Mr. O'NEIL: That is a matter of opinion. I asked the honourable member who was the expert who gave the medical opinion, but he declined to answer. However, in the committee's report indebtedness was acknowledged by the committee to the following:—

Dr. G. M. Bedbrook.

Dr. J. C. McNulty.

Dr. R. Porter.

Royal Perth Hospital.

Surely to goodness, amongst those people and other organisations mentioned there exists some expert medical opinion!

The member for Kalgoorlie indicated that he had read the report but did not agree with the reason given by the committee and went on to state that it showed a lack of appreciation of the situation. The member for Boulder-Dundas did not, I think, read the report, because he complained that no reason was given. However, on page 7 of the report the reason for section 8 is clearly set out, and it reads—

> The object of this section is to facilitate claims by workers suffering from specified industrial diseases known to be work caused, but where there were previously considerable technical difficulties hindering recovery of compensation. It provided machinery for claiming by workers against the employer who last employed the worker in the culpable industry within, originally, a period of 12 months prior to disablement. The period of 12 months was subsequently enlarged to 3 years because of the slow effect of pneumoconiosis. Now that the 3 year limit has been removed in the case of pneumoconiosis, it having proved insufficient, (see Section 8 (1a)) there appears to be no good reason why the period of claim in the case of other industrial diseases should not revert to the original period of 12 months, which had proved sufficient, and it is recommended accordingly.

Clause put and passed.

Clauses 7 to 19 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS (2): RECEIPT AND FIRST READING

1. Local Courts Act Amendment Bill.
2. Nurses Act Amendment Bill.

Bills received from the Council; and, on motions by Mr. Bovell (Minister for Lands), read a first time.

House adjourned at 10.5 p.m.

Legislative Council

Wednesday, the 8th April, 1970

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (7): ON NOTICE

1. EDUCATION

Kojonup Junior High School

The Hon. J. DOLAN, to the Minister for Mines:

(1) Are there children attending Kojonup Junior High School who should—on school zoning requirements—be attending other primary schools?

(2) Have representations been made to the Minister for a bus service to be established so that children, other than and in the same circumstances as those in (1), may attend Kojonup Junior High School?

(3) If no representations have been made, will the Minister, on receipt of full particulars, give earnest consideration to establishing a bus service which will ensure that all children in the Kojonup area receive the same opportunities?

The Hon. A. F. GRIFFITH replied:

(1) There are no gazetted school boundaries in the area. School bus services to Jingalup and Kojonup have been organized. In certain instances where parents have been prepared to arrange private transport, some Jingalup primary children have been permitted to attend Kojonup school.

(2) Yes.

(3) See answer to (2).

2. EDUCATION

Boulder Central School

The Hon. J. J. GARRIGAN, to the Minister for Mines:

(1) Further to my question on the 25th March, 1970, concerning toilet facilities at the Boulder Central School—

(a) Did the Commissioner of Public Health acknowledge a letter from the Kalgoorlie Shire Clerk on the 11th December, 1969, regarding the state of toilet facilities at this school?

(b) Did the Commissioner of Public Health refer the Health Inspector's report of the 10th December, 1969, relating to the state of the toilet facilities, to the Education Department during December, 1969?

(c) If the answers to (a) and (b) are "Yes" for what reason was a negative reply given to part (1) of my question on the 25th March, 1970?

(2) In view of the Health Inspector's report, and the anxiety of the Boulder Central Parents and Citizens Association that a health hazard might exist for teachers and pupils will action be taken to advance the repair programme referred to in part (2) of the answer to my question on the 25th March, 1970?

The Hon. A. F. GRIFFITH replied:

(1) (a) Yes.

(b) Yes.

(c) A Departmental report dated the 6th March indicated that all toilets were serviced before school opened and that an inspection had been carried out with the Headmaster.

(2) A further inspection will be made and if a health hazard exists action will be taken to rectify the situation.

3. MILK BOARD

Deliveries to Noalimba Migrant Centre

The Hon. CLIVE GRIFFITHS, to the Minister for Mines:

(1) Concerning milk vendors in Melville District 98—

(a) How many vendors are licensed for this District;

(b) What are the names of the licensed vendors;

(c) What total gallonage per day is sold in this District by each vendor?

(2) Further to part (3) of the answer to my question on Wednesday, the 25th March, 1970, regarding milk deliveries to Noalimba Migrant Centre; if as is stated the needs of this District are adequately catered for by milkmen already licensed for Melville District 98, why was it necessary to permit a vendor not licensed for this District, to deliver milk to Noalimba?

The Hon. A. F. GRIFFITH replied:

(1) (a) Three.

(b) V. T. and T. D. Cunningham, 46 Station Road, East Fremantle. 6158.

C. and L. Marusco, 75 Carrington Street, Palmyra. 6157.

W. C. and B. M. Wegner, 27 Knox Crescent, Melville Heights. 6156.

(c) Melville District 98 is largely undeveloped. At present V. T. and T. D. Cunningham are delivering approximately 27 gallons of milk daily on their own account and on behalf of the other two licensees. As the trade builds up the business will be shared and served by the three licensees.

(2) The Board has no authority to permit a vendor not licensed for the District to serve Noalimba.

4. NORTH-WEST

Revenue from Industrial Concerns

The Hon. F. J. S. WISE (for The Hon. H. C. Strickland), to the Minister for Mines:

(1) Although the Government does not regard the financing of the Millstream water supply project as a loan, is it aware that Hamersley Holdings Limited in the annual report of that Company, refer to the sums as an advance repayable over fifteen years?

(2) Whether the sum is acknowledged to be a loan or an advance, what arrangements have been made for—

(a) the repayment of $7,410,000 over fifteen years and;

(b) what interest is payable to the Company?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) (a) The repayment of the total cost involved will be by 30 half yearly instalments to cover the expenditure by the Company on the scheme and the Company will repay the State the same amount as a fixed surcharge on water.

(b) Nil.

5. *This question was postponed.*

6. LANDS

"A"-Class Reserve No. 18324

The Hon. W. F. WILLESEE, to the Minister for Local Government:

Referring to the reply to my question on the 25th March, 1970, concerning "A" Class Reserve No. 18324.

(a) Has approval of the Commissioner of Public Health been granted to Perth Shire Council for dumping of rubbish on this reserve.

(b) If so—when was such approval obtained?

The Hon. L. A. LOGAN replied:

(a) Yes.

(b) Governor's approval was gazetted on the 11th July, 1969.

7. HOUSING

Purchase of Land at South Perth

The Hon. R. H. C. STUBBS (for The Hon. F. R. H. Lavery), to the Minister for Mines:

(1) Has the State Housing Commission recently purchased portion of Swan Location (No. 36) Lots 1 and 20 consisting of 225 perches situated on South Perth foreshore?

(2) If so—on what date was the purchase effected?

(3) What was the purchase price?

(4) From whom was the said piece of land purchased?

The Hon. A. F. GRIFFITH replied:

(1) No. For the purpose of consolidating its holdings in Ranelagh Crescent, South Perth, which are Lot 16, containing 3 acres, 2 roods and 18 perches acquired in 1956, and Lot 66 containing 1 acre, 1 rood and 24.6 perches acquired in 1945, the Commission purchased Lot 21, being portion of Canning Location 39, containing 1 acre, 1 rood and 25.6 perches (i.e. 225.6 perches). The consolidated holding now totals 6 acres, 1 rood and 28 perches.

(2) The 30th January, 1970.

(3) $240,000.

(4) Norman Geoffrey McMahon.

