

I do not propose to add anything further. I have not offered any personal view. I have endeavoured to state fairly the information from the official files, and I believe that members, upon reading it, will believe we have endeavoured to state it in logical sequence on behalf of the Minister concerned. I am not going to get involved in trying to set myself up as judge and jury in the matter, because I do not think it is competent for me to do so. I have made what I believe to be a conscientious statement on the position. I believe there has been confusion in the minds of some people as to what is really being considered; the question of innocence was not established.

Mr. Jamieson: The question of guilt was not established, either.

Mr. COURT: I think the fact that a retrial was offered and refused speaks for itself. I believe, as far as one can assess from a reading of the papers, that at that point in time Mr. Gouldham felt relieved that counsel had managed to achieve this result for him. The Crown was not pressing for a retrial because he had served his sentence—there was a long lapse—and at that moment, if one can guess what was in the man's mind, he was relieved at the decision.

It would have been much better if the matter had been left at that point when the conviction had been quashed.

Mr. Jamieson: It would not have harassed the Government, anyway.

Mr. COURT: That is not the point. Governments are here to be harassed; that is part of our great democratic system. I believe that whoever handled this matter for Mr. Gouldham has done him an injustice, instead of letting it rest at the point at which it was intended to rest. I oppose the motion.

Debate adjourned, on motion by Mr. Jamieson.

House adjourned at 10.26 p.m.

Legislative Council

Thursday, the 29th October, 1970

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

QUESTIONS (2): ON NOTICE

1. NITROGENOUS FERTILISERS

Tariff

The Hon. N. McNEILL, to the Minister for Mines:

- (1) Has the Government any detailed information on press report from Canberra that Customs Tariff Duty on nitrogenous fertilisers will cease during next month?

- (2) If the report is correct, is it known whether the lifting of the duty will bring about—

- (a) a reduction in the price to primary producers;
- (b) any change in the level of bounty at present payable; and
- (c) any alteration in output of Western Australian fertiliser works?

- (3) Assuming the report to be correct, does the Minister agree that it is a very significant decision which directly, and by implication, could have considerable effect on cost-savings in Western Australian agriculture?

- (4) As there are reports of world surpluses of nitrogenous chemicals from major industrial plants, will the Government make representations to the Commonwealth Government for reconsideration of the provisions of the law relating to the "dumped price" of nitrogenous chemicals and fertilisers?

The Hon. A. F. GRIFFITH replied:

- (1) to (3) The payments which are to cease next month are temporary bounties of \$16 per ton on urea manufacture and \$8 per ton on sulphate of ammonia. These are not duties nor are they related to the subsidy of \$80 per ton of nitrogen contained in fertilisers sold in Australia.

Western Australian manufacture of nitrogenous fertilisers and ammonia has never received the manufacturing bounty. Price changes are not expected to follow the cessation of the bounty.

- (4) No action is considered necessary at present.

2. RAILWAY EMPLOYEES

Collie

The Hon. T. O. PERRY, to the Minister for Mines:

- (1) What will be the immediate reduction in staff in all sections and grades of railway workers in Collie, after dieselisation?
- (2) What is the estimated reduction in staff by 1973?
- (3) Is it the intention of the Railways Department to operate diesels from Bunbury to Collie and return, and from Narrogin through to Bunbury?
- (4) Will Collie become only a crew changing depot?
- (5) With the existing facilities already established at Collie at a cost of approximately \$4,000,000, will consideration be given to establishing

a major repair depot with diesels stationed at, and operating from, Collie, with the view of giving the Railways Department a far greater coverage for the future potential of the Collie district?

The Hon. A. F. GRIFFITH replied:

- (1) and (2) These matters are currently being investigated and the honourable member will be advised as quickly as possible.
- (3) Yes.
- (4) Yes.
- (5) Consideration has been given to such a proposal but creation of a major repair depot at Collie involving further capital expenditure could not be justified in view of the extensive repair facilities already existing at Midland and other depots.

NATIONAL TRUST OF AUSTRALIA (W.A.) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 28th October.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [2.38 p.m.]: I think the key word in this Bill is "covenant." In quoting from *The Australian Commercial Dictionary* at page 102, a brief interpretation of that word reads—

covenant. A covenant is a clause in a deed whereby a person engages in terms, or in effect, that a certain thing is true or has or has not been done, or shall or shall not be done.

That word is the basis of the Bill, which seeks to amend the Act of 1964. The measure seeks to add a new section 21A to the parent Act. In principle, this will not confer any new power. Therefore, it is a provision that will create flexibility within the ambit of the activities of the National Trust. From what I can observe the Bill will not be peculiar to this State, because it is based on the advice of the legal advisers to the National Trust of Australia. To be specific I think it was as a result of the conference in Melbourne in 1968. I believe that in the interests of uniformity similar legislation will be operative throughout all the other States of Australia in the course of time.

I do not propose to go any further in discussing the Bill. I could possibly enlarge on the history of the National Trust and its development, to indicate that from an original grant of, I think, \$4,500 per annum from the Government, the amount has been increased to \$10,000 per annum. This indicates the respect and appreciation for the work that is being done by the trust. Under all these simple circumstances I support the Bill.

THE HON. I. G. MEDCALF (Metropolitan) [2.41 p.m.]: The object of this legislation, as has already been indicated by the Minister, is to enable people who wish to do so to restrict the use, the planning, or the development of their land in such a way as to give to the National Trust, on behalf of the public of Western Australia, certain benefits or rights over their land. Of course, this is a voluntary act on the part of the owner of the land. He is not obliged or compelled to do anything; but if of his own volition he wishes to do so he can voluntarily impose a restriction on his land.

