How fortunate you are to live in Cloverdale.

The route is economic and is really well planned;

Minister you must be kidding, get your head out of the sand.

[*Applause from the Gallery.*]

The SPEAKER: Order! If there is any more of that noise we will have to clear the gallery. It is not only your right to be in the gallery but your privilege. You must understand that this is the Parliament of Western Australia. I hope you realise that whenever you enter these Chambers.

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

Ayes—22

Mr. Blaikie	Mr. O'Connor
Sir David Brand	Mr. O'Neil
Mr. Court	Mr. Reid
Mr. Coyne	Mr. Ridge
Dr. Dadour	Mr. Runciman
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Stephens
Mr. Lewis	Mr. Thompson
Mr. W. A. Manning	Mr. Williams
Mr. McPharlin	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning *(Teller)*

Noes—22

Mr. Bateman	Mr. Graham
Mr. Bertram	Mr. Hartrey
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Jones
Mr. Brown	Mr. Lapham
Mr. Burke	Mr. McIver
Mr. Cook	Mr. Norton
Mr. Davies	Mr. Sewell
Mr. H. D. Evans	Mr. A. R. Tonkin
Mr. T. D. Evans	Mr. J. T. Tonkin
Mr. Fletcher	Mr. Harman *(Teller)*

Pairs

Ayes	Noes
Mr. Hutchinson	Mr. Moller
Mr. R. L. Young	Mr. May
Mr. Nalder	Mr. Taylor

The SPEAKER: The voting being equal, I give my casting vote with the Noes.

Question thus negatived.

Motion defeated.

House adjourned at 10.13 p.m.

Legislative Council

Thursday, the 26th August, 1971

The DEPUTY PRESIDENT (The Hon. N. E. Baxter) took the Chair at 2.30 p.m., and read prayers.

TASMANIAN HOUSE OF ASSEMBLY

Visit of Speaker

THE DEPUTY PRESIDENT: I wish to advise the House that The Hon. C. R. Ingamells, Speaker of the Tasmanian House of Assembly, is within the precincts and I propose to invite him to a seat on the floor of the House.

QUESTIONS (7): ON NOTICE

1. MILK BOARD

Albany Milk Supply

The Hon. J. M. THOMSON, to the Leader of the House:

Further to my questions on the 19th and the 24th August, 1971, relating to the Albany Whole Milk Producers and the Milk Board, and with reference to negotiations carried out in 1964—

(a) did the Board stipulate that the operations of the treatment plant at Albany were restricted to within the Albany, Denmark and Mt. Barker areas;

(b) if the answer to (a) is "Yes"—

(i) on what basis was this stipulation made;

(ii) were they advised of the stipulation; and if so, when;

(iii) did the licensee and the producers acknowledge and accept the stipulation referred to in (a) above?

The Hon. W. F. WILLESEE replied:

No stipulation was made.

(a) and (b) The question of supplying markets other than the local market, was not raised.

2. INDUSTRIAL DEVELOPMENT

Iron and Steel Complex

The Hon. D. J. WORDSWORTH, to the Leader of the House:

In view of the statement by the Minister for Industrial Development that economics would govern where a $1,000 million iron and steel complex would be established; and his recent statement whilst visiting Albany that he would be endeavouring to get the industry for that town; what is the Government offering the company in Albany in the form of land, water, housing, electricity, harbour facilities, etc., to encourage them to change their mind about staying at Kwinana?

The Hon. W. F. WILLESEE replied:

The proposal to establish a $1,000 million steel complex is still the subject of a feasibility study by the company concerned, and the Government has made no offer of assistance at this stage.

If the investigations by the company indicate that Albany or some other decentralised location has possibilities, but assistance from the Government is necessary to

influence a favourable decision, the Government would be prepared to give serious consideration to any request in order to achieve a breakthrough in decentralisation.

3. COURTHOUSE

Port Hedland

The Hon. W. R. WITHERS, to the Leader of the House:

(1) Has any Judge or Magistrate complained to the Attorney General about lack of air conditioning in the Port Hedland Court House?

(2) If so—

(a) what action has been taken; and

(b) when will an air conditioner be fitted?

The Hon. W. F. WILLESEE replied:

(1) Yes.

(2) (a) The matter was referred to the Public Works Department.

(b) Installation has been deferred by the Treasury.

4. WATER SUPPLIES

Gascoyne River Dam

The Hon. G. W. BERRY, to the Leader of the House:

When is it anticipated that the feasibility study of a dam on the Gascoyne River at Rocky Pool will be completed and released?

The Hon. W. F. WILLESEE replied:

All field investigations have been completed and the report from the Consultant is expected by the end of September, 1971. When this has been studied its release will be considered.

5. EDUCATION

Belmont High School

The Hon. LYLA ELLIOTT, to the Leader of the House:

(1) What works are planned to improve conditions at the Belmont High School?

(2) What is the estimated cost and date of commencement?

(3) Has consideration been given to replacing the existing school with a new building?

(4) What is the estimated cost of building a five year high school in the metropolitan area?

The Hon. W. F. WILLESEE replied:

(1) The following work is proposed—

(a) Conversion of old library to staffroom;

(b) Conversion of staffroom to two classrooms;

(c) Additional staff toilets;

(d) Provision of male and female sick bays.

(2) $13,030. (Letters and plans are at present being prepared by the Public Works Department for submission to the Education Department).

(3) No.

(4) $1.4 million to $1.5 million.

6. POLICE

Charges heard at Carnarvon and Meekatharra

The Hon. W. R. WITHERS, to the Leader of the House:

How many charges have been heard by Magistrates and Justices of the Peace from the 1st January, 1971, to the 20th August, 1971, in the court house at—

(a) Carnarvon; and

(b) Meekatharra?

The Hon. W. F. WILLESEE replied:

(a) 615.

(b) 270.

7. NATIVE WELFARE

Adult Education

The Hon. LYLA ELLIOTT, to the Leader of the House:

Has any action been taken to implement the five recommendations submitted by the Officer-in-Charge of Adult Aboriginal Education in June of this year directed towards making adult aboriginal education in the Eastern Goldfields more effective?

The Hon. W. F. WILLESEE replied:

The report in question was an internal one to the Director of Technical Education.

The recommendations are currently receiving attention.

TRANSPORT COMMISSION ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. J. Dolan (Minister for Transport), and read a first time.

BILLS (2): THIRD READING

1. Anatomy Act Amendment Bill.

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and passed.

2. Snowy Mountains Engineering Corporation Enabling Bill.

Bill read a third time, on motion by The Hon. J. Dolan (Minister for Police), and passed.

LAND TAX ASSESSMENT ACT AMENDMENT BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.41 p.m.]: I move—

That the Bill be now read a second time.

This Bill implements the projected policy of the Government to relieve the incidence of land tax in certain directions.

