we given them sufficient inducement to do the job properly, and had we provided sufficient finance for this purpose and left traffic control in the hands of country shires.

These people are on the spot. They know the cars and the people involved, and I am sure it would have been far better had we provided them with the finance to enable them to carry out their own traffic control. This would have been a more sensible way to handle the situation.

It is not too late, even now, for the Government to return to the situation that existed previously. The main reason that local authorities have turned over the control of country traffic to the police is because they did not have sufficient funds to permit them to carry the burden. That is the main reason.

If we are to overcome the problem that faces us we should give the local country shires all the encouragement they deserve and need. Had we done this I am sure we would not be faced with the problem we have today. We would not have had the struggle that ensues today between local authorities and the police.

Accordingly I have come to the conclusion that to a certain extent the Bill proposes to remove from the police, traffic control and administration with a view to placing it in a separate department. It is possible, of course, that this move will be successful and, as Mr. Heitman has said, eventually we will attain traffic control which is entirely different from that which exists today.

As members will see, I have placed an amendment on the notice paper. I observe that Mr. Ferry also has an amendment on the notice paper. The reason for my framing my amendment as I have is that the amendment to be moved by Mr. Ferry refers to a person to be nominated by the Local Government Association. I seek to have one representative from the Country Shire Councils Association to be appointed from a panel of three names submitted by that association.

I have done this deliberately, because I feel that the Local Government Asociation has not been affected by traffic control for 20-odd years, and I do not see any reason for that association to be brought back into the authority now. If a representative from any body should have been brought in, it should have been one from the Country Towns Association which covers a greater number of people than is covered by the shires. It is the country shires that have been fighting for this principle all along the line, and there are still many country shires which control their own traffic matters.

If the Minister desires co-operation he will include a representative from the Country Shire Councils Association on this authority. If he appoints such a representative he will get more co-operation than he would by appointing a representative from the metropolitan area. I repeat: the reason for my foreshadowing this amendment is to have the Country Shire Councils Association represented. I reluctantly support the Bill.

Debate adjourned, on motion by The Hon. D. K. Dans.

House adjourned at 9.22 p.m.

Legislative Assembly

Tuesday, the 8th May, 1973

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

SITTINGS OF THE HOUSE AND GOVERNMENT BUSINESS PRECEDENCE

Wednesdays

MR. J. T. TONKIN (Melville—Premier) [4.35 p.m.]: I move, without notice—

> That on Wednesday, 9th May, and on each Wednesday thereafter until the 31st May, 1973, the House shall, unless otherwise ordered, meet for the despatch of business at 11.00 a.m., and that Government business shall take precedence of all motions and Orders of the Day on each such Wednesday until 12.45 p.m. and from 7.30 p.m. onwards.

I would explain that in a desire to facilitate the work of the House I consulted the Leader of the Opposition and the Leader of the Country Party, who expressed their agreement to this motion and to my introducing it without notice. The purpose of the motion is none other than to facilitate the business and to ensure that private members' business shall have the same scope as is generally extended to it, and that no private member shall feel he is restricted in any way by what is proposed.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [4.37 p.m.]: Mr. Speaker, I am not sure of the procedure here, and whether or not permission of the House must be obtained for this motion to be introduced without notice.

The SPEAKER: It will require an absolute majority.

Sir CHARLES COURT: It is correct that the Premier conferred with both the Leader of the Country Party and myself. We understood that the motion would be introduced without notice today and, personally, I have no objection to it.

The only query I raise—and I presume it will be in order for the Premier to reply to the motion—is that I gather the motion, of which the Premier gave notice before

moving the one now before the House, provides for the suspension of Standing Orders until the 31st May. My understanding was that because of the procedure we propose to adopt as from tomorrow it would not be necessary to suspend Standing Orders until the end of May. That was one of the reasons for this motion; that is, to compact private members' business between 2.15 to 6.15 p.m. on Wednesdays, thus leaving the Government free to carry on with its business at its discretion during the rest of the week.

I must confess I did not listen attentively to the motion of which the Premier gave notice, and I cannot say whether it clarified the motion before us to ensure that private members' business is not impaired on the days in question; that is, each Wednesday from 2.15 to 6.15 p.m. If so, I would have to ask for time to reconsider the matter. Perhaps the Premier may clarify the position in the course of his reply to the motion.

MR. NALDER (Katanning) [4.38 p.m.]: I support the motion presented by the Premier because I believe it will be advantageous to the working of the House. I would like the Premier to indicate what he intends to do on Thursdays. I understand the arrangements included an understanding about Thursday sittings. I support the motion.

MR. J. T. TONKIN (Melville—Premier) [4.39 p.m.]: In order to clarify the matter so that there may be no misunderstanding, I think it is as well to go back to its genesis. My original proposal was that we should vary the sitting hours to enable us to meet at 11.00 a.m. on Wednesdays, just as we do on Thursdays. I said if the Opposition was prepared to agree to that I would not move a motion which would give Government business precedence over private members' business; but if that were not agreed to, then I would be obliged to move a motion to give Government business precedence over private members' business on all sitting days.

Subsequently the Leader of the Country Party suggested to me that if I would consider not requiring members to sit after tea on Thursdays the Opposition would be quite prepared to accept the proposal to limit private members' business on Wednesdays to the period following the luncheon suspension up to the tea suspension.

So, what is intended is that other than for the time taken for grievances, which represent private members' business, and the answering of questions, the whole of the time between 2.15 p.m. and 6.15 p.m. on Wednesdays will be devoted to private members' business without any interference at all by Government business; but for the rest of the time the House is sitting, Government business will take precedence, and the House will not sit after tea on Thursdays.

Question put.

The **SPEAKER**: I would point out to members that this being a motion without notice an absolute majority will be required. I have counted the House; and, their being no dissentient voice, I declare the question carried.

Question thus passed.

QUESTIONS

Statement by Speaker

THE SPEAKER (Mr. Norton): Before I take questions, I wish to make an announcement. Following a number of requests for the later closing time for questions on Thursdays, I have decided that questions will not be accepted after 5.00 p.m. This will apply also to Wednesdays following the decision just made. Members are requested to submit their questions as early as possible.

Regarding questions without notice, I refer members to the following statement by Speaker Guthrie—

> I would remind members that questions without notice are left to the discretion of the Speaker. I am aware of the fact that one of my predecessors once cut them out altogether, but I would hate to do that. However, some of the questions asked without notice today could have waited until Tuesday, and in my opinion should have been placed on the notice paper.

Many questions asked without notice during this session have not been of an urgent nature, and should have been placed on the notice paper. Like Mr. Guthrie, I would hate to cut out such questions, but I request members to confine their questions to urgent matters and to limit their length.

QUESTIONS (17): ON NOTICE

1. ABORIGINES

Welfare: Royal Commission

Mr. W. A. MANNING, to the Minister representing the Minister for Community Welfare:

(1) Does the Minister intend to proceed with the appointment of a Royal Commission on the welfare of Aborigines as promised by the previous Minister in response to my motion last session and my questions of 17th October, 1972 and 21st March, 1973?

(2) If "Yes", why does the delay continue?

(3) Will he consider having two separate reports—

(a) north;

(b) south?

Mr. T. D. EVANS replied:

(1) and (2) Approaches have been made to the Federal Government for the release of a Federal Court Judge to act as Royal Commissioner. However, on the 1st May the Honourable the Prime Minister advised that neither of the two persons who had been under consideration could be released.

Inquiries in two other States have revealed that one retired judge would be available for 2 months. As it is expected that the inquiry will take at least 6 months his services were not accepted.

Inquiries are still continuing with a view to obtaining the services of a suitable commissioner.

(3) No advantage can be seen in calling for separate reports for the north and the south.

2. TOTALISATOR AGENCY BOARD

Cranbourne Race: Investments

Mr. JONES, to the Minister representing the Minister for Police:

(1) With respect to the horses, Levian, No. 1 and Trader, No. 4, what amount was invested, collated and became part of the payout, win, place and quinella on the ninth and final race, which was won by "Message" at Cranbourne (Victoria) on Wednesday, 11th October, 1972 through the Western Australian T.A.B.?

(2) How much of the amount so invested on those two horses has been refunded to investors since their scratching was announced over radio 6IX on the day following the race—

(a) by way of tickets cashed;

(b) by way of "lost or destroyed ticket" claim forms?

(3) Was any action taken to advise the betting public of the omission, error or mistake, by way of the press, television or any other means?

(4) Which of the T.A.B. agencies which operated on the 11th October, 1972 were not open for business on the day of the scratchings announcement, 12th October, 1972?

(5) What were the circumstances surrounding the occurrence of the omission, error or mistake?

Mr. BICKERTON replied:

(1) $3,702.50.

(2) (a) $2,037.50.

(b) $278.

(3) Yes. A broadcast on 6IX and publication in *The West Australian* on 12th October, 1972.

(4) None.

(5) The error was detected on the Thursday morning when it was noticed that *The West Australian* showed Levian and Trader as scratchings. This information was confirmed with Mr. G. Nye of the Victorian Club Racing Centre. Both horses were scratched at 2.55 p.m. (Melbourne time) some 2 hours and 5 minutes before start time.

Radio Station 3UZ supplies a relay to Western Australia and this is the source from which scratchings for Melbourne races are obtained. Announcements on the day in question were monitored by two employees at T.A.B. head office and by one person employed by the board at station 6IX and neither horse was mentioned via the relay station as a scratching. The normal practice is for a final summary of the race to be given via the relay station at the conclusion of the meeting, however, this was not done. Prior to 12 noon Perth time, riders were notified for both of the subsequently scratched horses. This information was noted by the T.A.B. monitoring service.

A subsequent check with the board's on-course representative at the Toodyay meeting held on the same day revealed that on-course bookmakers operating on the Cranbourne meeting did not show these horses as scratchings.

3. LAND

Reserve No. A20215

Mr. MENSAROS, to the Minister for Lands:

(1) In which authority is reserve A20215 vested?

(2) Is he or the local authority responsible for Crown land vested in a shire council in regard to preventing and discontinuing squatting on such land?

Mr. H. D. EVANS replied:

(1) Murray Shire Council.

(2) The authority in which the reserve is vested is responsible for the control and management of the land in accordance with the purpose of the reserve—national park in this case. Section 310 Local Government Act confers on the local authority the power of a board under Parks and Reserves Act.

4. LOTTERIES COMMISSION

Turnover and Advertising Costs

Mr. MENSAROS, to the Minister representing the Chief Secretary:

(1) Has the W.A. Lotteries Commission's turnover and net income declined since bingo was made legal?

(2) What was the cost of the Lotteries Commission's advertising in newspapers, radio and television during the last four six-monthly periods?

Mr. TAYLOR replied:

(1) No.

(2)—

Period	Press	Radio	Television
		$	$
1/4/71 to 30/9/71	$41,251.50 (including $25,769.40 for publication of results)	15,601.72	21,396.04
1/10/71 to 31/3/72	$38,802.96 (including $28,912.12 for publication of results)	11,127.63	25,257.05
1/4/72 to 30/9/72	$34,683.72 (including $25,244.83 for publication of results)	13,932.65	31,947.04
1/10/72 to 31/3/73	$36,269.20 (including $26,731.46 for publication of results)	12,446.01	32,000.45

5. TECHNICAL EDUCATION

Commonwealth Grant

Mr. MENSAROS, to the Minister for Education:

(1) Has there been any planning done for use of the additional $829,000 Commonwealth grant for capital expenditure in technical education?

(2) If so—

(a) will the existing grants be used for purchase of land, and if so, where;

(b) for which colleges or training schools is the additional grant proposed to be used?

Mr. T. D. EVANS replied:

(1) Yes.

(2) (a) The Commonwealth grants can only be used for the purchase of land where the building programme is delayed because sites are not available. This does not apply in Western Australia because sites are available for all top priority requirements.

(b) Balga Technical School.
Bunbury Technical School.
Carlisle Technical School.
Leederville Technical College.
Wembley Technical School.

6. ATTORNEYS-GENERAL

Standing Committee Meeting

Mr. MENSAROS, to the Attorney-General:

(1) When was the last meeting of the Standing Committee of Attorneys-General held?

(2) Could he list the subjects upon which agreement has been reached for legislative or administrative action by the States?

(3) In particular, was there a paper commissioned or presented on the individual's right to privacy; and, if so, can he name and perhaps table the paper?

Mr. T. D. EVANS replied:

(1) 29th, 30th March, 1973.

(2) (a) Interstate enforcement of fines imposed on companies.

(b) Authorities in other States to be permitted to take evidence on oath.

(c) Preparation of draft legislation on consumer credit.

(d) Legislation to control the practice of pyramid selling.

(3) The Morrison report on the Law of Privacy was tabled in both Houses on Tuesday 1st May, 1973.

7. HOUSING

Land Exchange with Stirling City Council

Mr. MENSAROS, to the Minister for Housing:

(1) Has he or his department yet given a reply to the offer made by the Stirling City Council concerning an exchange of land in Markham Way, Balga, against public open space requirements in land bounded by Balga Avenue, Princess Road, Beach Road and Redcliffe Avenue?

(2) If so, what was that reply?

(3) If not, when will a reply be given?

(4) Were the builders given instructions to accelerate the construction of the houses on the land in question?

(5) Were any arrangements made to delay buildings until the Stirling City Council's offer was received?

(6) If not, why not?

Mr. BICKERTON replied:

(1) Yes.

(2) and(3) On my return from Ministerial conferences on 18th April, 1973 the City of Stirling was formally replied to and invited to advise if council was willing to compensate the State Housing Commission for moneys expended on these lots. To date, the city has not advised me its decision, but

on 7th May, 1973, the commission received a letter from the city advising that the council has no funds available for this purpose.

(4) and (5) No.

(6) The City of Stirling, the Town Planning Board and the State Housing Commission had approved in April, 1971 of these lots being utilised for group housing. The city rezoned these sites for this purpose in December, 1972. On 9th March, 1973, the city issued building license 73/866 to the contractor, who lodged contract plans and specifications prepared by the State Housing Commission for the erection of group housing on these sites, and to which utilities and services were available.

If the honourable member desires a copy of the stenographer's notes of the deputation with the State Housing Commission, I will be only too pleased to supply them to him. Possibly his question was initiated as a result of an article which appeared in the *Daily News* quoting the utterances of Councillor Austin. For the information of the honourable member—in case he does not know—Councillor Austin will, I understand, be one of the candidates vying for Liberal selection in the by-election.

Mr. O'Neil: What by-election?

8. SEWERAGE

Gosnells Treatment Works

Mr. BATEMAN, to the Minister for Water Supplies:

(1) Are any long range plans established by the water board for the installation of a sewerage treatment works in Southern River Road, Gosnells?

(2) If so, when is it proposed to be established and for what development will it cater?

Mr. JAMIESON replied:

(1) Yes.

(2) Subject to the availability of funds, it is envisaged that construction will commence in the 1973/74 financial year. A wastewater treatment plant in Southern River Road would predominantly serve development in the Gosnells district.

9. BYFORD REHABILITATION CENTRE

Facilities

Mr. RUSHTON, to the Minister representing the Chief Secretary:

(1) Has the Government scrapped the Brand Government's plans for additional facilities at Byford rehabilitation centre to enable admittance of voluntary patients?

(2) What was the amount of the estimate provided in the 1970-71 budget for the Byford centre development and subsequently deleted?

(3) Will he table a copy of the previously planned additional facilities?

(4) Why was this facility cancelled when this progressive move could do so much to relieve alcoholism as related to traffic accidents and personal suffering?

(5) What are the Government's intentions towards the future of this centre?

(6) How many persons are at present being treated who were—

(a) committed;

(b) voluntary?

Mr. TAYLOR replied:

(1) No.

(2) $395,000.

(3) Yes.

(4) The deferment of Byford development was a matter of priority for use of available loan funds.

(5) Development as planned.

(6) (a) 29.

(b) Nil.

The Chief Secretary has asked me to table for one week a plan relating to this answer. The plan may be of interest to the member.

The plan was tabled (see paper No. 149).

10. ARMADALE-KELMSCOTT DISTRICT MEMORIAL HOSPITAL

Extension

Mr. RUSHTON, to the Minister for Health:

(1) What is the building programme to commence at the Armadale-Kelmscott District Memorial Hospital before 30th June this year?

(2) Has consideration been given to provide additional beds to match the additional theatre capacity now to be installed?

(3) If "Yes" to (2), for what purpose and how many beds would be needed?

(4) When will a children's ward be added to this hospital?

(5) Is it planned to establish an elderly persons' hospital on this hospital site, and, if so, will he please let me know the timing?

Mr. DAVIES replied:

(1) Tenders close on 15th May, 1973, for new operating, X-ray and administration suites.

(2) and (3) Additional beds are not envisaged in the near future.

(4) Not decided.

(5) It is intended to establish permanent care units at major country and metropolitan hospitals when funds permit. No indication can be given as to when one could be established on the Armadale-Kelmscott district memorial hospital site.

11. WANNEROO-GINGIN INDUSTRIAL AREA

Control of Price and Development

Mr. RUSHTON, to the Minister for Town Planning:

Referring to the Government fixing of the value of 80,000 acres in the shires of Wanneroo and Gingin—

(a) for how long is this blanket to remain in force;

(b) does the Government still intend to introduce this Session legislation covering the control and development planning for the 80,000 acres;

(c) under which Statute is the present price blanket legalised;

(d) what is the distance and direction of—

(i) the proposed northern corridor from the latest site of the proposed Pacminex;

(ii) the previous Pacminex site from Scarborough?

Mr. DAVIES replied:

(a) There is no blanket; the period of any future control will need to be determined by legislation.

(b) Yes.

(c) There is no control on prices at present. As stated in the joint Ministerial announcement of 17th January, 1973, proposed legislation will relate prices to 1st January, 1973.

(d) (a) From the nearest point in each case approximately 10 miles (16 km).

(b) From the nearest point of site to Scarborough beach —approximately 15 miles (24 km).

12. TOURISM

Passenger Ships at Fremantle

Sir CHARLES COURT, to the Minister for Tourism:

(1) What has been the number of passenger ships visiting Fremantle in each of the years ended 30th June, 1965, to 1972, and for the period from 1st July, 1972 until 30th April, 1973?

(2) What has been the approximate number of passengers carried by these ships in each of these years?

(3) What has been the approximate number of—

(a) embarkations;

(b) disembarkations from those ships at Fremantle during the periods mentioned above?

(4) (a) What is the number of passenger ships expected to call at the Port of Fremantle from 1st May, 1973 to 31st December, 1973;

(b) how many of these ships will be cruise ships making intermittent calls at Fremantle;

(c) how many will be on a more or less regular run such as, for example, between Fremantle and Singapore?

(5) (a) What are the reasons for reduction of passenger traffic, if such is this case;

(b) (i) how many passenger ships, and which ships, have been the subject of industrial action or industrial threat from unions;

(ii) how many and which passenger ships have either been transferred to other areas or were temporarily off the Fremantle run because of industrial action or threat of industrial action?

(6) (a) What representations are being made by the Government to stimulate the passenger traffic passing through and originating at Fremantle;

(b) what are the prospects of success?

(7) What is the amount of use of the Fremantle Passenger Terminal at the present time?

(8) (a) What is the degree of patronage of gift shops, etc. at the terminal when there are no passenger ships in the port;

(b) has consideration been given to a variation of rents and other charges if there has been a serious diminution in their trade?

Mr. Jamieson (for Mr. TAYLOR) replied:

		Financial years								
		1964/65	1965/66	1966/67	1967/68	1968/69	1969/70	1970/71	1971/72	1/7/72 to 30/4/73
(1)	....	206	211	207	204	201	206	195	192	137
(2)	....	196,436	210,516	202,458	174,272	171,703	172,338	140,253	134,863	97,224
(3) (a)	....	12,737	17,926	18,460	19,251	21,205	23,028	21,448	26,026	15,617
(b)	....	21,046	26,247	28,014	27,987	28,494	27,740	24,835	27,310	22,899

(4) (a) Approximately 35. During the next three years the usage level has been assessed at 57 calls per annum.

