regards the proposal to improve the standard of the Perth Airport, I do not know how many members watched TV the other night when Basil Atkinson, Mr. Mitchell, and Rigby and Ward appeared on the show and discussed national travel and tourism. During the discussion Mr. Atkinson said that only 12,000 Americans came to Australia each year as tourists. Surely, as the population of America is 140,000,000 or 150,000,000, there is terrific scope for us to attract more tourists if only we can provide the facilities! We should be able to increase the number to 25,000 or 30,000, but we have to provide the necessary facilities for those tourists.

An American tourist does not travel to one particular place and then go home; he travels on a circuit. Therefore it is essential that the Perth Airport be a part of that circuit to ensure that American tourists will come to Western Australia. I think the Chevron-Hilton Hotel which is to be built in Western Australia will form part of that chain, and thus we will be able to make facilities available for these tourists to complete the circuit with Western Australia being included in the itinerary. That can do nothing but good for this State.

Both Mr. Jones and Mr. Lavery said they felt that since they had been members of Parliament they had not been able to accomplish very much by their speeches in this House, or by the questions they had asked; in other words, they wanted to know what had been accomplished in their electorates since they had been members. I think it would be a good idea if they looked back over what has been accomplished in their respective provinces since their election. If they did, I think they would find, the same as I did when I studied the position, that a good deal of progress has been made.

I do not claim that I have been responsible for all—or even half—of what has been accomplished in my province, but at least I can claim credit for some of the things that have been done. I have been able to get things done through my own work, or through working in co-operation with the other members who represent that area. I have no hesitation in saying that members need not worry about that aspect, because they have justified themselves as members of this House. If they look at the position, they will see that much has been accomplished.

They are the only items I wished to to discuss. Firstly, I wanted to let Mr. Baxter know the position of the Children's Court, and I also wanted to let Mr. Davies and Mrs. Hutchison know that we were watching the interests of John Citizen in the South Perth development, and in the care of our foreshores and rivers. I support the motion.

On motion by the Hon. F. J. S. Wise, debate adjourned.

House adjourned at 7.40 p.m.

Legislative Assembly

Thursday, the 25th August, 1960

CONTENTS

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

QUESTIONS ON NOTICE

PRESSURISED TIMBER

Treatment at Pemberton

1. Mr. ROWBERRY asked the Minister for Industrial Development:
   (1) What progress has been made with the experiments in the pressurised treatment of timber at State Building Supplies, Pemberton?
   (2) Has the plant lived up to expectations in the matter of method used, and the ability of local timber to withstand extreme pressure?
   (3) Is the appropriate division of the C.S.I.R.O. satisfied with the results to date?
   (4) Can an approximate estimate be made of when the product of the plant will be of commercial value?

   Mr. COURT replied:
   (1) Deliveries of treated arms commenced during June, 1960, when 14,800 arms were despatched under current contract with the P.M.G. Department.
   (2) The plant itself has lived up to expectations. Some technical difficulties are being experienced with high pressures being used, resulting in a higher percentage of rejects than anticipated.
   (3) Not entirely. Full co-operation is being received from the Division of Forest Products of the C.S.I.R.O. in overcoming the technical difficulties referred to in the answer to No. (2).
   (4) As stated in No. (1), deliveries have already commenced. It is too early to assess the full commercial value of the plant.

2. *This question was postponed.*

PRICE OF DOMESTIC ELECTRICITY

Collie-Bunbury and Perth-Fremantle

3. Mr. FLETCHER asked the Minister for Electricity:
   (1) Is the price of domestic electricity cheaper or dearer to the consumer in the Collie-Bunbury area than in the Perth-Fremantle area?
   (2) If dearer, why, when so close to the supply of coal, and since the Bunbury power station is allegedly more efficient than metropolitan stations?
   (3) If dearer, having in mind line loss and the Government's intention to produce the preponderance of power at Bunbury station, does the Government intend to also increase electricity charges in Perth-Fremantle area?

   Mr. WATTS replied:
   (1) In all country areas the domestic consumers pay:—
   First 24 units per month at 7.31d. per unit.
   Next 24 units per month at 4.31d. per unit.
   Next 4,952 units per month at 3.31d. per unit.
   This follows a policy which has existed for many years of a flat rate of charges throughout country areas served by the State Electricity Commission.
   In the metropolitan area the domestic consumers pay:—
   Lighting, 6.65d. per unit.
   Power (domestic), 2.65d. per unit.
   (2) Generation costs are only part of the cost of supply. Other costs are higher in the country areas.
   (3) Electricity charges will be increased only if rising costs exceed the savings that can be made.

4. *This question was postponed.*

MT. MAGNET SCHOOL

Additional Classroom

5. Mr. BURT asked the Minister for Education:
   (1) Is he aware that owing to lack of school accommodation at the Mt. Magnet State School, pupils in the lower grades are being taught in the road board hall?
   (2) Will full consideration be given to the building of an additional classroom at the school this financial year?

   Mr. WATTS replied:
   (1) and (2) Yes.

RACING

Payments to Clubs

6. Mr. BURT asked the Treasurer:
   What amounts were paid, and under what headings, to—
   (a) the Western Australian Turf Club;
   (b) all country clubs;
   under the Betting Control Act, for the year ended the 31st July, 1960?

Mr. BRAND replied:

(a) The Western Australian Turf Club—
Turnover tax—£43,032;
Investment tax—£48,301.

(b) Country Racing Clubs—
Turnover tax—£12,062;
Investment tax—£8,524.

SCHOOL OF THE AIR

Duties of Teacher

7. Mr. NORTON asked the Minister for Education:

(1) Will it be the duty of the teacher in charge of a school of the air to also act as the correspondence teacher for those children enrolled on his broadcasts?

Two-Way Radio Sets for Parents

(2) Is it the intention of his department to supply two-way radio sets to those parents in remote areas who have not got such sets and who have children of school age?

Mr. WATTS replied:

(1) This suggestion is being considered.

(2) No.

8. *This question was postponed.*

DENTAL CLINICS

Assessment Charts

9. Mr. HALL asked the Minister for Health:

(1) Can he advise the House why the proportion assessment chart, as used by the Dental Hospital, is not advertised in any way in towns or the metropolitan areas where dental clinics operate?

(2) Will he undertake to have proportion assessment chart advertised at clinics, and in the Press, showing the assessment proportion and percentage payable, as against income and units of families, from one to eight, and the income disqualifying persons from eligibility?

(3) Has there been any adjustment made to the dental assessment chart as a result of the 28 per cent. margin increase and the recent basic wage adjustment?

Mr. ROSS HUTCHINSON replied:

(1) The procedure in the clinics, both metropolitan and country, has been undergoing a testing period, and this has resulted in the delay referred to by the honourable member.

(2) Yes.

(3) Yes, on a proportionate basis.

CHAR AND COKE BRIQUETTES

Sale to Japan

10. Mr. MAY asked the Minister for Industrial Development:

(1) Is he aware the Griffin Coal Mining Co. recently sent a delegation to Japan, for the purpose of ascertaining the possibilities of placing orders for char and coke briquettes?

(2) Has this company since made a report to his department regarding the results achieved by the delegation; and if so, what is the nature of the report?

Establishment of Industry at Collie

(3) Does he feel that the information placed before the Government is worthy of favourable consideration; and if so, what is the Government prepared to do to assist in the establishment of a char and briquetting industry at Collie?