Prior to the recent general election an undertaking was given that where the only land owned was that on which a person's home was built, exemption from land tax would be granted in all cases provided that the area of land concerned did not exceed one-half of an acre. An amendment to the principal Act to serve this purpose is included in the Bill now before members.

Under existing provisions contained in the principal Act, all persons who own improved land which has an assessment at a value of $10,000 or less are exempt from land taxes. While this provision covers the majority of homes in the metropolitan area there remain cases where land on which a home is erected is valued in excess of $10,000 and as a consequence land tax is payable by the owner.

Section 8B of the Land Tax Assessment Act allows the commissioner a degree of elasticity in the matter of rezoned land. Under that section, where a person owns land not exceeding one-half of an acre in area on which a residence has been erected and that land is rezoned for a higher use—for example, the erection of flats or for industrial purposes—the commissioner may disregard the value added to the land as a result of the rezoning provided that the owner continues to reside on the land. This permits the land being assessed as if the rezoning had not taken place and consequently the land may be valued as if it were zoned for ordinary housing purposes.

This concession has provided relief to many householders who would otherwise have been affected by rezoning provisions; and these largely in the metropolitan area.

By comparison, cases have come to notice of areas of land of up to one acre which have been rezoned for higher use by the local town planning authorities concerned. Generally the usage has been for flat sites or for industrial purposes. Such projected usage, with a consequent greatly increased earning capacity of the land substantially increases its value and as a consequence the taxes levied on that land have subsequently increased substantially.

An example is that of a piece of land increasing in value from $10,800 to $22,500 as a result of rezoning and this increased value entailing an increase in the level of the annual land tax from $5.50 to $102.81.

It is known that in a number of these cases the incomes of the persons owning the land are not great and the burden of land tax is seen to be beyond their financial capacity.

As an alternative solution to the problem there may be some who would be disposed to argue that those people should sell the land and allow it to be developed for its appropriate purpose. Yet in their favour there is the unquestionable fact that they have erected their homes on this land and are long established with their families in the district.

Again it may be argued that as these owners obviously must have a great deal of land surplus to their normal residential requirements, it would be appropriate for them to subdivide the land and sell off that portion which they do not require. If such action can be taken—and this depends on the approval of the relevant authorities—there would be an acceptable solution at hand and the surplus land could then be developed by the purchaser.

However, it has been found that in many cases subdivision is neither possible nor practical because of lack of amenities such as access or services. As a consequence the person concerned is placed in an untenable financial position through no fault of his own.

For these reasons it has been decided to extend the type of concession granted to persons who are similarly placed on half-acres of land, but with the added proviso that the land be not capable of sub-division.

A survey which has been made discloses that there are approximately 200 cases coming within this category. As mentioned previously, in these cases the land is generally up to one acre in area.

The Bill therefore proposes to grant to the commissioner power to provide the type of relief which I have detailed and in respect of the cases which I have described.

Briefly then, the purpose of this Bill is to add two further concessions to the Land Tax Assessment Act—

> The first of these will implement the policy that land comprising one-half acre or less on which a home is erected be exempted from land taxes, provided that the land concerned is the only land owned by the householder.
>
> The second concession will provide a measure of relief for owners where their homes are erected on parcels of land of one acre or less, the values of which have been increased as a result of rezoning. This type of relief is to apply only where the land concerned is incapable of sub-division.

The Bill as presented to members in this Chamber is essentially the same as originally introduced in another place despite acceptance there of two small amendments,

both of which affected paragraph (a) of clause (4). The purpose of the amendments is to ensure, firstly, that persons using a private residence for business purposes in a minor way will not be prejudiced and, secondly, as a safeguard lest the benefits of the single home owner be prejudiced by the possession of some unassessable property. This was never intended. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. F. R. White.

STATE ELECTRICITY COMMISSION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th August.

THE HON. D. J. WORDSWORTH (South) [2.49 p.m.]: This Bill is to amend section 49 of the State Electricity Commission Act, which section governs the commission's activities in the investment of surplus funds. As a representative of a rural electorate, which has very few rural extensions, I wonder just how much the State Electricity Commission must have in surplus funds. I know that my electors will be of the opinion that there are many better ways of investing surplus money, than by putting it into building societies.

I have made a short study of the Bill and it appears that the State Electricity Commission is in a position similar to that of most organisations in the business world in that it has to raise funds ahead of requirements. This is understandable because even Government authorities cannot practise too much brinkmanship when raising funds.

Under the present Act funds raised but not used for certain projects must be invested "in any security wherein moneys of the public account may lawfully be invested." The Public Moneys Investment Act, 1961, gives the State the right to invest—

(a) in any securities of or guaranteed by the Government of the Commonwealth whereof the term is less than one year;

(b) the official short-term money market;

(c) in any other Commonwealth or Commonwealth guaranteed security; and

(d) by deposit in any bank.

In his second reading speech the Minister stated that the Public Moneys Investment Act did not cover building societies or such bodies as superannuation funds.

It has been suggested that these organisations would be more agreeable to making investments in the S.E.C. if they could get their money back in the short term. Such a deposit would be at a lower rate of interest than that on which the original loan was granted. Presumably the organisations would thus lend the money a second time at a higher interest rate than was given to the S.E.C. on a short-term basis.

I admit this practice is quite common in banking circles. I think most people dislike it but it is a manner in which organisations can lift their credit rating. I have always thought that in fact all they are doing is paying a higher interest rate on the money they are borrowing anyway. However, it is the usual practice, and if the S.E.C. is experiencing trouble in raising funds I suppose this so-called reciprocal lending will enhance its chances.

I think the Treasury should investigate the use of a computer and modern techniques for handling such surplus finances. I wonder how many other Government departments have moneys sitting in accounts waiting to be used. We know the Fremantle Port Authority is one. I cannot help but feel that with the use of a computer this money could be shuffled with far greater agility than was possible when one had to rely on the human brain.

Last year I was fortunate in being able to attend the famous Stanford School of Business, which is attended by leading businessmen from all over the world. One of the things we were taught there was the use of the computer as a tool for management. We must agree that the Americans have developed this technique to a high degree. In that country there has been a fantastic number of takeovers with the building up of conglomerate companies. Undoubtedly, all the conglomerate companies were doing was making better use of surplus funds, which smaller companies were unable to do. A small company has to handle its funds in the way the S.E.C. does—by putting them into its own accounts while waiting for them to be used—whereas the conglomerate companies are able to use the same funds between the companies, thereby making the same quantity of money serve them all.

I recommend that the Treasury makes a further investigation of those processes. I feel that because of its size the Government has many disadvantages, but it should make use of its advantages when it has them. In the meantime, I support the Bill.

