Legislative Council

Wednesday, the 26th November, 1958.

CONTENTS.

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

QUESTIONS ON NOTICE.

BUS SERVICES.

Reduction in Bassendean Area.

1. The Hon. A. F. GRIFFITH asked the Minister for Railways:

In connection with my question on the 29th October, 1958, dealing with the proposed reduction in bus services in the Bassendean area, will the Minister inform the House—

(1) Whether he is aware that the Bassendean Road Board views with displeasure the parking of buses on the main Guildford-rd., which interferes with the flow of traffic through the township, and that Kenny-st. is considered to be a much more convenient location, and would cause less obstruction?

(2) Is he further aware that the Bassendean Road Board objects to the use of Palmerston-st. for bus traffic because the road is too narrow and not constructed to stand up to this form of traffic, the result of which can only mean high maintenance costs?

(3) Was the proposal to re-route these buses discussed with the Bassendean Road Board before action was taken?

(4) Is the Minister aware that the princely sum of £56 has been allocated from Transport Board licence fees for 12 months to be expended solely on the maintenance and improvement of the roads on which omnibuses operate in this district?

(5) If the answer to question No. (3) is "No," isn't it reasonable to expect someone in authority in connection with this matter to exercise the common courtesy of first discussing such a matter with the local authority, bearing in mind that the local authority is responsible for the roads in the district, and considers itself entitled to know what is intended by the Government in such matters?

The Hon. H. C. STRICKLAND replied:

(1) That information was received by the Tramway Department on the 20th instant. The terminus was selected as the nearest site to the railway station for the convenience of passengers. The parking of buses, for temporary periods only, does not interfere with the flow of traffic to the same extent as formerly when cars were parked there continuously.

(2) See answer to No. (3).

(3) The proposed routes were verbally discussed with the secretary of the Bassendean Road Board and the details subsequently confirmed by letter on the 22nd October. No objections being raised, the service was introduced on the 9th November and a reply was not received by the Tramway Department from the road board until the 20th November.

(4) and (5) The Minister for Tansport feels he is under no obligation to answer questions couched in such intemperate terms.

MERREDIN HIGH SCHOOL.

Classrooms.

2. The Hon. G. BENNETTS asked the Minister for Railways:

(1) Is the Minister aware that staff quarters are being used for classrooms at the Merredin High School?

(2) Is it the intention of the department to carry out its promise to provide new classrooms?

The Hon. H. C. STRICKLAND replied:

(1) There are no staff quarters at Merredin High School. The staff room is being used as a classroom.

(2) Yes. It is intended to call tenders for the second stage about the end of January.

KING'S PARK BOARD.

Appointment of Members, etc.

3. The Hon. F. R. H. LAVERY asked the Minister for Railways:

(1) What method is adopted for the appointment of the King's Park Board? How many members are there, and for what period do they serve?

(2) Are their services honorary or paid? If the latter, what is the amount of the sum paid?

(3) Do the members of the board include certain important cultural and scientific representatives of the community?

The Hon. H. C. STRICKLAND replied:

(1) Appointments to the King's Park Board are made by the Governor in Executive Council on the recommendation of the Minister for Lands. There are seven members. With the exception of the Lord Mayor of Perth, whose membership is limited to his term in office as Lord Mayor, the period of membership is not stipulated.

(2) Service on the board is in an honorary capacity.

(3) The board has persons of high scientific qualifications amongst its members, and the advice of Government officers, such as the botanist; plant pathologist; entomologist; agrostologists and others, is readily obtainable.

QUESTION WITHOUT NOTICE.

BULK HANDLING OF SUPERPHOSPHATE.

Tabling of File of Appointment of Investigation Committee.

The Hon. F. D. WILLMOTT asked the Minister for Railways:

Will the Minister table all correspondence leading to the setting up of the committee appointed by him to investigate the question of bulk handling of superphosphate by rail, and will he table the minutes and correspondence of the committee meetings?

The Hon. H. C. STRICKLAND replied:

In reply to the hon. member's request, Railways File No. 136/58 is hereby laid on the Table of the House.

ADDITIONAL SITTING DAY.

On motion by the Hon. H. C. Strickland (Minister for Railways) resolved:

That for the remainder of the session, the House, unless otherwise ordered, shall meet for the despatch of business on Fridays at 2.15 p.m. in addition to the ordinary sitting days.

NEW BUSINESS—TIME LIMIT.

Standing Orders Suspension.

On motion by the Hon. H. C. Strickland (Minister for Railways) resolved:

That Standing Order No 62 (limit of time for commencing new business) be suspended during the remainder of the session.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL.

Report.

Report of Committee adopted.

Third Reading.

Bill read a third time and returned to the Assembly with amendments.

HALE SCHOOL ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the previous day.

THE HON. F. D. WILLMOTT (South-West) [4.41]: There is no need for me to delay the House for long on this measure. The Minister explained it at great length when he introduced the Bill, and there is not much more to be said. Among other things the Bill ratifies an agreement brought about by negotiation between the Government and the governing authority of Hale School for the purchase of the present school site.

I know there has been some criticism of that deal. A few people contend that the Government, to some extent, robbed Hale School; but a few others contend that the Government paid far too much for the Hale School site. I consider those criticisms to be completely unjustified. The deal made by the Premier with the governors of Hale School was very fair from the point of view of both parties.

The site of Hale School is ideal for use as Government offices. The funds which will be forthcoming to Hale School as a result of the agreement will enable the school to erect a new building at Wembley Downs. All hon. members are aware that every public school in the State, like Hale School, is not in a happy financial position. Hale School has been in possession of its new site at Wembley Downs for some years, hoping all the time that it would be able to get on with the building of a new school. As we all know, building costs have gone up year by year, and the Board of Governors has not been in a position to commence the building of a new school until such time as the agreement was concluded.

It is nonsense for some people to think that the Government has committed itself far too greatly by agreeing to pay £225,000 for the site. In the first place, under the agreement the Government does not have to find that sum immediately. In fact, it will be some time before it has to pay any portion of the money, because, under the agreement, the governing authority of Hale School has to expend £150,000 on the new site before the Government makes the first payment of £75,000. Then the expenditure on the site will have to amount to £225,000 before the second payment of £75,000 is made by the Government. When the governing authority of Hale School has completed work to the value of £300,000 on the new site, the final payment of £75,000 will be made. In the interim period the Government is not asked to pay any interest. Though the agreement is beneficial to Hale School, the Government has not given anything away. It is an agreement eminently satisfactory to both parties.

I speak rather feelingly on this matter, because the Old Haleians' Association has to play a part in raising the initial £150,000. As a life member of that association I have, perhaps, more feeling on this question than have some other hon. members. I have some happy memories of the days I spent at Hale School, although I was not always too happy, because sometimes a certain part of my anatomy stung a bit, but I always had plenty of fun before I got the sting.

Hale School is actually a part of the history of the State. It was the first school of this type ever started here. It was a hundred years ago when the school was founded. Although a hundred years may not be a long period in England or the European countries, it is a long time in the history of this State. I have memories of bartering Bridgetown apples for Upper Swan grapes with the Hon. Mr. Loton when we were attending the school at the same time. Probably that was not the only thing we bartered.

The Hon. H. L. Roche: Who got the better of that deal?

The Hon. F. D. WILLMOTT: I can answer that. I have not won a deal in my life. My own association with the school goes back a great deal further than the days I spent there, because my great-grandfather was for some time one of the early heads of that school. So, my association with Hale School goes back a long way.

I, for one, am very pleased to think that Hale School, in its hundredth year, is to make a start—thanks to the help of the Government—on a new school at Wembley Downs. I commend the Bill to the House.

THE HON. H. C. STRICKLAND (Minister for Railways—North—in reply) [4.47]: I am very pleased with the reception the Bill has received in this House. There is nothing further that can be said on the matter.

In Committee.

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

Third Reading.

Bill read a third time and passed.

LICENSING (POLICE FORCE CANTEEN) BILL.

Second Reading.

Debate resumed from the previous day.