(b) Nil.

(c) Approximately 35.

(5) (a) (i) Fall-off in migrants.

(ii) The popularity of air travel, particularly with cheaper fares.

(b) (i) The *Australasia, Malaysia, Kotasingapura, Centaur, Eastern Queen.*

(ii) *Kotasingapura.*

(6) (a) The Tourist Development Authority has had frequent negotiations with all overseas passenger operators with the view to stimulating passenger traffic through and at Fremantle and was largely responsible in obtaining Australian passenger agency accreditation for one of the operators on the Singapore-Fremantle run.

(b) Although the shipping operators have shown interest in the representations, the prospects of success are limited due to the world-wide trend to curtail regular scheduled passenger route sailings—a result of loss of point-to-point passenger numbers to airlines—and the replacement of such regular route sailings by the now more lucrative special destination cruise activity and this has resulted in the reduction in the number of passenger ships calling on a regular basis at Fremantle.

(7) Approximately two ships per week.

(8) (a) The terminal and the gift shops are closed when there are no passenger ships in the port.

(b) Rentals being paid by the Port Authority's tenants are currently under review.

13. PUBLIC RELATIONS OFFICERS AND PROMOTION OFFICERS

Number

Mr. O'CONNOR, to the Premier:

(1) Having regard for the information tabled as Paper 135 on the 2nd May, 1973, is it correct that the total number of public relations and promotion officers employed by the present Government is 37 as against 33 employed by the previous Government?

(2) If not, what is the correct position?

Mr. J. T. TONKIN replied:

Yes. However, the information tabled also indicates that the use of outside consultant firms has been reduced by five.

14. CONNELL AVENUE SCHOOL

Improvements

Mr. RUSHTON, to the Minister for Education:

(1) When will the unfinished landscaping to 100 feet around the cluster-type Connell Avenue primary school, Kelmscott, be carried out?

(2) How quickly will the urgently needed rectification of contract faults be undertaken for this school?

(3) Has the underground bore been sunk and equipped?

(4) What is the hourly rate of water flow from testing?

(5) When will the playing oval be constructed?

(6) What type of cross-over is planned to give access from the school across the creek or swamp to the oval?

Mr. T. D. EVANS replied:

(1) Plans are to be prepared for completion of the landscaping. This work is to be scheduled for the next planting season.

(2) The contractor will be required to complete promptly any matters referred for attention.

(3) The bore has been equipped but electrical connection is yet to be completed.

(4) 3,200 gallons.

(5) Funds have not yet been allocated.

(6) A culvert will be installed.

15. CROWN LAND

Fire Prevention

Mr. STEPHENS, to the Minister for Lands:

(1) What provision does the Government make for protective burning and fire prevention on Crown lands and reserves?

(2) Is financial assistance given to shires which may be expected to carry out fire protection measures on the abovementioned areas?

(3) If "Yes" to (2), what has this amounted to in each of the preceding four years?

(4) Will the Government consider increasing these allocations?

Mr. H. D. EVANS replied:

(1) In the financial year 1972-73 approximately $781,000 was provided by the Government for protective burning and fire protection on Crown lands and reserves.

(2) to (4) Shire councils are not expected to carry out fire protection measures on these areas, unless they are vested in or under the control of the shire. Moneys are therefore not provided by the Government to local authorities for this purpose.

16. SEWERAGE

Point Peron Treatment Works

Mr. HUTCHINSON, to the Minister for Water Supplies:

(1) Will he advise what progress has been made in the construction of the Point Peron sewerage works?

(2) Did he as a member of the Opposition oppose the construction of these works on the site in question at the time when the then Leader of the Opposition—the present Premier—spearheaded a campaign against the works on the chosen site?

(3) Has the Premier at any time since his Government assumed office indicated his opposition to the construction of the Point Peron sewerage works?

Mr. JAMIESON replied:

(1) The outfall has been constructed and is discharging from a temporary package plant. The treatment works are partly completed and by early 1974 the first stage will be commissioned as an extended aeration plant to serve a population of 8,000.

(2) If the Member will elaborate on the circumstances of my alleged opposition and provide *Hansard* references, if the matter was raised in the Parliament, I will endeavour to reply to his question.

Mr. Hutchinson: I am just asking you.

Mr. JAMIESON: I am just telling the honourable member, and it is quite clear. To continue—

(3) No, not to me.

17. MIDLAND WORKSHOPS

Apprentices

Mr. MOILER, to the Minister representing the Minister for Railways:

With reference to the continuity of employment for apprentices completing their apprenticeship with the W.A.G.R. Workshop Midland—

(a) how many apprentices completed their apprenticeship during 1972;

(b) how many of the apprentices listed in (a) had their employment terminated by the department;

(c) how many apprentices have completed their apprenticeship this year during the period January-April inclusive;

(d) how many of the apprentices listed in (c) had their employment terminated;

(e) how many apprentices will complete their apprenticeship this year during the period May to December inclusive?

Mr. MAY replied:

(a) 67,

(b) 10,

(c) 49,

(d) 5,

(e) 28.

QUESTIONS (9): WITHOUT NOTICE

1. PRIVY COUNCIL

Appeals

Sir CHARLES COURT, to the Attorney-General:

I have due regard for your earlier ruling, Mr. Speaker, and I can assure you the questions I now ask are important because of procedural matters tomorrow.

(1) Under what Statutes do the State of Western Australia and its citizens have a right of appeal to the Privy Council?

(2) On what matters are there rights of appeal by the State of Western Australia and its citizens to the Privy Council?

(3) What procedures would be necessary by—

(a) the Commonwealth Government; and

(b) the State Government before the rights of appeal to the Privy Council could be terminated?

(4) (a) Has the State Government any intention of taking action to endeavour to terminate these rights of appeal available to the State of Western Australia or its citizens?

(b) When is such action (if any) proposed?

(5) Has the State Government indicated to the Commonwealth Government and/or to any other parties its desire to abandon the right of appeal to the Privy Council?

Mr. T. D. EVANS replied:

(1) to (5) The rights of citizens of this State and of the State itself to appeal to the Privy Council from decisions of the Supreme Court of Western Australia exercising jurisdiction other than Federal jurisdiction is generally determined by Imperial legislation and various Orders in Council in force under that Imperial legislation.

There is generally speaking no appeal directly to the Privy Council from a decision of the Supreme Court exercising Federal jurisdiction and, since the enactment of of the Privy Council (Limitation of Appeals) Act, 1968, of the Commonwealth there has been a substantial limitation on the rights of subjects of this State and the State itself to appeal to the Privy Council from a decision of the High Court which was in turn exercising appellate jurisdiction over a decision of the Supreme Court of Western Australia.

The question is, however, a most complex one and I would ask the Leader of the Opposition to place it on the notice paper.

2. SEWERAGE

Point Peron Works

Mr. HUTCHINSON, to the Premier:

In view of his strong opposition, when Leader of the Opposition, to the construction of the Point Peron sewerage works on the chosen site, has he reasserted his previous objection to the Minister for Works or to anybody in the Department of Works? If not, would he explain why?

Mr. J. T. TONKIN replied:

I would have appreciated it had the member for Cottesloe given me five minutes' notice of this question.

Mr. Hutchinson: As Ministers we were asked questions without notice time and time again.

Mr. J. T. TONKIN: I am not objecting, I am simply saying I would have appreciated five minutes' notice.

Mr. Hutchinson: I thought it best to ask the question off the cuff.

Mr. J. T. TONKIN: In the circumstances, I have no appreciation of the honourable member's question at all.

Mr. Hutchinson: I really did not expect you would.

Sir Charles Court: You are expressing an opinion.

Mr. J. T. TONKIN: It is true that I expressed opposition to the establishment of the works, of which opposition the member for Cottesloe took no notice whatever.

Mr. Hutchinson: Rubbish! I answered the question most sensibly.

The SPEAKER: Order!

Sir Charles Court: And politely.

Mr. J. T. TONKIN: The member for Cottesloe took no notice because it did not make the slightest difference to his plans to go ahead with the project.

Mr. Hutchinson: I answered the question sensibly.

The SPEAKER: Order!

Mr. J. T. TONKIN: I want to put a few facts on record. The member for Cottesloe is showing a great deal of interest in this question now, but he showed no interest whatever when he was Minister for Works.

Mr. Hutchinson: Rubbish!

Sir Charles Court: I thought he showed a lot of interest.

Mr. J. T. TONKIN: The fact remains there is not a line on any file to indicate that the member for Cottesloe, as Minister for Works, had any other intention but to proceed with this work.

Sir Charles Court: That is fair enough.

Mr. Hutchinson: What is wrong with that?

Mr. J. T. TONKIN: The matter having proceeded to the extent it has I have left it to the Minister for Works to make his own determination without trying to direct him.

3. COUNTRY HIGH SCHOOL HOSTELS

Commonwealth Subsidy and Fees

Mr. E. H. M. LEWIS, to the Minister for Education:

(1) Is the *per capita* subsidy of $1.50 —I should have added per school week—to hostels conducted by the Country High School Hostels Authority still paid by the State direct to hostels at the beginning of each term?

(2) Is it the intention of the Commonwealth to pay the basic $350 per year for each boarder direct to the hostel at the beginning of each term subject to approval of the parents as was the case when the State paid the boarding allowances?

(3) If the answer to (2) is "No", will he make representations to the Commonwealth to give effect to direct payment to the hostels?

(4) What is the present boarding fee at—

(a) Port Hedland;

(b) Esperance?

(5) What were these fees in 1972?

(6) Is any increase subject to approval by the Minister?

Mr. T. D. EVANS replied:

I thank the honourable member for some notice of his question, the answers to which are as follows—

(1) Yes.

(2) The allowance is not paid direct to the hostel at present but this matter is being considered by the Commonwealth.

(3) See (2).

(4) (a) $210 per term. The local committee is applying to the hostels authority for approval to increase the fee to $255 per term.

(b) $183 per term increasing to $213 from second term 1973. The present fee is $183 per term but approval has been granted for an increase to $213 as from the second term, 1973.

(5) Port Hedland $210 per term, Esperance $173 per term increasing to $183 from third term, 1972.

(6) No. Increases require the approval of the Country High School Hostels Authority.

4. POSEIDON MINING AGREEMENT

Amendment: Explanatory Statement

Sir CHARLES COURT, to the Premier:

Earlier today I gave notice of my intention to move a motion tomorrow. I have passed a copy of this to the Premier, and with your indulgence, Mr. Speaker, I would like to ask a question arising from this as it may save the time of the House considerably. The Premier will recall that his colleague, the Deputy Premier, tabled an amending agreement in connection with Poseidon on the 9th April. He also had an explanatory statement which was tabled. However this is not in the *Hansard* record so far as I can ascertain. I was not in the House at the time, but I have had a check made and I cannot find any record of this in *Hansard*. In view of the importance of the matter and to enable easier reference would the Premier agree to a ministerial statement being made setting out the details in *Hansard* in due course and to have the agreement reprinted so that there is available to the public and to Parliament a complete copy of the amended agreement, particularly as these amendments are far reaching?

Mr. J. T. Tonkin: I suggest that the Deputy Premier and Minister for Development and Decentralisation reply to this question.

The SPEAKER: Very well.

Mr. GRAHAM replied:

It would be my intention to endeavour to supply the information in the form stated by the Leader of the Opposition and to have this made available, plus any record for *Hansard*, at the earliest possible moment.

5. TRADES AND LABOR COUNCIL

Discussion of Proposed Legislation

Mr. McPHARLIN, to the Minister for Labour:

If sufficient notice of this question was not given to the Minister I apologise. The question is as follows—

It was reported in today's copy of *The West Australian* that the issues to be discussed at a meeting called at Geraldton on

the 7th May, 1973, were the Industrial Arbitration Act, long service leave, sick leave, and the Workers' Compensation Act.

Is it the practice of the Government to allow Trades and Labor Council representatives to discuss proposed legislation with members of Parliament before the second reading has been given?

I refer to the Workers' Compensation Act Amendment Bill which is item 27 on today's notice paper.

Mr. TAYLOR replied:

On arriving at my place at 4.30 p.m. I did find the question on my desk. I have endeavoured to sketch out an answer which I hope is satisfactory.

The first point in the question to be clarified is in respect of the word "allow", in that the Government has no way of giving permission to the Trades and Labor Council on any matter. However, it is refreshing to have this assertion from the honourable member as usually those on the Opposition benches habitually assert that the reverse applies—that the T.L.C. "allows" the Government to do certain things.

Mr. O'Neil: We use the word "instruct".

Mr. TAYLOR: Secondly, the newspaper report in *The West Australian* of the 8th May, 1973, refers to four "issues", not to "legislation". For the honourable member's information three of the four "issues" mentioned—the Industrial Arbitration Act, long service leave, and sick leave—are the subjects of Bills already before the House and for which second reading speeches have already been given. They are therefore public knowledge. I presume that any discussion on the "issue" of workers' compensation would be of a general nature.

6. DAIRY INDUSTRY BILL

Continuation of Debate

Mr. BLAIKIE, to the Premier:

Because the House will rise on the 24th May, and since we have only nine sitting days left, there is good reason for the question I propose to ask. Does the Government again intend to defer the debate on the legislation dealing with a single dairy authority for Western Australia?

Mr. J. T. TONKIN replied:

As I understand it, no decision has been made in this respect. It is the Government's intention to proceed with this legislation.

7. PRIVY COUNCIL

Appeals

Sir CHARLES COURT, to the Attorney-General:

The Attorney-General gave a general answer to parts (1) to (5) in my first question without notice and then requested that the question be placed on the notice paper for the sake of a more detailed answer to some of the more complex parts of the question. The more simple parts of the question, however, were overlooked by the Attorney-General, one of which was whether the State Government had decided to take action to opt out of the rights of appeal to the Privy Council. I should imagine that this particular question is not among the complex matters he mentioned. It is referred to specifically in parts (4) and (5) of my question.

Mr. T. D. EVANS replied:

It is the Government's belief that the rights of appeal in all matters would probably rest with the High Court of Australia.

Sir Charles Court: Heaven forbid!

Mr. T. D. EVANS: And therefore, it is consistent that the Government believes the practice of giving the right of appeal to some other tribunal should be discontinued and the ultimate right of appeal should be to the High Court of Australia. It does not mean to say when we agree with any particular end that we agree with the means adopted in arriving at that end.

8. SEWERAGE

Point Peron Works

Mr. RUSHTON, to the Premier:

In case the answer given to the member for Cottesloe is misunderstood, I would like to ask an additional question without notice. Because of the local concern, did the Premier indicate to the Shire of Rockingham and to others through the media, his intention to resite the Point Peron sewerage works should his party be returned to Government, and what attention has he given to this undertaking?

Mr. J. T. TONKIN replied:

I ask that the question be placed on the notice paper.

9. COMMONWEALTH BONDS

Interest Rates

Sir CHARLES COURT, to the Premier:

(1) Is it customary for the Commonwealth Government to consult the States before announcing the interest rates on Commonwealth bond issues?

(2) If so, has he received the Commonwealth's recommendation for the issue which is thought to be imminent?

(3) (a) Is an increased interest rate involved?

(b) If so, is this not at variance with the Labor Party's election policy, and what explanation was given by the Commonwealth Government for the increase?

(4) (a) Did he concur in the revised rate?

(b) If so, did he concur with, or without, protest?

(c) If with protest, what was the nature of his protest?

Mr. J. T. TONKIN replied:

(1) Yes.

(2) Yes.

(3) and (4) The terms and conditions of Commonwealth loans are determined by the Australian Loan Council, the proceedings of which are strictly confidential, and I am therefore not at liberty to disclose the information requested.

LONG SERVICE LEAVE ACT AMENDMENT BILL

Third Reading

MR. TAYLOR (Cockburn—Minister for Labour) [5.17 p.m.]: I move—

That the Bill be now read a third time.

MR. O'NEIL (East Melville—Deputy Leader of the Opposition) [5.18 p.m.]: I wish to take up a few moments to state as clearly as I can the stand that the Opposition takes in respect of this legislation.

I wish to make this perfectly clear: During my second reading speech I made no reference to quantum for long service leave and the method under which the leave is granted presently under the Act, except to say this—and the Minister was kind enough to admit it—that currently the determination of long service leave conditions for workers who are subject to awards and agreements with the Industrial Commission rests with the commission.

Mr. Taylor: Could you help me—are you referring to the article in the *Daily News?*

Mr. O'NEIL: If the Minister is not prepared to admit this, I will ask him to reply. Is the Minister prepared to admit that historically and traditionally long service leave provisions in Western Australia with respect to workers in the private sector who are subject to industrial awards and conditions have been laid down through decisions by the Industrial Commission? I believe the Minister must agree this is so, and he must also agree that the Long Service Leave Act as such specifically states that it applies to those workers whose terms and conditions are not covered by the Industrial Arbitration Act. So in fact workers in the private sector who are not covered by industrial awards and agreements fall within the provisions of long service leave legislation already on the Statute book, which is designed to ensure that nonaward workers are not disadvantaged compared with those workers covered by industrial awards and agreements.

The Bill we are now discussing is designed in one part to remove from the industrial arbitration authority whatever rights it has previously held in respect of determining long service leave awards and conditions. It was in respect of that principle that we, on this side of the House, violently—I suppose that is the word—objected.

We also said loudly and clearly that had the Government introduced an amendment to the Long Service Leave Act which was intended to ensure that nonaward workers were not disadvantaged, then we would have given such an amendment our sympathetic consideration.

As I understand it, we are being accused of denying the workers the right to long service leave. We are doing no such thing. The Minister knows that the Long Service Leave Act was introduced in 1958 and amended in 1964. He will recall that although the Act was introduced by a Labor Government, the one and only time the provisions of the Act have been updated was in 1964—when a Liberal-Country Party coalition was in Government. So we are not opposed to the principle that everyone should get a fair deal with respect to long service leave. What we are opposed to is the move made by the Government, in its second effort to have a crack at this legislation, to take authority away from the Industrial Commission. That is our main objection to the Government's proposals.

MR. TAYLOR (Cockburn—Minister for Labour) [5.22 p.m.]: I took out my watch when the Deputy Leader of the Opposition rose. He spoke for exactly four minutes, and I appreciate that he attempted to cover his points as quickly as possible. I intend to reply to his remarks in exactly the same time.

I understand the points made by the Deputy Leader of the Opposition. However, I want to make some comments which I believe are more pertinent than his. Firstly, I submit that long service leave is not a matter traditionally for arbitration courts. In fact, when long service leave was granted to unions in Western Australia in 1958, it was not as the result of a determination of the State Arbitration Court—the matter was not debated before it. The court simply rubber-stamped agreements.

Mr. O'Neil: You are being technical; it was agreement by consent.

Mr. TAYLOR: No debate has ever taken place as a test case before the Industrial Commission. There have been other minor agreements.

Mr. O'Neil: I did not argue against the principle. That was a consent award.

Mr. TAYLOR: One was the Yampi Sound (Iron Ore) Agreement, and another was the Goldsworthy Agreement. In these cases the court granted long service leave after 10 years' employment. However, in other instances agreements were reached between employers and employees and these were rubber-stamped by the commission.

Mr. O'Neil: That is what I mean. I thought you wanted conciliation.

Mr. TAYLOR: I do not want to go over my time.

Sir Charles Court: You are on a loser this time.

Mr. TAYLOR: The Industrial Commission could not consider an overall test case. It could consider a case put forward by a single union and make a determination on that issue.

Mr. O'Neil: What is wrong with establishing principles?

Mr. TAYLOR: The commission could not establish a principle that would have general application.