THE HON. V. J. FERRY (South-West) [2.55 p.m.]: This is a relatively simple Bill and all I intend to do is register my support for it. Mr. Wordsworth has covered the features of the Bill, of which there are very few, but I would like to say in confirmation that from my examination of this measure its provisions appear to conform to normal business practice today. The Bill will allow the S.E.C. to engage in a more efficient method of utilising its funds, which will result in

greater utilisation of the funds available to it. This appears to be normal practice in this day and age.

I would like to add my congratulations to the commission for the job it has done for this State over the years. It has done a great deal in country areas, despite the difficulties it faced, at times, as to where power lines may or may not go. I believe the utilisation and saving of funds for a better marshalling of financial resources, as envisaged by this Bill, will enable the S.E.C. to do a better job in the future. I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [2.56 p.m.]: I thank Mr. Wordsworth and Mr. Ferry for their support of the Bill, which is in line with the support that was given to it in another place.

May I say to Mr. Wordsworth that I know how he felt on speaking to a Bill after taking the adjournment of it for the first time. I can distinctly remember the first time I ever did so, although it was a more prosaic effort than Mr. Wordsworth's. While he was speaking on a financial Bill, I was speaking on the Beekeepers Act, and ever since I have been stung repeatedly. I thank the members who have spoken for their support.

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.

OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th August.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [2.58 p.m.]: This Bill to amend the Offenders Probation and Parole Act, 1963-1970, is one which I propose to support at least so far as the second reading is concerned. The Bill has two principal clauses—clauses 3 and 4. Clause 3 is the clause I intend to support as it stands, and I have some comments to make in regard to clause 4.

Clause 3 of the Bill deals with juvenile offenders convicted under section 19(6a) of the Criminal Code on indictment for an offence punishable by imprisonment and who, instead of being sentenced to imprisonment, are ordered to be detained in strict custody until the Governor's pleasure is known.

As the Offenders Probation and Parole Act now stands the Board has no control over such a person and it is proposed to bring him within the scope of that Act. This means that at the moment he cannot be considered for release under the provisions of the principal Act but following the passage of this Bill he will be able to be so considered.

Clause 4 of the Bill relates to section 34 (2) (a) of the principal Act under which the board is required to report annually to the Attorney-General in respect of persons ordered to be kept in strict custody until Her Majesty's pleasure is known and who are, for the time being, in safe custody during the pleasure of the Governor.

There are, however, classes of persons who are subject to liberation at the Governor's pleasure consequent upon the Governor's order made pursuant to section 48 of the Mental Health Act or by admission as a patient to an approved hospital.

The board must still report on these people and clause 4 of the Bill will provide that such persons will cease upon coming under the control of the Mental Health Act, 1962, to be governed by that Act.

When the Bill was being dealt with in another place an amendment was considered, but the Government was not prepared to accept it. I observe from the notice paper that Mr. Medcalf has foreshadowed an amendment for consideration. I also observe from looking at the notice paper in another place that the Government has given notice of a Bill to amend the Mental Health Act. I understand the amendment that will be contained in this Bill is that which was foreshadowed in another place when the amendment we now have before us was being considered. It is thought by the Crown Law Department that it would be more appropriate to amend the Mental Health Act rather than accept amendments to the Act we are considering under this Bill.

Whilst I am prepared to support the second reading of the Bill I do suggest to the Minister that he does not proceed with the committee stage until we have had an opportunity to see exactly what is contained in the measure that has been foreshadowed in another place. When that Bill has been dealt with in that Chamber and comes to us for consideration we will then have the benefit of being able to consider and compare both pieces of legislation and judge which of the Bills gives the better effect to the purpose intended.

The Bill in another place was high on the notice paper but, for some reason, it was not introduced today. I do not think anything would be lost by seeing what is contained in that Bill or by knowing the manner in which the Government proposes to give effect to the suggestions made which are along lines identical to the amendment that Mr. Medcalf intends to move.

We will profit by comparing the two pieces of legislation before deciding which form is acceptable. We would be able to arrive at a satisfactory conclusion in either case.

With those few words I am prepared to support the Bill and if the Minister wishes he could complete the second reading stage and delay the committee stage to a later date.

THE HON. I. G. MEDCALF (Metropolitan) [3.05 p.m.]: I also support the Bill in principle but I do have reservations about the amendment contained in clause 4. I would like to take this opportunity to briefly state what my purpose is in placing this amendment on the notice paper, because I believe it is important that I should convey the general intention at this stage.

The only part of the Bill with which I am concerned is clause 4 which provides—

> When the Governor makes an order pursuant to section forty-eight of the Mental Health Act, 1962, that a person be admitted as a patient to an approved hospital the provisions of this Act cease to apply to that person.

That means that if the Governor decides that a person should be admitted to a mental health institution and makes an order under section 48 of the Mental Health Act the Parole Board is no longer required to report on that person. That is really the sole purpose of this amending portion of the Bill contained in clause 4.

So if a person is admitted to a mental health institution under the terms of section 48, the Parole Board is no longer required to report on that person. This is a perfectly sensible amendment because if the detainee is admitted to a mental health institution the mental health services can look after that person and it is not necessary to have the service duplicated by the Parole Board also reporting on him.

The Hon. A. F. Griffith: Except that I do not think the mental health services have the same set-up as does the Parole Board.

The Hon. I. G. MEDCALF: They have a different set-up, but if a person is suffering from a mental infirmity it is proper that he should be liberated to the mental health services. So long as that condition operates I am in favour of the mental health services reporting on such person. I do not think it is necessary for the Parole Board to come into it while the person is under the detention of the mental health authorities.

But the question that arises is, what happens if that person is liberated on terms and conditions and then is returned into strict custody? That is really the crux of the matter. Under section 48 of the Mental Health Act the Governor has power to liberate a person on terms and conditions and if the person who is liberated from the mental health institution breaks the terms and conditions that person may then be taken back to the mental health services and be put in a hospital or mental institution.

But in addition, instead of going back into hospital, if that person breaks the terms and conditions the mental health services may put such person into strict custody as set out in section 48. If that person goes back into strict custody we must consider the effect of this Bill and the provision in clause 4; that once an order is made under the Mental Health Act the provisions of this Bill cease to apply.

This means that the Parole Board no longer reports on the person who is put into strict custody by the mental health services. If the person is put back into strict custody by the mental health services surely the Parole Board should report on that person, because do not let us have any doubt that strict custody means imprisonment, if it means anything, perhaps under certain conditions.

I think the words criminal asylum have been used in days gone by. The person may be imprisoned but nevertheless it is still incarceration and if a person is imprisoned again should not the Parole Board make its report? That will be the effect of the proposal I will put forward.

I do not propose to say anything more because I will be only covering details that will be examined later. I am prepared to support the second reading of the Bill on the understanding that we will have a full discussion at the Committee stage.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [3.10 p.m.]: I thank Mr. Griffith and Mr. Medcalf for their contributions to the debate and for the way they have given the Bill limited support. We are not in conflict over clause 3 which deals with juveniles. We agree on that one. The only doubt seems to be on clause 4 and I think, in view of what has happened, that doubt will be resolved.

