Legislative Council

Thursday, the 17th November, 1966

CONTENTS

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

QUESTION WITHOUT NOTICE

GERALDTON HOSPITAL

Conversion to Geriatrics Home and Flats

The Hon. J. HEITMAN asked the Minister for Health:

I refer to a question I asked earlier in the session regarding the conversion of the old hospital at Geraldton into a home for use by geriatrics, and the conversion of part of it to flats for elderly people. I am wondering if the Minister has any further information?

The Hon. G. C. MacKINNON replied:

Plans are well advanced to use the hospital for the purpose originally suggested by Mr. Heitman. We hope to form a club for old people and this will call for some co-operation from some of the local organisations. One section is to be used for a staff residence for nurses, and another section for a restorative unit for geriatrics, in line with the suggestions put forward at the time by the honourable member.

LOTTERIES (CONTROL) ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [2.38 p.m.]: I move—

That the Bill be now read a second time.

With the permission of the House, I think it would be opportune to take the second reading of this Bill now—and also to introduce other Bills as they come from the Legislative Assembly.

The purpose of this Bill, which has been passed through all stages in another place, is to amend the Lotteries (Control) Act, 1954, which Act replaced an Act of a similar nature introduced to Parliament in 1932. The first duty of the Lotteries Commission, as established under the Act, is to conduct lotteries in order to raise money for charitable purposes. The success of this venture in that direction is well known, I am sure, to all members.

During the course of the Budget debate this year, the attention of members assembled in another place was drawn to the increasing costs of hospital services and to the need to finance part of these costs from the proceeds of lotteries conducted by the Lotteries Commission. As a consequence of the indication thus given, this Bill provides for payment of a set percentage of moneys received by the commission, from conducting its lotteries, to an account known as the Hospital Fund. The Hospital Fund was established by the Hospital Fund Act of 1930 and was maintained up to the 30th June, 1942, by collections from a special tax, and grants from Consolidated Revenue.

This hospital tax went out of existence, however, in 1942 with the introduction of uniform taxation and, from that point of time, the Hospital Fund has been maintained by appropriations from Consolidated Revenue. These appropriations have, of necessity, increased greatly over the years and by the year 1962-63, had reached the figure of $12,400,000. By 1965-66, the figure was $17,000,000 and this illustrates strikingly the vast increase over recent years in the cost of providing hospital services.

New South Wales and Victoria both conduct lotteries and when the cost of administration and the payment of prizes have been met, the net proceeds are diverted into Consolidated Revenue and used for the most part in assisting the financing and operational costs of hospital services. Consequently, there is less call on Consolidated Revenue for appropriations for this purpose and more money available for other avenues of expenditure.

In this State, however, the net proceeds of lotteries are not taken into Consolidated Revenue but are spent by the Lotteries Commission in support of the activities of various bodies, which include a large proportion of what can properly be described as works of a charitable nature, to which I have made earlier reference.

As a result of the practice being followed in this State, a relatively heavier burden is placed on Consolidated Revenue, in the meeting of the operational costs of hospitals than is being borne in New South Wales and Victoria, and this is a contributing factor to the adverse adjustment imposed on our State by the Grants Commission for excess expenditure in this sector of social services. The fact of Western Australia being a claimant State has little bearing on the situation. Were we to become a non-claimant State, it would be apparent that, as New South Wales and Victoria require lotteries revenue to assist in financing the operational costs of hospitals, we could not hope to match their standards of service if we were to continue using the proceeds of our lotteries for other purposes, particularly those of capital works.

Bearing in mind, therefore, the practice being followed in New South Wales and Victoria, it is submitted that the proper course for this State to follow would be to pay the whole of the net proceeds of lotteries into Consolidated Revenue and to use these proceeds to assist in meeting these operational costs. The Government is, however, reluctant to implement this view to this extent, particularly when we consider the excellent work of the Lotteries Commission since its inception, which has resulted in substantial assistance to many worth-while projects over a wide field of charitable and public endeavour.

Nevertheless, it is considered essential to make some provision for a contribution from lottery proceeds to help in providing hospital services and it is for this reason that the Bill has been introduced. In the year 1967, accordingly, 10 per cent. of receipts are to be paid into the fund and this percentage will increase to 15 per cent. in 1968, and to 20 per cent. in 1969.

For the interest of members, I would mention that the gross income from sales of lottery tickets in the year ended the 30th June, 1966, amounted to a little more than $4,000,000. Ten per cent. of this sum would be $400,000, and assuming the same level of sales in 1967, this is the amount which would be paid into the Hospital Fund during that year with the passing of this measure.

After payment of this percentage to the Hospital Fund, and after deducting payments for prize moneys and administrative expenses, the Lotteries Commission would be left with roughly $850,000 to distribute in 1967. The amount available for distribution by the commission in 1968 would drop to $650,000, and drop further to $450,000 in 1969 as the payment to the Hospital Fund increased to 15 and 20 per cent. respectively of the gross proceeds in those two years, in accordance with the proposals now submitted to the House for consideration.

These figures are based on ticket sales in 1965-66 but there is little doubt, I think, that sales will continue to expand and, in consequence, both the contributions to the Hospital Fund, as well as the amounts available for distribution by the Lotteries Commission, will increase progressively.

Debate adjourned, on motion by The Hon. F. J. S. Wise.

TRAFFIC ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [2.45 p.m.]: I move—

That the Bill be now read a second time.

This Bill to amend the Traffic Act comes from another place and represents another measure which has been designed to keep the deficit for this year down to a manageable sum.

The Bill modifies the channelling of all fees paid on the issue and renewal of drivers' licenses other than those in respect of passenger vehicles. These are at present paid into an account known as the Central Road Trust Fund. With the passing of this measure, one half of these collections will be paid into Consolidated Revenue as from the 1st July, 1966. The other half will continue to be channelled into the Central Road Trust Fund, thus forming part of the moneys paid to the Main Roads Department for expenditure on roads.

For the information of members, I would point out that it was the practice to pay all driver's license fees into Consolidated Revenue until the 1st January, 1960, in order to assist in financing expenditure on traffic control. With the advent of Commonwealth matching grants,

however, it was necessary to divert these funds to road works in order to obtain the maximum benefit from the Commonwealth matching money scheme. Therefore, since 1960, Consolidated Revenue has borne the full cost of police road traffic control in this State. The cost of this control has increased greatly and has become excessive compared with New South Wales and Victoria, where part of this cost is met from vehicle and drivers' license fees.

Therefore, this relatively heavier expenditure in Western Australia from Consolidated Revenue constitutes an unfavourable element in the calculation of the special grant and affects the deficit incurred by the State on revenue account. Funds from other State sources are now sufficient to attract the maximum assistance from the Commonwealth for road works, and it is no longer necessary to apply revenue from drivers' licenses to road works for this State to qualify for the full Commonwealth matching grants available. There is no point, therefore, in continuing to spend collections from drivers' licenses on roads at the expense of incurring revenue deficits, which, as members are aware, have to be paid for out of loan funds.

Payment to Consolidated Revenue of one-half of the collections from drivers' licenses, which are now being paid into the Ceneral Road Trust Fund, will bring net expenditure from the revenue fund more into balance with the standard States and be sufficient also to achieve the Government's objective of minimising the deficit for this and succeeding years. The sum involved is approximately $560,000 in respect of this financial year.

I commend this measure to members.

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

TOTALISATOR AGENCY BOARD BETTING TAX ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

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

That the Bill be now read a second time.

This Bill, as with several others currently before Parliament, has, as its purpose, simply the raising of more revenue for the Treasury. It is proposed to achieve this objective by increasing the tax imposed on the Totalisator Agency Board's turnover from 5 to 5½ per cent. This will provide an increase of $180,000 in a full year of operation, if based on the present turnover of the board, which is to the order of $36,000,000. The overall tax at 5½ per cent. on such a turnover would be about $1,980,000, and the increased income at the new rate for the remainder of this current financial year should approximate $90,000.

As members know, after payment of tax, winning bets, operating expenses, and making provision for necessary reserves, the balance of the board's turnover is available for distribution to racing and trotting clubs. Members may be interested, however, in some of the detail, which I have here, showing how each $100 of the board's turnover for last year was distributed. It is as follows:—

> $85.31 were paid out in winning bets, $5 went to the treasury in tax, $5.38 were expended by the board on salaries and wages and other expenses, $1.25 were placed in reserve and $3.06 were distributed to racing and trotting bodies.

The board has been paying the clubs since February of this year a total of $110,000 per month. This is the equivalent of an annual sum of $1,320,000.