I understand the New South Wales legislation provides long service leave for all workers under State awards, and I have further information which I will pass to members in another place. In 1952, the State of Victoria followed New South Wales and that Parliament itself granted long service leave to all workers under State awards within the State. I indicated to the House earlier that further New South Wales legislation extending the quantum was passed in 1963 and further legislation in South Australia last year.

In reply to the Deputy Leader of the Opposition, I point out that the only "precedent" in Western Australia is that Parliament has never made a determination. In fact, with the exception of several general cases, all matters have been approved by the Industrial Commission without debate before it.

Question put and a division taken with the following result—

Ayes—25

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

Noes—25

Mr. Blaikie	Mr. Nalder
Sir David Brand	Mr. O'Connor
Sir Charles Court	Mr. O'Neil
Mr. Coyne	Mr. Ridge
Dr. Dadour	Mr. Runciman
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Sibson
Mr. Hutchinson	Mr. Stephens
Mr. A. A. Lewis	Mr. Thompson
Mr. E. H. M. Lewis	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. McPharlin	Mr. I. W. Manning
Mr. Mensaros	*(Teller)*

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

Question thus passed.

Bill read a third time and transmitted to the Council.

PRE-SCHOOL EDUCATION BILL

Report

Report of Committee adopted.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Third Reading

MR. DAVIES (Victoria Park—Minister for Town Planning) [5.30 p.m.]: I move—

That the Bill be now read a third time.

I would like to take a few minutes to detail some of the matters which I overlooked earlier in the handling of the Bill, and I have apologised for this omission. I do not want to be accused of being discourteous to the House. I confirm the facts that I gave the other night, and they relate to the appointment of the same person to two different positions under two different Acts.

In 1953 the then Town Planning Commissioner (Mr. Hepburn) was appointed Town Planner under the Public Service Act. Since that time it has been a dual

appointment, up to and including the appointment of Dr. Carr on the 13th December, 1972. Although the one person has occupied the two positions, the title has been different. Up to the 1st January, 1965, under the Public Service Act the position was termed "Town Planner". After the 1st January, 1965, the position was called "Town Planning Commissioner"; this is in line with the Town Planning and Development Act. I repeat that up to that stage one officer was doing the job, but it bore two different titles.

In the middle of 1964 the previous Government felt that some reorganisation in the Town Planning Department was necessary, and one of the recommendations was that this particular officer be no longer termed the "Town Planner", but be termed the "Town Planning Commissioner". The change was made on the 1st January, 1965. At the time there was mention of the fact that it was a dual appointment, but no action was taken to alter the method of appointment although such a move could quite easily have been made.

When the Act was being reviewed in January of this year this dual appointment was again brought to the notice of the department by the Crown Law Department. We felt it was necessary to make the appointment under one Act only, and we considered it would be acceptable if it were made under the Public Service Act. Having decided on that we proceeded to amend the Town Planning and Development Act. I overlooked putting this matter before the House, and for that I have apologised.

If we did leave the position as a dual appointment, and for any reason one of the appointments lapsed under either the Town Planning and Development Act or the Public Service Act—it is more likely that the appointment under the first-mentioned Act will be allowed to lapse, than under the last-mentioned Act—some very vital links between other organisations and the Town Planning Department would be affected. For instance, the Industrial Lands Development Authority Act prescribes that the Town Planning Commissioner appointed under the Town Planning and Development Act shall be a member of the authority; and if this officer was not reappointed after a five-year term we would be in an invidious position. That is why we have to safeguard that and similar positions, where a very vital and necessary link occurs. We could not have the department operating, even if only for a short period of time, when there is some doubt regarding the legality of the Town Planning Commissioner appointed under the one Act or the other.

We feel the Bill is necessary. All the required safeguards are provided under the Public Service Act. I have made a check and found that all appointments since 1953—although sometimes in a different name; that is, Town Planner instead of Town Planning Commissioner—have been made in accordance with the Act at five-yearly periods. As the matter has been brought to our notice by the Crown Law Department we considered this was the time to make the necessary change.

MR. RUSHTON (Dale) [5.34 p.m.]: Whilst appreciating the explanation given by the Minister we do not like the form in which the Bill is presented. The Minister has made some comments regarding the present appointment; but as a matter of fact he has not told us whether the Town Planning Commissioner has been appointed under both the Public Service Act and the Town Planning and Development Act.

Mr. Davies: Yes I did. If you read the transcript you will see that I mentioned that on the 13th December, 1972, Dr. David Carr was so appointed. I said that this evening.

Mr. RUSHTON: Dr. Carr was appointed under both Acts?

Mr. Davies: Yes.

Mr. RUSHTON: The dual appointment which the Minister says requires clarification and which he regards as just an incidental issue is not a fact. The appointment of the Town Planning Commissioner is made under the Town Planning and Development Act. The Minister reinforces this point by saying that when a change was made in the 1960s, the name was changed to fit in with this appointment. If for some reason it was decided that the contract of service would not be renewed after five years the officer would be subject to the Public Service Act; then it would be the responsibility of the Public Service Commissioner to appoint this officer to another position.

It becomes a change in principle; and it is one which we, this House, and the Minister supported when we debated the appointment of the Director-General of Transport. There was no suggestion of a change. I say the Minister has not given us a satisfactory explanation as to why this principle or policy should be changed. Does the Government now intend to alter every appointment that has been made on a similar basis? Are we to have amendments relating to the appointment of the Commissioner of Railways, the Conservator of Forests, the Public Service Commissioner, the Director-General of Transport, and similar positions? We do not like the form in which this legislation is presented, and we object to it on that basis.

MR. DAVIES (Victoria Park—Minister for Town Planning) [5.38 p.m.]: There is no intention to alter the appointment of any other officer, because I know of no other officer who has been appointed under two Acts. If there is in existence the dual appointment of the other officers mentioned, then consideration will have to be given to deciding under which Act they are to be appointed. Whilst there is no conflict there is no need for any alteration to be made.

However, in the case of the Town Planning Commissioner a conflict has existed since 1953, and more particularly since the 1st January, 1965. Because such a conflict existed we felt it was incumbent on us to do something about the matter. Should I find a similar appointment in any of the other portfolios I administer then I would have to select one Act to govern the appointment. As such a situation does not exist I do not consider the point raised by the member for Dale to be valid.

Question put and a division taken with the following result—

Ayes—25

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

Noes—25

Mr. Blaikie	Mr. Nalder
Sir David Brand	Mr. O'Connor
Sir Charles Court	Mr. O'Neil
Mr. Coyne	Mr. Ridge
Dr. Dadour	Mr. Runciman
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Sibson
Mr. Hutchinson	Mr. Stephens
Mr. A. A. Lewis	Mr. Thompson
Mr. E. H. M. Lewis	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. McPharlin	Mr. I. W. Manning
Mr. Mensaros	*(Teller)*

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

Question thus passed.

Bill read a third time and transmitted to the Council.

TRAFFIC ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th April.

MR. O'CONNOR (Mt. Lawley) [5.42 p.m.]: I thank the Premier for bringing forward on the notice paper the debate on this Bill, and I wish to indicate that it has the general support of members on this side of the House. As members are probably aware the Bill was brought before Parliament following representations made by the Law Society, because it was considered that the law as it stood could cause injustice to certain people. However, no cases have arisen where appeals have been made against the provision in the Act; if appeals had been made they would, in the circumstances, have failed. Therefore, the provision has not been tried out before the courts.

Section 29 of the Traffic Act deals with the duty of a driver to stop and to do certain things following an accident. Subsection (2) states that any person convicted under this provision shall be liable to a term of imprisonment of not less than three months or more than 12 months. This is followed by a sentence which indicates that if the court is satisfied that special circumstances existed and the person was not aware an accident had occurred, no term of imprisonment is applied but a fine of up to $200 may be imposed. The Law Society, the Government, and the Opposition feel that an injustice could be caused by the operation of this provision. As I have pointed out, we on this side have no opposition to the Bill.

When an alteration to legislation, such as this, is made one tries to find out why the particular provision was inserted into the legislation in the first place. In this instance one wonders whether the inclusion of the provision to be amended was not brought about by the desire to catch up with drunken drivers. However, the Law Society considers that the amendment will cause no injustice to anyone, and will rectify the position. There is no need for me to elaborate further, except to indicate once again that we on this side support the measure.

MR. McPHARLIN (Mt. Marshall) [5.45 p.m.]: At the outset I wish to indicate that we do not intend to oppose the Bill. I think its provisions are desirable because they will provide that a person who may have committed some offence, of which he was totally unaware, will not be subject to certain penalties which are provided for in the present wording of the Act. I think the amending measure is quite good because a person will not be penalised for an offence of which he was totally unaware.

During his second reading speech the Minister said it was now proposed to provide means for an accused person to satisfy the court that he was not, in fact, aware of a particular accident, or was aware that anyone had been injured. I think that provision is very desirable and, as I have said, we do not intend to oppose it. The Minister said it would seem fair that where a driver is blameless he ought not to be convicted under section 29 of the Act. It is possible for a driver who is culpable to be charged with breaching some other regulation. I repeat: We have no opposition to the measure.

MR. JAMIESON (Belmont — Minister for Works) [5.47 p.m.]: It seems we are in accord on the provisions of this Bill. It is not desirable that a person should be imprisoned, as is provided under the present Act, when he is not aware of having committed an offence. There seems to be some doubt regarding loopholes in the present legislation, and appeals may prove it to be not as secure as it seems.

I consider that legislation should not be ambiguous, and should express the desires of Parliament. That is what we are endeavouring to do on this occasion, and I commend the second reading.

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.

FATAL ACCIDENTS ACT AMENDMENT BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [5.50 p.m.]: I can recall the occasion when the last Attorney-General in this Parliament, the late Mr. Arthur Watts, introduced the parent measure in 1959. Subsequent amendments have been made to the Act and, on this occasion, I move—

That the Bill be now read a second time.

The Bill proposes to amend subsection (3) of section 6 of the principal Act, which defines the conditions upon which an action may be brought under the Act for the benefit of an illegitimate child.

The existing law provides that damages cannot be recovered by an illegitimate child in respect of his father's death unless—

(a) The deceased — the father of course—during his lifetime had contributed maintenance or agreed in writing to the support of the child; or

(b) a court order for the child's maintenance had been issued against the deceased.

The deceased, again, would be the father of the illegitimate child. In conformity with other recent legislation applicable to illegitimate children—and approved by this Parliament—the Bill gives legal recognition to the parent-child relationship in cases where paternity is admitted by, or established against, the father during his lifetime and the father subsequently, of course, being deceased.

The amendment extends the relief available under the principal Act to a class of dependants who are not presently entitled to relief. Included in the class are those children who were conceived before marriage and have been deprived of a father by his unfortunate death prior to the intended marriage.

I suggest members will support this Bill as a means of providing fair and reasonable treatment to a section of the community who are already under a handicap. I commend the Bill to the House.

Debate adjourned, on motion by Mr. R. L. Young.

CONSTITUTION ACTS AMENDMENT BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [5.54 p.m.]: I move—

That the Bill be now read a second time.

This short Bill is mainly the outcome of recommendations made by the subcommittee on electoral matters. Clause 1 contains the short title and citation, and clause 2 provides for the legislation to come into operation on a date to be fixed by proclamation.

Clause 3 seeks to amend section 7 of the principal Act to reduce from 21 years to 18 years the qualification to be elected as a member of the Legislative Council. I am sure members will accept the fact that this provision is only consistent with other steps of which this Parliament approved during the last session when it accepted the Age of Majority Bill. Also, in 1970—during the life of the Government led by the present member for Greenough—Parliament approved the granting to 18-year-olds of the right to vote in Legislative Council and Legislative Assembly elections. The present provision is, naturally, a progression of that principle. This, and the variation embodied in the next clause, are considered then to be in keeping with the extension of the franchise in 1970 to persons not under 18 years of age.

Clause 4 amends section 20 to reduce from 21 years to 18 years the age for qualification to be elected as a member of the Legislative Assembly in respect of which my previous comments would be equally applicable.

Clause 5 amends section 31 of the principal Act by deleting the disqualification for membership of either the Legislative Council or the Legislative Assembly of a clergyman or a minister of religion. I might add that this sanction, or disqualification, does not apply under the corresponding Commonwealth legislation. Therefore, amongst the members of the Federal Parliament one may well find persons who have, in fact, in the past been ordained members of the clergy but who, because of the provisions existing in our

Constitution, are permitted to contest but prohibited from taking a seat in either House of this Parliament.

Clause 5 will also remove the disqualification of any person who has been, in any part of Her Majesty's dominions, attainted or convicted of treason or felony, that person having repaid the debt to the community assessed by the laws of the community. I commend the Bill to the House.

Debate adjourned, on motion by Sir Charles Court (Leader of the Opposition).

WEIGHTS AND MEASURES ACT AMENDMENT BILL

In Committee

Resumed from the 3rd May. The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Taylor (Minister for Labour) in charge of the Bill.

Clause 3: Section 4 amended—

Progress was reported on the clause after the member for Darling Range (Mr. Thompson) had moved the following amendment—

> Page 2—Insert after paragraph (a) the following new paragraph to stand as paragraph (b)—
>
> (b) by inserting in subsection (1) after the definition of "package" the following definition—
>
> "Pre-packed sliced bread" means a package of bread consisting of a loaf of bread which complies with the requirements of the Bread Act, 1903, and which loaf has been sliced by a machine approved by the Minister. ;

Mr. TAYLOR: The Committee will recall the amendment moved by the member for Darling Range. In his second reading speech the honourable member pointed out that at least one part of the Bill, in relation to sliced and wrapped bread, had not been referred to the master bakers to allow them to examine the proposed amendments to see whether they would satisfy the industry. This omission was covered by a meeting with the industry on Thursday and a further meeting on Friday last.

The amendment proposed by the member for Darling Range has been given some consideration. The honourable member sought to protect the master bakers, in that under the Bread Act they were required to bake loaves according to certain dough weights which did not necessarily comply with exact weights in dry weight once the bread had been baked. Under the proposed amendments to the Weights and Measures Act there was a possibility of the baked bread being cut in such a way and into such quantities as to conflict with the normal weights which are prescribed under the Bread Act. The honourable member suggested an anomaly existed in that the Bread Act and the Weights and Measures Act could be at variance. I indicated to him and to the Leader of the Country Party, who also spoke on this matter, that I would examine it to see what could be done in the interests of the industry and the community, because that is the whole purpose of the Act.

It appears from advice tendered and discussions with the secretary of the Master Bakers Association that the amendment put forward would not cover the problems raised and, in fact, could complicate them. It has been suggested that the amendment would nullify the intention of the amending Bill, in that a person who bakes bread may not be able to comply with the regulation relating to prepacking in the Weights and Measures Act. In other words, the amendment could conflict with the Bread Act.

As I understand the purport of the amendment, it was that the Bread Act should remain as the most important of the Acts and nothing should be done to interfere with the provisions regarding weights contained in it. The department, in consultation with the master bakers, attempted to overcome the problem. I readily agree with the member for Darling Range that there could be come difficulty in policing the matter, but to overcome it would necessitate a rather lengthy amendment which would amount to inserting a completely new provision 27D(a) into the Act to cover the situation in relation to prepacked sliced breads. This would also necessitate amending the Act each time it was required or desired to pack sliced bread in a different form. The only way to cover the situation decisively so that it would not conflict with the Bread Act would be to delineate types of bread and their weights, and this was considered to be a little rigid.

As a result of discussions between the departmental officers and the master bakers, it was suggested that the problem could be solved by not proceeding with the amendment proposed by the member for Darling Range and by the Committee accepting my undertaking to amend the regulations under the Weights and Measures Act to incorporate a section dealing with sliced and packed bread.

The regulations under the Weights and Measures Act set out limitations on types of packages for various commodities. For example, sugar may only be packed in quantities of 8 oz., 12 oz., 1 lb., 1½ lb., and multiples of 1 lb. The regulations deal with a number of other articles.

The master bakers predicated that they are prepared to accept the legislation as it stands, without amendment, provided

assurances are given that they and the department will discuss the matter in order to come to mutual agreement on certain regulations to be incorporated in the Weights and Measures Act which will specify very clearly the weights of packages of sliced or wrapped bread.

Mr. Nalder: Have you given any thought to having it put into the Bread Act?

Mr. TAYLOR: Yes, but it is not thought desirable to do so in that the Bread Act has been in existence for a long time and it is well understood, and theoretically, we do not want to tamper with it. It is the Weights and Measures Act which complicates the Bread Act, and that is where we are looking for a change. We could amend the Weights and Measures Act but to cover the situation adequately a long and substantial amendment would be required, and problems could arise if it were found necessary to amend the Act between sessions of Parliament. I am advised the bread manufacturers are prepared to accept the present Weights and Measures Act is it stands, provided they have the guarantee that suitable amendments will be made to the schedule and regulations under the Weights and Measures Act to cover the points raised in regard to dough weights under the Bread Act.

Mr. Nalder: Does this mean every package will be marked with the net or gross weight of the bread?

Mr. TAYLOR: The packages will have to be marked with a weight but there will have to be variations from that weight. A point was made by way of interjections that with dough weights the moisture content after baking could vary, so the range of packages and weights prescribed will have to fit in with the situation pertaining under the base Act, which is the Bread Act.

Mr. Nalder: Will the type of bread also be printed on the package?

Mr. TAYLOR: That comes into a different category.

Mr. Nalder: It would still have to be marked on the package.

Mr. TAYLOR: Yes, but it would be a name rather than a weight, and as I understand it the weight is the important thing.

Mr. W. A. Manning: Would it not be possible to put the original dough weight on the package?

Mr. TAYLOR: That is possible, and it may be the only way it can be done, but the regulations would be the easiest and most satisfactory place in which to indicate what is required, and this can be done in conjunction with the master bakers. The alternative, as I said, is a fairly long clause which would require amendment each time the weight of a package of sliced or wrapped bread needed to be varied. I therefore urge that the amendment be not agreed to.

Sir CHARLES COURT: I will speak only briefly, and by arrangement with the member for Darling Range. I have listened to what the Minister said and I suggest that he and the master bakers give this matter further thought. The crux of the whole situation is the point made by the Leader of the Country Party; that is, that the parent Act is the Bread Act. From what the Minister has said, I assume some of the newer members of the Master Bakers Association do not understand the history of dough weights. Western Australia led the field in this matter, and after a great deal of trial, tribulation, and negotiation, both within the industry and between the industry and the Government, and the Government and the Parliament, this system was eventually hammered out. It has served very well—not only the industry but also the public—because it is the only proven method whereby they can be sure that not only does the weight go into the bread at the point of making the dough and commencing the baking, but also the right ingredients go into it. Hence the regulations relating to dietetic bread, milk bread, and so on.

It was necessary to amend the original law to provide for these new types of bread. It was considered by the industry and the Government to be important to protect the public against people who would call something a milk loaf, for instance, and use it as a subterfuge to circumvent the law. The law has always been very closely watched by the inspectorial staff and the Minister of the day because it deals with a commodity which is rather sensitive.

Mr. Taylor: I appreciate the Leader of the Opposition's association with that industry.

Sir CHARLES COURT: I will not go over the history of the battle which was won as to how to define dough weights. The system proved to be good. It is easy to police, both as regards weight and nutriment.

I hasten to say the amendment sought by the member for Darling Range was not designed to protect the industry so much as to protect the public against the minority who always seem to have the knack of finding a loophole. They get a run on the rails, and the next thing they have circumvented what was intended to be a watertight law. This does not apply here to the extent that it applies in the Eastern States, but in view of the new type of bakery which is developing it is important that we do not leave the door even ajar at the present time, in fairness to the manufacturers who operate in an orthodox fashion.

