

# Legislative Council

Thursday, the 21st September, 1961

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

## DIVIDING FENCES BILL

### Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and transmitted to the Assembly.

## ALUMINA REFINERY AGREEMENT BILL

### Third Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [2.36 p.m.] : I move—

That the Bill be now read a third time.

Before I ask the House to agree to the third reading of this Bill I would like to take this opportunity of conveying to two or three honourable members some information which was not in my possession last night. In the first place, Mr. Ron Thompson raised the question of compensation to the hotelkeeper at Naval Base in regard to a crossing over the railway line. I am able to inform the honourable

member that Mr. Curran, M.L.A., took the hotelkeeper to see the Minister for Railways (Mr. Court); and whilst Mr. Court is not in a position to give an emphatic assurance at the moment he is aware of the difficulties of the hotelkeeper and will see what can be done.

Mr. Loton referred to artesian bores in the area. According to advice from the Metropolitan Water Supply, Sewerage and Drainage Department there are only two bores, one at Jandakot and one at Point Peron. The bore at Jandakot flowed initially at the rate of 48,000 gallons a day, but with the aid of pumping that was increased to 840,000 gallons a day. The bore was sunk to a depth of 2,742 ft. The water obtained has a total solids content of 182 grains per gallon compared with the department's water supply of less than 30 grains per gallon, and it may not be suitable for the alumina industry.

The Point Peron bore at 1,412 ft. flowed initially at the rate of 336,000 gallons a day. A bore on the actual works site, with chemical analysis of the water obtained, would be necessary to determine the suitability or otherwise of the artesian water.

I think the only other point was a question that Mr. Jeffery asked in respect to the number of people that might be employed. I have checked this; and at the refinery itself at Kwinana, there will be something in the order of 325 personnel. That figure will include professional, technical, and other people in connection with all phases of the refinery work.

It is difficult to give an assurance in regard to these things. There might be slightly fewer than 325, and there might be considerably more, according to the ultimate size of the refinery. About 40 men will be employed in the field at the mining site which, in the first place, is expected to be somewhere near Jarrahdale. These people will be mining people working on the crusher, and will include a team constantly in the field on exploratory work. So that all in all it looks—initially, at any rate—as if this refinery will give employment to approximately 350 men or more. Naturally, the opportunities for our own people are quite obvious. The company has assured me that as far as possible contracts will be let within Western Australia, and that, to every extent possible, Western Australian goods will be used.

It is quite impossible at this point of time to give the House any information concerning the number of men that will be employed in the actual building of the refinery; because it must be understood that it is the company's intention to call tenders for the construction of as much of the work as possible, and the question of employment then becomes the responsibility of the contracting firm. However, that is an outline of what the employment situation will be. I do not think there is

any question that has not been answered; and I think I have cleared up those three particular points.

The PRESIDENT (The Hon. L. C. Diver): The question is that the Bill be now read a third time.

THE HON. A. L. LOTON (South) [2.42 p.m.]: I thank the Minister for supplying the information. However, it merely increases my alarm regarding the availability of water to augment the supplies from the hills for these industrial undertakings. I hope the Minister—who is also in charge of the drilling operations for water—will, at a fairly early date, have some drilling done on the site where the paper mills are going to be located, or where the factory is going to be located for the treatment of alumina, in order to see whether a supply of water is available. I think it would be very reassuring to some of us if the department could strike a big supply.

The supplies at Jandakot and Point Peron together do not constitute a great supply of artesian water. They amount to only about 1,000,000 gallons a day. I think one of those places supplies 140,000 gallons. It is not a great supply for a depth of 1,000 ft. In the interests of the State as a whole, the Minister could well direct his department to carry out a survey in order to ascertain the water potentialities in the area.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [2.44 p.m.]: It is not my intention to hold up my own Bill, but I would like to tell the House—

#### *Point of Order*

The Hon. F. J. S. WISE: I think the Minister has spoken on the third reading.

The Hon. A. F. GRIFFITH: I am replying. Am I not in order, Mr. President?

The Hon. H. K. Watson: He is closing the debate.

The PRESIDENT (The Hon. L. C. Diver): I think the Minister could make a personal explanation.

The Hon. A. F. GRIFFITH: I am of the opinion that I am closing the debate. One honourable member took advantage of speaking to the Bill, and I am now closing the debate.

The Hon. A. L. Loton: The question was put from the Chair, and I was entitled to speak.

The PRESIDENT: The Minister is quite at liberty to speak.

The Hon. F. J. S. Wise: I hope so.

The Hon. A. F. GRIFFITH: Let us all make sure before I go on.

The PRESIDENT: The Minister will address his remarks to the Chair, and I will make the determination.

#### *Debate Resumed*

The Hon. A. F. GRIFFITH: I will take note of the remarks of Mr. Loton. In arrangement with my colleague, the Minister for Works—and naturally by arrangement with the Government—there will, I hope, shortly be set up a complete hydrological department within the State; and the Mines Department will have the function of geologically determining the supplies of underground water and also the task of arranging for bores to be sunk.

In connection with the Point Perin bore—I may be quite wrong, but of my own personal knowledge from going there over period of 20 years or more, that bore has been flowing into the sea for that length of time. At the time I saw it, I could not understand why. I do not know whether it still flows into the sea; but there was a pipe there in years gone by, with water running out of it, and children and others used to wash themselves in the water which came out of the pipe and flowed into the sea. It seemed to me to be a waste of water. It has an artesian head and possibly it could not be cased off. Nevertheless, the remarks made by the honourable member will not be overlooked. The depth of the bore at Jandakot is 2,742 ft. and the draw-off by pumping is 840,000 gallons a day.

Question put and passed.

Bill read a third time and passed.

### **BILLS (2): THIRD READING**

1. Health Education Council Act Amendment Bill.

2. Fire Brigades Act Amendment Bill.

Bills read a third time, on motions by The Hon. L. A. Logan (Minister for Local Government), and passed.

### **COMPANIES ACT AMENDMENT BILL**

#### *Second Reading*

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [2.49 p.m.]: I move—

That the Bill be now read a second time.

Advances which have been made in the direction of uniform company law consequent upon discussions which have taken place between State and Commonwealth Ministers, have been instrumental in bringing to the fore a striking anomaly in our company law. The anomaly occurs in respect of the registration of foreign companies carrying on banking or life assurance business in Western Australia. The anomaly is itself of a nature and of sufficient import to justify the introduction of this Bill ahead of the proposed uniform company legislation; otherwise an injustice will be done to such companies.

The anomalous position in which these companies find themselves is brought about through the provisions of section 5 of the Act, which provides that the other provisions of the Act shall not apply to banking and life assurance companies incorporated outside the State. The effect of this has been that such companies have been exempted from the need to register here. This has not, of course, prevented them from carrying on lawful business here for the past half century or more; for exactly the same position has existed under the Companies Act of 1893 as under the present 1943 Act.

Such banking and insurance companies registered under the New South Wales statute, and carrying on business in, say, Victoria, as foreign companies, are required to register and pay the usual fee. There is no provision in our Act for this, the companies being exempt from registration; nor do our provisions apply in other States. It follows that our Act contains an isolated peculiarity. It is most desirable and timely to rectify the matter, bearing in mind that the uniform companies Bill may shortly be explained in another place.

I mention this aspect for the reason that, because of existing company law in the other States, it is reasonable to assume that, under our new Act, an obligation to register will be imposed on these concerns. In this case, should that measure become law, the existing exemption concerning registration would cease, as it is considered that no logical reason might be advanced why this local immunity should persist. Its provisions will apply to 10 banking companies, and most of the life assurance companies. The effect of this will be far-reaching because these companies will become liable to pay fees based on the nominal capital, or in the case of a company not having share capital, on the number of its members at the rate to be prescribed in the new measure.

A mutual life assurance company will not be seriously affected, because its fee would be based on the number of its members; and, in all probability, the fee would be something in the vicinity of £60 for the average company.

Banking institutions, for instance, would become liable to a payment of £40,000. Life assurance companies having registration fees based on share capital, could find themselves in much the same position. This state of affairs would be grossly unfair on these banking institutions and assurance companies which have been operating quite lawfully under the present Act. On the other hand, the State may not at present offer registration to these companies, because of section 5 of the Act which clearly states that there is no obligation nor right for registration to be made.

I desire to emphasise that the State would be placing these concerns in a most invidious position when due regard is had for the law which has existed as far back as the last century, and such position would be brought about purely through the proposals for improving the law.

It is felt that the position might be best resolved through the introduction of a specific registration fee of £100 as proposed in the amendment to the tenth schedule of the Act. This seems a very reasonable proposal, having regard to the great disparity between the maximum amount chargeable as previously indicated, and the purely nominal fee of £25 contained in paragraph 5 of clause 22 of the schedule.

The purpose of this Bill is to rectify the anomaly which exists, in such a manner as to remove any doubt whatever as to registration, and, at the same time, to provide a reasonable relief, under existing law, from a hardship which could be incurred through the introduction of the uniform legislation.

**Debate adjourned, on motion by The Hon. H. K. Watson.**

### **METROPOLITAN REGION IMPROVEMENT TAX ACT AMENDMENT BILL**

#### *Second Reading*

**THE HON. L. A. LOGAN** (Midland—Minister for Town Planning) [2.54 p.m.]: I move—

That the Bill be now read a second time.