Mr. COURT replied:

(1) Mr. N. Fernie, the managing director of the Griffin Coal Mining Co. visited Japan recently for this purpose.

(2) The Griffin Coal Mining Co. has reported to the Government the results and hopes of the company in connection with such visit.

(3) Consideration is being given by the Government to a request from the Griffin Coal Mining Co. for a guarantee to the extent of £750,000 being the necessary amount of capital for the establishment, in the company's opinion, of a char and briquetting production plant.

ALBANY PRISON

Selection of Site

11. Mr. HALL asked the Chief Secretary:

(1) Has a prison site for Albany been decided upon?

(2) If not, when will a decision be made, and how many sites were submitted for his approval?

Mr. ROSS HUTCHINSON replied:

(1) No.

(2) Three sites were inspected, concerning which I am awaiting a report of officers of my department and the Town Planning Commissioner.

MUNDIJONG WATER SUPPLY

Provision of Reticulated Scheme

12. Sir ROSS McLARTY asked the Minister for Water Supplies:

Could he give any indication as to when the town of Mundijong will be provided with a reticulated water scheme?

Mr. WILD replied:

No indication can be given at the present time. It is hoped, however, to be able to make a decision when the exact extent of loan funds is known.

13. *This question was postponed.*

HOUSING

Erection at Cloverdale, Queen's Park, and Wilson

14. Mr. JAMIESON asked the Minister representing the Minister for Housing:

How many houses are to be constructed by the State Housing Commission in each of the following districts during the current financial year: Cloverdale, Queen's Park, and Wilson?

Mr. ROSS HUTCHINSON replied:

Cloverdale—60 houses.

Queen's Park—15 houses.

Wilson—100 houses.

VIOLET VALLEY

Standard of Maintenance by Lessee

15. Mr. RHATIGAN asked the Minister for Native Welfare:

(1) Does he consider the lessee of Violet Valley (formerly a Native Welfare Department cattle station) is maintaining the conditions of the lease—that is, keeping the buildings, yards, windmills, etc., to the standard which existed when the property was leased?

(2) If so, on what authority does he base this answer?

(3) If not, will he take action to terminate this lease?

Mr. PERKINS replied:

(1) to (3) The lease has been in force for nearly twenty years; and the buildings, yards, etc., on the property have naturally deteriorated in that time. As soon as I am able to visit the Kimberley area, I intend to examine the Violet Valley situation in its relation to an over-all plan for the future education, training, and welfare of East Kimberley natives.

RAILWAYS DEPARTMENT'S LOSS

Burakin-Bonnie Rock and Lake Grace-Hyden Lines

16. Mr. GRAHAM asked the Minister for Railways:

What amount of the Railways Department's loss for 1959-60 was attributable to the operation of services on the Burakin-Bonnie Rock and Lake Grace-Hyden lines?

Mr. COURT replied:

Nil, because credit has been taken in the W.A.G.R. accounts for the amounts to be recouped by the Treasury. The amounts involved are shown in the answers given to questions on the 9th August, 1960, as shown on pages 243 and 244 of *Hansard*.

METROPOLITAN TRANSPORT TRUST

Purchase of New Buses

17. Mr. BRADY asked the Minister for Transport:

(1) Have any new buses been purchased by M.T.T. since being set up as a transport organisation?

(2) If so, were tenders called for the purchases?

Mr. PERKINS replied:

(1) Yes.

(2) Competitive prices for selected makes of chassis were obtained and tenders were called for bodies.

CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION BILL

Second Reading

MR. WATTS (Stirling—Attorney-General) [2.25]: I move—

That the Bill be now read a second time.

This Bill, of course, is being introduced by the Government at the request of the authorities of the Church of England in Western Australia. On the 5th April, 1960, the Anglican Archbishop of Perth wrote to the Premier as follows:—

THE CHURCH OF ENGLAND IN AUSTRALIA—CONSTITUTION.

Following the agreement of the Anglican dioceses of Australia to the terms of the Constitution, it is now desired to give legal effect to the Constitution through State and Federal parliamentary legislation.

I enclose a copy of the proposed Bill for the State Parliament of Western Australia, and in doing so I assure you that the Bill conforms closely to the corresponding Bills for other States and for the Federal Parliament.

Mr. Ernest Tindal, the Chancellor of the Diocese of Perth, has been responsible for drafting the Bill which has been subsequently examined and finally approved by Mr. Clive Teece, who is the Chancellor of the Diocese of Sydney. Mr. Tindal would be prepared to deal with any questions which the Government may wish to raise. I am informed that in Sydney and Melbourne the Attorney-Generals are taking charge of the Bills on behalf

of the Government, and I should be most grateful if the same procedure could be followed in Western Australia.

It is hoped that the Bill could be introduced and passed early in the next session of Parliament to facilitate the promulgation of the Constitution later in the year.

That concludes the archbishop's letter. The Bill was subsequently drafted for Parliament as requested, in consultation with the Church of England authorities and their solicitors.

Under date, the 14th June last, the solicitors wrote to the Chief Parliamentary Draftsman stating that the draft of the Bill was quite satisfactory. However, minor machinery amendments were made to the draft and submitted to the solicitors of the Church of England authorities who, on the 15th June, wrote to the Chief Parliamentary Draftsman stating that the conditions mentioned were agreed to.

The Bill, of course, covers the domestic affairs of the Church of England in Australia; and it does not concern any other religious body or affect any other statute. In a memorandum submitted to me by His Grace the Archbishop, this reference is made:—

The missionary enterprise of the Church of England in the course of the last few centuries has led to the development of branches of that church in many countries, linked in a federation of local churches known as the Anglican Communion.

In many places, for instance, Canada, the United States of America, South Africa, India, Japan and China, these local churches are completely autonomous. Up to the present time the Church of England in Australia has taken no step to secure local autonomy.

Consequently, the "terms of trust" of the Church of England in Australia are those recognised by the established church in England. Their variation or revision in present circumstances comes within the authority of the church in England and the ultimate authority for the purpose is the judicial committee of the Privy Council.

The purpose of the present Bill is to give full autonomy to the Church of England in Australia, at the same time ensuring the continuity of its identity as a true branch of the Anglican communion.

I would like to say that similar Bills have been, or are to be, submitted in the other States of Australia. I am given to understand, in fact, that some of the other States have already passed Bills in similar terms to the one I now introduce to the House.

The SPEAKER: Order! There is too much noise in the House!

Mr. WATTS: The Bill is desired by the Church of England authorities in this State, as will be seen from the letter I first read from the Anglican Archbishop. Obviously the contents of the Bill are only those which are desired by the Anglican Church in Australia having, as will be realised from the comments I have made, been settled by their respective chancellors in the respective States after customary decisions have been reached by the Governing bodies.

Mr. Nulsen: Does that mean that as far as the Church of England is concerned it will be controlled by legislation in Australia now and will not be interfered with from England?

Mr. WATTS: When legislation is passed in all Parliaments, that will be the position.

Mr. Hawke: Could the Attorney-General say why Tasmania is mentioned separately from Australia?

Mr. WATTS: I could not. There seems to be some reason connected with the church, but I did not see fit to inquire. If the Leader of the Opposition would like to know, I could find out before the Bill is proceeded with.