With the passing of this Bill, the board would hope to continue payments to the clubs at this rate, thus allowing stakes to be maintained at present levels and the board anticipates being able to do this in spite of the proposed increase in turnover tax, because the board expects its recent increases in rates of commission on totalisator pools to be sufficient to maintain the present level of payments to clubs as well as to meet a slight increase in operating costs.

It may not be anticipated, however, that there will be any substantial increase in present turnover because the board has now completed, in the main, its task of replacing the licensed-premises bookmakers' system with an off-course totalisator system.

It can be expected that turnover will stabilise at between $36,000,000 and $36,500,000 and it is of interest to note that this quotation is a little below that attracted by off-course bookmakers in their peak year of 1957-58. However, in the event of any substantial increase in the current level of turnover, further consideration will be given by the Government to payments to clubs; but, in any case, these will be kept under review to ensure they do not become excessive.

The proposed rise in the Totalisator Agency Board betting tax will assist Consolidated Revenue and help in meeting the rising costs of State services and is accordingly commended to members.

Debate adjourned, on motion by The Hon. J. Dolan.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and returned to the Assembly with amendments.

STATE TRANSPORT CO-ORDINATION BILL

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and returned to the Assembly with amendments.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 16th November.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [2.55 p.m.]: Whilst this Bill is titled a Bill to amend the Local Government Act it deals in the main with the problems of the City of Perth and its superannuation fund. I might say that the provisions in the measure considerably help the employees of the City of Perth.

For some reason or another they remained aloof when the Local Government Act was enacted, and we had a glaring instance, when the town clerk retired recently, of his being a victim of a very unhappy set of circumstances in regard to the amount of money he could receive by way of superannuation.

The Bill seeks to make retrospective provision with regard to benefits to such employees, and it is with pleasure that I support the thought behind the measure which seeks to do justice to a man who gave such very great service to this city. He will benefit, as will other people.

The machinery clauses included in the Bill are also effective, in that they will provide for better treatment to be given to the employee of the City of Perth by enabling him to contract into the City of Perth scheme, or to contract out of it, depending on the circumstances of his employment.

For example, if a man is employed in a local authority outside the city, and wishes to join the City of Perth he has the choice of joining the City of Perth superannuation scheme. Alternatively, if a City of Perth employee, seeking promotion, moves to the country or to an outer suburb he is permitted to move into the local authority scheme if he so desires. Because of this choice I think the situation is improved in so far as the employee is concerned.

Bearing in mind that most of these moves entail promotion, it will be necessary, in our endeavour to promote the efficiency of local government staff, to give the men who train in this field the opportunity to avail themselves of the best possible provisions wherever they might be.

There are, within the Perth City Council, provisions that are still quite restrictive as they relate to the embellishment of the fund in any way, necessitating the principle of the right of referendum. Ratepayers have the right to call for this, and if there is a vote which does not approve of any recommendations that may be made the issue cannot be pursued any further.

The repeal of section 11 of the City of Perth Superannuation Fund Act is necessary to effect the provisions of this Act, but the rest of the fund remains intact.

As the Minister said, the only clause in the Bill which applies to the Local Government Act is the one which amends section 558 to provide that the strict procedure with court orders will not obtain. I can only take that at its face value. Those men who have to operate under this particular section must know what is best in the circumstances and no doubt they have submitted a case which warrants this departure from normal formal procedure. The only way we can ascertain whether this system will work is by amending the Act so that it can be tried out. I cannot see there would be any harm if either method were used, but maybe if witnesses can be put at ease, and if it is felt the atmosphere will produce a better train of thought, we should try the amendment.

All in all, this Bill is quite a worthy one and I applaud it, because it seems to me that at least the anomalies concerning the employees of the City of Perth will be removed.

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 transmitted to the Assembly.

Sitting suspended from 3.6 to 4.42 p.m.

LAND TAX ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.43 p.m.]: I move—

That the Bill be now read a second time.

This Bill has completed all stages in another place and comes to this Chamber for review. Its purpose is to increase the rate of land tax on unimproved land. This action is being taken with a view to lessening the disparity between anticipated revenue collections for this year and the anticipated expenditure.

Land not deemed to be improved is at the present time charged with additional tax of 5/12th of a cent in the dollar for each dollar of its assessed unimproved value.

This Bill amending the Land Tax Act proposes an increase in this rate of additional tax to half a cent in the dollar and, further, in cases where unimproved land has been held by the one owner for a period of two years or more without improvement, the additional tax will be 1c in the dollar of its value.

Consequently, the passing of this measure will produce benefits twofold: Firstly, by increasing revenue through bringing in an additional $120,000 to the Treasury in this financial year; and, secondly, it may be expected that the increased taxation on unimproved land will, to some extent, act as a deterrent to owners from holding land in an unimproved state for indefinite periods.

It could eventuate, of course, that the new rate of tax may not be high enough to achieve this latter objective to any marked degree but it appeals, nevertheless, to the Government as a move in the right direction towards discouraging the holding of unimproved land in its virgin state, maybe thus depriving others of putting it to better use in the general interest.

I suggest it may be desirable at some future time to consider the levying of a higher rate of tax on unimproved land than is now proposed, or a further rise in tax on land in respect of which the owner has failed to carry out improvements over a period of greater duration than, say, five years; the possibilities in this direction are being kept in mind. Because it comes to my mind, I am prompted to say that, some time ago, a member of this Chamber made a suggestion in respect of tax on improved land.

The Hon. L. A. Logan: Mr. Jones.

The Hon. A. F. GRIFFITH: That is right.

In its practical application, the effect of the proposal contained in this measure will be to raise the surcharge on unimproved land valued at, say, $2,400 from $10 to $12, and if the land has been owned by the one person for two years or more to $24.

Take a parcel of land valued at $12,000. The present surcharge is $50. This will become $60 or $120 if held by the same person for two years or more. As members will see upon reference to the Bill, the new rates are to operate for this current year of assessment.

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

MARKETING OF POTATOES ACT AMENDMENT BILL

In Committee

Resumed from the 16th November. The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. G. C. MacKinnon (Minister for Health) in charge of the Bill.

Clause 7: Section 30 amended—

The CHAIRMAN: Progress was reported on the clause after Mr. Ron Thompson had moved the following amendment:—

Page 6, line 8—Insert after the word "fund" the passage ", which must not exceed two hundred thousand dollars at any time,".

The Hon. G. C. MacKINNON: This was the amendment moved yesterday by Mr. Ron Thompson and, as indicated then, I would ask the Committee to leave the Bill as it is; that is, to oppose this amendment.

Amendment put and a division taken with the following result:—

Ayes—8	
Hon. J. Dolan	Hon. R. Thompson
Hon. E M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. H. C. Strickland	Hon. J. J. Garrigan (*Teller*)

Noes—15	
Hon. V. J. Ferry	Hon. T. O. Perry
Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. C. E. Griffiths	Hon. S. T. J. Thompson
Hon. J. Heitmen	Hon. J. M. Thomson
Hon. E. C. House	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. G. E. D. Brand
Hon. N. McNeill	(*Teller*)

Pairs	
Ayes	Noes
Hon. F. R. H. Lavery	Hon. C. R. Abbey
Hon. R. H. C. Stubbs	Hon. A. R. Jones

Amendment thus negatived.

The Hon. R. THOMPSON: I move an amendment—

Pages 5 to 7—Delete clause 7 and substitute the following:—

(7) Section thirty of the principal Act is amended by adding after

subsection (4) a subsection as follows:—

(5) (a) In addition to the deductions specified in subsection (3) of this section the Board may in each financial year deduct a sum not exceeding one per centum of the net proceeds of the sale of the potatoes sold during such financial year in which the Board shall decide to make such deduction. The amount so deducted shall be paid to the credit of a fund to be maintained by the Board and to be known as the Stabilisation Fund. Provided that if at the expiration of a financial year the total amount accumulated in the Stabilisation Fund shall exceed an amount equal to two and a half per centum of the average annual gross proceeds of the sale of potatoes by the Board during the three years next preceding the expiration of such financial year the Board shall not make any deduction as aforesaid in the next succeeding financial year.

(b) The Board shall apply the Stabilisation Fund in its discretion in subsidising payments to growers to an amount from time to time prescribed by the Board not exceeding eighty-five per centum of the costs of production as assessed by the Board and prevailing at the commencement of any period prescribed by the Board. Provided that such subsidy shall be applied in such manner as will enable all growers delivering potatoes to the Board in each financial year to receive not less than an equal percentage of the assessed costs of production.

This amendment was requested by the Potato Growers' Association of W.A. (Inc.), and the Minister yesterday evening agreed to the Committee reporting progress to enable members to study the amendment and determine if it is worth while.