In moving that the Bill be read a second time, one could almost refer members to speeches made by The Hon. J. T. Tonkin in another place in 1957, when introducing the regional tax measure, and also to the speech made in this House by the late Hon. Gilbert Fraser in 1957 when introducing the Bill here; and to the two speeches I made in 1959 and 1960 in regard to the same measure. In all those speeches I think enough was said about the tax; and I could, really, at this stage simply move that the Bill be read a second time.

The Hon. H. K. Watson: Are you going to do that?

The Hon. L. A. LOGAN: No; I am just saying that I think enough has probably been said about it. However, I do not suppose that would be a very wise move; and, as I have some notes, I shall read them for the information of members.

The existing metropolitan region improvement tax will terminate on the 30th June next, unless something is done about it. The tax is set at present at 1d. in the pound. The proper financing of the Metropolitan Region Planning Authority undertakings requires a permanently assured income to enable it to raise loans necessary for carrying out its obligations. Unless its income is assured, these loans cannot be

raised and, consequently, capital works need to be carried out from the receipts accruing as a result of the improvement tax. So we have the position of the authority—although holding the highest ideals in the matter of spreading the impact of the long-term planning scheme over perhaps 10, 20, or 30 years—being forced to meet its commitments from day to day. This places the entire burden of long-range schemes on the present generation.

The Hon. F. J. S. Wise: Have you the actual figures of the needs in money?

The Hon. L. A. LOGAN: I will give a few figures directly. All this comes about because of the refusal of Parliament to authorise a permanent tax. Not only has Parliament refused to authorise the permanent tax, but, when a suggestion was made last year that the tax be reduced from 1d. to ½d., the proposition was still turned down. I might mention that *The West Australian* published a report the other day, dealing with the debate in another place, stating that the tax was increased from ½d. to 1d. I do not know whether members noticed that.

The Hon. H. K. Watson: They corrected it the following day.

The Hon. F. J. S. Wise: It was written by the finance editor!

The Hon. L. A. LOGAN: So 12 months have passed, and the tax is still payable at the higher figure. A temporary tax of 1d. is not very helpful to the authority, because it has to be used for capital works. It does not go very far in that direction. It is a question of principle with the authority that the long-range scheme should be financed from long-term loans. If the authority cannot adhere to its principles as to finances, it is only because of restrictions on its income about which it has no say.

An alternative means of finance would be through loan or revenue funds already available to the Government. This is ruled out as being impracticable. The reason for this is that the special grant payable to the State on the recommendation of the Commonwealth Grants Commission is determined by a comparison of our financial operations with those of the standard States, namely, Queensland, New South Wales, and Victoria. If the cost of capital works of the kind required under the metropolitan region planning scheme had to be met from Consolidated Revenue, the State would very quickly find itself out of line with the standard States.

The Hon. H. K. Watson: The cost of the works or the cost of servicing?

The Hon. L. A. LOGAN: The cost of capital works. The main one is actually the purchase of the land. There would be an inescapable adjustment to our grants, and it would not be a favourable one.

There is another way of obtaining this money. We could use a special tax related to the value of real estate and impose it throughout the whole of the State. I do not think the majority would favour this. There has never been any thought of introducing such legislation. It seems fair that the metropolitan region should find its own money for its own development. The financing of the authority by allotting money from State land tax collections, as well as being quite unacceptable in principle, would have no difference in effect from the direct charge to Consolidated Revenue, i.e., as related to the Grants Commission. The unfavourable impact on the State's finances would be equally felt.

The parent Act implies that the population of the metropolitan area should meet its commitments for town planning through the special tax. If this tax can be given permanency, loans may be funded and the authority will be enabled to carry out its obligations in the best interests of orderly development. Progress is at present restricted to the expenditure of the greater part of the tax on capital works.

The words "capital works" should of course apply to land purchase. The works have been described previously as envisaging an expenditure of about £6,000,000. I think the figure I gave last year was £6,500,000. The restriction being placed on the scope of the authority's activities is hampering the development of the metropolitan area. There are obvious signs of the need to carry out urgent works almost immediately, and the area as a whole would gain tremendously by the passing of this measure.

The amount of money raised in the last two years—that is, in 1959-1960—was £210,503. That is the amount that was collected. Members will recall that in introducing the Bill in 1959 I said it was anticipated that a sum of £140,000 would be collected. One must, however, appreciate the difference in the value of land today from the time when I made my assumption. Bearing these different valuations in mind, one can readily imagine how the person who made up this assessment could quite easily go wrong.

I have known of land, before the interim development order was placed over the area, being valued at roughly £200 in 1952. That is for the entire block. When it was revalued in 1957, after the plans of the metropolitan region had started to take effect, it was considered by the local shire council to be worth over £2,000 for taxation purposes. When purchase was about to take place in 1959, it was valued at over £8,000, and finally a sum of £9,000 or more was paid for it.

Accordingly I think we can excuse anybody who made up the assessment back in 1957 for being a little astray. The amount collected for 1960-61 was £221,217. So in effect for those two years £431,720 has been collected. I made a further check

to the end of August, and found that another £4,000-odd had been collected in that time. So, up to the end of August, £435,211 had been collected from the tax.

The amount of money spent by the authority in that period—and that was to the end of August—was £247,860, with £185,105 being committed. If we add those two figures together we will find that £432,965 has either been spent or committed; and as the amount of money raised was £435,211, we have a balance of about £2,500 over the two years.

Most of this money has been spent on the purchase of land for regional roads, and the figures I give now are only to the end of July and not to the end of August. We find that a sum of £339,902 has been either spent or committed from regional roads, and that a total of £44,710 has been either spent or committed on regional open space. One can readily understand just what would have happened had this amount of money been left to the Treasury to find. There is no doubt that it would not have been found; or if it had, many urgent public works in this State would have been left uncompleted. That is obvious.

I have already mentioned what happens if we try to take this money out of revenue; and I have already pointed out that we would be penalised by the Grants Commission if that were done. If we were penalised a certain amount, it would mean that it would be costing us double that amount. We cannot get away from that; it is inescapable whether we think we are doing the right thing or not.

If we do not get some continuity of this tax we will have a situation similar to that in which the Cumberland County Council of New South Wales finds itself. I have a newspaper article here which is headed, "Town Planning Lacks Teeth." The article is written after an interview with Mr. Dusseldorp. I do not know whether he is known to members of this House, but he is one of the leading figures in civic and civil affairs; and it is most interesting to see what he had to say in this article which was contained in a Sydney newspaper. In referring to Perth the report states—

This week I discussed this growing city's land use dilemmas with Mr. Dusseldorp, just back from his first visit to Perth, where he was impressed by that city's direct and effective approach to problems which we are still handling in a roundabout and dilatory way.

Further on the report continues—

Switching back to Perth, Mr. Dusseldorp said he was most impressed by the town planning procedures of that growing city.

Unlike Sydney, the planning organisation was a statutory body with wide powers to implement its decisions.

There were uniform building regulations for the whole State, as in New Zealand.

The important thing about that is that it is a statutory body with wide powers to implement its decisions. Unless we are to get some continuity of finance we will certainly drag the teeth from this authority. It has been argued before that the Treasury can guarantee the loan; it has also been suggested that it can be taken from the land tax. I have already mentioned that that will definitely have a bearing from the point of view of the Grants Commission; and instead of it costing us the amount we expect, it will cost us double, which I do not think the State is in a position to pay, particularly for something that is not necessary.

It seems strange to me that the whole of the populace of the metropolitan region has accepted this tax without argument. It is safe for me to say that not one letter of protest has been received by the office of the Town Planning Department, or by the regional authority, or by myself as Minister for Town Planning in the last two years. Yet when we bring the matter to Parliament we find that all kinds of opposition is offered to the measure.

The Hon. R. Thompson: Would it be safe to say that there would be less opposition if it were state wide?

The Hon. L. A. LOGAN: There would be a lot of argument if it were state wide. The people in the north-west, who live there for 99.9 per cent. of their lives, should not be expected to pay the full contribution in respect of the Metropolitan Region Planning Authority. They are paying their share by virtue of the fact that this cost to the authority is only portion of the cost. The wages and other costs of the Town Planning Department are paid on a State basis.

The Hon. H. K. Watson: So they should be.

The Hon. L. A. LOGAN: I agree, and I am quite happy about it. Much money is coming from the main roads funds towards the cost of the development of the metropolitan region, but of course there are many calls on it; and the salaries of the executive officers and other officers are paid for on a State basis.

What I am trying to convey is that the money the authority will use in trying to make this plan operate will not only come from the regional tax, but the rest of the State will pay its share as well. And I think we are quite happy to do it; but surely having done that, it is then up to the region to pay the rest of the cost. I think my tax last year was 19s. 2d. Surely I can be prepared to pay that much for the improvement of the city in which I live!

The Hon. F. J. S. Wise: That is for ever.

The Hon. L. A. LOGAN: What if it is for ever? We pay more for our local government rates—and they are forever—for the improvement of our district; so why not pay a small amount this way for the improvement of our district? I know that it has been said, and will be said often again, that under town planning schemes someone gets hurt. No one knows that more than I do; and I am sure Mr. Wise will agree with me—because he was Minister for Town Planning for a period—when I say that there are probably more human problems faced in connection with town planning than there are under any other department or portfolio.