Mr. Hawke: I would like to know.

Mr. WATTS: It seems to me that we are under some obligation to pass the Bill in the form which has been approved by the church, and in that form it has been introduced into this House.

On motion by Mr. Hawke, debate adjourned.

SUPREME COURT ACT AMENDMENT BILL

Second Reading

MR. WATTS (Stirling—Attorney-General) [2.34]: I move—

That the Bill be now read a second time.

The number of judges authorised by the principal Act is, at present, five; and this Bill proposes to authorise two more, making a total of seven.

At present, there are five judges, including Mr. Justice Nevile, who is President of the Industrial Arbitration Court and therefore can take little or no part in the Supreme Court proceedings. Consequently, with the exception of the acting judge, there are only four judges available for Supreme Court work; and of course, at present, Mr. Acting Justice Hale is taking the place of the Chief Justice who is absent from Australia.

Because of the growth of business in the Supreme Court—partly due, of course, to the increasing population—it was necessary earlier this year to appoint an acting judge in the person of Mr. Acting Justice Hale; and because the Supreme Court work requires it, it has been deemed necessary to increase the number of judges to six in order that Mr. Hale's appointment as a judge might be confirmed.

Upon the return of the Chief Justice from England, however, it is proposed to discuss with him arrangements for a judge to be available to conduct sittings of the Supreme Court and criminal sessions at some of the larger provincial towns at regular intervals. Some such provision has already been made for Kalgoorlie; but in view of the growth of such places as Albany, Bunbury, and Geraldton, it is considered desirable to make arrangements for a judge to circuit in those centres as well.

Such provision will have the effect of saving litigants a great deal of cost in travelling expenses and witnesses' expenses in that they will be able to have their cases dealt with in towns close to their homes, in many instances where that is now impracticable because they have always to travel to Perth. It will also give country practitioners an excellent opportunity of familiarising themselves with Supreme Court procedure and appearing in Supreme Court actions and criminal trials. It is true that there are quarterly sessions with a limited jurisdiction in criminal trials in certain of the places I have mentioned and these are presided over by a stipendiary magistrate. But, as I have said, there is limited jurisdiction, and it is believed to be desirable to enable as soon as it is practicable to do so, a judge to take charge of those courts as well.

I would like to say here that before the Chief Justice left Western Australia he himself made the suggestion to me that consideration of this matter was desirable, and I told him that we would wait until his return but that I personally was favourably impressed with the idea and I thought the Government would be also. I think all those with whom the matter has been discussed have generally approved of the suggestion.

It is not intended to appoint a seventh judge at this stage. As I pointed out, consideration of the matter will await the return of the Chief Justice; and also no doubt there will be some delay after that if a scheme is decided upon, as certain other arrangements will have to be made to provide some additional facilities at some of the places to which I have referred.

However, rather than have two bites at the cherry by amending the Act to provide for six judges now and subsequently having to amend it for the appointment of a seventh, it was considered wise to provide for a maximum number of seven at the present time. When six judges are appointed, actually only five will be available for the work to which I have referred; because, as I have said, Mr. Justice Nevile's time is very considerably—if not almost entirely—taken up by the Industrial Arbitration Court; and I think he has only acted in the Supreme Court region on a couple of occasions when he sat on the Full Court bench. So the Bill provides for the appointment or authorisation of the appointment of a maximum number of seven judges.

On motion by Mr. Nulsen, debate adjourned.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

MR. WATTS (Stirling—Attorney-General) [2.40]: I move—

That the Bill be now read a second time.

I do not think this Bill has the effect that I fancied I could see in the eye of the member for East Perth, even on the judges' salaries and pensions, for the reason I will explain.

This Bill is necessary on account of the appointment of an acting judge in March of this year. It was necessary to appoint another judge; but the Supreme Court Act provided for the appointment of only five judges; and, including the President of the Arbitration Court, five such judges were in existence.

Owing to the absence of the Chief Justice on long-service leave for 12 months, and the fact that the work of the courts was steadily increasing, it was necessary to appoint an acting judge as permitted by the Supreme Court Act; and Mr. Justice Hale was so appointed, and given to understand that if he accepted such an appointment steps would be taken to amend the Supreme Court Act to provide for the appointment of another judge; and, on the passing of that Act, he would be confirmed in his position as judge of the Supreme Court. Such an assurance was desirable because the appointment as an acting judge necessitated Mr. Justice Hale abandoning his private practice and he would have been unwise to consent to the appointment of an acting judge had there not been this understanding.

This Bill proposes, for the purpose of pension rights in circumstances such as have been outlined, that when an acting judge has been appointed and while holding that office is appointed a judge, his appointment as a judge for pension purposes shall be deemed to have taken effect as from the date of his appointment as an acting judge.

It is extremely unlikely that it will be possible to appoint him as a judge of the Supreme Court before, say, the 1st October next. As his position stands at the present time, his pension rights would accrue only from the 1st October. In the circumstances, it is considered proper that the pension rights should commence from the date he was appointed an acting judge. This Bill will, of course, cover not only the case of Mr. Acting Justice Hale but also the case of any other person who may be in similar circumstances appointed in the future.

The other provision in the Bill relates to salary, and applies in the same circumstances as I have previously mentioned. It is intended to ensure that the salary of Mr. Acting Justice Hale should, as from the 1st July, 1960, be paid under the provisions of the principal Act—the Supreme Court Act—which, as members will recall, was amended last year to adjust the salaries paid to judges of the Supreme Court.

At the present time his payments as an acting judge between March and June have not been paid through the Supreme Court Act; they have been paid simply by the Treasury. It is desired to regularise the position as from the 1st July, 1960, the beginning of the new financial year.

The remaining amendments deleting the passage "-1949" in three places are small machinery amendments.

On motion by Mr. Hawke, debate adjourned.

STOCK DISEASES ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [2.45]: I move—

> That the Bill be now read a second time.

Since the principal Act was passed in 1895, before Federation, it has been amended only once. Apparently the reason for that is that it gives very wide powers; and, furthermore, there has been no question of any challenge. However, effluxion of time and other circumstances have made it urgently necessary to recast the Act to suit modern conditions; and, what is most important, to ensure that it does not conflict with section 92 of the Commonwealth Constitution but at the same time provides the protection that is so necessary for the livestock industry of this State. Quite recently considerable doubt has been expressed about the adequacy of the Act to withstand a legal challenge.

Western Australia is extremely fortunate in its relative freedom from stock diseases; and due to its isolation from the rest of the continent, it enjoys freedom from diseases that are existent in other States. The circumstances which indicated a possible weakness concerned the question of introducing cattle. At present, stud cattle are permitted entry into Western Australia subject to certain health requirements. Cattle other than stud are permitted entry from South Australia to Kalgoorlie only subject to slaughtering on arrival.

By confining the introductions to stud cattle, the trade is naturally limited, and the properties of origin and the health history of the cattle are easily checked to enable the required certification. It has always been felt, however, that the State has too much to lose by risking the general introduction of cattle other than stud, the risk in this instance being the danger of introducing contagious bovine pleuro-pneumonia. For the information of members, pleuro-pneumonia is endemic in the Kimberley Division of Western Australia, but the whole of the State south of the 20th parallel is free of this serious disease. It exists in parts of the other States, and has been responsible for very serious losses both in New South Wales and Victoria. In fact, I understand that in Victoria only recently the sum of £100,000 was spent on eradicating a series of outbreaks.

