

Legislative Assembly

Tuesday, the 30th August, 1960

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

QUESTIONS ON NOTICE

WATER RATES

Comparison of Metropolitan and Country Charges

- Mr. W. A. MANNING asked the Minister for Water Supplies:
(1) What is the rate in the pound charged on net annual value for water rates in the metropolitan area?

- (2) What is the corresponding general rate in towns served by the comprehensive water scheme?
- (3) What is the respective annual payment due under No. (1) and No. (2) for a residence of an annual value of £110?

Quality of Water Supplied

- (4) Is there any difference in the quality of water supplied?

Mr. WILD replied:

- (1) The rate in the pound for water rates in the metropolitan area is 1s. 6d.
- (2) (a) For towns on the old gold-fields water supply system—i.e. Mundaring to Kalgoorlie, Norseman, and Shackleton—the water rate is 2s. in the pound.
(b) All other towns on the Northern comprehensive (source of supply, Mundaring Weir) and the southern comprehensive (source of supply, Wellington Dam) schemes, and Kalamunda, the water rate is 3s. in the pound.
- (3) The annual payments for water rates on a residence of an annual value of £110 are—
(a) Metropolitan area—£8 5s.
(b) Old goldfields scheme—£11.
(c) New comprehensive towns—£16 10s.
- (4) There is some difference in the salinity of water from the various sources of supply. Also, part of the metropolitan water supply has bore water added, which alters the quality to some extent in the summer months.

2. *This question was postponed.*

MARBLE BAR

Need for Drilling Plant

3. Mr. BICKERTON asked the Minister representing the Minister for Mines:
 - (1) Has he decided that a Mines Department drilling plant, as outlined to him previously, is necessary in the Marble Bar area?
 - (2) If so, what are the latest developments on same?
 - (3) If not, why not?

Mr. ROSS HUTCHINSON replied:

- (1) This matter was carefully considered following the request; but as the machine suggested by the local people would cost £8,103, and would require appointment of an operator, it was decided to await results of other governmental drilling in the Pilbara area before coming to a decision.

- (2) The Pilbara field contains various types of rock, but they are all poor aquifers, and there is a very light covering of soil.
- (3) The matter will be watched carefully.

PUBLIC WORKS DEPARTMENT

Employees in North-West Towns

4. Mr. BICKERTON asked the Minister for Works:

- (1) How many men are employed in jetty maintenance gangs at the following places—
(a) Onslow;
(b) Roebourne;
(c) Port Hedland?
- (2) How many other Public Works Department employees are employed at the above towns?
- (3) What increases or reductions, if any, in the P.W.D. work force are anticipated in the near future in the towns mentioned?

Mr. WILD replied:

- (1) (a) Onslow—11.
(b) Roebourne—13.
(c) Port Hedland—18 (maintenance and construction).
- (2) (a) Onslow—8.
(b) Roebourne—13.
(c) Port Hedland—24.
- (3) No change is anticipated at Onslow or Roebourne other than normal fluctuation. A reduction of approximately six is anticipated at Port Hedland on completion of the current jetty improvements.

ROEBOURNE WATER SUPPLIES

Drilling Operations

5. Mr. BICKERTON asked the Minister for Water Supplies:

What steps have been taken to have drilling for water supplies carried out in the Roebourne area?

Mr. WILD replied:

A drilling programme is now in progress on the site for a proposed native mission east of Roebourne, and in an area between the junction of the East Harding and Harding Rivers. Subsequently a site is to be selected between Roebourne and Point Samson.

BLUE ASBESTOS

Wittenoom Leases

6. Mr. BICKERTON asked the Minister representing the Minister for Mines:

- (1) What area of blue asbestos leases are held in the Wittenoom area by—
(a) Australian Blue Asbestos;
(b) other parties?

- (2) What are the names of the other parties, if any, and what is the extent of their areas?
- (3) Does he know of any company or companies, other than A.B.A. desirous of operating blue asbestos in the area?
- (4) If so, what are their names?
- (5) Is his Government encouraging their establishment; and if so, how?

Mr. ROSS HUTCHINSON replied:

- (1) (a) Mineral claims at—

	acres
Wittenoom Gorge ..	10,450
Yampire Gorge	1,647
Bee Gorge	92
Marramamba	495
	<hr/> 12,684

- (b) L. G. Hancock at Vivash Gorge—mineral claims 584 acres.

G. Ruberto at Marrilana—prospecting area 48 acres.

In addition, L. G. Hancock and E. A. Wright hold a temporary reserve of 16,350 sq. miles for a limiting and reducing period.

- (2) Answered by No. (1) (b).
- (3) Messrs. Hancock and Wright have a large company interested in and examining their areas.
- (4) In order not to jeopardise negotiations, it is not considered desirable to disclose the name of the company at this stage.
- (5) The Government is anxious to encourage investment in the mining industry generally; and, in this case, is so doing by granting of reserves and mineral claims as above.

SNAPPER FISHING

"Lancelin's" Investigation into Use of Traps

7. Mr. NORTON asked the Minister for Fisheries:

- (1) On what date did the fisheries vessel *Lancelin* arrive in the Shark Bay waters to carry out an investigation into catching snapper by trapping?
- (2) How are these investigations being carried out?

Mr. ROSS HUTCHINSON replied:

- (1) The research vessel *Lancelin* arrived in Shark Bay on the 21st, June.
- (2) By the use of hand lines and traps of similar types to those used by the professional fishermen. In addition, the gear used by the fishermen is being

examined and the magnitude of the catches and the class of fish caught are being correlated with the type of gear used and the effort required to make the catches. The measurements of the fish are being recorded.

FLORA RESERVES

Location

8. Mr. I. W. MANNING asked the Minister for Lands:

- (1) What areas of land in Western Australia are designated flora reserves?
- (2) What are the locations of these reserves?
- (3) Have any requests been made to the Government to set aside additional areas for the purpose of preserving native flora?
- (4) If so, where are the locations of the areas requested?

Mr. BOVELL replied:

- (1) and (2) Separate records of areas and localities of land in Western Australia designated "flora" are not kept, and would involve a considerable amount of research on a State-wide basis. However, if information is desired in respect of a specified district, particulars of areas and localities within such district will be obtained.
- (3) Yes, frequently, from persons or organisations interested in the preservation of native flora.
- (4) Throughout the State from Kimberley to Eucla.

SEAMEN'S MISSION

Establishment at Albany

9. Mr. HALL asked the Premier:

In view of the fact that the port of Albany with its increased shipping has no seamen's mission, would he, when considering the Estimates make provision for finance to be made available for the commencement of a seamen's mission in Albany?

Mr. BRAND replied:

The establishment of a seamen's mission is considered to be a matter for private charitable organisations.

BUNBURY HARBOUR

Cost of Dredging and Maintenance

10. Mr. HALL asked the Minister for Works:

- (1) What has been the expenditure from loan funds on the dredging and maintenance of the Bunbury Harbour since the McLarty-Watts Government took office in 1947?

- (2) What is the estimated cost to dredge the Bunbury Harbour from 27 ft. to 28 ft., and when will dredging be completed?

Mr. WILD replied:

- (1) £203,077 on developmental dredging from loan funds; £385,162 on maintenance dredging from revenue funds—partly Bunbury Harbour Board and partly State funds.
- (2) The Bunbury Harbour is already dredged to 30 ft. at the two end deep-water berths and in part of the approaches, permitting a maximum draft of 28 ft. The estimated cost to complete the developmental dredging to serve the existing berths is £50,000. This work should be completed in 12 to 18 months.

STATE ENTERPRISES

Negotiations for Sale

11. Mr. GRAHAM asked the Minister for Industrial Development:

- (1) Has the Government had any approaches or had any negotiations with persons or firms in connection with the proposed disposal of—
- (a) Chamberlain Industries Pty. Ltd;
- (b) State sawmills;
- (c) State brickworks?
- (2) If so, how many in each case?
- (3) What is the estimated value of each of the foregoing enterprises?
- (4) Are there any present prospects of sale of any of the concerns?

Mr. COURT replied:

- (1) and (4) Discussions have taken place with interested parties, but it is too early to assess the prospects.
- (2) and (3) It is not considered desirable to give this information at this juncture. Such information could be helpful to interested parties.

KALGOORLIE POLICE STATION

Improvements

12. Mr. EVANS asked the Minister for Police:

- (1) Is consideration being given to re-modelling of the Kalgoorlie Police Station to provide more space for the public at the reception counter, and also facilities for confidential matters to be discussed and executed thereat?
- (2) Will he consider over-all improvements to this building such as having a reception counter extending the full width of the present building, that is, being

parallel to Brookman Street, accordingly providing a new entrance from the street to the station, adjacent to the door at present leading on to the verandah facing Brookman Street; building of a new administrative office for the sergeant in charge (rendered necessary by provision of the long reception counter); improvements and added facilities for the staff amenities room, especially in view of the increase in the number of constables at this station; and the painting of the building in modern pastel colours?

- (3) If alterations are to take place, when is it likely that such work will begin?

Mr. PERKINS replied:

- (1), (2), and (3) I will have an investigation made of the position.

ACCESS ROADS

Construction under Metropolitan Town-Planning Scheme

13. Mr. JAMIESON asked the Minister for Works:

- (1) Is it the intention of the Main Roads Department to proceed with the construction of any of the proposed limited access roads as envisaged under the metropolitan region town-planning scheme this financial year?
- (2) If so, in what order of priority will these roads be proceeded with?

Mr. WILD replied:

- (1) Not at this stage in the development of the Stephenson regional plan.
- (2) Answered by No. (1).

WATER SUPPLY DEPARTMENT

Increased Expenditure Due to Wage and Salary Increases

14. Mr. TONKIN asked the Minister for Water Supplies:

What amount of the estimated increased expenditure of the Water Supply Department for the current financial year is ascribed to wage and salary increases above the rates payable last financial year?

Mr. WILD replied:

Approximately £39,000.

STIRLING HIGHWAY

Median Strip

15. Mr. TONKIN asked the Minister for Works:

- (1) If the median strip in Stirling Highway is a mistake, why is it being left in position instead of being removed?

- (2) If the median strip is not a mistake, why is it not being completed?
- (3) When is action for either the removal or completion of the median strip expected to be taken?

Mr. WILD replied:

- (1), (2) and (3) Work was stopped on the median strip on the 27th July as there had been some criticism of the project. It has been decided to allow some months to intervene during which observation will be made of the effect of the work already done. Furthermore, the incidence of accidents in the district already served by the median strip will be taken into consideration when determination is made on its future.

STATE ELECTRICITY COMMISSION

Results of Trading Operations

16. Mr. TONKIN asked the Minister for Electricity:

- (1) Have the accounts of the State Electricity Commission been compiled for the financial year ended the 30th June, 1960, so that the details of the results of the trading operations for the year are known?
- (2) Is there any reason to suspect that the accounts will disclose a different position after they have been audited?
- (3) If compilation of the accounts has not yet been completed, what is the reason?
- (4) Why cannot details of the results of trading operations be supplied and qualified as being subject to audit?

Mr. WATTS replied:

- (1) Accounts have been compiled but have not yet been adopted by the commission.
- (2) No.
- (3) See answer to No. (1).
- (4) Details cannot be released until accounts are adopted by the commission.

X-CLASS LINERS

Comparison of Imported and Local Product

17. Mr. TONKIN asked the Minister for Railways:

- (1) What, in the department's experience, has been the amount of wear, on the average, on the best imported Crossley X-class liners?
- (2) What is the comparable experience with regard to liners made at the Railway Department's own workshops?

- (3) What was the date when the most recent order for imported liners was placed, and what quantity was ordered?

Mr. COURT replied:

- (1) Average wear figures over all X-class locomotives are not available. Tests which are now running reveal the following:
Crossley Liners—7,700 miles per one-thousandth of an inch liner wear.
- (2) W.A.G.R. liner wear is at present working out at 10,000 miles per one-thousandth of an inch liner wear in current tests.
- (3) On the 10th October, 1958, an order was placed for 20 liners.

CROSSWALK

Establishment Outside St. Brigid's School

18. Mr. HEAL asked the Minister for Police:

Will he have his department investigate the possibilities of having a crosswalk placed outside St. Brigid's School in Fitzgerald Street, West Perth?

Mr. PERKINS replied:

Investigations are now in train by the Main Roads Department.

WATER RATES

Letter to Mr. S. E. I. Johnson from Minister for Water Supplies

19. Mr. GUTHRIE asked the Minister for Water Supplies:

In view of the fact that on Tuesday, the 23rd August, 1960, he read to the House a letter written on the 20th May, 1954, by Mr. S. E. I. Johnson, M.L.A., to the then Minister for Water Supplies, will he now state to the House the contents of the reply to that letter written to Mr. Johnson by the then Minister?

Mr. WILD replied:

The letter referred to was written by the ex-member for Leederville (Mr. S. E. I. Johnson) complaining that the City of Perth valuation on his own home at 26 Gregory Street, Wembley, had been increased from £1,450 to £2,750 and if the same increased value was applied to water rating, the water, sewerage, and drainage rates would increase from £11 16s. 10d. to £22 9s. 2d., and asking that the previous year's City of Perth valuations be adopted. The

reply (the 8th June 1954) of the then Minister for Works and Water Supplies was:

re Valuations for Rating

Further to my tentative acknowledgment of your letter of the 20th ultimo concerning the above, I have to advise you that following very careful consideration of your request I regret being unable to accede thereto.

To refuse to adopt certain of the City Council's valuations is tantamount to our contending that those valuations are incorrect, whereas in actual fact they have withstood the test of a legally constituted and independent Appeal Board, and to refrain from adopting the valuations of one particular Ward would most certainly bring requests for the same treatment from other Wards.

If the previous year's valuations were retained, as requested by you, adjustments due to sales, subdivisions and new buildings, etc. would be missed and much confusion would result and extra work be entailed. The Perth City Council reviews valuations progressively each year and the Water Supply Department is unable to agree that they are improperly made.

Whilst I can appreciate the feelings of the ratepayers who see a disparity in their valuations compared with those existing in other Wards, that disparity does not indicate that the new valuations are in themselves unfair.

SWAN LOCATION 6320

Sale to Commonwealth Government

20. Mr. TONKIN asked the Minister for Lands:

- (1) On what date were the necessary formalities completed for the sale by the State Government to the Commonwealth Government of Swan Location 6320, being portion of Reserve No. 22365?
- (2) What sum was paid to the State for the land and on what date was payment actually made?

Mr. BOVELL replied:

- (1) Approval for the sale of Swan Location 6320 to the Commonwealth was given on the 6th December, 1957.
- (2) £3,247 purchase money, plus Crown grant fee of £2, was paid on the 26th March, 1959.

FREMANTLE-COCKBURN SOUND AREA

Defence Requirements

21. Mr. FLETCHER asked the Premier:

Will he at the first opportunity draw the attention of the Prime Minister to—

- (a) the possibility that defence finance could be spent to better advantage on a naval base with graving dock and ship repair facilities in the Fremantle-Cockburn Sound area, than on guns, tanks, planes, and other weapons which rapidly become obsolete;
- (b) the fact that such alternative facilities should be readily available owing to possible insecurity of tenure in the event of hostilities in the Singapore-Hong Kong area?

Mr. BRAND replied:

Over a number of years, successive State Governments have made representations to the Commonwealth Government and other authorities in regard to the desirability of establishing a naval base on the western side of Australia. Only within the last few weeks I arranged for the Agent-General to discuss the matter with a representative of the United Kingdom Government.

WOOL SALES

Disposal of Consignments

22. Mr. HALL asked the Minister for Agriculture:

- (1) How many bales of wool were received at Albany wool sales since their inception?
- (2) What number of bales of wool, received at Albany wool sales, were shipped through the port of Albany?
- (3) How many bales of wool were considered unexportable and railed to the metropolitan area for treatment?
- (4) What was the amount of the subsidy paid on the unexportable wools by the Hawke Labor Government, and by the Brand-Watts Government?
- (5) Of the number of bales of wool received since the inception of wool sales at Albany, how many bales suitable for export were railed or freighted to the metropolitan area and exported through Fremantle?
- (6) Was there a subsidy paid on wool, suitable for export, railed or road-freighted to the metropolitan area?