I am frightened that if we do not give this authority the necessary capital or tax to enable it to borrow money in future it will lack teeth, and those people whose land is wanted for roads, etc., will not be paid.

Before this tax came into being in 1959 an area near Welshpool was set aside for a marketing area. People out there did not know where they were going.

The Hon. G. E. Jeffery: They were going to market!

The Hon. L. A. LOGAN: Their rates and taxes for the 10 road boards were increasing. I gave some values a little while ago which should make members realise what they were in that particular area. One man, who was only a clerk, had 15 acres of land out there. However, he was only using the house in which he was living. His rates had gone up to £300 and he could not afford to pay them. At that time there was nowhere from which the authority or even the Town Planning Department could obtain money to pay compensation. I had to almost go down on my hands and knees to the Treasurer in order to evolve a plan whereby we could pay these people and let them know where they were going. This gave them some hope for the future. Eventually I was able to get the Treasurer to pay them on a basis of 25 per cent. down, and the balance in three instalments at an interest rate of 6 per cent.

That is in only one very small isolated pocket of the metropolitan area; but if that principle is to be applied to the whole of the metropolitan region, someone is going to go short.

The Hon. H. K. Watson: Have you raised any loans as yet?

The Hon. L. A. LOGAN: No; because we are not going to raise loans until we are sure that we have continuity of revenue to service the loans. We have looked around this particular year to see whether one was available, hoping, and, might I say, anticipating, that we would have the continuity of this tax at the rate of 3d. in the pound. The only money available is a

sum over a period of 40 years. That means of course that the annual funding is not a very great amount; something like £13,000.

The Hon. H. K. Watson: How much?

The Hon. L. A. LOGAN: £13,000. I do not like the long term, because by the time that £200,000 is paid back in 40 years, over £500,000 will have been paid for it. But that was the only money likely to be available at that particular time for borrowing. It may be that next year, or the year after, or the year after that, trends will have changed again and we may have shorter terms of 20 or 21 years, in which case the refunding must be increased proportionately. However, over that repayment period there would not be as much interest paid.

I will remind members that this money for borrowing is not as easy as some members might think, because it is just not available. We must remember that in 1963, 1964, and 1965 the Electricity Commission will be asking the public of this State for quite a large amount of money to build the new Muja power station. On top of all the money which the Federal and State Governments, and some local governing bodies, are chasing, it could quite easily be that there will not be any money available for this particular purpose. I do not think we want to be placed in that position.

I know that it is not easy. Some people have said that we should put it on all the land in the metropolitan area; some say it should be on all the land in all of the State. I am prepared to go this far in regard to the metropolitan area: I believe that once the regional scheme is made law, whereby there are definite zones, then any land not actually zoned for rural or agricultural development can be included in the scheme for the purpose of the tax. I think that is only fair. However, until such time as these areas are defined and laid down by law, it is difficult to work them out. I do not think anyone could go to the Taxation Department and decide who should pay and who should not. Therefore, a general exemption must be applied, and that is what is done under the Land Tax Assessment Act today.

It has been mentioned that the tax could be reduced still further to 1d. I claim that at the moment this would not be justified, because even if we do borrow £200,000 a year for the next four years, at the end of 1964, based on 3d. in the pound, there would be a total of £1,132,000 for use. I anticipate that by the time the western switch road is completed—and according to all information we can obtain the first stage should be completed by 1965 or earlier—we will have run out of money. In fact, we will have run out of money a long time before then. I mentioned last year that something like £6,000,000 would

be required just for the western switch road alone. Yet under this tax we will have received only £1,132,000.

The Hon. H. K. Watson: How much a year would ½d. bring in?

The Hon. L. A. LOGAN: Between £110,000 and £120,000. I believe that the time will come when we can reduce this tax to ½d., but at the moment it is impossible.

The Hon. F. J. S. Wise: That is the usual pious hope, but it is never done in taxation.

The Hon. L. A. LOGAN: I do not know. Here I am attempting to reduce it from ½d. to ¼d.; and I tried to last year. That is not a pious hope; it is something valid and something attempted, so I do not know why Mr. Wise calls it a pious hope. With a population of 750,000, and an anticipated population of 1,000,000 by 1980, and 1,250,000 by the turn of the century, I think it is more than feasible and more than a pious hope that we will be able to reduce it to ¼d.

The Hon. H. K. Watson: It is not a poll tax; it is on land.

The Hon. L. A. LOGAN: I know. But it is land that can be subdivided, and increased in value; and that extra value must, in turn, increase the amount of tax that can be received.

The Hon. R. Thompson: If the rural lands in the metropolitan area were included, what would be the estimated amount of tax that would be received from them?

The Hon. L. A. LOGAN: If the whole of the rural lands in the metropolitan area were included, the entire tax would be about £8,000.

The Hon. R. Thompson: It is rather farcical at present.

The Hon. L. A. LOGAN: I agree that this is not easy. Until such time as we have a plan defining the position, it will not be easy to say who has to pay and who has not. I do not think that those people who are subject to rural zoning should be called upon to pay the tax. I hope I have given the House most of the information which is required. If there is anything further that members want, I shall be only too happy to make it available if I can.

I must again ask members to give this matter consideration. In 1957 a measure dealing with this question was introduced by Mr. Tonkin in another place; and that Bill provided for a permanent tax. The measure was introduced into this House by the late Mr. Gilbert Fraser in 1957; and again it provided for a permanent tax. It is unfortunate, perhaps, that the Bill came to this Chamber at the stage of the session that it did—on the night before the final sitting when we had about 25 items on the notice paper.

We received the measure at a fairly late hour, and one honourable member moved that it be adjourned until August, 1958. Mine was the lone voice among Opposition members: I walked across the floor and voted with the Labor Party members to keep the measure alive. In my opinion there was no need for it to be dropped. With my vote, the Labor Party won the division, and the Bill remained on the notice paper, and it could have been dealt with the next night, if necessary, but for some reason it was not. I make it perfectly clear that in 1957 I was prepared to support the Bill; and had it gone through at that time, all the words that have since been spoken on this tax would not have had to be uttered.

I am sure that many people in the metropolitan area would be much better off had the Bill been dealt with at that time, because they could have been paid for their properties as they could have been resumed much earlier than they have been. The tempo is going to increase; I am certain of that. Within the last month a large amount of money has had to be paid out to people who are waking up to what is going on. People who have land in open areas and want to develop it, find that when they put in an application to do something with the land, it is knocked back by the authority, and so they are claiming under this measure; and I do not blame them. I think that is the way it should be. But let us make sure we have the finance to pay these people for the land which they cannot use as they would wish, and which we as an authority have to take over.

Debate adjourned, on motion by The Hon. F. J. S. Wise, until Thursday, the 28th September.

## COOGEE-KWINANA (DEVIATION) RAILWAY BILL

### *Second Reading*

Debate resumed from the 20th September.

**THE HON. R. THOMPSON** (South) [3.25 p.m.]: This measure is consequential on the Alumina Refinery Agreement Bill which we passed today. When speaking on the alumina Bill, I mentioned that I had inspected the road and railway deviations in respect of what is known as the Perth-Naval Base Road. The Minister has given sufficient information this afternoon to put my mind at rest; I now know that the best that can possibly be done for the caravan park, the hotel owner, and the storekeeper, who will be vitally affected, will be done.

Since I last spoke, I have had time to have a closer look at the area, and I suggest it would be possible to install a level crossing there. The crossing would not necessarily have to be a straightout level crossing; it could, perhaps, consist of

a spur road, 40 or 50 yards long, at an angle to the railway line. Such a crossing would be quite safe and would not confuse people in deciding whether they should proceed directly south, or take the new road.

I leave that thought with the Minister as I think the crossing could be worked out without creating any hazard, providing lights were installed and people had a full knowledge of the crossing. The land there is rather high so that anyone approaching the crossing would have a fair view of oncoming trains from either direction. I support the second reading of the Bill.

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [3.28 p.m.]: The only comment I have to make—just to put the record straight—is that I did not say anything about the caravan park when I was speaking on the alumina Bill, because I had no information concerning it. I do not want to be misconstrued, or the honourable member to think that I have given an assurance that I was not in a position to give.

The Hon. R. Thompson: I realise that.

The Hon. A. F. GRIFFITH: My colleague, the Minister for Railways, has told me that he has seen the hotel proprietor, and the Minister has informed him that every consideration will be given to the problem. Purely coming from myself as an individual, it has occurred to me that this man in the hotel may find himself in quite a good position.

The Hon. J. G. Hislop: Did the Minister see the owner or the licensee?

The Hon. A. F. GRIFFITH: He said he saw the hotel man. I do not know whether he saw the owner or the licensee.

The Hon. J. G. Hislop: The owner is a woman.

The Hon. F. J. S. Wise: She is a widow; and her late husband is in heaven. He was a Pressman.

The Hon. A. F. GRIFFITH: I do not know who the owner is, and I do not know who the licensee is; but Mr. Court told me that he had seen him.

The Hon. J. G. Hislop: That would be the licensee, unless it was the son of the owner.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. A. F. GRIFFITH: I do not know who is the owner or the licensee, but the man in the picture has seen the Minister for Railways, and I have informed the House what the Minister told him.