If a person is a mental case it would not be necessary to subject him to an annual report. Should he become ill he is held under the provisions of the Mental Health Act and when he recovers sufficiently, he may be freed. That is where, apparently, the conflict lies. Should he do something that would warrant his being returned to custody we think he should be looked after under the Mental Health Act because, being a sick person, he needs medical attention. I am not saying he would not get such attention in prison, but after all, in the Mental Health Services administration there are specialists in their own particular field.

I am grateful for the support given to the Bill and I can give the House an assurance that after the second reading stage has been passed the Bill will be kept low on the notice paper until the existing problem has been resolved. Once again I thank the House for its assistance.

Question put and passed.

Bill read a second time.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th August.

THE HON. G. C. MacKINNON (Lower West) [3.13 p.m.]: This is another short Bill, the purpose of which is to change the word "three" to the word "four" in section 44 of the parent Act. I can assure the Leader of the House that I have no doubt whatever that regardless of the result at the last general election this Bill would have been before us now.

The Hon. W. F. Willesee: We have made a dead heat of it.

The Hon. G. C. MacKINNON: Yes. There may have been some other matters associated with its introduction had we still been in Government, but at least this amendment would have been before the House.

Its purpose is to change slightly the nature of the Industrial Commission to make it more efficient. For one or two reasons I wish to recount a little of the history of the commission. I think all members recall that prior to 1963 the old Arbitration Court was presided over by His Honour, Mr. Justice Nevile. One of the members of the court was well respected and he commenced his career as a union representative. He was Mr. Schnaars, the employees' representative on the court. The third member of the court was Mr. Don Cort who was the employers' representative.

In 1963 this arrangement was changed considerably in principle as well as in form, because the Arbitration Court became an Industrial Arbitration Commission, with Mr. Fred Schnaars, who had already been appointed as a conciliator, being appointed the Chief Commissioner. The other commissioners appointed were Mr. Don Cort, employers' advocate; Mr. Kelly, who had been the chief industrial advocate for the Department of Labour, and Mr. Flanagan, who had been a union secretary prior to his appointment.

The fundamental change that took place meant that a judge no longer presided over a court with employees' and employers' representatives as members, but an endeavour was made to make the Industrial Commission personnel representative of both management and labour, without their representing a particular aspect and in this, I believe, we were successful. As I have said, two members of the commission had a union background. One had been employed by a Government department and one was a representative of management.

I think we can all recall when Mr. Schnaars resigned and it became necessary to appoint a successor. The problem, of course, was to find a man who had the necessary analytical mind, had experience in litigation, and who was acceptable to both management and labour. Also, it was desirable that such a man should have no party affiliations, either political, or economic. That is to say that he had not been associated with one group or another. Therefore, the appointment of Magistrate Bernard O'Sullivan as the Chief Commissioner was a happy one. There have been no complaints about him since and he fills the role extremely well. This brings me to the point I now wish to make.

We would like to know who the Government has in mind for the appointment now because, here again, I think we are faced with the need to make a choice of a man who, in turn, should be free, as far as possible, of both party and economic affiliations so that no criticism can be levelled against him in his capacity of commissioner. We are all aware that the acting commissioner, Mr. Bruce Collier, has been the Secretary of the Civil Service Association. Without the slightest shadow of a doubt he is a man of capacity.

In the main his experience has been gained with white-collar workers. In fact, he has gained experience in a field that is even narrower than that; that is, in the field of public service whilst in his capacity of Secretary of the Civil Service Association. In that field he has proved that his capacity is beyond question. The only objection that one could take against his appointment is on party political grounds. Whilst all of us here would be more aware of the situation than the average person, and whilst we, no doubt, would not cavil at his appointment, it is still a fact that there are some sections of the community who may cavil at the appointment of Mr. Collier, because he is known to have applied for endorsement with the A.L.P.

As we all know, he was not successful with his endorsement, but nevertheless he did apply for endorsement by that party and so he has a very firm affiliation with it. Therefore, we would have to forgive those who might cavil a little at the appointment of Mr. Collier as commissioner on the ground that he has definite political affiliations.

I think it is clear from the present appointments that definite endeavours have been made to divorce the personnel of the commission from such associations.

I doubt very much whether people here would raise the cry of political patronage, but it is a risk and a risk which for good reasons I consider should be obviated if possible. I suggest that had this Bill been

sponsored by a different Government there might well have been one or two advantages because the time has come when the commissioners could perhaps be classified slightly differently and the status of the commission clarified.

Although at present it is referred to as a court of record the commission is subject to some legal argument concerning just where it fits into the scheme of things. Some argue that it is a court in every sense of the word while others argue it is not. We can all recall a recent problem with regard to a case which ran very close to being contempt. The court itself, because of these legal arguments, was at some disadvantage in dealing with the problem. It is reasonable to suppose that it might be advantageous if the commission itself were given the status of a district court. This would raise some problems in regard to the chief commissioner who, of course, has not the technical qualifications of a judge. However, for certain reasons it would have advantages if the status of the commission were altered.

Also involved is the departmental control under which the particular commissioner at present is placed. It is indeed a court of this land and to some extent it does make industrial laws through the agreements reached before it. Sound arguments can be advanced concerning why this commission should be divorced from the Department of Labour and perhaps placed under the control of the Attorney-General as are the other courts. These matters could be considered in the interests of, perhaps, improved efficiency of the whole operation. This is, of course, the purpose of the Bill we are considering; that is, the improved efficiency of the operations of the Industrial Commission. The arguments submitted by the Minister in his speech are completely acceptable.

Seven years ago no adequate provision was made for today's conditions for holidays, work load, and the like, and it is perfectly reasonable that the word "three" should be altered to the word "four" so that there will be four commissioners in order that provision might be made for holidays or absenteeism as a result of illness and the like. In this way we will facilitate the handling of cases submitted because of the additional activity and the tremendous upsurge in economic wellbeing and industrialisation occasioned by the previous Government. Therefore I support the Bill.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [3.24 p.m.]: I wish to thank Mr. MacKinnon for his support of the Bill and for the very interesting speech he gave on the historical side of the industrial arbitration legislation. As he indicated, this is a very short Bill introduced simply to alter the word "three" to the word "four"; but nevertheless it is a very important Bill because it deals with the Industrial Commission by providing for four commissioners and a chief commissioner.

These commissioners have a very large work load. Since the Act was introduced in 1963 a tremendous upsurge in industry in the north-west has occurred and not only the extra work, but also the distance involved has had a great effect on the commission. In my introduction I quoted figures to indicate how the work had expanded over the years.

It is important that conciliation be one of the main concepts of the commission. The commissioners are dealing with people and as they represent a cross-section of the community many problems face the commissioners who must be very patient. I believe they are doing a very good job in dealing with the varied problems and grievances which are presented to them.