For this reason certain of our cattle from the north can be brought south only under quarantine conditions and subject to slaughter on arrival. Some months ago a move was made to bring a consignment of cattle from the Eastern States for breeding purposes. Refusal on the part of the department to permit entry was queried from a legal point of view; and on closely examining the legal aspects, Crown Law officers pointed out that in view of the extent and effect of section 92 of the Commonwealth Constitution in more recent years, the Act should be amended to ensure that it in no way conflicts with the Constitution. The advice given was that the present wording is wide enough to prohibit the introduction into the colony from other States of any stock for any reason whatsoever.

In view of this, the ban on the introduction of cattle other than stud cattle had to be replaced with a permit to enter, subject to certain safeguards such as a series of tests over several periods and other requirements concerning isolation, etc. Despite these safeguards, the veterinary officers of the department were not entirely satisfied that the proposal was without a certain degree of risk which, from an economic point of view, was not worth taking. The reason for the slight doubt is that, despite every care, the tests are not 100 per cent. reliable. Fortunately the deal fell through as in the end the cattle were not consigned. In view of this experience there is an urgent need to strengthen the Act as proposed by this Bill, to make certain that

our livestock industry can be protected from any new infection which could be an economic catastrophe.

Opportunity has also been taken to prune the principal Act and delete sections that are now covered by the Interpretation Act, 1918. The inclusion of what is known in legal jargon as a severability clause preserves the remainder of the Act in the event of a particular section being successfully challenged and declared invalid. For obvious reasons the reference to "Colony" has been changed; and as stock imported from countries outside Australia are covered by the Commonwealth Quarantine Act, it is proposed that the Act will deal only with the introduction of stock from other States.

It will be noted that the Bill repeals the Scab Act. Scab in sheep was eradicated at the turn of the century; and, should a further outbreak occur, it can be dealt with under the principal Act as amended. It is proposed to permit the Governor, by proclamation, to prohibit the introduction of infected stock into the State, such proclamation being issued in the belief and supported by evidence that unless such steps are taken disease will be, or is likely to be introduced into this State. Section 12 is to be deleted because overseas ships carrying imported stock are subject to Commonwealth law; and, in the case of other ships with stock aboard, a declaration from the master is not necessary.

The reference to schedule "C" of *The Shortening Ordinance, 1853*, is deleted because at present this means that all offenders must be prosecuted within three months. From a departmental point of view, this could be far too short a period; and, by its deletion, limitation for offences will be governed by the Justices Act, and will be six months.

On motion by Mr. Kelly, debate adjourned.

LAND ACT AMENDMENT BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [2.56]: I move—

> That the Bill be now read a second time.

The Bill proposes to amend two sections of the Land Act, and could be termed a machinery measure designed to eradicate certain legal doubts, and to give the Minister for Lands stronger powers in matters relating to the trafficking in Crown land.

In the first instance, I shall deal with the proposed amendment to section 32 of the Act. This amendment has been brought before the House for the purpose of enabling the Governor to authorise the agistment of stock on reserves that are set apart and are used for public purposes, and are not vested in, or placed under the control of any other authority under the Land Act or the Parks and Reserves Act. A doubt exists regarding the legal position in such instances. There are times when it is convenient and desirable to grant a short-term lease for the pasturing of stock, which would not restrict the use of any such reserves by the general public.

In the case of a reserve vested in a local authority under the Land Act, or placed under the control of a board under the Parks and Reserves Act, the authority concerned has the power to grant licenses for the depasturing of animals on such reserves. The authority also has the power to take for the same such fees as are made by any by-law from time to time. No similar authority is given to the Governor to lease reserves that are being used for their allotted purpose; and it is considered most desirable that an amendment to the Land Act, as described in the Bill, be sought to provide this additional power.

The second amendment affects section 143 of the Land Act. This section provides that no transfer, mortgage, or sublease of any lease or license shall be valid or operative until the approval in writing of the Minister for Lands is obtained. An amendment is proposed for the purposes of ensuring that no conditional purchase lease shall be sold, assigned, or disposed of by way of any contract or agreement without the approval of the Minister for Lands having first been obtained.

The sole reason for this suggested amendment is to prevent the trafficking in conditional purchase land before the improvement conditions have been complied with, and to protect prospective and *bona fide* farmers from being exploited by excessive prices for undeveloped Crown land. In some cases, locations only recently granted under conditional purchase conditions became the subject of contracts of sale at prices far in excess of the unimproved value of the land as fixed in the conditional purchase lease. In a number of cases no transfer is submitted for approval until the incoming purchaser carries out improvements which should have been effected by the vendor.

In most cases no part of the purchase money has been paid under the lease, as instalments of purchase money do not commence on a conditional purchase lease until after the first five years, during which time payments are confined to survey fees and/or interest thereon. Therefore, a vendor who may have paid only a small amount for interest on survey fee for, say, two years, is enabled to enter into an arrangement to sell his conditional purchase lease at prices consistent with

the value of improved freehold land, leaving the purchaser to comply with the improvement conditions and then still pay the initial purchase price to the Crown.

If the suggested amendment is passed, it would be possible to protect a proposed purchaser under such an agreement by forfeiting the conditional purchase lease upon receipt of reliable evidence that the registered holder of the conditional purchase lease had attempted to sell the lease without the prior approval of the Minister for Lands. It is therefore proposed that an amendment be made to the relevant section of the Act so as to protect the interests of the Crown and prevent exploitation of prospective *bona fide* purchasers of Crown land.

At the present time there is a keen demand for Crown land under conditions of conditional purchase in Western Australia. For instance, at a recent release of land in the Hay River area there were some 282 applicants for approximately 46 locations. As I have pointed out, there have been cases of people having conditional purchase leases granted to them; and having then entered into contracts unknown to the Minister or the department, they have transferred them and received prices above the unimproved prices made available under conditional purchase conditions. It is therefore considered desirable that before any such contract is entered into it shall first be presented to the Minister for Lands for approval.

At present an agreement can be entered into and, in effect, a *fait accompli* can be presented to the Minister for his approval. This amendment, as I have emphasised, is necessary to ensure that the Minister will be acquainted with any proposal to transfer a lease before a contract is entered into and not have a contract, entered into by both parties, presented to him which is more or less a *fait accompli*, the Minister then being obliged, to a degree, to approve of the transfer.

On motion by Mr. Rowberry, debate adjourned.

METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST ACT AMENDMENT BILL

Second Reading

MR. PERKINS (Roe—Minister for Transport) [3.3]: I move—

That the Bill be now read a second time.

The purpose of this measure is to tidy up existing legislation to correct difficulties that may arise in respect of appointment and remuneration of members of the trust. Subsection (1) of section 8 of the Act enables the Governor to fill vacancies as they occur, but paragraph (a) of subsection (5) of that section requires the term of appointment to the vacancy to be five years, which may not be desirable. It is considered that the appointment to such vacancies should be for the unexpired balance of the term of the respective office and thus maintain the staggered appointment as provided for in paragraph (b) of subsection (5).

Paragraph (a) and paragraph (c) of clause 2 enable the necessary staggering of appointments to continue. No specific provision has been made in subsection (6) of section 8 to terminate the services of a member of the trust who, because of chronic illness, is no longer able to carry out his duties. Paragraph (b) of clause 2 makes provision for this contingency.

