

From a scenic point of view the country in this locality is nothing short of spectacular, and there is no doubt in my mind that one day the region will support a very large tourist industry; as the Minister said, commercial fishing is a distinct possibility. In fact, on the day I visited the site a little more than 12 months ago the company was providing fuel for the prawning boats which at that time were engaged in surveying the prawning potential in the Admiralty Gulf. The fuel had been brought down from Darwin in a company chartered barge, and I understand it was also available to the isolated pastoralists who had settled in the area.

Mr. Brady: How did you go there?

Mr. RIDGE: I visited the area by plane. Another matter I wish to touch on is the possibility of employing native labour on this project. It seems probable that as a result of the recent introduction of the pastoral industry award, a certain number of natives in the Kimberley region could be thrown out of work. Whether or not this will be the position we will not know until such time as the cattle industry gets back into swing after the wet season. Whether or not some of these people are thrown out of work, this project presents a wonderful opportunity to have some of these reliable young men trained in skills which will ensure them a place of importance in our society.

I appreciate that such a proposition would have to be negotiated with the corporation, but I know that a couple of young native men were employed during the early stages of prospecting. I understand they were highly regarded by their workmates. A reasonable amount of forethought would have to be given to the matter, because I can see the scheme failing if these young men are employed on a project and are virtually left to their own devices. They require expert tuition until such time as they become proficient in their work. That means the company will have to show a fair degree of tolerance for a while.

I think they will need supervision from a welfare officer until such time as they are successfully integrated into camp life. Under proper conditions I consider a proposal such as this contains a great deal of merit. I hope the Minister for Native Welfare will be able to explore the possibility of putting such a proposal into effect.

I have purposely refrained from making other than general references to the mining industry, because I know very little about it, but I think the Minister in introducing the second reading explained the project very extensively. When it comes to fruition I am sure every Western Australian will derive some benefit from it.

I would like to say something about an expression which was used by the Leader of the Opposition the other evening when

he spoke about a company town. I almost got the impression that those were dirty words. In my opinion, any company which can provide enough work and sufficient facilities to establish a modern township in a previously unsettled area is deserving of high praise. I feel that the resources of the Amax Bauxite Corporation will eventually be responsible for the development of social and recreational facilities which will one day be the envy of every other town. It is with great pleasure that I support the Bill.

Debate adjourned, on motion by Mr. Tonkin (Leader of the Opposition).

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. NALDER (Katanning—Deputy Premier) [3.46 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 15th April.

Question put and passed.

House adjourned at 3.47 p.m.

Legislative Council

Tuesday, the 15th April, 1969

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

STANDING ORDERS AMENDMENTS

Approval of Governor

THE PRESIDENT (The Hon. L. C. Diver) [4.32 p.m.]: I have received the following letter from Government House—

I refer to your letter dated 3rd April and now return the amendments to the Standing Orders made by the Legislative Council duly signed by His Excellency the Governor.

(Signed) John F. P. Burt,

Lt. Colonel,
Official Secretary.

QUESTIONS (6): ON NOTICE KALGOORLIE-PERTH PASSENGER SERVICE

Commencement

1. The Hon. J. J. GARRIGAN asked the Minister for Mines:

Will the Minister advise the date when the passenger train service will commence to operate between Kalgoorlie and Perth on the standard gauge?

The Hon. A. F. GRIFFITH replied:

From current information available, and provided prompt approval is received from the Commonwealth Government for the acquisition of the rail cars late 1970.

SCHOOL COURSES AND CURRICULUMS

Application to Aboriginal Pupils

2. The Hon. R. F. CLAUGHTON asked the Minister for Mines:

- (1) Does the Education Department maintain a list of schools where the number of pupils of aboriginal descent demands that courses and curriculum requirements be modified to suit the local environment?
- (2) If so, will the Minister supply me with a copy of the list?

The Hon. A. F. GRIFFITH replied:

- (1) Courses and curriculum are modified in any school to meet the needs of pupils, whatever their race may be. A separate list of schools classified "Special Native Schools" is published each year in the Education Circular (Staffing Issue).
- (2) A copy of this list is tabled herewith.

The list was tabled.

WATER SUPPLIES

Carnarvon

3. The Hon. G. E. D. BRAND asked the Minister for Mines:

What stage have plans reached for ensuring an adequate water supply for the rapidly expanding town of Carnarvon, and the needs of the plantation growers?

The Hon. A. F. GRIFFITH replied:

Surveys and investigations for a major dam in the Kennedy Range have been completed to the stage of enabling feasibility studies to proceed. The likely cost of such a dam is in excess of \$12,000,000. These studies are being carried out jointly with the Commonwealth and when they are completed the economic and financial requirements can be evaluated.

A firm of engineering consultants has been engaged to study all available departmental information and advise if an interim solution, which will satisfactorily meet the water needs of the existing irrigationists, together with town needs, is a possibility. Such studies will commence before the end of April.

DUST NUISANCE

Mines Regulation Act: Application

4. The Hon. J. Dolan asked the Minister for Health:

With reference to the answers to my question on Wednesday, the 2nd April, 1969, can the Minister

explain how the companies quarrying rock for road purposes are not bound by section 42 of the Mines Regulation Act?

The Hon. G. C. MacKINNON replied: Section 42 of the Mines Regulation Act, as amended, refers specifically to underground mining.

MANUAL ARTS CENTRES

Fire Control Equipment

5. The Hon. R. F. CLAUGHTON asked the Minister for Mines:

Further to my question of the 2nd April, 1969, regarding fire control equipment in manual arts centres—

- (a) will the Minister state how many items of the specified equipment are placed in each centre;
- (b) do new centres as referred to in the answer to part (3) of the question, mean centres completed since the 1st August, 1968; and
- (c) by what date is it expected that all older centres will be equipped as recommended?

The Hon. A. F. GRIFFITH replied:

- (a) One 5lb. container of carbon dioxide.
One 20lb. container of dry powder.
- (b) Yes. Under the Uniform Building By-laws, private architects are required to lodge plans of new buildings with the W.A. Fire Brigades Board. The Public Works Department follows the same procedure.
- (c) Within the next 18 months—nine months to have all schools inspected, and nine months to have equipment installed.

DUST NUISANCE

Counts, and Assessment

6. The Hon. J. DOLAN asked the Minister for Health:

With reference to companies quarrying rock for road purposes—

- (a) how often are dust counts taken;
- (b) what are the dust counts; and
- (c) what method and what instruments are used in collecting dust for assessment of the dust in the atmosphere?

The Hon. G. C. MacKINNON replied:

- (a) Dust counts inside the quarries are the responsibility of the Mines Department, and are taken three times a year.
- (b) Dust counts vary greatly and usually lie between 250 particles per cubic millilitre and 1000+ particles per cubic millilitre.
- (c) The Mines Department inspectors use a konimeter for dust counting inside the quarry. For purposes under the Clean Air Act the directional dust pollution gauge developed by the Central Electricity Research Laboratories of the United Kingdom is used which collects dust continuously, and the observations are taken monthly.

BILLS (3): THIRD READING

1. Mining Act Amendment Bill, 1969.
2. Inspection of Machinery Act Amendment Bill.
3. Mines and Machinery Inspection Act Repeal Bill.

Bills read a third time, on motions by The Hon. A. F. Griffith (Minister for Mines), and transmitted to the Assembly.

STATE HOUSING ACT AMENDMENT BILL, 1969

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.45 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the amendment contained in this Bill, which was introduced to Parliament by the Minister for Housing, is to provide that the General Manager of the State Housing Commission, or the officer acting in that capacity, be a member of the commission and, further, that the Minister may, from time to time, appoint a deputy to act in his place.

Under section 9 of the State Housing Act, which is the main section concerned, the commission consists of seven members. Two of these are required to be officers employed in the Public Service of the State. One is a person representing the industrial union of workers registered in connection with the various building trades within the State. One is required to be a person with a wide knowledge of, and experience in, the building industry, who is registered—or qualified to be registered—as a builder under the Builders' Registration Act. One of the members is required to be a woman, and one a discharged member of the forces, as defined

in section 4 of the Re-establishment and Employment Act of 1945; and, finally, one of the members must be a person with a wide knowledge of, and experience in, housing conditions in this State and the provision of housing accommodation.