THE HON. J. M. A. CUNNINGHAM (South-East) [4.52]: This is a comparatively short Bill, and it appears to me rather strange that it has not been presented to this House before because I believe it is a worthwhile move. It seems that in most of the other States some such legislation as this has been passed, and in one State at least it was passed some 20 years or more ago; and yet in our own State there has never been any attempt to make it possible for police officers, when coming off duty in the capital city, to be able to enjoy a well-earned drink with congenial companions in circumstances not likely to lay them open to criticism by the public. The Police Force, being the type of force it is, and considering the nature of the work it does, is naturally under the critical eye of the public most of the time.

The conduct of all police officers is probably subject to more severe criticism than that of any other force of workers I know of. At all times, no matter what the circumstances or climatic conditions, policemen still have to appear on the jobs fresh, and at no time do they enjoy the normal humane relaxation accepted as an everyday part of our ordinary workingday lives. The police officer on his way home, if he does not change at work from his uniform to civvies, is precluded even in his

own district from enjoying a friendly drink in a public bar—again not only because of regulations but because of the likelihood of public criticism; and this is as it should be.

This Bill is an attempt to make it possible, after a hard day's work—of the type that we see is a great proportion of a policeman's life; tramping the hot streets—for him to enjoy, on the premises that will be provided, a drink with his own friends, after which he will go on his way. The Police Force is one that in peacetime takes the place of a number of other forces or services. It is an emergency army; a sort of peacetime security army; an army that must come into action instantly in the cases of tragedy, whether national or personal. It is a force, the members of which are expected, without hesitation, to jump into the breach even at the risk of their own lives.

I commend the interested officers or authorities on the restrained form in which they have asked for this Bill to be passed. They could easily have asked for full club facilities but they have not done so, and their reasons are commendable indeed. This could have led to abuse as has been the case in other services, but the policemen, well aware of the peculiar circumstances surrounding their work and lives, have not asked for those extended facilities.

The Hon. F. J. S. Wise: It would have been very difficult to refuse them.

The Hon. J. M. A. CUNNINGHAM: That is so. That is one reason I commend the Bill to the House and the sponsors of the Bill to the Government. But I do feel that the Bill leaves the position somewhat in the air in regard to whether the police officers will be able to extend hospitality to associated services that may have at some time or other offered hospitality to police officers. I mention, for instance, army canteens where various functions have been held to which police officers have been invited. But the Police Force has no means of returning this hospitality, and a very brief amendment will, I think, overcome this shortcoming, and make it clear that the police canteen will enable this hospitality to be extended not only to those people, but also to visitors and associated guests approved of by the commissioner, without the need of his having to regulate the policemen themselves.

Therefore, I believe the Bill is a good one, and the principle reasonable. It is an understanding and sympathetic measure, and I commend it very warmly to the House with the comment that when the time comes I will move an amendment to cope with the matter I have mentioned. I support the second reading.

THE HON. L. A. LOGAN (Midland) [4.58]: I do not desire to say very much, but would like to mention that not long ago we had before us a Bill to amend the Licensing Act, and it was stated, particularly by the hon. Mr. Heenan, that it was unwise to deal with legislation of this type until such time as a review, in accordance with the recommendations of the committee, was made of the whole Act. If his views are the same today as they were then, the hon. Mr. Heenan would oppose this Bill, and I am inclined to agree that the argument submitted then is applicable today.

It is no use playing around with a Bill while the committee's recommendations are still before the Government. Those recommendations should be dealt with. As a matter of fact, I think even last session the same argument was raised by the hon. Mr. Baxter. Although there is the amendment to the Police Act, I believe that a major change in the Licensing Act itself is necessary. I think we must sooner or later reach the stage where, instead of a piecemeal alteration of this Act, the Government will have to bring down a comprehensive measure dealing with the whole of the Licensing Act.

The Hon. G. Bennetts: Why not agree to this Bill as a Christmas gesture?

The Hon. L. A. LOGAN: I do not know that one can find much fault with the policy behind this Bill, in view of the fact that it is difficult for a policeman in uniform to enjoy a drink in a hotel; but if the provisions of this measure are to apply only to the city, I would ask: Why is it that country policemen are to be debarred from the right to have a drink while in uniform? Is it that the country policeman breaks the regulations and has a drink after work whilst still in uniform and the city policeman does not; or is it intended at some future time to extend this policy to cover country policemen? I do not see anything wrong with a policeman in uniform going into a hotel outside his working hours. After all, what has it to do with anyone else?

The Hon. J. M. A. Cunningham: There are plenty of people who would soon make it their business.

The Hon. L. A. LOGAN: Of course, a policeman is actually on duty 24 hours a day, whether in or out of uniform; but I repeat that I would like to know why we should differentiate between city and country policemen. If this Bill is to differentiate between them, I think the regulations should be amended so as to allow country policemen to have a drink in like manner.

The Hon. J. G. Hislop: I can understand the necessity for it, particularly in a hot climate like that of Geraldton.

The Hon. L. A. LOGAN: That is so. The fact that a policeman is in uniform makes him conspicuous, and very few people would know whether he was on or off duty. I appreciate the reason for this measure

having been brought down, but I wonder how the Minister will overcome the difficulty in relation to the country policeman. If a provision such as this is good enough for one, I think it is good enough for the other also. With those few observations I support the Bill.

THE HON. A. F. GRIFFITH (Suburban) [5.4]: I think this is a measure which should receive the ready support of this Chamber. The Minister for Industrial Development explained to the House, when introducing the Bill, the reasons for it. Members of the Police Force are, without doubt, in a difficult position when it comes to obtaining alcoholic refreshment after they have finished their daily period of duty, and I see no reason why a Bill to permit the establishment by the police of a canteen of their own should not receive our support.

Quite apart from the fact that the regulations prohibit him from doing so, I feel sure that a policeman who goes into a hotel, while in uniform, for the purpose of drinking, immediately becomes suspect and lays himself open to criticism by any busybody who may wish to comment on his presence there. I see no reason why a canteen such as the Bill provides for should not be established. When the Bill is in Committee I intend to move an amendment to the Title. The Title of this measure is an extremely long one and to my mind is not very complimentary so far as members of the Police Force are concerned. I do not think we should make play of the point that the proposed canteen is an amenity ordinarily denied to these people—

The Hon. F. J. S. Wise: I do not often agree with the hon. member, but I do so on this occasion.

The Hon. A. F. GRIFFITH: I thank the Minister for that. I support the Bill.

THE HON. F. J. S. WISE (Minister for Industrial Development—North—in reply) [5.6]: I appreciate the response which hon. members have given to this Bill. As the hon. Mr. Cunningham pointed out, this is legislation which has been very much delayed in this State and it is necessary, in an endeavour to do justice to people who are peculiarly situated and who have great difficulty in acting as ordinary human beings from time to time, without being conspicuous. On the point raised by the hon. Mr. Logan I would say—in a kindly sense—that he has a very keen facility for being able to put his finger on points which give patronage in one respect and limit privileges in others.

I admit the difficulty to which the hon. Mr. Logan referred. It is a great difficulty in implementing the law, inasmuch as such a facility can be provided where there are many members of the Police Force, but cannot be provided where there is not even a handful of them. I think it could be said, without weakening the law or the regulations governing the police, that a very kindly interpretation is placed upon their actions in this regard, by both a tolerant commissioner and a generous public, where their service is rendered in difficult areas.

Coming now to the point raised by the hon. Mr. Griffith, with reference to the Title of the measure, I feel that, provided the Title expresses the purpose of the Bill—as the foreshadowed amendment proposes—it will not weaken the measure, and I am, therefore, prepared to accept the proposed amendment when the Committee stage is reached.

Question put and passed.

Bill read a second time.

In Committee.

The Hon. G. C. MacKinnon in the Chair; the Hon. F. J. S. Wise (Minister for Industrial Development) in charge of the Bill.

Clauses 1 to 5—put and passed.

Clause 6—Section 46 amended:

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

> Page 2, line 22—Insert after the figures "1892" the following:—
>
> > For the use of members of the Police Force of Western Australia, and accredited members or officials of other police forces, and such visitors as may be approved by the Commissioner of Police from time to time.

The reason for this amendment is that if the Committee accepts the measure as printed there will be nothing to prevent the people in charge of the conduct of the canteen from doing what they please in connection with inviting visitors to the canteen. It must be borne in mind that a canteen licence is more or less a special dispensation in that it is not bound by one or two particulars as are hotels and clubs. Its hours are not set by the Licensing Court; nor does it pay the 8⅓ per cent. tax paid by these other organisations.

