veterinary surgeon, two shall be persons so appointed, from a panel of the names of five persons submitted to the Governor by the body known as The Farmers' Union of Western Australia (Inc.) and one shall be a person so appointed, from a panel of the names of three persons submitted by the body known as The Royal Agricultural Society of Western Australia and who are eligible and willing to act as members.

When these two panels of names are submitted to the Minister, I sincerely hope they will originate from the whole-milk section and the butterfat section of the Farmers' Union because these two sections are most vitally concerned. I know many men in both sections of the industry who would be quite capable of filling this very important position.

I think it is an excellent idea to appoint somebody to represent the Royal Agricultural Society of Western Australia. The pure bred cattle societies are registered with the Royal Agricultural Society, and also breeders of other pure bred animals, and the appointment of a representative from the Royal Agricultural Society of Western Australia is, as I have said, an excellent idea. Further on in the Bill it is provided that the board may supplement supplies of semen produced at the board's centres with supplies purchased by the board from other persons. For some time I have been suggesting that semen be imported from the Eastern States for consignment to the centre at Wokalup, and that the supplies then be handled by the insemination centres.

Such a service has been requested by many dairy farmers, not only those with commercial herds, but also stud breeders. One can readily see the importance of this, particularly when supplies come from such a centre as Pamwan Park in Victoria which has a very wide selection of really outstanding bulls, many of which are proved sires; and many farmers have expressed a desire to obtain this semen to augment the system of their breeding programmes here. But although people have been able to import semen direct, they must make their own representations to veterinary officers to handle it when it arrives in Western Australia, because the centre at Wokalup will just not handle this semen.

The Bill also states that the board may supplement supplies of semen produced at the board's centres with supplies from semen purchased by the board from other centres. This is something that will be appreciated by farmers, because they will be able to nominate the sires for particular animals. I am very pleased indeed that this provision is in the Bill.

The board may also conduct such experiments, and do all such other acts and things as it thinks desirable for the purpose of securing improvements in the techniques employed, and operations carried out, in relation to the artificial breeding of stock. This matter of research in techniques by trained technicians is of very great importance, and I am glad to see that the board has that power.

For effectually carrying out the objects and purposes of this Act, the board is entitled to such assistance from the Animal Health Laboratory in the State Department of Agriculture as the board may require. I am sure we will all feel it is a very good idea that the board should be provided with all the facilities and amenities necessary from the Animal Health Laboratory in the Department of Agriculture. There is no doubt that co-operation between the two is very desirable in the best interests of the industry.

The board will also be entitled at all reasonable times to inspect and take copies of the herd production records of the State Department of Agriculture. As we all know, herd testing has been going on in Western Australia for a good many years. There have been some very fine producers in all breeds, and the artificial breeding centre will naturally be interested in selecting bulls with a production record with certain cows that have been tested by the Department of Agriculture. It is very necessary that the board should be entitled at times to inspect copies of these records. I am sure the establishment of this board will be a step forward in the history of artificial breeding in this State, and the Bill has my heartiest commendation.

MR. NALDER (Katanning—Minister for Agriculture) [10.34 p.m.]: I have listened with a great deal of interest, as have other members, to the comments made by members who have spoken to this Bill. A few points have arisen from those speeches which need some clarification.

I would first like to indicate that it has been accepted that this move is in the right direction, especially when we recognise the value of our stock industry in this State. Not only is it a step in the right direction from the point of view of the dairy section but also in relation to whole-milk production and butterfat production. There is also the possibility of increasing meat production.

A lot of thought has been given to this measure, as you well know, Mr. Speaker. The matter has been given consideration for a number of years. The Government felt it was necessary in its own interests to save manpower. We have a number of officers who are more or less tied up continually in the artificial production set-up at Wokalup, and we feel it is necessary that these officers should be relieved of this responsibility to enable them to continue with the advisory work so necessary at this stage.