There is the further provision that deputies may be appointed from time to time by the Governor. The General Manager of the State Housing Commission has been a member of the commission and has been holding appointment as one of the officers employed in the Public Service. It seems proper that the managerial head of the housing authority should be a member of the commission.

However, this officer is also a member of many Government and interdepartmental committees involved in State-wide developmental problems and, as a consequence, there arise increasing numbers of occasions where these duties render his attendance at commission meetings quite difficult.

The appointment of another officer, therefore, to deputise for the General Manager of the State Housing Commission, in the circumstances, is not always practicable since, as previously mentioned, deputies must be appointed by His Excellency, the Governor.

This is why the Bill provides that, in respect of this appointment and this appointment only, the Minister may, from time to time, nominate a deputy for the general manager. We may assume that this deputy would normally be the assistant general manager or some senior administrative officer of the State Housing Commission, and I commend the Bill to members.

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

INNKEEPERS BILL

Second Reading

Debate resumed from the 3rd April.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [4.48 p.m.]: A similar Bill, in another form, was before us in 1966 when an amendment to the Innkeepers Act was sought. On that occasion the measure was debated at considerable length with varying ideas on the subject material put forward. To a great degree, as a result of that debate, the Bill now before us takes the form it does in seeking to repeal the Innkeepers Act, 1887, and also the Innkeepers Act, 1920.

The Act of 1887 deals with the right of lien and ultimately the sale of goods under lien, that specific right being written into the role of an innkeeper. With the passing of this Bill that Act will be repealed.

When the 1966 Bill was discussed in this Parliament I drew attention to the lien which I thought was most unfair and acted unfavourably on the public. In so far as the provision in the Bill before us covering that aspect is concerned, I am pleased with it; but I question why it is intended to go so far as is proposed in the next amendment which will deprive a person, who is termed a guest or a lodger, of the right to approach an innkeeper and request him to protect certain of his possessions.

I think the basis for the presentation of this Bill lies in this fact: Why should the innkeeper be treated any differently from other persons engaged in commerce or business? I feel there is a distinct difference between guests at hotels, motels, etc., and members of the public who go into retail establishments or emporiums to purchase goods. In the latter case the public enter these premises with the minimum of personal possessions. However, in the case of a guest living in a hotel, motel, or licensed premises, a considerable amount of trust is imposed on the proprietor and his staff. Further, there is the involvement of a great deal of the personal possessions of the guests; that is to say, if a guest intends to stay in a hotel or motel for a period of time he would have a considerable quantity of clothing and other possessions. Generally such guests bring with them a considerable amount of clothing and personal possessions. This makes a transaction such as this, between a guest and an innkeeper, distinct from a business dealing which involves a purchase.

If the Bill is passed in its present form it will mean that innkeepers will become liable under the law only for negligence. Under the 1920 Act that was also the position, subject to other benefits that were conferred on residents or guests of inns by that Act.

Reverting to the 1966 Bill to amend the Innkeepers Act, amendments were placed on the notice paper with a view to increasing the values that were provided for in 1920. If the Bill before us is passed the provisions of the 1920 Act will no longer be applicable. However, if the Minister desires to retain the 1920 provisions he should consider raising the amounts to higher levels. I think that a guest with an article of high sentimental value should be able to request the innkeeper to hold it in safekeeping. If such a right is taken away from the guest it makes his position doubly difficult. He would have to part with such an article by storing it in a safe place before any journey, and thus be deprived of its use. Under the 1920 Act the innkeeper could not refuse to hold such possessions in safe custody; if he did he would be subject to the penalties prescribed by that Act.

I oppose the Bill on the ground that I think the 1920 Act should not be repealed. I agree with the first amendment contained in the Bill; but I would like to see the rights of the public who frequent these places as lodgers, boarders, or guests, protected—a protection which they have enjoyed since 1920, or for a period of nearly 50 years.

If the Bill is passed in its present form there will be a difference in the normal procedure of travelling within Western Australia, as compared with other States and possibly other countries; that is to say, a different method of treatment of the lodger, as defined in general terms in the legislation, will apply when he resides in a hotel in Western Australia. I would be interested to hear the comments of the Minister on what I have said with regard to the 1920 Act. No doubt he has looked into these matters and has arrived at a definite reason for the repeal of the Innkeepers Acts of 1887 and 1920. At this stage I repeat my opposition to the Bill.

THE HON. A. F. GRIFFITH (North-Metropolitan—Minister for Justice) [4.57 p.m.]: When one examines the Innkeepers Act of 1920 one finds the word “inn” is defined as follows:—

... any hotel, inn, tavern, public-house or other place of refreshment, the keeper of which is now by law responsible for the goods and property of his guests.

This Act was passed by Parliament in the atmosphere of licensed premises in respect of which the licensing authority granted certain privileges to the keepers. We have moved into an era of different forms of accommodation, and we now have hotels with their licenses.

Under the Licensing Act various types of licenses are granted, most of them being for the supply of liquor and accommodation, and some applying to the extent of the living accommodation. Today we have motels which are licensed, and we find another type known by a trade name as travel lodges. When the 1966 amending Bill was discussed Sir Keith Watson asked why should there be a differentiation between this type and other types of accommodation. If a person lives in a hotel then by force of law he can say to the hotel-keeper “You shall look after my possessions. If I suffer a loss as a result of any act of yours you shall compensate me.” However, if one goes to a motel, because a motel is not necessarily licensed under the Licensing Act the same obligation under law does not exist; and to me this seems quite unreasonable.

I make two particular points about this. I do not really believe that people, by and large, take much advantage of the provision which is contained in the Innkeepers Act of 1920. How many of us would say to an innkeeper, “Please look after my

watch," or wallet, or something else which belongs to us, "and keep it in safe custody for me until tomorrow morning." For one thing, we want to look at our watches during the night, and for another, we would probably want some money from our wallets. We just do not do this when we go to a hotel. I venture to suggest that unless a possession is of particular value we do not even think about it, and if it is of some value, perhaps we would not ask the hotelkeeper to look after it. We would perhaps find some other safer method.

All I am seeking to do is to level the law of responsibility in regard to the various types of accommodation available, both licensed and unlicensed, and leave the common law to apply. I do not think there is anything untoward about that. Two years ago I dropped the Bill I introduced then because it was pointed out to me that there were certain advantages to one section of the community and disadvantages to the other. Therefore it appeared to me to be logical simply to repeal the Act which to all intents and purposes has outlived its usefulness because of the various types of accommodation now available, and allow the common law in respect of liability and negligence to prevail. I just cannot see there is anything very objectionable to such a proposition and consequently I commend the Bill to the House.

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.

PROPERTY LAW BILL

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Application of Act to land under Transfer of Land Act, 1893—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 3—Delete the clause and substitute the following:—

Application of this Act to certain Acts.

6. Except as in this Act expressly provided, this Act—

(a) so far as inconsistent with the Transfer of Land Act, 1893 or the Strata Titles Act, 1966, does not apply to land that is under the provisions of either of those Acts, and

(b) so far as inconsistent with the Bills of Sale Act, 1899, does not apply to bills of sale that are registered under the provisions of that Act.

This amendment is the result of a paper on the Bill which was read at the Law Society's summer school and the subsequent discussion with members of the legal profession and also with the Commissioner of Titles (Mr. J. E. Shillington). The clause is to be extended so the Act will not apply to land that is under the Strata Titles Act as well as the Transfer of Land Act so far as they are inconsistent with this Bill. The Strata Titles Act is a separate Act on land titles and needs to be mentioned in addition to the Transfer of Land Act. The Bills of Sale Act also provides its own ample covenants and powers. Therefore, it is necessary to exclude the operation of the Property Law Act so far as it is inconsistent.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 and 8 put and passed.

Clause 9: Formalities of deed—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 7—Delete subclause (4) and substitute the following:—

(4) Every instrument expressed or purporting to be an indenture or a deed or an agreement under seal or otherwise purporting to be a document executed under seal and which is executed as required by this section has the same effect as a deed duly executed in accordance with the law in force immediately prior to the coming into operation of this Act.

The purpose of this amendment is to express more clearly the intention that a deed executed as required by clause 9 without the formalities previously necessary should have the same full force and effect as a deed now has.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 10 put and passed.

Clause 11: Persons taking who are not parties—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 10, line 11—Insert after the word "cancelled" the words "or modified".

