I am sorry this explanation has taken so long. I am grateful for the hearing members have given me.

The plans and sample of nickel matte were tabled.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs.

POISONS ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [10.22 p.m.]: I move—

That the House at its rising adjourn until 2.30 p.m. on Tuesday, the 17th November.

Question put and passed.

House adjourned at 10.23 p.m.

Legislative Assembly

Thursday, the 12th November, 1970

The SPEAKER (Mr. Guthrie) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS (23): ON NOTICE

1. *This question was postponed.*

2. TRAFFIC

School Crosswalks

Mr. CASH, to the Minister for Traffic:

(1) How many school crosswalks have been approved during 1970?

(2) How many requests have been rejected?

(3) What criteria are used by the schools crossing review committee when assessing crosswalk needs in school areas?

Mr. BOVELL (for Mr. Craig) replied:

(1) 21.

(2) 20.

(3) (a) Ages of children concerned—whether attending infants, primary or high school.

(b) Width of road to be crossed, type of surface.

(c) Maximum speed limit of vehicles permitted.

(d) Type of vehicles using the roads in that area.

(e) Warning signs already in area, restrictions of visibility for the child, the driver, or both, caused by a bend, dip, a hill in the road and parked vehicles in the area.

(f) Restriction of visibility to both drivers and child caused by rising or setting sun.

(g) Number of motor vehicles passing.

(h) Configuration of roads in vicinity.

(i) Noise of any industry or other activity in the area which would distract the child or smother the sound of approaching vehicles.

(j) Other hazards such as lack of footpaths, kerbing, etc.

3. *This question was postponed.*

4. CONSUMER PROTECTION COUNCIL

Establishment

Mr. CASH, to the Premier:

In regard to consumer protection, when can a statement be expected of the Government's intentions relating to the establishment of a consumer protection council or for the appointment of a commissioner for consumer affairs?

Sir DAVID BRAND replied:

The matter of consumer protection has been under consideration by the Standing Committee of Attorneys General. Professor Rogerson and his colleagues at the Adelaide University prepared a report which is now being examined by Crown legal officers in Victoria who will submit a paper for consideration of the Standing Committee.

Additionally, the State Department of Labour has been requested to examine existing and proposed legislation of other States with a view to advising the Government as to what action should be taken.

5. TOWN PLANNING

Land: Area Zoned Rural

Mr. DUNN, to the Minister representing the Minister for Town Planning:

What area of land is zoned rural under the metropolitan region scheme as at today's date?

Mr. LEWIS replied:

650,754 acres.

6 to 10. *These questions were postponed.*

11. EDUCATION

Teachers: Cost of Training

Mr. WILLIAMS, to the Minister for Education:

(1) What is the present cost of training a teacher in—

(a) primary;

(b) secondary,

teacher colleges?

(2) What allowances and direct payments or subsidies are made to a trainee and are these included in figures given in (1)?

(3) What are the duration and terms of the bond in each case?

(4) Are exemptions given to bonded teachers; if so, under what circumstances and to what extent?

Mr. LEWIS replied:

(1) (a) The cost of training a primary school teacher (three year trained), inclusive of all allowances, living at home, unmarried and under 21 years of age is $6,250.

(b) For a secondary school teacher (four year trained graduate), on the same basis as for (a), the cost is $9,330.

(2) Teacher education allowances are $850 for the first and second years, $1,000 for the third year, and $1,131 for the fourth year. If a student is over 21, the allowance for all years is set at a minimum of $1,092. If the student is married the allowances rise to $1,549 and $1,901 with children. A graduate who takes teacher education is given an added bonus of $500 above other allowances.

In addition, a book allowance of $40 per annum is available and compulsory University and W.A. I.T. fees are paid.

All of the above allowances are included in answers to (1).

Allowances not included are travelling and living away from home.

(3) Education Department Regulations state that a student accepted for a course of training at a Teachers' College should, before commencing the course, undertake by agreement with the Minister, to serve for a period of years which is determined in accordance with the number of years spent in training under the agreement. The usual period of service is two years for a one year course, three years for a two year course and year for year in courses exceeding two years.

(4) For female teachers the repayment of the bond obligation is halved on marriage and waived on the birth of the first child.

Service at approved tertiary institutions may be counted towards discharge of the bond.

Special consideration is given to hardship cases.

Reciprocal agreements apply in certain cases with other State Education Departments.

12. DREDGING

Leschenault Estuary

Mr. WILLIAMS, to the Minister for Works:

(1) Has a study been completed, or is one in progress, for the dredging and general cleaning up of that section of Leschenault Estuary, west of the new harbour development?

(2) What is the proposed short-term and long-term plan for this area?

(3) When is it expected work will—

(a) commence;

(b) be completed?

(4) What is the estimated cost?

Mr. ROSS HUTCHINSON replied:

(1) Survey work is currently in progress in the lower reaches of Leschenault Inlet.

(2) The short term proposal is to dredge away portion of the point on the ocean side of the inlet using the material obtained to elevate all the low-lying land between the caravan park and the western boundary of the new harbour area.

No plans have been formulated for long-term development.

(3) (a) and (b) No time has been fixed for commencement of this work.

(4) Estimated cost cannot be determined until a survey has been completed and the results evaluated.

13. MARGINAL DAIRY FARMS RECONSTRUCTION SCHEME

Applications

Mr. H. D. EVANS, to the Minister for Lands:

How many applications have been received under the present Marginal Dairy Farms Reconstruction Scheme to—

(a) sell farms to the committee;

(b) purchase developed land;

(c) purchase undeveloped land?

Mr. BOVELL replied:

(a) 35.

(b) 44.

(c) 3.

14. MINERAL LEASES

Reserves: Peaceful Bay

Mr. H. D. EVANS, to the Minister representing the Minister for Mines:

(1) Does he recall that in reply to question 6 of the 27th October he indicated that damage occasioned on reserves Nos. 17735 and A.24510 through mining activities would be looked into?