The Minister mentioned that a canteen licence rather than a club licence was desired. If the canteen authorities desire to invite, on a number of occasions, visitors of all kinds and descriptions, it might be better if a club licence were applied for, but that would defeat the object sought. At the same time it is necessary for someone to exercise control in a case like this. If the Committee accepts the amendment, this is what will happen in actual practice: Let us assume that the social club of the Police Union wanted to run a ladies' night. They would approach the Commissioner of Police and say they wanted to conduct a ladies' night on a particular

night, and ask for his approval. By being in a position to approve or disapprove, the Commissioner of Police would keep his finger strictly on the pulse of the activities of the canteen. I understand that this position would be acceptable both to the Commissioner and the persons concerned.

The Hon. F. J. S. WISE: At first glance it appears that the amendment broadens the licence attached to the operations of the canteen. Through the courtesy of the hon. Mr. Griffith I was able to confer with the Minister for Police on this point, and he said the Commissioner of Police was anxious to keep control of the canteen, while giving the members of the force the amenity which he feels they deserve. What is intended could be done either by a prescribed regulation governing what the commissioner may do, or as proposed in the amendment. The commissioner knows his men and is, of course, a highly respected member of the community, and it would be better to place this authority with him. I looked at the amendment to see if we could prescribe the frequency with which ladies' nights could be held, but on the whole I think the amendment would be the better means of overcoming this difficulty. I support the amendment.

The Hon. A. F. GRIFFITH: It is borne in mind that the Commissioner of Police is a highly responsible person, as the Minister said. If it happened that the Minister for Police did not like what was going on, there would be nothing to stop him regulating even beyond this clause at a later date.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 7 and 8—put and passed.

Title:

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

> Page 1—Delete the words "extend to members of the Police Force of Western Australia amenities ordinarily denied all ranks in uniform by authorising," and substitute the word "authorise."

Amendment put and passed; the Title, as amended, agreed to.

Bill reported with an amendment and an amendment to the Title, and the report adopted.

LAND ACT AMENDMENT BILL (No. 3).

Second Reading.

Debate resumed from the 12th November.

THE HON. C. R. ABBEY (Central) [5.22]: I desire to comment briefly on this small Bill introduced by the hon. Mr. Diver to correct a most anomalous position that exists at Wyalkatchem. I know that the community there has put forward a tremendous effort in order to build a club, and the people now find themselves in a position where they cannot make use of the club.

Having expended a large amount of money, they feel they should take some steps in order to correct the position, and this is the method of doing so. I support the Bill strongly, because I believe that having made an effort to produce such a beautiful building, which is a real asset to the community, the people should be allowed to continue the aims and endeavours that prompted them to build this fine addition to the facilities of the district.

It is a centre for the social life of the district and would, in addition, encourage sporting activities and the like. Anybody who has lived in the country will realise just how necessary a community spirit is for the progress of a district. Section 29 of the parent Act is very wide, and I feel that the additional paragraph cannot make any difference and will, in fact, help others in a like position. I am sure that the intention will not be detrimental to the Land Act. I see that the hon. Mr. Mattiske has an amendment on the notice paper. As that will be debated in the Committee stage I will make no further reference to the Bill except to say that I support it.

THE HON. L. C. DIVER (Central—in reply) [5.25]: I thank hon. members for the reception they have given this Bill. As mentioned by the hon. Mr. Abbey, there is an amendment on the notice paper which will be dealt with in Committee. Therefore, I do not wish to say very much about it at this juncture. I think the position is a little bit more involved than the hon. Mr. Mattiske thinks. However, I will leave further comment to the Committee stage.

Question put and passed.

Bill read a second time.

In Committee.

The Hon. E. M. Davies in the Chair; the Hon. L. C. Diver in charge of the Bill.

Clause 1—put and passed.

Clause 2—Section 29 amended:

The Hon. R. C. MATTISKE: I move an amendment—

> Page 2, line 2—Delete all words in the clause after the word "after" and substitute the following:—
>
> subsection (2) the following subsection—
>
> (3) Notwithstanding any other provision in this or any other Act the Governor upon surrender by the Wyalkatchem District Club Incorporated to the Crown

of its title to Wyalkatchem Lot 301 may for a price based on the unimproved value thereof grant to the said club an estate in fee simple free of all trusts of that portion of the said lot upon which club premises have been erected.

From the remarks I made during the second reading stage of this measure, I think this amendment is self-explanatory. It is simply to limit the operation of the Bill to the particular position that exists at the present time in Wyalkatchem.

In support of the amendment I would like to quote from a legal opinion which I have obtained from a leading firm of city solicitors dealing with this particular Bill in which they said—

> "(p.a.) For sites for clubs and club premises" cannot in any way benefit existing clubs already established and operating on reserves and registered as clubs under the Licensing Act.
>
> Section 29 of the Act already enables reserves to be made for the purpose of "cricket grounds, golf links, bowling greens, tennis courts, croquet grounds, racecourses."
>
> Whilst in some cases direct grants have been made to the sporting bodies of lands so reserved, in the main the reserves are vested in the local authorities who grant leases of these areas or portions thereof to the sporting bodies under Section 33 of the Act for the purpose for which the reserves are granted and as an adjunct to their operations on the land the sporting bodies have been registered as clubs under the Licensing Act.
>
> The power for reserves to be made "for sites for clubs and club premises" would therefore not carry the position any further for the sporting bodies above-mentioned.
>
> The case of the Wyalkatchem Club is entirely different. There the reserve was created for the purpose of "Recreation and Club Site" under paragraph (j) of Section 29 which gives power to make reserves "for places necessary for the establishment of towns, or for the health, recreation or amusement of the inhabitants."
>
> This club was operating solely as a social club and not as a sporting body. Such use by the club of land reserved for "recreation of the inhabitants" generally did not render the club the "bona fide occupier" of the premises as required by the Licensing Act, but merely trustee of the land for the purposes for which the land was reserved.
>
> That factor was therefore fatal to the club's application for registration as a club under the Licensing Act. Even if the land had been vested in the local authority, a lease by the local authority to the club for merely the purpose of a club site and not for the purpose of recreation would not be justified.
>
> The proposed amendment of Section 29 would be of assistance to the Wyalkatchem Club as enabling land to be reserved as a site for a social club solely without any other activity, but as pointed out above, in the case of existing clubs, the lands used are for the purpose of the sporting activities of the clubs with registration of the club under the Licensing Act as something within the main activity of the club.
>
> In regard to the existing clubs there is, therefore, no justification for the statement that the proposed amendment is necessary in their interests. Even if the proposed amendment were passed, it would be necessary for the Wyalkatchem Club to surrender its existing holding and for a new reservation to be made before the land could be granted to the club for the purpose of a club site.

This legal opinion is of great importance, and we should regard it seriously in dealing with the amendment. I hope the Committee will give the amendment careful consideration with a view to adopting it.

The Hon. L. C. DIVER: I hope the Committee will not agree to the amendment. The Bill seeks to amend Section 29 of the Land Act in order to make doubly certain that the Minister has power to set aside pieces of land for the specific purposes mentioned. The hon. Mr. Mattiske has stated that this piece of legislation, if it is agreed to, will not assist in the existing circumstances. With all due deference to the legal opinion he has quoted, I consider the position is not quite as he stated it. I am told that in many instances pieces of land have been set aside by the Lands Department, under Section 29 of the Act, and that clubs are operating on those pieces of land. So far as those clubs are concerned, the point that is now raised, has never been questioned. I hope the Committee will pass the Bill as printed in order that the vesting order may be withdrawn and the land be revested.

The Bill will apply to any similar case in the future. My information is that there are scores of these vesting orders, and if they were to be challenged they would be found wanting. It seems strange that, to exempt particular pieces of land, a legal man should suggest an amendment to a general Act. I do not pose as a legal man at all, but such a provision should be in the form of a separate piece of legislation and not incorporated in the Land Act. I hope the Committee will not agree to the amendment.

The Hon. E. M. HEENAN: I confess I have not had a great deal of time to look into this matter. I think, however, we should approach the proposal with some degree of care. Class "A" reserves—

The Hon. L. C. Diver: This does not deal with a Class "A" reserve, but any reserve.