It occurs to me, off my own bat, that this man may find himself in a good position when 300 or 400 employees and their families are residing close to the alumina plant. I offer that just as a pleasant thought in so far as that person is concerned.

The Hon. R. Thompson: That has been examined, but with the construction of ore bins behind the hotel, if an overway is not erected there, there will be no access to the hotel whatsoever.

The Hon. A. F. GRIFFITH: At the moment I can only reiterate that the Minister for Railways has said the matter will be given every consideration. I thank the honourable member for his support of the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

## FRUIT CASES ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 20th September.

**THE HON. W. F. WILLESEE** (North) [3.30 p.m.]: In principle, the Bill concerns the right to repack banana cases which have been brought into Western Australia from the Eastern States. It seeks to delete from the Act seven subsections of section 8 which impose restrictions on the handling and repacking of cases containing fruit which may be suspect and subject to disease as a result of banana infestation brought from the Eastern States.

There is no reason why the Bill should not be of some value, because banana cases are strongly constructed; and even with the probability that a disease could be within a case, an assurance has been given that it would not be taken into an area within 30 miles of where bananas are grown in this State. Therefore, if the Bill is passed, business interests will not be denied the privilege of using these cases a second time. If passed, the Bill will mean that all of the seven subsections of section 8 will be deleted from the Act, and banana cases imported from the Eastern States will be subject to being repacked or interchanged between purchasers and from a purchaser to a retailer without any restriction.

The Bill has considerable value with the restriction that it seeks to impose whilst at the same time it seeks to delete from the Act all the existing restrictions. One can quite realise the possibility of some disease being introduced into Western Australia by the importation of infested bananas, and that it could remain within the confines of the cases, and that if it was taken into a banana-growing area there would be the risk of its being propagated. In the interests of the people who desire to use a strongly built second-hand case, the Bill has much to commend it.



**THE HON. G. BENNETTS** (South-East) [3.35 p.m.]: I have seen many hundreds of cases containing bananas being handled after importation from the Eastern States and it is a wonder to me that such a Bill as this was not introduced a long time ago, in view of the superior class of material that is used for the manufacture of these banana cases compared with that which is used in the construction of local cases. Whilst on this subject, I have also wondered why many of our tin containers, such as large milk tins, cannot be re-used in this State. In view of the fact that this could probably be an economic move, I am sure this is a thought any Government in the future could consider with a view to bringing forward an amending Bill to implement such a suggestion.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

### **METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST ACT AMENDMENT BILL**

*Second Reading*

Debate resumed from the 20th September.

**THE HON. G. E. JEFFERY** (Suburban) [3.40 p.m.]: This very small Bill is a simple one. As the Minister stated, it will confer on the Metropolitan Transport Trust exactly the same authority as was conferred on the old Tramways and Ferries Department, which was absorbed in the trust. This is quite a worth-while measure.

Having viewed some of the junk which has accumulated as a result of the forgetfulness of the travelling public, I feel that the provisions in the Bill could be classed as emergency measures. It has always amazed me at the auction sales of lost property that the auctioneer seems to be able to extract twice the true value for the articles sold. From the number of umbrellas I have seen being sold at such auctions, I am sure most of them were left behind by football or soccer spectators: they seemed to have been used on the supporters of the opposing teams, or on the unfortunate umpire!

It is important that the Metropolitan Transport Trust should be given authority to dispose of the accumulation of lost articles, and this Bill will enable the trust to do what the old Tramways and Ferries Department did in this respect.

**THE HON. G. BENNETTS** (South-East) [3.42 p.m.]: This Bill provides that lost articles shall be held by the trust for 21 days before being disposed of. I would like the period to be extended to one calendar month, if that is possible.

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government) [3.43 p.m.]: I would point out that subsection (1) of the proposed section provides that the trust may give due notice in the *Government Gazette* that anything left in or on any property of the trust, and its owner being unknown, will be sold 21 days or after. That refers to notice in the *Government Gazette*, so the period could easily be a month.

**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.**

*Sitting suspended from 3.45 to 4.1 p.m.*

### **MINING ACT AMENDMENT BILL**

*Second Reading*

Debate resumed from the 19th September.

**THE HON. W. F. WILLESEE** (North) [4.1 p.m.]: In reading the Bill it is difficult to interpret what is really intended because, in the first instance, the Act may be cited; then the principal Act is amended; and finally something is deleted. Looking at the parent Act, and taking note of the material presented by the Minister, it becomes obvious that there has been a difference in the situation which existed between the rights of people being granted mineral rights on Crown land as against mineral rights on private land, inasmuch as the owners of private land—or perhaps I should say people requiring permits to operate on private land—were subject to a proclamation under the Act.

In the course of years, the proclamations grew until there were several titles under which one could operate and search for a particular mineral on private land which was within a previous proclamation. In the case of Crown land it was merely a matter, I would assume, of applying for and being granted a specific permit for the particular material respect to which it was desired to operate.

The Hon. A. F. Griffith: Mineral rights can be granted over Crown land, but not over private land.

The Hon. W. F. WILLESEE: I was endeavouring to come to that point.

The Hon. A. F. Griffith: I am sorry; I was only trying to help you.

The Hon. W. F. WILLESEE: The point is this: It is now desired to give the same easy access to private land as is the case with Crown land with regard to the exploration of minerals. I think that must be considered reasonable if one would imagine that a specific area entailed some Crown land and some private land. If the

situation I envisaged did happen, it would be an absurdity to have to wait for a proclamation in the case of the private land and give an open sesame in the case of Crown land.

The Bill does nothing more than do away with the proclamation system which applies to section 136 of the parent Act and enables the privileges which apply to Crown land to be applied to private land. So, in effect, if one wants to mine, explore, or develop minerals, one will have the same rights with regard to Crown land as with regard to private land. To me there is no issue, and I support the Bill.

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [4.6 p.m.]: The honourable member is substantially correct in his interpretation of the situation, but not completely. The Minister for Mines, for the time being, has the right to grant mining titles on Crown Lands, but the holders of freehold lands, as the Act indicates, have the right to collect rent, and have the right to royalties; and the Minister for Mines is not in a position to grant mineral rights over minerals on private land.

Section 136 of the Act requires that a particular mineral on private land shall be proclaimed; and during the course of time, something in the order of 43 minerals have been proclaimed. The footnote in the Act says—

The following minerals have, by proclamations made and published from time to time, been brought under the provisions of this Part.

What the Minister has had to do in the past is to proclaim each individual mineral as and when required; but if Parliament agrees to this measure it will not be necessary to do that. The effect of the Bill will be to cancel all proclamations that have been previously made and to regard all minerals discovered and to be discovered as covered by this particular section of the Act.

The only correction I wanted to make in the mind of the honourable member was that minerals on private land would not be dealt with in the same way as minerals on Crown land. There is still a substantial difference, because the Minister for Mines cannot grant mineral claims on private land. The owner is entitled to receive the benefits of his ownership, with the exception, of course, of certain statutory exemptions which have been provided for in the past.

#### *Personal Explanation*

**The Hon. W. F. WILLESEE:** By way of thanking the Minister, I would like to say that my mistake was an honest one. If one reads the Bill—

**The PRESIDENT** (The Hon. L. C. Diver): I would suggest that the honourable member make his explanation in the Committee stage as he has already spoken on the second reading.

#### *Debate Resumed*

**Question put and passed.**

**Bill read a second time.**

#### *In Committee*

**The Deputy Chairman of Committees** (The Hon. A. R. Jones) in the Chair; **The Hon. A. F. Griffith** (Minister for Mines) in charge of the Bill.

**Clause 1 put and passed.**

**Clause 2: Section 136 amended—**

**The Hon. W. F. WILLESEE:** I am indebted to the Minister for his explanation. However, I think my mistake was understandable. There is nothing in the Bill to suggest there is a royalty situation applicable to private ownership. Seeing this small Bill takes in royalties, it should have contained a third paragraph. I do not want to be critical, but one can only have regard to the material put before one and try to make a reasonable contribution to the issue. I thank the Minister for putting me right, but he introduced something quite extraneous.

**The Hon. A. F. GRIFFITH:** It was not my intention to mislead. I know this is a little difficult to understand and one has to read the amending Bill into the parent Act. What I wanted to point out was this: At the present time, if it is intended to give mineral rights on private land, before that can be done the mineral has to be proclaimed. In the case of Crown land, any title can be granted because the Crown owns the land and the minerals thereon. Over a period of time I think there have been, in all, 43 proclamations concerning different minerals. With the passage of this Bill, the requirement to make a proclamation in regard to each individual mineral will go. Therefore, we can start afresh and all minerals will be deemed to be proclaimed.

The point I want to make is that the owner of the land still has his inherent statutory rights. They are not affected, apart from the statutory limitations that are placed upon the ownership of minerals. Therefore, as a mineral is mined on private land, and so long as it is not statutorily excluded, the owner of the land can, in conformity with this section, receive the rent thereof. Royalties are not specified in the Act; they are proclaimed from time to time. It may be possible to have a royalty of 3d. today, and 2s. 3d. tomorrow. They are prescribed from time to time and can be altered. That is the only reason I did not mention royalties.

