Legislative Council

Tuesday, the 7th September, 1971

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

SWEARING-IN OF MEMBER

THE PRESIDENT (The Hon. L. C. Diver) [4.32 p.m.]: I am now prepared to administer the Oath of Allegiance to Clive Edward Griffiths.

The Hon. C. E. Griffiths took and subscribed the Oath of Allegiance, and signed the roll.

QUESTION WITHOUT NOTICE

ADMINISTRATION ACT AMENDMENT BILL

Postponement of Third Reading

The Hon. A. F. GRIFFITH, to the Leader of the House:

In view of the fact that the passing of the Administration Act Amendment Bill will change the legal rights of adopted children, will the Government undertake not to proceed with the third reading of the Bill to amend the Administration Act until the proposed Bill to amend the Adoption of Children Act has been introduced into this Chamber?

The Hon. W. F. WILLESEE replied:

I delight at the opportunity to speak to the Leader of the Opposition in such co-operative terms. The answer is: Yes. I had intended to introduce today the Bill to which the Leader of the Opposition has referred, but I have been advised that some amendments to it are considered necessary because people in the Eastern States have seen additions which will be required for the good conduct of the Bill. For that reason, and rather than have a series of amendments, I have postponed the introduction of the Bill for one week.

QUESTION ON NOTICE

EDUCATION

Recruitment of Teaching Staff

The Hon. F. R. WHITE, to the Leader of the House:

With reference to the article on page 2 of *The West Australian* newspaper dated Thursday, the 26th August, 1971, bearing the title "W.A. drive in U.K. for teachers", would the Minister please advise—

(a) does the Education Department of Western Australia employ a recruitment officer who could carry out the recruitment of teachers in London;

(b) if the answer to (a) is "Yes"—

(i) would it not be more judicious to send the recruitment officer to London in preference to the highly paid Director-General;

(ii) is it to be assumed that the responsibilities of the Director-General are such that he has more time available to him for the purpose of recruitment than does the recruitment officer;

(c) has the Director-General been overseas on previous occasions in an official capacity; and

(d) if so, what were the dates of these ventures, and the purpose of each?

The Hon. W. F. WILLESEE replied:

(a) Two recruitment officers are employed by the Education Department but they deal only with recruitment for entry to the Teachers' Colleges and are not at the necessary level of seniority to conduct an overseas recruiting campaign.

(b) (i) and (ii) An acute shortage of teachers exists throughout Australia at the present time. All States and New Zealand are recruiting intensively in Great Britain and are sending high ranking officers overseas to interview applicants. The presence of the Western Australian Director-General is necessary to enable this State to compete on an equal footing with the other States and to obtain teachers in sufficient numbers and with the required qualifications.

(c) Yes.

(d) October, 1967—Visited Great Britain and Canada to study development in the design of school buildings.

October/November, 1968—Represented Australia at the Biennial Conference of Unesco in Paris.

November, 1969—Recruitment visit to Great Britain—also studied developments in electronic teaching aids under a programme arranged by the British Council.

October/November, 1970—Visited West Africa at request of Commonwealth Government to report on the effectiveness of Australia's aid programme under the Commonwealth Co-operation in Education Scheme—returned through London and interviewed some applicants for positions in Western Australia.

TOWN PLANNING: CORRIDOR PLAN

Inquiry by Select Committee: Motion

THE HON. F. R. WHITE (West) [4.45 p.m.]: I move—

> That a Select Committee be appointed to inquire into and report upon the Corridor Plan for Perth as published by the Metropolitan Region Planning Authority, and to make such recommendations as to the feasibility of the Plan or to recommend such alterations and amendments as are considered to be desirable in the interests of Planning the Metropolitan Region.

I should like to draw attention to the fact that the motion has been worded in such a way as to endeavour to have a Select Committee appointed to make an impartial scrutiny of the corridor plan. Impartiality is the keynote of the motion. I do not want anybody to think the motion indicates criticism of the corridor plan as it has been presented.

The corridor plan deals with the metropolitan region which has an area of 2,080 square miles. The bulk of this region is zoned rural but an area of approximately 140 square miles in the centre of it, at Perth, is a very highly developed urban complex.

The corridor plan contains four proposed corridors which will follow the existing major traffic routes. Apparently, the purpose in developing the corridors is to provide an economic transport system along the existing routes, to utilise public utilities such as electric light, water, and transport in the most economic way possible, and to prevent urban sprawl.

In past years urban sprawl, as we know it, has resulted in the metropolitan regional plan coming into effect and in the Metropolitan Region Planning Authority being given powers to plan properly organised development within the region so that the economics of public utilities and transport could be considered.

We also find that the corridor plan presented aims at preserving the character of the non-urban rural areas within this large metropolitan region. The corridor plan with its four corridors—the north-west, south-west, south-east, and eastern corridors—makes allowance for subregional centres to be established in the future, thereby reducing the influx of population into the metropolitan region.

The corridor plan allows for the provision in the future of additional universities, regional hospitals, and institutes of technology in places such as Whitford, Wanneroo, Midland, North Lake, and possibly at Rockingham. It has taken cognisance of the fact that development will take place beyond the metropolitan region itself at centres such as Mandurah, Pinjarra, Bunbury, and Northam.