As I also said in my introduction, these men have been working hard and some of them have accrued quite an amount of leave. We all know that if we work a horse too hard it will go down, and so we must provide for holidays for the commissioners while at the same time maintaining the commission as an effective body. By increasing the number of commissioners, they will all be able to take their holidays.

Mr. MacKinnon asked who the extra commissioner would be. I am not in a position to tell him, but if I am able to ascertain this information I will make it available during the third reading debate.

The Hon. G. C. MacKinnon: I think you could make a fair guess.

The Hon. A. F. Griffith: I am interested to hear the Minister say this and I accept it; but my memory goes back to the day it was demanded of us that we name the commissioners.

The Hon. R. H. C. STUBBS: I do not demand anything. I am giving my word that if I ascertain the information I will provide it.

The Hon. G. C. MacKinnon: We are much kinder.

The Hon. A. F. Griffith: I have such good reason to remember that debate.

The Hon. G. C. MacKinnon: Very acrimonious.

The Hon. R. H. C. STUBBS: I will also draw attention of the appropriate Minister to the points raised by Mr. MacKinnon and I am certain if the Minister considers them feasible or wise he will act accordingly. Once again I thank Mr. MacKinnon for his support of the Bill which I commend 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.

VERMIN ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [3.30 p.m.]: In the discussions on this Bill three major points have been raised by those members contributing. The first raised is the question of whether Parliament intended the principle of aggregation to be removed. I do not propose to try to determine the answer to this. I agree with Mr. McNeill that the previous amendments were very difficult to follow. Suffice it to say that, in fact, assessments were issued and paid over many years in the belief by all concerned that aggregation of holdings was correct.

In the circumstances, it was simply decided to ensure that what in fact had been done was placed beyond any question or doubt, because of the impossible task of reversing actions over such a long period of time, to say nothing of the financial consequences on the funds available for essential protection against vermin.

In saying this, I am mindful of Mr. Medcalf's opinion, for which I have great respect, that those who had paid in the belief that the assessments were correct cannot recover. However, because these situations always have some element of doubt, no matter how small, it was decided to place the matter beyond question.

Mr. White was very critical of the departments concerned, perhaps in some cases with some justification. However, as he stated, the State Department has only been in existence for one year and I am sure he will agree that a great deal of improvement has been effected in that time. I can assure him that this will continue, but it will take time to achieve the level of service the commissioner desires to provide.

It is true, as Mr. White stated, that taxpayers have difficulty in understanding the law, particularly as it becomes more complex. To this end, the department has recently issued free publications setting out in some detail and in simple terms individuals' rights and obligations under our major taxing laws. In this way, it is hoped to avoid a number of problems encountered, many of which arise because taxpayers are either unaware of the need or fail to supply relevant information to the department.

Mr. White mentioned the possibility that there could be other retrospective legislation to correct errors in assessments. No one likes retrospective legislation, particularly in taxing areas. However, I think all members will agree that the circumstances of the present case are unusual, if not unique, in that this situation has obtained for many years under the various Governments that have held office during the period concerned. The honourable member asked: Are we to be presented with similar Bills in the future? In answer I say that I know of no other similar case and certainly would join with Mr. White in hoping that such a situation never arises again.

I now turn to the third point. This is the proposal by Mr. Medcalf that the Bill be amended so that any person who has not paid his rates on the grounds that he was not legally liable, shall not be required to pay them. The effect of this would be, as I understand the proposition, to allow any person who has not paid outstanding rates to retain the advantage he now has under the existing law; that is, if he owns several holdings of land, each of which is five acres or less in area, then he is not to be liable to pay the rates outstanding.

Originally, as the Bill now stands, it was proposed to put everyone who has paid or is yet to pay outstandings of over 12 months, on the same footing. However I take Mr. Medcalf's point that it could be considered unreasonable to remove the legal claim of some individuals who have refused to pay on the grounds that the assessment is not legally correct: therefore I am prepared to accept an amendment to that effect in the Committee stage.

However, I propose the wording be changed from that on the notice paper under Mr. Medcalf's name, because I am advised that the words "genuine belief" could give rise to difficulties of interpretation. Nevertheless, the amendment which I am prepared to support will accomplish what I believe Mr. Medcalf intends. Therefore I give notice that in the Committee stage—

The DEPUTY PRESIDENT: Order! That will come in the Committee stage.

The Hon. R. H. C. STUBBS: I thank Mr. Medcalf, Mr. White, and Mr. McNeill for their contributions to the debate. I commend the Bill.

The Hon. A. F. Griffith: Before the Minister sits down, without telling us what the amendment is which he has in mind, perhaps he could give us an idea whether he is trying to effect some compromise between his amendment and the amendment Mr. Medcalf has on the notice paper.

The Hon. R. H. C. STUBBS: Perhaps I overlooked this. That is exactly what I am trying to do; namely, to effect some compromise which will make Mr. Medcalf happy and achieve the same result.

The Hon. L. A. Logan: What about making us happy?

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

Ayes—21

Hon. G. W. Berry	Hon. N. McNeill
Hon. R. F. Claughton	Hon. I. G. Medcalf
Hon. D. K. Dans	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. R. Thompson
Hon. J. Dolan	Hon. W. F. Willesee
Hon. Lyla Elliott	Hon. R. J. L. Williams
Hon. V. J. Ferry	Hon. F. D. Willmott
Hon. J. Heitman	Hon. W. R. Withers
Hon. J. L. Hunt	Hon. D. J. Wordsworth
Hon. R. T. Leeson	Hon. A. F. Griffith
Hon. G. C. MacKinnon	*(Teller)*

Noes—4

Hon. L. A. Logan	Hon. F. R. White
Hon. T. O. Perry	Hon. J. M. Thomson
	(Teller)

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. R. H. C. Stubbs (Minister for Local Government) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 103 amended—

The Hon. R. H. C. STUBBS: I move an amendment—

Page 3, add after subsection (1b) a new subsection (1c) as follows:—

> The provisions of subsection (1a) and (1b) of this section do not apply so as to affect the liability of a person to pay the rate in respect of any holding for a financial year unless the rate so payable has been assessed and paid prior to the coming into operation of the Vermin Act Amendment Act, 1971.

The Hon. I. G. MEDCALF: I have given notice of an amendment on the notice paper. However, I have read the proposed amendment of the Minister for Local Government and I am quite satisfied that the amendment he proposes would have the same effect as the amendment of which I gave notice. My proposed amendment in effect says that nothing in the preceding subsections, that is the subsections under which people are liable for the last 20 years, shall affect any person who has failed to pay in the genuine belief that he was not liable to pay.

The Minister's amendment states that a person who has not paid the rates shall not be liable. This is the same as my amendment except that it leaves out the words "in the genuine belief." The reason for those words is that I believe it would help the borderline cases who were able to claim a genuine belief. However, I frankly admit that the wording is rather vague in the sense that there would be difficulties in proving a genuine belief.