- (7) What number of bales were received from each town?
- (8) How many bales of wool, received at the Fremantle wool sales this year, came from the Great Southern area, and from which towns was the wool sent?

Mr. NALDER replied:

- (1) 139,946—includes about 5,800 bales received this season but not yet sold.
- (2) 93,338.
- (3) 32,788.
- (4) 1957-58—£2,724 10s. 3d.
1958-59—£3,918 1s. 2d.
1959-60—£133 7s. 3d. (this was for a carryover of 180 bales from the 1958-59 season).
- (5) 7,656.
- (6) No.
- (7) Question not clear, in view of No. (1).
- (8) From Lower Great Southern area south of Piesseville:

Wagin	11,012
Katanning, Broomehill, Pingrup	6,308
Lake Grace-Newdegate	3,759
Lakes District	966
Ravensthorpe	286
Dumbleyung - Kukerin	2,259
Kojonup-Muradup	2,111
Gnowangerup- Ongerup	354
Albany-Denmark	269
Darkan-Duranillin	1,480
Boyup Brook-Dinninup	1,059
Mt. Barker, Rocky Gully, Kenderup, Frankland	1,601
Cranbrook - Tambellup	1,429
Bridgetown	699
Total	33,592

In addition, brokers estimate about 30,000 to 40,000 bales were sold privately and are not included in the above.

DEPARTMENT OF AGRICULTURE

New Building

23. Mr. KELLY asked the Minister for Agriculture:

- (1) What date was the new Department of Agriculture building commenced?
- (2) What was the total estimated cost of the building?
- (3) What amount was expended in the years ended the 30th June, 1956, 1957, 1958, 1959, 1960?
- (4) Have all sections and branches of the department taken up occupation in the new building?

- (5) If not, what is the Government's policy in this regard?
- (6) As Minister for Agriculture, does he intend to occupy the section of the new building set aside for this purpose?
- (7) What is the total number of persons employed in all sections in the new building?

Mr. NALDER replied:

- (1) Preliminary plans and estimates were approved on the 10th October, 1955. Preparation of the ground took place in October, 1955, and building construction commenced early in 1956; precise date difficult to determine.
 - (2) £300,000 for immediate requirements. Subsequently buildings were extended to provide all technical and administrative needs. The present estimate is £732,000.
- | | |
|-------------------|---------|
| | £ |
| (3) 1955-56 | 4,588 |
| 1956-57 | 131,650 |
| 1957-58 | 146,620 |
| 1958-59 | 196,409 |
| 1959-60 | 124,240 |
- (4) The administrative block is still under construction, after which all technical and administrative branches will be consolidated at South Perth.
 - (5) See No. (4).
 - (6) Not at present. Ministerial accommodation will be utilised for other purposes, but can be adjusted for ministerial quarters when required.
 - (7) At present 266, but there are a number of vacancies.

FISHERMEN'S MOLE

Installation of Three-phase Wiring

24. Mr. FLETCHER asked the Minister for the North-West:

- (1) Will he have installed on the present fishermen's mole, three-phase wiring in the vicinity of the oil installations, for the purpose of using heavy duty electrical tools associated with repairs and maintenance of fishing craft and equipment?

Provision of Amenities

- (2) Will he also have toilets, change rooms, and showers installed in the same vicinity for crew members and workers associated with the work mentioned above?
- (3) Does he recognise that valuable time is lost and inconvenience is caused to personnel mentioned above, in that alternative shower and toilet facilities are not readily available?

Mr. COURT replied:

- (1) The request for three-phase electric power supply to satisfy all demands is under consideration by the Public Works Department and the Harbour and Light Department.
- (2) and (3) It is not proposed at this stage to build change rooms and showers. The shore-based toilets at the foot of the breakwater are considered adequate for present needs. It is impracticable to build toilet facilities on the existing breakwater.

In the planning of the fishing harbour development, the toilet, shower, and other associated needs of the area will be given full consideration.

Several revisions have occurred since the initial quotas were agreed upon. In 1952 the Margarine Act in Western Australia was amended to increase the quota from 364 tons to 800 tons.

There are now two manufacturers in Western Australia, and two other applications have been received. These would have a strong claim for a permit to manufacture if the present tonnage was increased.

The manufacture of an additional 200 tons would increase the Australian quota, and—to that extent—would displace the consumption of butter.

Western Australia has endeavoured to adhere to the spirit of the original agreement.

MARGARINE

Imports in 1956-57 and 1958-59

25. Mr. HALL asked the Minister for Agriculture:

- (1) How many pounds of table margarine were imported into this State for the years 1956-57, 1958-59?
- (2) How many pounds of cooking margarine were imported into this State for the years 1956-57, 1958-59?

Manufacturing Quotas for States

- (3) Who sets the permissible manufacturing quotas of table margarine for each State, and in what year were quotas agreed to?
- (4) How is the basis for the manufacture of table margarine arrived at for each State?
- (5) As the permissible manufacturing quota for table margarine is 800 tons for the State of Western Australia, why was the figure agreed to, and why is the permissible amount not manufactured?

Mr. NALDER replied:

- (1) 1956-57—1,320,616 lb.
1958-59—2,676,890 lb.
- (2) 1956-57—2,519,069 lb.
1958-59—3,093,846 lb.
- (3), (4), and (5) Quotas for the manufacture of margarine were agreed upon at a meeting of the Agriculture Council in 1940.

The intention of the agreement was to maintain the over-all Australian manufacture of table margarine at the quantity then being manufactured. This was to give a measure of protection to the dairying industry.

CROP-SPRAYING AIRCRAFT

Carriage of Herbicides over Swan Valley

26. Mr. CRAIG asked the Minister for Agriculture:

- (1) Is any restriction placed on crop-spraying aircraft from carrying hormone weedicides and similar types of spray materials when flying over the metropolitan area and the vineyards of the Swan Valley?
- (2) Does he realise the disastrous results that could be caused to gardens, vineyards and orchards through these aircraft having to jettison loads in an emergency, particularly in view of the fact that no fewer than six such aircraft have been involved in accidents during the past two months?
- (3) If so, would he agree to restrict such aircraft from carrying herbicides over these areas?

Restrictions in Geraldton District

- (4) Do such restrictions apply in the Geraldton tomato-growing district?

Mr. NALDER replied:

- (1) No.
- (2) Yes, although the risk is small. Accidents usually occur to aircraft flying low during spraying operations.
- (3) The Government can control the application of herbicides by aircraft, but only the Commonwealth Department of Civil Aviation has authority to control the movement of aircraft and the loads they carry.
- (4) In the Geraldton district an area has been gazetted where crop spraying with aircraft is prohibited.

QUESTIONS WITHOUT NOTICE**EVIDENCE BY AFFIDAVIT***Provisions in State Acts*

1. Mr. EVANS asked the Attorney-General:

- (1) How do the appropriate sections in the statute laws of Victoria and Tasmania compare with section 92 of the Evidence Act of Western Australia with regard to the manner in which evidence as to facts to be proved may be given?
- (2) Is it permissible for such evidence in those States to be given by way of affidavit in criminal proceedings?
- (3) In New South Wales, Queensland, and South Australia, where the use of affidavit evidence is permitted to prove the facts mentioned in section 92 of the Western Australian Evidence Act, are there any provisions whereby the accused person, or defendant, as the case may be, or counsel for the defence can insist on oral evidence as to the facts in question being given by a bank representative?
- (4) If so, in what State or States does this provision operate, and what is the wording of the provision or provisions?

Mr. WATTS replied:

The member for Kalgoorlie was good enough to give me some advance notice of this question; but through no fault of his, it reached me rather late, and these replies are given to him as the most ample that we can provide at short notice. If he feels he wants any more information, we will endeavour to obtain it.

- (1) (a) There is no similar provision to section 92 of the Victorian Evidence Act, 1958. Evidence on affidavit may be given in all legal proceedings by affidavit.
- (b) Section 36 of the Evidence Act, 1910, Tasmania, is identical with our section 92.
- (2) As stated, evidence on affidavit is permissible in any legal proceeding in Victoria.
- (3) (a) New South Wales by section 49 of the Evidence Act, 1898-1954—Yes.
- (b) By the Queensland Bankers Books Evidence Act, of 1879—No.
- (c) South Australia Evidence Act, 1929-1957, section 50—Yes.

- (4) (a) In New South Wales and South Australia the provisions are identical and are as follows:—

50. A banker or officer of a bank shall not in any legal proceeding to which the bank is not a party be compellable—

(a) to produce any banker's book, the contents of which can be proved under this Act; or

(b) to appear as a witness to prove the matters, transactions, and accounts recorded in a banker's book,

unless by order of a judge made for special cause.

(b) In each State the judge who makes the order has power to award costs against any party to the proceeding.

IRON ORE*Export Licenses*

2. Mr. BICKERTON asked the Premier: In view of his recent discussions with the Prime Minister, is he now in a position to supply the House with further information regarding an export license for iron ore from the deposits at Mt. Goldsworthy, or from other deposits in Western Australia?

Mr. BRAND replied:

No.

Mr. Bickerton: You did not learn much.

**CHURCH OF ENGLAND IN AUSTRALIA
CONSTITUTION BILL***Omission of Words "and Tasmania"*

3. Mr. WATTS: On Thursday last in connection with a Bill known as the Church of England in Australia Constitution Bill, the Leader of the Opposition inquired as to the reference to Australia and Tasmania in the measure. I am given to understand by the church authorities that formerly—some considerable time ago—the church was known as the Church of England in Australia and Tasmania, and that has not been changed so far as the existing constitution under the English control is concerned. Therefore the reference has been made to it in the same way in this Bill.

The honourable member may also find that it refers to the formation of the proposed constitution in five States. The church authorities advised me that if one diocese does not adopt the constitution, this does not in any way affect the over-all position of the constitution in Australia and Tasmania. All other dioceses except South Australia have adopted the constitution, and it is hoped that before long South Australia will, too.

SEAMEN'S MISSION

Establishment at Albany

4. Mr. HALL asked the Premier:

In view of the answers he gave me today in regard to the establishing of a seamen's mission at Albany, can he explain why in the "Miscellaneous" Estimates a figure of £100 is shown for 1958-59, and the estimated expenditure for a sailor's rest is £50 in the Estimates for 1959-60?

Mr. BRAND replied:

I would say that under some arrangement of which I am not aware they are commitments that have been met. But I am speaking of any future proposals. If there is any further information on this matter that I can give to the honourable member I shall be only too willing to do so.

WAR SERVICE LAND SETTLEMENT SCHEME ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [4.58]: I move—

That the Bill be now read a second time.

Ministers of all Governments have had the experience, in connection with the administering of Acts, that problems have arisen that were not thought of when the legislation was first introduced. The present amendment deals with two rather important aspects of the War Service Land Settlement Act. Some problems have arisen, and it is thought advisable and necessary to take action to deal with them by amending the Act which was passed several years ago.

The Bill deals with two rather important proposals. The first is to enable certain lessees to register a second mortgage on their property with the Minister's approval; and the second is to enable the lessees to purchase the freehold of their lease within a lesser period than the ten years which must expire under existing law.

At present, leases issued under the repealed Act of 1945 are precluded from the registration of a second mortgage. Although the regulations under the current Act provide for such additional mortgage or encumbrance with the approval of the Minister, the original regulations made no such provision; and the proviso to section 6, although intended to provide a benevolent safeguard to lessees and prevent changes less favourable to a lessee, when read literally, appears to prohibit—whether or not for the benefit of the lessee—the altering of the terms or conditions of any perpetual lease by subsequent regulation. Therefore, without the sanction of Parliament, the form of lease issued under the repeal act of 1945 cannot be departed from.

In effect, an anomaly exists inasmuch as earlier lessees cannot seek additional funds for development by registering a second mortgage; whereas later leases issued under the principal Act can be so encumbered with the approval of the Minister. The amendment contained in the Bill proposes that one group shall not be less favourably treated than the others, and seeks to remove the present anomaly, thereby enabling all lessees to register a second mortgage under certain conditions and with the approval of the Minister.

The principal Act enables the State to carry out and give effect to war service land settlement subject to conditions laid down by the Commonwealth. With regard to the freeholding of leases, the Act at present provides that a lessee may purchase the fee simple after the expiration of ten years.

The question of permitting such action within a lesser period first arose from the transfer of a lessee through circumstances beyond his control, from one property to another; and at the time it was felt that although a new lease was prepared, it was unfair that the lessee should have to wait ten years from the commencement of the new lease despite the period spent on the previous property. In subsequent negotiations between the States and the Commonwealth, it was decided that the conditions should be flexible enough to meet other special circumstances that may arise.

In 1957, the Commonwealth amended the conditions to provide, "or such shorter period as the Commonwealth and State may determine where special circumstances exist." It was thought at first that an amendment to the regulations would suffice, but the Crown Law Department advised that the Act should be amended in the manner contained in the Bill in order to comply with the Commonwealth conditions, as amended. This is a step forward and will be of distinct advantage in cases where hardship would ensue by lessees having to await the expiration of ten years.

On motion by Mr. Kelly, debate adjourned.

CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION BILL

Second Reading

Debate resumed from 25th August.

MR. HAWKE (Northam) [5.4]: As I understand the Bill, its main and only purpose is to provide local autonomy within Australia for the Church of England as it is now established and as it now operates within the several States of Australia. At present, the Church of England within Australia comes under the direction of the established church in England itself. Presumably, if the type of Bill we now have before us was not to be passed in a sufficient number of Australian States, the existing situation would continue and the Church of England in Australia would continue to be under the direction of the established church in the Old Country. In that situation, I should think all members would welcome this legislation.

It is to be desired, I should think, that the Church of England in Australia should be autonomous in the government of its own affairs and in the decisions which would be made in regard to the activities and the development of the church in this country. I should hope, by the way, that the granting of legal local autonomy in Australia to the church would mean that Australian-born ministers in the Church of England would, in future years, have an opportunity to rise to the highest positions in the Church of England in Australia. I am not sure whether there is, at present, under the direction of the established church in England, some rule which debars a Church of England minister in Australia who is Australian-born, from rising to the position of archbishop or even bishop.

However, I understand that the practice, almost invariably in the past, has been for English-born ministers in the Church of England to be appointed to those higher positions in the Church of England within Australia. At a gathering in Perth some years ago, at which an Australian-born Church of England dignitary was present, I referred to him as Bishop So-and-So. He said, "I am sorry; you have made a mistake; I am not a bishop." All I could say was, "You deserve to have been made one years ago." That seemed to cover that extremely delicate situation.

However, when I was discussing the matter later with some local church parishioners they gave me to understand quite definitely that this particular Church of England minister, in view of his qualities, achievements, and record, should have been made a bishop years before. Therefore, I mention that in passing, in the hope that under the proposed new legal set-up for the Church of England, the situation which I have envisaged might come to pass, at least in some instances.

I have had a glance through the schedules to this Bill which set out the constitution of the Church of England in Australia. The constitution as set out is quite elaborate. It lays down a good deal of church law as well as much procedure. It maintains, in one part, a principle which would not be accepted with approval by some women in Australia in these days because it states, in regard to persons who are not clerical, the masculine shall include the feminine. That would cut across some of the suggestions we have heard and some of the propositions which have been put forward for the equality of the sexes in this country.

The Minister was good enough, before this debate commenced, to give some explanation as to why the words "in Australia and Tasmania" were set out in this Bill in at least two instances. The Minister did not make it clear as to whether the words "and Tasmania" are legally required in the Bill.

Mr. Watts: I understand that they are ecclesiastically.

Mr. HAWKE: Which means they are not legally.