All this has become necessary by the need to plan for the future. The population in the metropolitan area is expanding very rapidly. In 1955 the metropolitan area of Perth contained 416,000 people. Fourteen years later this population had increased by more than 50 per cent. to 650,000. This growth in population is increasing more rapidly than the 4.4 per cent. increase which is at present apparent.

Since it was published in November, 1970, the corridor plan—of which I understand all members have received copies—has been subjected to various expressions of opinion. Some of these have been complimentary, and some have been derogatory. We find that some people have eulogised the proposals in the corridor plan whilst others have disparaged them.

Amongst those who have applauded the scheme are persons such as Peter Harrison, of the urban research unit of the Australian National University. In *The West Australian* of Thursday, the 19th August, 1971, at page 6, he had this to say—

> The corridor plan for Perth has been noted by planners in other States with some admiration.
>
> Given that the lava-flow of urban spread under the laissez-faire policies of State Governments is pretty well inexorable, the only possibility of maintaining a measure of good order and decency in the expanding urban environment is to define the directions of growth and adhere to them.
>
> The corridor principle has been belatedly adopted in Sydney and Melbourne in an effort to minimise the disadvantages of cities that are already too big and badly shaped for comfort.

He referred to other cities; and the corridor plan itself refers to the fact that the principle of corridor development is in operation—rather belatedly, of course—in cities such as Sydney and Melbourne in Australia, and Washington in the United States. We are also aware of the finger plan which is being developed in Copenhagen.

Another organisation which has applauded the corridor plan is the Real Estate Institute of Western Australia. In its publication, *Contact*, of the 10th June, a questionnaire was included, and was forwarded to all members of the institute. The questionnaire contained 27 questions which could be answered either "Yes" or "No" and it sought expressions of opinion on the corridor plan. Subsequently the *Contact* of the 8th July, 1971, included a summary of the opinions of the members of the institute. It stated that of its members, four to one were in favour of the corridor concept as presented by the Town Planning Department.

The opinion of the members of the institute was nine to one in favour of preserving wedges between corridors for special uses as defined in the plan; that is, parkland, open space, and recreation. Members were nine to one in favour of the corridors being developed as a series of closely-linked communities, each with its own personality. So it goes on, listing the expressions of opinion, and all of them are in favour of the concept of the corridor plan.

On the other side of the picture, we find we have had expressions of opinion against the plan. In *The West Australian* of the 20th April, 1971, under the heading of "Planner warns of growth in Perth," Mr. Eric Sabin, town planner for the Perth City Council, had this to say—

> The potential work force of the central city area was almost four times the limit suggested in the corridor plan, the Perth City Council was told yesterday.
>
> In a report to the council the city planner, Mr. Eric Sabin, said that it was likely to reach the limit of 90,000 by 1975 unless there were immediate measures to stop it.

I must state here that the corridor plan anticipates the figure of 90,000 will be reached not before 1989. But here Mr. Sabin anticipates that figure will be reached by 1975. The article continues—

> The Nielson report on the city's transport needs and the corridor plan are both based on a forecast of a 90,000 work force by 1989.
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> Mr. Sabin said that, based on previous census figures the work force would reach 126,800 by 1989.
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> "It is a matter for concern that the potential work force, by natural growth and by potential capacity of buildings, is likely to be far greater than the studies would suggest," Mr. Sabin said.

Mr. Sabin recommended—and the council agreed—that the Metropolitan Region Planning Authority's attention be drawn to the difference between the potential growth of the central area and the limitations envisaged by both the Nielson report and the corridor plan.

We also have had other expressions of opinion against the corridor plan. In *The West Australian* of Friday, the 13th August, under the heading "The State scene" by Don Smith, reference is made to the fact that the Minister for Town Planning is not happy with town planning and its operation within this State. The article refers to the appointment of a consultant and, apparently, the Minister for Town Planning had this to say—

> We have heard professional opinion in favour of corridors, now let us hear professional opinion against them so that we can make a balanced judgment.

That is the purpose of this motion: to enable us, as members of Parliament, to make a balanced judgment when the proposals in the corridor plan are tabled in this House, as they must be tabled, under the Statutes.

We find there is a great deal of confusion and a tremendous lack of knowledge in the public mind. Town planning, with all its ramifications, is most intricate and complicated. Unless one has a sound knowledge of town planning and all its intricacies, one cannot be capable of giving a constructive expression of opinion. As a member of Parliament, I feel I need to be educated further so that in the future I will be able to make a sound judgment based on knowledge which I hope will be acquired by me on a committee such as I suggest. To have a sound knowledge of town planning within the metropolitan region, it is necessary for one to have a fairly solid understanding of many things.

In 1955 Professor Stephenson, together with his colleague, Mr. Hepburn, produced a report known as the "Plan for the Metropolitan Region Perth and Fremantle." That report formed the basis of the Metropolitan Region Plan which was brought into effect in 1963 to cover the 2,080 square miles of the metropolitan region. Since then, as a continuation of those two tremendous efforts we have had what is commonly called "P.R.T.S."—the Perth Regional Transport Study of 1970 which contains a tremendous amount of information, primarily confined to transportation within the metropolitan region.