The Hon. E. M. HEENAN: The amendment proposes to make a further extension—

The Hon. R. C. Mattiske: No, it seeks to impose a limitation.

The Hon. E. M. HEENAN: —so that reserves can be made available for clubs and club premises. Apparently someone blundered in regard to the Wyalkatchem Club and we are now called upon to rectify the position. I am quite prepared to help in that regard. If a mistake has been made, we do not want to perpetuate it, or throw the position open for clubs elsewhere in the State to apply for licences on these reserves.

My view at present is that the hon. Mr. Mattiske's amendment will meet the case of the Wyalkatchem Club; and that is as far as I feel like going. As the hon. Mr. Logan pointed out, it is a great pity that the Licensing Act has not been brought down for a comprehensive overhaul, because our licensing laws and customs are getting higgledy-piggledy. They have got into this state because some amendments have been brought in to deal with the particular cases. What is good enough for Wyalkatchem will surely be regarded as good enough for Geraldton or some other place. It is difficult for the Licensing Court to draw the line.

I would like the hon. Mr. Diver to report progress. I do not want to do any injustice to his case. I would like to go into it further. At present I am disposed to vote for the hon. Mr. Mattiske's amendment. I understand the hon. Mr. Diver's Bill to mean that reserves all over the State can be made available to clubs. The report of the committee which went into the question of licensing had a good deal to say about clubs and hotels. These are some of the reasons which, at this stage, induce me to support the hon. Mr. Mattiske's amendment.

The Hon. H. C. STRICKLAND: I would point out that the Bill is not one to amend the Licensing Act, but the Land Act, in order to empower the Governor to make sites available for clubs. It means that anyone seeking to establish a club must first obtain Executive Council approval and the Governor's consent for this type of land —reserves—to be made available. Then the Licensing Court has to agree to grant a club licence. The Bill does not authorise club licences to be granted all over the State, but simply adds another provision to the Land Act to empower the Governor, should the case arise—this apparently is the first that has arisen since we have had the Land Act—to make Crown lands available for the purposes mentioned in the Bill.

I feel there is nothing wrong with enlarging the Act in this respect. The Minister for Lands has studied the Bill, and the Government has given consideration to it, and they raise no objection to the hon. Mr. Diver's amendment.

The Hon. L. C. DIVER: The hon. Mr. Heenan said that someone had made a mistake in regard to the Wyalkatchem site. The gentleman who drew the vesting order has drawn innumerable vesting orders. The Royal Perth Yacht Club and the Mount's Bay Sailing Club are both located on reserves, so that an Act of Parliament is necessary before they can be granted a licence by the Licensing Court.

Both clubs have the privilege of licences; yet nothing is said about how their land is vested simply because no publican has ever been game to challenge the issue when those clubs have applied for a renewal of their licences. But the licence was granted for the hotel in Wyalkatchem 40 years ago, and when the vesting with which I am concerned took place, the publican's representative challenged the matter. As a result, the same thing could happen anywhere else; but, if we pass the Bill as it is drafted, the Minister will, subject to the Governor's consent, have power to put the matter in order. Unless that is done, both Houses of Parliament may in future find they are faced with a similar set of circumstances as exists in Wyalkatchem at present.

The question of issuing a licence to a club sited on a reserve—and not necessarily an "A" class reserve—has been a contentious one for many years. But the matter has never been challenged until now. I do not want to deal only with Wyalkatchem; I want to represent the whole State, and the Bill as drafted will operate in the interests of the whole State. I hope that the amendment will not be agreed to.

The Hon. E. M. HEENAN: I hope that next year we will have an opportunity to make a comprehensive overhaul of the Licensing Act and give it the earnest consideration it needs. On this occasion I hope hon. members will confine themselves to the position which exists at Wyalkatchem. If we can help the club there to resolve its difficulties that is as far as we ought to go at present.

The Hon. R. C. MATTISKE: I must comment on some of the hon. Mr. Diver's statements. He said that there are scores of clubs which will be affected by the Bill. I think this is a great exaggeration, because there are not scores of clubs in Western Australia which have licences. As

a matter of fact, I was endeavouring to look up a question asked by the hon. Mr. Bennetts the other day with regard to the number of licensed clubs in this State. When I read the answer I was surprised at the comparatively low number. The majority of clubs which have a liquor licence are bowling clubs, football clubs, yachting clubs and the like. They are specifically provided for in paragraph (h) of Section 29 of the Land Act.

In that paragraph there is a comprehensive list which I venture to suggest would cover all the clubs which have a liquor licence at present. It is interesting to note that under paragraph (h) the Governor has power to make reserves available for temperance institutions. As I said at the outset, I do not want to take any action which will impede the granting of a liquor licence to the Wyalkatchem Club, because everything that club has done up to date has been done in good faith. But, at the same time, I think it would be wrong to leave the matter so wide open that any place in future could say "Let us approach the Minister to get an allocation of land and a reserve created so that we can have a club in our town."

If the Bill is agreed to as printed we will have recreational clubs being established in practically every town in the State. I think that is contrary to the intention of the legislators who framed paragraph (h) of Section 29 of the Land Act. That is why I agree with the sentiments expressed by the hon. Mr. Heenan. Let us take action which will clean up the unfortunate mess in Wyalkatchem; and let that be the finish. If in the future any other area wishes, for sporting purposes, to obtain a reserve with the ultimate intention of applying for a liquor licence, there is provision in the Land Act to cover the matter. By accepting the amendment we will give effect to what the hon. Mr. Diver wants, but not leave the gate wide open for the future.

The Hon. L. C. DIVER: I do not want to labour the point, but the hon. Mr. Mattiske challenged my figures when I said there were scores of clubs in Western Australia which could be affected. There are 170 clubs in this State but exactly how many are on reserves of different classes I am not sure. The information that there were scores came from a man who should know the position. As regards the wild statement that reserves would be created so that clubs could get licences, I would say that it is the prerogative of the Licensing Court, as the Minister pointed out, to control the position. I think we can safely leave the matter in the hands of that body. I hope that members will agree to the Bill as it stands.

Amendment put and negatived.

Clause put and passed.

Title—put and passed.

Bill reported without amendment and report adopted.

CHILD WELFARE ACT AMENDMENT BILL.

First Reading.

Received from the Assembly and, on motion by the Hon. H. C. Strickland (Minister for Railways), read a first time.

Second Reading.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [5.59] in moving the second reading said: This Bill contains a number of amendments which have been asked for by various organisations, or which, in the light of experience, have proved necessary. Section 20 (e) of the principal Act empowers a children's court to make recommendations concerning any child appearing before the court on a charge of deliquency or of being uncontrollable, incorrigible, neglected or destitute. A court's recommendation cannot be departed from without the consent of the Minister.

In many instances children's courts make committals and recommendations which bear little relation to the institutions available, or to the changing needs of particular children. To obviate frequent reference to the Minister, the Bill seeks to allow the Minister to delegate to the Director of Child Welfare his power to depart from recommendations of a court. This delegation would apply to any specific case or could be general and the Minister at any time could cancel a specific or a general delegation. This proposal would not, in any way, affect the power of children's courts to commit children to institutions as wards of the department, but would enable the department to decide the most suitable institution for a child, and to transfer a child from one institution to another should such a transfer be warranted by circumstances.

Section 20B (2) of the principal Act provides that certain cases of offences by adults against children shall be dealt with in a children's court. Such cases must be heard by a special magistrate, who is also a stipendiary magistrate. The proposal in the Bill has been requested by the women members of the Metropolitan Children's Court and is supported by the special magistrate.

Members of a children's court have the right to sit on the bench with the magistrate in proceedings against children, but cannot outvote the magistrate. The women members of the court, and the magistrate, agree that in cases of offences by adults against children, the women's views would be of value. The amendment proposes that only one member shall sit with the magistrate and that the decision of the magistrate shall prevail.

The next amendment seeks to authorise the Minister to admit a child to the care of the department by giving it the status

of a ward of the department and by empowering the parents of such a child to appeal to a children's court for the release of the child from State control. Some parents place children in denominational institutions as private cases, and promise to pay maintenance. In many of these cases, the parents show no further interest in the child and do not pay any maintenance. As a result, the child has no effective guardian and the institution has to bear the total cost of the child's maintenance.