(2) If so, is he in a position to inform the House of the results of inquiries carried out?

Mr. BOVELL replied:

(1) Yes.

(2) The result of inquiries made reveals that the applicant for the mineral claim contravened regulation 96 by occupying and carrying out mining operations prior to his application being granted, but ceased operations immediately when advised that his actions were unlawful.

15. DAIRYING

Whole-milk Producers: Albany

Mr. COOK, to the Minister for Industrial Development:

Is he now in a position to advise the results of the talks which, during his recent address to the Albany industrial advisory committee, he promised to have with the Minister for Agriculture with regard to the problems of whole-milk producers in the Albany region?

Mr. COURT replied:

Not at this stage.

16. EDUCATION

New School at Dardanup

Mr. JONES, to the Minister for Education:

(1) Has the department purchased land for the construction of a new school at Dardanup?

(2) If "Yes" will he advise where the land is situated?

(3) Has provision been made for school bus services for the school?

Mr. LEWIS replied:

(1) No. An investigation of drainage problems has not been finalised.

(2) See answer to (1).

(3) Provision will be made for appropriate bus services prior to the establishment of the school.

17. *This question was postponed.*

18. WANDANA FLATS

Rents

Mr. DAVIES, to the Minister for Housing:

(1) Are rental rebates applicable to tenants in Wandana flats?

(2) If not—

(a) why not;

(b) is there any likelihood of a change being made in the foreseeable future?

Mr. O'NEIL replied:

(1) No.

(2) See answer to question 8, Votes and Proceedings of the 21st October, 1970.

19. *This question was postponed.*

20. GOVERNMENT CARS

Air Conditioning

Mr. DAVIES, to the Premier:

(1) How many cars in the Government fleet are equipped with air-conditioning units?

(2) What was the cost of installing these units?

Sir DAVID BRAND replied:

(1) 12.

(2) $4,038.

21. CARCASE MEAT

Source of Supply

Mr. MAY, to the Minister representing the Minister for Health:

(1) Is his department aware of al locations from where carcase mea is provided to the metropolitar meat market?

(2) What arrangements are effected t ensure that all carcases forwarde to the metropolitan meat market are slaughtered under condition complying with the Countr Slaughterhouse Regulations, 1969

(3) Is any evidence available to con firm that there are still a numbe of sub-standard abattoirs operat ing within the State?

(4) If so, where are these abattoir located?

(5) Will he list the sub-standar abattoirs which have been in spected by officers of his depart ment since the recent strike b slaughtermen at Midland an other abattoirs?

(6) Will he list the abattoirs, privatel owned, at which officers of hi department have carried out mea inspections since the recent strike

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) Local authority supervision is required under the Health Act and country slaughterhouse regulations.

(3) and (4) A number of slaughter yards have been unable to meet the requirements of the new regulations and have closed down.

(5) None.

(6) One, at York.

22. COUNSEL AVENUE

Closure

Mr. TAYLOR, to the Minister for Works:

With regard to the current extension of Stock Road in the Coolbellup-Hamilton Hill area—

(1) When was a decision made to close Counsel Road?

(2) Has a traffic count ever been taken of this road and, if so, what was the result?

(3) Is it intended that Counsel Road will be permanently closed?

(4) If "Yes" is it intended to construct an alternative crossing in the near vicinity?

(5) If "No" when is it anticipated that Counsel Road will be reopened?

Mr. ROSS HUTCHINSON replied:

(1) Some years ago permission was given by the Main Roads Department to the Cockburn Shire Council to connect Counsel Avenue with Curven Road on a temporary basis across a controlled access road reserve. Recently it became necessary to sever Counsel Avenue during the construction of the Stock Road extension in the controlled access road reserve.

(2) No.

(3) No. It will be re-aligned to enter the controlled access road as a "T" junction. Traffic from Coolbellup proceeding westwards will be able to link with Ralston Street via the new controlled access road.

(4) Answered by (3).

(5) When construction works are completed, which is expected to be in March, 1971.

23. PENSIONERS

Transport Concessions

Mr. CASH, to the Minister for Transport:

In regard to the 20 cents all services pensioner concession fare granted by the Western Australian Government Railways and the Metropolitan Transport Trust, would he give consideration to extending this concession to a weekday as well as Sunday and public holidays?

Mr. O'CONNOR replied:

Consideration has been given to this and it is proposed to extend the concession to pensioners for travel on Tuesdays with the provision that travel will not be available before 9 a.m. or between 4 p.m. and 6 p.m.

QUESTIONS (4): WITHOUT NOTICE

1. ALUMINA REFINERY AT BUNBURY

Negotiations

Mr. WILLIAMS, to the Minister for Industrial Development:

(1) Has he seen, or has he had brought to his attention, a headlined article in today's *South Western Times*, and the country edition of the *Daily News*, regarding an alumina refinery for Bunbury?

(2) Would he comment upon these statements and give any information on negotiations being conducted with the company concerned?

Mr. COURT replied:

(1) and (2) I have not seen the report in the *South Western Times*, but I have seen the report in the city edition of the *Daily News*, and it is unfortunate that the report has been made in such speculative terms.

It is well known that Alwest and B.H.P. made a public announcement some time ago that they were joining together to make studies of a bauxite alumina project. It was also known that at the time negotiations were proceeding with the State Government, and that they had proceeded a fair way along the line. However, I want to say that the negotiations are not yet complete. An agreement has not been signed and I know the negotiations are at a very delicate stage.

There are several important matters to be resolved, and both the Government and other parties would be ill-advised to make any statements before they are resolved.

One matter to be resolved is the location of the refinery; another one is its size; another is the location of the mining to be done and the nature of the mining. Also, agreement still has

to be reached on a number of very important conservation matters and until these matters are resolved it would be quite improper to make any announcement.