To my mind, the amendment is a skilful device for overcoming the problem so that we have the best of two worlds. The matter is covered under the Weights and Measures Act without losing the protection of the Bread Act. If the member for Darling Range agrees to the amendment being withdrawn so that the matter can be dealt with in another way, I still counsel the Government and the industry to have another look at it; because I understand from the explanation given that the door will be left ajar for people who want to use sliced and wrapped bread as a means of circumventing the original Bread Act, which is the one Act through which we have been able to supervise carefully the true value going into a loaf.

Before I conclude, I leave this thought with the Minister: that if the loaf is sliced and wrapped and is to be measured by a weight, it does not overcome the old problem of making sure that the right weight of ingredients and the correct nutriment go into the loaf. It is possible for a loaf to be of the right weight but for its ingredients to be of an inferior nutritional and financial value. The bread could qualify by weight but not have what was intended by Parliament to be the nutritional value of a loaf of that weight.

Mr. Taylor: If I might answer the Leader of the Opposition by way of interjection, we do not want to change the Bread Act or in any way reduce its value. I accept that point. I make a further point that we will continue discussions with the bread industry following this debate, and if either party desires a change we will raise the matter again at the other end. I understand the bread manufacturers are happy at this point of time.

Sir CHARLES COURT: The Minister is making out a very good case for having a Legislative Council.

Mr. THOMPSON: I emphasise that the purpose of my amendment was not to protect the interests of the bakers but to protect the interests of the public to ensure the public is getting a fair deal. The Weights and Measures Act bent over backwards to exempt bread because of the very difficult problem which exists in ensuring that value is produced. I believe we should ensure that bread is always related to the tried and proven method of the dough weight, as prescribed in the Bread Act. The Minister suggested he has an amendment which is better than mine.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. THOMPSON: The Minister has proposed an amendment to replace my amendment. He said my amendment will not do what I desire it to do, and his amendment will. Then he went on to say that he does not recommend the amendment because it would be cumbersome in that every time the manufacturers wished to vary the weights of bread or the size of loaves the Act would have to be amended. I point out that the Bread Act of 1903 prescribes the three sizes of loaves which are permitted, and no great pressure appears to have been applied to amend the Bread Act to make provision for variations in the sizes of loaves.

So I cannot really see that the amendment would weaken the position. The bread manufacturers are quite adamant that the dough weights as prescribed in the Bread Act should be regarded as the yardstick by which bread is measured. Their concern is not so much for themselves, but to protect the public. I know it is always possible in any industry to find an undesirable person taking advantage of loopholes in the law. That is the purpose behind my amendment. However, I accept that the Minister will keep the matter under consideration. Therefore I request permission to withdraw my amendment.

Mr. NALDER: I am disappointed that it is still proposed not to place this provision in the Bread Act. I do not think it would interfere with that Act. Possibly that will be done before long. The Minister indicated that officers of the Crown Law Department have considered the matter and although it is possible to produce an amendment to cover the situation, it appears such an amendment would be likely to prove cumbersome. I cannot see why the amendment should not be included in the Bill and if in the future there is a demand for a type of sliced bread which is not available at the moment the position could be covered by regulation.

However, I am prepared to accept the Minister's proposition. I understand he will have another look at the matter, and I would ask him to agree to allow representatives of the Liberal Party and the Country Party to consider any proposed regulations to see whether in our opinion they cover satisfactorily all aspects of the matter. On that basis I am prepared to agree with the proposition of the Minister.

Sir CHARLES COURT: I am still not convinced that we should depart from the Bread Act as far as basic measurements are concerned. I suggest to the Minister that in the course of the deliberations to take place between himself, his officers, and the master bakers, consideration be given to the amendment in its present form, but with a minor addition which I think will overcome the problem. The amendment of the member for Darling Range refers only to a loaf of bread which complies with the requirements of the Bread Act, 1903. If that is the real problem at law, I suggest that the words "for a loaf of bread of that particular type" be inserted after the date "1903".

I do not suggest that is the last word in drafting, but I think those words should be included because at present under the

Bread Act many types of bread are defined, and it is important that we relate particular loaves of sliced and wrapped bread back to the definition in the Act. The definition must apply to that particular bread; whether it be dietetic, milk, currant, or an ordinary 2 lb. loaf, the bread must conform with the definition in the Bread Act. I suggest when the matter is considered the Minister must have regard for the definition of the type of bread. I think we should try to get back to tying dough weights to the Bread Act, because that is the only way to ensure that not only the weight of bread but also its nutritional value is protected.

Mr. TAYLOR: We have canvassed this point at some length. I think it is generally conceded that the intention is to obtain something that is workable, easily understood, and will function properly. I have given certain undertakings already, and I am more than happy to give an additional undertaking that the amendment suggested by the Leader of the Opposition will be examined; and that suggested regulations will be made available to members opposite for their perusal.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 4 to 8 put and passed.

Clause 9: Section 27HB added—

Mr. THOMPSON: This clause relates to frozen foods. I ask the Minister whether any regulation has been prescribed to cover the position? Clearly the Minister is concerned about the weights of frozen foods, and I can appreciate his problem. However I would hope he has some idea of what regulations will be prescribed under this proposed new section.

Mr. TAYLOR: I am unable to say that. I indicated last week this is one of the provisions which at present is being studied by a committee composed of people from New South Wales who will present suggestions for uniform regulations to cover frozen foods. At the time I made the point that we are desirous of uniformity because of the carriage of frozen foods between the States. The agreement between the States is that if uniformity is achieved in the Weights and Measures Acts of the various States, the way will then be open to obtain possible uniformity in regulations.

I am sure I gave a guarantee that once the regulations have been considered by all States they will be made available within the State for discussion with the industry. I have already set in motion correspondence to those interested advising them of the intention of the Government to contact them before any regulations are promulgated. In answer to the query, I cannot explain what the regulations will be.

Clause put and passed.

Clauses 10 to 12 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

GOVERNMENT EMPLOYEES' HOUSING ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [7.48 p.m.]: I move—

That the Bill be now read a second time.

For some time past a subcommittee has been examining the provisions of the Electoral Act and electoral matters generally and the amendments sought in this Bill are largely the outcome of the recommendations of that subcommittee.

Clause 1 is the short title and citation and clause 2 provides for the legislation to come into operation on a date to be fixed by proclamation.

Clause 3 repeals and re-enacts paragraph (c) of section 18 dealing with disqualifications. It is considered that the disqualifications in regard to convicted persons should be more specific than they are at present.

Clause 4 is to amend section 33 of the parent Act by deleting the price for an electoral roll. The price of 10c which has been stated in the legislation since 1907 is now unrealistic. The amendment will permit of a price being prescribed in the regulations and varied as considered necessary. I might add that this will be in keeping with the electoral legislation in each of the other States and the Commonwealth.

Clause 5 seeks to amend section 45 to increase the penalty for failure to comply with the compulsory enrolment provisions of the Act. The present penalties are considered to be inadequate and the amounts stated in the amendment are in keeping with those sought in clause 30 for failure to comply with the compulsory voting provisions.

Clauses 6 and 7 contain amendments to sections 52 and 59 consequential upon the passing of the amendment sought in clause 3. Section 52 relates to the removal from the rolls of persons who have been convicted and sentenced to a term of imprisonment for one year or longer; and section 59 provides for lists of those persons to be forwarded to the Chief Electoral Officer.

Clause 8 provides a new section 77A for a candidate in any election to make an application for a party designation to be shown in connection with his name on ballot papers for that election. It is the first of several clauses relating to the same subject.

Under clause 9 any body—that is, a group—of at least 20 persons may apply to the Chief Electoral Officer to be registered as a party under a new section 77B sought to be included. Provision is made for a party designation, being an abbreviation of the name of that party, in which the number of letters does not exceed 12 for insertion in ballot papers. The name of the Country Party has 11 letters, so provision was made for one spare one to encompass the Country Party.

Mr. Gayfer: Thanks for the consideration.

Mr. Thompson: What about the Australia Party?

Mr. T. D. EVANS: Clause 10 sets out in a new section numbered 77C the procedure to be followed in objecting to the registration of a party and provides for the hearing of any objection by a stipendiary magistrate.

Clause 11 is to insert a new section 77D which sets out the method of dealing with an appeal against the decision of the Chief Electoral Officer refusing an application for registration.

Mr. Nalder: How does the Australian Labor Party get on?

Mr. T. D. EVANS: The honourable member should study the Bill.

Clause 12 prescribes in a new section 77E the effect of the issue of a writ on any application received by the Chief Electoral Officer for the registration of a party.

Clause 13 is to insert a new section 77F into the parent Act and that section provides for the registration by the Chief Electoral Officer of a party after the requirements set out in the appropriate preceding new sections have been complied with.

Clause 14 sets out a new section 77G which provides for the alteration of particulars of the registration of a party.

Clause 15 sets out a new section 77H which provides for the renewal of the registration of a party, and for the cancellation of the registration of a party. A registration is for a period of three years once effected.

Clause 16 inserts a new section 77I which stipulates that where a party designation is not authorised to be shown on ballot papers in connection with the name of a candidate, the designation "Independent" shall be shown against the name of the candidate.

Clause 17 seeks to amend section 81 to increase from $50 to $100 the amount of deposit to be lodged by a candidate with his nomination. It is considered that the existing amount of deposit is too low and the time has arrived for an increase. A candidate, for example, for election as a member of the House of Representatives is required to lodge a deposit of $100.

Clause 18 is to amend section 86 which provides for the production by the returning officer at the hour of nomination of all nomination papers. The amendment is that the applications for party designations should also then be produced.

Clause 19 seeks to amend section 90 of the parent Act by deleting the provisions for an issuing officer to initial a postal ballot paper issued by him. This clause is complementary to clause 27 which seeks to remove the necessity for ballot papers to be initialled.

Clause 20 seeks to amend and to modify the provisions in section 92 in regard to authorised witnesses. This amendment will be found to be complementary to clause 21 of the Bill.

Clause 21 repeals and re-enacts subsection (1) of section 94 which contains the list of authorised witnesses for postal votes. The amendment provides that any person who has attained the age of 18 years is an authorised witness. It is considered that the existing provisions are inadequate and the amendment will make the locating of an authorised witness much more simple, particularly outside Australia.

Clause 22 seeks to amend section 95 dealing with offences relating to postal voting. It extends the existing provisions set out in subsection (8) to institutions and hospitals to which the proposed new section 100B applies.

The next clause, clause 23, is to amend section 100 to provide for the appointment of a polling place as one at which ordinary votes may be cast for any province or district. If used in suitable premises such as the Town Hall, Perth, this provision would lessen the number of absent votes which would need to be recorded. A central polling place of this type is used, for example, for State elections in Brisbane, and from memory, I would say this principle is adopted also in the State elections in Tasmania.

Clause 24 seeks to include a new section 100B providing for the operation of mobile portable ballot boxes at specified institutions and hospitals at which polling places for the use of the general public have not been appointed. It is proposed in the amendment that this service will function on polling day or during the five days immediately preceding that day. It will afford an opportunity to vote to each elector who

is for the time being resident in the institution or hospital and by reason of illness, infirmity, or approaching maternity, is unable to attend a polling place to vote on election day.

Clause 25 is complementary to clause 24 and seeks to amend section 102 to provide for a presiding officer and another officer to be in attendance with and to operate each mobile portable ballot box at the institutions and hospitals referred to in section 100B.

Another clause—clause 26—seeks to amend section 113 to provide for the inclusion of party designations on ballot papers and for ballot papers to be affixed to numbered butts. The provision for butts operates in Queensland and facilitates a check of those issued.

Clause 27 seeks to amend section 125 to remove the necessity for a presiding officer to initial a ballot paper before it is delivered to an elector. The necessity to initial ballot papers was recently deleted from the Elections Act of Queensland. Clause 28 is complementary to clause 27 and, again, is to delete the reference to initials on a ballot paper appearing in section 127.

Clause 29 amends section 139 dealing with the informality of ballot papers. It seeks to remove the reference to initials and makes a ballot paper informal if it does not have indicated on it the party designation of any candidate, having regard for the provision which is made for the term "Independent" to be used against a person's name where no party designation has been applied for and registered.

Sir Charles Court: Would it not be the fault of the printer or the Government of the day, through its department, if there were no designation?

Mr. T. D. EVANS: If no party designation has been applied for and registered?

Sir Charles Court: Yes.

Mr. T. D. EVANS: The designation "Independent" would then be authorised to be used under the legislation.

Sir Charles Court: I understood the Minister to say that if there were no such indication on the ballot paper, the ballot paper would be informal. I am saying that this would not be the candidate's fault.

Mr. T. D. EVANS: It refers to the position where no party designation has been applied for and registered.

Mr. O'Neil: If there is no party designation against one person's name, surely there should be no party designation in the whole of the election if they are printed in the same place?

Mr. T. D. EVANS: I will have the matter checked but I think members of the Opposition will find that the measure encompasses the situation.

Clause 30 seeks to amend section 156 to increase the existing penalties for failure to comply with the compulsory voting provisions of the Act. The increase sought for a penalty imposed by the Chief Electoral Officer under subsection (12) for a first offence is from the present $2 to a new figure of—wait for it—$5 and for any subsequent offence from $10 to $20. The clause also amends subsection (16) to increase the penalty from $10 to $20. This is the penalty which, I understand, may be imposed by a court. It is considered that the present penalties are inadequate.

Clause 31 seeks to amend section 177 to provide that the time in which a candidate is required to send a return of electoral expenses to the Chief Electoral Officer shall be within three months after the day on which the election takes place instead of three months after the day on which the declaration of the poll takes place.

Sir Charles Court: Why is that?

Mr. T. D. EVANS: I think an examination of the measure will reveal the reason.

Sir Charles Court: It does not give any reason.

Mr. T. D. EVANS: Clause 32 seeks to amend section 187 to stipulate that it shall be an illegal practice to represent that a candidate or a person is authorised to use the name or party designation of a party without the authority of that party.

Clause 33 seeks to repeal and re-enact section 192 to make it an offence for any person on polling day to canvass for votes or solicit the vote of any elector in a polling place or within 100 metres of the entrance thereof.

Mr. O'Neil: Make it 100 miles!

Mr. T. D. EVANS: Amongst other things, the clause also places an embargo on the publication of matter relating to any candidate or political party on polling day.

I might mention that the practice of distributing electoral matter on election day and of soliciting votes within a given range of a polling place has, for some years, been the electoral practice within the State electoral laws of Tasmania. The Minister for Works, the Minister for Labour, and I were in Tasmania last year on the day the State elections were held—the 27th May, I think it was. We witnessed the manner in which the people voted even though they were confronted with what appeared to me as a strange ballot paper—one issued under the Hare-Clarke system. I think the late Ben Chifley referred to it as the "harey system".

Be that as it may, the people seemed to manage to vote without great difficulty. They did not have the aid of, or were not confused by, a proliferation of how-to-vote material being distributed.

Mr. Gayfer: A distance of 100 metres in some country towns would put one in the next town.

Mr. T. D. EVANS: Before concluding my remarks I wish to indicate that, in response to an inquiry, on my behalf the Chief Electoral Officer has sought some information—which is contained in files I have here—relating to the practice of including the designation and registration of party names on ballot papers. From information provided to me the position is as follows—

> Canadian legislation provides for party designations to be shown on ballot papers in that it is provided that the nomination paper shall contain a statement of the name, address, occupation, and political affiliation of the candidate and that the political affiliation of the candidate, if any, shall be set out on the ballot paper after or under the name of the candidate.

Mr. Mensaros: Does that apply to one or more particular province or does it apply to the Federal elections?

Mr. T. D. EVANS: I cannot be more specific, but perhaps this will be revealed. To continue—

> South African legislation requires the name, address, and occupation of the candidate to be shown on the ballot paper but does not make reference to political affiliation.
>
> In the United States of America party identifications are usually on the ballot paper, though sometimes "nonpartisan" elections are held. In the 1960's probably more than half of elective offices in the United States were filled using a nonpartisan ballot. Ballot papers showing party identifications of candidates are of two types:
>
> (1) the Indiana ballot where candidates are grouped under party affiliation.

This appears to have been adopted in approximately 30 of the American States. To continue—

> (2) the Massachusetts ballot where candidates are listed under the name of the office sought, but with party endorsement added.

This appears to be used in about 20 American States. I am advised by the Chief Electoral Officer that no reference to the issue of how-to-vote cards on polling day being unlawful has been found.

For example, no reference is made to the fact that distribution of this material in Tasmania—which is a fact—is unlawful. The Chief Electoral Officer attended the South Australian general election on the 10th March this year and his report is quite enlightening. He says—

> A recent amendment of the South Australian Electoral Act provides for the exhibition of "how to vote" cards in the voting screens in polling places. Briefly, if the candidate desires to exhibit a "how to vote" card in voting screens, he must apply to the Returning Officer for the State within 48 hours of his nomination for approval of a prototype of his "how to vote" card. There are regulations governing size and other matters regarding the card and the Returning Officer for the State is required to make a draw for each district of the position on the poster in the voting screen which shall be occupied by each "how to vote" card.

Mr. Rushton: Do you want them all to have "Vote Labor" on all the cards?

Mr. T. D. EVANS: I am referring to what is the law in South Australia. To continue—

> The Returning Officer for the State has absolute discretion in deciding whether "how to vote" cards submitted to him comply with the regulations.

It was the experience of the Chief Electoral Officer, doubtless gained by advice offered to him by his counterparts and doubtless as a result of his own observations, that there were problems. He says—

> Naturally there were some problems associated with the "how to vote" cards submitted to the Returning Officer for the State and he was obliged to seek legal advice regarding the cards submitted.

Mr. E. H. M. Lewis: This is not a part of the Bill?

Mr. T. D. EVANS: I am using this by way of comparison to show what has applied in other parts of Australia. Provision is made in South Australia for candidates themselves to seek approval to have how-to-vote cards displayed but this system does not seem to be the best found as yet. By way of comparison, I am suggesting the inclusion of party designation on our ballot papers will go a long way towards assisting electors and to make it easier for candidates at least to know that the chances of electors being confused at the time of voting—voting for a person in the belief that that person is allied to some other party—may be minimised. The Chief Electoral Officer said—

> Reports were received that in some case "how to vote" cards had been removed from the voting screens or had been defaced.
>
> The whole procedure in South Australia had administrative difficulties and this would be particularly so if a candidate was to nominate very late. No doubt the legislation was introduced with the object of eventually

eliminating the handing out of "how to vote" cards outside the polling places. However, for this election—

He is referring to the last election in South Australia. To continue—

—the cards were still being handed out outside the polling places.

I mention, in conclusion, that the Government has received quite a few requests from various persons and organisations asking why the use of party designations on ballot papers cannot be adopted. I may be corrected if I am wrong, but from memory one of these is an organisation known as the Country Regional Councils' Association. At the time I received the request the secretary of that body was Mr. Newman, of Albany. That was one request which was typical of several we have received seeking information as to why the method of incorporating party designation on ballot papers cannot be used for the benefit of assisting electors. I commend the Bill to the House.

Debate adjourned, on motion by Sir Charles Court (Leader of the Opposition).

ELECTORAL DISTRICTS ACT AMENDMENT BILL

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [8.15 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Electoral Districts Act and is entitled the Electoral Districts Act Amendment Bill, 1973. In moving that the Bill be now read a second time I again indicate that the measure is the outcome of the deliberations of the subcommittee which has been examining electoral matters generally and it contains some variations which were suggested by a former Chief Justice in his capacity as chairman of electoral commissioners.

It seeks to make amendments to the principal Act in a manner which it is considered will be of assistance to the electoral commissioners in future redistributions.

Clause 1 is the short title and citation and clause 2 provides that the legislation shall come into operation on a date to be fixed by proclamation.

Clause 3 amends subsection (1) of section 3 of the principal Act and seeks to delete the requirement that the commissioners publish any proposed alteration of an electoral district in a newspaper. This entailed the publication of all the proposed boundaries.