He can at this stage do this in favour of his next-door neighbour, or in favour of some other person in the vicinity who happens to own some land. Therefore the owner of land who happens to enjoy a particular position—say the land is adjacent to a coastline or to a river—may, if he so wishes, restrict the height of the buildings which he himself may erect or which any successor in title from him may erect on the land.

We have many examples of this around the Swan River. There have been many subdivisions of land along the banks of the river where the owners have, perhaps, taken the front blocks of the subdivisions and imposed a restriction on the height to which they can build, so that they can readily sell the remaining blocks and so that the people who acquire those blocks can enjoy the view.

What is proposed in the Bill is that the owner of land will now be able to grant such restriction in favour of the National Trust, which does not own land in the vicinity. It must be borne in mind that one of the conditions on which a person can restrict the use of his land is that he can only restrict it, if he wishes to tie up future owners, in favour of other people who own land in the vicinity. He can, of course, grant a covenant in favour of anyone who does not own land in the vicinity, but this is only for the benefit of that particular person; and no subsequent owner of this land may have the covenant enforced against him. So, if a person wishes to tie up his land in perpetuity, and to restrict its use he must give a covenant in favour of someone who owns land in the neighbourhood.

That was the common law of England, and it is part of the common law of Western Australia. It will not be found in any Statute; it is a result of decided cases over the years, one of the first of which was the case of *Tulk versus Moxhay* in 1808. Subsequently there have been a number of other cases which placed the matter beyond doubt that a person must own the adjacent land if he is to have the benefit of a restrictive covenant.

A restrictive covenant is very similar to an easement, but it is a kind of negative easement. An easement is a positive right, a right-of-way or some similar right;

whereas a restrictive covenant is a negative right. It must not only be negative in form, but also negative in character in restricting the use of the building, or in some way restricting the use of the land and its enjoyment.

Sometimes this has the effect of depressing the value of land which is the subject of a restrictive covenant; so, it is an act of public-spiritedness if somebody voluntarily creates a restriction over his land in favour of the National Trust. In England—and I also believe in Australia—people have been willing to do this.

The common law position in England was altered in 1937 when section 8 of the National Trust Act provided just such a provision as we find in the Bill before us. This Bill is almost identical with the provisions of the United Kingdom legislation. As I say, the common law position was amended so that the National Trust in England—on which our own Australian National Trusts are founded—could enjoy the benefit of restrictive covenants without owning any land in the vicinity.

Of course, the National Trust itself must agree also, and a provision to this effect is included in the Bill. The National Trust has to agree, because it cannot be expected to take the benefit of every covenant. A covenant may be one which is not of any interest to the National Trust. Obviously, a covenant must be within the objects, the powers, and the purposes of the National Trust itself, otherwise the trust would undoubtedly decline to accept it.

If the National Trust does accept a covenant then the covenant takes the form of an agreement which the owner of the land makes, and in which he undertakes not to use the land in certain ways. The types of restrictions which he imposes on his land are such as the following:—

1. No act or thing shall be done or placed or permitted to remain upon the land which shall injure prejudice affect or destroy the natural aspect and condition of the land.
2. No building shall at any time be erected or allowed to remain upon any part of the land.
3. No mine or quarry shall be opened or worked upon any part of the land.
4. No timber trees or underwood shall be felled topped lopped or cut save in accordance with the usual methods of forestry.

The owner does not have to impose all those restrictions; he could impose any one of them, or vary them to the nth degree.

The Hon. W. F. Willesee: How often do you think this would apply?

The Hon. I. G. MEDCALF: Not very frequently.

The Hon. W. F. Willesee: Once in a lifetime.

The Hon. I. G. MEDCALF: Nevertheless it will be available to anyone who is prepared to make use of it. In addition to imposing the restrictions I have just mentioned the owner of land may permit it to be used for other purposes. For example, he may insert a clause to provide that nothing in this restriction shall prevent the cultivation of the land or any part thereof in the ordinary course of agriculture husbandry or forestry, or in accordance with the custom of the country, etc. He can make an infinite number of variations in such a covenant to suit himself and the National Trust.

I consider, therefore, that although—as has been indicated by Mr. Willesee—the number of times when this method is adopted might be limited, nevertheless it does serve a very useful purpose to have such legislation.

The Hon. W. F. Willesee: I did not suggest otherwise.

The Hon. I. G. MEDCALF: I am sorry. I thought the honourable member was suggesting that it would not be used frequently.

The Hon. W. F. Willesee: I was saying in essence that you were elaborating a lot on something which might happen very infrequently.

The Hon. I. G. MEDCALF: This has been used quite frequently in the United Kingdom, but how often it will be used in Western Australia remains to be seen. I think the Bill does illustrate a number of matters. It provides an illustration of the common law having to be amended by Statute; and it provides an illustration of achieving a public purpose voluntarily without resumptions. I think we are all too prone to believe that the only way that public rights can be preserved is by resumptions.

This measure will provide a means of achieving something by voluntary arrangement. It also illustrates the problem of environment protection, which is a current one, and how it extends into realms other than might at first be thought possible. It also illustrates that the Government has accepted that progress sometimes consists of encouraging restrictions on certain land for good reason, rather than developing that land.

I believe Western Australia is the first State in Australia to adopt this legislation, and whilst it is likely that the other States will also adopt it, I think the Government is to be congratulated for having taken this step and having decided to introduce

this legislation and make Western Australia the first State in Australia to adopt it. I therefore support 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.