The corridor plan itself must also be studied. In addition to those particular items, and the necessity to have knowledge of those publications, one must have a firm knowledge of various Acts of Parliament, such as the Metropolitan Region Town Planning Scheme Act, the Local Government Act, and the Town Planning and Development Act. One must also understand the functions and powers of various Government departments and boards. One must understand precisely the power and operations of the Metropolitan Region Planning Authority, the Town Planning Board, the Town Planning

Department, and the various local authorities, because opinions and policies in regard to planning vary throughout the metropolitan region.

One must understand a great deal about the operations of the Main Roads Department, the Metropolitan Water Supply, Sewerage and Drainage Board, the Department of Industrial Development, the State Electricity Commission, and other bodies such as the Department of Civil Aviation.

A tremendous amount of knowledge is required to enable us to understand these matters fully; and in order that we, as members of Parliament, may be given the opportunity to acquire this knowledge there is need to appoint a Select Committee to undertake a very comprehensive study into the corridor plan. That is the reason I have proposed the appointment of a Select Committee in the motion before us.

Since my period of service in this Parliament, I have only been aware of one Select Committee being appointed; that was the committee to inquire into the potato industry moved recently by Mr. Ferry. Although I have been a member of this Parliament for four years, that is the only Select Committee that has been appointed in that time.

However, I did take the trouble to make inquiries into the number of Select Committees which have been appointed in this Parliament. I found that during the last 40 years a total of 51 Select Committees have been appointed, 23 of which were appointed by the Legislative Council. I also discovered that since 1958 this Chamber—and indeed the Parliament of Western Australia— has only appointed one Select Committee, other than the one to which I have just made reference. This was the Select Committee appointed in 1963 to inquire into the crayfishing industry.

At the beginning of this year I was fortunate enough to be given the opportunity to visit New Zealand as the representative of the Western Australian branch of the Commonwealth Parliamentary Association. One of the topics debated at the conference was the committee system adopted by Parliaments, and the debate was, indeed, most enlightening. It was pointed out that other Parliaments make great use of the committee system; and, in fact, the New Zealand Parliament which consists of 84 parliamentarians appoints on an average 19 Select Committees per session—not per Parliament. We know that the Commonwealth Parliament makes great use of this system, as do many other Parliaments throughout the world. I feel that the Parliament of Western Australia has neglected this particular aspect, at least during its recent history.

In speaking with parliamentarians from other parts of Australia and from other parts of the world it becomes very apparent that back benchers eagerly seek appointment to Select Committees, for they realise that if they are appointed they will acquire knowledge which otherwise is impossible for them to obtain. With service on such committees they become very knowledgeable in particular fields of personal interest. If they take the opportunity to serve on Select Committees they become very valuable acquisitions to their political parties.

I do hope that if the Select Committee which I have proposed is appointed, one member from each political party will be included, so that every party—whether it be in Government, in Opposition, or a third party—will be given the opportunity to acquire knowledge which can be utilised not only by the members who serve on these committees, but also by their political parties and by this Parliament as a whole.

I do not wish to speak at length on this particular matter. I have pointed out that a certain amount of confusion exists in the minds of the general public concerning the corridor plan; and I have pointed out that there are expressions of opinion against the plan, and expressions of opinion in favour of it. I believe the future development of the metropolitan region is so important that no stone should be left unturned to enable us to have a full understanding of what developments the future will produce, in relation to the effect on our environment and on the living conditions of those who will follow us in the years ahead.

This House recently did indicate it was prepared to accept the principle of having an appropriate examination made of the so-called corridor plan for Perth. The Government itself has indicated there is the need for an appropriate examination; the Opposition has also indicated this need; and I believe the need can be satisfied by an impartial, deep-searching inquiry by a Select Committee.

When members vote on the motion I have moved, I do beg them to give it their support. I hope they will bear in mind that the proposed Select Committee will be the means of giving all political parties and all members of this Chamber a far better appreciation of the metropolitan region and the corridor plan. It will also provide knowledge which will enable them to debate adequately any proposals concerning the metropolitan region which in the future are laid upon the Table of the House.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the House).

STATE ELECTRICITY COMMISSION ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Minister for Police), and passed.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Third Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.09 p.m.]: I move—

That the Bill be now read a third time.

During the second reading debate I undertook to obtain certain information for the benefit of Mr. MacKinnon; and I hope I have done that adequately.

In commenting on the request made by Mr. MacKinnon as to whom the Government has in mind for appointment as the additional commissioner—and this is the first source of information—I am advised by the Minister for Labour that Cabinet will not make the announcement until the Bill has been passed. In anticipation of the passing of the enabling legislation the House may be assured that the Government has sought the advice of the chief commissioner in the matter. The chief commissioner has already submitted a nomination, and this submission will be taken into cognisance when the decision is being made. The Government should not and would not make a public announcement until Parliament has passed the requisite legislation enabling the new appointment to be made.