Various women's organisations have asked for this amendment and it has also been sought by a deputation from the churches controlling the institutions. Before the Minister orders the committal of such a child to the care of the department, he will be required to notify the parents, if they can be traced, of his intention, and both or either of the parents will be given the right to request that the Minister shall not carry out his proposal.

At present the Act authorises the Governor to extend the term of supervision by the department or detention of a female ward of the department until she is 21 years of age. As the principal Act defines a child as being a person under the age of 18 years, a court can only commit a child until the age of 18 years. The Governor was given the power to extend departmental care or detention until 21 years in the case of female wards, as it was found that many of these were too immature mentally or morally to be allowed full control of their activities, without the strong possibility of danger to themselves, and perhaps to others. There are also male wards, who are in a similar category, and the Bill seeks to permit the Governor to extend the term of their supervision or detention if it is considered to be in the ward's interest to do so.

Section 77 of the Act empowers a children's court to sentence to a maximum of 12 months' imprisonment any person who does not comply with a maintenance order, or who attempts to leave the State without making satisfactory arrangements for future payments. The proposal in the Bill is that imprisonment shall be regarded as a punishment and not be in lieu of payment of the amount of the non-payment for which he was charged. Under the existing provision it frequently happens in cases of large arrears of maintenance that persons will prefer to default in payment and serve terms of imprisonment, knowing that the imprisonment will wipe out the accumulated arrears of maintenance. The amendment ensures this will not occur, but provides that further default in connection with the same sum cannot lead to another term of imprisonment.

The principal Act permits the licencing of children over 12 years of age to sell newspapers in the streets during certain hours, provided that this does not affect the moral or material welfare of any child. The Bill proposes to add also that it shall not affect the educational welfare of a child. The reason for the amendment is obvious.

Section 121 of the principal Act provides officers of the Child Welfare Department with the right to attend the trial of any child, to examine and cross-examine witnesses, and to address the court. This assistance of course, is limited to children under 18 years of age who appear in a children's court. The proposal in the Bill would allow departmental officers to assist those children whose terms as wards are extended from 18 to 21 years of age, and would also permit officers to appear in such cases in the police court.

The penultimate proposal in the Bill seeks to give authority to the Child Welfare Department in connection with maintenance orders to which the department was not one of the orginal parties. This would apply where parents had placed their children in private institutions and failed to pay maintenance for them. The department would, in such circumstances, make the children wards of the department and undertake the enforcement of the maintenance orders against the parents concerned.

Naturally, those who control the institutions—mostly churches—are not willing to go to court in matters of this kind, particularly where court action on their part might lead to the imprisonment of the parent or parents concerned; and they desire the department to take the necessary action. The last amendment seeks to provide the Minister and officers of the department with exemption from personal liability for any commission or omission of the duties and functions of the Act. I move—

That the Bill be now read a second time.

On motion by the Hon. J. M. A. Cunningham, debate adjourned.

HOUSING LOAN GUARANTEE ACT AMENDMENT BILL. (No. 2).

First Reading.

Received from the Assembly and, on motion by the Hon. H. C. Strickland (Minister for Railways), read a first time.

Second Reading.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [6.8] in moving the second reading said: Last year Parliament agreed to the Housing Loan Guarantee Act under which it has become possible for approved institutions to loan to prospective house-builders a far greater

percentage of money, based on the value of the asset, than is normal in the course of the ordinary business of those concerns. Briefly, the position is that lending authorities advance up to 60 or 70 per cent. of the value of premises to be built but, under the legislation, amounts up to 95 per cent. of the value can be loaned. The Government guarantees the amount in excess of the percentage normally loaned, or the entire amount if that be the wish of the approved institution.

The Government, not being anxious to encourage or foster high interest rates, placed a ceiling, first of all of 6 per cent., on these transactions, which would mean a payment of 6¼ per cent. having regard to the fact that one quarter of 1 per cent. is payable into a fund which is to be built up to meet any short payments. As there is the keenest competition from other investments, particularly hire-purchase, offering high rates of interest, the Government decided to raise the ceiling to 7 per cent. which, in respect to these guarantees, means a gross rate of 7¼ per cent. maximum to the home-builder.

Just recently there has been a new development which has been brought prominently before the notice of the Government by one particular firm. This firm, which is a British company, has on offer a sum of £250,000 which it is prepared to invest in Western Australia in home-building, subject to certain considerations.

This offer of £250,000 is neither the beginning nor the end of the prospects so far as the State is concerned; because, on account of the nature of the business, it will have funds available for investment from time to time over the years. In addition, there are a number of other cases of lesser sums which, in the aggregate, reach considerable proportions.

Naturally enough it is desired to take advantage of the availability of this money for home-building purposes, for several good reasons. One which comes to mind is that the building industry is by no means at its peak in Western Australia. In that respect I am comparing the situation today with that of 1955, for instance, when everything possible was thrown into the task of overcoming a tremendous housing lag which built up during the war and in the immediate post-war years.

Apart from the supply of building materials, there is also the question of employment. House-building is more embracing than any other industry, or part of an industry, owing to the fact that for the ordinary humble dwelling particularly, and even the more elaborate type of home, almost all of the components used are produced and manufactured in Western Australia. A considerable percentage of the entire job requires labour in the physical erection of homes, apart altogether from the production of the necessary materials.

Therefore, any additional moneys which can be injected into the building industry, particularly in respect of homes, can do nothing but good in the economic sense, apart altogether from making a happier and more contented population by allowing people to purchase their own homes. Of course, the essence of this scheme is that people who are seeking homes can obtain them on a very small deposit.

Another aspect is that, over recent years, the State has devoted a great percentage of the loan moneys available to it to the construction of homes. Having regard for the requirement of schools, hospitals, water supplies, and other public facilities, the State cannot afford forever to spend as large a proportion of money upon housing as it has been doing. The accent now is on private home-construction, and private home-ownership, as was the case in pre-war years.

It will still be necessary, of course, for the State Housing Commission to provide homes for those people who are on the lower rungs of the economic ladder; that is to say, people whose incomes are modest and who cannot afford anything but an absolute minimum by way of deposit and as light a charge for interest as possible, in addition to extended repayment periods.

The Act, as it stands at present, allows the Government to guarantee what is known as an approved institution. Quite a number of institutions have been approved. In the case of banks and insurance companies, which have funds of their own to invest, and which do business with individual clients in the way of advances for the construction of homes, the present system operates quite satisfactorily in the fact that the guarantee is given to the financial institution which does the entire job.

We now have the position, however, where there are certain instrumentalities which have money that they are prepared to invest in housing, but which do not want to engage in the task of dealing with individual clients. That is to say, the company's interest will be in making the money available to other organisations or concerns which will treat directly with the public. In the case of the concern that we have in mind, that company, as the lender, should be guaranteed.

The company, therefore, will have a gilt-edged security, and will have no worry or concern whatever in the matter of the repayment of the principal and the regular payment of interest. It is admitted that there is a slightly greater element of risk to the Government in this process as against the proposition as contained in the statute at the present moment. The Government is prepared to accept that risk; and, overall, I do not think that in the matter of the transactions involving real estate—particularly

where there is an initial margin of a minimum of 5 per cent.—there is any great danger of the Government being involved in a large sum of money.

In any event, there is the fund established under the Act which will be constantly increasing; and which, of course, is there for the purpose of meeting any such eventuality. If this intermediary concern—in other words, the concern which is dealing directly with the clients —were to fall down on its payments to the financier, then the Government, through this fund, would be responsible for meeting the commitments.

As the State Housing Commission—acting in this matter for the Treasury—has a close liaison with the bodies making the individual advances, and as certain returns are necessary at frequent and regular intervals, even if one of those concerns deliberately went out of its way in an attempt to defraud or abscond with moneys made available to it by the initial lender, that concern could be brought to heel in a very short time.

Applicants, in order to participate in this new arrangement, will be closely investigated and only those concerns of some repute and standing, which can establish their bona fides, will be permitted to be involved in this guarantee scheme under the new idea contained in the Bill.

Sitting suspended from 6.15 to 7.30 p.m.