As of today I cannot be specific in making any statement as to when finality will be reached on matters that still have to be settled. But when we do reach the point that these matters have been resolved and have been agreed upon, we will make an early statement.

Even if the Government did sign an agreement in the immediate future which set out the various terms and the main principles that have been agreed upon, one thing is certain; that is, it would be quite a while—perhaps 12 months or two years—before it could be decided for certain that the project was economically viable. Based on the terms of the agreement, the company would have to determine in this period whether it was "financible."

I make this point purposely, because there is a tendency with such speculative announcements that when they do not materialise it is the Government which is kicked around, even though some of the things were not contemplated. As soon as the Government is in a position to make an announcement in this case it will obviously do so.

2. CITY STORE

Extended Trading Hours

Mr. DAVIES, to the Minister for Labour:

(1) Is there any truth in the statement which was made on commercial radio this morning that one of the large city departmental stores in, I think, Wellington Street will be open for business on Monday night of next week?

(2) If so, can he give details of the circumstances under which the extension of hours has been granted?

(3) Is there any truth in the statement of the person concerned that in effect the Factories and Shops Branch told him he could not be granted an extension of trading hours, and that the extension of trading hours to the city store was granted through ministerial approval?

Mr. O'NEIL replied:

(1) to (3) Under the factories and shops legislation the Minister for Labour is entitled to grant, under special circumstances, extende trading hours as determined b each individual application. Thi has been done in respect of coun try areas, tourist areas during th summer months, exhibitions c motor vehicles, housing industr fairs at showgrounds, and so or It is true that some time ago major departmental store in th city made an approach to me wit a request for permission to ope for business for a period of tim in the evening, as it wanted t celebrate, I think, its 75th birth day. This permission was grantec because of the special circum stances.

It was pointed out to this firn that any arrangement with regar to traffic control, local authorit requirements, and the employee of the firm, were matters whic the firm had to attend to itself What the Department of Labou told the person to whom the hon ourable member referred, regard ing its power to extend tradin hours, I do not know. It is cer tainly the responsibility of th Minister.

3. STATE SHIPPING SERVICE

Disposal of m.v. "Koojarra"

Mr. RIDGE, to the Minister fo Transport:

(1) Will he confirm whether or not i is intended to dispose of th Coastal Shipping Commission ves sel m.v. *Koojarra?*

(2) If yes, will he broadly outline th reasons for sale?

(3) Will the eventual disposal of th ship have an adverse effect o cargo handling at ports which ar presently serviced by the vessel

(4) What arrangements have bee made or will be made for the car riage of cargo which is normall handled by the *Koojarra?*

Mr. O'CONNOR replied:

(1) Yes.

(2) to (4) Due to a considerable build up of cargo which the presen State Shipping Service fleet is un able to carry, the W.A. Coasta Shipping Commission was recentl authorised to charter m.v. *Yar runga* from the Australia National Line for a period of si months with the option of re newal.

Due to her capacity, the charte of the *Yarrunga* will enable th disposal of m.v. *Koojarra*. Th latter vessel is a passenger/carg

ship capable of carrying 64 passengers and 1,800 tons dead weight cargo. The ship is the most costly one in the fleet to operate. She requires an Australian crew of 55 as compared to 33 in *Yarrunga*, and although *Yarrunga* is also costly to operate, the sale of *Koojarra* could possibly realise $200,000 to $300,000, and this would mean an estimated annual saving of $150,000.

4. MOTOR MARINE AND GENERAL INSURANCE COMPANY

Policy Holders in Western Australia

Mr. BURKE, to the Premier:

In view of the fact that no arrangement seems to have been made for M.M.G. policy holders in Western Australia, and that many people are likely to be confused by the statement appearing in *The West Australian* of the 9th November which refers to New South Wales policy holders only, will he take action to warn Western Australian policy holders against negotiating with the V.I.P. company and to secure immediate cover with a reputable Western Australian company?

Sir DAVID BRAND replied:

The member for Perth has every right to ask questions without notice, but I think that in order to obtain considered replies he should place them on the notice paper.

I certainly will take whatever action is necessary to warn the people. However, as the honourable member has quoted a newspaper report dated some time back I would like to have the opportunity to peruse it. If the honourable member places the question on the notice paper, I will look into the matter.

CHIROPRACTORS ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Mr. Bertram, and transmitted to the Council.

CITY OF PERTH ENDOWMENT LANDS ACT AMENDMENT BILL (No. 2)

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [2.38 p.m.]: I move—

That the Bill be now read a second time.

The provisions of the City of Perth Endowment Lands Act, which was first enacted in 1920, apply to three distinct areas; namely—

Reserve No. 16921 being the beach foreshore;

the endowment lands proper, comprising some 2281 acres; and the

Lime Kilns Estate, which was purchased by the council in 1917 for $62,130, and comprises 1290 acres.

Together, the three areas are described in the Endowment Lands Act as the "said lands."

Section 39 (2) of the Act makes a clear distinction between the use of moneys received from sales of land in the Lime Kilns Estate and the sale of land in the endowment lands area.

In the case of the Lime Kilns Estate, the proceeds of sale can be spent on development work anywhere within the said lands; that is, within the Lime Kilns Estate, the endowment lands, or the reserve which is the beach foreshore. In the case of the endowment lands the proceeds of sale can be spent only on development work within the endowment lands area.

Since the first land sale, which was held on the 9th February, 1929, the Perth City Council has not complied strictly with the provisions of the Act in so far as it has not segregated the receipts and development expenditure in the Lime Kilns Estate from the receipts and development expenditure in the endowment lands area.

Although sales have been conducted for the past 40 years, I am advised it was not until the 30th June, 1970, that the combined receipts exceeded the combined development expenditure, when the excess amounted to $198,153.