A further source of information indicates as follows:—

> Mr. MacKinnon was in error when he stated that the third member of the court who was the employers' representative was Mr. Don Cort. This is incorrect, it was Mr. J. Christian, now deceased.
>
> In respect to the statement as to who should be the choice of the fourth Commissioner, it has to be emphasized that there are three parties to arbitration, i.e. Government, Employers and Unions, and as each party already had a Commissioner selected from each of such parties, the fourth Commissioner has also to be one of those three parties, so it was inevitable that the Acting Commissioner had to have one of these backgrounds.

The Hon. A. F. Griffith: When Mr. Christian was a member of the court, who were the other two members?

The Hon. R. H. C. STUBBS: That information might be in the document I am reading.

The Hon. A. F. Griffith: Some of us know who they are, without having to listen to the information you are reading from your notes.

The Hon. R. H. C. STUBBS: I undertook to obtain this information for the House, and I presume the honourable member still wants to hear it. To continue—

> The Acting Commissioner came from an organization which was unaffiliated with the TLC. The Acting Commissioner appointed was concerned with more than just white collar workers as he has had considerable experience with workers in the administrative, professional, clerical, technical and general division workers, ministerial employees and a conglomeration of workers in varied classifications of work.

The Hon. G. C. MacKinnon: Would you not classify those mentioned as white collar workers?

The Hon. R. H. C. STUBBS: Yes, probably. The point is I am trying to give this information as factually as possible. I have had it compiled, and I am reading it.

The Hon. G. C. MacKinnon: I appreciate that.

The Hon. R. H C. STUBBS: To continue with the information—

> It must be emphasized that the Industrial Commission has not been structured as a court: it is a lay Commission. If it was to be a court it should have judges or magistrates on the bench. It was never intended to be such. It is a Commission of lay Commissioners.
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> The Act already provides for a court. It provides for the Western Australian Industrial Appeals Court. The Court comprises three judges, all Supreme Court Judges, who are there to determine matters of law and other matters by way of appeal. The Supreme Court Judges are appointed by the Attorney General and the Chief Justice selects the three judges who comprise the Appeals Court.
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> The arbitration function has been the subject of administration by both the Crown Law and the Labour Departments over the years. It was a Crown Law function when there was a Court of Arbitration. It was tied to the Crown Law Department because a judge was President of the Court and it followed that the administration of that Court should be with the Minister for Justice.
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> With the establishment of a lay Industrial Commission in 1964, the Government transferred the function to the administration of the Minister for Labour and the situation is that the Minister for Labour appoints the Commissioners who comprise the Commission and the Attorney General appoints the Judges who comprise the Appeal Court.

The Arbitration Acts in the States of Australia are traditionally Acts which are administered by Ministers for Labour. This also applies in the Commonwealth where the Act is administered by the Minister for Labour and National Service.

THE HON. G. C. MacKINNON (Lower West) [5.15 p.m.]: I thank the Minister for the information he gave us. When so much information has to be supplied on the third reading, it is, of course, indicative of the paucity of information that is made available to this House during the second reading speeches of Ministers while Bills are being introduced.

The Hon. W. F. Willesee: You do not really mean that.

The Hon G. C. MacKINNON: Strangely enough much of the information sought on the points I raised was not in fact supplied. I am well aware, as we all are, that it has been traditional for this Act to be administered by the Minister for Labour.

The point I raised, however, was that this tradition together with the judicial nature of it should, perhaps, be re-examined; indeed I raise the point that the definition of the extent to which this body is a court should be examined and qualified. This point was not answered.

If this body is in fact a court, as I believe it to be, then perhaps the time has come for a re-examination and a change of the tradition that it should be under the Minister for Labour. There are certainly good grounds for this.

A point that is particularly interesting is that those of us who were here at the time the present arbitration set-up was introduced all know the tremendous furore that was raised and the amount of criticism that was levelled by the present Government at the Government of the day, because the Government of that day would not—and indeed could not—name the additional commissioner to be appointed. The man (Mr. Kelly) was in fact sitting in the gallery at the time.

The Hon. A. F. Griffith: The Minister does not appear to be listening.

The Hon. G. C. MacKINNON: The Minister is agog.

The Hon. W. F. Willesee: That was a courteous reception of your remarks, and I do not think the Leader of the Opposition is quite fair.

The Hon. G. C. MacKINNON: I was pointing out that the Leader of the House was agog. The three Ministers opposite would recollect that everybody in opposition at that time was loud in his criticism at the fact that we could not name the individuals who were to be appointed.

The Hon. A. F. Griffith: There was only one to be appointed.

The Hon. G. C. MacKINNON: That is so. Because this group of people, together with the A.L.P., were so vociferous in their criticism of the point in question I naturally sought information on the matter when this Bill came before the House.

The Hon. W. F. Willesee: Your Leader told me I spent most of my time asleep! You cannot have it both ways.

The Hon. G. C. MacKINNON: He was only pulling your leg. I think it is reasonable to assume that the people to whom I have referred would endeavour to correct the situation of which they were so critical. We can all recall the numerous points of order that had to be taken when we were referred to as Nazis, and so on.

The Hon. W. F. Willesee: Not in this House.