**The Hon. W. F. WILLESEE:** I accept the Minister's explanation entirely, but I would point out to the Committee that the material issue of this Bill lies in one sentence, as explained by the Minister, and it is—

This Bill is to amend the private property sections of the Act to provide that titles for any mineral may be granted, as is the case in regard to mineral leases on Crown Land.

On that I based my remarks.

Clause put and passed.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

## UNAUTHORISED DOCUMENTS BILL

### *Second Reading*

Debate resumed from the 19th September.

**THE HON. E. M. HEENAN** (North-East) [4.18 p.m.]: As the Minister has already explained, the purpose of this Bill is to put a stop to certain questionable practices that have grown up over the years in the debt collecting business. It is common knowledge that nowadays many goods are sold on credit, or what is termed time payment; and, in fact, the public is invited by alluring advertisements to adopt this method of trading.

It will be readily admitted that the changeover from the old system of payment in cash quite possibly has certain advantages. For instance, it enables many people to make worth-while purchases which they would otherwise be unable to make. In the upshot, however, there has been a considerable increase in the class of people that can be described as debtors. Following on this, there has grown up a number of firms and individuals who specialise in the business of debt collecting.

Of course, debt collecting as a business has been in existence for many years; but it has attracted more adherents in recent years with the increase in the time payment system. One could admit that it is a natural corollary of the changed method of trading. One could also admit that a number of individuals and firms who carry on the business of debt collecting do so in quite a legitimate way.

It will be realised that debt collecting is not always an easy or a pleasant calling. We all know that there are some people who obtain credit from others, and they get it in good faith. However, they flout their obligations to meet their legitimate debts, or in making a real effort to meet them. Such people are not worthy of sympathy. But there are many others who, due to circumstances beyond their control, do deserve sympathy. They get into debt and have difficulty in meeting their obligations. I believe that this group of people would form the great majority; and those people are the ones who need the protection proposed in this measure.

It has also to be borne in mind that in many cases people get into debt because of inducements held out to them by unscrupulous traders. I have in mind young people of 18, 19, and 20 years of age who purchase—and who are induced to purchase—second-hand motorcars on time

payment; and who persuade their unfortunate parents—who are sometimes ignorant of the circumstances—to guarantee the purchases. Frequently such dealings land the persons concerned in the hands of debt collectors.

The Minister has told us that it has come to the notice of the Crown Law Department that some debt collectors have been adopting questionable practices in sending out to debtors, notices and other forms and documents that are intended to mislead people into believing that they are, in fact, official forms issued by the courts. Members know that a local court summons is printed on blue paper. I have here a sample of a local court summons. In common parlance it is referred to as a "bluey."

Some debt collectors have a similar form printed on blue paper; and when this form is sent to the debtor he is induced into believing that it is an official form from the courts. In the Minister's own words, "Such notices or documents are pure camouflage of forms issued by the courts."

The Hon. A. F. Griffith: I borrowed the expression for that purpose.

The Hon. E. M. HEENAN: These forms are undoubtedly intended to frighten the unfortunate debtor and to mislead him into believing that they are processes of the courts.

This Bill proposes to put an end to these abuses, and, as such, deserves our support. As has already been pointed out, the measure has the support of the Law Society of Western Australia. I also understand that similar legislation has been enacted in some of the other States. No proceedings will be able to be taken without the consent in writing of the Attorney-General. This is a safeguard which should prevent unfair and vexatious prosecutions.

I think the measure is well justified and will correct these abusive practices that are likely to become worse unless they are halted at this stage.

**THE HON. R. F. HUTCHISON** (Suburban) [4.26 p.m.]: I am very happy to support the Bill. I have had a lot of experience of the worry that is caused to persons who have been served with forms that look very much like a court summons. I saw a blue printed form that was sent to a person who could not meet one or two payments on a parcel she had purchased. I told her that the form was not a summons. That was one case of many which I have experienced over the years.

Some of these forms are very ingenious, and the ordinary person who gets one does not know whether it has come from a court or from a solicitor. There was a spate of these forms a little while ago in connection with the purchase of ladies' frocks and other items of ladies clothing. I am very

pleased that something is now about to be done about these forms. The sending of them causes, as Mr. Heenan pointed out, a good deal worry; and it is often the cause of a lot of trouble in the home, because sometimes a wife is afraid to tell her husband that she has received such a form. The matter comes out after a while, and quite probably the husband does not know that it is not a legal form. I support this Bill.

**THE HON. H. K. WATSON** (Metropolitan) [4.28 p.m.]: I do not propose to delay the House. In so far as the Bill proposes to preclude any debt collecting agency from using on its documents any sign or symbol purporting to represent the Royal Arms, and so on, the Bill deserves our support. On the other hand, we must realise that legitimate and ethical, but none the less industrious, debt collecting agencies—

The Hon. R. F. Hutchison: And unscrupulous ones.

The Hon. H. K. WATSON: —do have a gimmick or two to assist them in collecting outstanding debts. For my part, I can see nothing wrong with a debt collecting agency sending a final notice to a debtor and heading it, "Final notice of intention to issue summons," and so on. I can see no objection to a debt collecting agency issuing such a notice, whether it be printed on blue paper, or brown paper, or pink paper, or newspaper. A few days ago I came across a piece of philosophy which appealed to me as having an awful lot of horse-sense.

The Hon. R. F. Hutchison: It is human sense we want here.

The Hon. H. K. WATSON: It said this—

If you desire to play your part in the community, and to do a good job for the community, there is no need for you to join the Heart Foundation; there is no need for you to join the Parents & Citizens' Association; there is no need for you to join any dogooders' association; all that is necessary is to pay your debts as they become due.

The Hon. R. F. Hutchison: That's pure rot.

The Hon. H. K. WATSON: That strikes me as being pretty good advice; and, in dealing with a measure such as this, let us remember that all that debt collecting agencies are doing is endeavouring to collect for their clients debts from defaulting debtors.

**THE HON. G. C. MacKINNON** (South-West) [4.31 p.m.]: The underlying problem behind the introduction of a measure such as this is a subject to which this House, and other bodies like it, must give serious thought, and there is a deal of merit in what Mr. Watson has said. But in his philosophising I do not think he went far enough.

This Bill will make the job of debt collectors perhaps a little more difficult, and there are good and cogent reasons why we should do a little bit more along those same lines. The philosophy expounded by Mr. Watson was all very well in the days before the forced selling techniques, which are in vogue today, came into being. But they have reached a stage in England where it has become an accepted facet of society that reasonable and honest people are quite deliberately setting about to defraud shopkeepers. I read a report on this; and, according to the report, they are paying a certain amount of money on goods and are then not paying any more; and they are getting away with it. Apparently it is a common practice.

I have been a salesman and I know how one can utilise techniques. A salesman can go to a person and he can play down the necessity for payments. He will say, "We are not very hard; we give you a bit of grace," and so on and so forth. He gives the impression that provided the customer pays now and again it will be all right. But then there is the other type of salesman, who is more honest, and who will say, "You owe that much every month, and it must be paid every month," and he gives the person an honest idea of the seriousness of the debt. Perhaps he does not sell as much, but he does not have to chase so many bad debts either.

I think we have all had the experience of going into shops to cash cheques, and I think most of us have had the experience of offering proof of identity only to have it airily brushed aside by saying, "We don't want that. We can cash your cheque." I have had it happen to me many times, because I do not carry much cash; I carry a cheque book and cash cheques.

The Hon. J. G. Hislop: That is because of your honest face.

The Hon. G. C. MacKINNON: It may be, but I think the stock-in-trade of a confidence man is an honest face. I believe a lot of thought is being given to this matter in England: that we are giving too much protection for *ad lib* credit, and that we are not placing enough responsibility on the shopkeeper to ensure that his trust is well placed.

According to this report, shopkeepers in England said, when asked why they gave so much credit and sold on such low deposits and long-term payments, "If we don't do it other shopkeepers will." So they are forced into it. I am given to understand that a good deal of thought is being given in England to a reduction of the protection offered to shopkeepers and general merchants regarding the issue of what can be termed *ad lib* credit. A fellow walks in to a store and the salesman says to him, "That's all right, book it up." Most of us have had that experience. We have gone

In my view hire purchase, if intelligently used, can give young couples the use of washing machines, motorcars, and so on before they are too old to enjoy them. Why should they have to go all their working lives without enjoying such amenities? But I can mention the case of a man who was on an award rate of pay of £19 10s. a week. He was getting regular overtime which brought his pay up to £27 a week. When the overtime suddenly cut out, he found himself committed to a weekly expenditure on hire purchase of £16 10s., leaving him £3 a week to live on out of his award rate. Consequently he found himself in serious trouble despite the fact that he was getting the full award rate. When one thinks of that sort of thing, it makes one realise how absurd easy credit and forced selling has made the position in our community.

into shops to buy something and the salesman has said, "I will put this on a charge account."

From my experience one is pestered to death to put things on a charge account. I do not think it is good for the community generally, and it is certainly not proving to be very good for business in general. It could conceivably have its hardship side as well, until ultimately we would get back to highlighting the advantages of the philosophy expressed by Mr. Watson; and if something were done to suppress the present high pressure sales techniques, we would get back to the days when people were able to pay their debts; and then we would be getting a little closer to living within our means. I do not decry credit or hire purchase; because I think it is absurd that people should have to live all their lives without labour-saving devices, or have to save up until they can pay cash, by which time they are too old to enjoy them.