Third Reading

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

CRIMINAL INJURIES (COMPENSATION) BILL

Third Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) (2.54 p.m.): I move—

That the Bill be now read a third time.

Before I ask the House to agree to the third reading of the Bill I would like to fulfill an undertaking I gave to Mr. Ron Thompson last night that I would have a look at one or two particular phases because I was not certain of the correctness of the answers that I gave him.

While discussing clause 5 of the Bill Mr. Ron Thompson inquired as to whether an amount of compensation ordered by the court would be paid to the dependants of a person injured criminally who died before the claim was lodged. In replying I expressed the view that in the circumstances I did not think his estate would benefit, and having made further inquiries I am satisfied that the information I gave last night, to that extent, was correct.

I would add that the purpose of this legislation is to offer, as I have already said, some personal compensation to the injured person. The Bill does not purport to go any further than that, at least at this stage.

Another query raised by Mr. Ron Thompson was along similar lines, and he presented the circumstances of an applicant dying after he had submitted a claim, but before the Under-Treasurer had made payment of compensation. Again, the answer would be that no compensation is payable to dependants. Under this legislation dependants are not entitled to benefit from compensation when the injured person dies. The title of the Bill itself, in fact, is explicit in the use of the words—

... for the payment in certain circumstances of compensation to persons who suffer injury . . .

Another aspect raised by Mr. Ron Thompson concerned the person who, under the provisions of paragraph (b) of subclause

(1), could be regarded as being entitled to recover damages from the offending party. The honourable member then gave an example of a maximum award of \$2,000 under the legislation. He mentioned the fact that the applicant may have received a sum of \$100 from some social service contribution. Perhaps I can best answer the query by way of illustration.

The point raised by Mr. Ron Thompson was that the injured party might not be mentally fit to take action to recover the money. Consequently, Mr. Thompson asked whether the amount of compensation—say \$2,000—ordered by the court, less the sum of \$100 received for sickness benefits, could be further reduced by \$1,000—using the honourable member's own figure—presumably recoverable by legal process. The answer to that query is to be found in clause 9 of the Bill which provides for the subrogation to the under-secretary of the injured person's rights.

In practice this will enable the injured person to be compensated by the Crown to the extent that the legislation permits, while at the same time transferring to the under-secretary the injured person's right of recovery of damages in law from the offending party. This might well cover the circumstances outlined by Mr. Ron Thompson of the inability of the offending party to pay. The subrogation of the right to the under-secretary might well not become effective until the man who was responsible for the injury—that is, the offending party—gets himself into a financial position where the under-secretary may be able to recover. In short, the injured person does not get it both ways.

The Hon. R. Thompson: I appreciate that.

The Hon. A. F. GRIFFITH: The Crown pays the amount of compensation and in return the injured person subrogates his right to the under-secretary who may, in turn, recover from the offending person if at some future time that offending person—the party who committed the offence—was in better financial circumstances and, in fact, the money could be recovered from him.

The Hon. R. Thompson: That is not quite the point I was making. I gave a three-level structure on this point. The \$100 would be automatically taken out of the payment, but would the under-secretary assess that another \$1,000 could be recovered, and deduct that amount also?

The Hon. A. F. GRIFFITH: If it was recovered?

The Hon. R. Thompson: No, if the under-secretary considered it could be recovered.

The Hon. A. F. GRIFFITH: If he considered it could be recovered then, of course, it could be recovered or, at least, an attempt could be made to recover it.

The Hon. R. Thompson: This is only a consideration.

The Hon. A. F. GRIFFITH: If it was proved it could not be recovered. There would be an assessment of the facts at the time and the offending person would either have the ability to pay, or would not have the ability to pay. That is determined at the time.

The Hon. R. Thompson: I appreciate the reply, but I think this is a clause that will have to be more closely looked at.

The Hon. A. F. GRIFFITH: I stated last night that it was intended this legislation would have a small beginning. It is an entirely new field of social legislation, and I think it is desirable that such things should have humble beginnings—if that is the appropriate phrase—or small beginnings—perhaps that would be more appropriate. We will watch the legislation in operation and if experience shows that improvements can be made then improvements should be made.

The Hon. R. Thompson: Fair enough.

The Hon. A. F. GRIFFITH: I would like to leave the matter at that and trust the explanation I have given satisfies the House.

Question put and passed.

Bill read a third time and passed.

UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT BILL

Second Reading

Debate resumed from the 28th October.

THE HON. J. DOLAN (South-East Metropolitan) [3.02 p.m.]: I commence my remarks by saying that I support the Bill and would like firstly to refer to a sentence the Minister used in his second reading speech. He said the principal Act is overdue for reprinting. My comment on that is that it is the parliamentary understatement of the year.

The Hon. L. A. Logan: It is out of print.

The Hon. J. DOLAN: In order to understand the Bill properly I first of all went to the library to seek a calendar of the University of Western Australia. I was seeking certain information but, to my astonishment, I found there was only one calendar of the University of Western Australia in the library and that was for the year 1965. Yet, at the same time, I could see the calendars of the University of Sydney for every year, including 1970, with a supplement.

I would think that it is only a question of reminding the university to send us a copy of its calendar each year so that those calendars can be placed in the library. After all, we make a statutory grant of \$500,000 a year to the university so surely a calendar each year would not be too

much to expect. However, I feel it is only a matter of reminding the university and it will keep itself up to the mark in this respect. When we want information such as this I believe it should be available to us for our research.