Sections 10 and 11 make provision for the determination by the Governor of salary and conditions of service applying to the office of chairman and member upon appointment, but no provision is made to determine any subsequent variation. Section 12 enables the Governor to determine from time to time the remuneration and conditions of service applying to a deputy for a member. Clauses 3 and 4 of the Bill overcome these anomalies.

Although the rights and privileges of an officer appointed under the Public Service Act, if appointed as a member of the trust, are preserved, no provision is made in the Act to preserve the rights and privileges of a member of another Government instrumentality. Clause 5 of the Bill enables a member of any instrumentality to retain his rights and privileges if appointed a member of the trust. This is principally a machinery measure rendered necessary because of the anomalies that have been found in parts of the Act due to their present wording.

On motion by Mr. Graham, debate adjourned.

EVIDENCE ACT AMENDMENT BILL

Second Reading

MR. WATTS (Stirling—Attorney-General) [3.7]: I move—

That the Bill be now read a second time.

This Bill has three provisions. The first is to repeal section 43 of the principal Act. The reason for that is: By Act No. 24 of 1957, Parliament repealed section 4 of the Newspaper Libel and Registration Act 1834 Amendment Act, 1888. Before repeal, this section provided that a plaintiff would be non-suited in a libel action against a newspaper unless he gave evidence, as a witness, on his own behalf. Parliament considered that that provision should be repealed. The reason for the repeal was

that the section could have operated very harshly against a person who had been cruelly libelled, but who so feared the distress of cross-examination by counsel for the newspaper that he might have been deterred from seeking justice or redress.

So, as I have said, the section in the Newspaper Libel and Registration Act was repealed. More recently, however, attention has been drawn to the fact that section 43 of the Evidence Act—which this Bill seeks to repeal now—is identical with the repealed section 4 of the Newspaper Libel and Registration Act Amendment Act, 1888; and obviously, therefore, this section 43 of the Evidence Act should have been repealed at the same time as the other, but it was apparently overlooked. It is now proposed to put the matter right by this Bill.

At the same time it has been recommended that the opportunity should be taken to amend section 92 of the Evidence Act to enable the fact that a person has no account with a particular bank, or has no funds to the credit of his account, to be proved by means of affidavit. This method of proof is permitted by section 90 (2) in respect of entries in bankers' books, and it is considered reasonable to enlarge the provision in section 92 to the extent mentioned.

The existence of great distances in this State may well cause considerable expense to the Crown or others concerned by having to call bank officers in person to give evidence at remote courts on what is, after all, a comparatively formal matter.

At the present time the application of section 92 is limited to criminal proceedings; but the Bill provides that, for reasons mentioned, it should be extended to all legal proceedings—whether criminal or otherwise. New South Wales, Queensland, and South Australia have all amended their laws to permit the use of affidavit evidence to prove the facts mentioned; but in Queensland and South Australia the provisions apply to all legal proceedings, as is now proposed in this measure.

It will be found in the Bill that there is a reference to any State, or Territory of the Commonwealth. It has been considered desirable to add that as section 92A, so that where an account is kept in any State or Territory of the Commonwealth, the provisions of the Bill can apply in respect of that account. That is the reason for the amendment.

Those are the three provisions in the Bill. The first, as I said, is to correct an omission which occurred when the Act was being amended by Parliament some three years ago—at any rate, it appears to have been an obvious omission. The second provision is to enable certain evidence to be given by affidavit; and the third, as I have mentioned, is in connection with States and Territories of the Commonwealth.

On motion by Mr. Nulsen, debate adjourned.

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

MR. WATTS (Stirling—Attorney-General [3.13]: I move—

That the Bill be now read a second time.

This is a Bill to amend the Administration Act. It proposes to appoint a commissioner of probate duties, and thus to remove the matters of assessment of probate duties from the Commissioner of Stamps, and bring the question of assessing such probate duties involved—in connection with probate and administration of estates—under the Crown Law Department.

All matters concerning grants of probate or administration have, of course, been dealt with for a great number of years by the probate office of the Supreme Court—other than, of course, the assessment of duties. It is desirable to bring the assessment of probate duties into the same department. The proposal has in fact been recommended and considered by the Under Treasurer. It is designed to facilitate the assessment of probate and other duties assessable under the Administration Acts, and to obviate some of the delays about which frequent complaints have been received under the existing system. There will remain ample other duties for the Commissioner of Stamps to perform under the various statutes under which stamp duty and similar taxes are now payable.

Although "Commissioner" has been defined as including, for the time being, the person appointed to be Commissioner of Stamps, that is only to fill in any hiatus between the actual passage of the Bill, and the making of an appointment of commissioner of probate duties who, it is proposed—as I have indicated—should be a separate officer within the Crown Law Department.

Mr. Nulsen: It will not alter the procedure of probate.

Mr. WATTS: No; there will be no alteration in procedure or in the law at all, except as to the officer who will deal with the matter in the department under which it will come. As I have said, it has been considered and recommended by the Treasury officers, and particularly by the Under Treasurer.

There have been, I think it is fairly clear, too many duties imposed in recent times upon the Commissioner of Stamps, owing to the considerable increase in collections of that nature. In consequence, I think there has been perhaps some cause for the complaints of delay which it is desired, by this separation, to obviate. As I have also said, the whole matter of probate duty and administration of deceased persons' estates should be under one roof, and that is the whole purpose of the Bill.

On motion by Mr. Nulsen, debate adjourned.

VERMIN ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [3.18]: I move—

That the Bill be now read a second time.

As members will realise, this Bill could have been introduced by either the Premier, the Minister for Lands, or the Minister for Town Planning; but because it includes something to do with taxes, possibly, we thought it should be included under the Vermin Act! However, on the information that is given, it will be seen that the passage of this Bill will enable the Commissioner of Taxation to group all State taxes on land on a composite assessment form and notice which would then embrace land tax, metropolitan region improvement tax, and vermin rate.

In submitting this proposal, which was readily endorsed by the Treasury Department, the Commissioner of Taxation has explained that it would result in economies in administration, and save space and duplication of records, as well as provide a greater service to the community. When the metropolitan region improvement tax was introduced it was decided to avoid separate accounting controls by embracing it in land tax assessments. This Bill proposes that the vermin rate be dealt with in similar manner.

At present the Commissioner of Taxation collects the rates levied by the Agriculture Protection Board and transmits the proceeds to the Treasury. The amounts collected each year are paid into the Vermin Act Trust Account and expended for the purposes defined in the Act. For this purpose, separate notices are issued for rates, and separate records are kept at the Taxation Department. Members will appreciate the keen desire of the Government to take any steps that will effect economies and at the same time improve efficiency and service, and for that reason there was no hesitation in bringing forward this Bill.

Mr. Hawke: Don't make this Bill controversial by saying that sort of thing.

Mr. NALDER: There was no hesitation in bringing the Bill forward.

Mr. W. Hegney: No hesitation on whose part?