The Hon. G. C. MacKINNON: I hope the Committee will not agree to the amendment. Mr. Ron Thompson is quite right when he says that the Potato Growers' Association submitted the amendment, but there has been some misunderstanding over the time it was submitted. The amendment was submitted by the association about five weeks ago, when the original clause 7 in the Bill was very different from clause 7 as now printed. This has been a matter of constant negotiation over the past five weeks. So, in fact, the amendment no longer represents the views of the association, as such.

It may represent the views of growers in certain zones; even the views of growers in the metropolitan area. I would not argue about that. The clause in the Bill now meets with the approval of growers in the majority of zones throughout the State. If we desire growers to produce, the amendment before the Committee is not practicable. Many of the assurances I have given on behalf of the Minister for Agriculture in answer to Mr. Ferry would have to be retracted, because they would be impracticable. For those reasons I ask the Committee to vote against the amendment.

The Hon. R. THOMPSON: I disagree with one statement made by the Minister. It was only yesterday afternoon that Mr. Bailey, the secretary of the Potato Growers' Association telephoned me to ask me to move this amendment. So it is fair to say that the amendment is still the wish of the association, because I received it from the secretary of that official body. The amendment would only be framed as a result of executive decision or as a result of a majority decision of growers in all zones.

The amendment would achieve most of the objectives sought by other members who have spoken in that a larger reserve fund would be established. The Minister said a fund of approximately $200,000 would be sufficient, but judging by the seasons in 1963, 1964, and 1965, the fund, under this amendment, would build up to approximately $230,000 and would then be stabilised at that figure. I will persevere with the amendment, because the association is an authoritative body which has put it forward with sincerity and I think the Committee should give consideration to it. After all is said and done, there are approximately 784 potato growers in Western Australia, and of these probably 700 are members of the association. I know not all the growers are members of the association, and in the Spearwood area alone about 16 of the growers are not members.

The Hon. F. D. WILLMOTT: I visited the offices of the Potato Growers' Association this morning and had a discussion with the secretary. He had not had an opportunity to read the debate which took place in another place, and as a result of my visit he came into possession of knowledge regarding a revolving fund, which knowledge he did not have before.

He agreed that most of the zones are of the opinion that what is contained in the Bill is in their interest, but that does not apply to the metropolitan zone which is still opposed to any kind of levy.

The Hon. R. THOMPSON: It is strange that up to three o'clock this afternoon the secretary of the association had not communicated with me to request me not to proceed with my amendment. He has not sent a message to me to indicate any change of view, and failing such notification I intend to press my amendment.

The Hon. G. C. MacKINNON: Whenever a proposal for a levy is made objection

is raised, and this occasion is no exception. I understand that the Potato Growers' Association has been in close touch with a number of its members, and has obtained their views. Both the Minister for Agriculture and the board consider the provision in this clause is satisfactory.

Amendment put and negatived.

Clause put and passed.

Clauses 8 and 9 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. G. C. MacKinnon (Minister for Health), and passed.

PENSIONERS (RATES EXEMPTION) 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) [5.7 p.m.]: I move—

That the Bill be now read a second time.

The Pensioners (Rates Exemption) Act passed in 1922 covered operations of the Government water supply departments, local water boards, and local authorities. Local authorities have since been covered by special provisions in the Local Government Act. These provisions are somewhat more extensive with regard to exemption from payment than those contained at present in the Pensioners (Rates Exemption) Act. As a consequence, a pensioner, being a consumer within a water area, would receive different exemptions from payment in connection with local governing rates, as distinct from rates levied by the water supply authority.

As it is desirable to maintain uniformity in the matter of exemptions as far as is possible, this Bill proposes the widening of the scope of exemptions from payment for rates levied by the Minister for Works and Water Supplies, the Metropolitan Water Supply, Sewerage and Drainage Board, and local water boards.

There are certain references in the Act which are redundant. References to certain Acts such as the Invalid and Old Age Pensioners Act, 1908, the Municipal Corporations Act, 1906, and the Road Districts Act, 1919, no longer apply and are discarded in the redraft of this Bill for an Act to replace the existing legislation.

Briefly, the new provisions are as follows: Clause 2 repeals the parent Act with due regard to the provisions of the Interpretation Act, 1918. Clause 3 contains certain appropriate definitions. Under clause 4, a pensioner is required to claim for exemption from liability of payment of rates and charges in lieu of rates, exclusive of excess water charges or charges for water in the country water area, because the purpose of the existing Act, which is retained in this Bill, is to grant deferment from payment of rates only and not charges for actual water supplied.

Clause 5 provides for the actual deferment of rates and charges in lieu of rates until certain happenings, such as the death of the pensioner, the sale of the land, or in the event of the pensioner ceasing to be eligible under the Act for deferment of payment.

The purpose of clause 6 is to protect the rating authority from any possible application of the Limitation Act lest the provisions of that Act prevent recovery of those rates which have been deferred when any happening as provided for in clause 5 occurs.

Under clause 7 the rates and charges which have been deferred are made a charge on the land, and this charge ranks equally with any other charge on that land which has been created by any Act, and also ranks before any other charge on the land, with the exception of those accountable to the State Housing Commission and the Director of War Service Homes.

The intention of clause 8 is to give priority to the State Housing Commission in connection with land subject to the State Housing Act, 1946, and also certain other schemes entered into between the Commonwealth and State.

Finally, in clause 9 the consent of the Director of War Service Homes is required before exemption may be granted and this clause gives priority to the amounts owing to the Director of War Service Homes.

Objectively, therefore, this Bill has as its purpose the expansion of the provisions of the existing Pensioners (Rates Exemption) Act so as to remove a restriction on an eligible pensioner occupying a war service home and to include a person, other than a widow who receives a widow's pension under the Social Services Act, 1947. The provisions contained in this measure will protect amounts owing to the Director of War Service Homes and the State Housing Commission, and protect the rating authority from any possible disability under the Statute of Limitations. The measure defines also, more clearly, the characteristics of an owner and, in general, makes provision similar to that existing in the Local Government Act.

I commend this measure to members.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs.

PERTH MEDICAL CENTRE BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

PETROLEUM ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Mines), and read a first time.

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.13 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill to amend the Petroleum Act, 1936. The sequence of events leading to the granting of a petroleum lease under the Petroleum Act is firstly that a permit to explore is granted to carry out general geological surveys and scout drilling, etc. This permit is for a period of two years, renewable for periods of 12 months at the discretion of the Minister for Mines.

Secondly, if the holder complies with all the conditions of the permit to explore, he may then acquire a license to prospect within the permit area, to carry out more detailed geological and geophysical surveys, and to drill test wells. A license to prospect issued for a period of two years with a right to three annual renewals, is limited in area to a maximum of 200 square miles, and unless approved by the Minister, may not be less than eight square miles.

Thirdly, if oil is found and the holder has complied with all his obligations under the permit and the license, he may acquire a petroleum lease to obtain petroleum from the ground. A petroleum lease may not exceed 100 square miles and, unless approved by the Minister, may not be less than four square miles.

West Australian Petroleum Pty. Limited has held a permit and a license in respect of Barrow Island and has complied with all the conditions; and when in May last the company announced that the field would be developed commercially, and sought petroleum leases, the fact that the island had been reserved as of Class "A" for the protection of flora and fauna threw some doubt on the legality of the permit and license, and of the power to grant petroleum leases.

Therefore because of the great importance to the State of the oil strike at Barrow Island, and because of the very considerable investment by the company, it was decided to place the matter beyond doubt by statutory enactment; and this Bill makes provision for the reserve on Barrow Island to be and always to have been Crown land for the purposes of the Act, and to validate the company's permit and license, but otherwise not to vary the purpose for which the reserve was created.

It might be opportune for me to say at this time in respect of the protection of the flora and fauna on the island that the company has shown in every sense the greatest co-operation.

Also the Bill provides for the Governor to declare, by proclamation, any reserved land which does not come within the meaning of the definition of "Crown Land" in section 4 of the Act, to be Crown land for the purposes of the Act. The proclamation may be revoked or varied at any time.

The Bill validates any permit or license granted over land in which is included reserved land not within the scope of the definition of "Crown Land" in section 4, and provides for the continuance of the permit or license in respect of the land contained therein which is "Crown Land" within the definition, but not in respect of reserved land which does not come within the definition unless it is declared in terms of the preceding paragraph.

Finally the Bill provides for the imposition of conditions on any permit, license, or lease to protect flora and fauna.

At this stage one could say that that is all that is required really in the way of explanation of the Bill; but I do not think I should leave it at that because I believe members would like me to give some brief history of the search for oil leading up to the discovery at Barrow Island; and also members would like the benefit of some information in respect of the manner in which the company proposes to exploit and produce oil from within the area.