Pre-war the credit houses used to assess the means of a family, or its ability to pay; and they would assess one house, for example, as a £1-a-week house, and they would supply the occupiers of that house at the rate of £1 a week. After a certain amount had been paid the weekly debt might be reduced to, say, 15s. whereupon the credit house would allow additional expenditure of 5s. per week to bring the payment back to the budgeted £1 weekly. So the credit house would say to the people concerned, "You can have another lot of goods, worth a payment of 5s. a week, to bring you back to the weekly rate of £1." That was very helpful to many families who, of necessity, had to budget with great care.

Today one can buy articles worth a couple of hundred pounds, and one's equity, when the articles are in one's house, set up and operating, is only £5 or £10. The equity would not cover the immediate depreciation.

The Hon. J. G. Hislop: If you trade something in, you can have the money in your hands as a down payment on something else.

The Hon. G. C. MacKINNON: Yes. One can trade an article in, use that as a deposit on a new machine, and get money as well to use as a deposit on still another article. However, I think we are giving a little too much protection in this direction, and perhaps we should place a little more responsibility on the shopkeepers.

This Bill, apart from its advantages in stopping the obvious practice of copying legal documents, could be a step in the right direction if it does in some small way encourage shopkeepers to have a second look. Also, if sympathy cases could not be dealt with, I think most of us would deplore that fact. There are some people who temporarily suffer hard times, and many shopkeepers have carried such people for considerable periods, very often to their own detriment. Shopkeepers throughout the farming districts, and many other areas too, have given wonderful service to the State in that way.

However, the credit system seems to have run riot in recent years, and it is something to which I think traders in general should give a little serious thought. In fact if the position becomes any worse, I think we will possibly have to give serious thought to it in an endeavour to place a little more responsibility on the shopkeeper who is giving the credit, and take some of it away from the law enforcement officers and the courts who are present are chasing up debts which have been incurred because of the free and easy attitude—sometimes over-generous attitude—of shopkeepers and traders. I support the measure.

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [4.42 p.m.]: I think we have been a little inclined to get away from the point of this Bill in talking about the causes of indebtedness. This measure is intended to give some protection to the debtor when it is considered that he should be protected from unscrupulous persons—and they are not all unscrupulous, of course—who would bring pressure to bear in such a manner as to cause the debtor to be frightened to the extent that he would make an extra effort to pay his debts. I understand it is a principle of the law that it is the duty of the debtor to chase his creditor; I do not mean literally to pursue the creditor, but in order to pay his debts.

The Hon. N. E. Baxter: That's a change.

The Hon. A. F. GRIFFITH: I understand it is a principle of the law, is it not Mr. Heenan? It certainly should be a moral obligation in addition to a legal one.

The Hon. G. C. MacKinnon: I think with most of them it is.

The Hon. F. J. S. Wise: Don't treat them like wives.

The Hon. A. F. GRIFFITH: I am of the opinion that if a man cannot pay his debts, in addition to the legal obligation

he would have a moral obligation to contact his creditor and explain to him that he cannot pay, and give him a reason for not being able to pay. In such cases the average creditor would accept a reasonable explanation and would give the debtor an opportunity to pay. It is quite true to say that we cannot protect fools from their folly; and so we cannot protect a man—and heavens above I hope we do not try to legislate for it—from involving himself financially to such an extent that subsequently the transaction proves to be an embarrassment to him. The good commonsense of the individual should prevail and he should try, to the best of his ability, not to buy something which he cannot afford. However, I know that sometimes that is easier said than done.

The courses of the law are open to the creditor to obtain payment of his just dues; and this Bill expresses the opinion that there is no need for the debt collector to go to such lengths as to try to frighten the debtor into paying.

The Hon. R. F. Hutchison: They do that.

The Hon. A. F. GRIFFITH: The law provides that the creditor, his solicitor, or his agent, can represent to the debtor the fact that the money is owed and that he should, within a certain time, pay it because it is due and payable. So in the case of a solicitor who acts for a creditor, a letter is written; and where the debtor takes no notice of the letter, the solicitor can institute proceedings on behalf of the creditor. The debt collector can do exactly the same thing, the only difference being that he is not entitled to legal costs to which, of course, the solicitor is.

Nevertheless, he is not entitled, in my opinion, to pursue unethical means that would not in the circumstances be pursued by a solicitor when carrying out the functions of his practice. We have a number of these bogus documents being used; which documents are headed with a crown on the top; which are coloured blue; which are signed with the seal of the clerk of courts, and so on, in an endeavour to place the fear of the Lord in the mind of the debtor and to suggest that he might be thrown into gaol unless he pays his debts. The Bill seeks to prevent that sort of thing, and the debt collector can pursue the purpose of the law as the law provides. This is an attempt to try to obviate what some debt collectors are in the habit of doing.

Even if it is not a principle of law, it is a moral principle that a man should pay his debts. If he cannot pay them, then an explanation why he cannot pay them would frequently save him a lot of trouble. I am grateful to the House for the manner in which it has received the Bill. As I have said, it is designed to improve a most undesirable situation.

**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.**

## **PASTORAL LEASES: INQUIRY INTO RENEWAL**

### *Amendments to Motion*

Debate resumed from the 19th September on the following motion by The Hon. F. J. S. Wise:

That in the opinion of this House, in the national interest, leases issued under the provisions of sections 90 to 115 inclusive, of the Land Act, 1933-1956, be not renewed until—

- (1) a committee of inquiry has been set up, and, after full investigation, made a report and recommendations in connection with—
  - (a) the use, treatment and effective occupation of the areas comprised in the pastoral leases of the State;
  - (b) the condition of the country, its general prospect for permanent pastoral use, and how it has been affected by droughts, erosion, stocking, and vermin during the currency of the existing leases;
  - (c) the desirability of making provision in the Land Act for a new system of determining the size of pastoral leases, maximum and minimum, whether held by individuals or companies;
  - (d) whether any new provisions or amended provisions should be made in the Land Act in regard to methods of appraisal of rentals, and the powers of the Pastoral Appraisal Board.
- (2) Parliament has been presented with the report and recommendations and the Land Act has been amended after full consideration of the recommendations of the committee and the likely needs of the State in the better use of our pastoral lands.

to which the Hon. A. F. Griffith (Minister for Mines) had moved the following amendment:—

Delete all words after the word "until" in the fifth line of the motion, down to and including the words "in connection with" in the ninth line, and substitute the following:—

the Governor has appointed a committee of inquiry whose members shall in the opinion of the

Governor be capable of making a report and recommendation in regard to

**Amendment put and passed.**

The Hon. A. F. GRIFFITH: I move a further amendment—

Delete paragraph (2) and substitute the following:—

(2) Such committee shall report to the Governor and copy of report shall be laid upon the Table of both Houses of Parliament a reasonable time before any relevant amendment to the Land Act is introduced.

**Amendment put and passed.**

*Motion, as Amended*

**THE HON. W. F. WILLESEE** (North) [4.53 p.m.]: The motion as amended is obviously a most timely one. The inclusion of the amendment means that a committee of experts shall be called upon to report upon the use, treatment, and effective occupation of the areas comprised in the pastoral leases of the State. It further calls upon the committee to make recommendations in connection with the condition of the country, its general prospect for permanent pastoral use, and how it has been affected by droughts, erosion, stocking, and vermin during the currency of the existing leases; and also on the desirability of making provision in the Land Act for a new system of determining the size of pastoral leases, maximum and minimum, whether held by individuals or companies. The committee is called upon further to make recommendations as to whether any new provisions or amended provisions should be made in the Land Act in regard to appraisalment of rentals, and the powers of the Pastoral Appraisalment Board.

Those four clauses in the motion are, I feel, completely essential at this time in the history of Western Australia. I have no doubt that there are some sceptics in this House, but I do not intend to make a dissertation for their benefit on the disabilities of the north-west on this occasion; because the issue is clearly one which indicates that the pastoral industry of Western Australia—and indeed of Australia as a whole—is completely essential in the balance of our export and import markets. If we are to import goods for all time, it is essential that we send out products from our pastoral leases to offset the cost of those imports.

So it is essential that the pastoral areas be kept continuously moving not only in the interests of the lessee or his family, or of a company, but definitely in the interests of Australia, and particularly of Western Australia. The motion as amended is most practical and is within the capacity of any Government, because it calls for experts

who are within the employ of the Government. These employees will merely be seconded for a period of time and will devote themselves to the four issues contained in the motion.

The Hon. G. C. MacKinnon: You would suggest Government employees be appointed to this committee?

The Hon. W. F. WILLESEE: In my opinion, yes. Experts in the various avenues of the Government, with adequate capacity and with the necessary background, would be the most likely people to handle the situation as contained in the motion. Much has been said about the renewal of pastoral leases, and also about pastoral leases which have not yet been taken up. The most important issue is that many pastoral leases have been simply given away, because it was not possible for the people who occupied them to successfully run them.

The use, the treatment, and the effective occupation of the areas comprised in the pastoral leases of this State are most important. It is obvious that if after 60 years of pastoral effort we find that leases are being voluntarily given up, then every lease that is given up is a factor of production which has been lost to us. It also imposes on its neighbour, whether it be a company or a family, greater problems, because it brings with it things such as the dog menace and the rabbit menace.