BILLS (4): INTRODUCTION AND FIRST READING

1. Constitution Acts Amendment Bill, 1970.

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

2. Mining Act Amendment Bill.

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

3. Companies Act Amendment Bill, 1970.

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

4. Local Government Act Amendment Bill, 1970.

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

WILLS BILL

Further Report

Further report of Committee adopted.

BILLS (2): THIRD READING

1. Police Act Amendment Bill.

2. Anzac Day Act Amendment Bill.

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

BUILDING SOCIETIES ACT AMENDMENT BILL

Second Reading

THE HON A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.50 p.m.]: I move—

That the Bill be now read a second time.

The Building Societies Act has not been amended since 1962 and it is necessary now to bring it into line with the need to maintain the current strong growth rate of permanent building societies.

The amendments contained in this measure were recommended by an advisory committee working in close liaison with the Western Australian Permanent Building Societies Association, the Federation of Building Societies of W.A., and the Institute of Chartered Accountants (Western Australian Division).

It is proposed that greater protection be given to the savings being invested by over 70,000 people in this State and, in effect, the Act will be brought into line with today's practices throughout the world.

Members may recall that when the Act was previously amended provision was made for the creation of an advisory committee, the appointment of approved valuers, and a full-time registrar with power to the registrar to inspect a society's books and affairs. The amendments then passed also provided the basis upon which terminating societies would be permitted to operate property.

In 1961, 10 permanent societies with assets of $7,900,000 and 14 terminating societies with assets of $1,200,000 were operating. Currently, 15 permanent societies with assets exceeding $200,000,000 are operating and 297 terminating societies have assets in the aggregate in excess of $30.000,000.

Terminating societies, receiving their funds under the Housing Loan Guarantee Act, from financial institutions such as banks and insurance companies, and from the Commonwealth-State Housing Agreement, have assisted families in the low and moderate income groups to purchase their homes. The comparative expansion of this type of society in recent years has not been as great as that enjoyed by the permanent societies but, nevertheless, their need is just as great as ever and their continuance should be encouraged.

The permanent societies, recognising the strong demand for housing finance, took up the challenge and, in September, 1968, introduced an investment scheme with an interest return of 6 per cent. per annum over a no-fixed-term. This opened up many avenues and the net investment income of all societies increased from $6,500,000 per quarter to a high of $25,000,000.

The amendments contained in this Bill relate, in the main, to the operations of permanent societies which, during this financial year, will make advances on mortgage of just over $100,000,000.

There is a specific provision restricting the registration of new permanent societies to those that will have available at least $200,000 of members' share capital for a 10-year period and is in addition to the already existing provisions of registration.

Leading operators of building societies throughout the world believe that liquidity is the word which describes the only real skill needed in the management of permanent societies. Our own societies recognise this and have voluntarily been submitting quarterly liquidity returns to the registrar for some time past.

The Bill contains a requirement whereby no society may make a loan unless the society holds liquid funds to the extent of 7.5 per cent. of its withdrawable capital and deposits.

I might mention that misleading advertising has concerned many in and out of the building society industry for some little time past and the Bill empowers the registrar to control advertising by way of giving written approval to advertisements for proposed societies and newly registered societies. The registrar shall also have authority to have misleading or incorrect advertisements by operating societies discontinued.

These procedures create new machinery in the Building Societies Act in regard to advertising and are in lieu of those now contained in the Companies Act and having application to the building societies.

Members will see that advertisements are defined as being any medium inviting business or making known all or any of the activities of a society or a proposed society.

I should mention that the amendments now before members were presented by the movement and the accounting profession and provide a complete revision of requirements regarding accounting and auditing. The accounts must give a true and fair view of the society's affairs in detail by use of prescribed forms. Attached to annual accounts and auditor's reports, which are to be forwarded to every member with an investment in excess of $100, must be a detailed directors' report. These provisions mean that investors will have an up-to-date account of the financial state of affairs of the society and can judge for themselves whether they wish to continue to invest in a particular society.

The directors' report will show the number and amount of advances made in a year, details of special advances, total receipts and withdrawals, and the number of borrowers who are more than 12 months in arrears.

Even in greater detail than the prescribed annual accounts, each society will have to forward a prescribed annual return to the registrar giving further protection against mismanagement. The Minister may give exemptions from these accounting and auditing provisions to terminating societies where considered appropriate.

Special advances in the Bill are defined as those to a corporate body. A society will not be permitted in any one year to advance more than 10 per cent. of its total advance on special loans and must show all such loans in its annual accounts and returns. This will prevent societies from indulging recklessly with other people's money.

The Bill introduces limitations to the total of an advance made where mortgage insurance has not been taken out and where the advances are not made with funds from the Commonwealth-State Housing Agreement and under the Housing Loan Guarantee Act. The maximum repayment period over which borrowers may repay advances has been extended from 30 to 45 years.

When the uniform Companies Act came into being, it provided for limitations upon directors attaining the age or being over the age of 72, as well as requiring directors with interests in any agreement with a company making full disclosure to the committee of management. Similar provisions are contained in this Bill for building societies as well as another extending the period of directors' meetings from once in every two months to three months.

Up to two executive officers will be permitted to be directors of a society and an executive officer may obtain a housing loan from the society upon the written approval of all directors.

Provisions easing those for amalgamations, transfer, or union of societies have been introduced and are based on those included in the English Act and the more recent new Building Societies Act of New South Wales.

In the present Act, the maximum holdings of shares to be held by any one corporation or incorporated company is 10 per cent. of the total shares and the aggregate of shares to be held by corporation or incorporated companies is 40 per cent. These ratios have been increased to 20 per cent. and 50 per cent. respectively, the object being to assist in maintaining

the impetus of societies. In addition, no one individual or his nominee is to hold more than 20 per cent. of the total shares.

A unique requirement has been introduced whereby societies, by use of a prescribed form, must notify borrowers particulars of items such as the interest rate to be charged, the commencing date of the interest charge, and of principal and interest repayments, the entrance fee, legal costs, and other fees and charges.

Penalties have been increased in the Bill from a maximum of $100 to $200, with specific penalties being introduced where a director does not make disclosure of his pecuniary interests in transactions with a society.

With the introduction of all these additional safeguards for investors, borrowers, and society managements, the building society movement will be able to continue and increase its most significant contribution to the total housing situation.

The Legislative Assembly amended the original Bill in two respects. The maximum repayment period proposed to be extended to 40 years was further extended to 45 years in the other House.

Section 8, which deals with the disclosure of an interest by directors, had a new subsection (8) added in the Legislative Assembly. The section requires that a director of a society, who is in any way interested in a contract or proposed contract with the society, shall declare the nature of his interest to the committee of management. The new subsection (8) which was added requires that the secretary of the society shall record every declaration under this section in the minutes of the meeting at which it was made.

Before concluding, I should mention that it is my intention, on behalf of the Minister for Housing who administers the principal Act, to move a small amendment in Committee to ensure that an executive officer of a building society will not be prejudiced in his application for an advance. The amendment has been submitted but it cannot go on to the notice paper until the second reading stage. I commend the Bill to the House.

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

KEWDALE LANDS DEVELOPMENT ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [5 p.m.]: I move—

> That the Bill be now read a second time.

The purpose of this legislation is to ensure that sufficient well-located, properly developed industrial land is available, when required, at reasonable prices.

A recent on-the-spot survey of the availability of industrial land in other States by an experienced officer of the Department of Industrial Development indicated that there is a greater choice of location in the Eastern States and that comparable land is generally cheaper and better serviced as, in most cases, sewerage is provided, and large sites of 50 to 200 acres are more readily available.