The amended provisions require the publication of a notice specifying the date and number of the *Government Gazette* in which the proposed alteration has been published and will result in a saving by avoiding the necessity to print in a newspaper the lengthy boundary descriptions, as these are already being provided in the *Government Gazette*.

The clause also removes the requirement that the commissioners present their final report and final recommendations to the Governor. It is provided in subsequent clauses that they will themselves publish the final report and final recommendations which will thereupon take effect and have the force of law.

Clause 4 amends section 4 to draw attention to an alteration to section 5, and clause 5 amends section 5 of the principal Act by providing that the number of electors in relation to any area shall be calculated as on the date of the publication in the *Government Gazette* of the latest proclamation made pursuant to section 12 of the Act. This puts into the Act a practice which has been followed by electoral commissioners.

The clause also contains a provision empowering the commissioners to make such minor variations to the boundaries of the metropolitan area and the agricultural, mining, and pastoral areas as the commissioners consider necessary to ensure that clearly defined boundaries of each such area will apply; but not so as to make any variation in any part of the boundary of the agricultural, mining, and pastoral areas as is common with any part of the boundary of the north-west-Murchison-Eyre area.

Members are no doubt aware of some of the difficulties that were encountered by the electoral commissioners on the last occasion when it was necessary for them to consider electorates out near Beach Road. Beach Road has, of course, been realigned since the Act was passed and in fact it has ceased to exist where it should exist at the present time, and certain parts of the terrain are in fact situated where the Act does not contemplate their being situated at all. It is in cases such as this that the commissioners can make clear the intention of the Act and the dividing boundaries.

Attention has been drawn to the necessity for this provision as the alignments of some of the boundaries of the metropolitan area which were defined in 1961 and to which the commissioners are required by the legislation to adhere, have been substantially altered by the construction of new roads and the establishment of new subdivisions. The situation is creating increasing problems for the Chief Electoral Officer as he points out the boundaries in some places, particularly in the northern section of the area, now traverse residences.

Clause 6 amends section 6 in a consequential manner to provide that the quota of electors for each electoral district shall be calculated on the number of electors

within the area as on the date of the publication in the *Government Gazette* of the latest proclamation made pursuant to section 12.

Clause 7 seeks to amend section 7 by increasing to 20 per cent. more or less the margin of allowance the commissioners may adopt. The existing margin of 10 per cent. has been reported as being too restrictive.

The clause also repeals and re-enacts subsection (2) of section 7. The re-enacted provisions now empower the commissioners to divide the north-west-Murchison-Eyre area into four electoral districts to be known as the Kimberley, Pilbara, Gascoyne, and Murchison-Eyre districts, each of which shall have a number of electors that is not greater by more than 20 per cent. than, and is not less by more than 20 per cent. than, such number of electors as equals one-quarter of the electors in the north-west-Murchinson-Eyre area, and each of which shall have such boundaries as the commissioners specify in their final recommendations.

Sir Charles Court: Do not tell your Federal counterparts this.

Mr. O'Neil: They are working the other way.

Mr. T. D. EVANS: Under the amendment the area shall consist of two electoral provinces as at present, one composed of the Kimberley and Pilbara electoral districts and the other of the Gascoyne and Murchison-Eyre electoral districts.

All this provision does is to enable the commissioners to look at the designation of Murchison-Eyre in the north-west area and in fact to apportion the number of electors within this area to bring about some form of parity—not necessity quality —within that area.

Clause 8 repeals subsection (2) of section 8 consequential to the repealing and re-enacting of subsection (2) of section 7.

Clause 9 repeals and re-enacts section 10 to provide that the commissioners shall, on or before a date to be fixed by the Governor, such date to be within 12 months of the date of the publication of the proclamation issued under section 12, forward their final report and final recommendations to the Minister to whom the administration of the Electoral Act is committed. The period of 12 months replaces the existing implied period of eight months.

The clause also stipulates that in describing any boundary of an electoral province or electoral district in the final report, the commissioners shall not refer to the Tropic of Capricorn or any parallel of latitude or meridian of longitude.

Sir Charles Court: We will have to take an advanced course in mathematics for that one.

Mr. T. D. EVANS: Clause 10 repeals and re-enacts subsection (2) of section 11 to provide for the commissioners themselves to publish their final report and final recommendations in the *Government Gazette*. The Act at present provides that the Governor shall, by Order in Council, promulgate the final report and final recommendations.

Clause 11 amends section 12 by repealing and re-enacting paragraph (b) of subsection (2a) to provide that the proclamation referred to in that subsection shall be made forthwith after the expiration of six months from the date of the polling day for the last preceding general election for the Legislative Assembly, and amends subsection 6 consequential to the repealing and re-enacting of subsection (2) of section 11.

I commend the amendments in the Bill to the House.

Debate adjourned, on motion by Sir Charles Court (Leader of the Opposition).

SALE OF LAND ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th April.

MR. R. L. YOUNG (Wembley) [8.27 p.m.]: The Bill to amend the Sale of Land Act is a very simple one, and at the outset I would like to remind the House that in his second reading speech the Attorney-General pointed out the restrictive nature of section 17 (1) of the existing Act. In order to refresh the memory of the House I would like to read that section so that members will more readily understand why the Bill before us has to be supported by this side. Section 17 (1) reads as follows—

> A vendor of land or his agent shall not, on or in connection with the sale of the land, make a statement, in writing or otherwise, as to the actual, proposed, or projected position, or operation of any public amenity unless, at the time he makes the statement, all persons whose authority is by law required for the construction and operation of the amenity in that position have given that authority.

This means simply that in the course of his duties in selling the land if an agent is aware that there may or may not be a public utility which could be proclaimed —it may be a road, a bridge, a school, or anything else—and is likely to be built in close proximity to the land he is selling he may not mention that fact in the course of his endeavours to sell such land.

There are two obvious reasons why that situation cannot remain; firstly in doing his duty the agent is virtually forced—if he knows that a public utility will go into a particular area—to break the law by pointing out this fact to the prospective

purchaser. If this is advantageous—that is, if the public utility is to be a school, a library, or something like that, and the authority has not been given for the erection of the particular public utility and neither have the persons required by law given permission for its construction—the agent must not mention that fact. Even if it is an absolute certainty that the public utility is to be built he may not mention it.

More importantly, under the law as it stands he may not even point out the danger, or the proximity or likely proximity of the particular public utility.

I use the example of a projected freeway, which although not certain in absolute terms, is generally recognised as going through a particular property. Under the law an agent cannot even warn a prospective purchaser that this may happen. If he does warn the prospective purchaser, which under his code of ethics he is obliged to do, he is confronted with the possibility of a $200 penalty. On the other hand, he may not wish to misrepresent the situation and he may simply state that a public utility may be built there and warn the prospective buyer to look into the matter before he goes ahead to complete the deal. However, he cannot even do that at present. So, as pointed out by the Attorney-General, the provision at the moment is quite ludicrous. On this side of the House we are quite happy to accept the amending legislation so that subsection (1) of section 17 is made more reasonable and will enable *bona fide* land salesmen to carry out their job in the way the purchasing public would wish them to. With these few remarks on this simple measure, I indicate our support.

MR. McPHARLIN (Mt. Marshall) [8.31 p.m.]: I wish to indicate that we also support the measure. This amending legislation permits the land salesman to give a prospective purchaser full information on the siting of an amenity. It offers some protection, and I think it is desirable that it does that. On looking at paragraph (b) of subsection (1), I feel it is a little too liberal in its application. I gave some thought to moving an amendment in the Committee stage, but I will wait till then to put forward my suggestion.

This measure is a move in the right direction; one that will give the proposed developers, interested persons, and the public, protection from deceptive representation. I believe we should look at this type of amending measure to improve legislation which affects the public in this way. I wish to indicate our support of the proposal.

MR. T. D. EVANS (Kalgoorlie—Attorney General) [8.33 p.m.]: I thank members of the Opposition for their acceptance of this measure. I point out that both the Law Society and the Law Reform Commission have been apprised of the need for this legislation and both bodies are assured that the preservation of protection for purchasers still exists, whereas any harsh and unrealistic restrictions imposed upon developers are removed. Members will accept the fact that in many cases one has to balance priorities. With regard to this particular legislation, we feel that it will restore the balance. I thank members for their support, and commend the Bill through its remaining stages.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. T. D. Evans (Attorney-General) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to Section 17—

Mr. McPHARLIN: I believe that the wording of paragraph (b) of subsection (1) is rather confusing. I would suggest firstly the deletion of the words after the word "statement" in line 14 down to the word "such" in line 15. The paragraph would then read—

> (b) he indicates as part of that statement, approvals have not yet been given . . .

Mr. T. D. Evans: I would have thought the member would have placed his proposed amendment on the notice paper.

Mr. McPHARLIN: It is a very small amendment.

Mr. T. D. Evans: The Bill has been on the notice paper for some weeks now.

Mr. McPHARLIN: With the pressure of work I have not had time to do it. I move an amendment—

> Page 2, lines 14 and 15—Delete the passage "if such is the case, that all or some of such".

Mr. T. D. EVANS: I am reminded of some motherly advice—when in doubt say, "No". I indicated that this Bill has been on the notice paper for some weeks, and as the member for Mt. Marshall says, it is a small Bill in content. I have had only a short time to consider the amendment, and I do not feel that the deletion of the words will effect any improvement either in understanding or in the economy of the words used. Therefore, I cannot accept the amendment.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

CITY OF PERTH ENDOWMENT LANDS BILL

Second Reading

Debate resumed from the 12th September, 1972.

MR. MENSAROS (Floreat) [8.40 p.m.]: I consider dealing with this measure one of the hardest tasks I have had in this session of Parliament. There has been so much misunderstanding—very often deliberately caused misunderstanding—so much emotion, and so much awakening of the basest feelings of jealousy in connection with this measure, even if not during the last few weeks then certainly when this issue was more in the public eye. This was particularly so when the Minister introduced the Bill. One's task is to try to clear up all the emotion, the jealousy, and the unjust allegations. I want to try to explain in an objective way what this measure will actually do, and what it will do to different sections of the community.

To attempt to explain it in very plain words, perhaps I may be allowed to put forward an example. The provisions of this Bill are very similar to a situation I could imagine. Through some deceased estate or any other cause a foundation is created to start a school. The aim of this foundation is to establish a foremost school for high-quality education. People will be able to send their children to this school and, of course, they will be asked to pay high fees to obtain a good quality education for their children. This school will be unique and the pride of the whole educational system of the State. This institution will thrive—not only on the original money and interest of the foundation but also on the fees to be contributed by parents—and after a while the Government will say to the parents, "You are in an unjust and privileged position. Your children are getting better education than the other children of the State, although you pay for it. Therefore, we say that all the money in this foundation shall be distributed throughout the schools in the educational field of the State, because that is equitable and just. Let us do away with quality, and let us do away with the pride of our society and of our State."

I gave this example so that members will better understand the purpose of the legislation.

I would like to refer very briefly to the history of the parent Act which this Bill seeks to repeal. I will not go into great detail, because members may refer to the speech I made on the subject when the parent Act was amended some four or five years ago.

The land we are dealing with under the City of Perth Endowment Lands Bill, as the Minister correctly said, comprises three parts. One part is the endowment land which was given to the City of Perth in 1902 in the same manner as the foundation set up in my example. The second part is a narrow strip on the beach from North City Beach almost down to Mt. Claremont. This is like Crown land vested in a local authority, intended to be almost a national park, and is vested in the City of Perth under the Land Act.

The third part comprises an estate which the city bought from a private individual —hence it is known as the Perry estate or Lime Kiln Estate—in 1917 for some $18,000. What has to be borne in mind is that the then ratepayers of the City of Perth paid only £100 as a deposit at the time of the purchase, and the balance of the purchase price and the interest thereon were actually paid out of the proceeds of sales of this land. The money was therefore not paid by the then residents of the City of Perth, but out of the purchase price paid by the new residents who are living on this endowment land.

The SPEAKER: I must ask members to be more quiet.

Mr. MENSAROS: The purpose of this Act was to develop a naturally attractive area so that it would be a pride to the City of Perth. If one takes the trouble to read through the debates which took place when the original Bill was introduced, one finds this quite obvious. Indeed, this area was likened to Brighton in relation to London, although the distance in our case was less. At that time the aim was to establish modern facilities on this land, and to develop it into a nice area of which the city could be proud. Hence provision was made for a rail link, because at that time it was the modern form of transport.

Provision was made for the promulgation of various by-laws so that the beaches could be controlled. There were by-laws covering liquor licenses, to ensure that there was not a proliferation of drinking places. Provision was also made for the control of leases for developmental purposes, and for controlling the money which was derived from the sale of land or from leases. The money was to be used to achieve the original aims.

An additional provision in the original Act set out how the City of Perth would rate the future landholders who purchased this endowment land. It was quite logical to adopt the unimproved capital value method of rating because the legislators wanted to assure people who went out there to live that because they paid more for their land they would be given the security of incentives being provided to build attractive homes, in accordance with the intention of the Act. They were also assured that if they had money in the future to develop the land they would not be subject to higher rates, because the

capital value of the property would determine how the rates would be assessed—thereby giving them an incentive to develop, without being penalised by higher rates.

All these conditions were decided in advance, and were placed before the future purchasers almost on a contractual basis, because the Act also provided that these conditions would be noted on the titles of the individual blocks. So, anyone who purchased this land or resold it would be aware of the conditions, the rights, the privileges, and the obligations which applied to the owner.

I hasten to add there was no injustice in connection with this method. Neither in my opinion nor in the opinion of most people who are aware of the circumstances, is there any injustice perpetrated. There is no specific privilege conferred on people who purchase this land and live there, nor is there any disadvantage to other residents of the Perth City Council.

As it happened, with the development of this land which started much later than when the Act was enacted, there was no unmerited advantage to the people living there. If someone considers there is some such advantage, that could be very highly merited by the higher prices paid by the people and by the other means to which I shall make reference later.

The SPEAKER: I must ask members to be quiet.

Mr. MENSAROS: I contend that the advantage which appears to be enjoyed by the people of the area is, in fact, an advantage to the whole community—not only to the people living in the City of Perth or in the metropolitan area, but, indeed, those living in all parts of the State.

The further potential for such advantages to be enjoyed by the people as a whole would be destroyed should the legislation before us be enacted. One has to realise that the stadium, which was built for the Commonwealth Games, would not be there if the Act had not existed. Of course, the stadium was built mainly with money derived from the proceeds of the sale of that land. The Act specifies that such moneys must be expended in the area, and the stadium became a reality to the advantage of the State as a whole for the holding of the Commonwealth Games. My remarks apply equally to the other facilities which are found in the area and which are frequently used by other than the local residents. In fact, I would say these facilities are used more frequently by those who are not locals. I refer to the civic centre which is leased by various organisations from different parts of the metropolitan area; to the scenic drive at Reabold Hill; the Floreat Community Centre; and the very good facilities at the beaches with adequate parking areas for the users of the beaches. If it were possible to take out statistics relating to the use of these facilities I am sure they would reveal that these amenities are used more by the people of the metropolitan area and visitors, than by the locals.

Wherever we travel overseas, or whatever city we visit, we are taken by our hosts to areas of which they are proud. We would be shown buildings, parks, and beaches of which the local people are justly proud. We realise they have come into existence as a result of the expenditure of money belonging to the community. The device used in this Act which the Government wishes to repeal was that certain moneys be accumulated in order that they might be spent on facilities of which everyone could be proud.

In order to prove that it is not only my contention that these things are desirable, I quote from a speech made by the Deputy Premier some years ago. This is recorded in *Hansard*. He said—

> However important—and nobody denies this—a man does not live by bread alone. I am afraid that during the last two generations, for reasons which perhaps we can appreciate—World War I, a world depression in which we were involved, and World War II—we have neglected very many of the things that a civilised community has a right to expect. I think, therefore, that Government at all levels should, amongst the more mundane subjects, be giving attention to matters pertaining to sport, recreation, culture, aesthetic considerations, and the things that generally relate to civilised beings.

My contention is that this is exactly what happened as a result of the foresight of the then members of Parliament and legislators when they enacted the City of Perth Endowment Lands Act.

One could even turn this around, in order to show how ill-advised the Minister was when he said that the repeal of this Act would create some justice and do away with some injustice. If an international sporting event is held at Perry Lakes Stadium, or some carnival or the like is held on one of the beaches, the local residents are often inconvenienced by the parking of cars and the noise, while the people participating or watching enjoy the occasion.

On the other hand, the local residents do not enjoy anything special—and one would expect them to be able to enjoy more, because they paid more for their blocks, realising that the purchase moneys would have to be expended in the area. One would expect those people to be better endowed than the others in the City of Perth or in the metropolitan area generally.

If we look at the aspect of sewerage and at the plan of the whole City of Perth, one finds that with very minor exceptions —I would suggest these are mainly the uninhabited areas, such as King's Park and only a very small portion in Victoria Park —sewerage is provided. The only areas not sewered are found in the endowment lands area. Only a very small portion of City Beach is sewered. Part of this lies in the Games Village. The rest of City Beach, such as the older parts of South City Beach and the parts between The Boulevard and Oceanic Drive—except for the areas of the new subdivisions in North City Beach as a result of the requirements under town planning—suffer the disadvantage of having to use septic tanks despite the fact that the owners of the land have contributed a great deal of money in the purchase price of the land.

Let me refer to other facilities such as footpaths and kerbing of roads. Being the parliamentary representative for the biggest part of the area in question I am aware of the number of complaints that have been made in relation to school children walking home from school. We can say these facilities are provided to a much greater degree in districts like Victoria Park and other so-called underprivileged areas.

When one examines the loan fund expenditure of the Perth City Council one finds that with very small exceptions almost nothing has been expended on the endowment lands area although these ratepayers contributed a great deal to the servicing of the loans of the council. Yet, out of the millions and millions of dollars of loan moneys that have been obtained I can find a total of only $193,000 spent in this area covered by the City of Perth Endowment Lands Act.

I ask: Where is the distinction and where is the injustice? Where is the discrimination against any other areas? We find this is a form of adverse discrimination—if we can put it that way.

I have pointed out the effects of the Bill if it is passed. However, let us look at what the Bill aims to do. Its main purpose is to repeal the parent Act, about which I have spoken, and that will result in two important circumstances. Firstly, the moneys which have accumulated, and which have not, so far, been spent—the proceeds from the sale of land under the endowment land Act and the money which will come from future sales—will be spent throughout the area of the City of Perth. That money will not be retained for the development of this particular area as envisaged in the parent Act.

The second result of the repeal of the parent Act would be that the Perth City Council could rate the area in the manner it so desired. At present the Act provides only for rating on the unimproved capital value. If the Act is repealed the Perth City Council will be in a position to vary the method of rating.

Let us examine the two circumstances to which I have referred a little more closely. As I have said, the first result will be that money raised in the area will be spent in other areas. The Minister said that would be an equitable distribution of the money to all ratepayers of the Perth City Council. Well, I consider it would be straightout nationalisation, and also it would be a breach of a contractural agreement. It is bad enough to have something taken away from one by the State through nationalisation but if one has a contract, which ensures more than what is the general rule associated with a title—that certain provisions will apply —and the Minister says he will remove that contract then that is injustice in a greater degree.

I have seen a lot of socialism where something has been taken away from those who work harder to achieve more—under the glorious heading of "Equality"—and given to others who, perhaps, did not work so hard. That, of course, is the goal of socialism. To my mind it is clearly a levelling down, and it is straightout highway robbery.

The provisions of the Bill will also nullify the restrictions placed on the area by the Perth City Council in order to preserve it as an area of which we can be proud. The measure will do away with the restrictions in connection with the beaches, liquor licenses, and the standard of the buildings which should be constructed at City Beach. The logical conclusion is that the measure is aimed to create—in due course—a slum of the area which is now the pride of everyone.