The Hon. H. C. STRICKLAND: Prior to tea I was explaining the Bill and stated that its intention was to raise the interest rate by one per cent. Broadly, the Bill seeks to take the housing loan guarantee position a step further, with the idea of encouraging and promoting private finance for the purpose of the erection of homes on easy terms; and, to some extent at least, it will lessen the burden upon the Treasury, because, as all hon. members are aware, apart from the matter of housing altogether, they, in their own constituencies, have many calls and requests made to them for public works to be undertaken—and I use the term "public works" in its broader sense. If certain activities can be undertaken in the community without the necessity of Government finance, it is felt it is to the benefit of the State that this procedure should be followed. I move—

That the Bill be now read a second time.

On motion by the Hon. H. K. Watson, debate adjourned.

NATIVES (CITIZENSHIP RIGHTS) ACT AMENDMENT BILL.

First Reading.

Received from the Assembly and, on motion by the Hon. H. C. Strickland (Minister for Railways), read a first time.

Second Reading.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [7.35] in moving the second reading said: This Bill should not be confused with the measure that was dealt with by this House earlier in the session to amend the Native Welfare Act. The Bill before us has, as its object, the granting of full citizenship rights to natives irrevocably, but not in the same manner as outlined in the Bill to amend the Native Welfare Act. The latter intended to reverse the existing law. Instead of natives being precluded from full citizenship rights at birth, its object was to declare all natives as citizens and place those not capable of being so declared under departmental protection.

The Bill before us deals with the Natives (Citizenship Rights) Act. The only natives affected by the measure will be those who have been granted citizenship rights by the constituted board dealing with applications for citizenship, and the children of the applicants. Those are the only categories of natives coming within its scope. The object of the measure is the removal of certain restrictive provisions which are now in force under the parent Act. One provision in the Act states that on the application of any person or the Commissioner of Native Welfare, rights which have been granted to a native may be withdrawn. One or two such applications have been made.

It is considered that after 15 years of operation of the Natives (Citizenship Rights) Act, the natives who have been issued with citizenship certificates are fully qualified to hold them all their lives. So, the Government desires to remove this provision from the Act. We contend that once a native has been granted citizenship he should in relation to responsibilities, duties and privileges, be on the same level as the whites.

The Hon. C. H. Simpson: How do you reconcile this statement with what you have just said? You said that if we want natives citizenship rights, those rights can be withdrawn under certain circumstances.

The Hon. H. C. STRICKLAND: We consider that once a native has ben granted citizenship rights, he should be permitted to retain those rights for the rest of his life, in exactly the same circumstances as natural born or naturalised Australians hold these rights. Citizenship rights may be granted to migrants who come into this country and live here for five years.

The Hon. C. H. Simpson: You said that those rights can be withdrawn under certain circumstances.

The Hon. H. C. STRICKLAND: The hon. member must have misunderstood me.

The Hon. J. G. Hislop: Can application be made to withdraw citizenship rights granted to natives?

The Hon. H. C. STRICKLAND: Under the Act at present, any person can apply for the cancellation of citizenship rights granted to a native. The Bill is designed to remove that anomaly from the Act. It is also intended to remove from the Act what has turned out to be, in the opinion of the public and the Government, a most obnoxious provision. That provision was inserted in the Act in 1950, and I confess that I agreed to its insertion. I was in charge of an amendment to the Act at that time and I agreed to its insertion in the Act. However, that provision has proved to be most obnoxious.

Briefly, that provision is as follows:—When a Bill was introduced in 1950 to amend the Natives (Citizenship Rights) Act it sought to rectify an anomaly. Under the law at that time, citizenship rights conferred on a native only went as far as conferring the rights on him, and not on his children. So, a parent could be a citizen, but his children were, in law, natives. A Bill was introduced in another place by the late Mr. A. A. Coverley, the object of which was to declare automatically that children of natives with citizenship rights were also to be regarded as citizens. That was a logical and commonsense provision. In 1950, a provision was enacted under which the child of a native with citizenship rights, on attaining the age of 21 years, must apply for citizenship in order to continue to be classed as a citizen.

We have read of the awful experiences published in the "Sunday Times", and referred to in this House, of the children of natives with citizenship rights. We have heard that no matter how well a native child may have been brought up, or how much money may have been spent by the parents on education, at the age of 21 that child has to apply to a court for citizenship rights. The applicant must comply with many other qualifications when making application, and the Bill before us seeks to remove those qualifications. The qualifications are referred to in Section 5 of the Act which states that before granting an application the board shall be satisfied that for two years prior, the applicant had adopted the manner of civilised life. It states further that the applicant must be able to speak and understand the English language, and is not suffering from a number of diseases.

The Bill seeks to remove those qualifications. One hon. member took exception to an article written by the Commissioner of Native Affairs and published in a newspaper. He pointed out that a young native woman on attaining the age of 21 years had to produce, before her application could be dealt with, a certificate to show that she was not suffering from the diseases named in the Act. That is a most ridiculous and most humiliating state of affairs, especially as it concerned one who had not been brought up or classed as a native or, brought up in what we know is the real native atmosphere. The Bill desires to remove that humiliating provision. If a family has been living together as citizens in a community then, when the children attain the age of 21, why should they have thrust upon them the indignity of having to apply for citizenship? In other words, they are termed citizens until adult age and are then classed as natives. It does not work out justly.

When the provision was inserted in the Bill I, with others, thought that, after all, we were feeling our way anyhow with this legislation and it was acceptable to the Council and to another place at that time —1950. However, it is most desirable that it should be removed now.

The other provisions are simply consequential upon that one and contain three principles. The measure stipulates that citizenship will be automatically granted to the children of natives who have citizenship rights and that those natives who have been granted citizenship rights, and their children, will be citizens for the rest of their lives. We know that there may be some doubt as to whether provisions such as these should apply, but I again draw the attention of hon. members to the fact that we are not dealing with those natives we attempted to deal with when a Bill was here to amend the Native Welfare Act. This is a totally different class of legislation altogether.

It affects only those natives who already have citizenship; that is, the parents who have applied for and been granted citizenship certificates, and their children. They are the only ones who will be affected, and the Bill does not have any other provision in it whatever except, as I say, to remove the obnoxious provisions dealing with an application for citizenship and to take away the provision whereby the children are required to apply for citizenship at the age of 21. In addition, the provision will be deleted whereby their citizenship can, on application by an individual, be cancelled because of a misdemeanour or an infringement of the Native Welfare Act.

There are more cases of white people infringing the Native Welfare Act than there are of natives doing so, but not one of those white people loses his citizenship; but, of course, he has to pay the penalty according to our laws, and, in my opinion, that is the way it should be. I have always been one who has held the firm opinion that natives who have been educated—or so-called natives; that is the castes who live down in the southern portion of the State south of Geraldton—could be made good citizens if they had to stand up to the the responsibilities of citizenship. I believe that while they are allowed to multiply and live under their present conditions and in the manner they do, they will never become good citizens.

There are plenty who will, of course, and they are anxious to do so, but there is a percentage of them—fortunately only a small percentage—who would have no desire to alter their ways or their standard of living. I believe that with a little bit of responsibility thrust upon them, the majority of the natives will learn to stand on their own feet and resources. If they are too old to learn, then at least their children will be taught to do so. I move—

That the Bill be now read a second time.

On motion by the Hon. L. A. Logan, debate adjourned.

RESERVES BILL.

First Reading.

Received from the Assembly and, on motion by the Hon. F. J. S. Wise (Minister for Industrial Development), read a first time.

Second Reading.

THE HON. F. J. S. WISE (Minister for Industrial Development—North) [7.50] in moving the second reading said: This is one of the formal measures which are introduced into both Houses towards the end of each session with the purpose of validating alterations made in reserves during the year. On this occasion 17 reserves are affected, and it is necessary for me to give to the House, details of each reserve. These are as follows:—

Reserve No. 6862 near Emu Point, Albany, classified as of Class "A" and set apart for the protection of boronia, is amended to excise that portion being an area of one acre and nine and four-tenths perches situated in the south-western corner of the reserve which has been included by survey in a proposed subdivision on Lands and Surveys Original Plan No. 7583.

The land comprised in the portion so excised may be used for the purpose of certain surveyed roads as shown on the Plan No. 7583 and the balance may be included in the adjoining Reserve No. 22698, which is set apart for the purposes of residence and business areas, and is vested in the Emu Point (Albany) Reserve Board.