I had in mind when putting my amendment to the Committee that the Minister would give an assurance that people who failed to pay the assessment would not be prosecuted—in other words he would accept that those people had a genuine belief. This would have achieved the same purpose as the amendment which the Minister has put forward. The Minister's amendment is more concise in that it specifically states that the provisions of the preceding subsections do not apply so as to affect the liability of a person to pay the rate unless the rate so payable has been assessed and paid prior to the coming into operation of this Act. This means if a person has not paid the rate he is not affected by the amending measure. Therefore, I have no objection to the amendment proposed by the Minister. I support it.

Sitting suspended from 3.45 to 4.09 p.m.

The Hon. A. F. GRIFFITH: There has been quite a controversy across the floor of the Chamber regarding this Bill. With respect, I think the Deputy President should have permitted the Minister to tell us what is contained in his amendment. However, the Minister was told that he could explain his amendment when we got into Committee. As a result of that I read the amendment but I did not listen to any explanation of it. I was aware that Mr. Medcalf had an amendment on the notice paper, and I am a little surprised that that amendment was not dealt with before the Minister's amendment. I thought the Bill should receive a second reading so that we could hear Mr. Medcalf and the Minister explain their amendments. However, all I heard from the Minister was his moving of the amendment. He read it out and sat down without explaining it. I think that in circumstances like this we must be told what the amendment proposes. Otherwise, how can we judge?

I think that if a Minister proposes to move an amendment during the Committee stage he is entitled to explain it during his reply to the second reading debate. That could be a determining factor as to whether or not a Bill receives a second reading. I would like to be convinced that the amendment moved by the Minister is, in fact, a better amendment than that proposed by Mr. Medcalf. I have heard from Mr. Medcalf that he is prepared to accept the Minister's amendment as a compromise, and I wished merely to explain that I feel the Minister should have been permitted to explain his amendment to the House.

The Hon. L. A. LOGAN: I voted against this Bill because I am not satisfied with its contents. I am not satisfied with either the amendment on the notice paper or the one before us now because I feel they do not cover the situation. If I understand the amendment now before us it means that the one person mentioned by the Minister is now to be exempted from paying the tax if he has not paid it. Is that the correct interpretation?

The Hon. R. H. C. Stubbs: No.

The Hon. L. A. LOGAN: That is the way I understand it. What about the other fellow? It has been the law for a long time that a person who has an objection to a taxation assessment pays first and then argues the point afterwards. This amendment makes no provision for the person who has paid under protest. Under this amendment he will not receive a reassessment or a refund. Unless we include in this provision the person who has acted within the law and refused to pay, the person who has been frightened into paying, and the person who has paid under protest, I will not support any amendment. I feel those people are just as entitled to receive a reassessment and a refund.

The Hon. R. H. C. STUBBS: I have never made myself out to be a financial expert and, therefore, I can only answer this question as best I can. I went to our legal people and I also talked with the commissioner. My understanding is that anything which happened prior to the commencement of this Bill, if it is passed, is completely finished. I do not think there will be any refunds. The amendment means what it says, and the reference to "a person" includes everyone.

The Hon. A. F. Griffith: In the second reading debate you said that only one person was affected. Is there one, or are there more than one?

The Hon. R. H. C. STUBBS: There is only one person involved. As far as I understand the position, this amendment affects everyone—those who have paid and those who are due to pay.

The Hon. F. R. WHITE: I oppose the amendment. It appears that some people are lacking in knowledge of taxation assessment procedures. Any person who receives an assessment notice may within 42 days of the date of the assessment lodge an objection, if he so desires; at the same time he must pay 25 per cent. of the amount of the assessment. If the 42 days have elapsed then the person has no grounds for objection, and the matter is concluded.

When an objection is lodged it is considered by the Taxation Department. It either advises the objector that the objection has been upheld, or that it has been disallowed. If it is upheld the department will send an amended assessment.

Where the department advises that an objection has been disallowed the ratepayer has 14 days within which to lodge an appeal against the decision of the department, and such appeal is heard in the local court. If a person who is affected does not comply with this procedure within 42 days of the issue of the assessment then he has no further right of objection and he must abide by the law. Both the amendment before us and the Bill as a whole will deny people, who have complied with the law, of their democratic rights.

The Hon. I. G. MEDCALF: I understand there has only been one objection, and that this objector is not liable to pay the assessment. If he has followed the process mentioned by Mr. White; lodged an objection, and paid a portion of the rate, he will be exempted by the amendment because he has not paid the assessment. Any person who has objected will be protected by the amendment of which I have given notice and also by the amendment moved by the Minister.

I have difficulty in following Mr. Logan's argument. I am not aware of anyone having paid his assessment under protest.

The Hon. F. R. White: I mentioned the case of Mr. Ellis, and I could give others.

The Hon. I. G. MEDCALF: The Minister made no reference to these cases; he only mentioned a single objector who had lodged an objection. He said the amount involved was in the vicinity of $1,000. If people have paid rates under protest then the particulars should be supplied to us.

It is not necessary for a person to follow the process mentioned by Mr. White. If a person did not pay his rates and did not object, according to my understanding he does not have to pay because the tax is illegal. On the other hand, if a person has paid the rate as though it were legal then he cannot recover the money. For those reasons I cannot agree with the argument that the amendment does not cover the cases we are discussing.

The Hon. L. A. LOGAN: The intention of this Bill is to legalise an illegal act which has been perpetrated since 1942. All the vermin rate assessments which have been sent out since 1942 were unlawful. The Government now wants to make the individual pay it. I refer to the person who has objected and has not paid his assessment.

I am interested not only in the person who has objected and who has not paid, but also in those people mentioned by Mr. White who have paid under protest.

The Hon. A. F. Griffith: Who paid under protest and objected in accordance with the Act?

The Hon. L. A. LOGAN: Let us not worry about those who objected in accordance with the Act. They objected to paying, because they were advised it was an unlawful rate. Such people ought to be protected, and their assessments should be reconsidered.

The Hon. A. F. Griffith: What would be the position if this Bill were defeated?

The Hon. L. A. LOGAN: The position would be that those who have paid in the last three years would have the right to make a claim.

The Hon. R. H. C. STUBBS: I have been advised that no-one will be disadvantaged by the amendment, and that when this legislation comes into force no-one will be disadvantaged. I am grateful to Mr. Medcalf for putting the position so concisely.

The Hon. F. R. WHITE: I want to make it clear that only a handful of people will be involved, if the action of the department is proved to be illegal. We have been advised that the financial effect to the Treasury involves an amount of about $1,000, and that one objector is concerned. It appears some members feel that if the legislation remains as it is many more claims will be made. I maintain that under the existing legislation there will be little impact on the Treasury. I am not prepared to throw away my principles for the sake of $1,000.