While the price of industrial land in the metropolitan region of Perth and Fremantle is high when compared with prices in some of the Eastern States, the main problem now being experienced here is in respect of the actual availability of land in the right location, with appropriate services, and the complete absence of large developed sites of more than 50 acres or even less, except at the one location of Kwinana.

Kwinana is not a suitable location for all types of industry, and as a site of 40 or 50 acres would be difficult to assemble in any other location, and sites of this size are not unusual in any moderately industrialised community, it follows that the development of industry in the metropolitan area will be seriously handicapped as industrial development is accelerated.

This, together with the prospect that suitable vacant industrial land from existing stocks will no longer be available in most industrial areas, with the possible exception of Kwinana, in about five years' time, indicates an urgent need for action to ensure that not only will industrial land be available in a choice of locations at a reasonable price as and when required, but also that it will be properly developed with necessary services.

It may confidently be expected that necessity will arise from time to time for the provision of sites of several hundred acres each, and in this regard it could be mentioned that an area of 10 square miles comprising 6,400 acres of land will provide only 10 500-acre sites after provision has been made for roads and other necessary services.

This illustrates the necessity to make use of available industrial land to the best advantage and to plan ahead in order to provide the additional areas required, and for development of these areas. It is most necessary that we plan well ahead so that we can obtain and control all the right types of areas and the right locations at a time when prices will be reasonable. It is found that when the Government of the day is in possession of this land at the right time, it seems that there is not the same resentment as when any Government desires to acquire land at a later stage when development has become more defined.

For instance, if there is a large area of land such as we have at Kwinana, it is taken for granted that this is available for the Government to handle in the way

it thinks best for the development of the right industries in the right places. If there is too much delay a situation is created similar to that which got out of hand at Kewdale, and it was for this reason that the Kewdale Lands Development Act of 1966 was introduced. That Act was brought down, firstly, to solve that problem, and secondly, as experimental legislation to ascertain how this type of redevelopment could be handled.

The Bill goes beyond industrial land in the metropolitan area. Although there is a greater need for conservation and choice of location in the metropolitan area where stocks of industrial land are declining and prices are high, there is an increasing necessity for provision and planning in regional centres, and this is provided for. It is becoming apparent very quickly that some of the major provincial centres will be running into industrial land problems in the near future. Places such as Bunbury, Albany, Esperance, Geraldton, and some of the inland towns as well, could face this problem.

We have encountered problems in some country areas which have caused the local authority considerable concern, because of the danger of losing industries which, very understandably, a local authority usually desires to attract to its location.

A different approach is required as far as land outside the metropolitan area is concerned. The jurisdiction of the Metropolitan Region Planning Authority is limited to the metropolitan area. There is no metropolitan region scheme to provide land classifications in the country although land is generally more readily available in country districts.

It will be recalled that the Kewdale Development Authority was brought into being with the consent of Parliament and it virtually incorporated in the authority's machinery the provisions that existed within the metropolitan region planning legislation.

Under the proposed new legislation Crown land in country areas which it is desirable to provide for industrial use can be transferred to the control of the development authority while other land can be purchased by negotiation and transferred to the development authority which can provide the funds for its purchase and develop it for sale for industry.

Provision is also made in the Bill for the compulsory acquisition of land in country areas which are outside the jurisdiction of the Metropolitan Region Planning Authority. Under existing provisions of the Metropolitan Region Town Planning Scheme Act, land can be acquired either by negotiation or by resumption for the purpose of advancing the planning development and use of land within the metropolitan region. This procedure was used to acquire the privately owned land in the original Kewdale development scheme, and was also used to acquire the privately owned land at Kwinana required for the nickel refinery.

As the metropolitan region is composed only of those metropolitan local authorities listed in the third schedule to the Town Planning and Development Act, as amended by Act No. 4 of 1961, the additional provision to enable land to be acquired in country areas is essential if industry is to be developed on a regional basis.

This will ensure that adequate land will be available for decentralised industry on reasonable terms so that logical development will be assured up to the limits of a district's potential.

Regional development and implementation of this legislation could be carried out in close consultation with local authorities. This has been the procedure to date with the limited experience we have had with the Kewdale Development Authority. We are already setting up a system of liaison with the main regional centres. For instance, the Townships Development Committee we have had for Pinjarra and Bunbury has direct local authority representation as well as Government representation. The same arrangements apply in the Port Hedland and Roebourne Shires.

Existing industrial land legislation is inadequate to provide current and future requirements, though it comprises three separate Acts of Parliament establishing three different committees under the jurisdiction of two Ministers. The three Acts concerned are—

(1) Industrial Development (Resumption of Land) Act, 1945-1960.

(2) Industrial Development (Kwinana Area) Act, 1952-1959.

(3) Kewdale Lands Development Act, 1966-1968.

These Acts, which were originally passed by Parliament in 1945, 1952, and 1966 respectively, have all been subsequently amended.

The 1945 Act could be regarded as a general purpose Act, while the other two are special purpose Acts dealing with specific areas—one with Kwinana and the other with Kewdale.

The 1945 Act establishes a committee of six, two of whom are *ex officio*, one member is nominated by the Chamber of Manufactures, one member is nominated by local governing authorities, one member is a medical officer of the Department of Public Health, and one member is an officer of the Department of Industrial Development.

The 1952 Act establishes a committee of four, two of whom are again *ex officio*, with one member nominated by the

Chamber of Manufactures and one member from the Town Planning Board, appointed by the Minister.

The 1966 Act, which is the Kewdale Lands Development Act, establishes an *ex officio* committee of three, with one member common to the other two committees.

These three committees all perform the same basic function of dealing with applications for purchase of Government-controlled industrial land.

Only one of these Acts, the Kewdale Lands Development Act, makes provision for development of the land which comes within its provisions. Development of the land subject to the other two Acts is carried out without any particular legislative authority by the Department of Industrial Development. In other words, it has been done on an *ad hoc* but quite restricted basis. I emphasise that the other Acts have provision for dealing in land but not for developing it, and this has brought about many problems.

To enable development under the Kewdale Act to be undertaken, and without which the land is of little use, as roads, water supply, and drainage are essential, the Department of Industrial Development has, of necessity, been obliged to obtain each year an allocation of funds from the Treasury. Because of the usual shortage of such funds, the amount available to the department always falls far short of requirements.

To overcome the difficulties being encountered with respect to the inadequacies and multiple and often confusing procedures under the two earlier Acts, and to provide the funds necessary for subdivision and development of all the land concerned, this Bill provides for the establishment of an industrial land development authority and the setting up of an industrial land development fund.

The Kewdale Development Authority established under the provisions of the Kewdale Lands Development Act has demonstrated that fully serviced sites in an efficiently organised industrial estate can be provided at a price which, although not cheap by standards in some other States, compares more than favourably with the price of other less developed industrial land.

It is therefore proposed in the Bill to extend the function of the Kewdale Development Authority to include all the land at present subject to the three Acts previously referred to, and such further land which will be acquired from time to time in the manner set out in the Act and the amendments now proposed.

All further land to be acquired in the metropolitan area will be dedicated to the provisions of the Industrial Development (Resumption of Land) Act prior to being transferred to the development authority, while any land to be acquired outside the metropolitan region as defined will be acquired direct by the development authority.

The Bill also provides for all the proceeds of sales of the land concerned to be paid into the industrial land development fund from which will be provided the cost of acquisition of subsequently acquired land and the cost of services such as roads, water supply, and drainage, which are necessary in the course of development.