Mr. Watts: It is purely a matter of an ecclesiastical arrangement.

Mr. HAWKE: Yes. I should think that if they are not really required legally it would be worth while to think about deleting them if such deletion will not affect the situation to any degree in the future. I would like the Attorney-General to look into that aspect; and if the words can be deleted without in any degree altering the situation which it is proposed to establish, then, from a commonsense point of view, it would be a good idea to delete them in the Legislative Council when the Bill goes to that House.

Mr. Watts: I did not go so far as to ask whether there was any objection. I was waiting to hear from you.

Mr. HAWKE: I will be pleased to learn from the Attorney-General that he will make a further inquiry. Anyone reading this Bill when it becomes an Act would certainly come to the conclusion—if he did not know all the circumstances—that there was something wrong with the drafting of it when the Bill states, as it does, that something shall be approved by the general synod of the Church of England in Australia and Tasmania. They would wonder what that was all about. If they were new to this country they would think Australia and Tasmania are separate and distinct countries; whereas, as we all know, Tasmania is an integral part of Australia. However, in view of the assurance the Attorney-General has given on the point, I am quite satisfied with the matter and would not propose to take any action, when the Bill goes into Committee in this

House, to have the words "and Tasmania" deleted from those parts of the Bill in which they appear. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee

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

SUPREME COURT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

MR. NULSEN (Eyre) [5.16]: This is a small, but very necessary Bill, making provision for seven judges in this State; that is, two more than the number we have at present. There are only four judges who are active in the Supreme Court. Although we have five judges upon whom we can call, one of them—as members know—is the President of the Arbitration Court. Now we find we have an acting judge; and, of course, in consequence it is necessary to obtain the power to appoint him later in a permanent capacity.

The reason for this position is that, at the moment, the Chief Justice is away in England, and will be so for a little while. When he returns he will, of course, resume his duties. It is necessary to have an additional judge, because we are rather short in that direction. I have always been in favour of decentralisation, whether it be with reference to justice that might be meted out by the Supreme Court, or otherwise.

I think members will agree that it is most necessary to have a judge available for circuit work. It need not necessarily be one particular judge who is appointed to this duty, but any of those in the Supreme Court. We have fairly large areas like Albany, Geraldton, and Kalgoorlie to which a circuit judge could be sent; and this of course also applies to other parts of the State. This will help a great deal as far as litigants, witnesses, and litigation generally are concerned. It will certainly be a great help to the country people; they would, I know, appreciate a visit from, say, the Chief Justice or one of the judges of the Supreme Court.

For instance, we know that Northam is only 60 miles away, but there is no reason why a judge should not go there on circuit. I hope also that in a very few years it will be possible to send the Chief Justice or one of his brother-judges to visit Esperance.

Mr. Watts: That is a distinct possibility.

Mr. NULSEN: Esperance, of course, is some 250 miles from Kalgoorlie.

Mr. W. Hegney: Are they not all law-abiding there?

Mr. NULSEN: They are; but we do occasionally have visitors from the metropolitan area who are not always law-abiding! So this arrangement is certainly most necessary; although the Attorney-General has told us that there will be only one new appointment immediately; namely, the acting judge at the present time. It will, however, be possible to appoint another judge later on without introducing legislation or securing the authority of the House. I think it is essential to have this provision in the Act in case another judge is required. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

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

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

MR. HAWKE (Northam) [5.23]: There are two main provisions in this Bill, which were clearly explained to us by the Attorney-General last week. Briefly, the first provision has relationship to the calculation of pension rights with reference to a person who is first appointed as an acting judge and, later, is appointed as a judge. The principle which this Bill will place in the Act in that regard is that the pension rights of the person concerned should be calculated as from the first date on which he was appointed as an acting judge. There is no objection from me with regard to that.

The second subject dealt with in the measure relates to the payment of salaries, and I understand this has relationship directly to Mr. Acting Justice Hale. I have no objection to the proposal which seeks to make his salary payable under the provisions of the principal Act as from the 1st July this year. Up to the present time his salary has been payable from the Treasury under the provisions of some other statute, or under the general powers of the Treasury to meet governmental expenditure. The only point I raise is the reason why the retrospective application of the proposed amendment is to go back only to the 1st July, and not to the 4th March.

Mr. Watts: It was thought that it should start at the beginning of the new financial year.

Mr. HAWKE: Then, presumably, the change which is to be made by the passing of this amending Bill will not in any degree affect the amount of salary to be paid.

Mr. Watts: That is so.

Mr. HAWKE: It will be the same as from the 4th March this year, and as from the 1st July and as at the present time?

Mr. Watts: That is so.

Mr. HAWKE: That is acceptable to me. It was the only point of inquiry I had noted in connection with this part of the measure. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee

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

STOCK DISEASES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

MR. KELLY (Merredin-Yilgarn) [5.29]: First, I wish to express appreciation to the Minister for handing to me his notes with reference to this Bill. The amendment contained in the measure appears to me to be more of a precautionary nature than anything else. The parent legislation has, over a period of years, given entire satisfaction; or almost so. In 65 years of operation, I think there has been very little done by way of amendment. The amendments that have come forward have not been of a nature that would cause a great deal of dissension. However, the changed conditions of recent times have tended to render some of the earlier precautions either redundant; or, in certain circumstances, obsolete.

I have gone through the Bill very carefully, and I think it would come into the category of a revision of the parent Act—a revision which, at this stage, is warranted. It would be a pity if a successful challenge were to be made against the provisions of the parent Act. Anything of that nature must be avoided if the legislation is to operate effectively.

During his second reading speech the Minister made a certain remark of which I would like an explanation, if he speaks in reply. He said that quite recently considerable doubt had been expressed about the adequacy of the Act to withstand a legal challenge. I am wondering what type of legal challenge would be taken against the parent Act. If the Minister does reply, I should like him to give some indication as to the character of the challenge that might have been made.

I think stock-owners in Western Australia should be particularly grateful; because, over a period of years, they have had the services of a very alert Department of Agriculture. That department has successfully grappled with all outbreaks of stock disease. On one or two occasions

those outbreaks have been very costly to the country; but the department has been on top at all times, and has not only reduced the spread of the diseases, but has almost entirely eliminated some very contagious outbreaks. It is to the credit of the department that this has been possible.

I think pleuro-pneumonia would have been one of the worst diseases in this State, and the unfortunate results might have been widespread had that disease become virulent at the time it was found to exist in Western Australia. Therefore, it is essential that this vigilance, which has been the keynote of success over a period of years, should be maintained. I am of the opinion that the amendments in the Bill will strengthen the hand of the department and should remove any doubt that may exist regarding a challenge against the provisions of the Act.

Most of the amendments appear to be logical. I notice that the Bill repeals the Scab Act. Apparently the scab is no longer fashionable among sheep. Therefore the necessity of retaining this particular Act no longer exists. There are a number of deletions of a similar character, as they are apparently not applicable to today's circumstances and are therefore redundant. Taking it by and large, I am quite sure the amendments will improve the Act generally, and I offer no opposition to the Bill.

MR. NALDER (Katanning—Minister for Agriculture—in reply) [5.35]: Before replying to the point raised by the member for Merredin-Yilgarn, I wish to thank the members of the House for the way they have accepted this Bill. As the honourable member who has just resumed his seat pointed out, these amendments are desirable.

I will now refer to the challenge which was mentioned by the member for Merredin-Yilgarn. When explaining the second reading, I did mention that point. No doubt you, Mr. Speaker, and other members of the House heard what I said. Last year, there was the possibility of the introduction of a draft of cattle into this State from the Northern Territory. Arrangements were made to have those cattle tested; but the officers of the Department of Agriculture were not satisfied that the tests would be 100 per cent. efficient, even though they were endeavouring, by all possible means, to see that the tests to be made on the property in the Northern Territory would be sufficient to prevent the possibility of any disease coming into this State.

The person who intended to introduce these cattle to Western Australia intimated that he was going to take action against the Government of Western Australia for not allowing the beasts to enter the State. Because of that, all aspects of the problem were looked into, and it was felt that weaknesses existed in the present legislation. I might say here that the deal

fell through, but we were not advised of the reasons. I understand that the cattle were not in a fit condition to withstand the journey overland to Kalgoorlie, and then from Kalgoorlie down to Wandering, the place of destination. Because of that, the person who owned the stock did not proceed against the Government. As I said before, those circumstances revealed possible weaknesses in the legislation, and it was felt desirable to strengthen the Act to cover any future emergency.

Members opposite, and supporters of the Government, can rest assured that this amending Bill is an endeavour to make the legislation work. As the member for Merredin-Yilgarn stated, we are very proud of the position in Western Australia in regard to the lack of disease amongst our stock, and we desire to maintain that position as best we can because of the great demand there is for our primary product.

I again thank the honourable member for his contribution.

Question put and passed.

Bill read a second time.

In Committee

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

LAND ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

MR. ROWBERRY (Warren) [5.44]: I desire to express my appreciation to the Minister for supplying me with a copy of his second reading remarks. In many cases, we back-benchers find this very necessary, because, despite the fact that some Ministers speak very clearly, there is often so much conversation taking place during the introduction of Bills that it is impossible for one to hear what is going on.

Mr. Mann: Well, well, well!

Mr. ROWBERRY: I have discussed this matter with my colleagues on the back benches; and, although the most important voice in the House is one's own, I felt it necessary to make this point.

This Bill to amend the Land Act proposes to do two things: It proposes to amend section 32 of the parent Act by inserting certain words; and it proposes to insert a new subsection. The first amendment deals with section 32 and inserts after the word "when" the words "in the opinion of the Governor." The Attorney-General has been at pains to inform the House that when in any Act the Governor is mentioned, it merely means this—and I quote from section 23 of the Interpretation Act—

When in any Act the Governor is authorised or required to do any act, matter, or thing, it shall be taken to

mean that such act, matter, or thing may or shall be done by the Governor with the advice and consent of the Executive Council.

Which, of course, is taking away the responsibility of the Governor to do any act, matter, or thing. The point which exercises my mind is what the Interpretation Act has to say about the Governor having an opinion. Is he entitled to have an opinion, or is his opinion merely the opinion of the Executive Council?

Proceeding to the other clause, the part to be inserted will give authority to the Governor to lease for the pasturing of stock under certain conditions, land set aside for parks, or for public recreation, or the amusement of the inhabitants—which is in effect a class "A" reserve—not vested in or granted in fee simple. The expression "fee simple" interested me, and I am informed by what I consider to be authoritative sources that it goes back to the time of William the Conqueror.

Mr. W. Hegney: That's possible.

Mr. ROWBERRY: When he landed in England he granted land to his barons on the condition that they were required to provide services, men, and equipment for war purposes; they would have the land without other payment. From this we get the idea that land which belongs to the Crown belongs in effect to the people. In considering these Acts, we have to consider whether the rights of the people are preserved and protected. In this amendment I consider that the rights of the people are being adequately protected. It says—

... if the land is not vested in, granted in fee simple to, or placed under the control and management of any person, the Governor may, notwithstanding ...

If the land was required for recreation purposes or for amusement of the inhabitants, it is easy to imagine that it would be under the control of these people; and if not in control of a board, or adult persons, or local authorities, then it would appear that the land would not be required by the people.

However, should at any time in the future the land be required by the people, the rights of the people are protected under clauses and subclauses of the amendment, because it says as follows:—

The Governor may insert in the lease or license such terms, conditions and limitations as he thinks fit to ensure that the land is, during the currency of the lease or license, available for the purpose for which it is reserved.

I have had experience of common land—land set aside for recreation purposes, such as golf—being leased to farmers for pasture, which brought in quite a large amount of income to the people concerned and was of advantage to the farmers concerned. It could be that these class "A" reserves are

adjacent to or adjoining a farmer's pasture land and it could be of considerable advantage to him were he granted a right to the land. The rights of the public are completely protected under the first part of the Bill.

Mr. J. Hegney: What about the loss to the golfers?

Mr. ROWBERRY: There is no loss to the golfers. They gain considerably by reason of the rates and fees and income they receive from pasturing of stock on the land.

The second part of the Bill is a bird of another plumage. Here the Government has made a remarkable discovery, in my opinion; and that is, that it is necessary to interfere in private enterprise in the interests of the people or of the State as a whole. This part of the Bill prevents trafficking in land; prevents anyone doing so, even though he has the necessary capital—and it does seem strange, coming from a Government whose philosophy implies that if any person or organisation has enough money to buy land or products of the land, then any restriction placed on that right should be and has been considered as restrictive and irritating legislation.

In fact, it is interesting to notice that—as reported in *Hansard* Vol. 148, page 3345—the present Minister for Industrial Development said, on the 30th November, 1957, that some people—

can only prosper under official direction, and are prepared to sacrifice freedom, personal liberty, and initiative, in order to gain the protection and bolstering that comes from control.

He went on—

But are we here to bolster those people in a time like this in the history of our State when we want people who are prepared to take a risk?

I imagine that would apply to people who were willing to take a risk and buy land under any conditions whatsoever.

The sublease or license will be invalidated or inoperative, as the Minister says, if the transaction takes place without the consent of the Minister. The Minister, of course, protects the people—at least, he should protect the rights of the people. It is implied in this Bill and in the Land Act that the Minister has complete authority. There is no restriction placed upon the Minister; his integrity and honesty are beyond all doubt. There is no restriction placed upon the Minister to say he cannot do certain things.

Mr. J. Hegney: Which Minister are you talking about?

Mr. ROWBERRY: Any Minister whatsoever. If the honourable member takes the trouble to read several Bills and Acts he will find the power of the Crown is

vested in the Minister and the Crown can do no wrong. What exercises my mind is: Who takes care of the Minister?

Mr. Nalder: The honourable member has been listening to the song, "Who takes care of the caretaker's daughter?"

Mr. ROWBERRY: I know the song: "Who takes care of the caretaker's daughter when the caretaker's busy taking care?" I really think that Ministers should be placed, not above suspicion, but in a place of safety where they have not got to make decisions to do certain things but shall be enjoined not to do certain things. This is a very big question, and I have not the necessary qualifications to suggest to the House just how it should be brought about. However, it is something that should be considered.

A penalty of £100 is provided if the lessees shall sell, assign, or otherwise dispose of the lease. I notice that in addition to any monetary penalty the lease may be forfeited.

I gave some thought to proposing an amendment to strike out the word "may" with the object of inserting the word "shall"; but on further consideration of the Bill, I noticed the words "agree to sell". I thereby assume the lessee has not already committed the sin. If the word "may" is retained it will still give the original owner of the lease an opportunity to reconsider his decision and to be converted in the right direction. I therefore do not propose to move an amendment.

In conclusion, I commend the Bill to the House. I think it is a step in the right direction and will protect the rights of the people of the State in the matter of land transactions. My only disappointment is that the Bill does not go far enough. I do not know why, in the case of conditional leases, it should be necessary to protect the rights of the people; and in the case of metropolitan and other lands, which are held up for years for the purpose of making profits on the land, there should not be an amendment to the Land Act to prevent that sort of thing. I am only a simple-minded person, as I have been described in this House; but I do think that legislation along those lines is necessary. The only right to land is the right to use it for the benefit of the community, and that right should apply in all cases. I commend the Bill to the House.

MR. BOVELL (Vasse—Minister for Lands—in reply) [6.0]: I thank the member for Warren, and the House, for receiving this measure. I wish to make one comment in regard to the statement by the member for Warren about the trafficking in conditional purchase leases. As I said when introducing the Bill, the demand for Crown land under conditional purchase conditions is such that in most, if not all, cases there are many more applicants than

there is land which can be allotted. Therefore there has arisen a certain amount of trafficking in Crown land because of this great demand.

When the Land Board allots land to a successful applicant, he enters into a contract with the Government of the day to carry out certain conditions under conditional purchase. In view of the great demand for land, trafficking has arisen, and the second part of the Bill is designed to prevent it. It is not a matter of private enterprise buying and selling things; it is a matter of the successful applicant breaking his contract with the Crown and not fulfilling the conditions under which he took the land. I wish to make that point quite clear. However, I thank the honourable member for what he has said and for the study he has made of this measure.