Mr. H. D. Evans: Do you think it would be right for every area in every council to have its own liquor laws and its own special regulations?

Mr. MENSAROS: I do not think there would be anything wrong with that. One has to bear in mind that the area involved was envisaged as the pride of the city which then was equivalent to the whole metropolitan area. The City of Perth wanted to create one area of which it could be proud, and I can see nothing wrong with that. If members were to read the debates which occurred when the parent Act was introduced they would see that that was the purpose of the legislation—to create a prestige area for all. I maintain that we should not have complete uniformity and that we should have certain facilities to be proud of. As the Deputy Premier has said, we do not live by bread only.

Mr. H. D. Evans: The member for Floreat is basically incorrect in his assumption from reading the earlier debates.

Mr. MENSAROS: I read the debates on the original Act and those which took place when the Deputy Premier introduced his private member's Bill, and read them again when the Act was amended. I also re-read them when the present Bill was introduced.

It is quite wrong to assume that the people who live in the City Beach area inherited some privilege; that is not so. They may be people who are more industrious, and who had more foresight when purchasing in an area where they could secure land for themselves, and their children, in the knowledge that it would not become a slum.

If one considers the matter politically, although the people in that area have returned Liberal Party members one-third of them at least supported the present Government. However, I can assure the Minister that in this particular matter even his own supporters are against the enactment of this Bill. In fact, the past president of the association which represented those people was on the State Executive of the Labor Party. He was most vocal in advocating that this Bill should not be passed.

Another aspect of the repealing of the parent Act would be, as I have mentioned of course, the changing of the rating system. We hear much argument in connection with this matter. Even the city council administration, and some councillors from other areas, have said that this would not result in any inequality. However, if we examine the present rating system of the Perth City Council it will be seen, quite clearly, that a change would result in an increase in rates. The area of the Perth City Council is at present rated under the unimproved capital value system as well as the annual rental value. The rate is 1.3 per cent. on the unimproved capital value, and 17 per cent. on the annual rental valuation.

Let us compare the situation which applies to an average block valued at $10,000. The rates, at 1.3 per cent., would be $130 irrespective of whether they covered a small house or a palatial residence. If the same block were rated on the annual rental value, at 17 per cent.—and we know that 40 per cent. is deducted for expenses—then the residence would have to be rented at $24 a week to pay the same rate of $130 per annum. Even if one were conservative, a three-bedroomed house with a family room, in the area of the beach, would bring in a rental of $40 to $50 a week, so the rating in that case would increase from $130 to between $212 and $239. That is almost double. If we were to consider a property rented at $50 per week, which would not be uncommon in the area of the beach, the rates would go up to $265.

One must also compare the recent increases in rates on the annual rental value system against increases in rates on unimproved capital value system, which is quite different. The annual rental value rating rose from 16.5 per cent. to 17 per cent., a very small increase, whereas the unimproved capital value rating increased from 1.1 per cent. to 1.3 per cent. So, proportionately, it has increased much more. Of course, the Perth City Council has argued that the system will be more equitable. The Minister mentioned that the Wembley Hotel is rated at $3,400, whereas the Floreat Hotel is rated at $900 because of the different systems. That is true. However, the Perth City Council wanted the Floreat Hotel to be built, and allowed the rating to be on the unimproved capital value system by selling the site of the hotel. The Perth City Council would have been entitled to lease the land, as it did in the case of some garages. It was the choice of the Perth City Council to rate on the unimproved capital value; not to lease the land but to sell it.

Whilst on the subject of rates, may I mention that a question to the Minister for Local Government, some time ago, revealed that of the 138 local authorities only 11 used the annual rental value system. A total of 51 used the unimproved capital value method, and 76 authorities used both methods. I cannot see the justification for saying that we must provide that there should not be a restriction on unimproved capital value simply because this is the trend. It is not the trend because five times as many local authorities exclusively use the unimproved value system compared with the annual rental system, and 76 authorities use both.

I understand that the policy of the Labor Party is to use the unimproved capital value system for rating exclusively. I wonder what made the Minister reverse that policy? However, I will not say much more about that particular matter because I did not study it. I hope the member for Wembley will elaborate further on that point. The Minister may reply to him and tell him that the policy of the Labor Party is different in the City Beach area. Perhaps I am wrong in saying that is the Labor Party policy.

Mr. H. D. Evans: It is wrong to say that the Labor Party policy is different for City Beach from what it is for the rest of the State.

Mr. MENSAROS: It is a doubtful privilege for the residents of City Beach.

I do not understand how this Bill came into being, apart from some grievance on the part of other wards of the Perth City

Council. I realise it must have been a long-standing hobbyhorse of the Deputy Premier, and I realise that some people upon seeing a nice area think, "Why shouldn't we get some money from the purchase prices these people have paid?"

I honestly do not know why the Deputy Premier has included these parts of the metropolitan area in his large group of disliked people. Why did he include these industrious and thriving young people, who are owner-residents, in his barrage of dislike and hate? Why do these young and industrious professional, business, and employed people earn the most sulphurous entry in the Deputy Premier's catalogue of expressions?

Of course, when in Opposition, the Deputy Premier exercised his excellent oratory against these young people, and despite the arguments he brought up, when compared with his usual views, one cannot understand it.

One could go further and point out, from the successive minutes and memoranda of the Perth City Council, that even the other wards of the council did not want what will result from this Bill. They were talking about some amendments, but, of course, they were talking about logical things, such as omitting reference to the railway. Today, we would have mentioned highways, overpasses, and underpasses. At that time they were talking about railways to replace the old plank roads.

The minutes and memos of the Perth City Council point out that there are many provisions in the Act which should be left. I have mentioned the provisions dealing with special by-laws to ensure that buildings are of a certain standard, to ensure the protection of the beaches, to ensure there will not be a proliferation of liquor licenses, and so on. Perhaps that was in the mind of the Deputy Premier when he started his campaign against these people and against the rights for which they have paid.

I do not want to read extracts from these minutes, but they are here for anyone who is interested in them. There are memos from the town clerk to the members of the council and to the finance committee of the council; and there are memos by the legal adviser to the council, all of which say that most of these provisions should be retained in the Act.

There is another point which is perhaps slightly technical. It is my view that such a measure would traditionally be the subject of a private member's Bill and not a Government Bill, because it deals with a local authority and with the people who live in the area of that local authority.

In view of the high regard I have for the comprehension of the Minister, and in view of the fact that he is informed as regards his own portfolio, I cannot see why he gave his assistance to and sponsored such a measure, which does not do any real good for anyone but which does hurt people who have rights of which they were assured in contracts. I have here all the pamphlets relating to all the sales of endowment land, and almost every one of them contains a provision that, "This land is subject to the City of Perth Endowment Lands Act, and these are your rights and the circumstances which will prevail." This was the basis upon which the auctioneers sold the land.

I submit this Bill is a breach of a promise, a socialisation of the private rights of people, and an attempt to fritter away money which the previous Act said should be saved for future purposes. There are no swimming pools in the area; there is a need for them, and they will also serve other people. Plans have been submitted for a theatre to be used not only by local groups but also by ballet companies and other groups which are based almost exclusively in the city proper.

I therefore submit that if this legislation is enacted it will cause injustice. It is a mistaken endeavour to make things equal and it takes away the acquired rights of the people who purchased land in the area. For those reasons, the Opposition cannot support the Bill.

MR. R. L. YOUNG (Wembley) [9.22 p.m.]: The member for Floreat has made out an extremely well-documented case for the rejection of this Bill; but, with all due respect to him, I think he has been far too polite to the Minister and the Perth City Council, and perhaps, in his usual gentlemanly fashion, he has been too reserved about the whole matter. In my usual ungentlemanly fashion, I do not intend to be polite because I think the Bill is a totally unprincipled document which the Government has no right whatsoever to introduce. I also think the Perth City Council is to be condemned for even allowing the document to be prepared in its present form and for giving it some form of credence and lip service.

The Perth City Council is to be condemned, in the first instance, because it seeks to dishonour its contracts or makes no attempt to stop the Government perpetrating the dishonouring of the contracts. The people in the City of Perth endowment lands area bought their land on two clear conditions, as pointed out by the member for Floreat.

Firstly, they understood, and were given an absolute guarantee, that they would be rated on the unimproved capital value basis, which meant they could improve their land to any extent they wished and, regardless of the fact that they might build a castle, or whatever, on their land, they would not be increasing the amount of money they had to pay to the Perth City Council for rates.

Secondly they were assured that although they had to buy their land at a very high price, the money they spent on the land would be put back into the area, under contract. I was one who bought land out there on that understanding. When the Perth City Council says it will dishonour its contract along those lines by allowing the Government to proceed with this legislation, I think it is letting down its ratepayers in the endowment lands area in no uncertain terms.

As far as I am concerned the Government is to be censured for bringing the Bill to the House because it dishonours the policies of the Government, and seeks to dishonour the contracts written with the people who purchased the land. It dishonours the policy of the Government, because the policy of the A.L.P. is, wherever possible, to rate people on the basis of unimproved capital value; so for the life of me I cannot understand how the Labor Party can bring forward a Bill which throws out this principle when it applies to people who live in an area that some Ministers would like to think of as purely a silver-tailed area. The Bill has been introduced for that reason and that reason alone.

Mr. Bertram: Has the Liberal Party a policy on rating?

Mr. R. L. YOUNG: Yes, I will get the document for the honourable member. He continually snipes at—

Mr. Graham: It is a secret society.

Mr. R. L. YOUNG: —any argument presented from this side of the Chamber to challenge deviations by the Government from the clear-cut policy of the Labor Party. Whenever we say members opposite are not sticking to their policies we immediately draw that sort of response from them.

It hurts members of the Government more because they know they will apply this policy in one area and that they will apply another policy in another area. The member for Floreat pointed out that this policy has been applied to the people in the endowment lands area because for some silly reason espoused on a number of occasions Government members believe that people who live in the endowment lands area have been born with a silver spoon in their mouths.

I know many people in that area and I can assure members opposite that most of those who live there have what they have by dint of pure hard work and application. The reason that their houses look like they do—the reason that they look silver-tailed —is that they care about their homes. They care enough to put whatever they have into them; and that does not always mean a lot of money, but in many cases a great deal of hard work.

It seems passing strange that the Government should bring forward a Bill like this merely to have a go at people, regardless of the principle involved. The principle of the Act is quite clear and absolutely unmistakable. The people who bought this land bought it under contract, clearly understanding what they were getting and what the rating system would be. The facilities that have been provided from the proceeds of the sale of land in the endowment area—as was pointed out very ably by the member for Floreat—have been provided not for the people living in the area, or for the purpose of making life more comfortable for them, but for the enjoyment of the public at large.

The people living in the City of Perth endowment lands area have not complained about that; they did not complain when the Perry Lakes stadium was built, naturally, nor did they complain about the fact that surf lifesaving conveniences constructed by the City of Perth were provided to save the life of anyone in the State. However, they have a perfectly good right to complain about the basis of this measure wherein the action of the Government is designed purely to do one thing; that is, to take the money which the people who purchased land in the endowment area under contract honestly believed would be spent in that area, and to apply it generally throughout the City of Perth. For that reason I think the Bill is completely unprincipled. I would like the Minister to answer the specific charges I have made.

One can say very little about the Bill. Its principle—if there is any principle in it —stinks because this is a straightout grab which has no basis or justification whatsoever. That is the incredible feature of the measure. Had the Minister in his second reading speech not simply glossed over the situation, but said that the money which should be held in trust for expenditure in the endowment lands area was needed for specific purposes in some other underprivileged area of the City of Perth, one could understand the action of the Government to some degree, without necessarily agreeing with it. But nothing was said of that. If for some specific reason the Minister believes the rating system should be changed to a system based on annual rental value, he had a right to say so, but he failed to do that. He simply introduced the Bill which says, "Forget the terms and conditions upon which the people concerned bought the land and built homes in which to live; we will change that because we think it is not such a bad idea to do so." That is not the basis upon which to present legislation in this Chamber. I do not know—

Mr. Graham: That is the answer to it—you do not know. You never made a truer statement.

Mr. R. L. YOUNG: With all due respect to the Deputy Premier—

Mr. Graham: Look at the tirade you are producing. You are a naughty little boy!

Mr. R. L. YOUNG: Mr. Speaker, the Deputy Premier is becoming demented; he is going to do us a great favour when he steps down. That will be his greatest contribution; in 30 years his only worth-while contribution is to leave us.

Mr. H. D. Evans: You are being truly miserable now.

Mr. Graham: Naughty little boy.

Mr. R. L. YOUNG: I do not know what mathematics the Minister has studied in order to switch over from unimproved capital value rating to rating on an annual rental basis. The member for Floreat went into some detail as to how this will affect the rates. I am very interested to know why the Minister will impose the increased rating on the people living in that area. Is it for some terrible crime they have committed? On an average their rates will be doubled. Perhaps the Minister will explain why the Government wants to do this.

Mr. J. T. Tonkin: For the simple reason that they cannot have it both ways.

Mr. R. L. YOUNG: Where have they got it both ways? Perhaps the Premier will tell us that.

Mr. J. T. Tonkin: By accepting all the money spent in this area to give them facilities which other people do not have.

Mr. R. L. YOUNG: I beg the Premier's pardon—the money spent in this particular area was spent for the good of everyone in Western Australia.

Mr. J. T. Tonkin: Oh no it was not.

Mr. R. L. YOUNG: Perhaps the Premier will look at this a little further and say what specific facilities have been built in the endowment lands area for the purpose of making life more comfortable for the people living there. Tell us about the sewerage, the drainage, the kerbs and footpaths that have not been provided there. People believe they have been paying money for these facilities.

Mr. J. T. Tonkin: What is the purpose of the Bill?

Mr. R. L. YOUNG: Perhaps the Minister may go into more detail in his reply than he did in his second reading speech.

Mr. J. T. Tonkin: The purpose is to ensure that when the Bill is passed, no longer will money that is raised be spent in this area, but it will be spread over a larger area. That is the purpose of the Bill.

Mr. R. L. YOUNG: The Premier has obviously been asleep. We understand that is the aim of the Bill.

Mr. J. T. Tonkin: You just said they could not have it both ways.

Mr. R. L. YOUNG: They have not got it any way yet. What about the great unsewered areas when all the City of Perth with a few exceptions is sewered? Not a word about that. All the facilities which have been provided by the people there have been for the benefit of the State. As I said before, nobody has complained about that. However, we do not expect to have the carpet ripped out from under us, and have the P.C.C. taking everything that is left.

I do not know what the Government is thinking when it says that one particular area will have its rates doubled overnight at the whim of a few people who cannot stand to see others better themselves. The people in the endowment lands area are not silver-tailed people. They were not born with a silver spoon in their mouths. They have set out to build a new community and they are doing it. The Government should at least honour its contracts. It should not introduce legislation to pull the rug out from under certain people.

In his second reading speech the Minister did not go into the detail of why this had to be done; he simply said it will be done. This Parliament, and the people living in the endowment lands area, have a right to know why it is being done and what justification the Minister has for introducing the legislation.

It may also be reasonable to expect that the Deputy Premier—who has spoken on this many times and accuses me of being a silly little boy because I am representing my people in this House—will rise to his feet and say why he is so down on these people.

Mr. Graham: I am not down on these people. Do you know of a local authority which uses two totally different sets of bases on which to impose rates? This is ludicrous! It should not be so in a capital city. All properties should be rated on the same basis.

Mr. R. L. YOUNG: Does the Deputy Premier want to put them all on the same basis?

Mr. Graham: Yes.

Mr. R. L. YOUNG: The Deputy Premier is singling out an area where people purchased land under specific contracts. Advertisements for the sale of the land led purchasers to believe they would be rated under an Act of Parliament in a specified way.

Mr. Graham: For the purpose of building tramways. That was one of the principal intentions in the first place.

Mr. R. L. YOUNG: The Premier said it was to spread the money.

Mr. Graham: I am talking about the debate in this Parliament when the Act was first passed.

Mr. R. L. YOUNG: When the people in the endowment lands area have their rates doubled overnight perhaps the Deputy Premier would like to go to a public meeting and say why he believes people under contract to the Government and to the Perth City Council should have that situation altered.

Mr. Graham: If the rates are doubled overnight in order to bring them into conformity with the rest of the City of Perth, surely they must be underrated at the present time. I do not know what the rates are, but I say this based on your statements.

Mr. H. D. Evans: Do you honestly believe the city council will do that?

Mr. R. L. YOUNG: The Perth City Council simply has no alternative. Under this legislation it may apply rates on the annual rental value basis. It has to assess a fair and reasonable annual rental valuation and apply the rate applicable to that rating method.

Mr. H. D. Evans: It has an alternative. There are 78 local authorities using both systems.

Mr. R. L. YOUNG: I beg the Minister's pardon?

Mr. H. D. Evans: If you had listened to the figures given by your colleague, you would have seen that the council has an alternative.

Mr. R. L. YOUNG: What is the alternative?

Mr. H. D. Evans: There are 76 of the 138 local authorities using dual systems.

Mr. R. L. YOUNG: In other words, the Minister is saying that the Perth City Council may either apply the rates on an unimproved capital rating basis or on an annual rental valuation basis.

Mr. Mensaros: Both bases are used by 76 local authorities. That is what the Minister for Local Government said.

Mr. R. L. YOUNG: However, the Minister who introduced the Bill—and I do not have a copy of the second reading speech here—implied it would be better, as the Deputy Premier said, to standardise the rating system throughout the City of Perth. He said this would remove an anomaly.

On the one hand the Government says it is introducing legislation for the purpose of cutting out the unimproved capital value system of rating to make it possible for the Perth City Council to rate properties on the annual rental value basis to remove an anomaly. The Government then says that the Perth City Council will be able to choose an alternative system and rate properties on either basis.

People in the endowment lands area will be very interested in the Minister's and Parliament's reaction to this. In the past they have been very interested in the Deputy Premier's reaction. I can only say that this legislation should not be passed. I am violently opposed to it. As I said at the beginning, it is a completely unprincipled measure introduced by what appears to be a totally unprincipled Government.

MR. McPHARLIN (Mt. Marshall) [9.38 p.m.]: I might not have taken part in this debate were it not for the fact that several people have written to me regarding the legislation presently before us.

I support the two previous speakers to this debate, and like the member for Wembley, I, too, was one of those who purchased a property in the area, knowing at the time that the rating would be applied under the unimproved capital value system. I understood it would remain that way for an indefinite number of years.

It must be remembered that shortly after the Commonwealth Games the area was not developed to the extent that it is at present. Naturally the prices were nowhere near as high as they are now. It was then a developing area and it has since become a prestige area. I have letters from retired farmers who had worked on their properties for many years—40 years or perhaps more in some cases.

They looked around to see where they could purchase a property in a good area, with the knowledge that the rating provision would be in the contract, that the unimproved capital value method of rating would be adopted, and that the proceeds of the sale of the land would be used to develop the area.

For that reason they were influenced in the purchase of their properties in the endowment lands area. I have received three letters from retired persons, who came from my electorate, asking me to voice my opposition to the Bill before the House. I shall not quote the three letters, but I would like to read one to illustrate the feelings of the people concerned. It is as follows—

> As ratepayers in this ward, we wish to express concern at the proposal to alter the rating system from the present U.C.V.
>
> Our decision to take up residence in this area was influenced by the fact that the rating system would ensure that the area would continue to develop on the basis of individual private homes.
>
> The introduction of A.V.R. in a ward such as City Beach would by increasing rates lead to increased pressure for a higher economic return from the land, and this in its turn would result in a pressure compaign for high rise development resulting in the disappearance of the pattern of life contemplated by property owners and based on private homes.

> We express the hope that you will oppose this Bill in order that the above danger to our way of life may be prevented.