Because of these proposals for self-financing, it is proposed in the Bill that a Treasury representative should be added to the development authority.

The proposals contained in the Bill are designed to provide the State's requirements of industrial land for many years to come.

The main objectives of this legislation are to ensure that there is orderly development, including the services necessary for such development; and also to ensure that there will be readily available sites of the proper size and type, and at reasonable cost. We further want to ensure that there is proper relationship of industries of each particular type to residential areas, having regard for aesthetic considerations, comfort of the community and its well-being, transport costs and fatigue of work force in getting to and from work, and market and transport considerations of the industry.

It has been possible on many occasions to have plenty of land within the total area of land that is available from the private sector or from the Government, but that particular land was not necessarily in the right place. Some industries need to be located within close range of others, whereas there are some industries of a light nature that want to follow a certain type of work force. If the land is readily available well ahead of time, and the services are established, it is possible not to direct, but to influence some of these desirable industries to go into these parts.

So some of the considerations are not only the aesthetics but also the comfort of the community, so that we can develop the urban areas and the residential areas without the community having to live in discomfort in respect of industry if this is properly planned. Of course, in many countries much more attention is paid to the economics and the fatigue factor of distance between the place of work and the home. In Australia it is time we had regard for this. It does not mean to say that the residences have to be established right alongside industries but they can be located so that the person going home from work is, in fact, going to a residential area and is not under the atmosphere or the influence of the work area.

I referred to market and transport considerations for the industry itself. We have the outstanding examples of carefully located industries with BP Refinery, K.N.C. (Kwinana Nitrogen Company), C.S.B.P., Western Mining nickel refinery, and C.I.G., all of which either send to or receive from those industries different chemicals and other raw materials.

We are entering a phase when from now on the emphasis will be on more industries in both the metropolitan area and the country. In 1959-60, we found it very difficult to attract industries here because we had such a small population and a population which then had the lowest take-home pay in Australia. This year we will hit our first 1,000,000 and we have a population with a higher income and spending capacity than we had 10 years ago. This is making it easier for us to start to attract industries which either found the going tough after we attracted them in 1959-60, or did not come at all.

We anticipate provision will be required for over 2,000 new factories in the metropolitan area between now and 1980. Some will be very small and will require only a quarter of an acre, while some will be big and will want 200 acres or more. It is our aim to try to anticipate this situation so we do not get caught wanting when we get an opportunity—we may not get two chances.

With the regional concept starting to take effect in the south-west at Pinjarra and at Manjimup, and all based on Bunbury, the industrial land situation in those regional centres will become more acute than before.

I think I should touch on one other point and that is the question of valuation. If we are acquiring land that could be rural at the time the authority moves out to prepare for a development in a particular area, this presents some problems to the valuers in arriving at a price which is reasonable and gives the original *bona fide* owner—and I emphasise *bona fide* owner, and not an option holder in between—some recognition. It would certainly not be complete recognition but it would be some recognition of the potential of the land as distinct from the value for growing pumpkins or wheat, or for the raising of sheep, as the case may be.

Valuers are able to deal with this in a fairly intelligent and practical way, but I emphasise the fact that the whole policy is not to go around using resumption powers, except as a last resort. The idea is to do all that is possible to negotiate a purchase. If it is a negotiated purchase, this problem of the academic valuation of land called rural, urban, or industrial, does not arise, and it is possible then to work out a deal mutually satisfactory and pay the *bona fide* owner a price which reflects something of the potential of his land because he happens to be on the fringe of land currently urban or industrial, but which with the effluxion of time would be obviously rezoned in due course.

During the course of the debate on this measure in another place, the Minister for Industrial Development indicated that the land which was acquired by the authority would continue to have the dedication which exists under the Industrial Development (Resumption of Land) Act. In other words, once the land was acquired under that Act it would have endorsed on the dedication the fact that it could not be sold, leased, or mortgaged without the prior approval of the Minister. There is a very good reason for this, because if land is acquired from people at a price lower than its commercial value later on, the people concerned would not like to feel that the land was traded in by the new owner. This aspect would be even more severe if it were a case of straightout resumption.

Therefore, it was intended that the dedication from the Industrial Development (Resumption of Land) Act would remain on the title so that the land could not be sold, leased, or mortgaged without prior ministerial approval. However, when the Minister had this point checked, following a query raised by a member in another place, the legal advice received was that his intentions would not be achieved.

Having given the House an assurance that the dedication would remain, the Minister felt obliged to have an amendment drafted to remove any doubt and to ensure that the desired restriction would prevail. This was done and the amendment which was introduced appears now in the Bill as an addition to clause 12 and comprises new subsections (4) and (5) of section 8 of the principal Act.

The new subsections as drafted are slightly different from the original form of dedication but it is believed that this small difference is, in fact, an advantage and will allow a degree of common sense to prevail when the property has been developed according to the intentions of the authority; that is, when the person concerned has met in good faith all the conditions that were imposed.

It is of interest, I think, to point out to members that the representatives of the authority, as well as the legal people, considered that the amendment was, if anything, going too far for what would, in fact, be required in practice. With some justification they take the view that the authority would impose conditions when it sold the land and it would be entitled to say to the new owner with full force and effect that the land had to be developed and used in a certain way. Nevertheless, it is believed that Parliament would prefer to have the endorsement in

the form of the actual dedication as amended upon recommittal in another place.

I would mention in passing that the proposed penalty of $1,000 is the penalty for virtually going across the dedication, and it certainly does not mean that a person could avoid the dedication by paying a penalty of $1,000. Therefore, this comprises the monetary penalty only; and, in addition, the person concerned would not be able to give effect to the transaction he had entered into and which breached the dedication.

The provision in new subsection (5) is considered to be a practical one by the representatives of the authority as it would be pointless, once the person concerned has developed or used the land for the purpose for which it was obtained, to continue in perpetuity the obligations imposed under the new subsection (4).

I believe I have covered the main points and I commend the Bill to the House.

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

EDUCATION ACT AMENDMENT BILL, 1970

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.21 p.m.]: I move—

That the Bill be now read a second time.

It is required under the Education Act that a person be either a natural born or naturalised British subject if he is to be appointed to the permanent teaching staff of the Education Department. This provision is contained in section 7A of the Act. It has been of no great concern to the department until recently when, with an increasing movement of teachers between countries, it has posed a considerable handicap to the department in its efforts to attract well qualified, non-British teachers into the service. At the present time, a person who is not a natural born or naturalised subject of Her Majesty may be appointed only temporarily to the teaching staff of the department.

Though every effort is being made by the department to use local resources, it is a fact that recruitment of trained teachers from overseas is also a valuable means of increasing the State's teaching force.

As regards local teachers, it is pointed out that in recent years, a new secondary teacher's college was erected and this, together with the commencement of the new primary teacher's college at Mt. Lawley, has increased significantly the department's capacity to train both primary and secondary teachers. Furthermore, new colleges are also planned to open in 1973 and 1975. It is emphasised also that facilities and equipment in existing colleges are being continually expanded and upgraded.

Nevertheless, partly because of the rapid economic progress in Western Australia, and partly because of strong competition being offered by other professions to suitably qualified young people, our own resources of available teachers are so limited that the department is experiencing difficulty in reaching its recruitment targets.

This may be surprising in view of the fact that at the present time approximately 45 per cent. of all students studying in tertiary institutions here are following some course in preparation for teaching.