Development work in the area is continuous and, to date, in this financial year, expenditure to the extent of $244,525 has been incurred out of a budgeted expenditure of $750,691. I might say that the figure of $244,525 was given to me by the Town Clerk some days ago, and it must therefore apply as at the time the information was made available. If it has altered in the interim, I am not to be held responsible for quoting a wrong figure.

In a letter dated the 21st October, 1970, addressed to some 3,500 electors in the City Beach-Floreat Park area, the President of the City Beach Progress and Ratepayers' Association, Mr. P. H. Samuell, said *inter alia*, and I quote—

Now, after years of stagnation, beach front development is starting to move and there is some sign that the area is receiving the attention envisaged by the legislators responsible for the original Act.

I quote further—

> This will be your opportunity to participate in a meeting which will have far-reaching effect for every resident and ratepayer in Floreat Park and City Beach, the endowment lands.

A further letter dated the 9th November, 1970, addressed to the Perth City Council by the President of the City Beach Progress and Ratepayers' Association, includes the following—

> On behalf of the above association I would advise that our attitude to the amending of the City of Perth Endowment Lands Act is as follows:—
>
> 1. We have no disagreement with amending section 39 to allow the proceeds of sales of endowment lands to be applied to the development of any of the (three) said lands viz. Reserve No. 16921; (the area known as) the lime kilns estate; and the endowment lands proper.

I emphasise "development" as against "development and maintenance." To continue—

> 2. We have no disagreement with such an amendment—as outlined in 1. above being applied so as to have effect restrospectively to 1920.

The proposed amendment is designed to make it possible for the actions of the Perth City Council to be brought strictly within the framework of the Act. Therefore the Bill is designed to validate the Perth City Council's expenditure of funds from sales of land from the City Beach endowment lands proper over the total area covered by the principal Act, and to allow development of the three areas referred to, to proceed.

I have read the *Hansard* reports and the speech made by the then Attorney-General (The Hon. T. P. Draper) when he introduced the Bill in 1920. I think it could be assumed from the debate which took place that it was the intention—even though it was not prescribed in the Act—that the funds from the sale of the endowment lands proper would be used to develop the whole area. That is not stated, and neither is the provision contained in the Bill, but I think it was implied. Anybody reading the debate which took place in 1920 would I think infer that that was the intention.

However, this matter has been going on since 1929, I am informed, and it is time that something was done to validate the actions of the Perth City Council.

Mr. Graham: What is you reaction to the action of the Perth City Council in spending moneys contrary to, or in defiance of, the law?

Mr. BOVELL: Now, Mr. Speaker, I am not prepared to commit myself to be judge and jury of the Perth City Council.

Mr. Graham: The facts are rather obvious.

Mr. BOVELL: Well, this submission has been sent to Parliament. I will not prejudice members' opinions by giving my own opinion of what the council should have done, and what it should not have done.

Mr. Tonkin: Why is there a validating clause in the Bill?

Mr. BOVELL: Because, in all the circumstances, I think the validating clause is justified.

Mr. Tonkin: To correct something which should have been corrected long ago.

Mr. Ross Hutchinson: What would the Leader of the Opposition have done?

Mr. Tonkin: Do not ask me, I have nothing to do with this question.

Mr. Jamieson: What rubbish the Minister talks.

Mr. BOVELL: When the member for Belmont, and the Deputy Leader of the Opposition have subsided I would ask your permission, Mr. Speaker, to table two plans. Although the colours are a little ambiguous, one plan shows the whole area of the three estates. The other shows the area of the Perth City Council endowment lands as it abuts the foreshore, and it shows that most of the new development is on the endowment land proper. However, the new surf club building does abut partly on the endowment land and partly on the foreshore reserve. The new change rooms and kiosk, which is in the course of construction, and which I recently visited, is entirely on the foreshore reserve.

For the information of members I would ask that the plans, one of which has been supplied to me by the Perth City Council, be tabled for the duration of this Bill. If this House agrees to the Bill, it will go to another place, and, at that stage, I would like to transmit the plans to the Legislative Council.

The SPEAKER: The plans will be tabled during the time the Bill is before this House.

The plans were tabled.

Debate adjourned, on motion by Mr. Graham (Deputy Leader of the Opposition).

VERMIN ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th November.

MR. McIVER (Northam) [2.49 p.m.]: This is a very small Bill, and it is complementary to the Agriculture Protection Board Act Amendment Bill and the Noxious Weeds Act Amendment Bill.

The decision by the Government to waive the vermin tax will be appreciated by all primary producers in Western Australia. We are all aware of the present situation of the farmers in this State and any form of relief at this stage will be appreciated by the farmers. Although a sum of $800,000 is a small amount to be shared amongst the primary producers of the State, now that that money will come from Consolidated Revenue, instead of from the vermin tax, it will give some relief.

I have no hesitation whatsoever in giving my full support to this Bill.

MR. BATEMAN (Canning) [2.50 p.m.]: In rising to speak on this Bill I would like to join with my colleague, the member for Northam, in supporting it. It may be a small Bill in words but it is big in deeds.

During the last session of Parliament, when speaking in the grievance debate, I made representations on behalf of farmers who had small holdings in my electorate. I support this measure because I am sure it will be very beneficial to those people in my electorate who have small holdings. I hope that in some small measure the debate which took place then, and to which contributions were made by members on this side of the House, had some bearing on the Bill that is now before us.

Through you, Mr. Speaker, I would like to ask a question of the Minister with respect to the date on which the provisions of this Bill will become effective. The Minister said in the second reading speech that—

> ...the rates to be abolished and become effective from the 1st July, 1970... The date of the coming into operation of the proposed legislation has been made the 30th June, 1970, because the rate for the year commencing on the 1st July, 1970, would be imposed on the person who owned the property on the 30th June, 1970.

I have received many appeals from people who have already had their assessments. I am wondering whether this legislation will have any effect on those people. I have in mind one person who has received an assessment for $800.