The other two letters are in the same vein.

I would not be playing my part as a representative of these people if I did not voice my opposition to the measure. Both the member for Floreat and the member for Wembley have covered the position very well. I do not intend to go into the details except to draw the attention of members to one point. If a person has bought a property in that area, and spent several thousands of dollars in improving the house for his own comfort, he should not be penalised. In some cases such a person could spend $10,000 to $15,000 on improvements for his own benefit. Why should he, as a result of a change in the rating system, be forced to pay a great deal more in rates? He bought the property with the knowledge of the rating system that would apply, yet under the proposals contained in the Bill the rating system could be changed and such a person could end up in paying for the amenities which he has already paid for and established for his own benefit.

As was pointed out by the member for Wembley, the contractual obligations would be swept away and it would be—to use the word which the honourable member used—a "dishonest" action.

Mr. Graham: He used all sorts of extreme terms.

Mr. McPHARLIN: I add my opposition to the Bill, and support what the two previous speakers have said.

MR. H. D. EVANS (Warren—Minister for Lands) [9.44 p.m.]: The tenor of the debate was not unexpected, having regard for what the three speakers from the opposite side of the House said in lending their voices to the discussion. The member for Floreat commenced with an analogy which could hardly be construed as valid in endeavouring to demonstrate that an injustice of some sort by way of a breach of contract had been perpetrated.

This was reiterated by the honourable member who has just resumed his seat, and he put forward his comments in fairly parlous terms. It was somewhat extravagant language. I would point out that looking into the history of the endowment lands one finds that the aim was to achieve a certain basic type of development. The endowment lands were designed to provide basic facilities, and not, as the member for Floreat suggests, to build a prestige area.

I suppose it is rather ironical that the concern of the adjacent wards was aired, because it was felt there might be an increase in the cost of administration of this area brought about by the rental value rating system that had been adopted. However, the contract in the initial stage was not honoured to the extent that it was necessary to construct tramways or a railway line in the area, as was envisaged. The decision of the Government in the 1930s was not to extend the tramways, but to use trolley buses in that area. Certain methods had been adopted and certain preparations had been made, but these were not fulfilled. It is interesting to note that a bus subsidy was paid by the City of Perth to the Federal Bus Company to service that area. This, too, could possibly be regarded as a breach of contract relating to the original concept.

I wish to make several points in reply to the debate. The first is that the Bill is before the House on the initiative of the Perth City Council, and not as a result of the action of a vindictive Government seeking to isolate a particular area and subject it to some form of unfair treatment, as has been suggested. To the honourable member who participated in the debate and who has now returned to his seat I would like to indicate that his remarks to the Deputy Premier did him far less justice, particularly because of the way he presented them.

The land that has been and is involved in the provisions of this enactment covers something in the order of $800,000 which is held in trust at this moment. The precise sum is $803,693. There is also in the order of 2,300 properties which could be sold in the future. This is what is involved.

At this point of time a number of difficulties confront the Perth City Council. We are now looking at a concept which is vastly different from that existing in 1921. This is no longer a pioneering area. We are now looking at a modern city with financial complexities in respect of which we should extend some sympathy to the Perth City Council which is endeavouring to fulfil its role; in fact, it is doing this admirably.

The question of rating is created by the fact that the repeal of the City of Perth Endowment Lands Act makes it mandatory for the provisions of the Local Government Act to apply. Let me quote from a report of the Chairman of the Finance Committee of the Perth City Council. This will indicate the intention of that council, and also to some extent the intention of this Government.

Mr. Mensaros: What is the date of that?

Mr. H. D. EVANS: This was made prior to the introduction of the Bill last year; it is dated the 25th August, 1972. The report states—

> It is not the intention of the Council to rate any property out of existence and when changing from an unimproved capital value situation to an

annual value situation, you must realise that for the 50% who will pay more, there are 50% who will pay less. To give an example, two years ago the Wembley Hotel's rate in the Leederville Ward was $4,500 approximately per year, whilst the Floreat Forum Hotel was, under unimproved capital values, $900 per year. Houses, in effect, were subsidising businesses. Our main aim is to have all Wards of the City considered and treated in the same way, rather than have a special Ward.

I hope that you will give this measure every consideration in the light of the foregoing.

Mr. R. L. Young: Regardless of contractual obligations?

Mr. H. D. EVANS: We can consider the initial contractual obligations, too, and argue along the lines that they were not adhered to.

A fairly balanced and rational summation of this question was contained in an editorial in *The West Australian* of the 30th September, 1971, and it is worth recording in *Hansard*. With your indulgence, Sir, I will do just that.

The SPEAKER: As long as it is not too long.

Mr. H. D. EVANS: It is not long in the extreme at all, and reads—

> The Perth City Council is entitled to seek legislative authority to spend money from the sale of endowment lands on capital works anywhere in the city.
>
> The Endowment Lands Act enshrines a statutory anachronism in restricting the use of land sale yields to Floreat Park and City Beach; it is, in any case, at variance with the original Crown grant. There is no reason why two particularly well-endowed areas should enjoy a monopoly of one section of the P.C.C.'s sources of money.
>
> The Brand Government last year refused to amend the Act to allow the P.C.C. to spend money from land sales on maintenance; the council found itself with a budget $1 million in the red though with $885,000 on hand in the endowment lands trust fund.
>
> Should the Tonkin Government meet its request, the P.C.C. will have fewer budgetary problems. Though the City Beach Ratepayers' Association opposes the change, the council is entitled to spread its resources over the whole city area according to need.
>
> The proceeds of land sales should not be viewed as a supplement to the council's general revenue. This would be adopting the unsound principle of realising assets to meet running expenses. The council rightly restricted its request to the Government to application of the funds to capital works and to bringing new sub-divisions up to standard.
>
> The time has long since passed when City Beach and Floreat Park had any special claims on the city's assets. The Government—and Parliament—should meet the council's request and remove an outmoded and purposeless restriction.

I would like also to point to a difficulty which has confronted the Perth City Council in its operations, and this suggests that the present maintenance costs on structures in the area are rising faster than rate revenue from the area; and this is something it is felt cannot continue.

The principles enumerated in the editorial I read outline the approach and attitude of the Government.

I would like to conclude by referring once again to the rather reprehensible presentation of the member for the area, though I can understand and appreciate his attitude as he is so closely involved. The member for Floreat in the same way has presented the case of his electors and has indicated a degree of research which is not usually seen in many places. I commend the Bill to the House.

Question put and a division taken with the following result—

Ayes—23

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

Noes—23

Mr. Blaikie	Mr. Nalder
Sir David Brand	Mr. O'Neil
Sir Charles Court	Mr. Ridge
Mr. Coyne	Mr. Runciman
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Sibson
Mr. Hutchinson	Mr. Stephens
Mr. A. A. Lewis	Mr. Thompson
Mr. E. H. M. Lewis	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. McPharlin	Mr. I. W. Manning
Mr. Mensaros	*(Teller)*

Pairs

Ayes	Noes
Mr. Bryce	Mr. O'Connor
Mr. Davies	Dr. Dadour

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

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. H. D. Evans (Minister for Lands) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement—

Mr. MENSAROS: This is the cardinal clause which repeals the Act and I wish to comment on two remarks of the Minister. The first was his argument that there is nothing wrong with it, but even if there were he took this action at the request of the Perth City Council. This may be so, finally, because he read the letter and we all know the council requested him to do something about the Act.

If I had read all the minutes and memoranda to which I was referring during my second reading speech I would have prolonged the debate. However, those references do show just how much the Perth City Council wanted, and how much encouragement was given by the Government.

Modest requests were made to the previous Government, but that Government saw the justice of the situation. Since the Labor Government has taken office the change has encouraged the city council more and more. The original modest requests were quite different from what has been put forward. The previous requests did seek to look after the area concerned, and then allow the remainder of the money to be spent elsewhere. However, there is no such provision in the present Bill.

I would like to know how this matter came up, apart from the occasional private Bill introduced by the present Deputy Premier. Everyone knows that the matter was originally raised through the diligence of Councillor Dallimore. He pointed out that the Perth City Council was breaching the law, and that it was not handling its finances according to the City of Perth Endowment Lands Act. Of course, the only convenient way to get out of that trouble was to repeal the Act, but that will not resolve the Perth City Council's budgetary problems. There has been some reference to this when the Minister read the editorial.

Mr. H. D. Evans: I might have heard that from the member for Wellington the other night.

Mr. O'Neil: We are talking about a leading article—an editorial. That is an opinion, not a report.

Mr. MENSAROS: The provisions of the present Bill will not solve the budgetary problems of the Perth City Council. Even the provisions of this Bill state that the money should be spent on certain enumerated capital expenditure items. The Minister knows, as well as I do, that this Bill will not solve the budgetary problems of the Perth City Council, and he misrepresents the case if he cites an editorial in this regard.

The member for Wembley covered the point in connection with rating. I despise the Perth City Council for being part of this proposal because it is not honest. The Perth City Council has said, piously, that it will not rate people out of existence but in saying so it expresses the intention to breach the law, if it wants to apply the annual rental value with 17 per cent. rate. A value of $40 or $45 has to be applied, and the rates will be doubled.

Clause put and passed.

Clauses 3 to 6 put and passed.

Clause 7: Disposal of funds invested under repealed Act or arising out of sales of land under that Act—

Mr. MENSAROS: The provisions of this clause enumerate certain capital expenditure throughout the territory of the Perth City Council. Contrary to what has been suggested previously, the clause does not allow for the residents to be considered firstly in the expenditure of money. I refer to the necessary expenditure on sewerage and similar improvements which other ratepayers already have. Even the Perth City Council suggested that the people in the area should be looked after first, and that the basic necessities should be provided. I consider that sewerage and footpaths should be provided for the people in the area before land is purchased for public open space, and pedestrian overways and underways are constructed in other areas. I think that is a pertinent point.

Mr. H. D. EVANS: I am at a loss to understand the member for Floreat when he says that specific moneys could be used in one area for development for the benefit of all the people in the State. If he follows that line of reasoning then surely he must appreciate the point that all these moneys should be properly spent in other areas to even greater advantage for the population of the State, in general, having regard for the fact that the Perth City Council is called upon to do this in many ways. It will spend the money in areas where the possibilities and opportunities of raising finance are limited.

I feel there is some derogation in the comment of the member for Floreat when he suggests that the Perth City Council's financial difficulties could be of its own making, and it seeks an easy way out of its problem.

Mr. Mensaros: The Minister said the Bill was introduced because of budgetary problems.

Mr. H. D. EVANS: I understood the member for Floreat to say these were of its own making.

Mr. Mensaros: Not the budgetary problems, but the fact that the council had not handled the endowment moneys according to the provisions of the Act. That was pointed out by Councillor Dallimore in 1965 or 1966, and that started the avalanche.

Mr. H. D. EVANS: That is true. I take the point but, at the same time, I understood the honourable member to say that the Perth City Council is taking the easy way out to recompense its own situation.

Mr. Mensaros: That is the situation to which I referred.

Mr. H. D. EVANS: I do not think that is altogether the situation when we look at the responsibilities and difficulties which the Perth City Council has in trying to develop a modern city which is the focal point of the State. At the same time, the problems in a business and nonresidential area necessarily need to be compensated for in a manner which makes the situation more just and equitable.

Mr. RUSHTON: I wish to ask the Minister a question related to the finance of this area. Would not the area provide loan funds which would be used in other areas? This would be a tremendous contribution to those other areas. I understand that approximately $193,000 has been raised. In addition, the rates raised would be spread anywhere within the city area.

I understand it is a requirement of the Local Government Act that money raised in a certain area shall be spent in that same area and cannot be spent somewhere else. This applied in the case of recreational grounds in my own electorate. At the time the matter was referred to the Minister but it was necessary to adhere to the provisions of the Act.

I cannot see how the present suggestion can be made with any degree of justice. It contravenes the principle of money which is provided for special purposes.

Does the Minister recognise that loan funds now raised by the area in question are spent in other areas? Does he also realise that rates so raised are spent in other areas? Consequently, the benefits are spread. When the people purchased land in the area they were under the impression that funds would be available for special purposes. This is money which they themselves have provided and the Government intends to take that money away from them. The Government is breaking a contract which the residents understood to exist. The people concerned have contributed to the rest of the city through loan funds and rates. Does the Minister acknowledge that point?

Mr. MENSAROS: I wish to reply briefly to the Minister. In good faith he said—and it appears to be a logical argument—that if I contend there should be a nice area I am not fulfilling my own argument if the moneys are spent somewhere other than in that area. This is not quite the position. The provisions of the original Act compelled the council to save all the moneys for one specific area. Therefore, the Perry Lakes Stadium and other buildings were erected because money was available and had to be spent.

The Minister has had experience of local government and will understand the position. If all the other wards put forward requests for this money there will not be a specific nice area but there will be a playground in one ward to satisfy councillor X and tennis courts in another to satisfy councillor Y, and so on. There will be a proliferation of the moneys just like an imbalanced household which spends money as it is received and is always in debt. The alternative is to make statutory provision to save the money for one area of which everyone can be proud.

Mr. H. D. EVANS: I make one point to the member for Dale who claims that contributions have been made to other areas by the area in question. One of the difficulties confronting the Perth City Council is that the rates raised are largely being consumed by maintenance costs in the area.

The member for Floreat seems to forget that 50 years have elapsed since the initial concept of the endowment lands. The population in the metropolitan area has increased from something like 170,000 to 750,000. This makes a vast difference. The member for Floreat is suggesting that, by virtue of an obligatory contract made some 50 years ago, the moneys should be used for the advantage of one specific area.

Mr. O'Neil: It is the same argument in the case of King's Park.

Mr. Mensaros: If a person buys a block today, we are not referring back to 50 years ago.

Clause put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

LEGAL CONTRIBUTION TRUST ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th April.

MR. MENSAROS (Floreat) [10.18 p.m.]: The Opposition, for a change, will not obstruct the passage of this measure, although it does not give its wholehearted blessing to all the principles embodied therein.

The Bill is a comparatively short one, the purpose of which is to amend the Legal Contribution Trust Act, 1967-1972. It contains three different provisions in its three

operative clauses. Firstly, it proposes to change the definition of "legal advice" to include not only oral but written advice as well.

I could not detect the original intention behind the existing definition—that it only, and expressly, wanted to include orally given advice in the activities exercised by legal practitioners through the legal assistance fund. However, the parent measure undoubtedly contains this provision.

One can readily imagine that the originators of that provision in the parent Act had an office in mind. Doubtless they envisaged clients coming in and being spoken to by the lawyers working there. Possibly this could have been one of the reasons for assistance being given orally.

Although the Minister did not say as much I can imagine, without having made specific research, that even clients in a city area where such offices exist would subsequently need to communicate in writing with the lawyers. Necessarily, the communications would have to give expression to some form of legal advice.

It is also possible to imagine that clients could find it difficult to get away from their work to see a lawyer if he found it necessary to talk again to the client to give further advice. He does so, therefore, in writing.

One can also imagine that a prospective client who is entitled to receive this legal aid is in a remote area or a country area where no such office exists. Therefore, his first action would be to write to the Law Society, following which he would possibly obtain legal advice in writing.

In all the cases I have mentioned, and possibly many others, some sort of correspondence, including legal advice, will be necessitated. This, of course, justifies the proposed change in the definition and there is no reason to quarrel with this part of the amending Bill.

The second principle involved appears to be equally practical and does not seem to lead to any disadvantage to anyone or any institution. This concerns the investments of the Legal Contribution Trust. By reenacting section 13, the second amendment provides an additional avenue for investment by the trust; namely, the Treasury. For some reason best known to himself, the Attorney-General did not mention this explicitly. I imagine he was afraid some very pedantic "free enterpriser" would take up this point. In fact, the amendment makes the Treasurer a banker because it says moneys can be deposited in the Treasury and withdrawn at any time.

Mr. T. D. Evans: It only says they may be.

Mr. MENSAROS: Yes. However, I am not excited about this proposed intrusion of the Treasurer into a field which so far —at least customarily and according to our philosophy—has been the territory of private enterprise.

This amendment has been expressed in a very considerate manner because it says the trustees of the fund may lend some money to the Treasurer and can withdraw it. If we deposit money in a bank, in fact we lend money to the bank. It is the same thing in this instance.

I am sorry the Minister for Labour is not here because I wanted to offer him some advice—for a small sum, to be agreed upon later, which would be much less than the fee of a legal practitioner—which would enable him to add to his arguments if and when he sought to reintroduce the State Government Insurance Office Act Amendment Bill. An amendment to the Legal Contribution Trust Act by our Government—to the delight of the Minister for Labour and to my consternation—opened an avenue for the State Government Insurance Office in this regard. It can insure the Legal Contribution Trust Fund. However, that is by the way. I was not here at the time to protest against it.

This extension of the Treasurer's many responsibilities into the banking business, although it is not necessarily welcomed by me, is not such a bad thing because, as the Attorney-General pointed out in an interjection, it is not compulsory, and at least it gives the fund a bargaining position. The Minister said that so far it had been compulsory for the fund to be invested in a particular way, and the interest was geared to the short-term money market which is very hard to establish for fixed periods. Therefore the three months to one year interest rate was applied on deposits.

I took the opportunity to check the bank rates for three months to one year. The rate of the Rural and Industries Bank and that of other banks to certain depositors varied during the last four years. In some cases the rate paid by other banks for three months to one year was higher, and in some cases the rate of the Rural and Industries Bank was higher still. At the present time the Rural and Industries Bank pays a higher interest rate to these specified depositors, so unless the trustees of the fund can bargain for a higher rate with the banks they will obviously go to the Treasury, where they can receive 5 per cent. at the present time, whereas with the banks the rate is 4.3 per cent. That means if the trustees cannot bargain for higher interest rates, they will receive from the Treasurer .7 per cent. more than they are receiving at the present time.

The principle contained in the third amendment is the one to which I cannot give my wholehearted blessing. Two different sections of the Act are amended, and

provision is made for legal aid to be given in cases which do not fall under the jurisdiction of courts. At first sight it appears to be a good thing to extend legal aid in administrative procedures to a client who cannot afford to hire a solicitor, but we must consider an interesting principle which is involved here.

In fact, the community, or the taxpayer, is contributing to the financing of this legal aid service. The same community, or the same taxpayer, derives some profit from certain administrative actions and laws. I take one example which the Attorney-General chose—that of probate. Taxpayers want to derive some benefit from the death of another taxpayer by taxing the successors to the estate through probate duty. At the same time, the taxpayer says, "I will help this client, who is eligible for legal aid, to pay less probate." That is what it amounts to.

Mr. T. D. Evans: Are you not confusing the paying of probate duty and the rendering of legal advice in the field of probate? The advice would not necessarily concern avoiding the payment of probate duty.

Mr. MENSAROS: Not necessarily, but the final aim of the prospective client would be to have the law so applied if he inherits something.

Mr. T. D. Evans: Up to $5,000 one can obtain free assistance in the matter of probate. No probate duty is involved in estates of less than $10,000 but legal costs would be involved in obtaining administration.

Mr. MENSAROS: I can imagine such cases. Nevertheless, the principle remains that probably in quite a number of other cases the aim of the client would be to pay less revenue to the other taxpayers—the Treasury, or the community—and this process will be aided by the very same taxpayers.

So I submit one would expect it would be almost a simple exercise to lessen probate duties or to lessen the paraphernalia that goes with them instead of substituting this legal aid service to give advice. I cannot help but say this procedure reminds me of the circumstances presently prevailing behind the Iron Curtain. Although the only employer there virtually is the State, different facilities are divided into sections. Lawyers are all nationalised and work in combines—combine 1, combine 2, and so on. Perhaps a cement manufacturing Government concern hires a lawyer from combine 1 to conduct a case against a State-controlled building company, which in turn hires a lawyer from combine 2. Instead of working as they should, in good socialistic fashion, for the benefit of the people, much money goes from one hand to the other.