Reserve No. 23479 at Alexandra Bridge, classified as of Class "A" and set apart for the purposes of picnic ground, children's playground, and tennis courts, is hereby amended by excising the portion now surveyed as Sussex Location 4175 containing ten acres two roods four and four-tenths perches, with the intention that the area so excised shall be set apart as a separate reserve for camping and caravan park which shall be classified as of Class "A".

Reserve No. 4991 at Bunbury, classified as of Class "A" and set apart for the purpose of park lands and under the control of the Municipality of Bunbury as a board appointed under the provisions of the Parks and Reserves Act, 1895-1955, is hereby cancelled with the intention that the land comprised therein shall be disposed of in the following manner:—

(a) the portion comprising a strip of land one chain wide being fifty links on either side of the centre line of a constructed roadway known as Ocean Drive commencing at the western alignment of Malcolm-st. near the north-eastern corner of Bunbury Lot 366 and extending westward and southward around the boundaries of that lot to the western extremity of Carey-st. and onwards to the northern alignment of Clifton-st.; thence from the western alignment of Clifton-st in a general southerly direction to the eastern alignment of Russell Esplanade near its junction with Symmons-st.; recommencing at Russell Esplanade opposite Wellington-st. and extending westward and southward to the southern boundary of the reserve, shall, after survey, be dedicated as a public highway under the provisions of the Municipal Corporations Act, 1906;

(b) the balance of the portion north of the alignment of Carey-st. and its production westward to the Indian Ocean shall be utilised—

(i) to provide a reserve along the ocean front for Recreation and to provide public access to the ocean in such manner as the Governor may approve, after the necessary survey has been completed, and

(ii) for any other purposes under the Land Act, 1933, as the Governor may approve;

(c) the remainder of the reserve being the portion south of the northern alignment of Carey-st. and its production westward shall, after providing for the dedication of Ocean Drive as a public highway, be included in Class "A" Reserve No. 9997 and set apart for the purposes of Park Lands and Recreation.

Reserve No. 9997 at Bunbury, classified as of Class "A", and set apart for the purpose of park lands and vested in the Municipality of Bunbury in trust for that purpose, is hereby amended by changing the purpose of the reserve to park lands and recreation, and by altering its boundaries in the following manner—

(a) to excise a strip of land one chain wide to contain the constructed roadway known as Ocean

Drive commencing at the northern boundary of the reserve and extending in a general southerly direction through the reserve to its southern boundary, which road shall, after survey, be dedicated as a public highway under the provisions of the Municipal Corporations Act, 1906;

(b) to include the portion of Class "A" Reserve No. 4991 being the portion south of the northern alignment of Carey-st. and its production westerly to the Indian Ocean; and

(c) to include that portion of Reserve No. 18574 being the land on the western side of Reserve No. 9997 between high and low water marks.

Reserve No. 3404, at Cape Leeuwin, classified as of Class "A" and set apart for the purpose of light house and landing-place is cancelled and the land contained therein being portion of Sussex Location h being Lots 1 and 2 on Land Titles Office Plan No. 1326 and comprising the whole of the land in Certificate of Title Volume 134, Folio 57, registered in the name of Her Majesty, is hereby revested in Her Majesty as of her former estate, with the intention that the land will be disposed of in the following manner:—

(a) the portion now surveyed as Sussex Location 4195, containing thirty-eight acres one rood and twenty-nine perches, and comprising the Cape Leeuwin lighthouse site shall be granted by the Governor, as for an estate in fee simple, to the Commonwealth of Australia in accordance with the provisions of the Financial Agreement Act, 1928;

(b) the remaining portions of the land may be reserved for such purposes and in such manner as the Governor may approve.

Reserve No. 2360 at Depot Hill near Mingenew, classified as of Class "A," and set apart for the purpose of a stopping place for travellers and stock, is amended by excising all that portion north of the northernmost boundary of Victoria Location 9908 and its production westerly; and including the land comprised in Reserve No. 899 which is hereby cancelled. The land comprised in the portion excised from the reserve may be disposed of under the provisions of the Land Act, 1933, in such manner as the Governor may approve, subject however to the provision of a stock route or access way five chains wide along portion of the eastern boundary of Victoria Location 10026.

Reserve No. 1352 comprising Fremantle Lot 1533, containing ten acres three roods and twenty-seven perches, and being the land comprised in Certificate of Title Volume 411, Folio 146, held in fee simple by the City of Fremantle in trust for municipal purposes, is cancelled and the City of Fremantle is authorised, subject to the approval of the Town Planning Board, to subdivide, sell or otherwise dispose of, the land or an estate or interest in the land free of the trust.

Reserve No. 11384, at Fremantle, classified as of Class "A" and set apart for the purpose of education endowment and held in fee simple by the Trustees of the Public Education Endowment, is reduced by the excision of Fremantle Lots 1228 to 1236 inclusive being the whole of the land comprised in Certificate of Title Volume 765, Folio 66, and the Trustees of the Public Education Endowment are hereby authorised to dispose of the lots so excised, free of trust, to the State Electricity Commission of Western Australia.

Reserve No. 18959, comprising Swan Location 3160, situated at the intersection of Beaufort and Salisbury-sts., Inglewood, in the Bayswater Road Board District, classified as of Class "A" and set apart for the purpose of parklands and recreation is hereby amended to excise all that portion being the portion south-east of a line drawn in prolongation north-easterly of the south-eastern alignment of Lot 23 on Land Titles Office Plan No. 1625. The land comprised in the portion so excised is hereby included in the public road known as Beaufort-st. and is dedicated as a public road under the provisions of the Road Districts Act, 1919. The purpose of the remaining portion of the reserve is hereby amended to parking and may be vested in the Bayswater Road Board in such manner as the Governor may approve, but subject to the condition that the reserve shall not be leased.

Reserve No. 8044, at Kalamunda, comprising Kalamunda Lots 1 and 2, classified as of Class "A" and set apart for the purpose of park is hereby cancelled with the intention that the land comprised therein may be made available for sale under such terms and conditions as the Governor may approve. At Cunderdin, Reserve No. 18140, comprising Avon Location 23039 of ten acres, set apart for the purposes of a hall site and recreation and held in fee simple by North Cunderdin Hall Incorporated in Certificate of Title Vol. 846, Folio 28, in trust for the purposes of the reserve, is hereby cancelled. The land comprised in the reserve so cancelled is hereby revested in Her Majesty as of her former estate, with the intention that after providing for certain new road requirements, the balance of the land will be reserved for any public purposes as may be approved by the Governor.

At Parkerville, Reserve No. 12085 classified as of Class "A" and set apart for the purpose of Public Education Endowment

and held in fee simple in trust for that purpose by the trustees of the Public Education Endowment, in Certificate of Title Vol. 571, Folio 32, is hereby reduced by the excision of all that portion of Parkerville Lot 24 being the portion now surveyed as Parkerville Lot 379, comprising an area of nine acres and 16 perches, as shown on Lands and Surveys diagram No. 65435. The portion so excised is hereby revested in Her Majesty, as of her former estate, with the intention that it will be reserved for the purpose of recreation—school sports ground—classified as of Class "A" and vested in the Minister for Education.

Coming now to the City of Perth, Clause 14 of the Bill provides that Section 10 of the Reserves Act, 1957, is to be amended by adding after Subsection (3) the following subsection—

> (4) (a) A right of carriage way is hereby granted to the Commissioners of the Rural and Industries Bank of Western Australia over that portion of Class "A" Reserve No. 7123, being the strip of land 17 8/10ths links wide along the southern boundary of Perth Lot 792.
>
> (b) No building shall be erected on or above the right of carriage way which restricts the provision of light and air to the buildings erected, whether before or after the coming into operation of the Reserves Act, 1958, on Perth Lot 792.

The Hon. J. G. Hislop: Is that to make the new R. & I. Bank building possible?