The Minister should have made some reference to the total financial impact on the Treasury, should there be an inundation of applications. To justify this legislation he should have told us how much money and how many people would be involved, and he should have given us the details of the properties concerned.

The Hon. A. F. GRIFFITH: The position is that we have agreed to the second reading of the Bill, and there is an amendment before us. If this amendment is disagreed with the Bill might be passed without amendment, and should that happen the position from Mr. White's and Mr. Logan's point of view will be worse than it is.

The Minister's integrity is not in doubt. When he gives an explanation he does so in all sincerity. If he makes a mistake I am sure he will follow my example when I was on the opposite side of the House and say so.

The Hon. W. F. Willesee: I do not think you ever admitted a mistake.

The Hon. A. F. GRIFFITH: I did not give the honourable member credit for being asleep when he was on this side of the House.

The Hon. W. F. Willesee: I will have to check up on that.

The Hon. A. F. GRIFFITH: The honourable member should. I am told there is only one person involved but I also heard that there might be more. If we proceed now the position might become disastrous. We would not be acting responsibly if we threw the Bill out, because if we did the legal doubts which now exist will not be rectified. I agree the Treasury should supply us with all the details of this matter to help us know the real position. I believe the Minister is short of complete information although that is not his fault. I do not mind whether we agree to the amendment or whether we ask for progress to be reported, but we should allow Mr. White and Mr. Medcalf to go to the Treasury and have a talk with the Commissioner of Taxation about this matter.

We should try to sort out satisfactorily the points raised by Mr. White and by Mr. Logan and then resume the debate at a later date. If we come to a conclusion and exercise a vote now it could easily mean that we would have to recommit the Bill or defeat it at the third reading. That should be avoided.

I feel bound to say the department should give the Minister the necessary detailed information when the Government has had prior knowledge that questions on matters of this nature will be raised.

The Hon. W. F. Willesee: As I see the Leader of the Opposition in his present seat I almost regard him as a solon.

The Hon. A. F. GRIFFITH: When the Leader of the House was sitting on this side he was sometimes so one-eyed he could not see at all!

The Hon. R. H. C. STUBBS: What the Leader of the Opposition has said is quite reasonable; I think the Committee should be told all the details. I have not been furnished with the information but, as suggested, I think it is my duty to ask that progress be reported.

Progress

Progress reported and leave given to sit again, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government).

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

THE HON. D. J. WORDSWORTH (South) [4.33 p.m.]: I would like to say a few words on this measure because I must admit I had a few reservations about it before Mr. Medcalf introduced us to the difficulties from the legal side.

We all have a lot of sympathy for illegitimates, and I admire the good intentions envisaged in the present Bill. We were given one or two very good examples of injustices, but I think most of the injustices, associated with illegitimates relate to their pride and with their honour, rather than to the monitory side. I do not consider that being able to contest an estate will do much to solve their problem.

I admit there have been explicit cases quoted where a man and woman have been living together as though they were married, and it was not until one or the other has died that the relationship was proved otherwise. I realise the present measure is attempting to overcome such problems, but I feel many other problems could arise because of this Bill. Mr.

Medcalf highlighted some of the situations, particularly in the case where an illegitimate might endeavour to claim against an estate after a person had been dead for some time. Such situations could cause considerable embarrassment to the families concerned. Needless to say, the deceased would have no chance of contesting the claim.

Mr. Medcalf has mentioned a number of cases which are not covered by the Bill, and I would like to mention one more to illustrate the point. The case I have in mind is that of a husband who is aware he is not the father of his wife's child. Nevertheless, he accepts the child, gives it his name, brings it up, and probably leaves it part of his estate when he dies. If the child had a vicious nature he could prove illegitimacy, and then claim on some one else's estate as well.

The Hon. W. F. Willesee: He would be a very versatile child.

The Hon. D. J. WORDSWORTH: Yes, he would need to be a versatile child. However, I assure the Leader of the House that there are quite a number of instances where this could occur.

I do not intend to embarrass anybody by giving particular instances where this could happen, but I would say that during wartime it would be a common situation. I have always had a great respect for our laws, but I realise that injustices can occur. However, one can assume that the laws are made to protect the majority. While we can see discrimination against illegitimates in our present laws, it could well be argued that the laws are made to protect the majority who, needless to say, are married.

The Act should be amended to cover the *de facto* husband and wife situation, but I think the amendment should be confined to that proposal. The amendments to cover the other situations which might arise should be deleted from the measure which is before us so that we do not have to introduce legislation to protect the person who dies intestate from all the fraudulent claims which could be made against his estate.

We also must realise that the new generation enjoys a modern outlook on society. That outlook is vastly different from the old concept. I know that in my father's generation he felt entirely responsible for clothing, feeding, and maintaining the women in his house, because they were unable to cater for themselves financially. However, we are approaching the time when all women will receive equal pay for equal work, and women are finding that they can fend for themselves. Many women do not wish for the protection of the male in today's modern society.

The Hon. L. A. Logan: The women receive equal pay in this House.

The Hon. D. J. WORDSWORTH: Yes. The fact that women can look after themselves might be referred to as "women's lib."

The Hon. W. F. Willesee: We have one here.

The Hon. D. J. WORDSWORTH: Perhaps I could draw attention to an article which appeared in Tuesday night's Press. The article concerns a young lady, "from another place," who, and I quote "had refused to name the father of her child but newspapers said it was believed he was an Irishman and a member of her revolutionary circle of friends." That young lady is not necessarily a rarity in today's society. Perhaps I should also mention that the young lady I refer to was a leader.

Similar events are taking place in America, where some rich women consider they should be allowed to have children without being cluttered up with husbands. That is the sort of thinking in the world in which we are living at present. I will even go so far as to say that with modern contraceptives—and I see in today's *The West Australian* that new abortion methods have been discovered—the younger generation has completely different views from past generations in their outlook to intercourse. I would even go so far as to say that the responsibility in relation to conception may well have changed hands.

While most members in this House would hardly agree with that modern outlook, we must admit that it exists. We are becoming, more and more, a permissive society. I would like to think that we should have another opportunity to examine the Bill because laws are made for the future, and not for the past.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.40 p.m.]: If the House agrees, I would like to reply to the second reading debate, and as the Property Law Act Amendment Bill and the Wills Act Amendment Bill are consequent upon the Administration Act Amendment Bill, I would like to progress until we reach the Committee stage.

I intend to move amendments which will be similar to those proposed by Mr. Medcalf. It will be up to the Committee to decide which of the amendments will be agreed to. I am perfectly satisfied to let the issue remain with the Committee in this regard. We will have a break in the form of an adjournment for one week, and members will have an opportunity to consider what I have to say in conjunction with what Mr. Medcalf has already said, and judge the situation for themselves. If my proposition is acceptable to the House I would like to progress, as I have said, in order to expedite the business this afternoon.