It was felt by the Government that some other organisation should be asked to accept the responsibility of conducting the artificial breeding insemination centre. As has already been said —and there has been no secret about this —we have endeavoured to find other parties who might be interested. We first approached the Farmers' Union, and every effort was made to see whether it could interest its members in setting up an organisation which would be responsible for carrying out the work of insemination so far as dairy cattle were concerned.

We were not able to interest the Farmers' Union, and we then tried some of the manufacturing companies. This all took time. The companies felt it was a little out of their field; but they were very interested and said how much they valued the artificial insemination work that was being done by the Department of Agriculture.

After investigating the position in other States, and after having travelled to the Eastern States—as did other members—to seek out the various sections that were interested in this field in South Australia, Victoria, and New South Wales, all available information was collated and the Government then decided to proceed with the appointment of a board.

This of course has been outlined in the Bill, and I would like to make it very clear to the member for Warren that at this stage no preliminary appointments have been made to the board; not even the chairman has been appointed. At this stage no consideration has been given to this matter. We felt that the chairman should be a person who would fit the situation; that he should have a full knowledge of business, and be able to bring to the board all the information that is necessary to place it on a financial footing.

This does not debar the Governor from appointing somebody who might be a farmer and have some interest in stock-breeding. We wanted to leave the field wide open, however, so that we could get the best man to lead this committee. I am sure members will agree that this is a wise move; indeed, from the speeches made there appears to be no doubt that the suggestion has been accepted and approved by the members who have contributed to the debate.

So far as the other representation is concerned it is vitally necessary to have a veterinary officer as a member of the board, because he will be a man with full knowledge and understanding of stock diseases; and as a result of his training he will be able to advise the board on many aspects that might be necessary to help it extend its services to other parts of the State. The Farmer's Union was approached; but, like the member for Warren, I thought the dairy section and the butterfat section of the Farmers' Union should be the sections to put forward a panel of names to the Government.

As the president of the Farmers' Union was away I discussed the matter with the senior vice-president. The section presidents were called together and they expressed the view that the Farmers' Union would be given a wider field of choice if it could nominate a panel of five names. It would then be able to nominate men with experience and knowledge of stock breeding. It would not prevent the union from nominating men from the whole-milk and dairying sections.

The member for Warren and several others referred to the reason for inviting the Royal Agricultural Society to nominate representatives on the board. This was done, because the society is responsible for all stud stock breeders in this State. All organisations of pure-breed cattle, pig, and sheep breeders are controlled by the society. It was considered very necessary to give representation on the board to the stud stock breeders.

It will be appreciated that if we are to have the best stock possible, we must have stock breeders who concentrate on producing the very best in their particular breeds. That was the reason why the Royal Agricultural Society was invited to

nominate a panel of three names. I understand the society held a meeting yesterday at which this matter was discussed. In conversation with the president of that society he said he was very happy to have the opportunity to be represented on the artificial breeding board.

The member for Warren spoke about the difficulty which the board would experience where four members were present at a meeting and there was an equal division in the vote. Generally speaking it is accepted that where there is equal voting the question is resolved in the negative, and this method has been included in the provisions.

The member for Stirling said that with the creation of the board it would be possible, with the knowledge and information that is now available, to control, store, and distribute the semen over a period of time. The board would be able to extend its coverage to all parts of the State, wherever that is practical and advantageous. In some areas there would be limitations at this stage, but with the increase in air transport it would be possible to supply semen to stock breeders in remote parts of the State in the near future.

The member for Wellington made a very valuable point. Western Australia will not be restricted to semen produced here. During the introduction of the Bill I said this was a feature which would play a very important part in the activities of the board. At this stage we are relying entirely on the stud breeding of an animal. We know that cows have been tested; we hope that testing will be proven and that the qualities of the stud stock will be passed on to the young animals.