Mr. NALDER: On the part of the Government. Both the Treasury and the Taxation Department are anxious to apply the new procedure as from the commencement of the current financial year, if Parliament accepts this amendment. Because the power to rate is affected and payment by the Treasurer could be in doubt, with the possibility of a challenge to the rates imposed, the Crown Law Department has suggested the new subsection (9) and advised that, to put the matter beyond further doubt, section 103 (8) should be declared to have operated until the 30th June, 1958, only. In effect, this makes it quite clear that the Treasury's responsibility ended on that date as was originally intended by the 1956 amendment.

On motion by Mr. Kelly, debate adjourned.

FRUIT GROWING INDUSTRY TRUST FUND COMMITTEE (VALIDATION) BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [3.24]: I move—

That the Bill be now read a second time.

This small Bill is necessary to legally rectify an oversight.

Mr. Nulsen: It is similar to one of my little ones.

Mr. NALDER: Perhaps I can borrow the phrase which the honourable member frequently used when he introduced Bills on this side of the House and said they were little Bills. On this occasion I am saying this is a small Bill. Its introduction is necessary to legally rectify an oversight in the matter of reappointing the Fruit Growing Industry Trust Fund Committee some three years ago.

The parent Act provides for the appointment of the Fruit Growing Industry Trust Fund Committee for terms of three years. Due to an oversight, no appointment was made when the period of office terminated on the 9th February, 1957. When the omission was realised the committee was reappointed from the 5th September, 1958. However, during the period from the 9th February, 1957, to the 4th September, 1958, the committee continued to function; and

although there have been no repercussions, Crown Law advice is that, due to the wording of the Act, the committee would have no legal power and legislation should be passed to validate all acts of administration, functions, powers, etc., purporting to have been carried out by the committee during the period it did not legally exist.

Although, as I said before, there have been no repercussions and none are expected, passage of this Bill will legally correct the anomaly and give the committee continuity of existence since the original Act was passed in 1941.

On motion by Mr. Hall, debate adjourned.

ABSCONDING DEBTORS ACT AMENDMENT BILL

Second Reading

MR. WATTS (Stirling—Attorney-General) [3.27]: I move—

That the Bill be now read a second time.

For the information of members, as it is not over-easy to track down this legislation, there is a reprint of the Acts and amendments in the 1928 volume of statutes coming immediately after page 209 of that volume.

The first amendment in this Bill is to alter the word "colony" to "State" throughout the parent Act that was passed in 1877 when Western Australia was a colony. It is now desirable to use the word "State" instead.

Section 1 of the parent Act enables application to be made to a justice by anyone who is owed the sum of £5, for a warrant to apprehend the person who is about to leave the State, and owes that money. In view of the considerable change in the value of money, it is proposed to alter this figure to £50.

The present section also provides that no such warrant shall be executed except at a seaport. At the time the Act was first passed in 1877 there was virtually no other means of leaving the State than by ship. I dare say one might have been able to mount a camel and cross the Nullarbor Plain; but broadly speaking, there was no other means of leaving the State than by ship. Therefore the Act was limited to operation at a seaport.

The Bill proposes to alter this to cover all the various means of transport by which a person can now leave the State. Section 2 of the parent Act states that when any person is arrested under such a warrant he shall be brought, as soon as may be, before a justice, who shall proceed to hear and inquire into the case. It shall be lawful, the present Act states, for such justice to take and receive evidence upon affidavit; and if it shall appear to such justice that the person is indebted as alleged, or is under an engagement or any liability, and is about to quit the colony without paying the debt or sum of money, it shall be lawful for the justice, by warrant under his hand and seal, to direct any police officer to apprehend such debtor as often as he may be found in any vessel about to proceed to sea.

That sets out the procedure under the existing Act. It will be noted again that the only means of transport contemplated is departure by sea; and also that the justice, if he does issue a warrant, has to issue it under his hand and seal. That was no doubt a custom or method which was desirable and customary in the days when the Act was first passed.

Mr. Nulsen: This will apply only outside of Australia—it will not apply within Australia.

Mr. WATTS: The action must be taken within Western Australia, but against a person leaving the State, in default of payment of his said debt or discharging the liablity; or unless and until he shall sooner give security by bond, with at least one sufficient surety for double the amount claimed and conditioned for the payment of any sum which may be recovered against him in respect of the alleged debt or liability; or in the case of a person under engagement as mentioned in the section, that he will not leave the colony without paying the sum of money that he may have contracted to pay.

That is a fairly complete precis of what is contained in the provisions of the parent Act at the present time. There is a proviso to the section of the Act. It is most important, of course, that the person arrested, as lastly mentioned, shall be forthwith brought ashore and liberated. There is no suggestion of imprisonment for debt—only leaving the colony or State. They take him off the ship or, in the case of the amending Bill, the plane or train, and put him down again in Western Australia. He is not imprisoned—just prevented from leaving the State. The Act specifically provides that as soon as he is brought off the mode of transport by which he is seeking to leave the State, he is liberated. That should be made perfectly clear.

It will be seen, therefore, that the whole purpose of the statute is not to imprison a person for debt, but merely to ensure that he does not get out of the State and therefore out of the jurisdiction of its courts, without making provision or arrangement in respect of the debt.

The Bill now before the House follows the same principle, but, as I have said, it has been made to apply to other forms of transport, so that the Act may be effective in requiring a person to remain in the State for the purpose mentioned, taking into consideration the various modern means of transport available.

A minor amendment, to which I earlier made some reference, is to delete the words "and sealed" in section 1 of the parent Act, so that the magistrate need only sign the warrant without affixing any seal. That is the customary method today. No seals are affixed by justices when dealing with complaints and warrants which are before them.

Mr. Evans: Would justices have a seal?

Mr. WATTS: I doubt if they would. The next clause in the Bill doubles the existing penalty with the alternative of imprisonment for the offence of making incorrect statements in the affidavit submitted to the justice, and thereby misusing the provisions of the Act. This clause also proposes to repeal the provision which provides the penalty shall be paid to the complainant. If members look at the parent Act, they will find it is provided that the penalty recovered for the offence I have mentioned against the Act shall be paid to the complainant. In these days, I think it will be generally considered that that provision is undesirable and that it should be paid, like every other penalty, to the Crown, or to the prosecuting authority, if it be not the Crown.

Subsection (4) of section 5 of the parent Act is repealed. This subsection makes reference to parts of the *Shortening Ordinance of 1853* which are, of course, in the parent Act. I have here, if any member would like to see them, the paragraphs B and I of the *Shortening Ordinance of 1853*, which are incorporated in the parent Act. A glance by members will show that satisfactory provision regarding these things is made in the Justices Act, and it is therefore unnecessary to have specific reference to the terms of that ancient statute, which is now 107 years old.

The last provision in the Bill is a new one making it an offence for a person who has been apprehended on a debtor's warrant and released as provided in the Act to make preparations thereafter to leave the State with intent to defraud. The intent to defraud would have to be established. This is desirable in view of the frequent and varied means now available for departure from the State.