I thought then that probably there might be a number of members in the House who would not know how the university operates. By saying that I do not mean to imply that members are not doing their homework but that a number of them may not know the set-up at the university. If we start at the beginning we have to talk about the senate, which is the governing body of the university. This Bill deals to some extent with the membership of the senate and therefore I believe we should know something about it; about those who comprise it, what their duties are, and so on.

The head of the senate is the chancellor. This is an honorary post of great distinction in the community and the holder of that office is generally an outstanding citizen. He is elected by the senate, or the council, and he acts as the chairman. He presides on all ceremonial occasions—for instance, at ceremonies when degrees are being awarded, and so on. The present occupant is a most distinguished citizen in the person of the Chief Justice (Sir Lawrence Jackson). He has a deputy, or pro-chancellor and, in this case, it is the Under-Treasurer (Kenneth Joseph Townsing). As there is a reference to him later on in one of the clauses of the measure I propose to have a few words to say about his work when I analyse that situation.

The vice-chancellor is probably the most important man so far as the administration of the university is concerned. He is the business manager, and the present occupant of that position is Sir Stanley Prescott. I should like to quote from J. D. Millet, the President of the Miami University, Ohio, who gave the following outline of an ideal vice-chancellor—

The key figure or personality in university administration is the vice-chancellor. The weight of his responsibilities is awesome indeed. He must possess all the virtues, but above all else he must be the constant protector and defender of the institution. If he cannot raise more money than his predecessor, if he has not built new buildings, if he has not increased faculty salaries, and if he has not done all this while maintaining an atmosphere of peace and harmony among members of council, faculty, students, and graduates then his regime has been a failure.

The vice-chancellor prepares the business paper for all meetings of the senate. He has to take the leading part in debates because he is the person who is expected

to have all the answers. In addition, he has to implement the decisions that are made by the senate. Also, he must be an educator and he must take the lead in the community in educational thought and planning. I would suggest that when new degrees are being created—particularly honorary degrees—this is one officer, or one holder of a senate office, who could be given the honorary degree of master of public relations. I could not imagine any person in the community who would be more justly entitled to it.

The next section I propose to refer to briefly is Convocation. Of course, there are convocations associated with the church and with various universities. I think the expression originated at Oxford and it is really an assembly of graduates. In this particular case it is always presided over by the warden, and the present warden is a distinguished member of the legal profession in our city, John Gillett.

The university, of course, handles a great deal of money. Its total income in 1968—these are the latest figures I can find—was over \$8,000,000 and, of course, that is big money for any organisation to be handling in a year.

Let me give the history of the university briefly. The Act was passed in 1911 and in 1913 the university commenced to operate in Irwin Street. I can remember seeing the old buildings of the university.

The Hon. F. D. Willmott: They were of galvanised iron.

The Hon. J. DOLAN: They were situated where the R.S.L. building now stands and they extended to where the Children's Court building now is. The old university was situated on that corner and consisted mainly of buildings built with galvanised iron, as Mr. Willmott has stated. However, among the foundation professors were some of the most notable figures in the intellectual world. For example, there was Professor Murdoch, who was professor of English. His name is referred to in the next Bill we are to discuss, the Murdoch University Planning Board Bill. There was Professor Ross, Professor Tattersall, and numerous others. They were all men of outstanding ability in their particular faculties.

At present the senate has 22 members and after this Bill becomes law that number will be increased to 25. Four new members are to be added, and that would take the number from 22 to 26; however, one member is to be removed, so the number will be reduced to 25. The member who will be removed from the senate as a result of one of the clauses in this Bill is the Under-Treasurer. I notice that in another place the Premier referred to the excellent work done by Mr. Townsing—and so did our Minister here in his second reading speech—and also by his predecessor, Sir Alexander Reid. A large number

of Under-Treasurers over the years have sat on the senate and I would say a word of praise is due to all of them for the magnificent work they have done.

Mr. Townsing has acted as the pro-chancellor and in the absence of the chancellor he would preside over meetings and guide the destiny of the senate. In view of the comments that were passed in another place and in this place about the magnificent work done by those men, I am beginning to doubt—and this is the only doubt I have in connection with the Bill—whether the provision to remove the Under-Treasurer should remain in the measure. The Under-Treasurer is probably so busy that he finds he has insufficient time to perform the duties associated with this office. However, he could have a deputy who could keep his finger on the pulse and give the senate the benefit of the Under-Treasurer's valuable financial ability and experience.

The four new members who are to be appointed to the senate may be placed into two categories. Two are to come from the academic staff, and this seems to me to be a move that was long overdue. At the present time that staff has two representatives on the senate. In 1944 there were two academic staff representatives and the student enrolment was 833. Today nearly 8,000 students are enrolled at the university. In 1944 there were 43 academic staff, and that number has now risen to 455—give or take one or two owing to changes that take place. The ratio of staff to students in 1944 was 1 : 19 whereas today it is 1 : 17.

I think the fact that the ratio of students to staff has come down a little indicates a healthy trend. Sometimes we are inclined to think that professors and academics get into a kind of groove and are apart from this world altogether. That is a completely wrong impression for anybody to gain. They are nearly all practical men who have their fingers on the pulse of the world about them, and we find that they have multifarious duties apart from their duties associated with teaching students. One example that comes to mind is Professor Bayliss who is a member of the Air Pollution Council set up under the Clean Air Act. Members of the academic staff are on dozens of bodies associated with life in the community, and with their experience and know-how they play an invaluable role.