Mr. Nalder: It dates back to the 1st July, 1970.

Mr. BATEMAN: That is why I ask whether those people will be reimbursed.

Mr. Nalder: For anything that has been paid since the 1st July, 1970, for the 1970-1971 season.

Mr. BATEMAN: They will be reimbursed?

Mr. Nalder: Yes, but not for any money paid previously.

Mr. BATEMAN: I thank the Minister. I find nothing controversial about the amendment and I have very much pleasure in supporting it because I know the value it will be to some of the owners of small landholdings in my electorate.

MR. GAYFER (Avon) [2.53 p.m.]: Like the two previous speakers, I wish to give my support to the Bill and place on record my appreciation of this move by the Government.

The member for Northam said it was a very small Bill and that it involved a very small sum of money—$810,000 or thereabouts—which is the amount that was usually contributed by those who had to pay vermin and noxious weeds taxes. However, while we invariably seem to pass about 105 to 110 Bills a year in this Chamber, I consider that none of them has meant more to me than the one that is before us at the present moment.

The vermin and noxious weeds taxes have never been liked or condoned by country people. They have been very grudgingly paid, in spite of the fact that over the years the rates have been decreased in the agricultural areas. With the very steep increases in valuations of country properties in the last few years, the noxious weeds account that the farmer has had to pay each year has jumped in leaps and bounds. In many cases the taxes have increased by 600 per cent. to 1,200 per cent. on large areas of farm lands, although the rate in the dollar has been reduced from time to time. However, when district revaluations take place the increases are phenomenal. Many objections have been raised throughout those areas, particularly in the last few years.

In the last week I have attended four meetings in my electorate, and farmers have said to me, "Good, you are getting rid of the vermin tax; how about getting rid of the land tax, too?" Those people do not realise that people engaged in agricultural pursuits do not pay land tax. This Bill will mean an end to receiving any sort of assessment which could be taken to be for vermin tax, noxious weeds tax, or land tax.

In view of the fact that last year wheat payments were down by $75,000,000, wool payments were down to the tune of $36,000,000, and the returns from meat were generally low throughout the agricultural areas, I consider it is a very good and wise move by the Government to lift completely the vermin and noxious weeds taxes. I say "completely," on the assumption that the newspaper report of the 30th October is correct when it states that the Premier said the Government had no intention of reintroducing the vermin and noxious weeds taxes.

Over the years my colleagues—one of whom will follow me shortly—and I have investigated various methods of altering the system of raising the money needed by the Agriculture Protection Board and the Vermin Board for the purpose of carrying out their work. This solution which has been given by the Treasurer is indeed welcome to the members of that committee, and I think that after having been in existence for six years the committee will now be very glad to tie up its files once and for all.

Mr. Williams: You can burn them.

Mr. GAYFER: I think we will even have a corroboree around the fire. I sincerely commend the Minister in charge of the Bill, the Treasurer, and the Cabinet, for abolishing this tax; and I thank the members who served with me on the committee that investigated it over the years.

MR. RUSHTON (Dale) [2.59 p.m.]: The Bill before us reflects tremendous credit upon the Government in the management of the State's financial affairs. As the previous speaker has said, a number of us on this side of the House have given considerable attention to this question, because in some areas this tax was demonstrated to be quite inequitable as between one property and another. We all acknowledge that this has been a service charge, not a revenue-raising tax, but some of the charges on individual properties were totally out of proportion.

In the area which I have the privilege of representing, this inequity showed up very clearly. A fully cleared and developed orchard of eight acres attracted a charge of $28; others were charged at $1 per acre, which meant $300 for 300 acres; and others were even more. This had no reflection in the service given.

So I, with the previous speaker and other members on this side of the House, have paid close attention to this matter for some considerable time in an effort to find ways and means of removing the anomalies. I might say that the intention of this Bill, as announced by the Government, to abolish this tax has brought great joy not only to myself but also to to the many landholders whose properties have attracted this charge throughout the length and breadth of my electorate and this State.

Mr. Graham: Who do you think is meeting the cost of it now, if there is no direct payment by those people?

Mr. RUSHTON: If we reviewed the scale of all taxes and the methods of collection, we would find many anomalies. However, this tax is a service charge.

Mr. Graham: I am just wondering whether or not the workers of Balcatta are paying for this service now.

Mr. RUSHTON: To expound on this subject, we would find that the friends of the Deputy Leader of the Opposition—who might also be my friends—would be receiving the benefits of some of the taxes paid by people who pay three or four times more personal tax than the average person pays.

Mr. Gayfer: This is a bit like Vietnam. There is no harm in speaking of this if you are not on the frontier.

Mr. Jamieson: Golly! I thought you would be the last one.

Mr. Graham: Parliament's funny boy.

Mr. RUSHTON: If the Deputy Leader of the Opposition is satisfied with my answer, I will proceed.

Mr. Graham: I am not satisfied with your answer; I am satisfied that you have not got an answer.

Mr. RUSHTON: That is an answer commonly given by the Deputy Leader of the Opposition.

Mr. Graham: There is no prize for second.

Mr. RUSHTON: Let me proceed. One of the interjections raised this very point: many people in far-flung areas have to contend with vermin to a greater degree than those in inner areas, and it has been acknowledged for a number of years that the tax should be shared by those landholders in inner areas whose properties attracted it, thus making a contribution to those in the outer areas towards combating vermin in the outback. I believe the control of vermin has been successful in many ways.

The payment for the service became obviously out of proportion due to revaluations which resulted in steep increases in charges. I think all members in the House will congratulate the Government on this move. I join with members in so doing because this move clearly indicates the benefits that are flowing to the people of this State—especially those most deserving of it—as a result of the sound management of our financial affairs by the Premier and his Cabinet.