It has been estimated that approximately 34 per cent. of all students passing their Leaving Certificate are recruited into teaching and, considering the needs of other professions, it is to be doubted whether this percentage could, in actual fact, be increased to any considerable extent. Therefore, members will appreciate readily why recruitment of teachers from overseas is of such importance to the administration of the department.

Following the visit of the Director-General of Education to the United Kingdom last year, 21 teachers were recruited in the six months' period from the 1st July to the 31st December, 1969. In the two months between the 1st January and the 28th February, 1970, a further 19 teachers joined the department as a result of the department's intensive overseas recruitment campaign.

These are all British born and, from a monetary point of view, the recruitment of these 40 teachers represents the substantial saving of over $200,000 to the State in the cost of teacher education.

We may add to these appointments a list of 41 applications which have been received from teachers in the United Kingdom during the period the 1st January, 1970, to the 11th March, 1970, thus further confirming the success of the recent recruitment efforts.

As I mentioned, all these teachers are British subjects and, consequently, there has been no difficulty in offering permanency together with the prospect of promotion. However, in addition to the numbers to which I have referred, numerous inquiries have been received from teachers in other countries. In the period July, 1969, to December, 1969, 79 inquiries were received from teachers in the U.S.A. and a further 68 in the period from the 1st January, 1970, to the 11th March, 1970. Many of those who have inquired hold university degrees, but most were deterred from coming to Western Australia because

the department, under the present restriction contained in section 7A of the Act, could not offer a permanent appointment.

There is another group of United States citizens and other non-British subjects who have presented themselves to the department seeking appointment. These people have been offered temporary appointments, but it is unlikely that it will be possible to hold them for any length of time, since, under the present arrangement, they are denied promotional opportunities available to local teachers and to natural born or naturalised British subjects.

In view of the valuable addition these American teachers and the many who would be available from African countries, for instance, would make to the teaching staff of the department, it is proposed that the part of the section which requires a permanent teacher to be a natural born or a naturalised British subject, be repealed. In that event, permanency could be offered to suitable non-British applicants, and this would result, no doubt, in a further increase in the response to our overseas recruitment programme.

The other amendment in the Bill proposes the repeal of paragraph (e) of subsection (3) of section 37AE. This paragraph enables a teacher to appeal to the Teachers Tribunal against a superintendent's numerical assessment of his efficiency. In other States as well as in Western Australia it has been a long-standing practice to have means of assessing a teacher's efficiency. In some States, including Western Australia, this has taken the form of a numerical assessment, whereas in others, teachers have been placed in various categories. It has long been considered that the system of numerical assessment had become inadequate and not in the best interests either of the teacher or of the department, and steps have been taken to abolish it.

However, the Education Act still provides the Teachers Tribunal with the jurisdiction to hear and determine appeals against the assessment. This provision now becomes redundant and is proposed to be repealed by this Bill.

It should be added that it will still be necessary in certain cases, such as confirmation of certification and for appointment to promotional positions, for the issue of a statement of satisfactory service. This is a form of assessment.

There also remains a provision for a superintendent to submit a report on a teacher if he considers that the required standard of work or degree of professional development is not being achieved by the individual. In extreme cases, the department may even find it necessary to dismiss a teacher. However, a decision in this regard would still be open to appeal under the provisions of the Act.

It is emphasised that the repeal of the subsection referred to will not in any way detract from the teachers' existing rights and I commend the Bill to members.

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

WORKERS' COMPENSATION ACT AMENDMENT BILL

Receipt and First Reading

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

PUBLIC EDUCATION ENDOWMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th April.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.28 p.m.]: The purpose of this amendment to the Public Education Endowment Act is to enable funds resulting from the sale of lands held by the trustees of the fund to be used for the construction of boarding facilities, particularly at the new Mt. Lawley primary teachers' college.

The Teachers Union has drawn attention to the fact that there has been a falling educational level in recruitments to the teaching service and this is largely the result of a lack of inducement within the teaching profession itself and, also, because of the far greater inducements that are held out by private industry.

If the provision of boarding facilities at the teachers' colleges results in the profession being made more attractive we would certainly commend the Bill. There is no doubt that one of the consequences of the critical housing situation that has applied over the last few years has been associated with a situation of high rents which must affect the students who attend teachers' colleges and who need boarding facilities, even though provision is made for boarding allowances. Very often, however, the situation is that with the increasing rents being asked the students are left with diminishing amounts to provide for the everyday necessities of life.

Since the principal Act was considered to be inadequate it might be as well to have a look at some of its provisions. The principal Act to which I refer is the Public Education Endowment Act, 1909. Briefly, section 3 of this Act covers the powers of the trustees to hold, take, purchase, sell, lease, and in any manner deal with real and personal property for the purposes of the Act.

This provision seems to be fairly wide in its scope, but along with section 6 these provisions are qualified later in the Act. Section 4 of the Act—to which an

amendment is proposed—deals with the power of the Governor to grant or lease land to the trustees. Section 5 states, in effect, that all property vested in the trust is to be held for the purposes of public education; and section 6 deals with the powers of the trustees to apply trust funds to improve any land or property as the trustees think fit. I think I should read section 6 of the Act which states—

> The trustees shall have the entire control and management of all real and personal property at any time vested in or acquired by them; and may set out roads, streets, and open spaces, and erect and maintain buildings upon and otherwise improve any land or other property as in their absolute discretion they may think fit, and may apply any trust funds in their hands to any such purposes.

This, too, seems to be a fairly wide provision and one would imagine that it would allow the trust to carry out what is proposed in the amendment.

Section 7 of the principal Act gives the trustees power to lease, mortgage, or exchange land which has been vested in the trust by way of gifts, and it allows the trustees to dispose of this in such way as they think fit.

The trustees shall, under section 9, invest the income from rents, issues, or profits, or the proceeds from the sale of land in approved security or in the purchase of land. There are two provisos to this: firstly, that the annual income from these moneys may be applied, under the provisions of the existing Act, to public education; and secondly, that the proceeds of the sale of any property or moneys from the leases or mortgages may be used to improve the property vested in the trustees.

Here again, this section deals only with the income from the amounts which are held in trust. It does not deal with the principal sum itself. Although the existing Act seems to contain rather wide powers under section 3 it enables the trustees to deal with property in any manner. Section 6 gives the trust the entire control and management together with absolute discretion in the application of the funds. The qualifications contained in section 9 may indeed cause some of us to doubt whether its provisions could be applied towards the construction of teachers' colleges. Proposed new section 9A in clause 3 of the Bill states, in effect, that notwithstanding the other provisions of this Act or the provisions of any other Act the trustees may sell any land vested in them for the purposes of public education; and, secondly, where they hold money derived from the proceeds of sale or otherwise that money may be applied for the improvement of land vested in the Minister for Education.

Section 4 of the principal Act deals with the property vested in the Governor and section 8 refers to property vested in the trustees by way of deed of gift. In any case there is power in the Act for the trustees to act as they think fit.

Clause 2 of the Bill seeks to add a new section 1A to the principal Act. There is no definition of "purposes of public education" in the principal Act and the amendment provides a part definition of what is meant. It reads—

> "purposes of public education" includes the provision of residential or other accommodation for teachers or trainee teachers in any Government School, as defined in section three of the Education Act, 1928.

In his speech the Minister referred to the need to provide accommodation for students at the Western Australian Institute of Technology, the University, and also at the teachers' colleges. The definition of "Government school" in the Education Act means "any primary, secondary, teachers' college, technical college, or technical school established, or deemed to have been established by the Governor under this Act, or any Act hereby repealed."