In 1963 the Martin committee under the leadership of Professor Martin presented its report to the Commonwealth Government. The students to staff ratio for all Australian universities was then 12.9 : 1. At that time our Western Australian ratio would have been somewhere about 18 : 1. These figures refer not only to fulltime staff but also to part-time staff. The staff figures are added together and

divided into the number of students. At the same time the ratio at the University of Sydney was 13 : 1 and at the University of New England, in Armidale, the ratio was 6.3 : 1, which is somewhere around the desirable figure, in view of the many duties performed by the academic staff.

It would appear that we are lagging behind at least in this respect. It is a matter we will have to remedy if possible. I noticed in the Press the other day that our university is spending some millions of dollars on the purchase of property in the city. I would suggest that if the university has that much money to spare it should devote some of its millions to procuring extra staff to improve its efficiency and, if possible, raise the present high standard of the university to an even higher level.

I refer now to the statement made by the Minister that the principal Act is overdue for reprinting. Some of the sections are to be repealed; section 9, which dealt with the appointment of the first members to the senate, is one such example. Of course the set-up of the senate is almost completely changed now.

In those times the members of the senate were appointed by the Governor for a period of one year. Now, of course, members serve on the senate for varying periods of six years, four years, and two years. So it can be seen that, as a result of these variations—by comparison with the original appointments—the repeal of this provision was only a matter of time. It is not necessary to re-enact that section because its provisions have been transferred to other sections.

In the proposal before us, as I have said, two new members of the senate are to be elected by the academics, and two by the students enrolled at the university. The principle which has been adopted in this Bill is most important; that is, the qualification of the age of 21 years is not included. I was a little surprised that the age of 21 was not changed to 18 in line with present-day thinking. However, it appears that students may be under the age of 18. In fact, if a prodigy or a genius of 17 years of age was enrolled at the university it would be most desirable that he be on the senate because he could contribute something worth while to its deliberations. However, I repeat that under this Bill there is no age restriction whatsoever and any student will be eligible.

The first appointments will be made by the senate, and I would think they will be made by the vice-chancellor. However, that applies only to the first two students to take their seats in the senate under this Bill. On future occasions students will be elected by the student body. I think that principle could have been applied right from the start. It would establish excellent

relations if the two new student representatives to represent the undergraduates were elected by the student body. Still, we cannot growl about the proposal because it is only a minor point of disagreement.

I wish to refer briefly to some of the points we will find when the Bill is in the Committee stage. I mentioned that originally a group of, say, six, was elected to the senate under certain provisions which were contained in the principal Act. Those members resigned at yearly intervals as others were elected; so that one resigned at the end of the first year, one at the end of the second year, and the cycle went on in that way and the member who was originally elected for six years resigned at the end of the sixth year.

When they originally took office I think provision was made whereby the Governor was given authority to name the order of retirement. These people were, of course, eligible to come back again and one would probably find that after six years No. 1 would return and serve five years. There were similar qualifications for those who had been there four years—they would retire yearly. These provisions have been removed and the person is now elected for a term, during which he remains.

I think this is a wise move and in line with modern thinking. I refer to the principle of placing age restrictions on student members of the senate, because I feel that no matter what their age they should be eligible.

When examining the old Act I was amazed to find that one could become a member of Convocation for a year as long as one donated to the university £100 in the aggregate. So if anyone wanted to become a member of Convocation all he needed to do was donate £100. Those days have changed.

A person now qualifies for Convocation, and the qualifications necessary will be found in clause 11 of the Bill. Convocation will now consist of all members and past members of the senate; all graduates of the university; and such graduates, fellows, members, licentiates, and associates of universities, colleges, or institutions duly authorised to grant degrees and so on.

Following on a Bill we passed a short time ago, I expect it will not be long before graduates from the Institute of Technology—which I hope by then will be called a college of advanced and higher education—will be eligible to sit on Convocation. The restrictions have been removed from the qualifications that require a graduate of Western Australia to have been of three years' standing. The disqualification concerning graduates from other States has also been removed. I think it would be wrong if an outstanding graduate who might be appointed to the university as a lecturer were not to be

given a chance to become a member of Convocation and play his part generally in the administration of the university.

Changes have been made to increase the powers of the governing body to enable it to make statutes. Statutes can, of course, be made covering all the operations of the university and the words, "of the warden" have now been added. A statute can now be made to govern the election of the Warden of Convocation and also to cover the election of any other officers of Convocation or any committee controlled by the senate.

There are dozens of important committees associated with the operation of the university and it is fitting that the senate should have the power to make statutes controlling their operations.

The final clause in the Bill refers to the provisions of the amending Acts of 1929 and 1944. If members look at the schedule to the Bill they will see that one could not talk about the legislation without getting confused—and I do not say that in any derogatory sense. In some places we would find the word "Act" while in others we would find the words "principal Act" or perhaps "this Act," and so on. Clause 14 merely seeks to revise those provisions and to tidy them up for printing purposes.

The Bill has everything to commend it. I did not wish to take up the time of the House unnecessarily, but I felt we should all know what goes on at the university, because it ranks high among the universities of Australia. I have a particular interest in the matter because one of my ex-students is a professor at the university, and I was privileged to be a visiting lecturer for four or five years.

Consequently I have a friendly interest in what is going on and I will be happy to help in any way I can. I join with the Minister in commending the Bill to the House and I hope it has a speedy passage.

THE HON. R. F. CLAUGHTON (North Metropolitan) [3.26 p.m.]: I also rise to support the Bill. It is indeed pleasing to see that two student members are to be added to the senate. I have said previously that the attitude adopted by those in charge of the university has resulted in a lack of facilities which are available elsewhere.

Not only are the students represented on the senate, but they are also involved in the various academic departments where they will be able to make their contribution.