In the circumstances to which this clause relates, it is felt a contract should be capable of being modified as an alternative to its being cancelled.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 12: Description of deeds—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 10, line 17—Insert after the word “simply” the words “or as an agreement under seal”.

This is purely a drafting amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 13 to 15 put and passed.

Clause 16: Construction of supplemental or annexed deed—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 11—Delete the clause and substitute the following:—

Construction of supplemental or annexed instrument. Cf N.Z. Act No. 51 of 1952, s. 8.

16. Any instrument expressed to be supplemental to a previous instrument, or directed to be read as an annexure thereto, shall, as far as may be, be read and have effect, as if the instrument so expressed or directed were made by way of endorsement on the previous instrument, or contained a full recital thereof.

This is merely a drafting amendment which in the opinion of the draftsman will better express the intention.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 17 to 19 put and passed.

Clause 20: Assignment of debts and choses in action—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 12—Insert after subclause (2) the following new subclause to stand as subclause (3):—

(3) For the purposes of this section “any debt or other legal chose in action” includes a part of any debt or other legal chose in action.

It was pointed out that the clause, as drafted, was limited to assignments of the whole of a debt. It is felt there should be some provision for assigning part of a debt.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 21 to 28 put and passed.

Clause 29: Corporations may hold as joint tenants—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 15—Insert after subclause (3) the following new subclause to stand as subclause (4):—

(4) For the purposes of this section and section 227 of the Transfer of Land Act, 1893, the

dissolution of a corporation has the same effect as the death of a joint proprietor.

This is a drafting amendment to conform to the Transfer of Land Act, 1893, as regards joint tenancies.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 30 to 46 put and passed.

Clause 47: Benefits of covenants relating to land—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 23, line 19—Insert after the word “applies” the word “only”.

The insertion of the word “only” is for the purpose of drafting consistency with clause 48 (4), with which clause 47 is associated.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 48 put and passed.

Clause 49: Construction of covenants affecting land—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 24, line 1—Insert after the clause number “49.” the subclause designation “(1)”.

This amendment, with the next one I propose to move, will make it clear that land under the Transfer of Land Act is also to have the benefit of the clause as regards restricted covenants.

Amendment put and passed.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 24, line 9—Insert the following new subclause to stand as subclause (2):—

(2) In this section “land” includes land that is under the provisions of the Transfer of Land Act, 1893.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 50 to 56 put and passed.

Clause 57: Implied powers of mortgages—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 28, line 27—Insert after the word “fire” the passage “, storm, tempest and earthquake”.

This amendment is in conformity with current insurance practice to include storm, tempest, and earthquake, as well as fire cover in insurance policies for buildings.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 58: Power to appoint receiver in the case of mortgage under the Transfer of Land Act, 1893—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 30, line 16—Insert after the word "mortgage" the word "registered".

This is purely a drafting amendment.
Amendment put and passed.

Clause, as amended, put and passed.

Clause 59: Regulation of exercise of power of sale—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 30, line 21—Insert after the clause number "59." the subclause designation "(1)".

This clause is not intended to apply to mortgages under the Transfer of Land Act, 1893. The amendments will make this clear.

Amendment put and passed.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 30, line 34—Insert the following new subclause to stand as subclause (2):—

(2) This section does not apply to a mortgage that is registered under the provisions of the Transfer of Land Act, 1893.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 60 to 64 put and passed.

Clause 65: Appointment, powers, remuneration and duties of receiver—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 35, line 4—Insert after the word "fire" the passage ", storm, tempest and earthquake".

This amendment is for the same reason as the amendment to clause 57—to conform to current insurance practice.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 66 put and passed.

Clause 67: Effect of advance on joint account—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 36, line 29—Insert after the word "the" the words "entry of survivorship and the".

This is a drafting amendment to conform to Titles Office practice.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 68: Notice of trusts affecting mortgage money—

The Hon. J. DOLAN: I wish to draw the attention of the Committee to the spelling of the word "mortgage" in the first line of this clause.

The CHAIRMAN: This will be attended to in the reprint.

Clause put and passed.

Clauses 69 to 71 put and passed.

Clause 72: Termination of tenancies—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 38, line 4—Insert after the word "tenancy" where first occurring the words "of uncertain duration".

This amendment will rectify a typographical error.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 73: Waiver of a covenant in a lease, not to operate as general waiver—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 38, line 25—Delete the word "This" and substitute the passage "Subsection (1) of this".

Amendment put and passed.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 38—Insert after subclause (2) the following new subclause to stand as subclause (3):—

(3) After the giving of a notice to quit acceptance of rent expressed to be without prejudice to the notice does not operate as a waiver of the notice or revive or create a tenancy.

This amendment will abolish the technical and unnecessary rule as to the result of payment of rent without notice to quit. It is felt that where both parties are willing, a landlord should be able to accept rent which is proffered on a without-prejudice basis, without nullifying the procedure for terminating the tenancy.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 74 to 79 put and passed.

Clause 80: Consent to assign or sublet not to be unreasonably withheld—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 43, line 6—Insert after the clause number "80." the subclause designation "(1)".

Amendment put and passed.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 43, line 21—Insert the following new subclause to stand as subclause (2):—

(2) In any instrument executed before or after the coming into operation of this Act a reference to section 4 of the Landlord and Tenant Act, 1912 shall be read and construed as a reference to this section.

This amendment will allow the continued use of common forms of lease which invariably refer to section 4 of the Landlord and Tenant Act in regard to assigning or subletting. In future, such a reference will constitute a reference to this clause.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 81 to 84 put and passed.

Clause 85: Continuance until notice of death or revocation received—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 50—Insert after subclause (6) the following new subclause to stand as subclause (7):—

(7) Nothing in this section prejudices or affects the operation of section 143 of the Transfer of Land Act, 1893.

The proposed additional subclause will preserve the authority of the Registrar of Titles to require evidence of the non-revocation of the power of attorney before allowing registration in the Titles Office.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 86 to 120 put and passed.

Clause 121: Easement of light and air only by registered deed or instrument—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 70, lines 33 and 34—Delete all words after the word "existence" down to and including the word "tenement" and substitute the following passage:—

(a) for a term exceeding twenty-one years, without the written consent of the Governor, and

(b) in any case, unless the grant or other instrument creating the right, is registered against the title to the servient tenement.

This amendment will correct an error of omission in the clause as printed. The Light and Air Act, 1902—now to be repealed—does not allow the creation of rights to light and air for a period exceeding 21 years without the consent of the Governor. The proposed amendment will preserve this situation.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 122: Power of Court to grant special relief in cases of encroachment—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 72—Insert after subclause (6) the following new subclauses to stand as subclause (7):—

(7) For the purposes of this section "building" includes any structure and "land" includes the surface and the subsurface of and the airspace above the land.

This amendment will make it clear that the court will have power to act in regard to all encroachments, not only on the surface of the soil, but also underground or in the airspace above.

The Hon. W. F. WILLESEE: As a matter of interest, is the airspace above a building limited? To what height does the airspace extend?

The Hon. A. F. GRIFFITH: This pertains to buildings and I think the amount of airspace so occupied would relate to a building that could be constructed according to the by-laws of the particular authority. I will, however, check this opinion before the third reading is moved and I will correct myself if I am wrong.

The Hon. J. DOLAN: We sometimes see people putting up signs in the sky and these signs may be attached to something on the ground. For example, somebody could put up such a sign in South Perth. Would this apply to such a case?

The Hon. A. F. Griffith: You are referring to people who fly kites?

The Hon. J. DOLAN: Yes.

The Hon. A. F. Griffith: That often happens in Parliament.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 123 to 134 put and passed.

Clause 135: Mode of service—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 81, line 7—Add after the word "Court" the passage "or to notices served pursuant to the provisions of the Transfer of Land Act, 1893".

It is admitted that this amendment will make it clear that the provisions as to service of notices under the Transfer of Land Act are not to be affected by the general rules of service laid down in this clause.

Amendment put and passed.

Clause, as amended, put and passed.

First schedule put and passed

Second schedule—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 82, after the reference to "54 Vict. No. 8." insert in the appropriate columns the following passages:—

60 Vict. No. 3 Powers of Attorney The Whole.
Act, 1896.

The general provisions in part VIII of the Bill dealing with the powers of attorney and their revocation are complete in this and will dispose of the need for the Powers of Attorney Act, 1896, which can now be repealed.