In the general pastoral area of Pilbara we have the outer area where abandonment has frequently occurred over the years. In this area the dog menace is at its worst; and here we have three phases of pastoral development. There is the marginal area and the semi-marginal area. There is also a successful area on the inner coastal perimeter fringe. Surely it is obvious that if leases are abandoned in the marginal areas then the semi-marginal areas must become marginal! In the course of years increasing problems are also created from the people in the outer perimeter.

The figures produced in this House by both Mr. Wise and the Minister tell a story of decreasing results in the production of wool and sheep in this particular area. I do not think that there are many lambs bred. The pastoralists buy to create flocks.

Now these men will take what has been done in a particular area in order to get their leases reoriented. It is true that 20 years ago a man went on to a given area of land and he did the natural thing; he settled where there was plenty of water and considerable virgin land; and from his small flock which multiplied during the course of his lifetime, a station was created.

Today, however, there is a capital concept in the development in the pastoral area and a complete survey has to be taken of what the existing situation is. It

is not just a question of by guess and by God; it is a question of working out how many sheep to the acre the land can produce and whether so much river frontage can be obtained. A person can be forced to take in areas which, over the last 60 years, have been creating problems, including the dog menace. Because of this, and other uncontrolled situations, existing properties have not had the use of several acres of land.

It is in circumstances like these that this body of people will make a blueprint, as it were, to demonstrate that a certain station is a basic proposition on the basis of so many sheep to the acre. They do this by ascertaining how many created water points there will be in the whole area; and in that respect I think there will be a considerable amount of work needed, even Government expenditure probably, to prove that not only surface water is available but that water can be obtained from under the ground. It must be proved that these have not just been drawn on a piece of paper. The incoming people have to be assured that there is water at a depth at a given point. From there we create the basic factor of a station.

In my view the old days of walking into these areas and taking over a station just do not exist. A person must have complete forethought and know that if these areas are to be redesigned, the finance put into them must be kept on such a basis that a reasonable return will be obtained.

I have been referring to these abandoned areas which are essential in the economy of the State. It is vital that these areas should be brought back into production, because if we do not do something in the first instance to rehabilitate the abandoned areas of the State we cannot say we are progressing.

I realise that this committee would make completely different decisions in areas which it studied. When we speak of 1,000,000 acres in one area, it sounds a great deal of land; but in all fairness let me say that often many acres of those 1,000,000 would be unproductive. On the other hand it is true that there is reasonable supposition for subdivision. But let us have the supposition on paper; let us have it brought forward by virtue of the terms of this amended motion.

If there has been some land which has not been well used—and in my opinion there has been a lot of it—it could legitimately, I should say, as a result of this investigation, be linked by some structural alteration to the present lease boundaries. But it is essentially true, I believe, that at this stage we have a new concept of how to produce in the pastoral industry, and of how to approach the financial situation.

Those well-established areas and stations which are completely financial are, of course, not worried by a situation such as

this. However for all the millions of acres that could possibly be put into production; and for all the abandoned areas which could be linked with the areas which have been put into production; and for all the better areas that have lain idle all these years—bearing in mind the agricultural concepts that we now possess, and the knowledge we have of water conservation, and soil rehabilitation, and the lower margin that exists in the pastoral industry—I say that this motion, as amended, will, if passed, be of incalculable value to the State.

I believe that many people, if they wait until the result of the investigation of this committee is blueprinted before going into the pastoral industry, will be able to orient their thoughts and finances and direct their initiative to successful fulfilment, whereas in the past leases have been abandoned as the result of hit-and-miss methods.

**THE HON. A. R. JONES (Midland)**  
[5.8 p.m.]: At this juncture I do not suggest that I will speak at great length, because it is known that the Government members are prepared to accept the motion. However, I would like to make reference to one or two points.

First of all I desire to congratulate Mr. Wise for submitting this motion. I have had the opportunity of seeing some of the pastoral lease areas in the last 30 years, and I feel that this motion is a wonderful move indeed and should be accepted before further consideration is given to re-leasing the areas. Different rules should apply before people are allowed even to make application for leases, and certainly before leases are granted.

The submission of this motion demonstrates to me, and I think to the general public, that not all the good ideas come from the Government side of the House. The indication we have had that the Government is willing to accept this motion proves that in this case the Government is a recipient one.

It has also been proved conclusively during the course of this debate that this House, if not another place, does things as Parliament intended they should be done. The passing of this motion will give a lead for the future and indicates that the Opposition should play its part in governing as well as the Government itself.

Returning to the motion, I would like to relate some of the experiences I have had. The Minister has told us that the Minister for Lands and the Minister for Agriculture have studied this matter, or matters pertaining to leases, and have had the subject in mind for some time. They have been discussing ways and means of introducing new rules to apply before new leases would be granted.



The Minister also said that the Minister for Lands intended to have a look at the areas himself. I give credit to him for having this desire; but I do state that if he did not know the land 30 years ago and has not followed it closely since, his visit would not be of much avail because he would not be able to make any comparison over a period. A comparison is necessary before one can assess just to what extent much of the land has been raped in the past.

Some 30 years ago I travelled through most of the Eastern Goldfields and lower Murchison areas. Although I only travelled as a porthole tourist—as the late Mr. Barker would have described me—I did go inland for about 60 miles from most of the ports. Therefore, having seen most of the station country I know that a lot of it has been raped of all it was possible to take from it. Although I know that in all cases this has not been by design, at times it has been. Mostly, however, I think it has been the result of lack of knowledge and finance. Whatever the cause, it is a matter which definitely needs correction, and I believe that a committee established under this motion would go a long way towards achieving this.

I do not know that I agree with some members who have said that all those on this committee should be experts. I know that a certain number of technical experts are very necessary, but a competent business accountant should also be appointed because not all technical experts have a good business knowledge, which is essential when tackling a proposition of this nature.

Ordinary laymen could also play their part on such a committee. I refer, of course, to the laymen who know the areas and have had considerable experience in them. Their ability to draw comparisons would be very valuable.

I do not want to labour the point any further as it is a foregone conclusion now that the Ministers in this House are prepared to accept this motion. Once again, I would like to say how pleased I am that Mr. Wise has submitted this motion because I believe it is fitting that one of his ability and standing—apart from the fact that he represents the area—should have done so. I give it my full support.

**THE HON. A. L. LOTON** (South) [5.15 p.m.]: I am pleased to be able to support Mr. Wise's motion, and I am glad to know that the Government has accepted it, subject to a minor amendment. The Government's action means that the necessary machinery will be set in operation at an early date, particularly as the Minister for Mines said that the Minister for Lands and the Minister for Agriculture have been active in the matter for some time past.

During the last fortnight or so I have read a report from Queensland dealing with progressive land settlement in that State; and I am hopeful that when an Order-in-Council is issued in this matter, we will see that some members have been appointed to the committee who will be able to have the same said about them as was said about a member of the Land Settlement Advisory Commission of Queensland. In order to make my point I shall read from the Queensland Order-in-Council dated the 4th September, 1958, which states—

Present: The Deputy Governor, acting for and on behalf of His Excellency the Governor in Council.

Whereas by reason of contentious questions affecting land administration and in particular new land subdivisions and living areas it is desirable that the Government should obtain the best independent advice available.

And whereas the President of the Land Court, Wm. Labatt Payne, Esq., O.B.E., Barrister-at-Law, by reason of his knowledge and long and varied experience, both in and out of Queensland, of matters pertaining to land administration, and his judicial and administrative record in relation thereto, is recognised as the most competent, experienced and impartial authority upon matters affecting land administration in Queensland, and is agreeable to act temporarily in the capacity of consultant and adviser to the Government on such matters...

Mr. Wise, during his speech referred to the name of Payne, and I took it on myself to get a copy of the Queensland report—it is in the office here—and read it; and Mr. Payne was appointed in 1958. He has had an outstanding record in land advisory administration; because, when he was given this job by the Nicklin Government, he was told he had taken on another impossible task. Evidently this same gentleman had undertaken several difficult jobs; and he seemed to have come out of them with credit to himself and to the State of Queensland.

I now wish to quote from page 87 of the Queensland report, as follows:—

At the outset of this work I was told, on every hand, how "impossible" was the task assigned to me; how foolish I was to accept it; how no-one would be satisfied with the result; what courage the task needed; and so forth.

I had, however, heard all this before when attempting anything new, such as the "impossible" task of the Prickly Pear Land Commission in 1924; the "impossibility" of establishing an effective Land Administration Board

in 1928, revitalizing the Lands Department and reviewing all tenures in pastoral Queensland; the "impossibility" of adjusting land settlements that were languishing to enable them to forge ahead to success; the "impossibility" in 1937, with Mr. J. W. Fletcher as a colleague, of correctly advising the Australian Government regarding the Northern Territory; the "impossibility" of keeping the work of the Land Court up to date and of giving general satisfaction to the parties subject to its jurisdiction; and more recently, the "impossibility" of my International Mission to advise on land administration in Malaya which was completed to the intense satisfaction of the Federation Government of that country.

Mr. Payne is a man of outstanding ability, and if he is available I would be only too happy to see him appointed to this committee. He has been made use of by the Federal Government and by overseas Governments and, more recently, by the Government of Queensland. He is evidently an authority on pastoral country and its development.