In Victoria this method of testing has been taken a stage further. Before sires are used they are proven, and this is vitally important. The animals which are bred from these sires are tested for milk and butterfat production. Semen which is produced in Victoria can be used in this State. Last year I spent some time with the Minister for Agriculture and officers of the department in Victoria, and they offered their full co-operation to any board which might be set up in Western Australia. When the board is set up it will request the supply of semen from proven stock in other States, particularly in Victoria.

The member for Murray referred to the value of artificial breeding and the elimination of disease. That is one of the reasons why artificial breeding is so popular. The difficulties of overcoming disease, particularly in cattle breeding, are obviated through artificial breeding.

Mr. Jamieson: Cannot disease be carried in the semen?

Mr. NALDER: It is possible, but very unlikely. In areas where semen is collected every effort is made to ensure that the conditions are hygienic and clean. If members are interested they can see what efforts are taken at the Wokalup research station to ensure that cleanliness is observed. This also applies in the other States. The possibility of disease being carried in semen is very remote, and this has been proved through experience.

Mr. Rowberry: A farmer in my area has alleged that his stock became infected through artificial insemination.

Mr. NALDER: That has not been proved. Suggestions have been made that that was the case, but it has been proved that where disease has occurred it has been introduced by the bulls. Where artificial insemination is practised it is possible to wipe out diseases in herds.

I think I have covered the points made; and I thank members for their interest. I feel sure this legislation is going to play an important part in the improvement of our herds and our stud stock generally. I am sure the decision made in this House today will have lasting repercussions generally throughout the State and that from now on, without depreciating in any way the good work done in the past, we will see a definite improvement in the quality of whole-milk herds and dairy herds, at least in the initial stages of the work of the artificial insemination board.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 to 20 put and passed.

Clause 21: Protection of Board and members etc., from liability—

Mr. DURACK: It may surprise members to find I should rise to speak on this Bill, but I hasten to assure them I do not do so as a St. George's Terrace farmer.

The problem on which I wish to speak arises, I think, largely from an error on the part of the draftsman. This clause is one which appears commonly in Acts of Parliament that set up boards, and its object is to relieve members of the board from any personal liability in law for things they do, so long as they act in good faith and not dishonestly and maliciously. Nevertheless, some errors have crept into this clause in line 11.

The actual legal result of this clause would be no form of legal address against the board at all. If the board breached a contract, or was guilty of negligence, no farmer or anybody connected with it would have any redress. Therefore I move an amendment—

Page 12, line 11—Delete the words "by the Board or".

Mr. NALDER: I thank the honourable member for drawing my attention to this error; and what he says is quite correct inasmuch as there has been an error in the drafting of this particular clause. I might add that if this amendment is passed it will be necessary to correct the marginal note.

The CHAIRMAN (Mr. W. A. Manning): The marginal note will be corrected automatically if these words are deleted.

Amendment put and passed.

Mr. DURACK: I move an amendment—

Page 12, line 13—Delete the words "the Board or".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 22 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

ARTIFICIAL BREEDING OF STOCK BILL

Second Reading

Debate resumed, from an earlier stage of the sitting, on the following motion by Mr. Nalder (Minister for Agriculture):—

That the Bill be now read a second time.

MR. ROWBERRY (Warren) [10.59 p.m.]: This Bill relating to the control of the artificial breeding of stock is allied, in some respects, to the Bill we have just disposed of.

We heard, during the debate, that artificial breeding would diminish the risk of disease; and most of the provisions in this Bill are for that purpose. There is a provision in the Bill dealing with the licensing of premises for the purpose of collection, dilution, examination, chilling, freezing, processing, storing, packing, distribution, and sale or use of semen of any species of stock.