Amendment put and passed.

Schedule, as amended, put and passed.

Third and fourth schedules put and passed.

Title—

The CHAIRMAN: I draw the attention of members to the short title of the Bill and advise that the Clerk will adjust the date which now shows 1968 instead of 1969.

The Hon. A. F. GRIFFITH: I am glad to see that our clerks are on the ball in this respect and that they are doing something which should obviously be done by a clerical adjustment. I hope that we have been able to convey the appropriate message to another place where the same thing has not been done in this manner in the past.

Title put and passed.

Bill reported with amendments.

LAND AGENTS ACT AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

The DEPUTY CHAIRMAN: I would advise members that the Clerk will make the necessary adjustments in the date from 1968 to 1969 where this is required.

Clauses 1 to 3 put and passed.

Clause 4: Amendment to section 4—

The Hon. W. F. WILLESEE: In view of the similarity of the amendment which is to be moved by the Minister for Justice, I do not propose to pursue the amendment that I have on the notice paper.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 3—Insert after paragraph (b) the following new paragraph to stand as paragraph (c):—

(c) by adding after the word "licensee" being the last word in subparagraph (iii) of paragraph (a) of subsection (3) the words "or a director of a company that is a licensee".

Because of Mr. Willesee's consideration in providing me with a copy of his amendment I was able to consult with the draftsman who feels that my amendment to this clause improves the situation and meets the objective sought by the honourable member.

The Hon. W. F. WILLESEE: When I was framing my amendment the expression "working director" was mentioned to me by various organisations. The only difference between my amendment and that moved by the Minister is that I refer to a "working director" whereas his amendment refers to a director who is not in the building.

The Hon. C. E. GRIFFITHS: I feel sure the amendment covers the point I made during the debate on the second reading of the Bill and I am glad to support it.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5: Section 7A added—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 4.—Insert after proposed new subsection (7) the following new subsection to stand as subsection (8):—

(8) Nothing in this section—

(a) prohibits an employee of any company referred to in subsection (2b) of section four of this Act that is a licensee, from being in control of the company's business of a land agent carried on at a branch office of the company; or

(b) makes it an offence for the company to permit the employee to be so in control.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 6 put and passed.

Clause 7: Section 13A added—

The Hon. W. F. WILLESEE: This is another instance where the Minister has looked at an amendment I proposed to move and has come up with the same result as I was endeavouring to obtain by the addition of certain words. The inclusion of the word "or" covers all I want, so I will not proceed with my amendment.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 5, line 21—Insert after the word "licensee," the following words—

and the address of the principal place where the licensee conducts his business of land agent or.

I contemplated the simple use of the word "or" but on consulting the draftsman it was his opinion that the position would be more plainly stated if the amendment were couched in the words that now appear before us. This amendment is simply for the purpose of identifying a land agent for the benefit of the public when real estate is being advertised.

Amendment put and passed.

The Hon. W. F. WILLESEE: I move an amendment—

Page 5, line 24—Insert after the word "thereof," the words "or the appropriate Branch".

The Hon. A. F. GRIFFITH: I think these words are redundant in view of the previous words inserted in the clause.

The Hon. W. F. WILLESEE: I am not sure that that is so. If we include the words "or the appropriate Branch" it would be necessary for, say, the General Agency only to state in an advertisement "General Agency, Midland Branch" and then the phone number or whatever the company desired to insert.

The Hon. A. F. GRIFFITH: I do not think the insertion of these words is necessary because an agent has to state his name and address.

The Hon. W. F. Willesee: Not necessarily the name.

The Hon. A. F. GRIFFITH: Yes, the name under which he conducts his business. When the Bill was introduced a licensee was required to state his name, the name under which he was trading, and his address. This has been broken down to the name under which he conducts his business. If he conducts his business under a simple name, that is all he has to state, plus the address of the branch which is advertising the land for sale. If it is Midland, his advertisement will state, "Apply Midland."

The Hon. W. F. WILLESEE: I accept the Minister's version with some reluctance. However, I am sure that if we find anything is wrong he will do something about it.

The Hon. A. F. Griffith: Indeed.

Amendment put and negatived.

Clause, as amended, put and passed.

Clauses 8 and 9 put and passed.

Clause 10: Amendment to section 15B—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 7, line 17—Add after the subsection designation "(4)" a passage as follows:—

; and

(c) by repealing subsection (5).

This amendment is a further repeal of parts of the section. I think it has to do with date of commencement. In any case,

this is an appropriate hour of the day to give me an opportunity to have a look at the amendment.

Sitting suspended from 6.9 to 7.30 p.m.

The Hon. A. F. GRIFFITH: I have had an opportunity to sort myself out during the tea suspension. By the inclusion of (c), referred to in the amendment, subsection (5) will come out of the Act.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 11 to 32 put and passed.

New clause 5—

The Hon. W. F. WILLESEE: I move—

Page 3—Insert after clause 4 the following new clause to stand as clause 5:—

5. Section seven of the principal Act is amended by inserting after the word "business" in line 3 of subsection (1) the passage "previously approved in writing by the Committee."

This proposed new clause seeks to strengthen the Act inasmuch as whilst there is provision in the Act itself for buildings to be approved on application for a license, it does not appear in the Act that if the person moves from that particular building there is the necessary control over the building to which the person moves.

The purpose of the new clause would be to authorise the committee to approve of a transfer to new premises. The committee, in authorising any transfer, would probably delegate its authority to that body which inspected the original property.

The Hon. A. F. GRIFFITH: I am prepared to accept the proposal and I hope it works out. It will be an obligation on the committee. So far as new licenses are concerned, I am satisfied that the court attends to this. I understand the police always submit a report to the court in relation to an application for a license. The premises are part of the consideration when the court deals with the application.

Having granted a license to an applicant knowing that the premises, the subject of the license, are suitable, the applicant might then move to another building. At the present time, as soon as this happens the action comes out of the jurisdiction of the court and the court has no control over the applicant. The committee would have to step in and make sure the new premises were of a satisfactory nature. I think the committee would probably get the assistance of the police again in a case like this.

I agree that suitable accommodation is quite necessary and I think we will have to lay down some sort of standard by way of regulation.

New clause put and passed.

New clause 10—

The Hon. A. F. GRIFFITH: I move—

Page 7—Insert after clause 9 the following new clause to stand as clause 10:—

Amendment
to s. 15A
(Land
Salesmen).

10. Section fifteen A of the principal Act is amended—

(a) by adding after subsection (3) a subsection as follows:—

(3a) Subject to subsections (4) and (5) of this section, a person resident in the State who—

(a) is a member of a firm that is a licensee, not being a member who is the holder of a license on behalf of that firm; or

(b) is a director of a company that is a licensee, not being a director who is the holder of the license on behalf of that company,

shall, while he continues to be such a member or such director, be the holder of a certificate of registration, whether or not he acts as or carries out any of the functions of, a land salesman; ;

(b) by substituting for subsection (5) a subsection as follows—

(5) A person to whom subsection (3a) of this section applies, is not required to be the holder of a certificate of registration under that subsection until after the expiration of a period of thirty days from—

(a) the date of the commencement of that subsection; or

(b) the date he becomes such a person,

whichever date is the later.

The effect of the proposed new clause is that a resident director of a company who is a licensee, or a resident member of a firm, who is a licensee but who does not hold the license on behalf of the company or the firm as the case may be, is required to hold a certificate of registration as a land salesman under the present conditions whether or not he acts as or carries out the functions of a land salesman. He may be right outside the State. He may be a director, but may not be operative in the State. Nevertheless he has to hold a certificate of registration as a land salesman. This is the position presently observed among land agents.

Ample time is provided by the new section 15A(5) for the compliance by such a director of a company or member of a firm. Such a director or member, who is not resident in the State, will of course hold a certificate of registration if he acts as, or carries out any of the functions of, a land salesman. The repealing of section 15A(5) and 15B(5) is consequential on the proposed amendments.

This was the point on which I became a little confused at the tea suspension. At the time we were dealing with 15B. The new clause relates to 15A which, up to that point, we were not able to deal with.

New clause put and passed.

Title put and passed.

Bill reported with amendments.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had laid aside the Motor Vehicle (Third Party Insurance) Act Amendment Bill.