MR. I. W. MANNING (Wellington) [3.04 p.m.]: I would also like to briefly offer my support to this measure and to commend the Treasurer for taking this step in connection with the vermin and noxious weeds taxes. Like the member for Dale and others I am one who has taken a particular interest in this subject over a long period of time. I am not entirely on all fours with the views expressed by the member for Avon because the landholders in my territory have accepted this tax as such.

However, the opposition to the tax has arisen from the many inequities arising from the levying of the tax between property and property and also between

shire and shire. The inequities have been brought about mainly as a result of revaluations which have been recently carried out in some shires. The values have increased and the vermin tax has increased as a result. Also, the electorate I represent is closely settled and the land within it is highly rated. For that reason the landholders in the area—like those in the electorate of Dale—have been required to pay a large sum in vermin and noxious weeds taxes.

This matter has been repeatedly brought to the notice of the Treasurer by a number of members because of the fact that in their view—and, particularly, in my view—the levying of the tax has been out of balance as between one area and another. For that reason I am in full agreement with the repeal of the tax. Whilst we could have sought some changes in the method of levying the tax, I think the solution to the problem has been provided by the Treasurer inasmuch as the tax is to be withdrawn altogether. I commend the Government for taking this step, and I offer my support to the measure.

MR. COOK (Albany) [3.06 p.m.]: I, along with other members who have spoken, wish to support this Bill. However, I would like to make one point in connection with it. In his second reading speech the Minister said, and I quote—

> The position of the farming community has been considered by the Government and this action has been taken to relieve, in some small way, some of the responsibilities which have been borne by farmers over the years. The amount involved will be approximately $800,000, and this will be a relief to all farmers in the agricultural areas by reducing, at least to some small extent, the expenditure farmers are called upon to bear.

I believe that the motives behind this action are commendable and, as I said, we support them. However, I do believe that this move illustrates the attitude of the Government towards the problems existing in the rural industries today; that is, the Government tends to deal with fringe problems rather than delve into the heart of the matter.

Mr. Rushton: Rubbish.

Mr. COOK: I believe that we on this side of the House have adopted a responsible attitude, particularly during this session and last session, towards the primary producer. We have put up a number of suggestions; we have moved urgency motions; and we have called for Select Committees to inquire into the dairying industry, and so on. The Government has opposed those moves.

Mr. Nalder: You want to go home and teach your grandmother to suck eggs.

Mr. COOK: Insults do not affect me.

Several members interjected.

Mr. Graham: That is just abuse; nothing else.

Mr. COOK: Apparently I have touched the Government on a raw spot. I simply told the truth; the Government opposed those measures, which were all measures of substance, and took no notice of them.

I do not think it is an unreasonable assumption to say that, in connection with this Bill, the Government will go to the electors next year and say, "These are the things we have done to help the farmers. We have abolished the vermin tax and noxious weeds tax," and so on. It will use these things as an example.

However, what the Government will not tell the people, of course, is that it opposed what in many respects were far more important suggestions. Perhaps that was done because the suggestions were put up from this side of the House; but the moves were responsible and important ones. I believe that sooner or later a Government—probably a Labor Government—will have to take the necessary dramatic steps to reconstruct the rural industries.

Mr. Williams: Then we will socialise the lot.

Mr. COOK: We find that, because of the Government's opposition to the suggestions we put forward, Government members are faced with the task of having to justify to their electors the reasons why they opposed the move.

I felt it was important that this point should be brought out. I think the Bill is typical of the way in which the Government has attempted to deal with problems in rural industries. As a problem arises the Government makes a concession here, or gives a handout there, rather than delving into the heart of the matter. I believe I have made my point in my few remarks, even with the interjections from members opposite.

Mr. Nalder: You will oppose the Bill; that is about your form.

Mr. COOK: I made it quite clear when I first rose to speak that the Bill is commendable, and I will stand by what I said.

I am merely pointing out that this is typical of the Government's attitude. Instead of delving into the heart of the problem and endeavouring to adopt a reasonable attitude to the important and constructive suggestions that we have put foward—

Mr. Rushton: When was this?

Mr. COOK: Only recently when the Leader of the Opposition moved his urgency motion.

Mr. Rushton: That was just a gimmick.

Mr. COOK: Indeed, the member for Avon congratulated the Leader of the Opposition on his sincerity in moving his

urgency motion. There is little doubt that the Bill illustrates the Government's attitude to the problem, and even now it is trying to justify its stand to the people of the State. With those few remarks, I reiterate, that I support the Bill.

Mr. Graham: All you hear from the Government is its death rattles.

MR. NALDER (Katanning—Minister for Agriculture) [3.11 p.m.]: The majority of the members who have spoken have made a sane and practical approach to the proposition that has been put forward by the Government in this legislation. Most of the people whom this legislation affects have already expressed their appreciation of the move made by the Government; indeed I am still receiving—as are other members of the Government—expressions of appreciation from many people throughout the length and the breadth of the land —particularly from those whom the legislation affects.

As I mentioned earlier the legislation is designed to assist those who have played a very important part in the development of a most important industry. It is in recognition of the contribution made by these people that the Government has taken this action.

Mr. Tonkin: A very belated recognition. The member for Avon said he had been trying for six years to get this result.

Mr. NALDER: The Leader of the Opposition has been trying for a long time for many things, but I am afraid he will not succeed.

We have indicated that in this situation the responsibility of the Agriculture Protection Board will not be affected in any way. It will continue its operations.

The board and its officers have accepted the responsibility reposed in them, and their activities have been praised by officers in other States. Many conferences have been held and there have been innumerable recommendations and requests for information in connection with the activities of the officers of the Agriculture Protection Board and of the board itself.

We appreciate the work done by the board and we know it will continue. Those on the board represent a fair cross section of the various areas of the State which, of course, have their own individual problems. The areas concerned do not all have the same problems.