Reverting to Barrow Island itself, members will know that to date the Barrow Island field is the largest in Australia—about three times the area of the Moonie field in Queensland—and furthermore, that the oil is considered to be of the highest quality discovered in this country. So in view of this members may be interested, as I have said, in a recapitulation of the history of the discovery of oil on the island.

Barrow Island is roughly 92 square miles in area and is situated approximately 60 miles by sea from Onslow. A number of members in this Chamber have had the good fortune to go to the island as guests of the company on an occasion some little while ago when the company took members of Parliament around to

some of the areas in which it is exploring for oil, in order that members might be given an opportunity to see what is being done in the field in this regard.

The island and the surrounding waters were included in Permit to Explore No. 16H granted to Australian Motorist Petrol Company Ltd.—now Ampol Petroleum Ltd. —in 1947, but were excluded from the subsequent permit No. 29H granted to West Australian Petroleum Pty. Limited as they were within the prohibited area defined by the Commonwealth Government under the Defence Act for the atomic tests carried out on the Monte Bello Islands. I think that the islands were regarded as hot—I think that was the expression used—until a short time ago. The island was restored to the permit in 1956 and the surrounding waters in 1963, when the all-clear sign was given.

In 1954 two company geologists, Dr. J. R. H. McWhae and Mr. J. C. Parry, made a brief visit to the island with Royal Australian Navy officials and were able to demonstrate for the first time that a possible oil-bearing structure—described geologically as an "anticline"—was present in limestone rocks exposed there.

In 1956 the Commonwealth Bureau of Mineral Resources flew a single aeromagnetic line over the island and this suggested that a thick sedimentary section was present, thereby upgrading the oil prospects. Also in 1956, two company geologists, Mr. S. P. Willmott and Mr. I. R. Campbell, made a brief geological survey of the northern end of the island and confirmed the existence of the anticline structure.

Little further work was done until 1962 when the newly formed Petroleum Division of the Geological Survey Branch of the Mines Department strongly recommended Barrow Island as a good oil prospect which warranted drilling. Following a conference between departmental and company officials, at which this recommendation was presented, the company arranged for a detailed geological survey to be made of the island. This was carried out by two company geologists, Mr. D. N. Smith and Mr. W. Koop, and they confirmed that a fold which could hold oil—described geologically as a "closed anticline"—was present at the surface.

In 1963 the company was granted a Permit to Explore No. 217H in substitution for permit 29H—these two permits I have already mentioned—and the company landed a seismic crew on the island. A seismic survey was carried out in conjunction with the construction of an airstrip, and barge-landing facilities in anticipation of drilling in 1964.

In May, 1964, the company acquired License to Prospect No. 113H and upon the arrival of drilling equipment Barrow No. 1 Well was spudded on the 7th May, near the crest of the anticline. Numerous oil and gas showings were recorded while drilling. In June the well produced gas at the rate of 7,000,000 to 11,000,000 cubic feet per day, and in July a flow rate of 985 barrels of oil per day was recorded from the deep Jurassic formations between 6,200 and 6,700 feet. The Jurassic formation is the name of a geological structure and I understand that these formations are approximately 140,000,000 years old.

Between July, 1964 and September, 1965, eight additional wells were drilled and during the following five months another 14 wells were drilled to the shallow Windalia formation in the vicinity of 2,000 feet. The Windalia formation is, similarly, a geological expression for a formation, and this occurs at Barrow Island at approximately 2,000 feet. Wells Nos. 24 to 28 were drilled to deeper formations between February and August this year and of the 28 wells drilled only two have failed to produce oil or gas, or both. Five producing zones have been established, of which the shallowest and most extensive occurs as thin sands in the Windalia formation at about 2,000 feet.

This Windalia field covers an area of approximately 39 square miles and while it is conservatively estimated that it will yield 85,000,000 barrels of oil, this could be increased by new techniques now being studied. Additional production will also be obtained from the Jurassic zones. I think I should qualify this by saying that this is hoped, because there is still a good deal more work to be done in this direction.

On the 26th May, 1966, the company announced it would develop the field commercially. At that particular time I happened to be overseas and I had the opportunity of seeing something of oil development and exploration, and the techniques used both on the ground and in the water. I must say it left me with a very excited impression because if this sort of thing could happen in Western Australia what a very great future we have. It was pleasing to me, whilst I was in The Hague, to receive a cable from Western Australia stating that the company had declared this field commercial, and that it proposed to develop it.

It is expected that 240 wells will be required to develop the Windalia oil field and that production will commence in May, 1967; initially at the rate of 9,000 barrels per day, but with a possible increase to 20,000 barrels per day in two years.

Those members who have been to Barrow Island saw the rig. No, we did not see the rig.

The Hon. L. A. Logan: We saw it.

The Hon. A. F. GRIFFITH: Yes, on the subsequent trip. On the first occasion we did not see it.

The Hon. J. Dolan: That is right.

The Hon. A. F. GRIFFITH: Members know what sort of island it is. I often think it could more appropriately be called Barren Island instead of Barrow Island. Nevertheless if members can visualise the establishment in time of 240 wells in this area they will have an idea of what an oilfield will look like.

The construction of production facilities includes pipelines, separator stations, tank farms, and a sea terminal some six miles off-shore to the east, and connected by a 20-inch submerged pipeline. The pipes for the line were manufactured and cement coated at Kwinana and shipped to Barrow Island where they are being built into 2,000-feet long sections, floated out to sea, and then sunk into position on the ocean bed. The actual cement coating was done by a local firm and I had the pleasure of going down to see this operation. The cement coating, is, of course, required to give added protectection to the pipe, which is steel.

In the main, the line will rest on the ocean bed, but where deep channels have to be crossed—one is at least 3,000 feet wide—there is a possibility of the line being damaged by water turbulance in cyclonic weather, and so in these places the line will be anchored to the rock bottom. At the terminal, tankers will tie up to mooring buoys and will load the crude oil through flexible hoses connected to the submarine pipeline.

The loading rate will be between 10,000 and 15,000 barrels per hour—a barrel contains 35 imperial gallons—and in the initial stages it is expected that two tankers of not less than 125,000 barrels each will be loaded per month. The storage capacity on the island will comprise two tanks each with a capacity of 200,000 barrels.

It is expected that initially the size of the ships will be in the order of 20,000 tons, but the company is making provision for the installation to be able to take up to 50,000-ton ships, and I think this is a wise move on the part of the company.

The Government is anxious to have the crude oil produced at Barrow Island refined within Western Australia, and I feel confident in saying that I believe it will be. However, in saying that, I would like to make it clear there are some difficulties to be overcome. Members will recall that some difficulty arose last year in Queensland in connection with the price of Moonie crude oil and, as a result of this, the whole question of pricing Australian produced crude was referred to the Tariff Board. It was finally ruled that the price for the next five years, expressed in United States dollars, would be $3.50 per barrel, subject to a quality differential. To implement this arrangement it is necessary for every refinery in Australia to take its percentage of any crude discovered in Australia—and when I refer to the percentage of crude going to the refinery, that has something to do with the percentage that the reselling companies are obliged to take—the percentage being based approximately on the average consumption of crude prior to the Tariff Board ruling.

The company has two petroleum lease applications pending. Under the Act, the holder of a license to prospect, upon finding oil, may select one half of the area of the license as a petroleum lease or leases, while the remainder reverts to the Crown. In the case of the Barrow Island lease, the license to prospect was given over an area of 200 square miles, and this included Barrow Island and an equal area of water all around it; so that, in effect, the lease covered half land and half water. The actual area of the land was 92 square miles, or something of that order, and the area of sea was approximately 100 square miles.

The area which so reverts to the Crown must be first offered to the holder of the license to prospect on such terms and conditions as the Governor may determine; and if the offer is not accepted then the area must be put up for public tender or auction. In the case of the Barrow Island license the company selected the land—the island itself— comprised in the licensed area and left the balance—the surrounding ocean—for reversion to the Crown.

I would like to point out that this was done purely as an administrative exercise, and by way of an arrangement, in view of the fact that the Commonwealth and the States have for some time now been getting together with a good deal of success in formulating uniform petroleum legislation which will apply offshore and in all States of Australia. This administrative action was taken bearing in mind the legislation which will ultimately be presented to the State and Commonwealth Parliaments to give effect to the arrangements upon which Ministers for Mines have been and are still working.

The area selected by the company constitutes its number one petroleum lease application, and the Government proposes to charge a royalty of 5 per cent. of the gross value of all crude oil produced from this lease. The 5 per cent. rate has an origin dating back to 1950. In that year the Government of the day, as an inducement to Ampol Petroleum Limited to commence large-scale exploration in this State, promised the company that the royalty rate on all crude oil produced from the first petroleum lease granted to the company, or to any of its associated companies, and from all subsequent leases granted to it or its associates within five years of the granting of the first lease, would for the first 15 years be 5 per cent. of the gross value of the oil produced.