BILLS (2): RECEIPT AND FIRST READING

1. Banana Industry Compensation Trust Fund Act Amendment Bill.
2. Trade Descriptions and False Advertisements Act Amendment Bill.

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

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL (NO. 2), 1969.

Second Reading

Debate resumed from the 3rd April.

THE HON. J. DOLAN (South-East Metropolitan) [7.50 p.m.]: It would be fairly easy to speak in general terms about the parent Act, but I intend to deal only

with the propositions which are contained in the Bill. The Bill contains only five clauses and most of them are of an administrative nature. Generally speaking, I think that the passing of the Bill will improve the situation considerably so far as those running the trust and the tribunal are concerned.

The first clause is necessary, because adjustments are being made to the title of the Act. With regard to the second clause, I have circulated an amendment because I am not particularly happy with the wording of the interpretation, "Person under a legal disability." The proposed interpretation says—

"Person under a legal disability" means a person under the full age of twenty-one years or a person of unsound mind.

Those two categories should not be coupled with a conjunction in that way and we should seek some way to separate them. One cannot connect people under the age of 21, which embraces so many young people, with persons of unsound minds. I consider the amendment I suggest will improve the wording without altering what is meant. I suggest that the two categories should be separated by alphabetical letters. The interpretation would then read—

(a) a person under the full age of twenty-one years; or

(b) a person of unsound mind.

If it is altered in this way, the meaning is kept completely, yet a differentiation is made between those two categories of people.

The purpose of the third clause is to remove a difficulty which presently exists in the Act. At present the ledger account, which is generally referred to as the annual account, can be credited with one year's premiums and, at the same time, it can be debited with claims arising out of policies over a period of two years. Those people who are responsible for the accounting find it extremely difficult to reconcile the two matters and the clause will make it possible for the position to be remedied.

The fourth clause is quite simple, too. Of course it was understood at the inception of the tribunal that all these types of cases would be heard by the tribunal. However that has not been the position. Over the years some solicitors have circumvented the operations of the tribunal by issuing what is called an originating summons at the Supreme Court and by getting the Supreme Court to hear the case. This really takes away the intention of the Parliament which was that the tribunal should attend to these matters. When this provision becomes law the tribunal will be able to hear all these cases and, in particular, the cases of persons

who are under a legal disability; at present there is no possibility of a compromise being reached.

The final clause proposes to repeal and re-enact section 29 of the principal Act and makes provision for a more expeditious hearing of a case. Sometimes cases drag on over a long period of time and this has led to much of the confusion which has taken place over the operations of the Act.

I support the Bill as I consider it is in the interests of the smooth running of the legislation and, in particular, from the Minister's point of view. As such, it is worth supporting.

I would like the Minister to look at the point I have referred to in connection with the interpretation. If he does, he might be inclined to agree with what I have said and that my point is well taken. I support the Bill.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [7.55 p.m.]: I thank the honourable member for his approach to the measure. As he said it is purely of a machinery nature. Perhaps the draftsmen were wrong in the first place in overlooking a differentiation between the two categories of people when the Bill was being drafted. Possibly they were more concerned to ensure that there were no loopholes in certain sections of it.

I will look at the suggestions made by Mr. Dolan at the Committee stage. He has not suggested that the wording should be altered in any way but simply proposes that the two categories of people should be separated. As I have said, members can look at this matter in Committee.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to section 3—

The Hon. J. DOLAN: This is the clause which contains the matter to which I have referred. I do not wish to go into a long explanation, but if members read the clause they will see the point I wish to make. I feel it is wrong to associate those two groups of people. This could be avoided by use of the alphabetical letters (a) and (b). If this is done I am sure it will serve to ease the minds of those under the age of 21 years. Of course, it might also serve to ease the minds of the other class of people referred to. Accordingly, I move an amendment—

Page 2, lines 4 to 6—Delete all words commencing with the words "a person"

down to and including the word "mind" and substitute the following passage:—

- (a) a person under the full age of twenty-one years; or
- (b) a person of unsound mind."

The Hon. L. A. LOGAN: I am quite prepared to accept the amendment moved by Mr. Dolan. If the Parliamentary Draftsman finds some fault, there will be time to consider his viewpoint before the legislation is passed in another place. Therefore, I am quite prepared to accept the amendment.

Amendment put and passed.
 Clause, as amended, put and passed.
 Clauses 3 to 5 put and passed.
 Title put and passed.
 Bill reported with an amendment.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL, 1969

Second Reading

Debate resumed from the 3rd April.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [7.59 p.m.]: This amendment to the Metropolitan Water Supply, Sewerage, and Drainage Act deals with two particulars only. The first is a variation in respect of rating for tenants in flats and home units as against the owners of flats and similar units.

It was found that the situation was anomalous in that there was a variation in the rate charged to an occupant of a flat or a home unit as compared with an owner-occupier of a flat or home unit.

The Bill proposes to eliminate this differential system of rating by bringing the two categories under the one heading. As far as I can see there is no reason why the old system should have obtained. I do not think it was ever intended that the anomaly should have prevailed as it did.

The second feature of the Bill is a provision to alter the method of repayment of part of the capital on loan. This is a principle which pertained under the old sinking fund system and which, although remaining in the Act, will possibly not be used much more in the future, because so many institutions which lend money today do so on the basis that the capital shall be repaid with the interest payments. This means that portion of the capital is being repaid to those institutions all the time as against the method adopted by the sinking fund system where the total amount of the capital was not repaid until the end of the period of the loan.

One of the disadvantages of the sinking fund system was that the amount of interest earned was never anything like that payable on the amount of the original loan and very often it was necessary to

refloat a loan at the end of the term of the loan because of the interest lag in the sinking fund account. Under the sinking fund system interest over a long period of years, was usually computed at a low rate, but under the new system it works out over a stated period of time and, overall, it would be cheaper money.

That is all the Bill contains, and in my opinion it will improve the administration of the Act.

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.

BRANDS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd April.

THE HON. J. DOLAN (South-East Metropolitan) [8.6 p.m.]: Although there is only one effective clause in the Bill it carries the implication that some features of it are worth mentioning. Within our community goats have now become very important animals. A few years ago, in many places, they were regarded as vermin and pests.

The Hon. L. A. Logan: They still are in some places.

The Hon. J. DOLAN: Yes, but in early years, of course, particularly in outback centres, great value was placed upon them. I can recall that when I was a lad I used to watch some of our neighbours obtaining their milk supply from their goats.

In Western Australia today there are 58 registered goat breeders. That is a considerable number and they operate from as far distant as Wittenoom in the north, to Esperance in the south. The prices paid for stud goats at some of the sales which are conducted are outstanding. I have seen a prize goat fetch as much as \$300 and \$400 at local sales, and this for an animal that once was despised. Now, of course, the milk produced from the animal is widely sought. Doctors prescribe it for many of their patients who suffer from ulcers, asthma, or migraine headaches, because they consider that goat's milk is extremely valuable in the treatment of such patients. Also, some infants who are allergic to cow's milk owe their development to the drinking of goat's milk.

It is said that goat's milk is completely free of germs or disease of any kind, so from that aspect alone it has much to commend it. I suppose it is one product for which there is a greater demand than supply. Some people who have been prescribed goat's milk by their doctors have had to use the powdered product which is imported from the United States of America

and which costs \$4 a pound. It can be seen, therefore, that by encouraging an increase in the numbers of this particular class of animal, as proposed in the Bill, we will be assisting the members of the Goat Society to carry on work that is well worth while.

The four breeds of dairy goats are Saanen, Toppelburg, British Alpine, and Anglo-Nubian, all of which are of great value. I suggest that the mistake which has been made by members of the Goat Society by using brands illegally was purely unintentional, and it was a wise move when the Department of Agriculture and the members of this society got together to produce an amendment of this nature to eliminate any illegal branding act.

The reason for the confusion is fairly obvious when one studies the Act because it is stated quite plainly—

A proprietor of swine or goats may apply for and obtain a registered brand for the same.

Such brand shall be similar to a sheep brand under subsections two and three of section six, and the provisions of those subsections shall apply.

It shall not be compulsory to brand swine or goats, but if they are branded, none other than a registered brand shall be used, and then only by the proprietor of the brand in accordance with the certificate of registration thereof.

Evidently that provision was taken too literally and mistakes were made. The Bill now seeks to provide—

The breeder of any stud goat may—

- (a) tattoo his Breed Society mark on the ear of the goat; or
- (b) firebrand the goat with his registered brand or Breed Society mark.