It may be of interest to members if I quote from an article which appeared in the *Daily News* early this year, which indicates the necessity for amendment of the Act, and also the propriety of its use in suitable cases. The article reads, *inter alia*—

> Our Absconding Debtors Act—designed to stop debtors from skipping out of the country—is just about worthless. Last week's farce at Fremantle brought the Act to light when creditors of an American waited vainly for him to be arrested boarding a ship. What a fool he would have been to try to leave on that ship since there is nothing his creditors can do to stop him flying out of the country instead.
>
> On board the ship bound for America were the wife and children of the American who owes about £2,000. Four of his creditors issued warrants for his arrest as an absconding debtor just in case he should try to leave with his family on the liner *Johan van Oldenbarnevelt*.
>
> Behind the scene is the quiet legal fact that only at a seaport of the colony can an absconding debtor be apprehended.
>
> Our legislators of 1877 could not foresee the invention of the flying machine and the age of air travel, but the legislators of the air age have not yet got around to recognising legally the existence of an aircraft from which an absconding debtor could thumb his nose at his creditors.
>
> A magistrate should have the power to stop an absconding debtor leaving by ship or aircraft to escape deliberately from his obligations.

The last paragraph sums up the intention of this amending Bill.

On motion by Mr. Nulsen, debate adjourned.

FIREARMS AND GUNS ACT AMENDMENT BILL

Second Reading

MR. PERKINS (Roe—Minister for Police) [3.40]: I move—

> That the Bill be now read a second time.

This small amendment to the Firearms and Guns Act, 1931-1956, aims to permit the use of firearms by employees for the purpose of destruction of vermin on their employers' property. It is probable that at present the Act is being contravened, as rifles are undoubtedly lent to employees.

At the moment, a supplementary license can be obtained; but as this covers a particular person, and employees on such

properties are inclined to move around, the situation arises that a new permit would be required frequently; and almost certainly this is not always done.

To overcome this situation, it is now suggested that a further subsection should be added to section 9 of the Act to exempt employees of a primary producer from the necessity of obtaining a license to use such person's firearms on the employer's property for the destruction of vermin only.

As the proposed amendment limits the use to the property concerned—and then not until after the officer in charge of the police station nearest to the employer's land has been notified of the name of the employee and the intention to permit him to have such possession—it has been approved by the police. I feel that the passing of this Bill will obviate the contravention of the Act.

On motion by Mr. Tonkin, debate adjourned.

Sitting suspended from 3.43 to 4.5 p.m.

NATIVE WELFARE ACT AMENDMENT BILL

Second Reading

MR. PERKINS (Roe—Minister for Native Welfare) [4.5]: I move—

> That the Bill be now read a second time.

In introducing this Bill, I feel I should say at the outset that all suggested amendments to this Act are not contentious; but, if adopted, would do much to correct anomalies existing in the present Act. The first proposal concerns the definition of "native" relating to quadroons and those of less than quadroon blood.

There has for some time been considerable difficulty in interpreting this portion of the definition, as in its present form the subsection which exempts quadroons from the Act is unnecessarily involved; and in the case of subparagraph (iii), anomalous and misleading. This particular subsection exempts from the definition "a person of less than quadroon blood who was born prior to the 31st day of December, 1936, unless such a person expressly applies to be brought under this Act and the Minister consents." By obvious implication, such persons born after that date may be classified as "natives." It was never the intention of Parliament that quadroons or persons of less than quadroon blood be classed at "natives." The amendment to section 2, and the deletion of section 3 ensure that the intention of Parliament will be made clear.

Another section which has caused difficulty in interpretation is section 6A which deals with the power given to the Minister to acquire land. As the Act now stands the Treasury interpretation is that the section applies only to land which is used for agricultural or pastoral development. The Department of Native Welfare, however, envisages that this section might be used for native ventures in secondary industries such a slipways, garages, shops, bakeries and workshops. In actual fact, the only use to which this section has been put to date has been to assist natives in home purchases. I feel that the position should be clarified, and hence the Bill contains a new subsection stating "The provisions of this section may be applied to agricultural, pastoral, industrial, commercial, domestic or other purposes as the Minister deems fit."

Two amendments are sought to section 7 of the principal Act. The first is to allow the Governor to appoint a person to be the deputy of the commissioner. This is sought to deal with the volume of work which is expected to continue to increase, and it is desirable for the deputy to share some of the statutory responsibilities whilst the commissioner is present. At the present time the only statutory authority and responsibility vested in the deputy whilst the commissioner is present is by virtue of his appointment as a Protector of Natives.

The second amendment to this section deals with exemption from personal liability, and I think there is abundant evidence that this should be so. The Child Welfare Act has already been amended to give its officers protection, and I feel that a similar amendment should be made to the Native Welfare Act.

As recently stated in answer to a question, I feel that the section dealing with estates of natives leaving no next of kin should be amended. Difficulty has occurred in some cases in the administration of the estate of an illegitimate native who has died intestate. A case in point is one in which an illegitimate, whose father and mother are both living, died intestate. He himself was unmarried. The Crown Solicitor ruled that as the deceased was illegitimate there could be no next of kin under the laws of the State who are entitled to the estate under section 36 (2) of the Native Welfare Act. As there was no next of kin, and no person who, by the regulations, was entitled to succeed to the estate, it was paid to the special trust fund in accordance with the first proviso to section 36 (2). Commenting on this the Crown Solicitor stated—

> If I may with respect say so, there appears to be the possibility of an injustice to the parents of an illegitimate intestate native under the Native Welfare Act which would not necessarily apply to a non-native. If the

deceased were a non-native his estate would be escheated to the Crown, but under the Escheat (Procedure) Act 1940 Section 9 (1) the Governor may order payment of the escheated property to persons having a moral but no legal claim thereto.

The effect of the first proviso to Section 36 (2) of the Native Welfare Act seems to preclude the beneficial operation of the Escheat (Procedure) Act from applying to persons who may have a moral, but no legal, claim to a deceased native's estate.

I feel that this should be remedied, and that the Governor be given the authority to distribute as under the Escheat (Procedure) Act.

On motion by Mr. Brady, debate adjourned.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

MR. PERKINS (Roe—Minister for Transport) [4.13]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to make the Metropolitan Region Town Planning Scheme Act a permanent one. The Bill provides for the repeal of section 46 which limits the operation of the Act until the 30th June, 1960. Section 46 of the Metropolitan Region Town Planning Scheme Act, 1959, provides that the Act shall remain in force until the 30th June, 1962. The Metropolitan Region Town Planning Authority has represented to the Minister for Town Planning that the limitation on the life of the authority, and the Metropolitan Improvement Fund, be removed. Such representations were based on the report of the authority's finance committee, which it has adopted. I have the report here and I will lay it on the table of the House for the information of members.

This report, and the consequential representations to the Minister, were related mainly to financial considerations. Apart from this aspect it is stressed that metropolitan planning is essentially a continuing process. In every major metropolitan area in the world the need is recognised and accepted for an over-all planning instrumentality representative of the metropolitan area as a whole. Particularly in the rapidly expanding major cities there are many issues, and recurring ones, which need to be determined in relation to the interests of the metropolis as a whole. For example, roads and other means of communication, the pattern of land use which governs the volume and direction of traffic movement, and the land development of public utility services are all closely interrelated.

These are under the control of different agencies and their co-ordination is essential. An over-all planning authority serves as such a co-ordinating medium. The Metropolitan Region Planning Authority is considered to be well situated for this function, because it is broadly based on local government and State government, with outside representation of industrial and commercial interests through a member selected from nominations by the Chamber of Manufacturers, the Chamber of Commerce, and the Real Estate Institute of W.A.