I think it has already been mentioned here that in certain areas some farmers have accepted a greater responsibility than others, because of the greater number of problems they experience in connection with vermin and noxious weeds. We know that some members representing areas in close proximity to the metropolitan area have indicated that in their view the rates charged have been out of all proportion to the responsibility that has been placed on them.

Let us, for example, consider the problems associated with dingos, rabbits, and kangaroos. Although these are spread throughout the State, I think there is little doubt that it is those in the outer areas who are faced with the greater problem—they have a bigger responsibility—in trying to keep these vermin under control. The Agriculture Protection Board has assisted those people in many ways.

There is one point in the legislation which would, possibly, be misconstrued. I want to make it clear that the local authorities will still probably be making a charge on ratepayers in connection with their activities associated with the control of vermin and noxious weeds. This will be a matter for the local people to determine as they accept their responsibilities in relation to the matter of inspection, and so on.

The Government will probably be giving further consideration to this aspect as time goes on, and I have merely indicated what the position is at the moment. As there were no direct questions raised during the debate there is no necessity for me to reply directly to any of the members who have spoken. I accordingly express my appreciation of the comments that have been made and 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.

Third Reading

Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

NOXIOUS WEEDS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th November.

MR. SEWELL (Geraldton) [3.18 p.m.]: This is a Bill to amend the Noxious Weeds Act. It would appear that quite apart from amending the Act the Bill will completely do away with the parent Act; and this, I feel, will not do a great deal of harm. There is only one clause in the Bill which really amounts to anything. I refer to clause 3 which seeks to amend section 48A. Clause 3 states—

> 3. Subsection (1) of section 48A of the principal Act is amended by adding after the word, "Taxation",

being the last word in the subsection, the passage, "but no rates shall be payable under this section in respect of the year commencing on the first day of July, one thousand nine hundred and seventy or any year thereafter".

The provision in that clause bears out what the Minister has said: that it will completely do away with the tax so far as noxious weeds are concerned. We have just dealt with a Bill which is complementary to the legislation before us; I refer, of course, to the Vermin Act Amendment Bill. A little later we will also consider the Agriculture Protection Board Act Amendment Bill.

Those who are joyful about the fact that we are doing away with this tax will find it will be necessary to raise finance from somewhere. We understand, of course, that in future the money to finance the control of noxious weeds will be provided for each year in the Budget.

That, no doubt, will probably be all right. We are all aware, however, that from one end of the State to the other, because of the very pleasant climatic conditions we experience, each year we seem to be faced with some new pest or noxious weed.

Our officers will have to be forever vigilant to ensure that these weeds do not get out of control. I have no doubt that the officers will be vigilant, but this will cost money; and, as the years go by, it will cost a good deal more money because, as I said, our climatic conditions allow these wogs and pests to breed very quickly. We do not have any severe frosts or ice or snow which would help to kill some of them off.

I want to join with the Minister in commending the officers of the various departments which have been administering this Act and the Vermin Act.

Sir David Brand: Hear, hear!

Mr. SEWELL: I would also like to pay a very high tribute to the members of the Agriculture Protection Board, which was established in latter years. I believe that this board in itself has done a very good job for the State and the taxpayers. I have much pleasure in supporting this Bill.

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.

Third Reading

Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

AGRICULTURE PROTECTION BOARD ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th November.

MR. H. D. EVANS (Warren) [3.23 p.m.]: This Bill is virtually a corollary to the two just dealt with by the House, and the Minister indicated in his second reading speech that the provisions of this Bill were in the nature of a concession to the rural industries. Because of this it is to be supported by those on this side of the House. Indeed, it would seem rather inconsistent and odd if we did not lend support to it in view of certain actions initiated by this side fairly recently.

Mr. Gayfer: Did you initiate the abolition of this tax?

Mr. H. D. EVANS: I referred to certain actions which are comparable in many ways. I suggest that the honourable member just listen a little more attentively.

Mr. Gayfer: Yes, professor!

Mr. Bovell: Almost sounds like a schoolroom.

Mr. H. D. EVANS: The tax as it is levied goes 50 per cent. of the way towards meeting the funds the board requires for normal functioning. This means that the balance of the $810,000 raised in this way will no longer be forthcoming, but will be met from Treasury sources.

The Minister gave an assurance that the change in the method would not interfere in any way with the functioning of the board, and of course this was very pleasing to hear. An assurance of this kind is not doubted, because it came from the Minister. I would just like to register my objection to the criticism levelled at the member for Albany when he touched fairly close to the mark in some aspects. If this is to be taken—

The SPEAKER: Order! The honourable member had the opportunity to do that on the previous debate. He cannot bring it in now.

Mr. H. D. EVANS: Very good, Sir. I would like to point out, then, that if this measure as explained by the Minister is to be taken as the sum total of assistance and the general type of assistance to be rendered to rural communities, it certainly is not striking at the overall need. This type of measure gives its benefit to the entire community and it is not selective in the sense that it is not directed towards those who most need it.

Members will recall the report of the committee which, on behalf of the Minister, investigated certain sections of the community. The report indicated that something like 3,000 farmers were in desperate straits; another 4,000-odd would face stringent financial difficulties in the coming year; and something like 7,000 were in a secure position. This measure

—and it is to be commended for the assistance it does give—does not strike where the assistance is most required. However, I commend it for the distance it does go in assisting rural communities, but at the same time I make the comment that it is not directed to the quarter that will require the most assistance.

MR. MITCHELL (Stirling) [3.27 p.m.]: I do not want to reiterate what other speakers have said in commending the Government for the work it has done in introducing these measures, except to say that as this Bill refers more particularly to the work of the Agriculture Protection Board—and, the title of the Bill includes the name of the board—I would like to have placed on record my appreciation of the work the board has done over a long period of time.