Question put and passed.

Bill read a second time.

In Committee

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

METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

MR. GRAHAM (East Perth) [6.5]: It is not likely that there will be many frayed tempers during the course of the discussion on this Bill. As the Minister has explained, there are several minor matters which the measure seeks to rectify, which suggests to me that the drafting of the original legislation was not as carefully or painstakingly done as perhaps members have a right to expect.

It will be seen that one of the earlier amendments provides for a member of the trust to be replaced—"dismissed" would hardly be the word—in the event of there being a failure of his health, either mentally or physically, to the extent that he was incapable of performing his responsibilities. Unfortunately, one of the first three appointees was smitten, shortly after his appointment, with a complaint which made it impossible for him to perform even the simplest of his duties. So a new section, or subsection, is to be inserted in the principal Act to provide that the Governor may take action where there is a case of the nature already outlined.

That, of course, leads to the point of the filling of a vacancy. The original legislation provided that the chairman would be appointed for seven years; the vice-chairman, as he became, for six years; and the other member of the trust for a period of five years, to allow of some staggering arrangement—that is, staggering

in the matter of the date of the termination of the periods of appointment. I think it would be found that, without an amendment at this stage, the staggering after the appointment would still be maintained. Nevertheless, I admit the necessity for the new proposal, because we do not know but that circumstances could arise bringing about the retirement of any member of the trust before the expiration of the full period.

The other matter I desire to comment upon briefly is in connection with the emoluments payable to the members of the trust. The original measure provided that the salary and other conditions should be determined at the time of the appointment. I think it is only reasonable that some power should be given to the Government to make adjustments from time to time in the light of changed circumstances or necessity—that is to say, entirely new circumstances arising. However, on reading the amendment, and noting that it makes reference to the first day of February, 1960, it occurs to me that there is an intention that there should be something along the lines of the 28 per cent. marginal adjustment applied to members of the trust. By using that term I do not intend to imply that the Government has any idea of making a 28 per cent. adjustment; but no doubt it will be done, very largely, in accordance with the formula applied to the Public Service and others who are employees of the Crown.

Might I here express the hope that the Government will continue in this way in order to ensure that all of those who serve the Crown might have their respective positions kept in some degree of proportion. I think it would be grossly unfair if any sections were to be missed in this over-all proposal, whether they happen to be people somewhat akin to ourselves, or others—and indeed there may be others. I think all will agree that if in a certain set of circumstances an upward adjustment is being made it should be applied commonly, otherwise all sorts of anomalies will be created; and I am aware of some in existence at present. All I can do, therefore, is to acknowledge the right of the Government to make legislative provision in the case of the Metropolitan Transport Trust, and I hope that this process will be continued until all sections have been catered for.

The only other matter is to insert a few words. Whereas the Act provides that the rights of an appointee which he had accrued under the Public Service Act shall remain with him, the Bill provides that the same shall apply in respect of any other Acts which may have affected him as a public servant. There are a number of top-level public servants who do not come within the ambit of the Public Service Act; and, naturally, if an officer

over a great number of years has established certain rights and privileges they should move with him, particularly if he makes contributions for any of the benefits.

I have no objection to the terms of the Bill and will not further delay its passing.

Question put and passed.

Bill read a second time.

In Committee

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

COMMONWEALTH PARLIAMENTARY ASSOCIATION

Showing of Films

THE SPEAKER: I would like to announce to the House that after tea, starting about 6.45 p.m., some films will be shown in this Chamber of the visit last year of the Commonwealth Parliamentary Association delegates. There will also be another documentary film which should be of interest to members; and the Premier has agreed to allow the House to adjourn until 8 p.m.

Sitting suspended from 6.15 to 8 p.m.

EVIDENCE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

MR. EVANS (Kalgoorlie) [8.0]: In continuing the debate on this Bill it needs to be said that two sections of the Evidence Act are concerned. The first amendment sets out to repeal section 43. It relates to the fact that a plaintiff in a libel case against a newspaper—that is, the printer, the publisher, the editor, or any person responsible for the publication of the alleged libel contained in the newspaper—will be non-suited if the plaintiff does not appear in the witness box as a witness on his own behalf.

It is easy to imagine a situation arising in which a person who claims that he has been libelled by a newspaper is loth to appear in the witness box and to be subjected to very vigorous cross-examination by counsel appearing for the newspaper. It is possible for such a person to decline to go into the witness box, but he would be non-suited and the newspaper would go off scotfree, irrespective of whether or not the libel was proved to be true.

In 1957 this Parliament saw fit to repeal a similar section in the Newspaper Libel Registration Act. At that time section 43 of the Evidence Act was not repealed. As I understand the position,

clause 2 in the Bill seeks to do that. I support the move of the Attorney-General in this regard.

The other section referred to in the Bill is section 92. That relates to facts which are sought to be proved in reference to bankers' books; in particular, accounts in bankers' books. Section 92 reads as follows:—

In any criminal proceeding in which it is necessary to prove—

- (a) the state of an account in the books of any bank; or
- (b) that any person had not an account or any funds to his credit in such books,

it shall not be necessary to produce any such book, but evidence of the state of such account, or that no such account or funds existed, may be given by any officer or clerk of such bank who has examined such books.

The Bill seeks to amend this section firstly by substituting the words "legal proceedings" for the words "criminal proceedings." In other words, this section will be far more embracing if the amendment is agreed to, as it will then include civil actions at law. I do not raise any objection to that amendment.

Any objections I have I reserve for the next amendment in the Bill, which is intended to allow an option to be given in respect of evidence to be tendered orally or by affidavit. Under the wording of section 92, such evidence may be given by any officer or clerk of the bank who has examined such books. The intention of the amendment is to enable the representative of such a bank to appear and give evidence in a criminal trial either orally or by affidavit as to the state of an account, or that the defendant had not an account or any funds to his credit in the books of the bank. I see a danger in that amendment, particularly in a criminal trial.

When I use the word "particularly", I do not want to give the impression that I am discounting the possibility of a danger existing in any proceeding at all. I feel there is a danger in allowing such evidence to be given by way of affidavit in any proceedings. It is a principle in legal proceedings that cross-examination should at all times be allowed. Where evidence is tendered by affidavit there can be no cross-examination of that evidence, because an affidavit cannot be cross-examined.

In relation to the state of an account in the books of the bank, it is possible that at the time an affidavit is made the existing facts are truly declared by the bank officer to the effect that the funds in the account were insufficient to meet a cheque which was presented. This incident could lead to a cause of action in a court. A cheque could be drawn up and presented to the bank and there could

be insufficient funds to meet it. Legal action could be taken, and an affidavit could be truly sworn to the effect that on the date in question there were insufficient funds to meet the cheque. However, that affidavit could be telling only part of the truth, as I shall indicate.

A person in the course of his dealings could write out many cheques in a day. Before writing out a cheque for a large amount, it would be possible for that person to inquire of his bank the exact state of his account. He could be given the credit in his account as at that date. He could not be expected to know at all times that some cheque which he had written out, say, a month previously, had not been presented. He could have believed in good faith that his account was in a healthy position when the bank notified him of the amount standing to his credit. He could write out a cheque, believing that his credit was sufficient to meet the amount. When this cheque was presented subsequently, his bank account might have been depleted as a result of the presentation of an outstanding cheque. Thus, there is a danger in allowing evidence to be given by affidavit, if no governing factors are involved.

An affidavit could tell the truth at a particular time; but, as I have pointed out, in some instances it would not disclose the whole truth. If, however, a representative of the bank were present in court and gave evidence orally, it would be competent for counsel for the defence or for the defendant himself, if conducting his own case, to realise the whole situation and to cross-examine the representative to elicit the true facts, which might be that money had been paid into the bank half an hour after the alleged offence occurred, or that an outstanding cheque had been presented subsequently. If the defendant had taken the precaution to telephone his bank to ascertain his financial position, he could not be expected to have knowledge that a long-outstanding cheque had not been presented. All those facts could be elicited by way of cross-examination, and they would show the defendant up in an entirely different light.

Where a person is on trial in, say, Wyndham, and the bank account concerned is in Fremantle, this amendment is desirable in order that evidence on the state of an account, or that an account had not existed, may be given by affidavit. But I consider there should be some control over the evidence which can be given by affidavit; and to that end I propose to move an amendment in Committee to this effect—

Clause 3, paragraph (b)—Insert after the word "or" the words "unless otherwise ordered by the Court"

The effect of this amendment would be to allow evidence to be given by affidavit; but if an objection were raised by counsel for the defence, and he was able to prove to the satisfaction of the judge that other

circumstances which had not been evidenced before the court were involved, the court could order the evidence to be given orally. In that event the case could be adjourned to enable such evidence to be given. I support the second reading.

MR. WATTS (Stirling—Attorney-General—in reply) [8.14]: I have listened with some interest to the member for Kalgoorlie who, in fact, was good enough to provide me a little time before with some idea of what he was going to say. I do not think the objection he raised could have any application to the matters referred to in paragraph (b) of section 92 relating to a person having no account or having no funds to his credit. They were all facts either at the time the action arose or when the offence was committed; therefore, as I see it, there can be no change in circumstance—as stated by the member for Kalgoorlie.

At the time the offence was committed there was no account or there were no funds, and that could be proved, and fairly proved, just as easily by affidavit as by oral evidence. It is a state of affairs which clearly exists and would be incapable of change at the time that the offence was committed because it existed at that time, and that would be the relevant time so far as any inquiry into the matter subsequently was concerned.

However, I am not quite so clear as to the reference in paragraph (a) of section 92. Normally I would be because I would regard the state of accounts as having direct reference to having no account or no funds. The peculiarity of this section as I see it is that it is divided into two parts, (a) and (b), and therefore the state of the account presumably does not refer to having no account or no funds but to some other aspect of the state of the account which, at the moment, is not particularly clear to me. The doubt would never have arisen in my mind had it not been for the remarks of the honourable member. If he will move his amendment in Committee we will give it further consideration.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Watts (Attorney-General) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3—Section 92 amended:

MR. EVANS: I listened with interest to the Attorney-General when he was replying to the second reading debate. I agree with him inasmuch as any difficulty I was able to foreshadow would, if it occurred at all, occur under part (a) of the section. The intention of my amendment is to give

the defence counsel, accused person, or defendant the opportunity, if it is required, to be able to give evidence in court to supplement that given in an affidavit. If an objection is raised and the judge is satisfied that other evidence should be given, then, under my amendment, an order could be made by the court to allow oral evidence. I move an amendment—

Page 2, line 9—Insert after the word “or” the words “unless otherwise ordered by the court”.

I apologise to members for not having given them notice of this amendment. The clause, as amended, would read as follows:—

In any legal proceedings in which it is necessary to prove—

- (a) the state of an account in the books of any bank; or
- (b) that any person had not an account or any funds to his credit in such books,

it should not be necessary to produce any such book, but evidence of the state of such account, or that no such account or funds existed, may be given either orally or unless otherwise ordered by the Court by affidavit by any officer or clerk of such bank who has examined such books.

Mr. WATTS: I must confess that the more I look at this the less I am impressed by the observations of the honourable member. It does not seem to me that the difficulty to which he refers arises at all, because this is only evidence of a state of affairs in regard to a banking account which actually existed at a given time, and therefore can be as fairly proved by evidence on oath as by any other type of evidence. I cannot see that there can be anything gained in those circumstances by any such cross-examination as the honourable member indicates.

However, I am not insistent on the Committee stage of this Bill being passed to-night, and I would suggest to the honourable member that he give further consideration to this matter. If he cares to move for progress to be reported, I will not object.

Progress reported, and leave granted to sit again.

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

MR. NULSEN (Eyre) [8.25]: I cannot see any real objection to this Bill. It intends to give authority for the appointment of a commissioner of probate duties, thus relieving the Commissioner of Stamps of the necessity of assessing probate. He has had a pretty arduous task so far, and has found it difficult to keep up with all the work.

In addition, it will be a great advantage to bring the whole administration of probate under one roof, as it were. Not only will the public generally benefit but so also will the legal practitioners. Probate will be accelerated, because I suppose the most important of probate duties is that of assessing.

This Bill will not alter the law so far as probate is concerned; nor will it alter the procedure. The only difference will be that there will be a commissioner of probate duties who will deal with the whole matter, instead of our having part of the work carried out in the Crown Law Department and another part by the Commissioner of Stamps.

It is for these reasons that I believe the Bill is quite commendable and will help in every way. I feel that it should perhaps have been introduced during my period of office, thus accelerating probate and helping the public and legal practitioners generally.

Question put and passed.

Bill read a second time.

In Committee

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

VERMIN ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

MR. KELLY (Merredin-Yilgarn) [8.29]: This is one of the Bills which, over a period of years, has been amended many times, unlike the last one about which I spoke. As a matter of fact, on looking through the records, I find that section 103 is again up before the judges. It seems that the stewards did not do a very good job in previous times or this Bill would not have had to be amended so frequently—particularly section 103. I thought the reasons for the amendment, which the Minister gave in his second reading speech, were not altogether convincing; they rather suggested the advisability of the retention of the Act and that the *status quo* should remain unaltered.

It is true that he said the metropolitan region improvement tax and the land tax were grouped under legislation which was enacted when the Metropolitan Region Improvement Tax Act was before the House; and that by grouping these two taxes, it has been possible for the Taxation Department to eliminate, to some extent, the duplication of accounts, postage, and things of that kind. But we are now faced with the proposition that whilst the two taxes I have mentioned can come under one heading, the vermin tax is in a different category.

The vermin tax should be collected separately, and it should be spent entirely on the eradication of vermin. There should be no clouding of the issue by placing this tax in a group of other taxes. The vermin tax has been collected satisfactorily in the past, and there is no reason why it should not be collected satisfactorily in the future. But now we find that the Treasury and the Taxation Department officials have got their heads together and are endeavouring to bring about a steam-roller effect by having a number of these taxes collected through the one agency.

The Minister claimed that the power to rate was affected; and he also said that the Treasury could be in doubt. He gave no reasons or instances for that statement; and he rather sheltered behind the question of economies and the need to conserve revenue by including this small tax with others.

It is remarkable that after all these years, and after so many amendments have been made to the Vermin Act, this proposition should now come before the House. After all these years of successful operation of the Act, the Crown Law Department now finds a loophole. Unless there is good reason to back up the necessity for the amendment, I would be inclined to feel that there is a nigger in the woodpile because the Act, in regard to this section, has stood the ravages of time; and, on many occasions, it has done just what the Minister says that he is now in doubt about.

To my way of thinking it is entirely wrong to group a tax of this kind with other taxes from which it is entirely different. This tax deals with a different section of people from those covered by the other taxes. One of the taxes is purely a country tax, and the other is a metropolitan tax. Because of that, I think it is wrong that these taxes should be grouped. I cannot see any affinity between the vermin tax and the type of tax that has been levied in the past, such as the land tax; or, more recently, the metropolitan region improvement tax.

So I feel that this move is an attempt by the Minister, through his department, to add a degree of respectability to what is an obnoxious tax to the people of Western Australia—and I speak of the metropolitan region improvement tax. This appears to be a thinly-veiled attempt to cover up what could be an unpleasant tax.

The Minister said that because the power to rate was affected, and payment by the Treasurer could be in doubt, there was the possibility of a challenge. I wonder how far that argument covers the circumstances. We find that by the Act itself there is no need for the Treasurer or the Taxation Department to be concerned with

the Act. Section 103 (2) clearly lays down what the powers are in the legislation. It reads—

The amount of such rate shall, if required by the Protection Board, be collected by the Commissioner of Taxation—

There is no need for the Commissioner of Taxation to come into it from that angle. The section goes on—

—and in such case payment may be demanded by the Commissioner, and in default of payment shall be recoverable by him as if the rate were land tax in arrear.