I think it is expressed in terms of wellhead value. The Government proposes to

honour this undertaking, and I would like to add, in order to state the case more clearly, that we are still working with the company on some of these proposals. What was done was done by an administrative arrangement to suit the purpose. The arrangement made with the company in 1950 was made at a time when the search for oil in Western Australia was at a very low ebb and an inducement was necessary to get some company to search because this State was not regarded as a good prospect.

The ocean area, which is the part of the license to prospect not selected by West Australian Petroleum Pty. Limited, and which reverts to the Crown—as I said, purely under an administrative exercise—has, in compliance with the Act, been offered to the company, and in recognition of the company's very valuable contribution to oil search in this State, the Government has not imposed any stringent conditions but has asked a royalty of 10 per cent. of the gross value of the crude oil produced therefrom. This constituted the company's second lease, but it is not what we may call a lease "as of right," as is the number one lease, and therefore the promised 5 per cent. royalty rate previously mentioned does not apply.

Furthermore, under the arrangement between the Commonwealth and the States, which is now in the process of negotiation, the royalty on the discovery of petroleum offshore will be shared by the Commonwealth and the States on a 50-50 basis. Although the lease to which I have referred will be granted to West Australian Petroleum Pty. Limited under the present Western Australian Act, when the Commonwealth-State law becomes effective the lease for the offshore area will be withdrawn and a new lease will be issued under the conditions of the new Act. This point has been made clear to the company.

I am sure members will agree it has been a highly successful operation and it is the type of operation the Government is anxious to foster. In anticipation of increased activities in the future, I had hoped to introduce during this session of Parliament certain major reforms to our own Petroleum Act. However, because of certain circumstances involved in the Commonwealth-State negotiations, I found myself in the position that it was not wise to go on with the amendments at this point of time. I think it is desirable that, to the greatest extent possible, there should be a fairly close link between the two types of legislation. As a result I do not propose to do anything about it this year but I certainly propose to introduce amendments next year.

Some of the reforms that were to be made to our legislation will be carried out by administrative action but, in the course of time, I propose to advise the companies, including West Australian Petroleum, that they have to fulfill certain land relinquishment requirements which are not now in the Western Australian Petroleum Act. At the present time, where a permit to explore is granted—and incidentally there is no limit to the area which a company may hold—there is no administrative formula in the Act to say that a company can hold that area for a certain time and then it is obliged to return some of the land to the Crown. As a result, that has not been done.

When overseas I found that one of the most important points about the search for oil was the principle which has been endorsed of the return of certain land after a company has had the right of search.

Those members who have had the benefit of going to the north-west from time to time; those who were with the company on the original trip to Barrow Island, and the other oil areas which have not been proved to the same extent as Barrow Island has been; those who have had the benefit of seeing our huge iron ore deposits; and those who have seen companies of the type that opened its plant officially last Thursday will, I feel sure, have gained some first-hand knowledge and experience of the development that is proceeding in the north-west part of our State.

Fortunately, Western Australia is very rich in a number of minerals but up to this point of time we have lacked the natural resources to enable us to treat these minerals within our own State—I refer to oil or gas, or both. In some places of the world I found that gas was more important than oil because, under certain circumstances, gas plays a much more important part. I look forward to the time when we will be able to produce sufficient quantities of gas or oil, or both, to supply our own needs—the fuel for the hungry furnaces which we will have to develop the type of industry to which I have referred in Western Australia.

I pay the highest compliment possible to West Australian Petroleum for its efforts in searching for oil in Western Australia. It is a heart-breaking job for companies searching for this hidden mineral. They spend millions of dollars, frequently without reward. However, at last, West Australian Petroleum has been successful, or has developed the Barrow Island area successfully, and I feel confident—and I do not say this in a professional sense because I am not entitled to do that—that the company will have further successes in the future. There is no doubt that if any company deserves success for the work it has put into discovering oil in Western Australia I would say, without hesitation, it is West Australian Petroleum.

Rather than just baldly introduce the Bill, and tell members that Barrow Island was a flora and fauna reserve, and an "A"-class reserve, and explain that the legality of any lease I might grant was

doubtful, and let it go at that, I thought members would appreciate some information on the development of the area. That is what I have attempted to give them. I have much pleasure in presenting the Bill to the House and I feel sure it will be accepted by all members.

Debate adjourned, on motion by The Hon. J. Dolan.

EXPLOSIVES AND DANGEROUS GOODS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th October.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.44 p.m.]: Members will recall that last session Mr. Stubbs moved a motion for the purpose of obtaining from this House an expression of members' opinion whether legislation should be introduced to control the sale and restrict the use of fireworks in this State. At the time, the honourable member, when explaining the import of his motion, submitted that he had made a case for the introduction of restrictive legislation and he covered three points. In the honourable member's own words, those three points were—

(1) The sale of crackers on Guy Fawke's Day only.

(2) The sale of crackers on that day to adults only.

(3) The sale of crackers at any time to an organisation that can control them—an organisation with adults in charge.

I think Mr. Stubbs will agree that they are the three points he made. Members will also recall that I said, in passing, when speaking to the motion last session, that the conclusion I drew from Mr. Stubbs' approach to this problem was that he desired someone to introduce legislation to control the sale of fireworks and restrict their use. I recall Mr. Stubbs informed the House that he had his own ideas as to how these restrictions should be imposed; namely, that fireworks should be banned altogether.

Members will also recollect Mr. Stubbs hastened to assure the House he had no intention of suggesting that here. At the time I commented that many of us, perhaps, would like to see fireworks banned altogether. At the time it did not appear to me that the honourable member was desirous that his motion should have that effect, and I did not support the motion because I, too, at the time, did not consider that to be wise. It is only fair that I should reiterate what I said in 1965; namely, that I believe the types of fireworks now available for purchase over the counter are quite safe when used in a common-sense way. Like many other things, fireworks are quite safe when used in a sensible manner.

Accordingly, as I was aware that the State departmental control over fireworks displays was completely effective, and because I had asked the Chief Inspector of Explosives to ensure that the restrictions placed on fireworks rendered them as safe as possible, I felt certain that the number of accidents that had occurred recently as a result of children handling fireworks had been less than in previous years. Also, the debates that took place on this subject last session, and the publicity that has been given to the danger of fireworks, to a large extent has called the attention of parents to the responsibility they have in ensuring the safety of their children when handling fireworks.

To the extent that damage resulting from the use of fireworks has been considerably lessened, I thought at the time that the responsibility for the safety of children handling fireworks was one for the parents, and I have not changed my mind since. There are many things which if wrongly handled by people can become lethal weapons, and much more dangerous than fireworks. A motorcar, for instance, may be a safe machine if a person is driving it in a proper manner, but if it is placed in the hands of another person with no sense of responsibility it can indeed become a lethal weapon.

We have now reached the stage where Mr. Stubbs has seen fit to introduce to Parliament a Bill which will provide for the prohibition of the sale of fireworks through retail establishments, but fireworks will still be available to organisations to conduct fireworks displays if an organisation is the holder of a permit granted by the Chief Inspector of Explosives. Therefore the "letting-off" of fireworks will not be banned altogether. One could exercise one's mind by taking it back to one's school days when during our history lessons we learnt the meaning of Guy Fawke's Day. In fact, I did a little research on the subject so that I could refresh my memory, but I do not propose to outline what I learned to the House, because no good purpose would be served.

I am of the opinion that many people who uphold the 5th November do not connect, in any way, the "letting-off" of fireworks with Guy Fawke's Day. I feel sure there is no thought in their minds about how the 5th November originated, and I do not propose to elaborate on this aspect of the subject. I think the upholding of the 5th November in this country is observed in much the same way as the people in the United States of America observe the 4th July—Independence Day. In other words, it is a day for celebration when all the kids in the land think they should have some crackers to let off.

I intend to support the Bill, but I hope I will not be doing the wrong thing. I do not want to deprive children of any pleasure they derive from letting-off fireworks,

but I certainly wish to be part and parcel of any scheme that will protect them from any adverse result of letting them off, and, unfortunately, we do hear of such cases from time to time. I am not too sure whether the restriction placed on the sale of fireworks will achieve the desired result, because no doubt there will still be that type of youngster who will buy, say, a 10c bomb to place in a bottle which, when it explodes, may cause injury to some youngster standing nearby, and if he cannot get a 10c bomb he will probably get something else.

Members no doubt read of a case that occurred on the goldfields a while ago, but even if the sale of fireworks is restricted, I have in mind that any youngster who has a desire to let things off can still obtain something else to explode if he so desires. I have done a great deal of thinking about the subject and I have spoken to many members of my own party, to several members of the Country Party, and to members comprising the rest of the House, and I have concluded that perhaps it would be wise to support the Bill that has been introduced by Mr. Stubbs.