I was disappointed in what the Minister said concerning the salaried staff. It seems rather a narrow view that the representatives of the people concerned will be there to discuss only salaries and conditions of service.

I should imagine that the generality of matters that come before the senate would involve the non-academic staff, and I am sure it would be of value to have an opinion expressed by representatives of the people concerned. I hope that at some future time the senate will reconsider its decision.

The changes in relation to Convocation are certainly sensible. The graduates and other members of Convocation must number many thousands by now, and if Convocation has to distribute to these people election material, notices of meetings, and so on, in which a great number of them have no interest, it will be involved in unnecessary time and expenditure.

I think it is a sensible provision to separate the members of Convocation and the graduate body of the university from those who wish to exercise their rights as members of Convocation.

The university is of great value to the community, because of its impartiality and autonomy. It is different from other institutions within the community. Here we have a body of people who are learned in many fields and who are able to contribute opinions of value in such questions as social organisation, the functions of education and in many other matters. It is very important that this autonomy of the university be retained. There appears to be some threat in this connection, because of another Bill which is due to come before us. With those few remarks I support the measure.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

CITY OF PERTH PARKING FACILITIES ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [3.34 p.m.]: I move—

That the Bill be now read a second time.

On the passing of this measure, the City of Perth will be empowered to borrow money by means of overdraft and to control parking of vehicles on private property and within private streets or rights-of-way.

In 1969, it was agreed to amend the City of Perth Parking Facilities Act to enable the council to use the powers of part XXVI

of the Local Government Act—namely, a power to borrow money otherwise than on overdraft—for the purposes of the City of Perth Parking Facilities Act.

The Perth City Council has advised the Minister for Police that it is prepared to spend considerable funds on the development of multi-storied car-parking structures, but the development of these is being restricted by a limitation of loan funds. Although the Under-Treasurer and the Loan Council have made available additional funds for borrowing, there is insufficient to meet the increasing requirements of municipal and parking needs of the council.

Council's needs to improve its borrowing powers may be regarded in the light of an amount of \$630,000 required to finance the purchase of a desirable parking site between Hay and Murray Streets near King Street. The cost of constructing the first stage will be \$595,000, of which \$550,000 has been provided from loan funds.

Another project is the construction of the car park under the new concert hall, with a capacity of 550 spaces and estimated to cost \$700,000.

Furthermore, the council is investigating three other car-parking sites and it is expected that finality may be reached on at least one before the end of this year.

It is understood that the council's parking fund bankers may be able to make available funds on overdraft, but the parking facilities Act does not allow borrowing by this method. Therefore, an amendment to the Act is desirable to enable the council to avail itself of those moneys if and when they become available.

The council is concerned over a number of complaints being received of persons parking illegally on private property or in private streets, laneways, or rights-of-way, throughout the district it controls.

The Perth City Council's vehicle parking committee has requested that the Act be amended to give the council power by by-law to take action against illegal parking on private property following a complaint being received from the owner of the property.

With appropriate amendment of the Act, the council's by-law No. 60, covering the care, control, and management of parking facilities, could be expanded to provide that where a person parked his vehicle on any land within the parking region without the consent of the owner of the land, officers of the council could issue an infringement notice and that notice could provide for payment of a modified penalty.

It is felt that the method of issuing an infringement notice and the publicity it would receive would act as a deterrent to the continuation of illegal parking on private property. The suggested penalty is \$10 for parking on private property and

\$2 for parking in lanes or private streets. It is submitted that the need for control of parking in private streets, laneways, or rights-of-way is more in the nature of prevention of obstruction of free movement of traffic, particularly in the central area, though similar complaints have arisen from outside that area.

The complaints generally come from persons who have right of carriage-way over the private street, laneway, or right-of-way, but because of indiscriminate or uncontrolled parking by others, they are being denied their right of access of carriage-way over the land.

As these private streets, laneways, or rights-of-way are not deemed to be "roads" within the meaning of the Traffic Act, vehicles parked thereon are not subject to the control provided by part XI of the Road Traffic Code.

It is considered that the matter could be resolved, as I have suggested, by amending the parking facilities Act to give the council by-law control in these private laneways in its district.

The proposed powers accorded the Perth City Council under this Bill, in regard to control of parking, are also contemplated for local authorities under the Local Government Act. This would allow a modified penalty to be applied for a breach of the by-law and should soon bring about a measure of control of what has been developing into a serious problem. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. F. R. H. Lavery.

BILLS (3): RECEIPT AND FIRST READING

1. Bookmakers Betting Tax Act Amendment Bill.
2. Totalisator Agency Board Betting Tax Amendment Bill.
3. Betting Control Act Amendment Bill (No. 2).

Bills received from the Assembly; and, on motions by The Hon. A. F. Griffith (Minister for Mines), read a first time.

MURDOCH UNIVERSITY PLANNING BOARD BILL

Second Reading

Debate resumed from the 28th October.

THE HON. F. J. S. WISE (North) [3.40 p.m.]: This very important small Bill requires little comment from me. Apart from any merit the Bill itself may have, I think some mention should be made of the great man whose name the new university is to bear. It was a remarkable tribute to him in his lifetime that he was able to know that his name would be so perpetuated. Those of us who knew him well not only

appreciate the great work he did for education in his lifetime but we also appreciate how wide his influence was on the lives of so many people.

It is good, too, to know that it is intended that the first chair at the new university will be one which will make a great contribution to Australia. I refer to a chair of veterinary science. Great difficulty has been experienced in meeting Australia's needs for veterinarians from Eastern States universities where this course is available. I am sure it will be of great benefit to Western Australia when the State's ambition to establish a chair of veterinary science at the new university is realised.