The Hon. F. J. S. WISE: No, but it allows the new bank building to conform to all the requirements of light and so on, on the site on which it is proposed to be built. Otherwise it would be a block of buildings with no lane way or light way which, architecturally, is very much desired at that site. For that reason, the right of carriage way, as the law describes it, is very important in the plans for the new R. &. I. Bank. Clause 15 deals with an area at Point Walter. It refers to all that portion of Reserve No. 4813 at Point Walter, classified as of Class "A" and set apart for the purpose of recreation and being the portion surveyed as Cockburn Sound Location 1717 containing an area of twenty-eight acres three roods and one perch, which for some time was used for the purposes of an immigrants' home. Under this amendment, that land may be used for the same purpose for a further period of ten years, which shall be deemed to have commenced on the 28th March, 1957. The purpose is to continue the provision in regard to the Point Walter reserve so that there will be a reception area for migrants coming into this country.

Clause 16 deals with Reserve No. 3412 at Powalup, classified as of Class "A" and set apart for the purpose of a resting place for travellers and stock which is hereby reduced by the excision of all that portion on the northern side of the Blackwood River, with the intention that the portion so excised shall be set apart as a separate reserve for the conservation of flora and fauna and also classified as of Class "A."

In the Serpentine-Jarrahdale Road Board area, that road board holds in fee simple in trust for the purposes of recreation, showground and racecourse, Cockburn Sound Location 778 as comprised in Reserve No. 19134 and being the whole of the land comprised in Certificate of Title Vol. 1047, Folio 553, and the road board is hereby authorised to lease, with the approval of the Governor, to Whittakers Investment Pty. Limited, for the purpose of a sawmill site for a term expiring on the 28th February, 1968, all that portion of the reserve containing six acres as surveyed and shown on Lands and Surveys Diagram No. 61659.

The last reserve dealt with in the Bill is No. 10922, at Yallingup, classified as of Class "A" and set apart for the purposes of protection of caves and as a recreational and pleasure resort. This reserve is to be amended to excise all that portion now surveyed as Sussex Location 4148 containing 44 acres and 23 perches with the intention that the portion so excised will be set apart as a separate reserve for the purposes of recreation, camping and water.

The 17 reserves mentioned are all those which have been dealt with during the current year; since the passing of the Reserves Bill of 1957. It is necessary for the House to have a detailed explanation of each reserve that has been dealt with, as any alteration to an "A" class reserve must be presented to Parliament. All those affected have been included in the measure. I move—

> That the Bill be now read a second time.

THE HON. A. F. GRIFFITH (Suburban) [8.10]: This is one of those Bills which the House must accept at its face value, in the light of the explanation given by the Minister. Research on such a measure is difficult to undertake and the facts submitted by the Minister, when introducing the measure, must of necessity be accepted. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

Third Reading.

Bill read a third time and passed.

INDUSTRIAL DEVELOPMENT (RESUMPTION OF LAND) ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the previous day.

THE HON. J. M. THOMSON (South) [8.15]: Before agreeing to the second reading of the Bill, I feel we should give some thought and consideration to just what the set-up is in relation to the resumption of land for purposes of industrial development under the present Act. We should also see just what this measure seeks to do. I agree that it is desirable for the Governor-in-Council to be able to acquire land by purchase. I feel it is more desirable that land should be acquired by purchase than by resumption, when the Governor thinks it necessary for the present and future development of the State to acquire such land by agreement between him and the owner of the land.

We should, however, give the matter a great deal of consideration when we consider that the main purpose of the Bill is to give one person—the Governor-in-Council or, in other words, the Minister—a full and permanent right to acquire such land without any reference to Parliament, or other body. We ought to see just what effect this measure will have on the existing legislation. Section 4 of the parent Act of 1945 set up a committee called the Land Resumption Industries Committee whose duty it was to deal with such matters. Under the existing Act, land can be purchased only on the recommendation of that committee. But if we agree to the Bill as printed, it will mean that the committee will be empowered to deal only with land acquired compulsorily by provisions similar to those contained in the Public Works Act relative to land resumption.

The rights of the committee to deal with land that has been purchased will be completely abolished if the Bill is passed in its present form; indeed, the committee will cease to function except in regard to land that has been resumed. Since the coming into operation of the Act, very little land has been resumed, and, accordingly, the function of the committee would be almost non-existent if we agreed to the passage of this measure. The parent Act makes it necessary that notice be given to the local authority and the Town Planning Board, in relation to industrial sites within their respective areas. It also refers to the fact that the local authority should consider the position with regard to noxious weeds.

The Bill seeks to do away with all those requirements; it cancels all rights of both bodies in regard to land purchased under the new proposals set out in the measure. If the measure is passed it is quite clear that land purchased by the Government will be dealt with entirely by the Minister and the Executive Council, and it will, of course, undermine completely the existing legislation to which I have referred.

If it is considered by the Minister, or by the Government, that there are too many stages in the operation of the committee from the time it begins its activities to the time it finally reaches its decision regarding land allocations, I am sure ways and means could be found to overcome the difficulty without resorting to the provisions contained in this measure, namely, to leave it entirely in the hands of the Minister. I propose to support the second reading, but I shall move certain amendments in the Committee stage which, I think, will do what is required and which, at the same time, will permit the first portion of the Bill to be put into effect. With these remarks, I support the second reading.

On motion by the Hon. A. F. Griffith, debate adjourned.

MUNICIPAL CORPORATIONS ACT AMENDMENT BILL.

Second Reading.

THE HON. J. M. THOMSON (South) [8.22] in moving the second reading said: Hon. members will recall the statement made by the Minister in the concluding stages of the debate on the Local Government Bill, when that measure was before the House on the 13th November last. The statement was to the effect that although the Bill would eventually be passed by Parliament, it would not be proclaimed until some time in November, 1959.

The Hon. A. F. Griffith: Not some time; there was a limiting date.

The PRESIDENT: Order! The hon. member should address the Chair.

The Hon. J. M. THOMSON: In view of the fact that there is a period which will elapse between the present moment and the date on which the Act will be proclaimed, it was thought necessary for this Bill to be introduced in order to provide, until the coming into force of the Local Government Bill, protection for mayors and councillors of municipalities against disqualification, because of the selling of goods to the council in the ordinary course of their business.

The Bill is also designed to further clarify Section 39 of the Municipal Corporations Act, with reference to the bona fide sale of goods to the council not being a disqualification; but a written contract is considered to be so. The placing of an ordinary order form with the council and the submission of a monthly account to the council by the seller of the goods, could constitute a written contract which, in turn, could prohibit the selling of goods other than by cash over the counter. I

think this would be a most undesirable and inefficient method for local government to practice. Accordingly, I am sure that hon. members will not consider that method of purchase advisable any more than would local authorities.

By the deletion of the written contract clause for the sale of goods to the council, councillor-businessmen are placed in exactly the same position as any other businessmen in the town in which the council is operating. Therefore, I feel the provision is a fair and reasonable one.

The other amendment is designed to safeguard councillors who are appointed by the council as its representatives on the various bodies in the town. As the Act now stands, although councillors appointed to these bodies are council representatives in the true sense, they are, by virtue of their membership of the organisations, unable to report back to the council on the activities of the organisations. They could be disqualified if the organisation to which they had been appointed, and to which they belonged, had a contract with the council.

Councillors who are members of organisations—as distinct from council appointees—which function for the good of the community, and which have contracts with the council, should not have to run the risk of disqualification because of such membership; although naturally they should not be allowed to enter into the discussions, in the council, of the activities of such organisations. I will quote an instance. An occasion arose in Albany where the council formed the Centennial Oval Board. The council insisted that one of its councillors should be chairman of this particular board. However, it was pointed out by a senior officer of the Local Government Department, when in Albany, that because this councillor was chairman of the Centennial Oval Board and was taking part in its deliberations, he was not eligible to be on the council, and was liable to be disqualified.

Subsequently, this man resigned, and I am sorry to say that in Albany we have lost an able and capable councillor because of the present set-up in the Act. Therefore, I consider that between the present time and the time when the Local Government Bill becomes law, protection should be given to the type of person to whom I have referred. If we pass this Bill we will be doing a service to people who give their time voluntarily in the interests of the town in which they reside. I move—

That the Bill be now read a second time.

On motion by the Hon. F. J. S. Wise (Minister for Local Government), debate adjourned.

ADJOURNMENT—SPECIAL.

THE HON. H. C. STRICKLAND (Minister for Railways—North): I move—

That the House at its rising adjourn till 2.15 p.m. tomorrow.

Question put and passed.

House adjourned at 8.33 p.m.

Legislative Assembly

Wednesday, the 26th November, 1958.

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