I was in a quandary, because I was not completely happy that this was the right step to take. It is only fair to say, however, that a number of organisations, including women's organisations, shires and the like, have written to me pointing out the dangers that exist with fireworks, especially when handled by children, and also the possibility that their use may start a bushfire. Notice must be taken of these points and in the circumstances, after giving the matter due consideration, I will support the Bill introduced by the honourable member.

THE HON. R. H. C. STUBBS (South-East) [5.54 p.m.]: I thank the Minister and members of the House for the way they have supported the Bill, and I am sure a great deal of good will result from its passing. I can assure them that my motives are purely humanitarian, because I think that if the passing of this legislation will save a child from being injured, losing an eye, or even his life, it will be well worth while. I am certain the results that will be obtained in the future by the implementation of the provisions contained in the Bill will prove that it is worth while. I will not delay the House further.

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. R. H. C. Stubbs, and transmitted to the Assembly.

SWAN RIVER

Reclamation at Maylands: Assembly's Resolution

Message from the Assembly received and read requesting the Council's concurrence in the following resolution:—

> That this House do resolve to approve, pursuant to subsection (1) of section twenty-two A of the Swan River Conservation Act, 1958-1966, the reclamation of an area of about two acres of the Swan River as shown in the plan deposited in the Public Works Department and marked P.W.D., W.A. 43513, and therein coloured red, and as so shown in the copy of that plan laid on the Table of the House, and that the Legislative Council be requested to so resolve.

Sitting suspended from 5.59 to 7.33 p.m.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [7.33 p.m.]: I move—

> That this House do resolve to approve, pursuant to subsection (1) of section twenty-two A of the Swan River Conservation Act, 1958-1966, the reclamation of an area of about two acres of the Swan River as shown in the plan deposited in the Public Works Department and marked P.W.D., W.A. 43513, and therein coloured red, and as so shown in the copy of that plan laid on the Table of the House. (Paper No. 258.)

This is the first motion concerning Swan River reclamation to come before Parliament since the recent amendment to the Swan River Conservation Act. That amendment provided that any reclamation of the Swan River or its tributaries exceeding two acres be approved by both Houses of Parliament.

The introduction of this motion—following so closely on the passing of the legislation—has been done for two special reasons—

1. The Maylands Yacht Club at present is housed in inadequate and dilapidated quarters near the East Street jetty and desires to build a new and attractive clubhouse on a site, but it urgently needs elevating and extending.
2. The dredge *Stirling* at present undertaking improvement work in the vicinity of the Causeway will be available shortly. It is economic also to undertake improvement work in the Maylands area whilst the vessel and equipment are upstream from the Causeway.

The plan which has been tabled in support of this motion has been prepared to show not only the minor amount of reclamation involved but also to depict the general improvements envisaged in the area. The reason for the reclamation and

the salient features of the project are as follows: A first requirement of the Maylands Yacht Club is an adequate area of elevated ground, as I have already explained, on which to erect a new clubhouse and to provide a working area for the rigging and launching of the small craft which assemble in this part of the river. The present structure is just about in a state of collapse and quite inadequate for the needs of the club.

If any member has had an upstream river trip lately, and has seen the condition the yacht club is in, and the conditions under which it works, he would readily agree there is some improvement necessary.

The Hon. R. Thompson: We would like to but we do not get time for river trips.

The Hon. L. A. LOGAN: With the goodwill of the Perth Shire, and substantial financial assistance from that authority, the club is able to build new premises which will be not only functional but also aesthetically attractive.

The water in the area to be reclaimed is shallow and almost unusable adjacent to the shore. The contours will, however, permit the construction of an adequate beach, the elevation of the existing foreshore, and adequate shore working space for the needs of the club. This club is doing a good job in providing healthy aquatic sporting facilities for the youth of the district and has an enviable record in State and interstate yachting events.

The extent of reclamation is shown as approximately two acres and is unlikely to exceed that figure. Nevertheless, it is considered desirable to place the project before Parliament for authorisation because of members' interest in river improvement and as a consequence of Parliament's responsibility under the amending legislation.

The rest of the work is complementary and does not require parliamentary approval. It is designed to increase substantially the extent of navigable waters. This will be done by deepening the extensive shallow sections now hampering activities of the yacht club and restricting navigation. The work will also improve the flow of the river in this section and facilitate the clearance of flood waters in times of heavy rains.

It will be noted that 45 acres of river will be deepened by improvements on the southern side. The spoil will be pumped on to the low-lying land owned by the W.A. Turf Club. The club has undertaken to landscape and improve the area progressively. It is proposed to retain a small island and surrounding shoal water as a bird sanctuary—a rather desirable feature in view of increasing river and foreshore road traffic and building activity. The new shoreline will give a considerable area of additional water to that contemplated under the recently-repealed Swan River Improvement Act, 1925. The new scheme will open up and widen the river.

On the northern side, the existing shoreline will be retained—except for the small area of two acres to which I have previously referred—but some 37 acres of shallow water will be deepened by pumping spoil on to the southern side. Further upstream, on the northern side, it is proposed to widen the river by reducing the size of the Maylands Peninsular and pumping the spoil on to the Crown land and the old Maylands Airport, thus serving two purposes—

(1) Providing an annual waterway of another 38 acres.

(2) Raising the height of the foreshore land to above flood level.

Certain low-lying sections on the northern foreshore have not been made the subject of filling or improvement. Much of this land is under private ownership and most of the blocks are deep and run right down to the high-water mark. They will not be affected by the dredging operations.

In view of the general improvement work which is proposed for the area, the Shire of Perth is investigating the possibility of filling some of the low-lying, mosquito-ridden areas and re-aligning the foreshore. Such a project, because it could involve further reclamation, the planning of roads, public open space, and drains, and could affect property owners—but not necessarily adversely—will have to be considered carefully by all authorities concerned. Even were it put forward as a town planning scheme, it would be submitted to Parliament for consideration in the event of any proposed reclamation exceeding two acres in area.

Such project is, however, still in the investigatory stage and parliamentary approval to the project, the subject of this motion, does not commit the shire or the Government to such further work.

I commend this plan to members and seek support for the reclamation of the two acres—not only because it is vital to the needs of the yacht club but also as an integral part of an overall improvement plan. The project is strongly supported by the Perth Shire, which is anxious to assist the club. It has the approbation of all local authorities with territory on the riverfront upstream from the Causeway, and is approved by the Swan River Conservation Board. The board, in conjunction with the Town Planning Authority and the Public Works Department, actually initiated the project.

The composite plan may take several years to complete. This depends on the availability of finance and equipment.

This project does not, however, provide a pattern for upriver development. Each proposal for future improvement will be

considered on its merits. The conservation board believes that many of the wooded banks and rush-lined foreshores will have to be left in their natural state as a protection from erosion, and a sanctuary for birds and fish life, and this view is supported by the Minister for Works.

THE HON. J. G. HISLOP (Metropolitan) [7.41 p.m.]: Having had several river journeys with the Swan River Conservation Board, and having been delighted recently with a trip which took us well up the river far beyond the bridges, I would have no hesitation in saying at any time that if the Swan River Conservation Board makes a suggestion to us, we should accept it without any qualms at all. I do not know that any organisation has had such reward for its work as this board has had.

I recently saw the Maylands Yacht Club and it certainly is short of space and deep water, and the plans that were shown to me the afternoon I was there made me realise how intense some people are when it comes to providing services on the river.

I think this area is one of the most attractive around Perth. Even though some areas may have to be altered from time to time, there will never be any great change in this river under the present board. Once the Maylands area is catered for and the water deepened, it may be necessary to provide further accommodation for, curiously enough, cray boats. I was surprised to see the number of cray boats which come up the river. Obviously there must be an engineering shed which caters for them. There must have been at least eight or 10 boats in the vicinity as we cruised past.

The Hon. R. Thompson: There were 37 at one stage.

The Hon. J. G. HISLOP: I know there were quite a number, but I did not know exactly how many.

The Hon. J. Dolan: They are near Canning Bridge and all over the place.

The Hon. J. G. HISLOP: It seems a long way for them to come from Fremantle but perhaps the calm waters of the Swan might suit them. It is possible we may have to assist these cray boats in some way.

When a person travels with the board and is told what it is doing, he develops an appreciation of the work the board does. Some areas which contained only shallow water have been deepened by taking the sand out and placing it on the banks. Further upstream the trees have been removed from the centre of the river and it is now possible for a boat the size of *Vlaming* to make an hour's run beyond the Guildford bridge.