By the 1967 amendment to the original Act the interpretation of "Breed Society" was inserted. It reads as follows:—

"Breed Society" means a body that carries out the registration of a particular breed of stock and that is recognised as such by the Royal Agricultural Society of Western Australia Incorporated.

So when these tattoo marks and the interpretation of "Breed Society" are recognised by the Royal Agricultural Society of W.A. the stud breeders will have the right to go ahead with branding as a legal operation.

The Bill is well worth while and I am happy to have the privilege of saying a few words about a humble animal which is hardy, and which will eat anything from paper to one's washing on the line. Goats have performed a great service to the State in many ways. Therefore, although this is only a small measure I believe the time

is not far distant when the sale of goat's milk will be carried on by those firms which are now operating only for the sale of cow's milk. I support the Bill, and I repeat that I am happy to be able to say a few words on it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

PLANT DISEASES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd April.

THE HON. R. THOMPSON (South Metropolitan) [8.15 p.m.]: This is another of those small bills, which come up quite frequently, containing amendments to parent Acts. The Plant Diseases Act first originated in 1914, but in the past six years we have had something like six amending Bills. To put them in their correct context, those amending Bills contained much of the subject matter that is contained in the Bill before us. They virtually dealt with the fruit fly pest which this Bill aims to control.

The amendments in the Bill are quite simple and there is no reason to doubt their purpose. The first amendment merely seeks to give an extension of time for a poll to be conducted and for ministerial approval to be given.

The second amendment stipulates the procedure to be adopted in a baiting scheme and the materials to be used. This is a most important amendment, because many people in the metropolitan area who are covered by such baiting schemes have lost valuable trees.

The third and last amendment in the Bill requires a fruit-fly baiting committee—actually, in the main it is a foliage-spraying committee—to make returns to the Minister after an audit has been made of the books.

I have no complaints to make against the amendments in the Bill. In the years the existing committee has been in operation it has done very good work in some areas, but with the expanding metropolitan area we find that many of the hosts of the fruit fly are now being grown as shrubs in backyard gardens, and these are not recognised by the average householder as fruit-bearing plants. To name a few, one is the *fiegea saloueeana*, a very decorative plant. A few of these are to be found growing in the gardens of Parliament House. This is a fruit-bearing plant belonging probably to the guava family. Then we have the cherry guava and the yellow

guava being grown as ornamental plants in gardens, besides many other varieties. These are all affected by the fruit fly.

It is fair to say that some local authorities have adopted baiting schemes, but others have not. It is expensive for the person who has to foot the bill. In some areas the fee is \$1.50 per tree per annum, and it is slightly less in other districts where it is probable that the baiting schemes are less effective.

We have been trying to eradicate the fruit fly pest from the earliest years. The Department of Agriculture should make an examination of what is taking place in the metropolitan area and in the average gardens to control the pests.

At one time the fig tree was common in backyard gardens, but gradually it has been chopped down because of the nuisance it creates. However, we find other ornamental plants being grown which are just as good hosts as the figs or the loquat.

I do not think any progress has been made in the metropolitan area in combating this pest. To name some local authorities with which I am familiar, only one out of four adjacent local authorities has adopted a baiting scheme. In this case the pest from the uncontrolled localities where no baiting scheme has been adopted will be able to infest the plants in the controlled area in the following year.

It is frustrating that the efforts of people living in one local authority district, who are civic minded enough to conduct a poll and contribute to a baiting scheme, should prove to be of no avail because the adjoining local authorities let things go by. This is similar to the case of one orchardist taking steps to control the fruit fly while the other orchardists in his group do nothing. Invariably the next year the pest returns to the controlled orchard.

All this does not augur well for an Act which has been on the Statute book for such a long period. Very little progress has been made in eradicating the fruit fly. Suggestions have been made by a colleague of mine in another place to the effect that the fruit should be stripped from all trees for a period of three years. This was done in South Australia, and good results were achieved. That is why at the present time people entering South Australia from Western Australia are not permitted to take fruit into that State; and of course there are other reasons.

I think that the registration of orchards—under which a fee is paid by all backyard orchardists—is purely and simply a joke. It is only a means to gather revenue without rendering any service. I have paid into this scheme for many years, from the days when I grew a number of fruit trees. To the best of my knowledge no-one from the authority responsible for this scheme has entered my backyard or inspected what trees I have growing. I did have two fig trees at one time.

More positive action should be taken. In the interests of the fruit-growing industry and of the metropolitan area much stricter control should be exercised than has been the case in the past.

THE HON. F. J. S. WISE (North) [8.23 p.m.] I agree entirely with the remarks of Mr. Ron Thompson when he says that very little progress is being made in successfully combating this pest. I will speak to that point in a moment.

I do not know whether many members in this Chamber realise what an interesting Act this one is, and how almost accidentally it is on the Statute book at all. This is one of the very few Acts of Parliament which at one time was a lapsed Bill.

The Bill was introduced in the Legislative Assembly in 1934, and it passed through all stages. It was read a first time in the Legislative Council, but was among the slaughtered innocents. It lapsed. The procedure of Parliament requisite in such circumstances was to move in both Houses to restore the lapsed Bill, and it was again introduced in the session of 1935. I know, because I was the Minister for Agriculture handling it.

The Bill was introduced originally at a time when the fruit fly was becoming rife, not only in the hills district but even down—as had been reported—as far south as Bridgetown. It was introduced following meetings of growers in many districts, because political pressure was very strong in the country for something to be done; and very strong against the measure in the metropolitan area because of the political aspect of imposing a tax on backyard orchardists. It was an issue as contentious as that relating to the crossword puzzles which defeated an ex-Premier. In this case something fairly desperate had to be done.

We were losing our overseas trade in apples and oranges with Ceylon. At that time a Minister was sent to Ceylon to try to arrange for fruit from clean districts of this State to be exported. But who was to determine which were the clean districts? It was a very difficult situation, so an attempt had to be made to rake in everybody—commercial orchardists and backyard orchardists—to charge them a fee for registration, and to ensure that they assumed the responsibility of baiting, and of picking up and burning all fruit on the ground.

In this Act, as members associated with the industry well know, the penalties prescribed are very severe, but the penalties cannot be imposed unless the law is invoked. As Mr. Ron Thompson said, there are many backyard orchardists who pay their fee, and who regard this as having done something for the industry.

They take no care or interest whatsoever, and only conform with the law by paying the 10c registration fee.

Unless something very much more drastic is done, and unless we get closer home to the thousands of people who register their orchards by paying the fee and who do nothing else, we will never keep up with the ravages of this pest. The ill-cared-for tree is a menace to any neighbour, whether he be an orchardist or a suburban resident. The orchardists who care for their trees get very good crops; these people spray and bait their trees and get remarkable crops. However, a neighbour over the back fence or a person living two doors away might do nothing other than pay his registration fee. I think that those who are endeavouring to be responsible citizens—not only in protecting their own trees but also this very important industry—should be encouraged by the control of, and the serious action taken against, the people who are neglectful.

In the same way a very serious circumstance could arise very quickly in many districts of this State with neglected orchards; and in respect of the carry-over from some garden shrubs and roadside plants this is something that has been found to be possible of complete eradication. Without unfair or nasty criticism, I would suggest that a very serious examination be made of the incidence of fruit fly and of the modern methods to combat it.

We are dealing with an industry worth millions of dollars to the State—the fruit-growing industry. It certainly will be threatened in some degree or particular unless the problem is tackled on a broader basis. I think the taking of a poll within a municipal district or a shire is farcical. It gives the right to those who oppose it to say that they do not want a compulsory baiting scheme. With an industry of the value of the fruit-growing industry to this State, it would not be wrong to suggest that the Government spend \$100,000 a year, while retaining the registration fee to launch a campaign on a very broad front, so that people who will not treat their own trees will have them treated at their expense.

I would urge the Government to have a serious look at this. Our fruit-growing areas are very scattered and it is unfair that the nearby hills district will be infested despite all that is done there, because of the indifference of people to whom fruit trees matter very little. The very good work done is severely prejudiced by the carelessness of people who do not accept their civic responsibility.