I would suggest, however, that it does not include institutions such as the Institute of Technology, so that if at some time in the future it is envisaged that funds held by the trust or acquired by the trust may be used to provide boarding facilities either at the Institute of Technology or at some other similar institution which may be established in future, this aspect will not be covered by the definition to which I have referred.

It is possible that since the Education Department is particularly interested in providing boarding facilities for students at teachers' colleges it has no wish to cater for other institutions. Since we are amending the Act, however, perhaps some thought could be given to widening the definition to include also the other bodies I have mentioned.

There seems to be doubt whether money could be used for the purposes contemplated under the principal Act and the amending Bill will make this quite clear. The question remains, however, whether it is proposed to include land held under section 8 of the principal Act, and the definition may perhaps allow the funds at any future time to be used for bodies such as the Institute of Technology.

I would conclude by saying that this situation has arisen because of the Government's lack of action, and the fact that the Government has acquired a considerable sum of money from the sale of land should cause it to rejoice in that it has at last been able to benefit from the

high prices that are being asked for land.

The Hon. A. F. Griffith: What brand of politics do you call that?

The Hon. R. F. CLAUGHTON: I commend the Bill to the House and give it my support.

THE HON. J. DOLAN (South-East Metropolitan) [5.44 p.m.]: I will not delay the House long. I wish to make a few favourable comments about the proposal to establish a hostel for women at the new Mt. Lawley teachers' college. I was one of those privileged people who was fortunate enough to be resident at the Teachers' College at Claremont. The advantages to be gained from being a resident of a college of that nature are certainly tremendous. We must not lose sight of the fact that the number of students today is considerable by comparison with numbers in the 1920s.

I think that in 1970 there are no fewer than 776 female students at the various teachers' colleges. There are now four of these teachers' colleges. There is one near the University for secondary teachers; there is the Claremont Teachers' College, another at Graylands, and now there is to be one at Mt. Lawley.

There are many advantages that can be derived from a residential hostel. In the first place parents residing in the country normally have some misgivings about their youthful daughters coming to the city; they are very often faced with the problem of trying to secure accommodation for them.

Possibly those attending college in my day were a little more mature than those attending college today. I say that because in my era, after obtaining our Leaving, we took a position in the department as monitors for one or two years, after which we spent perhaps a year as a country school teacher before we entered college. Therefore, in comparison with present-day college students, we were more mature.

However, the advantages of being under the supervision of those responsible for the hostel are many. For example, such residence would ensure that the students had regular opportunities to study. Also, not only would they have the benefit of the close co-operation of all the other students, but also the social advantages which are numerous. I found that the students in residence at the Claremont Teachers' College in my day tended to develop a more professional outlook on the work they did together. They also established friendships and, perhaps, a spirit of rivalry by which the Education Department benefited.

Students from the college went to different parts of the State after completion of their training course and there remained a spirit of rivalry between them in a desire that they do well as teachers, do their best for the children and the State, and eventually reach the top position in the education world. I would say that is exactly what happened. Nearly all those in college with me reached a high position in the teaching service and the work they did was outstanding.

I would like to see this present scheme developed. I understand this year 237 trainee teachers are from country areas, and that is a big number to be accommodated. Obviously only a percentage of them will be accomodated. Although I know that provision is made to obtain suitable accommodation for these trainees, it is not always possible to obtain it. Therefore I hope that the amount made available from this trust fund will be so great as to enable the plan to be extended eventually. I believe that education will benefit considerably if every student coming from the country is accommodated under good conditions and in good circumstances—circumstances under whith he or she will be given every facility, guidance, and inspiration possible.

Although I have referred to only one aspect of the Bill, I can do nothing but commend it to the House.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.48 p.m.): I thank Mr. Claughton and Mr. Dolan for their comments on the Bill. I think only two points were raised by Mr. Claughton. One was in regard to whether we should not at this stage include other institutions such as the Institute of Technology. I can assure the honourable member that the limited funds available will never in his lifetime or mine be sufficient to satisfy the requirements of the teachers' training colleges themselves, let alone any other institutions. I believe that under the Bill section 4 is brought into the situation. Section 4 of the Act reads—

> By way of permanent endowment, the Governor may grant or demise to the trustees such lands of the Crown as he may think fit.

The amendment in the Bill reads that the trustees, with the approval of the Governor—

> (a) may sell any land vested in them for the purposes of public education pursuant to section four of this Act . . .

I therefore believe that the situation is already covered; and, with those comments, I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL, 1970

Second Reading

Debate resumed from the 7th April.

THE HON. R. THOMPSON (South Metropolitan) [5.52 p.m.]: This Bill contains a very small amendment to a rather controversial section of the Act; namely, section 37A. I do not think that any section of any other Act has aroused so much criticism and created so much heartache over the years as has section 37A of this Act since it was introduced in 1965.

Possibly in this amendment there will be some ray of sunshine for someone at some time. The Minister commenced his speech by stating that he intended to be brief, and he was brief in the extreme when giving his reasons for the introduction of the amendment.

The intention is that those people who come under the Kelmscott scheme No. 4 and do not wish to have their land resumed will enter into the scheme voluntarily and will be able to retain ownership in the land although authority is provided for the improvement scheme as its affects their properties to be carried out. I trust that is what the Bill means and I certainly hope that in future this same provision will be applied to other schemes. I would hate to support this amendment if, in the ultimate, we would be placed in the same position we were in two sessions ago when, under this nefarious provision, an improvement scheme was instituted by the Metropolitan Region Planning Authority and land belonging to people in Kwinana was lumped together. Much of the land in question was developed, but no true market price was paid for it—not even a replacement value. The purpose of the acquisiton of this land was to give it to a wealthy company at cost.

I trust that under any future scheme, this same option, as will apply under this Bill, will be given to the people concerned and section 37A will not be used to assist wealthy companies at the expense of the landholders who, to say the least, were patronised. Many of those concerned were dispossessed of their homes and properties and this could possibly happen in the future.

I think from memory that is was about June of last year that information appeared in the Press to indicate that Kelmscott improvement plan No. 4 would be put into operation. I know at that time I received many phone calls from agitated owners of land in the area. However, as those concerned were situated outside my province I suggested they contact their own members of Parliament.

Possibly the Minister could tell us a little about this scheme. I would like to know, as possibly would other members in the Chamber, just how many properties if any have been resumed, how many have been acquired, and how many people will enter into the scheme under the provisions of this amending legislation.

I support the amendment for what it is worth. I trust that a sense of justice will be displayed in future when action is being taken under this section because no-one, not even the Minister, could say that the section has been administered in line with the speech he made when he introduced the legislation on the 24th November, 1965. The Minister then said that uneconomic, sprawling, overcrowded areas would be redeveloped with loving care and affection—or words to that effect.

The next plan to be put into operation was the one at Kewdale and it is refreshing to note from the speech made this evening that under the Kewdale Lands Development Act Amendment Bill the strict provisions of the Public Works Act will not be applied. The implication was that land will not be resumed or acquired at the rural price prevailing at the particular time, but consideration will be given to a more real price. This would be the first time ever that this has been done during the lifetime of this Government.

The Hon. L. A. Logan: That is not right, of course.

The Hon. R. THOMPSON: It would be the first time during the lifetime of this Government.

The Hon. L. A. Logan: The Government does not put a valuation on it.

The Hon. R. THOMPSON: The Minister has the final say as to whether the price will be paid. The Minister should not try to put that one over me! Under this section, the Minister has the final say because the Minister for Town Planning is the resuming Minister.

The Hon. L. A. Logan: The Minister does not have the last say on the price. That is a matter for arbitration.