I do not think there is anything more fascinating than the rivers in our State and as I travelled along the upper reaches of the Swan I realised how much the Swan is like the rivers in the southern portion of the State. There are a similar number of open and vacant areas along its banks. With the appointment of Mr. Oldham, who will work with the Swan River Conservation Board, the growth of the trees along the banks of this river will be fascinating.

I had a long discussion with him, and with others, as to how the banks of the river could be looked after. We came away from that afternoon filled with a desire to hurry on this progress with the Swan River, because it looks as though the Swan River will be an essential tourist attraction, not only for those who come from abroad, but also for those of our own people who have not seen these sections of the river. I could not be more eulogistic about any organisation than I am about the Swan River Conservation Board.

I think it is up to all of us to take a trip regularly up and down the river. Sunday would be a good day for a trip on the Swan River and subsequently into the Canning River. On the trip I referred to, we started at 10 a.m. and did not return until 4.15 p.m., so it was almost a full day's outing. As a rule, the *Vlaming* stops at the Guildford bridge and does not go up to the higher reaches. We had a very practical and nice lunch on the bank of the river.

The river commands a great deal of interest because of the history of Western Australia. I would have liked a tape recorder on board, so that I could have relayed to the House all of the happenings around Governor Stirling's province, as it might be called. We were given the names of those who lived in the houses alongside the banks. It was an eye-opener to every one of us, not only to see the places but also to realise how these early settlers had established themselves so far up the Swan River. I could go on for a long time, because I am enthusiastic about rivers, about scenery and, more so, about the Swan River Conservation Board. I support the motion.

THE HON. R. F. HUTCHISON (North-East Metropolitan) [7.46 p.m.]: I rise to support the motion. For many years the area from the Causeway to the upper reaches of the river has been my home ground. I have been connected with every scout group in that area. The sea scouts first started the care and beautification of the Maylands section of the river when they concentrated their activities in that area. I have been connected with the Bayswater and Bassendean scout troops and the boys have done a wonderful job.

Some improvement near the Bayswater bridge will be effected as a result of this motion. All that will be done is to fill in a part of the swamp in that area, and to deepen the water near the other banks. I wanted to speak in support of the motion, because I think it will effect very worth-while improvements.

I suggest, too, that the local authorities should give a helping hand to the

sea scout troops who are doing so much work along the river. It pays the authorities to do this, because the boys caretake, look after, and do a great amount of good work for the river.

This river has the advantage of being a real playground for the people. There is more to the river than meets the eye as anyone who is used to travelling along it will realise. I hope the Government will clear the area in the Upper Swan more than it is at the moment in order to improve that section of the river. If it were taken care of, it would be much deeper and better.

As Dr. Hislop says, there is history all along the Swan River, because it is where the early Swan settlers lived. I do not want to see the river narrowed at all. I understand this reclamation will be carried out somewhere in the vicinity of the ridge near the racecourse and down the other side, which is swampy, and not very good. If the Government reclaims just that area, then I am satisfied this motion will be of benefit. However, if it is possible, I do not want to see any portion, other than that which has been mentioned, interfered with.

If the Government concentrates its reclamation on the section near the racecourse, which is very reedy, and cleans it up, I think it would make this section of the river much better than it is now.

I am glad this matter has come before Parliament. Our Swan River is very precious to us. It is as precious now as it was in the early days when it was a source of living to the early settlers. Other places have big, wide, deep, and swift-running rivers, but we do not have very many rivers in Western Australia.

I have seen the portion of the river we are speaking of now—that is, up near Guildford—a mile wide in flood time. This section of the river could be deepened and it could be conserved more than it is now. I am very happy to know the authorities have taken it over. I knew about this, because I have talked to them about it.

This year is the only year I have not gone on the annual trip, but I was away at the time. Of all the matters which could have come before Parliament which I could support, it gives me great pleasure to support this proposal for river conservation.

THE HON. H. R. ROBINSON (North Metropolitan) [7.52 p.m.]: I support the proposal to reclaim these two acres of the Swan River. First of all, I would like to make some comment on the work that has been carried out upstream by the Swan River Conservation Board in the past few years.

In common with Mrs. Hutchison and other members who represent areas through which the river flows, I, too, have had the opportunity of going upstream in the launches and, consequently, I have a first-hand knowledge of the work the Swan River Conservation Board has carried out. Altogether, I think I have been on three trips and there is no doubt the Swan River Conservation Board has improved the river considerably, particularly in the upper reaches.

The area that is to be filled is just on two acres and it used to be the original swimming grounds of the Maylands-Inglewood area, until it became too shallow. At the present time, the water is only something like 8 or 10 inches deep in an area that goes out about 400 or 500 yards. This water became muddy and eventually the swimmers transferred to the Caledonian Avenue area where a reasonable type of beach was established. This latter was more or less an artificial beach.

The Maylands Yacht Club has operated from the East Street jetty for some 20 or 25 years and it has done a very creditable job, particularly for the young people of the district through the fostering of yachting in the area. I think this is one opportunity for the yacht club itself, to get new premises. It has been operating in a ramshackle type of building for some 25 years. At this particular point of time, the Shire of Perth has agreed to finance the construction of a $40,000 building for the club, but it would be useless to construct this type of building unless the reclamation of the area were carried out; because members of the club would have to push their boats, as they do now, through very muddy water to get into the deep water at the end of the jetty.

The jetty, itself, is something like 40 years old. It has been a constant source of expense and worry to both the Harbour and Light Department and to the Shire of Perth. I understand the ultimate idea is to demolish the old jetty and put in a landing, from which the Maylands Yacht Club will operate.

With regard to foreshore improvement generally, I understand the Shire of Perth has a long-range plan for beautification of the area running from somewhere in the vicinity of Mitchell Street down to the old aerodrome site. I consider that overall plan is very creditable and it has my full support.

I do not think for one moment there will be any opposition to this proposal for filling in a section of the river, although it will be pumped out, of course. However, I am sure those people in the Maylands-Inglewood-Mt. Lawley area who know this stretch of river will agree that the proposed reclamation is the best thing which could be done for this section of the river. I support the motion.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [7.57 p.m.]: I, too, support the

motion. I take the opportunity of asking the Minister concerned whether it would be possible for him to give some thought to arranging one of these river trips when Parliament is not sitting; because not all members of Parliament can avail themselves of the opportunity to take a trip when Parliament is in session. That was the case with Mr. Dolan, Mr. Ron Thompson, and many others including myself. We would like to have the opportunity to view these things at first hand and, as a result, we would be guided by the words of advice from those people associated with the Swan River Conservation Board.

Naturally, I am delighted that the Maylands Yacht Club will have the opportunity to operate from a better base and, also, that opportunity is being given as a result of this development for the club to create better facilities.

I am not one who worries whether we take some of the area of the river if it is taken for progressive purposes, because I believe that the engineering knowledge applicable to these developments is such that the overall picture will be very much better in the long run than it is before these developments are effected. I was a stranger to Perth when I came here some 12 years ago and, at that time, I saw reeds in areas where today I see a beautiful bridge. Also, I am not very concerned with all the history which is recounted at different times as to what happened in this area or in that area; because, overall, more complete development will come out of the issue. Therefore, it gives me great pleasure to support the motion.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [7.59 p.m.]: I thank members for their approach to this motion. I will pass Mr. Willesee's request for an arranged river trip out of session on to the Minister concerned, and I am sure he will be only too happy to accede to this request.

It is not so long ago that a trip was arranged, but this trip went south to the junction of the Canning River. It was my pleasure to go on a trip in company with representatives of the Swan River Conservation Board and the Bunbury board, which has been set up to look after the estuary of the Collie River. On this trip we went right through to the Guildford bridge and upstream; we went into the Canning River and then came back again. The river is of great value from a tourist point of view, not only to visitors to this State but also to our own people.

The Hon. R. F. Hutchison: The Swan River is good beyond the Guildford bridge.

The Hon. L. A. LOGAN: The boat we were in could not go beyond the Guildford bridge. As it was, we had enough trouble turning around.

Nevertheless, I will convey to the Minister concerned Mr. Willesee's request that, if it is possible, a trip upstream out of session should be arranged for the benefit of members.

The Hon. J. Heitman: You could make it a Christmas treat!

The Hon. V. J. Ferry: Ice creams, too!

The Hon. W. F. Willesee: This is not funny; it is educational.

The Hon. L. A. LOGAN: Once again, I thank members for their approach to and support of, this motion.

Question put and passed, and a message accordingly returned to the Assembly.

CRIMINAL CODE AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by the Hon. A. F. Griffith (Minister for Justice), and read a first time.

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [8.1 p.m.]: I move—

> That the Bill be now read a second time.

In introducing this Bill to amend the Criminal Code, I desire to state that the Government has been greatly concerned at the number of serious attacks on police officers which have occurred of late. Some attacks have been of a vicious nature.