The Hon. G. C. MacKINNON: It was said from the chair on my left, because I recall having taken a point of order on the issue.

The Hon. J. Dolan: I did not sit in that chair.

The Hon. G. C. MacKINNON: Of course the Minister did not. We all know who was sitting in that chair; it certainly was not my good friend Mr. Heitman. It was another gentleman altogether. In the course of all this criticism I can recollect that we were taken to task endlessly for not naming the person because of the difficulty which faced us. The present Minister for Labour seems to be experiencing the same difficulty, though I can hazard a guess as to who the appointee is likely to be. Because of the criticism levelled at the time I am at a complete loss to understand why something more has not been done in this regard.

The Hon. A. F. Griffith: I can remember the Hon. Ron Thompson speaking on the Bill.

The Hon. G. C. MacKINNON: And speaking endlessly. Mr. Griffith and I can well appreciate the difficulty facing the Minister in this Chamber who handles legislation which has been introduced in another Chamber. Accordingly I am not criticising Mr. Stubbs; I am merely criticising the fact that in view of all the allegations made about us the questions I asked were not dealt with more carefully and specifically. I certainly expected a better answer than I received.

I mentioned the fact that because of the calibre of the men on the commission great care had always been taken to ensure that its members had no political affiliations. I have pointed out that one of the applicants for a vacancy on the commission had in the past stood for endorsement in an election. This point was not referred to or answered by the Minister, through Mr. Stubbs.

So despite the lengthy explanation that has been given by Mr. Stubbs I feel my questions still remain unanswered, and I

am far from happy at the situation that obtains. In spite of that, however, I have no intention of doing anything but supporting the Bill.

Question put and passed.

Bill read a third time and passed.

TRANSPORT COMMISSION ACT AMENDMENT BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Transport) [5.22 p.m.]: I move—

That the Bill be now read a second time.

At present there is nothing to prevent any vessel licensed by the department controlling harbours and rivers from operating as a passenger service on the Swan River and on any inland waters of the State.

This would then mean that during peak periods any vessel so licensed could operate a ferry service from South Perth to Perth in direct opposition to the M.T.T. ferries.

All other facets of passenger services in this State including the railways are protected by the various Acts under which they operate, and to bring the river ferry services on to a comparative footing this amendment is desired.

The original intention was for protection to the existing ferry services now operating on the Swan River, but the Parliamentary draftsman has pointed out that with the rapid development of the State, provision should be made in the Bill to cover any inland waters of the State, should control of passenger vessels thereon become necessary in the future.

Debate adjourned, on motion by The Hon. G. C. MacKinnon.

ADMINISTRATION ACT AMENDMENT BILL

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Addition of section 12A—

The Hon. I. G. MEDCALF: Clause 3 of the Bill deals with the entitlement to participation in distribution of intestate estates. In effect the clause says that it is for the purpose of determining who is entitled to participate in the distribution of the estate to which intestacy applies and that the relationship between the child and his father and mother shall be determined irrespective of marriage. That is the central proposition of this Bill. I have already indicated that I consider the Bill should be amended by qualifying that proposition so that the relationship of illegitimacy must be established during the lifetime of the father; either against the father by due process of law or be admitted or acknowledged by the father.

My amendment stands on the notice paper and with your leave, Sir, I will not move it immediately. I wish to make a few comments which, I believe, are completely relevant to the consideration of this clause, to demonstrate, perhaps, that there are good points and bad points in the amendments suggested by both the Minister and myself and that these could be combined in order that we might pass the most satisfactory legislation in the circumstances.

It is necessary to say that the Minister has already indicated in his second reading speech that he is opposed to my amendment. On the other hand he has put forward an amendment which is substantially similar to that put forward by me.

So while the Minister has, in effect, opposed my amendment, reading into what has happened I think he said that if the amendment is passed in the form in which he has put it, then it may well be that in another place that amendment may well be successful.

I do not think I am stretching the position too far by saying that; and as it is my desire that we should in fact amend this clause along the general lines indicated, I will try to illustrate where there are perhaps points of difference in the amendments and I suggest the Minister could discuss the matter with a view to deciding the best amendment that should be made.

In comparing the amendments on the notice paper I would point out that firstly I have referred to the relationship between a child and his father and the Minister refers to the relationship between a father and his illegitimate child. Later on I have referred to the nonfact of marriage between the parents, while the Minister has contented himself by simply referring to the illegitimate child.

I have used the same form of words as appeared in the Bill—the relationship between a child and his father. The point I make is that I think it is desirable to be consistent in the wording of our Bills and our Acts and when we amend legislation it is therefore desirable to use the same words that appeared in the original legislation.

I have endeavoured to do that, but the Minister's amendment does not. One or two minor points are of no importance. The Minister has used the word "any" when I have used the word "all", but these words mean exactly the same thing in this context. There is one point of significant difference. I have referred to the "purpose aforesaid" in my amendment. The purpose to which I am referring is that

mentioned in subsection (1) of proposed new section 12A, which is set out in clause 3 of the Bill. The purpose is that of determining who is entitled to participate in the distribution of the estate. The Minister, in his amendment, refers to the purposes of the section, which are not necessarily the same as the purposes of any particular subsection. This is a point which I consider causes confusion in the later wording of the amendment.