So it is very necessary if we are going to keep disease down to ensure that the semen is kept in a healthy state and that the premises on which it is stored are kept as aseptic as possible. This Bill gives the board power to do that. It also gives the board power to license these premises and extends wide powers in regard to entering and searching premises and ships. For instance, an inspector or veterinary surgeon may—

(a) enter and inspect any licensed premises and examine and make copies of, or take extract from, any records required by the regulations to be kept in relation to the use of and to operations that are performed on those premises, and examine any semen or package containing or reasonably suspected by him to contain semen that he finds on those premises;

(b) enter, search and examine any place that is being used or that he has reasonable grounds to suspect is being used for or in connection with the collection, storage or packing of semen for sale or for or in connection with the performance, carrying out, or doing of any operations, acts or things relating to the practice of artificial breeding, and examine any semen or package containing, or reasonably suspected by him to contain, semen, that he finds in that place;

(c) enter and search any vehicle, ship or aircraft that is being used, or that he has reasonable grounds to suspect is being used, for the conveyance of semen, and examine any semen or package containing, or reasonably suspected by him to contain, semen that he finds in that vehicle, ship or aircraft;

These are very extensive powers and the inspector concerned is merely required to have a reasonable suspicion. We have heard this word "reasonable" bandied about the Chamber on quite a few occasions this session, and it has never been determined yet what is "reasonable".

I was reading in the report of the subcommittee on salaries that "reasonable" is like the chancellor's boots—it depends on the chancellor and the size of his feet. I think that members would be well advised to have a look at these powers.

I am aware that it is necessary that the utmost powers must be granted in order to combat disease and ensure that people obey the law. However, I think that more than a

reasonable suspicion should be necessary before a person is entitled to enter certain places. I would therefore like the Minister to give us some explanation of this in Committee or in his reply.

I know that this legislation is based upon legislation in operation in the Eastern States and is practically identical with it. However, I still think we should not just copy legislation from other places without having a look at it. We have just had an instance of where we could be making mistakes by following that course.

There is another point to which I wish to draw the attention of the Minister. If the Minister refuses a license or a transfer of a license, the applicant concerned has no right of appeal to any other authority. The Minister has dictatorial powers. We know that he is a kindly person and does not look like a dictator, but I still feel there should be some provision in the Bill for an appeal. I would like the Minister to consult the draftsman to see if this is possible. An appeal could, for instance, be made to a magistrate.

We know that if the Commissioner of Police refuses to grant a driver's license, the person refused has the right to appeal to a magistrate who then decides whether in fact the applicant is a fit and proper person to hold a license and whether justice has been done by the withholding of the license.

Apart from this point I have nothing but support for the Bill. It is vitally necessary because in a few years artificial breeding may have been developed on a commercial basis and before that is done it is essential that power is provided to control the users, suppliers, and storers of semen. As this Bill does give such powers to the board, I support it.

MR. NALDER (Katanning—Minister for Agriculture) [11.6 p.m.]: I have made a note of the points raised by the honourable member. As I said when introducing this Bill, it is designed to regulate the whole of the activities of the artificial insemination work being carried out in this State. A meeting of the various authorities in all States some years ago agreed that this should be the basis of the extension of artificial insemination work in every State of Australia. As the honourable member said, we are following legislation that has been accepted in all the other States.

We have, of course, authority to change the legislation if we feel it is necessary; but I would like members to accept it as it is and give it a trial run. If we find any weaknesses in it we can amend it as necessary.

As far as the appeal to the Minister is concerned, I would not know to whom anyone would appeal. The honourable member did not make any suggestion. This provision is contained in other legislation, but I will have the point examined.

I believe we should accept this Bill and give it a trial and if subsequently it is found by experience it is necessary to amend it, this can be done.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

TRAFFIC ACT AMENDMENT BILL (No. 3)

Returned

Bill returned from the Council with an amendment.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier) [11.12 p.m.]: I move—

That the House at its rising adjourn until 11 a.m. tomorrow (Friday).

Mr. Graham: What is the intended finishing time tomorrow?

Mr. BRAND: The finishing time will be 6 p.m.

Question put and passed.

House adjourned at 11.13 p.m.

Legislative Assembly

Friday, the 19th November, 1965

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