I see in this provision an attempt to extend legal aid beyond the cases which fall within the jurisdiction of the courts. With the courts the classic theory is that there is a contract amongst the members of society, to provide an arbiter for disputes between members of the community or between the society as a whole and one member of it. This latter could be in a criminal case where a person offends against the interests of society, or where he is involved against the State or society itself in a civil case.

So the Opposition supports the Bill, without my blessing, as I said, on this particular last provision.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [10.32 p.m.]: I thank the member for Floreat for his clear analyses of the three main provisions of the Bill. I will content myself by limiting my remarks to the last amending provision. I must say that normally I can discover a basis for the arguments led by the member for Floreat in debates in which he becomes involved. However, on this occasion I can discover no basis for objection to—not really opposition to—amending the provision in the parent Act requiring the Law Society to render legal aid which, within the meaning of the Act, must be geared towards some pending or threatened litigation. All we are suggesting is offering aid whether or not the matter is associated with any litigation, either pending or threatened.

The example given in my second reading speech was in relation to the jurisdiction of probate. Perhaps this is an unfortunate term, because we refer to death duty, which may—and not in all cases—be levied within that jurisdiction, and we then refer to death duty as probate duty. I believe we would avoid a great deal of difficulty if we use the expression contained in the Act of Parliament, "death duty".

The high costs incurred in cases in the probate jurisdiction are generally those involved in obtaining an order for administration of an estate, whether it be probate of a will or letters of administration in the case of an intestate estate. The actual costs involved are those incurred in obtaining administration as distinct from any death duties which may or may not be imposed in respect of that estate.

So the member for Floreat uses an argument that the taxpayer who contributes to the legal aid scheme is assisting a person to obtain legal aid and he is also assisting that person to avoid the payment of probate duty and so defeating the purpose of the legislation. I just cannot see the logic of that. Probate duty is not payable on an estate of less than $10,000. It is normally those inheriting estates of this type who would be eligible for legal aid. So I feel the question of the payment

of probate duties is irrelevant. However, I thank the member for Floreat for his 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.

MARINE NAVIGATIONAL AIDS BILL

Second Reading

MR. JAMIESON (Belmont—Minister for Works) [10.39 p.m.]: I move—

That the Bill be now read a second time.

The Bill now before members is to authorise the establishment of navigational aids within port boundaries and to prevent action for damages being taken against the Harbour and Light Department or any of the various port authorities in the event of a navigational aid becoming misplaced or malfunctioning. The Bill also provides that an offence is committed when any person interferes with a navigational aid.

The need for this Bill arose out of a question posed by the Port Hedland Port Authority which was concerned that the accidental mispositioning or malfunction of a navigational aid within its port could cause a large ore carrier to founder.

The Port Authority recognised that such a disaster could involve a claim running into millions of dollars to cover the replacement value of the ship. There could also be large claims to cover consequential losses of the ore exporting companies as well as shipowners and the ore purchasers because of the bottling up of the port for a lengthy period.

Once the query was raised it was referred to the Crown Law Department which confirmed that under certain circumstances a port authority could be responsible for navigational aid malfunction or mispositioning and that a liability for consequential losses also existed.

Research also disclosed that the Commonwealth Government was protected from any possible action in the event of a failure of navigational aids under its control by an appropriate section of the Commonwealth Lighthouse Act.

In the circumstances it was considered necessary to provide the Port Hedland Port Authority with immunity from legal action and at the same time to include other port authorities which were equally liable in the event of an accident, although not to the same extent because of their smaller scale of operations.

One other matter which requires explanation is the decision to include a clause in the Bill giving the Harbour and Light Department and port authorities the right to establish, alter, maintain, and remove navigational aids. Investigations arising out of the decision to introduce legislation to limit claims for damages highlighted the fact that there is no legislative authority to establish navigational aids within harbour boundaries. The Bill rectifies this omission.

That is an explanation of the Bill in general terms. A brief summary of the principal clauses follows.

Subclause (1) of clause 3 gives authority to the Harbour and Light Department and each of the port authorities to establish, add to, and alter navigational aids within the port boundaries under their respective control. It also imposes an obligation to maintain the navigational aids that they may establish. Subclause (2) backdates the authority to establish navigational aids so that any aid placed before the commencement of this Act is lawful.

Clause 4 exempts the State, port authorities, and any officer of the department, or port authorities or other person acting in good faith, from any liability in respect of a defective navigational aid, subject to its having been established, or being deemed to have been established, and maintained under the provisions of this proposed Act.

Subclause (1) of clause 5 provides that it is a punishable offence to interfere with the operation of a navigational aid. Subclause (2) provides that any person convicted of interfering with a navigational aid may be called upon to pay the cost of repairing the aid. I commend the Bill to members.

Debate adjourned, on motion by Mr. Ridge.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Second Reading

MR. JAMIESON (Belmont—Minister for Works) [10.43 p.m.]: I move—

That the Bill be now read a second time.

The Bill now before members is to amend the Western Australian Marine Act, 1948-1972, to provide for the licensing and control of air-cushion vehicles. It also imposes a responsibility on operators of air-cushion vehicles and operators of conventional vessels used to carry fare-paying passengers on inland waters and within harbours, to insure against death or injury to third parties.

Air-cushion vehicles, commonly referred to as hovercraft, are used in commerce and for pleasure in a number of countries; with England, where the air-cushion principle was first developed, leading the world in the number of craft manufactured and scale of operations.

For a number of reasons their use in Australia has not grown to any great degree. However, there are a small number operating in the various States and it can be expected that, as our population increases and new models are produced, there will be more. Therefore the Australian Transport Advisory Committee, a joint Commonwealth-State organisation, has seen fit to examine what impact air-cushion vehicles will have in Australia and what measures are desirable and necessary for their control.

As a result of these studies the committee has drawn up and adopted a standard code of regulations. This code deals with the structural and technical specifications of air-cushion vehicles and the qualifications of drivers. For this code to be applied on an Australia-wide basis legislative authority is required in all States. In Western Australia it is necessary to amend the Local Government Act and the Traffic Act, in addition to the Marine Act, to enable the regulations to be proclaimed.

In addition to the necessity to have authority to make regulations it was also considered advisable that third party insurance apply to air-cushion vehicles because of their capability of operating on land, including public roads, where there could be a conflict with conventional road vehicles.

The Government has also accepted a recommendation from the State officers committee which examined the question of application of the regulations in Western Australia that the third party insurance requirement should be extended to include any vessel carrying fare-paying passengers on inland waters or within any harbour.

That is a broad outline of the proposed amendment. I will now explain the provisions of the Bill in detail.

Clause 1 sets out the title of the amendment and makes reference to the principal Act. Clause 2 provides that the Act will come into effect on proclamation and that various sections may come into operation at different times. This is to obviate the necessity to hold back proclamation of the Act if, for one reason or another, it is preferable to delay application of one aspect of it.

Clause 3 defines an air-cushion vehicle and brings such a vehicle within the general interpretation of "vessel".

Clause 4 grants the power to make regulations in respect of air-cushion vehicles, including inspection, testing, survey, and registration.

Clause 5 imposes an obligation on operators of air-cushion vehicles and vessels used to carry fare-paying passengers on specified waters to insure against third party liability.

Members will recall that last session a similar measure to amend the Traffic Act was passed through this Parliament. This Bill complements that measure due to the necessity to provide cover for these vehicles both on land and on the various waterways of the State. I commend the Bill to members.

Debate adjourned, on motion by Mr. Blaikie.

DOOR TO DOOR (SALES) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th September, 1972.

MR. R. L. YOUNG (Wembley) [10.48 p.m.]: At the outset I would like to advise the Minister that the amendments he intends to move to this Bill cover some 2½ pages, and I saw them for the first time only tonight. I hope the Minister will agree to have the Committee stage dealt with at the next sitting of the House after the completion of the second reading debate, because I have not yet had a chance to consider all of the proposed amendments.

The Bill has three main aims. Firstly it intends to extend the range of action available under the Act to enable the Crown to prosecute not only the vendor but also his agents or servants for any breaches of the Act. Previously only the vendor was liable under the Act, and this has caused a great deal of difficulty with regard to interstate companies which are the vendors of goods within the meaning of the Act. In such circumstances the only way in which those companies may be sued is via the Commonwealth Service and Execution of Process Act. This Bill will have the effect of making the local agent of the goods much more aware of his obligations and liabilities.

The second aim is to proscribe the selling of or the attempt to sell any goods within the meaning of "goods" under the Act, outside the permitted hours. The term "permitted hours" is defined in the Bill as being from 9.00 a.m. to 5.00 p.m. on weekdays and from 9.00 a.m. to noon on Saturdays. During public holidays no selling is allowed except between the hours of 9.00 a.m. and noon.

The third aim is to prescribe the offences. The first is the offence of failing to return cash paid when a contract is terminated by a purchaser under the Act; and the penalty provided is $200. The second offence is the calling or the attempt to call outside the permitted hours, with the intention of selling or displaying goods; again the penalty provided is $200. The third offence is entering into a contract which is unenforceable by virtue of the

contract being entered into outside permitted hours; again the penalty provided is $200.

It is pertinent to raise this issue at this stage: the reference to "goods" in the Bill is as defined in the principal Act. Under the Act the following appears—

> "goods" means any books or parts of a book, or engravings, lithography or pictures or any other like matter whether illustrated or not and includes any articles prescribed to be goods for the purposes of this Act.

So members will be aware of the fact, as they were when the legislation was first enacted, that the main aim is to control the door-to-door sale of goods by people. The goods covered are those prescribed in the Act, but it is pertinent to point out that the Minister may determine any other goods to be within the meaning of the Act. I think this is an aspect which should be dealt with fairly carefully by the Minister. It would certainly make members become aware of their responsibility in regard to the need to look closely at subordinate legislation.

Mr. Taylor: I do not think a single item has been added since the Bill was introduced. I accept your point.

Mr. R. L. YOUNG: That is so. It is against the principles of my party to inhibit the freedom of any man who wishes to sell his wares, whether it is from door-to-door or in any other way. However, there were grave misgivings about practices evolving in regard to the sale of certain publications; and this Parliament agreed at the time that some legislation was necessary to protect people against themselves in dealing with persons who might be aptly described as slick salesmen. I shall go into that aspect in more detail later.

Before getting onto perhaps the most important aspect of the Bill—that is, permitted hours—I would like to turn back to the penalties that are prescribed in the Bill. The provision in clause 8 which contains proposed new secion 7A, shifts the emphasis from credit agreements to any vendor. It will be noticed that every sale coming within the ambit of the Act is dealt with; and that the Bill deals only with goods sold on a credit basis. The words "credit purchase agreement" are used quite regularly. At no point in the principal Act or in the Bill—apart from this particular provision—does anybody come within the ambit of the Act in selling goods for cash.

However, this part of proposed new section 7A makes it an offence under the Act to sell, display, or take orders for goods outside the permitted hours.

This is a new concept, and I understand from conversations with the Minister that this is not a drafting error but is a deliberate attempt to keep all vendors away from the doors of people outside the permitted hours, even though they might be selling goods within the meaning of the Act. Instead of restricting it to credit arrangements, the offence relates even to cash transactions at the door.

If members accept the philosophy behind the permitted hours concept then they must accept this is a fairly logical extension of what the Bill intends to achieve. For that reason I have no objection to the concept.

In regard to the permitted hours, I do not agree that they should be from 9.00 a.m. to 5.00 p.m. on weekdays. I think they should extend from 8.30 a.m. to 5.30 p.m. on weekdays, because if a person has particular religious beliefs which prevent him from working on Saturdays, or if he along with many other members of the community simply wishes to keep his weekends free, he is not able to achieve a 40-hour working week within the prescribed hours. I do not think it is fair for us as a Parliament to legislate to restrict the working hours of a person to less than the accepted 40 hours a week if he wishes to work longer. Therefore I shall move an amendment in that direction.

I would like to refer to clause 4, and to point out that I intend to move an amendment to that clause also. This is in relation to the restriction on people within the prescribed hours to make sales or attempt to enter into negotiations outside the permitted hours.

The effect of proposed section 3A is to make any agreement entered into outside the permitted hours an unenforceable contract. If such an agreement is entered into outside the permitted hours and thus becomes unenforceable, then the person who caused the purchaser to enter into the agreement is guilty of an offence. If we read the proposed new section we will see that a contract is unenforceable by the vendor unless it is made under the following conditions—

> (a) during the permitted hours;
> (b) in the course of an uninterrupted negotiation that commenced during the permitted hours; or
> (c) in the course of a negotiation that takes place as a result of the purchaser making an unsolicited request that the vendor or dealer should call at his residence.

A number of selling practices that are used by persons selling goods within the meaning of the Act will not necessarily be covered by those three provisos. For instance, quite often some person will call at the door of a residence and say he is carrying out a survey in the district. Sometimes he is able to trick the wife of the household into inviting him back later in the evening for the purpose of holding a discussion on this supposed survey when,

in fact, all that he is trying to do is to get the wife or the husband to enter into a contract to purchase a set of encyclopedia. Should this happen it could be that the prospective purchaser has made an unsolicited request that the vendor or dealer call at his residence. That would enable the vendor to call, and if a contract were entered into outside the permitted hours it would still be legal under the Act.

I propose to move an amendment to add, after the word "residence" at the end of paragraph (c) of proposed new section 3A (1), the words "for the purpose of entering into that negotiation". I believe that the person who is calling on the prospective purchaser must state, before the request to return after the permitted hours, that the intention is to enter into a specific negotiation. I consider that those involved should be exempted from the provisions of this proposed new section only if they are completely honest with the prospective purchasers. The situation is not covered by paragraph (c) because that paragraph states that the person will be exempted if the negotiation takes place as a result of the purchaser making an unsolicited request. The connotation of that to me is that the negotiation must take place entirely as a result of an unsolicited request, and therefore when considered in Committee the amendment will be found to be quite reasonable.

No member in this House would agree that a person should be permitted to return to a home after hours if the excuse of a survey is used when, in fact, the person is nothing more than a salesman. I have known of many instances when the person at home at the time—and usually that is the wife—has asked the person at the door whether he is selling anything, and the reply has been, "I am definitely not selling anything". Yet all the time that is the only intention. If such a person is allowed back after hours as a result of an unsolicited request, it would be contrary to the spirit of the legislation.

Many good arguments can be advanced in support of hours not being restricted and some of these have been submitted to me by students, part-time workers, and the like. It has also been suggested to me that if we include restricted hours in the legislation we will protect only the husband from the salesman and not the wife; because between the hours of 9.00 a.m. and 5.00 p.m. the prospective seller will obviously encounter only the wife.

The person for whom I feel most sorry is the battler. Many people in the community work solidly for 40 hours a week at their regular job, but they want the opportunity to gain extra income by selling goods at the door at night. However, on balance we must consider that we live in a world in which more and more people are seeking psychiatric treatment as a result of the pressures they face in their day-to-day living. The mere task of getting to work through our traffic places pressure on people. In addition the working day itself involves more pressure than previously. Then, after a hard day's work, the battle to get home takes place. In fact, ever-increasing pressure is experienced by people wanting to get ahead and make their way in our competitive world. Consequently people must be able to enjoy a restful period at night without being pestered by salesmen.

It is a tragedy that we cannot allow people to earn a living in the manner they desire. Many fine, respectable people earn their living by selling, outside the hours we are now intending to stipulate, the goods prescribed under the Act. For all that, I believe the average householder, once he is home, is entitled to the break to which he has been looking forward all day. Therefore, with the exception of those provisions in regard to which I propose to move amendments in Committee—which stage, I understand by the nod of the Minister, will be taken at the next sitting of the House—I support the Bill.

MR. TAYLOR (Cockburn—Minister for Labour) [11.05 p.m.]: I thank the honourable member who has just spoken. He has not only put the point of view of the Opposition, but has summarised the remarks I desired to make. His summation of the change of emphasis in the Bill itself and of the worries which beset one in attempting to amend such legislation in an effort to make an even balance, was correct. He outlined the pros and cons of his proposed amendments and indicated his reluctance in regard to accepting some Government amendments. The Government was also reluctant in this respect, but is proposing changes it believes are warranted in the community's interests.

One of the difficulties emphasised by the honourable member is the manner in which we should deal with a person who is making a living—and perhaps a legitimate living—by door-to-door selling outside the hours now proposed. One example which caused me anxiety was of a particular religious denomination which has a limited round of customers visited regularly approximately every six months. These customers are sold various children's books and other books with a religious flavour. Reference to our files revealed not a single complaint in respect of this particular religious denomination. Complaints had been received in respect of a number of other religious denominations, but not in respect of this particular one. However, when considering amendments applying to hours we came to the conclusion that no way existed by which we could exempt one small section from operating outside the prescribed hours

while allowing another to do so. For example, if one section were exempted, it could attempt to exploit the situation and at the homes of some persons be not welcome.

The member for Wembley has covered the position very adequately and has rightly pointed out that the format of the legislation has changed slightly. Instead of the emphasis being on protection with regard to credit purchases, it is now extended to protection, for want of a better word, of the householder by allowing him certain periods of the day free of interruption from outsiders. It does not alter the scope of goods covered, but it does alter the format in that it does not now apply only to credit goods, but also to goods on display or those bought by other arrangements.

At this stage I do not intend to cover the amendments proposed by the member for Wembley. He was quite right in asking for a postponement of the Committee stage. It is always regrettable that, when a Bill has been on the notice paper for some months, a particular outside interest suddenly becomes aware of it and makes representations. I hold in my hand a document dated the 7th May—which was yesterday—advising details of certain amendments requested by the Australian Finance Conference. This body became aware of certain provisions in the Bill and considers they are unjust. After examination it was agreed the amendments contained merit and I have handed them to the Clerk for inclusion on the notice paper. In Committee I propose to ask that they be included. At that stage I will also answer the points raised by the member for Wembley with regard to the amendments he has on the notice paper.

I thank the honourable member for his support of the Bill which I commend to the House.

Question put and passed.

Bill read a second time.

House adjourned at 11.10 p.m.

Legislative Council

Wednesday, the 9th May, 1973

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS (2): WITHOUT NOTICE

1. EDUCATION

Boarding Allowances

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

When is it intended that item No. 12 on the notice paper will be dealt with?

Members will appreciate that the motion deals with living-away-from-home allowances. While, previously, *The West Australian* did not give much prominence to the debate on this motion, it has since drawn the attention of the public to what is happening. The motion has been on the notice paper since the 17th April and I consider it should have been given more prompt consideration.

The Hon. J. DOLAN replied:

When I am preparing the notice paper this evening I will give consideration to Mr. Wordsworth's request.

2. PRIVY COUNCIL

Appeals

The Hon. I. G. MEDCALF, to the Leader of the House:

(1) Are the newspaper reports correct which indicate that the State Government intends to be represented in any proceedings brought before the Privy Council to determine questions in relation to the Commonwealth Government's proposed legislation to control the sea bed beyond low-water mark?

(2) How does the State Government reconcile any such decision with its stated policy that the right of appeal to the Privy Council should be abolished?

(3) If the State Government believes it is necessary to invoke the assistance of the Privy Council when its rights have been overridden or disregarded by the Commonwealth Government, does it not believe that similar opportunities of appeal to the Privy Council should be available to private citizens whose rights or interests may be overridden or disregarded by Governments?

The Hon. J. DOLAN replied:

(1) to (3) I am not in a position to be able to answer the question posed. I ask the honourable member to place it on the notice paper. I will procure an answer for him, probably by tomorrow.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [2.27 p.m.]: I move, without notice—

That the House at its rising adjourn until 11.00 a.m. tomorrow (Thursday).

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [2.28 p.m.]: I do not wish to oppose the motion moved by the Leader of the House