The Police Union of Workers, also, has expressed its concern to the Minister for Police that the 1964 amendment to the Police Act did not provide fully for the objects then desired to be achieved in regard to assaults on police.

It was decided, some little time ago, to have a committee look into the matter and, as a consequence, a discussion took place early in August between the Commissioner of Police, the Senior Assistant Crown Prosecutor (Mr. O. F. Dixon), and the Assistant Parliamentary Draftsman (Mr. D. Sander). The committee's recommendations were later placed before me and the Minister for Police and an appropriate amendment, contained in this Bill, ensued.

I desire to explain to members that, under section 318 (2) of the Criminal Code, an assault on a police officer acting in the execution of his duty, is a misdemeanour triable on indictment and punishable with three years' imprisonment.

Under section 321, the offence of common assault is punishable, on summary conviction, with a fine of $20 or up to six months' imprisonment.

Under section 320, if the justices are of opinion that the charge is a fit subject for prosecution by indictment, they are required to abstain from dealing with the case summarily.

The *Police Manual*, at page 47, states—

> Assaults on constables should be treated as a common assault, determined summarily, unless the justices

hearing the case should think it sufficiently serious to warrant it being dealt with by a higher tribunal.

Police practice has apparently been to charge common assault, even in a case of a vicious and cowardly assault on a police officer committed in association with others, and notwithstanding that the assault is likely to cause or result in a riot or other serious breach of the peace. I am unaware of any case where the justices, on such a charge, have in fact abstained from dealing with the case summarily.

The Police Union of Workers recommended to the Minister for Police last April that the Criminal Code be amended to provide for a $200 fine in respect of common assaults on police officers. The Government supports this recommendation in this Bill.

The maximum penalty has increased from £5 inclusive of costs to £10 plus costs in 1902—see amending Act 2 Edw. VII No. 29—and has not since been altered, despite alterations in monetary values. For the offence of common assault triable summarily, the Tasmanian Code, at least since 1936, has provided for a penalty of 12 months' imprisonment or a fine of £100, or both—section 308 (4)—while the Queensland Code provides, in section 343, for a fine of £50—increased from £20 in 1961—or six months' imprisonment, or both.

Though this amendment to the Criminal Code anticipates, in a manner of speaking, the completion of the new model Code at present being prepared in Queensland, it is considered that the matters contained in this Bill are of sufficient urgency to require the introduction of the measure at this point of time. Several other matters are covered in this measure which I shall explain as I run through the clauses as they appear in the Bill.

Clause 2 of the Bill increases, from one year to two years, the penalty for common assault that may be imposed by a superior court. This was done to provide a more severe penalty than that proposed for courts of summary jurisdiction, in clause 4 of the Bill. The underlying reason for the change is that, where the justices believe that the assault warrants a heavier penalty than they can impose, the offender may be committed for trial by a superior court and there be dealt with more severely.

Clause 3 increases, from $20 to $100, the monetary penalty that may be imposed summarily, without changing the imprisonment provision (six months), for a common assault, unattended by circumstances of aggravation. The penalty of $20 and the alternative imprisonment of six months are completely disproportionate.

Clause 4 recasts the provisions relating to common assaults attended by circumstances of aggravation, on the lines of the Queensland section 344. To this section, the provision relating to assaults on police officers has been added. This type of assault will now attract a maximum penalty of $200 or imprisonment for one year. The clause contains a new requirement that the circumstances of aggravation be set out in the complaint, so that the offender knows the nature of the charge he has to face.

Clause 5 repeals a subsection that was added to section 390A by the Traffic Act Amendment Act (No. 3), 1956. That Act imported the mandatory suspension of drivers' licenses in cases of unlawful use of a vehicle, by amendment to both the Traffic Act and the Code—the amendment to the Code was contained in the schedule to the Act. When, last year, the mandatory suspension was removed from the Traffic Act—so that the courts of summary jurisdiction could exercise a discretion in the matter—the corresponding provision in the Code was overlooked. As the law now stands, inferior courts have a discretion as to the suspension of a driver's license in such a case, while the superior courts have none. The repeal of the subsection removes this anomaly.

Clause 6 deals with a situation that has arisen by reason of the amendment made last year to the Child Welfare Act, enabling offences committed by persons as juveniles to be disclosed to a court dealing with them as adults. Where a juvenile offence is proved, the offender is not, on the face of it, a first offender, and the alleviating provisions of section 669 of the Code cannot, where the court is minded to do so, be applied to him. This frustrates the intention of section 669 and the amendment, accordingly, provides that convictions of juveniles, in children's courts, are not to be regarded as prior convictions.

In conclusion, I would add that the police are exposed to assaults to a much greater extent than the average person and, in view of their responsibility for law enforcement, the consequences of disabling a police officer through assault during the execution of his duty are likely, under some circumstances, to be far more serious than the assault of another person.

The Government feels strongly about the number of attacks that have been made on police officers recently, and it is felt that no police officer, in the course of his duty, should be subject to the kind of treatment some of those officers have had accorded to them from time to time.

Therefore the only way to deal with a situation of this nature is to provide for a more severe penalty for such an offence than the penalty which now exists. I commend the Bill to members.

Debate adjourned, on motion by the Hon. E. M. Heenan.

LAND AGENTS ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by the Hon. A. F. Griffith (Minister for Justice), and read a first time.

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice [8.11 p.m.]: I move—

That the Bill be now read a second time.

It will be remembered that in 1964 Parliament passed legislation which generally tightened up the laws relating to land agents, particularly the amendment which provided for degrees of qualifications of land agents and land salesmen. It has now been discovered that difficulties are being experienced by certain companies which are carrying on the business of land agents as part, and in some instances, a relatively small part, of their respective businesses.

The immediate difficulty arising out of the 1964 amendment is the need for the nominee license holder of a company to hold the special qualifications as laid down in the Act as a condition precedent to the granting of a license. The companies to which I refer are the local statutory trustee companies and stock and station agents, and the Government has been asked to present a Bill to Parliament for an Act to amend the principal Act in order that these companies might be more conveniently dealt with.

It will be appreciated that, in a stock and station company, or a statutory trustee company, the manager of that company may not himself be directly engaged with the land-dealing section of such company and, also, in the event of the retirement or death of the manager, in view of the 1964 amendment, the company could find itself without a person holding a license under the Act.

It seemed reasonable, therefore, to make provision in the event of a circumstance of this nature arising. In fact, it has arisen. Reference to the Bill before members will indicate the method by which this difficulty is proposed to be overcome.

The Bill is simple in form. It contains three clauses and the reading of clause 2 and clause 3 expresses the method to be employed in simple terms.

Without mentioning the name of any particular company, there could be operating a stock and agent company, the principal function of which is to sell and to deal in livestock, but as an adjunct to its business it conducts a real estate section. The manager of this company is not actually engaged in the real estate section, but it is a very necessary part of the business of the company in view of the assistance it may be able to give to its clients, particularly farmers.

It is felt, therefore, that in these circumstances special consideration could, and should, be given to a company operating in such circumstances. It seemed reasonable to insert a provision in the Act which could be applied in the event of circumstances of this nature arising. In fact, I think such a set of circumstances has already arisen.

The Bill is simple in form. It contains only three clauses, and the operative clause is clause 2 which simply defines what an "approved applicant" means under the Act. The amendment proposed to section 4 of the Act outlines the method by which application can be made by an approved applicant.

I do not think I can do better than to ask members to read the fairly simple provisions in clause 3 which seeks to amend section 4, and in clause 2 which seeks to amend section 2 of the Act. These two clauses will give companies of this kind an opportunity to obtain land agents' licenses in a more appropriate manner. I am sure that after due consideration members will find this Bill to be acceptable.

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

ADJOURNMENT OF THE HOUSE

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.16 p.m.]: I move—

That the House do now adjourn.

Before the House adjourns I seek your permission, Mr. President, to make a brief statement in respect of the sittings next week.

The PRESIDENT: The Minister may proceed.

The Hon. A. F. GRIFFITH: May I advise members that it is our intention to commence sitting on Tuesday next at the usual time of 4.30 p.m.; on Wednesday, Thursday, and Friday next at 11 a.m.; and during the course of Friday's sitting we can have regard for the progress we will have made during the previous three days.

The Government is prepared and willing to end the session on Friday next, but if that is not possible of achievement it is not our desire that legislation should be rushed through unduly. We will be quite prepared to sit the following week.

The Hon. W. F. Willesee: I hope you do not run out of grass for the elephants!

The Hon. A. F. GRIFFITH: As long as we do not run out of speeches for the Bills. This is entirely a matter for the elephants and for members.

Question put and passed.

House adjourned at 8.17 p.m.