When referring to paternity, I used the phrase "has been admitted" while the Minister refers to it as "is admitted." This is a minor grammatical point and is of no great significance. However, a point of significant difference does occur, because the Minister refers to "paternity is admitted (expressly or impliedly)." I have simply said, "paternity has been admitted." I have not used the words "expressly or impliedly." I cannot see how paternity could be admitted other than expressly or impliedly. It must be admitted either by express words or by express conduct. I have omitted that phrase but, in a sense, I suppose it could be included if it does not matter very much. I am one for simplicity, however, and I consider that if words do not matter they should be left out. In this case I consider they add nothing to the meaning except confusion.

The Hon. W. F. Willesee: I am concerned regarding "impliedly." Suppose a child lived with parents for many years, the implication would be that the child was part and parcel of that union.

The Hon. I. G. MEDCALF: It may be an admission or an implied admission. The example given by the Minister could well be an implied admission. My point is that the courts will determine what is an admission and whether it is expressed or implied. I am saying the words are not necessary, because it cannot be any other way.

The question of purpose is also important and I would like to consider this again. The purpose of the Bill is to determine who is entitled to participate in distribution. The new subsection, if amended, will contain a reference to the "benefit of the father." The purpose to which I am referring is that of ascertaining who is entitled: in ascertaining this, it may be discovered that the father is entitled. Therefore, the purpose would be for the benefit of the father. The portion in question in my admendment takes 10 words, while that proposed by the Minister takes 20 words. Not only do I think the amendment is long-winded but it causes a difficulty by the introduction of the word "traced." This is not referring to the direct relationship between a father and his child but other relationships which have to be traced. I consider this may cause trouble in the future and would need amendment. In addition to tracing the relationship, a direct relationship between father and son is also sought to be included in that portion of the amendment.

I wanted to mention these specific points. There are one or two others, but I do not believe any profit will be gained by asking you, Sir, to extend your indulgence further in this matter. I have brought up these points because I want to make it quite clear that serious points of difference exist in the amendments. It is quite possible that a combination of the Minister's amendments and my amendments may produce the best result.

To begin with, the Minister opposed the amendment, but he has put forward others which have good points as well as some which are perhaps not so good. In this situation I believe it would be thoroughly desirable for the Minister to arrange for a conference at which we could perhaps reconcile the differences and produce one composite amendment which would be most satisfactory from the point of view of achieving what we wish to achieve, should the amendment be acceptable. I thank the Committee for its indulgence in this matter and I ask the Minister whether he will agree to such a conference.

The Hon. W. F. WILLESEE: I am deeply indebted to Mr. Medcalf for the way he has developed and explained his amendments on the notice paper. After listening to him I am in complete agreement that we could do better by amalgamating certain points in the proposed amendments.

I do not think it would be wise for the Committee to make a decision one way or the other at the moment. I will be pleased indeed to accede to Mr. Medcalf's suggestion and have him present when we endeavour to formulate something of benefit to the legislation before us. As a result, I shall ask for progress to be reported.

Progress

Progress reported and leave given to sit again, on motion by The Hon. W. F. Willesee (Leader of the House).

LAND TAX ASSESSMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th August.

THE HON. F. R. WHITE (West) [5.38 p.m.]: The purpose of the Bill is to amend sections 8B and 10 of the principal Act. In effect, three clauses need to be considered. To begin with, clause 2 says that the operation of the Bill, if passed, will be retrospective to the 30th day of June, 1971. Clause 3 has as its purpose an amendment to section 8B of the Act. Paragraph (a) proposes to delete the following:—

> Subject to subsection (2) of this section, where on the thirtieth day of June in the year next preceding the year of assessment ending on the

thirtieth day of June, nineteen hundred and sixty-nine, or on the thirtieth day of June in the year next preceding any year of assessment thereafter—

The deleted words are to be replaced with the words—

Subject to the succeeding provisions of this section, where on the thirtieth day of June in the year next preceding any year of assessment—

This, in effect, will not make a great deal of difference to the legislation but will simplify the terminology and make it a little clearer to understand.

Clause 3(b) proposes to substitute the word "one" for the word "one-half." The effect will be to allow further exemptions from the payment of land tax to certain holders of land. For example, people may live on a residential lot, and their property may be rezoned for industrial purposes. If this is done, the unimproved capital value of the land is increased very rapidly and, in consequence, so is the land tax. The previous Government introduced a measure to ensure that if such a property were rezoned the land would remain at the original unimproved capital value of a residential lot for the purposes of land tax, thus preventing the owner, who is normally resident on the property, from suffering hardship through suddenly increased taxation.