Section 25(e) of the Metropolitan Region Town Planning Scheme Act provides that the functions of the authority are, inter alia—

(e) to keep the metropolitan region scheme from time to time under review, and in any case to review completely the scheme whenever requested by the Minister so to do at any time after a period of two years of its having effect as if its provisions were enacted in this Act and to submit for approval in accordance with the provisions of Part III of this Act, any variation, amplification or revocation of the Scheme, considered necessary as a result of any review.

The authority is also required by section 25(d) to "administer and carry out the Metropolitan Region scheme." The whole concept of Perth metropolitan planning, implicit in the legislation and explicit in Professor Stephenson's plan and report, is of a permanently established metropolitan planning authority.

Reverting to the financial aspect, a statement marked "Appendix A" shows to date the amount of and disbursements from the Metropolitan Improvement Fund. Appendix B details the property so far acquired. Those statements will also be laid on the Table of the House. The Metropolitan Planning Authority is convinced that the demands on the fund for essential property acquisitions within the next few years will become greater than the revenue from the tax; and in the view of the authority it will became imperative for further financial resources to be made available through a programme of long-term loans.

The principal items of expenditure foreshadowed in the metropolitan plan is in relation to regional roads, and of these the greatest costs arise in respect of inner city roads. The progressive development of such roads and associated transportation

facilities is essential for the continued economic health and functional efficiency of the inner city area—the heart of the metropolitan region. The City of Perth, and the commercial and industrial interests located in the city have the most to gain in a material sense by successful planning and development of the regional plan—and possibly the most to lose by failure. The cost of failing to deal effectively with the changing pattern of the expanding city can be depreciation in real property values and increases in the transportation component of the cost of goods, as well as increased travelling costs, delay, and frustration to all citizens.

The second principal item of expenditure in metropolitan planning is for acquisition of land required for regional parks and recreation areas. These are being planned for the future when the population has grown three times more than it is now. The land to be resumed for this purpose is largely, if not wholly, vacant, and can be acquired in this state.

It will inevitably increase in value as Perth grows; and if resources are not available for purchase of the land while it is relatively cheap, its acquisition later may well be at prohibitive costs.

Failure of metropolitan planning in this respect will mean that the necessary community standards of parks and playing fields will not be achieved, and this would be to the detriment of the health and happiness of the whole community.

Apart from the considerations I have outlined, the process of planning entails prohibition of development of land which is reserved for public purposes. This is to ensure that when such land is required for public development, the development will not be made impossible or prohibitive by costly improvements which have to be abandoned. In these circumstances, the owner of such property is entitled to have it purchased without undue delay or be permitted to use and develop it for his own purposes.

There will certainly never be enough money to meet every demand for improving and developing the metropolitan area and providing the community facilities and equipment it will need. But it is equally certain that we shall get closer to meeting the demand and achieve greater success in the planning and development of the city if the Metropolitan Improvement Fund can be expanded by capital borrowing with long-term repayments. A further aspect of the improvement tax is its application to the metropolitan area only and not to the whole State.

A feature of the metropolitan planning system in Western Australia, in contrast, for instance, to New South Wales and Victoria, is that it is closely integrated with all State Government agencies. The Metropolitan Region Planning Authority is serviced by a number of State Government departments. In particular, the Town Planning Department provides technical and administrative staff; the Public Works Department Property Branch and the Crown Law Office deal with property acquisitions; the Traffic Engineering Branch of the Main Roads Department provides a specialised road planning service; and the Metropolitan Water Supply, Sewerage and Drainage Department provides specialised advice on matters relating to utility services. All these services are provided without charge against the Metropolitan Improvement Fund at the expense of the State as a whole.

In a sense, therefore, the cost of the metropolitan planning of Perth is already partly met at a cost which, if there were any point in assessing it, would represent many thousands of pounds annually which is met by the State taxpayers as a whole. Moreover, the people living in the metropolitan area enjoy—and will long continue to enjoy—a great many facilities and opportunities in the way of culture, entertainment and education which are largely denied to the remainder of the State, because they are possible only within large concentrations of population. On this ground alone there is clearly substance in the argument that the whole State should not be asked to contribute directly, by way of an improvement tax, to metropolitan improvements which are, for practical purposes, not available in order that they might benefit by them.

Finally, whilst at the present time regional planning, with all its associated costs on a large scale, is being undertaken only in the metropolitan area, it must be recognised that regional planning must be considered in other parts of the State as our resources are further developed. This cannot be visualised on anything like the same scale as is necessary in the metropolitan area. Nevertheless, it could well be that in future years the justification and need may arise for the creation of special funds for improvement in other regions of the State.

I also have some papers here which relate to this Bill and I will lay them on the Table of the House for the information of members.

On motion by Mr. Tonkin, debate adjourned.

METROPOLITAN REGION IMPROVEMENT TAX ACT AMENDMENT BILL

Second Reading

MR. PERKINS (Roe—Minister for Transport) [4.25]: I move—

That the Bill be now read a second time.

The proposed 1960 amendment to this Act seeks to provide in clause 2 for the deletion of the following words:—

> Up to the year of assessment ending on the 30th June, 1962.

The purpose of this Bill is to impose a permanent metropolitan region improvement tax which, hitherto, has been limited for a period terminating on the 30th June, 1960, to the 30th June, 1962. The tax is at the rate of a halfpenny for every pound of the unimproved value, as assessed by or under the Metropolitan Region Transport Scheme Act, 1959, and the Land Tax Assessment Act, 1907, of all land chargeable with the tax.

Mr. W. Hegney: More taxes!

Mr. Brand: This is one you introduced.

Mr. PERKINS: This Bill, of course, is supplementary to the previous one I introduced.

On motion by Mr. Tonkin, debate adjourned.

MESSAGES (8)—APPROPRIATION

Messages from the Governor received and read recommending appropriation for the purposes of the following Bills:—

1. Supreme Court Act Amendment Bill.
2. Judges' Salaries and Pensions Act Amendment Bill.
3. Metropolitan (Perth) Passenger Transport Trust Act Amendment Bill.
4. Administration Act Amendment Bill.
5. Vermin Act Amendment Bill.
6. Fruit Growing Industry Trust Fund Committee (Validation) Bill.
7. Native Welfare Act Amendment Bill.
8. Metropolitan Region Town Planning Scheme Act Amendment Bill.

House adjourned at 4.31 p.m.

Legislative Council

Tuesday, the 30th August, 1960

CONTENTS

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

QUESTIONS ON NOTICE

WAR SERVICE LAND SETTLEMENT

Improvements to Perillup Property

1. The Hon. J. M. THOMSON asked the Minister for Local Government:

   Referring to my question answered on Tuesday, the 23rd August, 1960, regarding war service land settlement and particularly to the reply to part (b) thereof—

   (1) Will the value of the 100 acres done by the settler at his own expense be included in the valuation of the property at "final valuation"?

   (2) If the reply to No. (1) is "Yes," will it mean that lease rent will be charged on the final valuation figure including the value of the 100 acres?

   (3) If the reply to No. (2) is "Yes," what justification is there for charging rent on an asset created by the settler himself?

   (4) If the reply to No. (2) is "No," will the Minister explain the method by which the final valuation or rental payment is subsequently arrived at, indicating how the settler will receive any relief or benefit in respect of work done at his own expense?

   The Hon. L. A. LOGAN replied:

   (1) No.

   (2) and (3) Answered by No. (1).

   (4) The final valuation is that portion of the total cost of acquisition and development (less the sale price