I support the Bill but I entreat the Government to give serious consideration to the problem. For many years, as is known, I administered this Act, and I know the difficulties. I remember the

days when it was a political issue but the then Government faced the problem. However, we have not progressed very much in eradicating this pest. I hope that other members will have something to say on the points I have raised.

THE HON. S. T. J. THOMPSON (Lower Central) [8.31 p.m.]: I support the Bill and also the remarks of Mr. Wise. It has been proved that the fruit fly can be eradicated. There is no doubt about that. In my own home town no fruit could have been grown a few years ago. We were the first to instigate a spraying scheme in the country. The poll was held and the rate-payers accepted the scheme which was in operation for four years. No fruit fly was to be found in the district. It was a 100 per cent. clean-up. However, after four years the folk decided they had paid long enough and the next year the scheme was dropped. Before the end of the season fruit fly was again discovered because it had been brought into the district. Immediately the scheme was put into operation again and spraying was carried out. This last season not one case of fruit fly was detected.

I am relating this experience to indicate that it is possible—if all the properties are dealt with—to eradicate the fruit fly. I am quite certain of this. However, the way we are doing it in the metropolitan area is not getting us anywhere. Some sections agree to the scheme and those areas are sprayed but other nearby areas are not. The spraying must cover all areas if we are to eradicate the pest. With those few words, I support the measure.

THE HON. F. D. WILLMOTT (South-West) [8.33 p.m.]: In supporting the Bill I wish to make a few remarks. I do not intend to deal with the subject at length as I did so on another occasion in the past in this Chamber. However, I must support the view expressed by Mr. Wise, that not sufficient is being done in the matter of eradication.

With regard to the department itself, I believe that far too many officers think in terms of control, and control and eradication are two very different things. In my own home town of Bridgetown, a poll was held and the compulsory scheme was agreed to. As a result great strides have been made in controlling the pest. No outbreaks of fruit fly have occurred in the district since the scheme was introduced. Previously the problem was everlasting because of the fruit fly from the backyard orchards. Therefore to this degree some success has been experienced.

However, in the metropolitan area and some country districts, not much progress has been made. Many people do not realise, as Mr. Wise has said, the full implication of this. Everyone knows that the fruit-growing industry at present—and particularly the apple industry—is not in

a very happy state. Many of the export markets have been lost to us, but there is a big potential market in Japan. However, we cannot make use of it because Japan refuses to take any fruit from an area where fruit fly is known to exist. We are losing out on a good market simply because fruit fly is known to exist in our State. Japan will not accept a certificate that the fruit came from a fruit-fly-free area. Japan claims, and perhaps rightly, that there is no such thing as a fruit-fly-free area within a State that has fruit fly to the extent it exists in our metropolitan area and some country districts.

Certainly we have areas which are free of fruit fly, but we are unable to issue a written guarantee that our fruit comes from a fruit-fly-free area.

I believe the Government should take a very good look at the possibility of eradication. This is something I have advocated in the past, and I still do. We should aim towards eradication rather than control, which is the departmental view. The department says that eradication is impossible. Mr. Syd Thompson has already given one instance where it has been proved possible. I always have believed that it is possible to eradicate the pest if we tackle the problem with sufficient strength and, what is more important, with sufficient money. I think, as Mr. Wise has suggested, that is the crux of the whole matter.

If we are to get anywhere in eradicating this pest, we must have sufficient funds set aside for the purpose. I am not going to repeat what I have said in the past, because most members have heard me. I still believe that eradication is possible and not at a tremendous cost when we weigh the cost against the advantages which will accrue to Western Australia with the eradication of the fruit fly.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [8.37 p.m.]: I am sure the Minister for Agriculture will be pleased to know he has almost unanimous support in this House for any measures he might want to take in the future with regard to the eradication of the fruit fly. I think he is well aware of the situation and I believe the department is, too.

I do not quite agree with the view of some members that nothing has been accomplished and that we have not gone very far. If those members who believe that travelled around they would find that we have accomplished a great deal, even within the metropolitan area. Previously nearly every home had its own fruit trees, and many people were growing fig trees. However, now very few fig trees are grown in the metropolitan area. Because people have had to pay every year, or every five years, they have decided against growing their own fruit

trees, and this in itself has eliminated a number of the trees which were the cause of the extension of the fruit fly menace in the past.

Mr. Syd Thompson has stated that Wagin was completely free of the fruit fly when its scheme was in force. Bridgetown is also free of fruit fly because of its scheme. This surely is progress.

If I remember rightly, not so very long ago women had to be employed on the spraying because men could not be recruited. I think this is possibly why the department can take measures only to control rather than eradicate. I have read, of course, that women have now been employed to clean our streets, so maybe we can make some progress with our spraying. With the ever-increasing demand for equal rights with men, the women might be prepared to do this work on the same basis as the men. However, I think that is beside the point.

I do believe that one of the problems of the department has been insufficient staff and money. We have not only lost the market in Japan, but I am firmly convinced that the same factor was responsible for the loss to us of a canning factory.

I know that some canning factories have commenced operation in this State, but because of an insufficient quantity of fruit-fly-free fruit, they could not carry on. This is very bad for the State. However, I am sure the Minister is well aware of the situation and that he will be very pleased to know he has support from this House for any urgent and drastic measures he might take in future to eradicate this pest. I will convey these sentiments to him. I commend the Bill to the House.

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.

RESERVES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd April.

THE HON. R. F. CLAUGHTON (North Metropolitan) [8.42 p.m.]: This Bill seeks to amend section 13 of the principal Act. The effect of the amendment will be to change the purposes of the land which was originally set aside for a concert hall and associated uses. The desire is that this land shall be used for a concert hall and ancillary uses, restaurant, and vehicle parking.

When the Act was introduced in 1967 the House was informed that it was necessary to facilitate the discussions concerning the eventual use of this piece of land

for a concert hall. At that time a question was raised about a committee which had investigated the matter. The Minister for Lands said that the committee had conducted an exhaustive study, but the results of that study were never revealed to Parliament. This was one of the reasons which led to the charges made against the Government at the time that it conducted government by stealth.

We do not know the members of that committee, and no report was published. One of the queries which required an answer at the time was whether the No. 1 car park site of the City of Perth was one of the sites the committee examined; and whether, in its consideration of the site under discussion, the committee knew that a car park was also to be provided, because I am told that the provision of a car park and facilities on the reserve contravenes the parking zoning by-laws of the Perth City Council.

When considering what "associated uses" might mean, people might think of things like chamber music, choral performances, opera, ballet, and musical comedy. But when the question of ancillary uses and other matters were mentioned by the Minister in introducing the Bill, not one of those points was referred to. What was mentioned had nothing at all to do with the arts—an escalator, furnishings, car park, and a restaurant. The only matter remotely connected with the arts was the provision of an organ.

At the time this struck me as rather strange and it made me wonder what had been the real reason for introducing the Bill to Parliament. Are we really concerned about supplying a concert hall for the city or are we trying to do something else?

The Hon. A. F. Griffith: What else are you suggesting we might be trying to do?

The Hon. R. F. CLAUGHTON: I will suggest some of these things as the Minister has raised the matter.

The Hon. A. F. Griffith: I did not raise it; you did.

The Hon. R. F. CLAUGHTON: The Minister asked me. However, to get back to the question of the concert hall itself, one would expect that with a concert hall which it is pretended will cater for other arts as well—I read in a newspaper article in *The West Australian* of the 20th February where the hall would be used for ballet and opera—provision would be made for the easy transfer of scenery equipment. Scenery has to be shifted about for several forms of art, but no facilities are being provided in this building for the easy transfer of scenery. Again, the plans provide for a subway under St. George's Terrace.

The Hon. V. J. Ferry: Not under Stirling Highway?

The Hon. R. F. CLAUGHTON: No, not under Stirling Highway. I think the University students must be rather cynical about the matter when they look at the plan for the concert hall. The concert hall is to be built in St. George's Terrace and it will be used mainly at night, when the traffic flow is not great; yet a subway is to be provided for the use of patrons. But at the University, where thousands of students are crossing the road at different periods of the day, no provision is made for a subway.

It almost seems as though the Perth City Council has been landed with a baby with which it is not really able to cope. The city council wanted a concert hall and a town hall and, having been stuck with this site—because to have knocked it back would have lost the Government some face, since it was handed out at the time as an election gimmick—the Perth City Council have to try to put the town hall and the concert hall in the same building.