It appears that the substitution of the word "one" for the word "one-half" which makes the exemption applicable to one-acre lots is desirable. However, clause 3(c) causes me a little concern. The purpose of the amendment is to add a new subsection (1a) to section 8B. The new subsection will come immediately after subsection (1) in the parent Act. In the original legislation we find no provision whatsoever for the Commissioner of State Taxation to demand proof that subdivision was not possible on a particular lot of land. As the Act stands at present the owner of one-half acre is allowed exemption from higher taxation if he lives on the land. There is no proviso to the effect that if the land can be subdivided into smaller lots the person shall not be granted the exemption. The proposal to insert new subsection (1a) means that people who were previously exempt may not be exempt in the future, because a proviso will now be attached to the exemption which they have enjoyed. The amending legislation seems, therefore, to have a sting in its tail.

The proposal is to increase the area of land from one-half acre to one acre to give additional relief to taxpayers who may be adversely effected by rezoning, but in the tail we find the sting: the proposition to remove the privilege from people on half-acre lots who were previously able to enjoy the benefits.

Once again, we have no information to show what the impact on the Treasury might be. We are not told the extent by which Treasury income may be reduced through the additional concessions to owners of one-acre lots. We have no statement to tell us the extent by which Treasury income may be increased through the revenue received from people on one-half acre lots who may be adversely affected by the inclusion of this proviso. It will be interesting to hear what the Minister has to say concerning proposed new subsection (1a) which is to be inserted. At this stage I would be opposed to the insertion of that particular paragraph.

Clause 4 deals with an amendment to section 10 of the principal Act. It is proposed to add to the list of exemptions contained in section 10. These exemptions cover such things as Crown land, land which is used for public parks, university endowments, etc., and they go through to land which is used solely or principally for an agricultural pursuit. This clause proposes to add a new paragraph and this is once again to provide a certain amount of alleviation to people in the payment of their rates and taxes. The exemptions to be added apply to people on properties not exceeding a half acre in area which are used by the owner for his own residential requirements and for no other purpose, with the proviso that the owner must make application for concession to the State Commissioner of Taxation.

In the metropolitan region a tremendous amount of land is zoned rural. Very often this rural land is not used for agricultural pursuits, firstly because it may not be suitable, and secondly, because it is too small. This rural-zoned land in the metropolitan region may be two acres in area, it may be a five-acre parcel, or a 10-acre parcel which cannot be subdivided or developed in any manner, but is used by the owner purely and solely for residential purposes. In recent times a lot of this land has been revalued.

I can quote a few instances where such land is not used for agricultural pursuits but solely for residential purposes. The land cannot be subdivided; maybe because it is not zoned urban. There is no possibility in the future of its being zoned urban because there are no public utilities available nor likely to be available.

In 1969-70 a tax of $65.66 was levied against a property of seven-and-a-half acres. This has since been reduced but the property still has an unimproved capital valuation of $10,900. At the time this tax of $65.66 was levied against the property mentioned, only properties with a value of less than $6,000 were exempt. Above this level there was a sliding scale up to $10,000. The Government later altered this so that properties under $10,000 were exempt and a proviso was added that rural properties which had increased in valuation because

of nearby rezoning could have a maximum valuation of $1,500 per acre for the purpose of assessing land tax. This amount could be amended to a greater amount at any time in the future as the State Commissioner of Taxation considered fit.

This seven-and-a-half-acre rural property with an unimproved capital value of $10,900 is not exempt from taxation. However, the Bill proposes to allow half-acre properties of much higher value closer to the city to be exempt from tax. A person could own a half-acre property at Dalkeith, Nedlands, or somewhere like that, with a value of $30,000 or $40,000 and be exempt from any tax if this proposal goes through. However, another person in exactly the same situation on one single parcel of land which can only be used for residential purposes because it cannot be subdivided, would have to pay tax. This would apply even to the particular case I mentioned where the valuation was only $10,900. I can quote a number of other properties in the same situation: a 10-acre property, residential only, with an improved capital value of $19,250; a 10-acre property, used for residential purposes only, has an unimproved capital value of $27,000; a 10-acre property, with an unimproved capital value of $23,250; a nine-and-three-quarter-acre property which cannot be subdivided and which is used only for residential purposes, has a $28,500 unimproved capital value; a five-and-a-half-acre property, a very small parcel of land, has an unimproved capital value of $19,200; an 18-acre property, which cannot be subdivided and cannot be used for any purpose other than residential, has an unimproved capital value of $43,750.

If we allow this proposal to go through unamended, and limit the size of the lot to a half acre in order to get the concession, we will create many anomalies. Wealthy people living on highly-valued lots in prime residential areas will pay no land tax, while at the same time poor people on larger-sized lots but with a much lower valuation will have to pay tax; and in some cases will have to pay very high taxation. In these circumstances I am opposed to such a concession being limited to a property of half-an-acre or less. At a later date it is my intention to move an amendment to overcome the anomalies which I feel this proposal will create.

The Hon. W. F. Willesee: Could I just suggest that you place that amendment on the notice paper. You have had a week to look at it.

The Hon. F. R. WHITE: Possibly so. If the Leader of the House would like some forewarning of what the amendment will be, I will place it on the notice paper, but I do not think there is any rule which says I should put it on the notice paper beforehand. I may have had a week but I have been very busy.

The Hon. W. F. Willesee: No, just the common courtesy of the running of the House.