The Bill itself is simple in its provisions and merely intends to carry on from the exploratory stage the work of the board which was appointed only a few months ago. The board will be given extended authority to plan for this institution, the Murdoch University.

It is interesting to note that the people who will constitute the board under this measure are the same people who have had the responsibility of the preliminary work which has been undertaken up to date. All of them are well known to most members and all are citizens of great standing and responsibility.

I have had a good look at the Bill and I find that I can make no comment, except of a favourable nature, in connection with it. I support the measure.

THE HON. J. DOLAN (South-East Metropolitan) [3.44 p.m.]: I shall be brief in my comments but I join with Mr. Wise in supporting the Bill. I should like to take advantage of this opportunity to refer to a few of Professor Murdoch's associates, namely, Professor Tattersall and Professor Ross who were associated with Professor Murdoch at the university when it was in Irwin Street. I also wish to refer to Professor Dakin who was later to become Professor of Zoology at the University of Sydney. I think the Minister for Fisheries should be thankful to Professor Dakin, because he almost told fishermen where they would find prawns on the Australian coast. What a wonderful industry prawning has developed into.

I also refer to another colleague, Professor Shann, who was one of the greatest professors of all in economics. One of his most famous pupils was the former Governor of the Commonwealth Bank, and probably Australia's greatest economist, Herbert Coombs.

The Hon. I. G. Medcalf: Was Professor Willsmore there?

The Hon. J. DOLAN: Yes, Professor Willsmore was also associated with Professor Murdoch and certainly we should add his name. With those few words, I support the Bill.

Sitting suspended from 3.45 to 4.05 p.m.

THE HON. F. R. H. LAVERY (South Metropolitan) [4.05 p.m.]: I would like to express my delight at the proposal to build this new university, which will, in the future, honour a great name. There are three reasons for my delight. One is that this university will be built south of the river in the pine plantation, in the Melville electorate, and in the South Metropolitan Province. The second reason is that it will be a great advantage to have the university built on the south side of the river. The third reason is that the first faculty at the university will be veterinary science, which gives me great personal delight because in the years I have been in Parliament I have from time to time expressed the view that Western Australia needs this faculty. I therefore support 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.

Third Reading

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

BOOKMAKERS BETTING TAX ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.10 p.m.]: I move—

That the Bill be now read a second time.

This Bill is one of a group of amending Bills affecting betting legislation. The principal Act to be amended by this Bill was passed in 1954, and that Act fixed at 1½ per cent. on turnover the rate of tax payable by bookmakers both on-course and off-course.

In 1956, by Act No. 49, the principal Act was amended, and while the rate of 1½ per cent. was retained in respect of the first \$100,000 of turnover per annum, a tax of 1½ per cent. was imposed on a turnover in excess of that figure. Tax percentages are fixed under section 2 of the Act, and the turnover figures to which such percentages apply are set out in subsection (2) of section 14 of the Betting Control Act. The percentages have remained unchanged since 1956.

On-course bookmakers' betting turnover amounted to \$39,433,986 in respect of the year ended the 31st July, 1970, and the relevant turnover tax amounted to \$563,020. The method of distribution of that tax is set out in section 16 of the

Betting Control Act, under which the Government received 40 per cent. and the racing and trotting clubs 60 per cent.—respective amounts being \$225,208 and \$337,812.

The purpose of this Bill, in conjunction with a current Bill introduced to amend section 15 of the Betting Control Act, is to effect changes in the rates of turnover tax payable by on-course bookmakers and changes in the distribution of that money. The Bill proposes that, on turnovers of up to \$100,000 per annum, the new tax will be 2 per cent. instead of the existing 1½ per cent.; and beyond that amount of turnover, the new tax will be 2½ per cent. as against 1½ per cent. now payable.

At this point, I should mention that under the current amendment to section 15 of the Betting Control Act, the distribution of the tax will be varied, as between the Government and the clubs, so that in future the split will be on a fifty-fifty basis.

It may interest members to know that over a two-year period, the turnover of on-course bookmakers has increased by roughly 45 per cent. On this basis it is not unreasonable to assume that were no changes to take place for the calendar year 1971 the turnover of on-course bookmakers would amount to \$45,000,000, which would represent an increase of just under 13 per cent.

Based on the average rate of 1.41 per cent. on turnover, it would follow that bookmakers, in respect of the calendar year 1971, on a turnover of this estimated \$45,000,000 would pay tax amounting to \$634,500. Of this amount, \$253,800, representing 40 per cent. of the total, would be received by the Government under the existing breakup system. Whilst the gross profit made by on-course bookmakers is not known, it has been assessed to represent about 7 per cent. on turnover.

Should the proposals now submitted be accepted by the House, the increased turnover tax that will be payable by on-course bookmakers—in order to enjoy the same net profit margin—will entail a return of about 92c in the dollar to clients as compared with 93c presently being returned to clients. In considering that this aspect may have some effect upon turnover during 1971, it may well be safe to predict that the originally estimated \$45,000,000 turnover may not reach more than \$44,000,000 turnover next year.

It has been estimated that the average turnover tax paid thereon would be about 2½ per cent., which would yield a total of about \$1,026,660. Of this amount, the Government will, under the amended provisions now proposed, receive \$513,330, representing an increase of \$259,530 over what would be received should the amendments now before members not be accepted.

It is submitted that as totalisator backers, whether on-course or off-course, contribute on an average 15 per cent. plus

fractions, there appear to be good reasons why those who patronise on-course bookmakers should make a greater contribution than they at present make.