So there does not appear to be any real reason why an attempt should now be made to bring this legislation into a group with two other pieces of legislation which are of an entirely different complexion, and which savour of city interests rather than country interests which should be protected by the Vermin Act.

For this reason I feel a little disappointed that the Minister should propose an amendment of this sort to the Act. He made a bald statement that the Act in its present form was not favoured by the Treasury or the Taxation Department, but he did not give us any details or explanation in support of his statement. Yet he expects the Bill to be accepted. I want to know the challenge that he speaks of, and what has brought the measure in jeopardy. As I said earlier, the Act is one of the most amended pieces of legislation that we have. In the past the Crown Law Department has had dozens or thousands of opportunities to look at this section, but now we are told that we cannot get on unless the tax is grouped with two other taxes with which it has no affinity whatsoever.

When the Minister replies to the debate, I would like him to give us the information I seek, because I might be on the wrong trail altogether. It might be that after the Minister's explanation we shall see the reason for the amendment; but I want an explanation other than a reference to the economic advantages, and so on, of grouping these taxes. Why is it necessary, after all this time, to put the vermin tax into a group with two other taxes?

MR. NALDER (Katanning—Minister for Agriculture—in reply) [8.40]: The member for Merredin-Yilgarn tried to emphasise a part of the Bill that it is not necessary to emphasise. I thought I made it clear to the House when I introduced the measure that the main object of the amendment was to group the notices of the three taxes in order to make the position easier for everybody concerned.

The honourable member will recall that when he was farming it was quite difficult, with all the activities of his occupation then, to keep a check on all the

letters he received. That is a weakness of farmers business operations, they lose track of this letter and that letter, and so on. The object of this legislation is to make the position easier, not only for the department but also for the person who receives the tax notice—because he will have the three taxes grouped on the one notice. The metropolitan region improvement tax will not apply to a farmer; and the vermin tax will not apply to a city dweller. The grouping of these taxes will assist the Government and save it the cost of sending out two or three lots of assessments. Quite a considerable amount of money will be saved.

There is no reason for the honourable member to doubt the sincerity of the Government in introducing the Bill, because there will be a benefit both to the Government and to the taxpayers.

Mr. J. Hegney: Will the assessments be sent out simultaneously throughout the State?

Mr. NALDER: Yes, as near as humanly possible. It will probably take a few weeks to send out the assessments, because it would be impossible to send them all out on one day.

I understood the member for Merredin-Yilgarn to make a point with reference to the tax for the Agriculture Protection Board. From time to time the total tax that the Treasury is bound to pay to the board does not come in at the correct time so that there is a period when the Treasury has to pay a sum to the board, as the Treasury has not received payment from the taxpayers. In order to cover the Treasury, it was felt that if the Treasury paid out money over and above what was collected, the money should be paid to the Treasury when it was received. Members will realise that quite frequently taxes are not paid within the time by which they are supposed to be paid. The need, therefore, is to ensure that if the Treasury pays money to the Agriculture Protection Board before it receives the tax, then when the tax does come in, the Treasury shall be recouped.

Mr. Kelly: What challenge is there likely to be about which the Treasury is frightened?

Mr. NALDER: Perhaps the wrong word has been used. However, I think I have explained the reasons for it; namely, the Treasury will be recouped the amount that it pays to the Agriculture Protection Board during any particular financial year. Members have no need to fear that there is some catch in this proposal, which is quite straightforward. Its main object is to save the Government some expenditure and also to assist the person receiving the assessment by having all the information on the one form. That is a distinct advantage over receiving two assessment forms in two separate envelopes in the same mail.

Mr. W. Hegney: The people in the metropolitan area will receive two lots of assessments on the one notice.

Mr. NALDER: That will apply to the farming community as well.

Mr. W. Hegney: With land tax, too?

Mr. NALDER: Yes, on the one notice. It can be paid with one cheque; whereas, if one received two notices, a cheque could be sent out one day to cover the cost of the vermin tax and, a few days later, the other assessment would be received which would require the taxpayer to write another cheque. Many advantages would accrue from this move, which should receive the support of the House. If there is any other information members would like to have, I would be quite prepared to present it to them before the Bill is passed to another place. I can assure the honourable member, however, that that is the real reason for introducing the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

FRUIT GROWING INDUSTRY TRUST FUND COMMITTEE (VALIDATION) BILL

Second Reading

Debate resumed from the 25th August.

MR. HALL (Albany) [8.50]: The Minister, when introducing this measure to the House said it was only a small Bill. But obviously, according to the Crown Law Department, it is a vital Bill; and, after studying the Act, I am convinced it is. The principal Act provides for the appointment of the Fruit Growing Industry Trust Fund Committee for terms of three years. In his observations, the Minister went on to say that this small Bill was necessary to rectify legally an oversight in the matter of reappointing the Fruit Growing Industry Trust Fund Committee some three years ago.

Later on in his speech he said that, due to an oversight, no appointment was made when the period of office terminated on the 9th February, 1957. On looking at the Bill I have found that clause 3 reads as follows:—

Notwithstanding the provisions of section six of the Act, the term of the appointment of the persons who on the eighth day of February, one thousand nine hundred and fifty-seven occupied the offices of members of the Committee, which term but for this section would have expired on that day, is deemed to have continued

to and including the fifth day of September, one thousand nine hundred and fifty-eight.

Section 6 of the Act reads—

The members of the Committee shall not hold office for a longer period than three years without reappointment and, subject to due nomination, shall be eligible for reappointment.

I emphasise the words, "subject to due nomination"; because, if there is no nomination from the Fruit Growers' Association, I fail to see how we can pass the measure that is now before the House. According to the Act, two of the three members appointed to the committee must be nominated by the Fruit Growers' Association. Also, section 5 is complementary to section 6, and I fail to see how we can pass this Bill unless section 5 is also incorporated in the measure.

Subsection (2) of section 5 of the Act reads as follows:—

The Committee shall consist of three members, who shall be appointed by the Governor. Two of such members shall be persons who have been nominated by the Association and approved by the Minister . . .

Therefore, according to that subsection of section 5 of the Act, the Fruit Growers' Association must submit the names of two nominees who shall be approved by the Minister. Unless that condition is complied with, I fail to see how this measure can be acceptable to the House.

When one examines the powers held by the committee and how it operated in 1957, one can quite understand the feelings of the Crown Law Department and the reason for its action in drafting this Bill. It is found that inspectors could be appointed by the Minister and they could inflict penalties up to £50 against any offender. Also subsection (2) of section 13 reads as follows:—

Any person who fails or refuses to comply with the requisitions of any such notice within the time limited by such notice, or who furnishes any untrue return or particulars shall be guilty of an offence.

Penalty—Ten pounds.

The notice referred to in that subsection is that which could be issued by the committee requiring a grower or dealer to furnish in writing any returns and particulars relating to the business carried on by him. Those are very wide and sweeping powers.

During that particular period—that is, from 1957 to 1960—I asked the Minister for Agriculture, in this House, some questions pertaining to fruit fly. In answering those questions, the Minister pointed out that, during 1956-57, 81 cases of apples were condemned; and during 1957-58, 723 cases were condemned. With regard to pears, the number of cases condemned were

53 and 47 respectively. Figures were also given in regard to the number of cases of plums and grapes that were condemned. Therefore, all those offences were committed during the period when this Act was actually non-existent. In view of that, I fail to see how any reprisals can be taken against the offenders, unless we incorporate section 5 of the Act in this Bill.

On examining the balance sheet of the Fruit Growing Industry Trust Fund for the year ended the 31st July, 1959, it is found that £40,000 odd was received from the growers of apples and pears; £5,000 odd from the growers of citrus fruits; and nearly £4,000 from the growers of stone fruits; making a total of nearly £50,000 for the whole year. From those receipts the fund was administered and there is also a note to the effect that the expenses of the interstate annual conference were covered and they amounted to £351 in 1958. If all such accounts were passed in 1957, I fail to see how they can be valid.

My main worry at the moment is to ensure that the Minister will have a look at this Bill again with the object of making sure that section 5 does not disqualify section 6 because of the fact that the nominations for the appointment of members to the committee have to be incorporated with the appointment. Also, can the Minister give me an assurance that the persons appointed were nominated by the association?

Another matter I would like investigated is a statement which appeared in *The Albany Advertiser* on the 9th August, 1959, under the signature of W. P. Douglas, Chairman of the Albany Fruit Growers' Association. Part of his letter to that paper reads as follows:—

. . . for the Minister, through the Department of Agriculture, to have the area gazetted as a fruit fly infested zone.

This, of course, gives the department and their officers very wide powers, which it is hoped it will not be necessary to use; and as a first step I would suggest that if your orchard registration has not been attended to, do so right away, so as to avoid prosecution . . .

If that were so in 1959, and we were endeavouring to exterminate the fruit fly in 1956-57, finance was passed in 1957 by the Fruit Growing Industry Trust Fund Committee which would not be valid. Therefore, the Government is due for censure in regard to that one action alone. I am not going to delay the House any further, but I would like the Minister to explain to me why section 5 would not have any effect on section 6. If it does, I suggest that an amendment be made to the Bill in order to incorporate section 5.

MR. OWEN (Darling Range) [8.58]: I support the Bill because I think everyone in the Chamber knows the purpose of the Fruit Growing Industry Trust Fund Act and the need for the appointment of the committee to administer that Act. It appears to me that the fault lies not perhaps with this Government, but with the previous Government in not continuing with the reappointment of the committee when its term of office expired.

As one who has been extremely interested in the working of this Act; and as one who, for many years, was one of the trustees administering the fund, I know it is necessary for that committee to exist; and I also know that the Western Australian Fruit Growers' Association is very happy with the reports of the two officers who have held the positions of trustees.

The trustees, besides the Government nominee who is chairman, have consisted of the president of the Western Australian Fruit Growers' Association (Mr. James McNeil Martin, M.B.E.) and Mr. Wilkinson, who was nominated by the Central Citrus Council of the Western Australian Fruit Growers' Association. That association, I am sure, will be very happy to have those two officers reappointed as trustees under the Fruit Growing Industry Trust Fund Act.

I think the member for Albany has perhaps got his facts a little mixed in that he was quoting more the powers of the Plant Diseases Act, which Act is used to administer the control over fruit fly. It is true, of course, that from the finances of the fruit industry trust fund payments have been made to the department to augment the amounts derived from orchard registrations. For many years the Fruit Growers' Association have been clamouring for more money to be made available by the Government; that is, money in addition to that which they themselves subscribe under the orchard registration provisions. It was felt that if the trust fund levy were increased to make more money available to the fund, which could then in turn be made available to the department, we could have a stronger campaign for the control and, perhaps, eradication of fruit fly in this State. The association therefore recommended that the levy be increased. It was increased all round by 1d. per bushel; and it was agreed that the bulk of that money could be made available for fruit-fly control or eradication purposes.

It was unfortunate that those two committee men were not reappointed when their reappointments fell due. That matter was apparently overlooked. I think it was the previous Government that overlooked the reappointment. It is right and fitting that we, in this Parliament, should rectify that mistake as soon as possible, and in that way validate any actions that have

been taken during the period since the appointments lapsed. Accordingly, I support the amendment contained in this Bill and ask the House to ensure its speedy passage.

MR. NALDER (Katanning—Minister for Agriculture—in reply) [9.3]: I would respectfully suggest that, as was pointed out by the member for Darling Range, the member for Albany has possibly got his facts a little mixed. This Bill seeks only to validate an oversight that occurred some three or four years ago. The nominations suggested by the member for Albany are correct. I have had the opportunity to look up the file in which these recommendations are contained, and they are definitely in order.

As was pointed out by the member for Darling Range, the recommendations came from the fruit-growers' organisations, and they are definitely in order. This was an oversight on the part of the previous Government; but of course it is one of those things that happen and no blame can be attached to anybody. It was a matter that had been overlooked. The committee had acted in all good faith and it continued to act during its term of office. It was, however, really acting without any authority at all, completely in ignorance of the fact that it had not been carrying out its functions with reference to the trust fund. To clear up any point that may arise due to a misunderstanding, it was thought advisable to validate the actions of this committee that was continuing to function in all good faith.

As I have said, the recommendations were definitely in order. The people concerned were nominated by the organisation as stated in the Act. All we have to do now is to validate the activities of the committee over that period of years—I think it is two years—in which it was more or less acting unofficially. I trust, therefore, that the House will pass this amendment.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3—Extension of term of committee:

Mr. HALL: The Minister has said he received these nominations, and that everything was in order. If that is so, why was the committee not informed so that the appointment could have been made after the nominations had been received? It shows slackness somewhere. I still feel that unless we accept an amendment to section 5 to be incorporated with

reference to the appointment, this will still be valid. We have no proof that these are true nominations. We have heard from the member for Darling Range, who is not a Minister. We should hear from the Minister in this matter. If we did not receive nominations, these things could lapse. I still cannot understand why the Minister did not inform the committee if the nominations were received.

Mr. NALDER: The member for Albany again seems to be on the wrong track. The committee, at the moment, is nominated correctly; but due to an oversight by the then Minister, in 1957, the committee was not reappointed when its time fell due. It had been nominated by the W.A. Fruit Growers' Association; and, as the member for Darling Range pointed out, the two men concerned were Mr. McNeil Martin (president of the association), and Mr. Wilkinson. They were nominated by the association. All we want to do is to validate their appointment.

Mr. J. Hegney: What about fresh nominations?

Mr. NALDER: We already have the committee functioning. It has been nominated.

Mr. J. Hegney: That was three years ago. We should have fresh nominations.

Mr. NALDER: The nominations sent by the Fruit Growers' Association have been accepted by the Government, and the committee is now functioning. This is only to validate an oversight that occurred in 1957.

Mr. Hall: You had nominations in 1957.

Mr. NALDER: The previous Government did.

Mr. Brand: It had nothing to do with us at all.

Mr. NALDER: It was merely an oversight, and we are not blaming anybody for it. Everything is fair and above board, and I hope the amendment will be agreed to.

Mr. OWEN: The committee was nominated, but unfortunately not appointed by the Minister of the day. It has functioned ever since, perhaps without authority. It has submitted written annual reports of its activities. It is unfortunate that its appointment was not gazetted as it should have been, and the amendment is intended to correct that oversight. It merely seeks to validate the actions of a committee approved by the Fruit Growers' Association.

Clause put and passed.

Clause 4 put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

ABSCONDING DEBTORS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

MR. NULSEN (Eyre) [9.14]: As the Absconding Debtors Act of 1877 stands, no debtor can be apprehended when leaving the State other than at a seaport. This Bill—which I think is long overdue—will restrain debtors from leaving Western Australia not only by ship but by any other means of transport. I know this is a difficult Act to administer; but, on the other hand, I feel these debtors should be restrained. For that reason I welcome the Bill. Too many are getting away—too many have no desire to pay their bills if they can possibly avoid it.

Under this Act debtors are not punishable by imprisonment. They can only be apprehended, taken before the court, and liberated. The Act is rather liberal in that respect. However, if they try to get away a second time, they are treated more harshly.

The quotation which the Attorney-General made from the *Daily News* was a good example of what is happening in this State. Seemingly the person referred to owed three or four creditors something in the nature of £2,000. This person, with his wife and family, went down to a ship at Fremantle; and while the debtor did not attempt to leave the State by ship, his wife and family did. The debtor did not try to leave because he knew he would be apprehended. He simply booked his passage by aircraft and flew to America with £2,000 which really belonged to his creditors; and they had no redress whatsoever. If this Bill becomes an Act, debtors can be apprehended, not only when leaving by ship at a seaport, but when attempting to leave the State by any other means of transport.

I have only one small objection to the Bill, and it is this: The old amount of £5 is being deleted and replaced by an amount of £50. As far as I am concerned, it does not matter whether a debtor owes £5 or £50. If a creditor is desirous of taking action to recover a debt of £5, I do not think he should be denied this opportunity. If the amendment contained in the Bill becomes law, a debtor will be able to put his fingers to his nose if a debt is below the amount of £50. No matter how small the debt, a creditor should be able to recover what is due to him; and I do not see any reason why he should be treated with contempt if he is owed an amount of, say, £49 19s. 11½d.