Here again, if one looks at the report in *The West Australian*, one will find that the restaurant is to be constructed so that it can be opened up and used in conjunction with the foyer to make a large area that will hold about 1,000 people on occasions when the Perth City Council may require it. Also, the hall can be used for large conventions and the like. But chamber music, choral performances, and so on do not rate a mention.

I would suggest that the whole business was more of a political arrangement than something designed to improve the cultural facilities of Perth. The Minister asked me what the hall might be used for, but if one looks at the plans published in the Press one will find that the architects responsible for those plans suggested that the Commonwealth buildings on the site adjacent to that being used for the concert hall be stretched as far apart as possible so that the concert hall would have a facade facing onto Victoria Avenue. Here we have a case where the concert hall actually appears to be interfering with the best use that can be made of the site on which the Commonwealth offices are being built.

The Hon. A. F. Griffith: But what is this political business you are talking about?

The Hon. R. F. CLAUGHTON: A fine building is being erected on a valuable site in St. George's Terrace but it could not be compared with the cultural centre being built in Melbourne. I shall not mention the opera house in Sydney.

The Hon. A. F. Griffith: Why not? You are being completely ridiculous.

The Hon. R. F. CLAUGHTON: This is a most valuable site but an alternative site was available at the No. 1 car park.

The Perth City Council had already considered placing a cover over the car park and perhaps using the area for a restaurant and for other purposes.

This could have been done and the site now under discussion could have been used for much more worth-while purposes. I would suggest that the best use is not being made of a valuable site and the No. 1 car park site is still available. This site would have provided a better view than a concert hall, because the present site has the view obstructed by trees. One cannot see the river from that site, whereas the car park site would have enabled use to be made of the river views.

It seems that there will have to be some adjustment to the location of the Commonwealth buildings on the old C.B.C. site. The present proposals also cut across Perth City Council parking policy. However, I reluctantly support the Bill. In actual fact it was a Government decision to give this site to the Perth City Council but the Government has done nothing to expedite the construction of a concert hall because even now we are only at the planning stage.

The Hon. A. F. Griffith: Before you sit down could you tell me the political purposes you think we had in mind? You made the accusation that some political purpose was involved. What was it?

The Hon. R. F. CLAUGHTON: If the Minister cannot see the political purpose behind it when the matter was brought up before the State election, then he is not as astute as I thought he was.

The Hon. L. A. Logan: It has been under discussion with the council for two years.

The Hon. A. F. Griffith: He amazes me.

The Hon. V. J. Ferry: He has a one-track mind.

The Hon. R. F. CLAUGHTON: I support the Bill.

THE HON. F. R. H. LAVERY (South Metropolitan) [8.54 p.m.]: I wish to draw attention to one or two matters regarding the Bill. I think my record in public life will show that I have always been in favour of provision being made for the arts, and particularly those arts which cater for participation by local people. Therefore, I am delighted that a move has been made to provide a concert hall for Perth.

However, I want to draw attention to the fact that although we are to have a building which will cost in the vicinity of \$3,000,000, nothing other than what has been published in the newspapers—except for one source of information which was available to me on one occasion—is known about the project. We hope that everything the planners expect will eventuate, but there are certain aspects to which I think attention should be drawn

because in my view some parts of the building will not be as effective as one would wish them to be.

I understand that the stage is being planned to provide for 100 to 130 musicians, but the room to which the musicians will retire, or in which they will practise, will not seat more than 50. I am not trying to tell the architects how to plan the building, but one of the orchestral leaders in this State drew my attention to the matter and asked me to mention the lack of planning on the aspect to which I have just referred, when the Bill was before the House.

Let me give another instance of a lack of thought in planning. This is a case where the people vitally concerned—those who were to use the facilities—were not consulted; I refer to the Lake Grace District Hospital. The kitchen at that hospital could be used to cater for 100 people; but it is only a 25-bed hospital. In the operating theatre the distance between the operating table and the benches around the theatre is 12 feet in one instance and nine feet in another. Dr. Hislop and I inspected the hospital some years ago and found that to be the case. It was the result of the medical profession not being consulted, and in the case of the concert hall—where there is room for only 50 musicians to sit while practising, but the stage is planned to seat between 100 and 130 musicians—the same lack of consultation appears to be evident. However, I do support the proposal of a concert hall for Perth. I support the Bill.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.57 p.m.]: I do not know quite what to think of the speech made by Mr. Cloughton because it was only in the last half a dozen words of his speech that I realised he intended to support the Bill. I am a little concerned at the interpretation that his imagination has made him put on the Bill. As I explained when introducing it, the purpose of the measure is purely and simply to give effect to what the Crown Law Department said needed attention. The departmental officers advised the Government to this effect. In the 1967 legislation the piece of ground the subject of this Bill was vested for purposes that I explained when introducing this measure.

The Hon. R. F. Cloughton: I did not question that.

The Hon. A. F. GRIFFITH: I know what the honourable member questioned. When I asked him what political purposes he thought we might have in mind he said something about the State election. Goodness gracious me! We have just had an election and here the honourable member is worrying about the next one already. It is a long way off.

The Hon. R. F. Claughton: This was in 1967.

The Hon. A. F. GRIFFITH: The next election is not until 1971. The original intention was to build a hotel on the piece of land in question and we all know what happened to the proposal. Unfortunately, the building of an international hotel on that land could not be proceeded with. Then the land was made available to the Perth City Council in the Reserves Act to which I have already referred. What political consideration could be attached to that heaven only knows! In Mr. Claughton's mind apparently there was.

The Hon. F. J. S. Wise: He might have a heavenly mind.

The Hon. A. F. GRIFFITH: He has a very imaginative mind. The honourable member said that one begins to wonder why the Bill was introduced. Perhaps I should tell him again why it was introduced. The Crown Law Department advised the Government that it did not consider the terms of the vesting order were sufficient to cover the additional requirements of the Perth City Council.

The Hon. R. F. Claughton: I did not question that.

The Hon. A. F. GRIFFITH: To my mind anybody listening to the honourable member would have been quite sure that there were some very suspicious circumstances surrounding the introduction of this very tiny Bill. I do not think this sort of thing is really necessary.

If the honourable member has some doubt as to what the Government intends to do he should ask straightout, and if I do not know I will find out and inform him. I think that is the most direct method of dealing with this situation.

I do not intend to deal with the type of structure that will be placed on the land. This matter is not contained in the Bill. The Bill contains two clauses—the title, and clause 2, which is the important clause and which will simply add to the purposes for which this land may be used in such manner as the Governor may approve under the provisions of the Land Act, 1933. That is all there is to it.

The Hon. R. F. Claughton: It depends on what they intend to put there.

The Hon. A. F. GRIFFITH: Why should the honourable member be suspicious about the matter? When the Bill is dealt with in Committee he should get up and tell me what he is suspicious about. I do not think it becomes any honourable member to be suspicious in a debate on a little Bill like this, or on any Bill for that matter.

As I said during the second reading, what will be placed on the land, what the plans will be, and so on, will be later determined by the Perth City Council in consultation,

no doubt, with the architects. I am sure that already considerable consultation has taken place, and the Perth City Council has given some indication of costs, of uses, of the car park and the number of cars, and that sort of thing. That is all there is to it.

The Hon. R. F. Claughton: You said 700 cars and the architect has said 560.

The Hon. A. F. GRIFFITH: I cannot see what on earth that has to do with it. I think the best thing for me to do is to sit down and hope the House will pass the second reading 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.

House adjourned at 9.5 p.m.

Legislative Assembly

Tuesday, the 15th April, 1969

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

QUESTIONS (14): ON NOTICE ROCKINGHAM BEACH SCHOOL

Additions

1. Mr. RUSHTON asked the Minister for Education:

What building additions are programmed or estimated to be completed prior to the start of the 1970 school year for the Rockingham Beach School?

Mr. LEWIS replied:

No additions are planned for Rockingham Beach School for 1969-70. Present accommodation should be sufficient.

LOCAL GOVERNMENT

Shire Borrowings and Rate Reductions

2. Mr. DUNN asked the Minister representing the Minister for Local Government:

- (1) To what extent can a shire borrow in order to conduct its affairs?
- (2) Is the amount a shire may borrow limited by the requirement of the Treasury; if so, what are these limitations?
- (3) Are there any shires which have currently borrowed to the limits laid down; and which shires in particular are involved?