By applying the proposed gain of \$250,530 to the revenue loss of \$800,000 envisaged by the dropping of the off-course betting investment tax, it will be appreciated that the balance to be recovered on behalf of the Consolidated Revenue Fund would be \$540,470, and other measures currently before Parliament indicate how this gap is to be bridged.

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

TOTALISATOR AGENCY BOARD BETTING TAX ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.17 p.m.]: I move—

That the Bill be now read a second time.

This measure is one of those comprising a group of amending Bills affecting betting legislation and its purpose is to amend the Totalisator Agency Board Betting Tax Act, 1960-1966.

The Totalisator Agency Board commenced active operations on the 18th March, 1961. At that time, it was required to pay a tax of 5 per cent. on turnover, which rate was increased to 5½ per cent. on the 1st December, 1966. This measure proposes to increase this rate further to 6 per cent. as from the 1st January, 1971.

The turnover of the board amounted to \$50,089,906 in respect of the year ended the 31st July, 1970, and it might be expected, on that basis, that turnover for the calendar year, 1971, would amount to \$54,000,000. Thus, at 5½ per cent., the yield to the Treasury by way of turnover tax would amount to \$2,970,000.

With the proposed dropping of the investment tax of 3c per bet, the saving to the off-course betting public on an estimated turnover of \$54,000,000, would be \$800,000. Without increasing the total cost of betting to the off-course betting public, this saving in investment tax, if invested at an average loss rate of 16 per cent.—15 per cent. plus fractions—would result in an additional increase in turnover of \$5,000,000.

Whilst it is not submitted that all the saving on the investment tax will be put back into betting, it is nevertheless estimated that with the lifting of the investment tax, the board's turnover for the

calendar year 1971 will increase to about \$58,000,000, being \$4,000,000 more than otherwise would be the case.

If the foregoing prediction were to come about, the turnover tax payable by the board—should the amendment now proposed be accepted by members—would amount to \$3,480,000 for the calendar year, 1971, representing an increase of \$510,000 over the amount of tax payable should the rate be not increased.

After allowing for a loss rate of 16 per cent. on the additional turnover of \$4,000,000—namely, \$640,000—the relative saving to the off-course investing public would be \$160,000.

At this stage of my explanation, the Consolidated Revenue Fund is down \$30,470 for the calendar year, 1971, after allowing for the additional \$259,530 by way of bookmakers' turnover tax.

It is necessary, however, to look at the situation in regard to the on-course totalisator. For the year ended the 31st July, 1970, the totalisator duty received into revenue amounted to 5.89 per cent. of the on-course totalisator turnover. The present rates of totalisator duty paid into revenue are—

Metropolitan Area: Win and Place— $7\frac{1}{2}$ per cent. Doubles and Quinella— $3\frac{1}{2}$ per cent.

Other areas: All types of betting— $3\frac{1}{2}$ per cent.

It is predicted that as bookmakers, in order to meet the additional turnover tax of roughly 1 per cent., will have to reduce slightly the prices offered, the on-course totalisator will become a little more competitive in relation to the bookmakers than it is at present.

If from the anticipated drop of \$1,000,000 in the turnover of bookmakers, due to the reduction in the prices offered, an amount of \$600,000 is transferred to the totalisator, based on an average totalisator duty rate of 5.89 per cent., the Consolidated Revenue Fund would gain about a further \$35,000, which is more than sufficient to bridge the gap.

Thus, if the proposed amendments to the several Acts become effective as from the 1st January, 1971, the \$800,000 lost to the Treasury, arising from the dropping of the off-course betting investment tax of 3c per bet, will be made good by gains in—

On-Course bookmaker turnover taxes	259,530
Totalisator Agency Board turnover tax	510,000
On-course totalisator duty	35,000
Total	804,530

Of course, all I can say is that these are predictions. I can recall that some predictions were made when the legislation

was first introduced and, to say the least their accuracy was hotly debated. In fact I think the figures exceeded the predictions.

The Hon. J. Dolan: I said they were far too conservative.

The Hon. A. F. GRIFFITH: Did the honourable member? I can remember others saying that we could go well beyond the figures estimated.

The Hon. J. Dolan: I said they would be exceeded.

The Hon. A. F. GRIFFITH: When did the honourable member enter Parliament? I ask that question, because when the interjection was made I was trying to recall whether the honourable member was here when the original legislation was introduced.

The Hon. J. Dolan: No, not then, but I have handled many Bills since; the officer will be able to tell you that.

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

BETTING CONTROL ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) (4.2 p.m.): I move—

That the Bill be now read a second time.

This Bill is one of those comprising the Betting Acts amending process currently before Parliament.

Two changes to the Betting Control Act of 1954-1970 are proposed in this measure.

The first amendment is to paragraph (a) of subsection (5) of section 15. Under this section, at the present time, racing and trotting clubs retain for their own use 60 per cent. of the turnover tax paid by bookmakers on-course. This measure proposes the reduction of this figure to 50 per cent.

The full effect of this change on governmental revenue has been encompassed in current amendments proposed to be made to the Bookmakers Betting Tax Act, 1954-1959.

The second amendment in this Bill deletes section 16A of the Act—a necessary step in order to make the dropping of the betting investment tax complete. Section 16A of the Act provides for the Totalisator Agency Board and off-course bookmakers to submit turnover returns and to collect and pay the investment tax imposed under the Betting Investment Tax Act, which is in the process of being repealed.

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

House adjourned at 4.26 p.m.