It is my intention during the Committee stage to ask the Attorney-General to substitute for the amount £50 the figure of £20. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Watts (Attorney-General) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3—Section 1 amended:

Mr. NULSEN: I move an amendment—

Page 2, line 7—Delete the word "fifty" with a view to substituting the word "twenty."

Mr. Watts: I am quite agreeable to this amendment.

Mr. J. HEGNEY: I oppose the amendment as I am of the opinion that the law should remain as it is. The amount of £5 should remain in the parent Act, even though it may be considered in these times that the value of that sum has depreciated and we should, therefore, increase it. However, to the person to whom that money is owing, £5 is quite an amount. Therefore, I wish to move an amendment as follows:

Page 2, line 7—Delete the word "twenty" with a view to inserting the word "five."

The CHAIRMAN: The honourable member cannot move an amendment at this stage; he can only vote against the amendment before the Chair.

Amendment (to delete word) put and passed.

Mr. NULSEN: I move an amendment—

Page 2, line 7—Substitute the word "twenty" for the word deleted.

Mr. J. HEGNEY: I wish to move an amendment.

The CHAIRMAN: The honourable member cannot move an amendment unless the Bill is recommitted.

Amendment (to insert word) put and passed.

Clause, as amended, put and passed.

Clauses 4 to 7 put and passed.

Title put and passed.

Bill reported with an amendment.

FIREARMS AND GUNS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

MR. BRADY (Guildford-Midland) [9.26]: I regret that, when making his second reading speech, the Minister was not clearer in regard to the reasons for this proposed amendment. I am inclined to think there is more behind it than the Minister has led the House to believe.

Mr. J. Hegney: There are some firearms.

Mr. BRADY: There are likely to be some fireworks. I do not think everybody appreciates the seriousness of the

amendment. I can see a number of weaknesses; and I hope the Minister, when replying, will give us a great deal more detail in connection with this matter than he did when introducing the Bill.

It was a very brief introduction, consisting of about a dozen lines. The Minister then made some statements upon which he did not elaborate. The proposal as I see it is to exempt the employee of a farmer from requiring a license to use a firearm if he uses it on the farmer's property for the purpose of shooting vermin. Everybody in this House will recall that not so long ago a farm employee shot the farmer's wife and carted her body around the countryside in the boot of a car. That incident caused quite a sensation; and I feel, therefore, that I should refer to the original reason for the existence of the Firearms and Guns Act on our statute book.

I will read to the House what the then Minister for Police (The Hon. H. H. Styants), who was the member for Kalgoolie, had to say when he introduced some amendments in 1953. In moving the second reading of the Bill, he said—

This is a Bill to amend the Firearms and Guns Act of 1931-39. In order to give members a brief history of this legislation, I will relate the following facts: The Firearms and Guns Act, No. 8 of 1931, was originally introduced to control the use and sale of firearms in this State in consequence of undesirable people being able to purchase firearms and use them for illegal purposes.

Members may recall the dastardly act which decided the Government of the day to bring down the original legislation. On that occasion, Sergeant Marks, one of the most respected officers of the Police Department, was shot in the Brisbane Hotel by a person who had had an argument with somebody else. The committing of that crime was made all the more easy because at that time there was no restriction on the purchase of firearms. The man in question left the hotel, went to a seller of firearms in the city, purchased a revolver and went back to the hotel for the purpose of settling his differences with the other party. The police were called in and Sergeant Marks was shot dead by this man of very questionable repute.

Having regard to the remarks I have just read; and having regard to the happenings that took place in Western Australia in recent years, particularly in the last twelve months, I felt I must draw the attention of the House to this position.

The amendment as proposed by the Minister is, I feel, very loosely worded. I would like him to tell the House definitely whether, if an employee is going to be permitted to use a firearm on his employer's

property without a license, that also means the employee does not have to have a license.

Mr. Perkins: No; of course it doesn't!

Mr. BRADY: The Minister has not made it clear. I will read the amendment for his benefit. This is one of the provisions of the subclauses—

who being an employee of a primary producer, with the permission of his employer, has in his possession on the employer's land for the purpose of destroying vermin thereon a firearm—

I suggest there the wording should be "or any other for which a license is standing or has been issued"—

—belonging to the employer; provided that no employee shall be permitted so to have in his possession a firearm unless and until the officer in charge of the police station nearest to the employer's land has been notified of the name of the employee and the intention to permit him to have such possession.

It does not in any way say that the firearm has to be licensed or that the owner of the land has to have a firearm license. I feel the Minister might have made this clearer in regard to the amendment, because it could be interpreted to mean that people do not require to have a license. It could well be that an employer could buy a gun, take it on to his property, and let his employee use it under this particular part of the Act; and it could be claimed that there was no license required. I would like the Minister to tell the House definitely that the gun would have to be licensed.

I have already pointed out the danger of having people going around with unlicensed guns in their possession. It may well be that the owner of the gun has to notify the nearest police station or that the police will have a record of it. However, I feel the clause is very loose in its present wording.

In introducing the Bill, the Minister has mentioned that at the moment a supplementary license can be obtained. When I read the Act I find that the license is not transferable. Section 7 of the Act reads as follows:—

A license shall be personal to the holder and not transferable.

I do not know where the Minister gets his information that a supplementary license can be obtained. It is possible that a supplementary license can be obtained, and it may be dealt with under the regulations; but I do not know where this provision is in the Act. The Act does lay down specifically that a license shall be personal to the holder and not transferable. Before the Bill is rushed through, I feel the House should have information from the Minister as to whether supplementary licenses are to be provided.

Section 8 says that no license to have possession of a firearm which comes within the description of pistol shall be issued to a person under 21 years and no other license shall be issued to a person under 16 years. However, under the proposed subclause, the words to be inserted as an amendment are, "who being an employee." That employee may be 15 years of age. An employer could say, "Here is a gun, and here is a parrot, or a kangaroo, or an emu; go and do your worst with it"; and under this particular clause, the employee would have possession of a firearm.

The wording is too loose for my liking, as a responsible member of Parliament; and, after all, it is not only this House that has passed the Act in its present form. Parliament as a whole has passed the Act; and I think we have some responsibility in the matter before we lightly make amendments to the measure. I am not opposed to farmers having their employees get rid of vermin; in fact, I like to encourage them. But I would like an assurance that this House is not allowing farmers to give firearms to youths on farms.

I notice in the regulations that banks and financial institutions may take out a license and allow their officers to use firearms in protection of the employer's property; and it is equally just and fair that an employee of a primary producer should be permitted to use his employer's firearms in protection of the farmer's property against damage by vermin.

However, I do require assurance that the Minister is making adequate protection against the community being offended by an employee under 21 or 16 years of age using the firearms referred to in the Act; and that those firearms are going to be properly licensed by the employer; also that the Minister is satisfied it is desirable for all employers to have firearms to get rid of vermin, in view of incidents that have happened in Western Australia in recent years, and particularly in the last 12 months with the case, to which I have already referred, of a farmer in the country not very far removed from Perth; and the case of Sergeant Marks, who was shot by a person carrying a firearm in Perth.

I feel that if assurance can be given that there is adequate protection, there will be no objection from this side of the House. I would like to have the Minister's assurance that firearms must be licensed; and that there will be adequate protection to ensure that youths under 21 years of age will not be permitted to use on their employers' property the firearms referred to.

MR. W. A. MANNING (Narrogin) [9.38]: The member for Guildford-Midland has doubts about this amendment because he feels it would lead to what he calls fireworks. He substantiates his argument

by referring to a recent case where an employee took a rifle on to a farm and shot the farmer's wife. I would like to point out that that happened under the present law. The existing restrictions do not prevent incidents like that happening. It seems to me that this amendment has no relation to that.

Mr. Tonkin: Has it got any merit?

Mr. W. A. MANNING: I think it has some merit.

Mr. Tonkin: Let us hear it.

Mr. W. A. MANNING: I would like the Minister to advise the House concerning the following: I understand that in other States—I think in every other State—there is no registration of firearms as we have it in this State; but they are registered as they are sold. That registration is passed on to the police, who find it sufficient record for their purposes. If that is so, this amendment is a very minor thing compared with what happens in other States. If in other States it is satisfactory to depend on registration at the time of sale, surely it could be applied to this State? I think I am quite correct in saying that this system applies in every other State. The Minister might be able to inform the House why we are to continue the restrictions we have at the present time, let alone the easing up that this small amendment amounts to. I feel this amendment is a mere nothing compared to what happens in other States.

Mr. Tonkin: You did not give me the merit I asked for.

MR. NORTON (Gascoyne) [9.41]: During last session I discussed with the officer in charge of the firearms branch in Perth an amendment such as this. The proposed amendment I discussed with him was not nearly as loosely worded as this one, which merely says that an application for permission shall be made to the nearest police station. It does not say that a license shall be issued to the employee.

Mr. Perkins: That can be done under the law at present; an employee can obtain a license for a firearm. One can have more than one license in respect of the one firearm.

Mr. NORTON: In respect of the family, and not the employee. First of all, it must be ensured that the firearm to be lent to the employee is licensed. The second point that should come within this amendment is that a license should be issued to the employee with the endorsement thereon of the firearm to be used. The use of firearms is often necessary in pastoral areas, and it is against the law for any employee on pastoral land to carry a firearm unless such firearm is licensed and the license is in that particular person's name. The employee cannot use his employer's firearm.

If an amendment were made so that the employee could be individually licensed to use the licensed firearm of the employer, then our difficulty would be overcome. That would give the police time to check the character and credentials of the employee to ensure that persons who have not the right character or temperament to carry a firearm are prohibited from carrying it. I cannot offer any suggestion at the moment as to how the Bill could be amended, but it should be tightened up considerably before any permission is issued for an employee to use the firearm of an employer.

MR. W. HEGNEY (Mt. Hawthorn) [9.43]: The member for Gascoyne raised a couple of points I was about to mention. I would, in addition, suggest that the Minister has not given the House any information as to there being a great demand for this amendment.

Mr. Perkins: I can.

Mr. W. HEGNEY: Then I would like to hear it. The Minister has not done so up to date. As I understand the position, the tendency over a period of years has been, on the advice of the Commissioner of Police and others, to tighten up the provisions of the Act. If members look at the proposed amendment, it will be seen that the only obligation on the employer is to notify the police in the district. That is to be the only obligation on the part of the employer; and it was understood that the firearm to be used would already be licensed. The employee may not have the license; and, under this amendment, it is not necessary for him to have the license.

What happens if the employer—the farmer—advises the local police constable that it is proposed to hand the firearm to the employee for the purpose of destroying vermin, and the police constable considers the particular employee not an appropriate person to use the firearm? What is the position then? Does the employer have to take the advice or the instructions of the police constable; or is he entitled, according to this amendment, to say, "Well, I have notified you and I propose to hand over the firearm to one of my employees"?

Mr. Perkins: The important thing is whether the employee can shoot vermin.

Mr. W. HEGNEY: In the first place, if the employee is unable to use the gun, he will not accept the task of shooting the vermin, even if his employer offers him the firearm. On the other hand, if an employee knows how to handle a rifle or firearm, the employer will advise the local police constable of his intention to permit his employee to use the firearm. If this Bill is passed, the Act will state—

Provided that no employee shall be permitted so to have in his possession a firearm unless and until the officer in charge of the police station nearest

to the employer's land has been notified of the name of the employee and the intention to permit him to have such possession.

The employer's application shows his intention. The police officer may know every person in the district intimately; and he may consider that one, or even more of the employees, is not a suitable person to use a firearm. But he can do nothing about it once the employer says, "I have notified you and I propose to hand over the firearm to my employee under that particular section of the Act."

I think it is up to the Minister to give members some illustrations of where this amendment is necessary; because every member will agree that over the years—and previous amendments to the Act will prove it—the trend has always been to tighten up the provisions of the Firearms and Guns Act. I trust the Minister will give us this information and tell us why the amendment is necessary; otherwise he should withdraw the Bill.

MR. I. W. MANNING (Harvey) [9.46]: I desire to support the Bill because to me it is a commonsense move and something that is required. Most farmers possess guns and they desire the opportunity of permitting their employees to use those guns. To me it is a commonsense move for a landowner, when he licenses his firearm, to be able to tell the police officer that he desires his employee—giving the employee's name—to use the firearm. The officer would have an opportunity of saying at that stage whether he considered the employee should use the firearm. That satisfactorily covers the position. I know of many instances where it is necessary for an employee to have the opportunity to use the firearm if the employer is absent.

Mr. Tonkin: Give an example.

Mr. I. W. MANNING: I am sitting in Parliament House, and my employee finds a fox in the chookyard. In such an instance my employee should have the authority to use my gun.

Mr. Tonkin: Why can't he get a supplementary license?

Mr. I. W. MANNING: He could; but what is wrong with this?

Mr. Tonkin: There is a lot wrong with it.

Mr. I. W. MANNING: Of course there is not! This is a commonsense way of overcoming the position.

Mr. Tonkin: We will see if it is.

Mr. I. W. MANNING: The honourable member wants everyone to have a license for everything. If I license a firearm it is licensed for use on my property.

Mr. W. Hegney: You must have a license to drive a motorcar and so must your employee.

Mr. I. W. MANNING: A firearm is licensed for use on a property; and if the license applies to the landowner and his employee that satisfactorily covers the position. That is why I think the Bill is a good thing. If a farmer says to the police officer that he wants his employee to be given permission to use the firearm, and the police officer says, "I don't think you should allow that person to use the firearm," permission is not granted, and that is quite satisfactory from the police point of view.

Mr. W. Hegney: The amendment does not say that. He must give permission.

Mr. I. W. MANNING: I think the honourable member will find that in the application of amendments such as these something satisfactory is worked out. I support the Bill.

MR. TONKIN (Melville) [9.50]: Very few Bills have been brought to this place with less justification than this one. The Minister gave no reasons whatever for desiring this amendment.

Mr. Perkins: I will try to give you the reasons in reply.

Mr. TONKIN: He did say that this had the approval of the Police Department. I would like to see the papers to discover how this approval was gained. I will take a lot of convincing that the police are happy about this. It has always been the custom, with regard to firearms, that the strictest control should be exercised over them. I have thought at times that the department has gone too far in this matter; but I have bowed to its ideas in connection with it when it has pointed out its difficulties.

I will give you an example, Mr. Speaker, to show to what extent the department will go. Many years ago—I think it must be 15 or 20 years ago—a constituent of mine was looking after a dear friend of his in Midland Junction. When that friend was about to depart from this world, he said to my constituent, "Jim, you have looked after me at a good deal of inconvenience and personal discomfort to yourself. I am only a pensioner and I have very few of this world's goods, but I would like you to have something belonging to me to recompense you for what you have done. I have an old gun here which I have used over the years; it is a very good gun, and I would like you to have it."

The old chap passed on, and my constituent took the gun to the police station to license it. The department confiscated it on the ground that he had no need for the gun, and it would not give him a license. It said he had no need for a gun at his place, and kept the firearm at the police station. I give that illustration to show what strict control the police endeavour to exercise upon firearms.

Mr. Roberts: Wouldn't that be during the war years?

Mr. TONKIN: This amendment cuts completely across the spirit of the Firearms and Guns Act. I will read two provisions to show members what I mean. The first one reads—

No license to have possession of a firearm which comes within the description of pistol, shall be issued to any person under the age of 21 years. So there is a complete prohibition, as the law stands at present, against anybody under 21 years of age having a pistol. But if one happens to be an employee of a farmer, under this amendment one will be able to get possession of a pistol, even though one is under the age of 21.

Mr. Owen: No.

Mr. Perkins: We don't license pistols for farmers.