The Hon. R. THOMPSON: The Minister has the final say before the matter goes to arbitration. He does not know his Act if he does not know that.

It is refreshing to know that at last cognisance is being taken of the fact that people should be recompensed if they are dispossessed of their homes and land. Only time will tell whether or not what we have been told is sincere.

I just referred to the Kewdale Lands Development Act Amendment Bill. The next scheme put into operation was the one previously mentioned; that is, the scheme under which the Kwinana nickel refinery was established. Contrary to the Minister's speech and assurances given to the House in 1965, many people were dispossessed of their land on that occasion.

As I have said, I give my support to this amendment which is a very small one and reads—

> (4a) For the purpose referred to in subsection (4) of this section the Authority may, with the approval of the Governor and by agreement with the owner of any land which—
>
> (a) is included in an Improvement Plan; and
>
> (b) has not been acquired by the Authority pursuant to this section,
>
> construct, repair, rehabilitate or otherwise improve any buildings, works, improvements or facilities that are on the land.

I would seriously suggest to the Minister that the next time he has a look at this Act with the idea of introducing amendments to it, he consider reinserting some of the words he deleted in 1966. The reason I say this is that the words, "and with the zoning classifications in the Scheme that relate to the land" were deleted from three places in the Act in 1966. This is what I find obnoxious. When a redevelopment plan is put into operation rural land may be involved. However, once a redevelopment plan has been brought in to cover an area of land it may be zoned completely differently. The Minister is in a happy position, because he can, "return, sell, lease, exchange or otherwise dispose of any buildings, works, improvements, or facilities and the land appurtenant thereto."

Members will see that this section of the Act is absolutely loaded against the landowner. Probably I am fortunate, because I do not own any land, so to speak, and, therefore, I could not come within the provisions of this section.

Nevertheless, I give my support to the amendment and I trust that justice will be done.

THE HON. L. A. LOGAN (Upper West —Minister for Town Planning) [6.2 p.m.]: I do not intend to speak at length, because this is a very simple amendment. So far as the 56 owners in the Kelmscott improvement plan are concerned, we wanted to borrow money from the Treasury to do the work but found we could not comply with the requirements of the Auditor-General who would not have passed the loan had we used Treasury money, because no Act made provision for this.

I have said before in this House that my own thoughts all the way through have been that there is no reason to take land provided the people concerned fit into the scheme and stay within it. In this case, 56 owners have remained within the scheme. The Government has not taken any land at all. A few transfers have been effected but these were done on a private basis. The Government has not been involved in any transaction.

However, we found that when we tried to expend money we had no authority to do so and the only way to overcome the difficulty was to amend the Act. I will not go into all the other ramifications as they might come up at a later stage. I will leave my explanation at that point.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Sitting suspended from 6.4 to 7.30 p.m.

INTERPRETATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th April.

THE HON. F. J. S. WISE (North) [7.31 p.m.]: The main principle in this Bill is to ensure that the general validity and operations of every Act shall be undoubted, even though some part of such Act is beyond the legislative powers of the State. The Bill really has more than an implied connection with the Stamp Act Amendment Bill of 1966.

In the course of his speech the Minister referred to the amendment to the Stamp Act introduced in 1968. However, members will recall that the major Bill, introduced into this Chamber in 1966 as an amendment to the Stamp Act, was the turning point for the finances of the State—and, indeed, the whole financial structure.

Not many years ago the imposition of stamp duty was confined to a small field in regard to the stamping of documents and the imposition of a tax to validate contracts, and the like. Indeed, this brought into the Treasury several hundred thousand dollars at the time of the introduction of the early amendment, and a million or two dollars in 1966. From then on the Stamp Act has been able to provide direct revenue amounting to scores of millions.

While it is quite unnecessary for me to harp on the criticisms I made in this Chamber from another seat—and I was joined by the honourable member who then occupied this seat—I mention that I did attempt in 1966 to show there was some doubt even at that time as to the acceptance in a broad sense of all the provisions of that law. I quote three or four lines of my speech at that time from page 2578 of the 1966 *Hansard*—

> In many of its particulars this tax must be regarded as a sales tax, as a

turnover tax, and as one that will invade spheres which are approaching the borderline, and are possibly very questionable.

Some members present will recall those remarks. Of course, I did not pursue the matter for the reason that, although I trenchantly criticised the legislation, I knew that it had to go through. But it was obvious at the time that we were on the borderline should certain aspects of validity ever be challenged. This has been a vexed question between Commonwealth and State for a long time and to a large degree is wrapped up in the very murky, cloudy borderline that does exist in the interpretation of the Constitution as to Commonwealth rights and State rights in several taxing fields.

The amending Bill of 1968 introduced several amendments to the Stamp Act to correct anomalies that had arisen as a result of the implementation of the 1966 amendment. The 1968 Bill provided particularly for a severability section—a section to separate certain provisions in the Stamp Act; to divide it and to disjoin it, particularly where there was danger in regard to its validity on certain aspects. It must be remembered that at that time—1968—the High Court of Australia was considering aspects of the Stamp Acts of all States. The matter was keenly examined in this House in 1968. I think only two members spoke to the debate—Mr. Medcalf and myself. We endeavoured to examine the effect of the severability section.

I would like to raise one point—and I am prompted to ask this question because of a short comment in the Minister's speech—and I hope the Minister when replying will comment further on the effect of the 1968 amendment which was launched at the time the matter was before the High Court. I ask the Minister whether the 1968 amendment helped, when the case was considered, to return to this State valid parts of the Stamp Act?

The point now is that any provision construed, in so far as the legislative powers of the State are concerned, as being in excess of the power of the Legislature shall nevertheless be a valid enactment to the extent that it is not in excess of that power. Those words, or words comparable to them, were included in the 1968 amendment; and I think it is pertinent to observe that the new section 2A of the Stamp Act came into operation on the same day as that Act came into operation.

There is no provision in this Bill for an action of that kind, and I suppose it must be realised that since this is now designed to affect all Statutes, it will apply to any examination—particularly in litigation—of Statutes that may be age-old and which are used by the State in the exacting of taxes.

I think it would be wrong of me, perhaps, to inquire or probe too deeply into that point. I think it would be wrong to ask the Minister, for example, what has prompted the broadening of the severability section by its inclusion in the Interpretation Act.

The Hon. A. F. Griffith: I think I told you in my second reading speech that we do not know these days what challenges are going to go to the High Court.

The Hon. F. J. S. WISE: I noted that comment, of course, but surely there is the prospect and the possibility of the Government or its advisers putting a finger on something even now and desiring to have provision made in the Interpretation Act so it shall provide that where a Statute is partly invalid, the valid parts shall be good law and the invalid parts shall not affect the validity of the whole law!

The Hon. A. F. Griffith: If we had any suggestion about any matter that may come under suspicion, I think I should say nothing about it for fear that I might encourage somebody to take it further.

The Hon. F. J. S. WISE: I agree; and therefore I repeat that I would not be one to press that point. However, it is obviously one that comes to mind when it is found necessary to amend the special rules of construction in the Interpretation Act and to insert a new section 22A.

I feel quite sure there would be some Statutes in which it would be possible to find some dubious or doubtful provisions in this connection; because the introduction of a severability section or provision is not new, although it usually applies only to the specified law being dealt with. We are now making that safeguard apply to all Acts. It shall be the law that whatever is valid shall remain; irrespective of how much of an Act may be ruled to be invalid, the balance will remain valid.