The terms of reference that were given to the Royal Commissioner in Queensland included eight items, and three of them are almost identical with some portions of Mr. Wise's motion. I shall read, those which fall into line with Mr. Wise's proposals—

- II. The principles which should be applied in the valuation and rental assessment of Crown Land tenures so that all Crown tenants may receive fair and equitable treatment.
- VII. Whether any additional provisions are desirable in the Land Laws for the development of difficult country or lands in the remote Far West.
- VIII. Any administrative or judicial reforms that may be desirable to give effect to the recommendations made.

If the committee suggested by Mr. Wise is going to make recommendations, it will be desirable that some amendments be made to some of our Acts so that they can be put into force.

I know practically nothing of the north—to my discredit—except what I have read and have been told. Over the last few years we have been fortunate in this House in having men of great experience representing the north; they have told us much of what has been happening there. But over the years it has been apparent to me, from fairly close contact with people I know, that something drastic must be done for many areas of the north, if that part

of the State is to be brought back to a state of production that will bring credit to Western Australia.

The Department of Agriculture, through its officers, has over the years carried out research work. At Abydos Station various grasses have been tried, and different implements have been used to break the soil so that it will hold the seed that blows across the scoured plains, and also so that it will hold any moisture that may fall from occasional showers. In addition, reseedling of mulga has been carried out in fenced areas to ascertain how long it takes for mulga to grow so that it can be used for stock feed.

From reading the journals of the department of agriculture each month, one sees that work is carried out by the departmental officers at not too long intervals. They realise that some stations have been badly farmed; that is, the stock has been centred at the watering places and, as a consequence, the country has been denuded; and through successive years of such treatment, there has been no new growth of feed.

For this reason alone, a report by experienced men, made available to this House just prior to the granting of new leases, would be of inestimable value to those of us who will be interested enough to read it; because no doubt some of us will be here when legislation is brought down, and the legislation will require a close study by members.

I know that Mr. Wise wants to conclude the debate tonight, but I wanted to make those few remarks. I am pleased to know that at this stage the Government has agreed to the motion.

**THE HON. F. J. S. WISE (North)** [5.24 p.m.]: I did not expect, when I looked at the notice paper this morning, that the motion would be concluded today. I read with great interest a copy of the Minister's speech when released to me by *Hansard*; and I appreciate very much the contributions that have been made by members, because all of them have been in support of the motion.

I admit there were some aspects of the speech made by the Minister which, at first glance, and from first impression and reaction, I thought I might hit very hard, because the speech, as delivered by the Minister, although it was delivered some weeks after the motion was moved, obviously was not the Minister's own personal consideration; nor did it, I think, contain much of his phrasing.

The Hon. A. F. Griffith: I was responsible for it.

The Hon. F. J. S. WISE: I appreciate that; but it was a little unfortunate, I think, that the atmosphere had to be created that while we could see sufficient merit in the motion as moved and did not wish to vary its context, the ultimate

amendment, as approved by the House—or the two amendments—merely introduced wording which, in part, it was not my province to introduce, but which made Government support assured.

In spite of certain written notes which I had intended to use, I accept in good grace the support the Minister has given; and, in regard to the matters which I initially intended to criticise, I shall turn the other cheek. I shall give to the Minister later the newspaper cutting which he was very concerned about. Apparently his officers could not find it.

The Hon. A. F. Griffith: I could not find it either.

The Hon. F. J. S. WISE: I have it here. There is no doubt that the words quoted, when the speech was made, actually were in print as the Minister conceded; and if any doubt arose as to what they implied, it was not my fault. They were interpreted as I interpreted them, because what I said was not an inference but the statement as it appeared.

The Hon. A. F. Griffith: Not all of it was made by the Minister, though.

The Hon. F. J. S. WISE: That is so. As you will know, Mr. President, and as members who have represented districts and interests for the best part of their lives will know, one becomes very sensitive as a custodian of interests such as these. I appreciated very keenly the responsibility I had to this nation—I say that deliberately—because one can look at the background actions of mine in regard to this industry; and I am very proud of my background which, over long years, has not been criticised. Therefore, realising the responsibility involved, I delivered the motion to this House, fully conscious that to you, Sir, and to the members here, I had to justify it, by the case I submitted, so that I would achieve the result which I obviously have—its acceptance. My motion was not framed on the spur of the moment, nor overnight, as members will fully realise. A lot of thought was given by me to every word included in it.

The Hon. A. F. Griffith: We did not alter the substance.

The Hon. F. J. S. WISE: Because of that, it will meet every need of any sort of inquiry by any competent group of people. I raise one point, but not in any unpleasant fashion. I cannot allow to pass the thought that I created a wrong impression in the minds of many by not naming the guilty who have abused their land. I do not agree with that contention at all, or with the contention that I placed a shadow on the innocent as well. My attitude to that sort of argument is that I hope that anywhere the cap fits it will be worn; and I hope, too, that when powers are given to this committee when it is appointed—the powers, I hope, of a Royal Commission—there will be no apologetic attitude adopted.

Since the motion was presented to the House I have had many communications from people of extremely high standing in our community; communications from people who have had overseas experience, in a world sense, of pastoral matters. At this stage I would be pleased for the Minister to see many of them to show that it was no accident when I happened to touch on the right note at this time in moving a motion relating to this great pioneering industry which, admittedly, is in need of a searching inquiry.

There has been much research done in past years into the pastoral industry, which has been borne out by what the Minister said; and records inside and outside the relative departments will prove that. The research made into the forms of land tenure was a very important one. I would like to offer to the Government some documents I possess which are not readily available because they are now out of print. They cover a complete examination of all forms of land tenure of the six States. There are 157 different forms, and I have the complete schedules and the analyses of all of them. They may prove to be extremely helpful.

On that point, and on others, I simply say that if there is any suggestion of that sort which can be of help I will be pleased to furnish any information or put forward any suggestions to bring about the right approach to this problem.

The Hon. A. F. Griffith: I propose to obtain copies of all the speeches made on the motion and forward them immediately to the Minister for Lands.

The Hon. F. J. S. WISE: The thoughtful and practical approach to the problem by Mr. Willesee was appreciated by me, and I would like to comment on the remark he made on the establishment of improvements, especially in regard to water. There are provisions in the Land Act to which I referred when introducing the motion which relate to stocking conditions. There are other provisions in the Act dealing with improvements of a minimum kind. As I tried to say initially, and as I will now try to explain, the most important aspect in that connection is the insistence upon permanent improvements and the stocking—if the country is properly husbanded by intelligent people—of the land, which would then almost look after itself.

The Hon. L. A. Logan: Such as fencing and water.

The Hon. F. J. S. WISE: There is something in that aspect of the Land Act that is worth quite a deal of consideration. Mr. Jones stressed the necessity to select the right personnel for this committee of inquiry; and that, necessarily, not only those associated with the industry should be appointed as members. There is a great deal of sound logic in that suggestion. This industry is so tied up with any overall planning for the whole of the north of

Australia that it will determine a tremendous amount of movement in connection with public works of different kinds; in connection with new developments and new industries ancillary to the pastoral industry.

It has been said many times over the last 30 years that the best hope in agriculture in our sort of dry-wet tropics, and an area which has not an evenly-spaced rainfall, is that agriculture will follow the proper development of the pastoral industry as a natural consequence of development rather than by any forced circumstances. I think that stands true today.

The recent report by Mr. Payne was mentioned by Mr. Loton. He drew my attention to it after I moved my motion. I mentioned Mr. Payne in connection with his 1937 report, which is still a masterpiece; that is, the Payne-Fletcher report of 1937-1938. It was the best review of northern lands ever made. Mr. Payne, who is still, I think, the president of the Queensland Land Board, together with men like William Beattie, is a man of the outstanding kind who is available to us to have a look at matters such as these, if it is thought that within the State we have not the right men to conduct the inquiry. I have certain men in mind; but, not being in any position of authority, it is not for me to mention their names. I would not care to embarrass anyone; because if one mentioned the names of certain people, other people, including the Government, could be subject to embarrassment.

The Hon. A. F. Griffith: You could always convey your information privately to the Minister.

The Hon. F. J. S. WISE: Yes; and the Minister for Lands knows—as I have had discussions with him—that I would be only too anxious to have a talk with him on that matter.

The importance of pasture regeneration, as mentioned by Mr. Loton, is of enormous importance. The work that has been done by Mr. Suijdendorp and men under him is of great national importance. From the mid-north right through to the Wyndham area there is much evidence of the benefits that have accrued from their operations.

Mr. Loton also mentioned the aspect of valuations and their association with tenures. Of course tenure is, in short, the basis for credit for vast undertakings of this kind where large sums of money are necessary.

This is not a poor man's industry, but one which is to attract, for security, extremely large sums of money and for which security must be given—security within the tenure and the terms and conditions applying to the tenure. The removal of this motion from the notice paper will certainly tidy it up, having the voluminousity of the motion in mind.

The Hon. A. F. Griffith: A jolly good thing!

The Hon. F. J. S. WISE: I appreciate the attitude of all members to this motion. It is an extremely important move we have made. It is one of those things for which I hope no-one will seek personal or political credit and is something which I also hope will continue to be in the interests of the nation.

Motion, as amended, put and passed.

House adjourned at 5.40 p.m.

## Legislative Assembly

Thursday, the 21st September, 1961

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