Mr. TONKIN: Somebody over there said, "No." The Bill definitely adds a new paragraph to the Act to provide for people who do not require licenses; and one of the persons who will not then require a license will be an employee of a primary producer who is going to use the primary producer's gun or pistol for the purpose of destroying vermin. We do not know what other purpose he will use it for when he gets permission, but the police officer is told that the employee is to use his boss's gun or pistol for the purpose of destroying vermin. After the policeman is told that, he can do what he likes with it.

Mr. J. Hegney: And he could be under the age of 21.

Mr. TONKIN: The Act requires that he shall be 21 years of age before he can get a license, but this amendment will permit him to get a license to use a pistol on the employer's property if he is only 14 years of age.

Mr. Perkins: We do not license pistols in the possession of primary producers.

Mr. TONKIN: But under this provision it would be possible for a mere boy to have such a firearm on the property of a primary producer.

Mr. Perkins: He has to find the employer who has got one, and there is none.

Mr. TONKIN: The law is that no other license shall be issued to any person under the age of 16. However, if a person is only 14, and he is working for a primary producer, he can have a gun. Therefore, he can defeat the intention of the existing law. Does the primary producer possess some ethereal attribute which he is able to pass on to his employee and so clothe him with that glory which will entitle him to get outside this law? The member for Harvey cited the case that he might be in Perth and there could be a fox attacking his chickens.

Mr. I. W. Manning: That has happened before.

Mr. TONKIN: Let us say there was a fox at the chickens, and the employee who had the right to use the gun was away at the pictures. What would happen then?

Mr. Roberts: The chickens would go!

Mr. TONKIN: I know what would happen. Some other employee would use the gun whether he held a license or not. There is no valid reason why every person who wishes to use a firearm should not be identified with it by holding a license for such firearm. It is no use saying that that would raise a difficulty; because, if the provisions of this Bill are properly carried out, there will be just as much difficulty. Someone has to go to the police station and tell the officer in charge that the employer proposes to allow his employee to use a firearm. Therefore, he might just as well apply for a license for his employee to use a firearm.

If an employer has to carry out the provisions in this Bill, we may just as well have a provision for a supplementary license to be granted to the employee so that we can be sure that no person is entitled to use a firearm unless he has a license to do so.

Mr. Perkins: He can be issued with a supplementary license now.

Mr. TONKIN: Very well! Is that not enough? That does not prevent him from using a firearm on the property.

Mr. Perkins: No; it doesn't.

Mr. TONKIN: Of course it does not! So what justification can there be for overriding the law in this way? The law also provides that an Asiatic shall not hold a license, and especially mentions that an African shall not hold a license. However, if an Asiatic happens to be an employee of a primary producer he will, under this Bill, be permitted to use a firearm. Therefore it cuts completely across the spirit of the Firearms and Guns Act. It would take a lot to convince me that the Police Department is happy about this measure. I would like to know who has been pushing for its introduction, too.

Mr. Perkins: I will tell you that as soon as I get a chance.

Mr. TONKIN: I would like to hear that from the Minister, and I would like to know the reason for the departure from the long-accepted principle in this Act; namely, that we should keep a close check on firearms as far as it is possible to do so. That is how it should be. In fact, no-one can say that the situation in Australia, with regard to the sanctity of human life, is improving. For one reason or another, life is being taken more cheaply by certain people, and some of them would snuff out a life as one would snuff out a candle.

Therefore, instead of easing up on these provisions, we ought to be seeking ways and means of closing up those gaps where

it is shown that there is not sufficient control over firearms to cope with the situation. This Bill, however, will open a door for laxity in control, and we will not know who is supposed to have a firearm and who is not. At the moment, if a policeman finds a man who is in possession of a firearm, he can ask, "Where is your license?" But under this Bill, that person can say, "The boss said I could use his gun." That is sufficient, no matter whether he is an Asiatic or whether he is only a boy of 13 or 14; but it is not sufficient for anyone who is not on a farming property. I cannot see any sense in the measure.

I agree it is desirable there should be ready access to a firearm for the purpose of destroying vermin on a farm; but why can it not be done under a system of licensing so that we know who is licensed to use a firearm in those circumstances? I suggest that the Firearms and Guns Act should be read a little more closely to realise how specific the provisions are in relation to ensuring adequate and proper control. The intention of the Act in that regard should be continued instead of opening the door in this way purely for the reason that a man works for a farmer. It does not matter what age the person may be or what his capabilities are in regard to using a firearm: if he works for a farmer he can use the farmer's gun so long as he says that he wants it to shoot pigeons.

Mr. I. W. Manning: I should think there would be some responsibility on the part of the farmer.

Mr. Norton: He would not know the qualifications of his employee in regard to using a firearm, though.

Mr. TONKIN: If the farmer is willing to accept that responsibility, why cannot he arrange for a license for employees A, B, and C, who may be required to use his gun? What great hardship would be imposed on the farmer if he were required to do that? Why must there be the provision, "If you work for a farmer, there is no need to obtain a license; but if you do not, you must?" A fully responsible person with a good deal of experience in the use of firearms is obliged to obtain a license to use a gun; but a boy of 13 or 14, who works for a farmer, is not required to obtain a license. It just does not make commonsense, and I hope the Government will withdraw the Bill.

MR. GRAYDEN (South Perth) [10.31]: The arguments that have been put forward against this amendment to the Firearms and Guns Act would be most impressive were it not for the fact that people never commit crimes with the weapons they register. If one checks on all the crimes that have been committed with firearms in Western Australia, it will be found that in not one instance has a

crime ever been committed with a weapon which has been registered by the person who has committed the crime.

We can talk all day about an amending Bill of this kind increasing the incidence of crime, without there being any basis in that argument; because it is a fact that people do not commit crimes with weapons they register, the reason for that being, of course, that they can be easily traced; and, instead of using the weapon that is registered, the person committing the crime generally steals the firearm.

I can see no objection to the Bill, mainly for the reason put forward by the member for Narrogin; that is, that the legislation does not exist in at least some States. I can remember going to Victoria from Western Australia when I was only a boy and remaining in that State for three years. In Victoria there is no legislation in regard to firearms whatsoever. Many boys use firearms when they are 14 or 15, or even younger. They have used those firearms on properties and have been at least as responsible as more mature people. They never committed acts of vandalism, because they were experienced in the use of firearms. In this State, because of the Firearms and Guns Act, children are denied the use of firearms.

In the Eastern States, anyone can walk into a shop and buy a Daisy air rifle for a child. The child learns to shoot with it; and, in consequence, he also learns to use guns and firearms with caution. Over here if one wishes to buy a Daisy air rifle for a child, in order to teach him the rudiments of shooting, or with a view to instructing him in the safe use of a weapon, it is necessary for one to go to a police station and register that air rifle. First of all, though, it is necessary to put forward an excuse that one is going to shoot rats, or some other vermin; because if that were not done, it would not be possible to register the rifle.

It is a most extraordinary state of affairs. In Victoria, where there is a much greater population than we have here, one would normally expect the incidence of crime to be much higher than it is in this State. I do not think, however, that the ratio of crime there is any higher than it is in Western Australia. Then again, so far as the apprehension of criminals is concerned; I am sure they are apprehended just as readily there as they are in Western Australia, if not more readily. Yet we find that in the Eastern States there is no necessity to register one's firearms.

It is particularly irksome to those people who come to Western Australia from the Eastern States, and who bring their weapons with them to find such restrictions obtaining in this State in respect of firearms. The result is that most of them do not register their firearms any way; and I would say that there are many

homes in which there are unregistered firearms. There are also, of course, heirlooms, war souvenirs, and the like that are not registered. This Act makes criminals of those who, with the best intentions in the world, do not register their weapons.

Mr. Tonkin: Are you advocating the repeal of the Act?

Mr. GRAYDEN: I am; because similar legislation is not found to be necessary in the Eastern States; and, as I have said, there is no greater incidence of crime there; nor is it more difficult to apprehend criminals in the East. On the other hand, I would say the people there are far more safety-conscious than those in Western Australia, merely because the average child in Western Australia has not been given the opportunity to handle weapons.

I had an experience after the last war. I held a commission during that war for about five years, in which time, of course, it was necessary for me to handle a .303 rifle. On leaving the Army, however, I was not permitted to use such a rifle; and this, after handling one for no less than five years or so! On the other hand, we find that north of the 26th parallel anybody could use such a rifle. That illustrates the ridiculous position that obtains under this firearms legislation. We have two alternatives: either to register firearms and keep in close touch with them; or else leave the position wide open. Whilst it may seem better in theory to be able to keep track of all firearms, experience elsewhere has shown that there is no point in doing so; indeed, there is an advantage in having no restriction at all.

Mr. Jamieson: All concealable weapons in the east must be registered.

Mr. GRAYDEN: That is so; I am referring to rifles and shotguns. This amendment will allow farm workers, and others perhaps, to shoot vermin. That has happened every day in the Eastern States, ever since the inception of firearms in those areas. We should have no objection to it.

MR. OWEN (Darling Range) [10.10]: I support the Bill. We must be practical about these things. The measure merely seeks to give authority to an employee to use a firearm for the destruction of vermin on a farmer's property. The Deputy Leader of the Opposition suggests that a license should be issued to the employee for that purpose. That would not be desirable if the farmer, landowner, or primary producer wanted his employee to shoot such vermin as rabbits, foxes, parrots, and so on. In using that gun on the property, he would be working under instructions from the farmer. He could use that gun anywhere at all if he had a

license of his own; but he would still need the permission of the owner of the rifle to take it off the property. I think this would be giving the employee a wider scope than was desired by the farmer. In effect, if he had a license for the rifle he could take it and use it anywhere for any purpose.

Mr. Tonkin: What would be wrong with that if the farmer allowed him?

Mr. OWEN: The farmer would have no jurisdiction over him once the employee left the property.

Mr. Tonkin: He could soon take the gun from him when he returned.

Mr. OWEN: What would be the good of that? It would be like shutting the stable door after the horse had bolted; and for all one knew, the employee might have shot up half the countryside by that time.

Mr. Tonkin: If he wanted to shoot up half the countryside, the fact that he had to stay on the farmer's property would not stop him.

Mr. OWEN: I think it would. At present a gun license is issued to a man who owns the gun, or is to use the gun, specifying the guns he may use. I have a gun license here which states that a licensee when using, or carrying, firearms—in this case "pistol" is struck out—may be called upon by any member of the Police Force to produce his license. Therefore, if the employee is on the property and is apprehended by a policeman, who asks for his license, he merely refers the policeman to the boss, who owns the license and must accept responsibility for allowing the employee to use that firearm.

In my view an employer would be quite fussy as to whom he allowed to use his rifle; he certainly would not give it to anybody who he thought was not a fit person to use it. I have a gun license, and I have employees on the property who, on occasions, have asked me for the loan of my gun to shoot rabbits. If I think they are men who can be trusted, I give them permission to use the gun. But, in many instances, I have had to refuse permission. Where I think a person is quite capable of using a gun, I have no compunction whatever in granting permission for its use on the property.

I am a bit with the member for South Perth in some of the remarks he made; though I would not do away with the licensing of firearms altogether. We should, however, make it a little more convenient. Although I have a license to possess the firearms enumerated on my license, if I wanted to buy another gun I would have to traipse to the nearest police station—which in my case is about 15 miles away—to obtain a permit to purchase such a rifle or gun.

First of all I would have to go to the shop and obtain the number of the gun I wished to purchase; then I would have to go to the police station to get a permit to make the purchase. After purchasing the gun, I would have to take it to the police station to have it licensed. To me that seems to be going too far.

Once a person is licensed to possess a firearm he should automatically have authority to purchase another one, after which he would have to take it to the police station to be licensed, within a certain period. However, that has nothing to do with the Bill, which merely seeks to give the employer engaged in primary industry the authority to permit his employee to use his rifle or gun on the property.

In regard to pistols, as referred to by the Deputy Leader of the Opposition, they are seldom used for the purpose of shooting vermin. Where pistols are licensed, they are not generally licensed for the purpose of shooting vermin, although prior to the last war I held a pistol license for that purpose. I support the second reading of the Bill.

MR. PERKINS (Roe—Minister for Police—in reply) [10.16]: The member for Darling Range has covered the position very well and explained some points which needed clarification. I regret that some members felt I had not given sufficient details when I introduced the Bill. I was under the impression that members interested in this matter would be well aware of the position in country districts. I know this matter has been raised in the past.

In the other States of the Commonwealth no license for rifles or guns in the terms of the Bill before us is necessary; so it would be rather farcical to impose a restriction here when, over the border in South Australia, no such license is required. As pointed out by the member for South Perth, the incidence of reckless use of rifles and guns is not materially different from State to State. Under the existing law it is permissible for more than one person to hold a license in respect of a particular gun.

Mr. Norton: Does the license not embrace only the members of the family?

Mr. PERKINS: There is no mention of the members of the family. Section 5 sets out the various types of licenses, and section 7 stipulates that the license shall be applicable to the holder and is not transferable. The number of the firearm and the type are mentioned in the license. It is possible for the owner of a property to have a license to use a particular firearm, as well as for any member of his family and his employees.

Mr. Norton: Then this amendment in the Bill is not necessary?

Mr. PERKINS: There has been an objection raised. The Deputy Leader of the Opposition asked where the request for the Bill arose. He thought that I had conjured it out of the air. This matter was raised by the Pastoralists' Association in a letter addressed to me dated the 6th April, 1960, which reads as follows:—

Firearms and Guns Act

The position of a station manager lending rifles to native employees, for station purposes such as shooting roos etc., is concerning the Murchison District Committee of this association and it has asked that advice be sought, and if necessary, an endeavour made to amend the Act.

It is probable that the Act is being contravened daily as rifles are lent to native employees. It is understood that a supplementary licence could be obtained but as this covers a particular person and natives are essentially nomadic, the situation would arise that a new permit would be required frequently.

In view of the ease with which natives can now obtain intoxicants and the fact that most of them revert to the primitive when under the influence it is felt that an awkward situation could arise and needs clarification.

Section 18 (1) provides for the issue of licences to banks and financial institutions in the name of the bank or institution, and provides for the use by the officers of the firearms without such persons being named as holders.

It is suggested that a similar provision might be considered for the issue of licences to Station Firms.

I took the action which a responsible Minister for Police would take by sending that letter to the Police Department for a report. The following is the reply which I received from the Deputy Commissioner of Police dated the 13th April, 1960:—

I cannot discern anything objectionable in the request by the Pastoralists' Association, to permit of the use of firearms by employees for the purpose of the destruction of vermin on their properties.

To permit this to be done an amendment to the Firearms and Guns Act, 1931-1956 would be necessary, and how far the Government would be prepared to go with an amendment would need consideration.

On the 1st September, 1954, Inspector Fiebig attended a meeting convened by the then Minister for Police, the Hon. H. H. Styants, M.L.A., and attended by the Hon. Sir Charles Latham, M.L.C., and Messrs. Hearman

and Norton, M's.L.A. at Parliament House, and an extract from Inspector Fiebig's report reads as follows:—

The question of the use of firearms by members of the family and employees of primary producers was raised and I explained the present position.

It is now suggested that a further subsection should be added to section 9 of the Firearms and Guns Act to exempt from requiring a licence, members of the family and employees of a primary producer, to use such person's firearms on his property for the destruction of vermin only.

I consider that an amendment of this nature would be very desirable, as, in view of the fact that many employees on farms remain for only a short period, any form of licensing would be cumbersome and would create a large volume of clerical work and records, which eventually would become very confusing.

Providing the amendment clearly restricts the use of firearms by such persons to the owner's property for the destruction of vermin only, I can see no objection to this.

That advice from the Police Department is a clear answer to the fears expressed by the Deputy Leader of the Opposition that the Bill contains something sinister. In fact, the Bill was drafted by collaboration between the Police Department and the Crown Law Department.