In relation to the Administration Act Amendment Bill—and I am replying in particular to Mr. Medcalf—the honourable

member stated that if this measure goes through, an illegitimate child, who is subsequently adopted, will be able to claim on the intestacy of his adoptive parents, and of his natural parents. I am pleased to tell the honourable member that this position will not, in fact, apply. Following a recommendation of the Law Reform Committee, the Government intends to introduce an amendment to the Adoption of Children Act this session to completely sever the legal links between the adopted child and his natural parents. The adopted child will look only to his adoptive parents and their kindred. While this is desirable for the sake of the adopted child, since it will help him fit completely into his new family, it will also mean that legitimate children of the natural father will not be faced with a competing claim from a natural brother or sister who has been adopted out.

With regard to the acknowledgment of paternity, the honourable member suggested that the illegitimate should be able to claim only if the father admits or acknowledges paternity in his lifetime. The honourable member has proposed amendments designed to achieve this.

The basic objection to the honourable member's proposed amendments is that they discriminate against the illegitimate. If a person is in fact an illegitimate child of the deceased his claim would not be admitted even though he could produce overwhelming evidence that the deceased was his father, merely because that fact had not been admitted by or established against the father in the father's lifetime.

Such a case could easily occur. A person could obstinately deny paternity, or merely keep silent about it, and for one reason or another the mother may not have applied for a maintenance order against him. It does not seem just to exclude the child from any share in the estate for reasons over which he had no control.

The Russell Committee in England recommended against imposing any such limitation or restriction. Paragraph 44 of that report states, and I quote as follows:—

> We conclude that in cases of dispute it should be left to the court before which the problem comes for solution to decide on the whole of the evidence before it (including of course any birth certificate) whether the claimant has on balance of probabilities established the fact of paternity. The courts, we should observe, are accustomed to dealing with claims against the estates of dead people.

The United Kingdom Government accepted the committee's view. No limitation on an illegitimate's rights to claim appears in the United Kingdom Family Law Reform Act, 1969. It was this situation which prompted our Law Reform Committee to recommend that no limitation should be imposed in our legislation either.

Perhaps the most important argument for imposing a limitation is the feeling that otherwise an opportunity will be given to persons to blackmail the deceased's family by means of a false claim. It may be thought that such claims would be easily enough made but difficult to refute. I acknowledge that there is some force in this but I would point out two things in reply.

Firstly, a person who is unscrupulous enough to attempt blackmail by means of a false claim is likely to be unscrupulous enough to attempt to buttress that claim by concocting evidence that the deceased did in fact admit paternity in his lifetime. The honourable member's proposed amendment does not require that the admission must be made to any particular person or in any particular manner. I suggest, therefore, that the proposal in fact does little to safeguard against false claims.

Secondly, each of the Bills provides that proof of relationship must be established to the reasonable satisfaction of the court. This connotes more than proof on a reasonable balance of probabilities. A false claimant would have a difficult task to persuade a court that his claim was valid, and to that extent any intending blackmailer could be ignored by the deceased's executor.

With regard to the law in other places the honourable member mentioned legislation in other jurisdictions to show that our proposals are indeed pioneering measures. He referred to the United Kingdom and stated that the position there is governed by the Legitimacy Act, 1926. In fact the law there is now contained in part II of the Family Law Reform Act, 1969, which replaced the relevant part of the Legitimacy Act. The Family Law Reform Act gives unrestricted rights of succession as between the illegitimate and his parents. As I have said, it followed the Russell Committee's recommendation and does not limit the illegitimate's right to cases where paternity has been acknowledged by or established against the parent in his or her lifetime.

New Zealand enacted the Status of Children Act in 1969 which radically reformed the law as regards illegitimates. That Act abolished the legal status of illegitimacy altogether and provided that for all the purposes of the law in New Zealand the relationship between a person and his father and mother was to be determined irrespective of whether the father and mother were or had been married to each other. There is, however, the restriction that paternity must have been, expressly or by implication, admitted by or established against the father in his lifetime.

The position in other Australian States is generally as the honourable member has outlined.

The honourable member also mentioned section 27 of the Wills Act of this State, which relates to substitutional gifts, and said that it repealed section 117 of the Property Law Act in so far as that section included illegitimates. I am informed that section 27 of the Wills Act did not carry forward the reference to illegitimates because the rights of illegitimates were being reviewed by the Law Reform Committee, and there seemed little point, meanwhile, in re-enacting the complicated rules found in section 117 of the Property Law Act.

In conclusion, the honourable member's main objection to the Bill is the fear of false claims. To a large extent we are engaging in speculation. We do not know and cannot know whether or not false claims will in fact ever be made. Only time will tell. I suggest that the proper course is to keep a close eye on the working of the legislation and if there is evidence that false claims are in fact being made then this would be known to legal practitioners. Parliament at that stage can consider whether to place any limitation on an illegitimate's right to claim.

Question put and passed.

Bill read a second time.

PROPERTY LAW ACT AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate from the 24th August.

Question put and passed.

Bill read a second time.

WILLS ACT AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate from the 24th August.

Question put and passed.

Bill read a second time.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.52 p.m.] I move—

That the House at its rising adjourn until Tuesday, the 7th September.

Question put and passed.

House adjourned at 4.53 p.m.

Legislative Assembly

Thursday, the 26th August, 1971

The SPEAKER (Mr. Toms) took the Chair at 11.00 a.m., and read prayers.

FISHERIES ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Davies (Minister for Fisheries and Fauna), and read a first time.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Treasurer) [11.04 a.m.]: I move—

That the Bill be now read a second time.

Last year the parent Statute was overhauled; indeed, it was given a new look. However it is now felt necessary to seek a further small amendment. I hasten to inform members that I regret I cannot promise a Santa Claus in the Bill before them.

The Bill is designed to amend section 28 (2) of the Parliamentary Superannuation Act, 1970, which currently requires the first investigation into the state and sufficiency of the fund to be made as at the 31st December, 1970.

I understand this date was selected to ensure an early appraisal of the legislation introduced last year and, more particularly, to see whether the increased contributions from the Government were sufficient to meet the fund's liabilities under the new Act.

Valuation of the fund as at the 31st December, 1970, has commenced in keeping with the requirement of the Statute, but the consulting actuary has encountered a number of actuarial complications and has requested that we revert to a 30th June valuation.

Under previous legislation, valuations were carried out in 1961 and 1966 as at the 30th June, and it is considered to be in the best interests of comparability to continue on this basis and triennially thereafter.

Acting on recommendations I have received, I can see no compelling reasons for not changing the date and am satisfied the 30th June, 1971, would be a more appropriate date for the first investigation.

It is obvious to members that a date subsequent to a general election would be more appropriate for the purpose of assessing the state of health of the fund. I therefore commend the Bill to the House.

Debate adjourned, on motion by Sir David Brand (Leader of the Opposition).