The Hon. F. R. WHITE: If we had common courtesy we would have a little less work. I have not been wasting my time. I will ignore the interjection, but I will give some indication of what my proposed amendment will be. My proposal would be to delete line 31—

The Hon. W. F. Willesee: My friend on my right says I should not use the words "common courtesy" so I withdraw the word "common."

The Hon. F. R. WHITE: On page 3, subparagraph (ii) outlines the condition that before the owner of the land can get a concession he must use it only for residential purposes. Many people utilise a normal home for purposes other than residential.

The Hon. I. G. Medcalf: This says, "principally."

The Hon. F. R. WHITE: The honourable member must have a different copy from the one I have. I may have acquired an out-of-date copy.

The Hon. I. G. Medcalf: I think this was amended in another place.

The Hon. F. R. WHITE: That is very good to hear, because that was the amendment I was about to propose. Yes, Sir, that has already been amended; I apologise for my error.

The Hon. W. F. Willesee: You were very busy last week all right.

The Hon. F. R. WHITE: I certainly was, and I am sure the Leader of the House was too. Somebody beat me to that amendment. Subparagraph (iii) reads as follows:—

> the improvements on the land consist of a dwelling house, or a dwelling house and outbuildings, only;

I have no objection to this subparagraph. Subparagraph (iv) reads as follows:—

> the owner owns no other assessable land within the State. ;

I feel the Taxation Department would not be able to police this condition. The Taxation Department sends out assessments to the taxpayers each year based on the land they own. An assessment would be sent to a husband and wife if the land is jointly owned. If the husband owns other property in his own right, a separate assessment would be sent to him. If the wife owns other property in her own right, then a separate assessment would be sent to her. If either of them owns land with another person, it would mean that separate assessments would be sent to such people. I feel the Taxation Department will find this completely impracticable to police.

I could instance the case of a person who owns a shop which is not large enough for residential purposes. On the next lot,

in the next street, or in another suburb this person may own his own home. Because the person lives on one block of land and owns another for conducting his everyday business, he will be denied the proposed concessions. This is a further anomaly. Furthermore, there are many farmers who own more than one block of land. In order to become more productive they need to own more land, but if they have a residential block in the township and they also have other land where they normally conduct their business, they will be denied the benefits.

The main point I wish to make about this subparagraph is the inability of the Taxation Department to police the situation of a person owning more than one piece of land. Secondly, I feel this creates an unnecessary anomaly.

Paragraph (b) of the last clause seeks to add another subsection to section 10. In effect, the paragraph provides that, in order to be eligible for the concessions, an owner, once again, must make personal application to the Commissioner. We are all well aware that at the moment many people are paying taxes they should not have to pay because of their ignorance of what is required under the Land Tax Assessment Act. This is a result of the tremendous volume of legislation which not only members of the general public are expected to know but which we also are expected to know, thus placing the onus on the taxpayer to submit an application for the concessions.

I believe the State Treasurer will not be making as many concessions as the Bill would have us believe. I also note that the Minister has not included in this clause any amendment to section 10 to provide that any estate or parcel of land shall not be capable of subdivision if a concession is to be granted. A half acre of land in some areas can be subdivided into quarter acre lots, and we find that different local authorities have different standards of subdivision. For example, many local authorities allow subdivision of one-fifth of an acre. In many instances a half acre lot could be subdivided, yet in the centre of the city, where there are homes that are highly valued, no provision is made to grant a concession only if the land cannot be subdivided. In my opinion this is an inconsistency. Why have such a provision in one section of the Act and not in the other?

If we are to insert a provision as to the area of land that can be subdivided it should have been incorporated in the amendment to section 10 and not in the amendment to section 8B. I support the general principles of the Bill, but, as I have indicated, there are particular clauses about which I am not happy.

Debate adjourned, on motion by The Hon. I. G. Medcalf.

House adjourned at 6.04 p.m.

Legislative Assembly

Tuesday, the 7th September, 1971

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

QUESTIONS (22): ON NOTICE

1. WHEAT PRODUCTS PRICES COMMITTEE

Constitution

Mr. MENSAROS, to the Minister for Labour:

(1) Will he recommend to the Governor to constitute the Wheat Products Prices Committee pursuant to section 6(1) of the Wheat Products (Prices Fixation) Act, 1938-1964?

(2) Whether (1) is "Yes" or "No" will he inform the House of the reasons for his decision?

Mr. TAYLOR replied:

(1) and (2) The Government is currently preparing legislation with regard to those matters which may be considered in the general area of consumer protection. The question of constituting the Wheat Products Prices Committee is part of this deliberation.

As it is most unlikely that there will be movement in bread prices in the immediate future, it is not considered that action is warranted before the Government finalises its thoughts in connection with consumer protection.

2. EGG PRODUCERS

Licenses: Applications and Appeals

Mr. BLAIKIE, to the Minister for Agriculture:

(1) How many licenses have been granted to poultry farmers by the Western Australian Egg Marketing Board?

(2) How many applications were—
(a) received;
(b) rejected?

(3) How many appeals to the Minister have been—
(a) received;
(b) rejected;
(c) upheld,
and from which shire area?

(4) In what shire districts have—
(a) licenses been granted to producers;
(b) applications been received from producers?