I have listened to the various points raised by the Deputy Leader of the Opposition. His objection to the wording of the Bill, under which no age restriction is placed on the person to whom a firearm may be lent, is merited. Possibly, a more desirable amendment would be to the effect that the police should have to approve of the name of the person to whom the firearm might be lent.

Another point raised was that while a firearm was used on the owner's property there could not be any risk. I cannot imagine any employer approving the loan of a firearm for the destruction of vermin on the owner's property, if there was any likelihood of a risk. I suggest the employer would have more to lose than anyone else if the employee or the person to whom the firearm was lent was irresponsible.

We know the type of complaint that comes in about the irresponsible use of firearms, particularly adjacent to the metropolitan area. It is almost always that these firearms are pointed at something other than vermin. Employers would probably suffer if the person to whom a firearm was lent was a person of that type. I consider it is important that firearms should be lent at the discretion of the employer

and no supplementary license should be required. That is better than a supplementary license being issued to the employee. In the first method there is much greater control by the owner of that particular firearm while it is in the hands of his employee.

During the debate which has ensued to-night, I do not think there has been very much objection to the basic principles contained in the Bill. Therefore I suggest we complete the second reading and allow the Committee stage to stand over; and if any member feels that amendments are necessary in order to improve the wording of any particular amendment, I will be only too happy to consider them.

Question put and passed.

Bill read a second time.

[The Acting Speaker (Mr. W. A. Manning) took the Chair.]

NATIVE WELFARE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

MR. BRADY (Guildford-Midland) [10.28]: There is no doubt that the Minister in introducing this Bill was very conscientious; but I was wondering whether he had a guilty conscience because he did not go further in regard to the amendments which he placed before the House so as to give natives citizenship rights to which, no doubt, they are entitled. I agree that the Bill is not contentious.

The amendment to section 2 of the Act clears the air and removes anomalies which are present regarding interpretation of the particular section. There could be no great objection to removing the anomalies which exist to make it work easier and smoother for those who are concerned with natives, so that they will have a better understanding of the section.

In section 3 of the Act, which deals with quadroons over 21, or those who were born before 1936, there is another anomaly. In some cases those people are considered to be natives because they were born after 1936. In accordance with modern thinking, we should not encourage quadroons to seek protection under the Native Welfare Act. Once they are recognised as quadroons, they should be assimilated by the white community, and stay permanently in that position. At the moment, a quadroon over the age of 21 years may apply to the commissioner to be classed as a native; or he may apply to the Minister direct to be so classed.

As I said before, in this day and age, we should encourage those people to become absorbed in the white community.

It could be safely said that 98 per cent. of the natives, once they get away from the Native Welfare Act, want to stay that way, and they should be encouraged in their desires. Therefore I can see no great objection to removing that provision from the Act as is proposed in the amending Bill.

Another desirable amendment is in regard to section 6A. As the Minister rightly pointed out, that section appears to give the department power to acquire property to set up natives in agricultural pursuits. However, it is known that natives desire to carry out other occupations, such as building boats, conducting motor garages, running bakehouses, running meatshops, running taxi services, running workshops for the repair of motor vehicles, and so on. Therefore, we should encourage natives to carry on those pursuits, and the department should be placed in a position where it can be of help.

I know of a community in the North-West where the whole of the people, both white and black, depend on a person who is a native. This native does all the baking for the community, which runs into many hundreds of people. If that man applied to the department for assistance to further his activities in his baking business, the department should be in a position to help. Apparently the Minister is in the right frame of mind, since he proposes to alter that section to enable the department to help natives carry on activities or pursuits which are outside the sphere of agriculture.

The Bill proposes to amend section 7 of the Act in two directions. A deputy commissioner will be able to be appointed, and he will have to accept responsibility in regard to the affairs of the department, on the same plane as the commissioner, if the amending Bill is passed. I think that is the position now, except that the person concerned is not designated the deputy commissioner. If we can have a deputy commissioner, it will clear up the position and people will know there is a second in charge to whom they can look for co-operation and assistance, as well as from the commissioner himself. It will probably help to clear up the position generally if people are able to deal with both a commissioner and a deputy commissioner; and I have no objection to that proposition.

There is a new departure in regard to the proposals to amend section 7. There is to be a new section to be known as 7A. This will exempt officers of the department from personal liability while carrying out their duties for the department in cases where they would otherwise be liable for their actions. I believe that in recent years we have had an action against the Commissioner of Native Welfare. I cannot

recall the exact details; but in many other Government departments at the present time, both the Minister and the departmental officers are absolved from personal liabilities while carrying out their duties to the best of their knowledge, and while acting in the best interests of their respective departments.

As I said before, it would appear that as the Act stands at present, officers of the department—particularly senior officers and some of the officers in the field—can be held responsible for acts done in good faith while carrying out their duties. It must be very embarrassing for an officer to feel that he has personally to shoulder financial responsibility for any act which he may conscientiously do in the performance of his duties, and which he considers to be in the best interests of the natives. If he does not carry it out, the native does not enjoy his rights; and if he does carry it out and the department is detrimentally affected, the officer is held personally responsible. As I understand this Bill, that disability will be removed, and the officer will be exempted from personally becoming involved. I can see no great objection to that provision.

The final amendment concerns natives receiving a share of a parent's estate, whether or not such native is legitimate. Subsection (2) of section 36 provides that the property of a native does not pass to a father or mother if he or she is still living. It goes into a special trust fund to be used for the native's welfare. I believe, that in recent years there have been cases where this has caused some heart-burning on the part of parents of an illegitimate native. Such a child is held as near and dear to its parents as a child born in wedlock.

It is claimed now that a native should not be treated differently from a white person in similar circumstances, and it has been suggested that under the Escheat (Procedure) Act such cases could be dealt with; and that is the purpose of this amendment. The native would then not be dealt with as a special person, distinct from the white person. He would be dealt with under the same law in regard to his estate in the case of his passing out without a will having been made.

All in all, I can see no great objection to the amendments. I believe they will facilitate the activities of the department on behalf of the natives. I will be prepared to vote for the second reading, but I feel that the Minister could have gone a great deal further than he has with his amendments. He should have submitted a proposal whereby natives would be granted citizenship rights from birth instead of having to apply, and thereby these amendments would have been unnecessary. This Act is fast becoming redundant in this civilised age.

MR. W. HEGNEY (Mt. Hawthorn) [10.39]: I propose to support the second reading of this Bill. I have studied the amendments against the principal Act, but do not intend to cover the ground already ably covered by the member for Guildford-Midland. Most of the clauses are what we might call machinery clauses, inasmuch as they tidy up the existing provisions.

One provides the commissioner with certain extra powers in connection with the administration of deceased persons' estates; and that any claims in regard to a person who dies intestate must be made within a certain time. There is also a provision for the commissioner to be appointed. That is, of course, necessary from the legal point of view to grant him legal status.

Extension is made to the existing provision in section 6A, but I do not propose to read this in detail. The section was inserted about six years ago and deals with the power the Minister has to acquire land to allow a native whom he thinks fit to follow certain pursuits. I am in agreement with that provision.

In connection with the definition of "native" there is a slight alteration which does not mean a great deal. I must confess that when I commenced to read this amendment I thought that the Government was going to make a very generous, desirable, and necessary gesture in connection with the rights and privileges of natives in this State, something in line with those enjoyed by the white people. However, when I made a closer examination of the amendment, I found that there was nothing of substance in it, as it does not give any greater status to the natives; nor does it make any progress of a substantial nature towards citizenship. I would have thought that at this late hour in Western Australia's history the Government would do something in the direction of extending certain rights to a very important section of our community.

I was not present when the Minister introduced the second reading stage of this Bill; but as far as I know, he made no reference to an Act which is closely allied to this one. I refer to the Native Citizenship Rights Act. Although this was amended some years ago, in my opinion it was amended only to make it more difficult for natives with whom we are dealing under this Bill to obtain citizenship rights. I do not know whether you, Mr. Acting Speaker, have had any contact with natives in your electorate, but I know I have. I have found that the natives—full and half-blood—absolutely refuse to have anything to do with the Act because they say they are not aliens or foreigners but are natives of Western Australia. They believe that they should not have to apply to any tribunal, judicial or otherwise, to be issued with a certificate of citizenship.

When I commenced to study this amendment, I thought that at last the Government was going to do something to extend to some of the thousands living in our community the same rights and privileges we enjoy ourselves, and that our sons and grandsons enjoy. But no! There is no substance in the amendments at all; and if the people who are concerned with this Act—men and women who have been born and bred in this country and who have been educated in our schools—desire to obtain the same rights as we have they have to apply to a judicial tribunal which consists of a magistrate and the chairman of the road board in a particular community. A unanimous decision must be reached in regard to the issue of the citizenship certificates. So far as I am concerned, on all possible occasions I shall raise my voice in protest against this situation, and I know that even now the member for Harvey is trying to sandbag me.

MR. I. W. MANNING: Why not stick to the Bill?

MR. W. HEGNEY: I am sticking to it.

MR. I. W. MANNING: No you aren't!

MR. W. HEGNEY: I am amazed that the Government has not introduced a Bill to extend some measure of justice and citizenship rights to so many people in the community who should receive it.

I am not going to oppose the second reading of this Bill, because, as I said before, it tidies up some of the provisions of the principal Act. However, I repeat that there is no great substance in the provisions of the Bill, and I hope that before long the Government will introduce some measure to remove the injustices and restrictions which are being experienced by a very important section of our community today.

Question put and passed.

Bill read a second time.

In Committee

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

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

MR. TONKIN (Melville) [10.48]: Orders of the Day Nos. 15 and 16 are closely related. I do not propose to deal with them both at the one time. I will confine myself to Order of the Day No. 15 and will deal with the other one later. Strictly speaking, neither of these Orders of the Day ought to be on the notice paper. It is just another instance of an assurance by the Government being completely abrogated.

The Minister handling the Bill in this House is acting on behalf of a Minister in another place who is in charge of the department concerned. The Minister in another place, in securing the passage of this town-planning Bill last session, gave an assurance that it would be brought up for review when the legislation for reducing the land tax was introduced. But there is no reference in His Excellency's Speech to any proposed reduction in the land tax. There was no reference in the Minister's speech in this House to any proposal to review the land tax; and this Bill is brought here this year.

I think we are entitled to have some explanation of that. I am getting used to assurances being given and wiped off as easily as a flip of the fingers, but it is well that we should record each instance. I quote from Hansard Vol. 3 of 1959, page 3435, on which the Hon. L. A. Logan is reported as follows:—

If this Bill is defeated the authority will be deprived of the necessary money to enable it to put the plan into operation. I am quite prepared to accept the amendment which is on the notice paper, because that ties in with the life of the town-planning Bill; but I hope the House will not accept the other amendment, or that members will defeat the Bill. An authority such as this, which is set up to implement a town-planning scheme, should not have to rely on hand-outs.

I gave a solemn undertaking that this matter would be reviewed, and so it will be. Mr. Wise said that I told the House that maybe legislation to reduce the land tax would be introduced next session, if not this session. I gave a solemn undertaking that that would be done.

I wonder what other meaning might be put into those words; because we have to look for all sorts of alternative meanings which the English language is meant to convey! For example, when we say that the onus is on the Government to do something, the Attorney-General tells us that only means the onus is on the Government to think about it; it does not have to do anything about it. Perhaps that is the interpretation here. "I gave a solemn undertaking that that would be done." Well, possibly all the Minister meant was that he would think about it.

Where is this foreshadowed land-tax legislation? Is it coming here in accordance with the assurance given to obtain the passage of this legislation by one vote only in another place? That was the margin—one vote, on the "solemn undertaking" that the land tax would be reduced; and therefore the impost upon the people would be that much less.

Apparently, that means nothing, and the Bill is here in order to be made perpetual. There is no question of reviewing the

situation, but the purpose is to wipe out the section of the Act which limits its life to June, 1962 in order that the scheme shall be permanent.

I have no objection to the town-planning scheme being permanent; but I do object to considering it now when an undertaking was given that the review of the position would take place in the light of legislation to reduce the land tax. I want to point out that this particular Act, which we are now proposing to amend, provides for certain exemptions; and if the money is to be raised by a special tax, then I do not think all these exemptions should still apply.

For example, one can have available land within three or four miles of the city. One can be using it for running racehorses—using it as a stud farm—while other people are paying tax to improve the situation in the metropolitan area, and so sending up the value of that land; and then, when it suits the owner, he can apply for a subdivision and gain the advantage of the unearned increment for which other people have paid, because he is exempted under this legislation.

I do not think that is a fair proposition—that the people in Fremantle, Palmyra, Bicton, Mt. Hawthorn, or anywhere else, should be called upon to pay a tax to yield money the spending of which will result in increasing the value of land used for horticultural or other similar purposes in the metropolitan area, when we know full well that there is no guarantee that the land will continue to be used for that purpose; and when it suits the owner, who has been tax-free for five, ten, fifteen, or twenty years, to subdivide his land and sell it, there is nothing to prevent him from doing so unless it is in contradiction to the regional plan. I should not think that that is likely to be the position with regard to stud farms for racehorses.

There will be very little land used for agricultural purposes within 20 miles of Perth in 50 years' time; but that is exempt from tax in the meantime, while other people pay more than they ought to pay. So it is because this ought to be reviewed, in the light of what the Government proposes to do with regard to land-tax legislation, that I say the Government ought to honour its undertaking and not bring this legislation here until such time as it has brought to the House its legislation with respect to a land-tax reduction, an assurance of which was given in another place.

I wonder what the word "solemn" means when applied to an undertaking given by this Government? The Minister in charge of the department responsible for this Bill gave what he called a solemn undertaking to review this position, and a solemn undertaking that the promise which the Premier gave on the hustings, and subsequently repeated in this House, for a reduction in

land tax would be carried out. But there has been no reference to it since. There is nothing in His Excellency's Speech, and not a syllable from the Minister with regard to it—just a statement, "Here is this Bill; it is designed to make this legislation permanent, and that is what we want to do."

I will agree with the principle; it is desirable to make the regional planning authority permanent so that it can properly plan the development of the city. But we should not be called upon to take this action now until the Government has made good its assurance.

I am wondering what the Minister in another place will say to those whose votes he secured on the distinct understanding that there would be a reduction in land tax; that this position would be reviewed; and that they would have an opportunity of reviewing it before this limitation was removed. Because I am not prepared to deal with the matter. As a matter of fact I am not able to deal with the matter as I would like to do, because the Bill is not brought here for a review. We are limited to a discussion of whether the life of the town-planning authority ought to be made permanent; whether we should agree to the legislation giving the regional town planning authority permanency, or whether it should remain as it is, limited to the 30th June, 1962. That is the situation, and it is quite contrary to the undertaking given in another place.

I think the Government should withdraw the Bill, as indeed it should the other one, until it brings down its legislation for a reduction in land tax, or makes a declaration that it has no intention of carrying out the assurance which its Minister gave in another place. It should do one or the other, but not ask us to make a decision on this with no information about the Government's intentions with regard to the other matter.

For those reasons I urge members to instruct the Government in this way: that there is a proper way of doing things, and this is not it; otherwise it reduces ministerial utterances with regard to responsibilities to a complete sham and a farce.

In concluding his discussions with regard to this matter, the Minister in another place (The Hon. L. A. Logan), at page 3436 of *Hansard* No. 3 of 1959 said—

I am prepared to accept the amendment that ties in with the life of the planning Bill. If that is agreed to, we can review the position at the end of the two years. I hope the House will pass the second reading.

Yet here is the very Minister who is talking about reviewing the position at the end of two years sending the Bill to us in under one year and asking that the legislation be made permanent. They do not

catch me that way! If assurances are given on behalf of the Government they should be honoured or they should not be given. I repeat: The passage of this legislation was secured with one vote, even with that assurance; so what chance would it have had without it? I hope the House will reject the measure.

On motion by Mr. W. Hegney, debate adjourned.

House adjourned at 11.4 p.m.

Legislative Council

Wednesday, the 31st August, 1960

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