I have no objection at all to the Bill. I think it is necessary in these days to clarify, as far as any State Parliament can clarify, just where the State stands in its relations with the Commonwealth—particularly in the field of taxation, and maybe also in regard to the depths of water around our coastline. I repeat there is an urgent need—and I have dealt with this on many occasions in this and in another Chamber—for a very serious probe by able and efficient people into the realms of taxation which have been unnecessarily invaded by the Commonwealth and are not left to the States.

The Constitution is not clear in certain parts, but I think it ill-becomes any Federal Government to question the rights of States if they are trying to get some

of the crumbs from the rich man's table. My final comment may be close to being my swan song, but I hope that before I do sing that song I might again raise the question of Commonwealth-State relations.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [7.45 p.m.]: I am not so concerned about the depth of water around the coastline of Australia as I am about its extent; but I know that you, Sir, will not let me develop that aspect of this particular subject much further, although it would not take much to tempt me to say some of the things I feel in relation to it.

I am grateful to Mr. Wise for his comments on the Bill. Perhaps I, too, could return to the Bill I introduced in 1968, upon which Mr. Wise has commented.

The Hon. F. J. S. Wise: And commented upon by you in your introductory speech.

The Hon. A. F. GRIFFITH: Yes, that is so; but I will explain the matter a little further to refresh the memory of members in regard to what was said on the severability clause which was inserted in the Stamp Act in 1968. At that time it was said that a severability clause is inserted in legislation to cover a case where a court, construing the legislation, finds that some of its provisions are beyond the legislative powers of the Parliament which enacted it. In such a case, if a severability clause is written into the legislation, the court can, instead of declaring the whole of the Act invalid, declare it invalid in relation to particular persons or things, but in relation to other persons and things the legislation is still capable of operation.

In other words, the court can sever the bad from the good. At that time it was also mentioned that the Stamp Act, 1922, as Mr. Wise has said, was the subject of a challenge in the High Court of Australia. This Bill contains a general declaration by the Parliament of Western Australia that all our Statutes are to be construed as Acts that will continue in operation as far as it is possible, with legislative competence, for that to take place. That is what it amounts to.

The Hon. F. J. S. Wise: I think it is a very good idea, too.

The Hon. A. F. GRIFFITH: A piece of legislation can be so complex that litigation before a court and the judgment of that court can destroy it to a point where it is incapable of standing on its own two feet, or even continuing to wobble. In other words, where it is incapable of having any standing whatsoever. In that instance, of course, such a piece of legislation can be of little value and it may mean that we would have to start all over again. However, where this does not apply fully—as was the case with the Stamp Act—it is desirable to have a declaration that this Parliament intended the Statute to continue in operation to the extent of its legislative competence in order to make it a law of the State.

Therefore the Bill would cover all legislation which may in the future be subject to challenge by anybody in a court.

The Hon. F. J. S. Wise: Is the Minister in a position to reply to my question in regard to the effect of the 1968 law on the High Court judgment?

The Hon. A. F. GRIFFITH: Yes, I was about to make an attempt to do that. I cannot tell the honourable member the extent to which the severability clause in the 1968 Bill saved the Statute, but it is true that whatever legislative competence the Western Australian Parliament was left with after the High Court gave its judgment, it was saved by the severability clause in that Bill. So the passing of this piece of legislation will have the same desirable effect in the event of any challenge in the future.

The Hon. F. J. S. Wise: The intention of Parliament will be clear, anyhow.

The Hon. A. F. GRIFFITH: Of course, the intention of Parliament was quite clear in the 1966 Bill and, as the honourable member said, he criticised the intention of the Government at that time. That, of course, is his privilege, but the intention of the Government in presenting portion of that Bill, anyway, was thwarted by the successful challenge made in the High Court. I cannot foreshadow any similar challenge that may be made, but I think we are duty bound, in the interests of our own State, to protect the situation as far as we are able, and we shall do it by the passage of legislation of this type.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th April.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [7.53 p.m.]: This Bill contains only a simple amendment to section 10A of the parent Act. Therefore, as a whole, it is of limited consequence, but it is most important to a particular section of the community; that is, the coalmine workers who are in receipt of pensions.

Last year the Act was amended to increase the rights of coalmine workers who had retired from the industry by allowing them to enjoy further benefits. This Bill goes even further. I am advised it has the approval of the combined unions associated with the industry. The purpose of the Bill

is to allow a retired coalminer or his dependants, after he has been compulsorily retired from the industry at 60 years, and cannot receive a social services pension until he reaches 65, to earn a little more. In other words, a coalminer compulsorily retired from the industry at 60 years will be allowed to earn, in another form of employment available to him, such remuneration as would not affect his pension rights until he reaches 65.

The Hon. R. F. Hutchison: Why don't they allow the coalminer to stay in the same job, then?

The Hon. W. F. WILLESEE: It has been said that in this industry a man has worked sufficiently long when he has reached the age of 60 years. This is because of the great health hazard in the industry, and not everybody reaches the age of 60. Therefore, the thought should not develop that because a miner retires at 60 years he can earn a lucrative income in another industry, because that is not so.

When explaining the object of the Bill to the House the Minister, in effect, said that an application must be made by a coalminer for a pension. This statement rather intrigued me, but on making inquiries I found it is quite correct. It means that a miner attaining the age of 60 cannot continue in his employment even if he should desire to do so. He does not become eligible for social services benefits until he reaches 65. The increased income he will be allowed to earn under the proposal contained in this Bill—if his health will allow him—will actually amount to a mere pittance until he reaches the age of 65, when he can apply for a pension under the social services legislation.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 7.59 p.m.

Legislative Assembly

Wednesday, the 8th April, 1970

The SPEAKER (Mr. Guthrie) took the Chair at 4.30 p.m., and read prayers.

LOWERING OF DRINKING AGE

Referendum: Petition

MR. H. D. EVANS (Warren) [4.32 p.m.]: I have a petition addressed as follows:—

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia, in Parliament assembled.
>
> We, the undersigned, residents and electors of the Warren district in Western Australia do hereby pray that Her Majesty's Government of Western Australia will consider the holding of a Referendum on the subject of the proposed alteration of the law governing the legal drinking age.
>
> Your Petitioners therefore humbly pray that your Honourable House will give immediate consideration to the holding of a Referendum to the people of Western Australia, and your petitioners, as in duty bound, will ever pray.
>
> This is to certify that the above petition conforms to the rules of the House.

The petition has been signed by me, and it carries 209 signatures.

The SPEAKER: I direct that the petition be brought to the Table of the House.

LOWERING OF DRINKING AGE

Referendum: Petition

MR. H. D. EVANS (Warren) [4.33 p.m.] I have a second petition addressed as follows:—

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia, in Parliament assembled.
>
> We, the undersigned, residents and electors of the Denmark Shire area of Western Australia, do hereby pray that Her Majesty's Government of Western Australia will consider the holding of a Referendum on the subject of the proposed alteration of the law governing the legal drinking age.
>
> Your Petitioners therefore humbly pray that your Honourable House will give immediate consideration to the holding of a Referendum to the people of Western Australia, and your Petitioners, as in duty bound, will ever pray.
>
> This is to certify that the above petition conforms to the rules of the House.

The petition has been signed by me, and it carries 50 signatures.

The SPEAKER: I direct that the petition be brought to the Table of the House.

LOWERING OF DRINKINK AGE AND EXTENSION OF TRADING HOURS

Referendum: Petition

MR. YOUNG (Roe) [4.34 p.m.]: I have a petition addressed as follows:—

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia, in Parliament assembled.