I know the Minister made the same comment, as did speakers on the other side, but as one who had a fairly close association with the board during the time I was connected with local government, I was, perhaps, able to make on occasions some suggestions and criticisms concerning the board's methods.

I want to say how much I appreciate the work of the board, and, more particularly, its Chief Administrative Officer (Mr. Tomlinson), in the interests of agriculture in Western Australia. I would also like to express my appreciation of the Minister's comments regarding the board. He said that the work of the board will not deteriorate in any way at all as a result of the action taken under this Bill. I did not expect it would, and I hope that it will in fact improve, because, like the member for Geraldton, I believe that many serious problems in connection with noxious weeds and vermin will arise.

We have perhaps become a little complacent as a result of the success of all those connected with these matters, but I feel that we are on very safe ground if the board is to continue its efforts. I am sure it will, and I just want to place on record my great appreciation of the work it has done over the past years. I support the Bill.

MR. McPHARLIN (Mt. Marshall) [3.29 p.m.]: I would like to express my support of this Bill which will give the board the authority to use money allocated to it from Consolidated Revenue in lieu of the money previously collected.

This measure is one which has been debated by other members who have commended the Government for granting this concession to the industries concerned; and it has been well received by those industries. This is just another measure which this Government has seen fit to introduce in order to offer some alleviation to the hardpressed primary industries.

It is as well to point out that there would be at least 12 members on this side of the House who either have farming properties or are interested in them. These members are closely connected with the problems associated with the farming industry and they have a direct knowledge of the effects of the fall in prices as well as the effects of taxes that have applied over the years. Any suggestions and recommendations to the Government on taxes and costs by members who are farmers have been listened to by those in authority and, indeed, have been acted upon. There are other measures beside this which have been acted upon by the Government and which are, of course, quite acceptable to the industry.

If we look at the broader issues mentioned by the member for Warren we can say with some confidence that the Government has looked at those issues inasmuch as it has made approaches to the Federal Government for financial assistance; it has endeavoured to formulate some method of financing farmers who are in need of some form of assistance.

A question was placed on today's notice paper in regard to the Marginal Dairy Farms Reconstruction Scheme. The answer given by the Minister indicates the numbers of those who have already applied for assistance under that scheme. The other scheme envisaged by the Government in its application to the Federal Government is that a similar type of arrangement will be examined and it is hoped that this will be put into operation. To say that the Government has not approached the broader issues and endeavoured to tackle problems facing primary industries is not correct.

Mr. H. D. Evans: If the dairy scheme is the best you can do in reconstruction you had best give up altogether.

Mr. McPHARLIN: The dairy scheme is in its infancy; it is only starting. We do not know how efficient and effective it will be. At least let us give it a chance to operate to see how it works.

Mr. H. D. Evans: They are not prepared to look at the problem.

The SPEAKER: Order! This is quite foreign to the motion before the House.

Mr. McPHARLIN: I support the Bill and I repeat that it is a commendable action on the part of the Government and illustrates that the Government is earnestly endeavouring to alleviate the position that exists in many of the primary industries.

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.

Third Reading

Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

LAND TAX ASSESSMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th November.

MR. TONKIN (Melville—Leader of the Opposition) [3.35 p.m.]: This happens to be one of those occasions when an undertaking given by the Government is being honoured.

Sir David Brand: One occasion among many.

Mr. TONKIN: For that reason, if for no other, it is memorable.

Sir David Brand: The Leader of the Opposition cannot say that.

Mr. TONKIN: The Premier foreshadowed this legislation when he introduced his Budget. Welcome as it is, I must say it is very belated. The Premier will know that for at least two years during which this land tax problem has been pressing heavily upon the people we on this side of the House have been urging the Government, in season and out of season, to do something about it.

The Premier will recall that I actually quoted from land tax assessments to show how unreasonable those assessments were, as some of them had gone up 600, 700, or 800 per cent. in a 12-month period. It was perfectly obvious that the existing situation would force some redress.

From time to time people argue that five-year Parliaments would be better than three-year Parliaments. However, the people in Western Australia should be grateful for the fact that we have three-year Parliaments and that elections come around fairly frequently, because it is in an election year that we get these concessions.

Sir David Brand: It was once said that the five-year suggestion depends on which side of the House one sits.

Mr. TONKIN: I have never been in favour of it.

Mr. Gayfer: I know some of your members who are.

Mr. TONKIN: The member for Avon may do, but I am stating my view and I have never been in favour it. After this experience I think the people of Western Australia will not be in favour of it either. After all, if there is an election every three years the people have the opportunity of receiving concessions from the Government more frequently. It is not unreasonable to say that if we were not having an election next year the Bill would not be before the House.

Sir David Brand: Yes, it would be before the House for the same reason it is here now.

Mr. TONKIN: It seems to me rather more than a mere coincidence that all the Bills with which we have just been dealing and which will cost the Treasury substantial sums of money have been brought down altogether. It could be that it is a coincidence but it is a most remarkable one.

Mr. Gayfer: It might be naughty but it is nice.

Mr. TONKIN: It is equally strange that these coincidences should occur every three years.

Mr. Rushton: Concessions were given last year.

Mr. TONKIN: The fact remains that these handouts are very welcome, and I give this measure my full support despite the fact that it should have been brought down much earlier to enable relief to be given earlier. However, it is to be made retrospective and will alleviate the situation substantially because it makes a worth-while reduction in taxation. It is no mean effort, and I give the Government credit for this. It shows the extent to which the Government is prepared to bid for public support since it is no mean effort.

Mr. Williams: You think you will find it harder, harder, and harder and that your position will become more difficult?

Mr. TONKIN: What I am saying is true. Why try and cover it up? It is as obvious as a missing tooth.

Mr. Rushton: The Leader of the Opposition is saying that everything is being given now, but the same sort of concessions were given last year and there was not an election then.

Mr. TONKIN: A reduction in taxation which will involve $1,600,000 in one fell swoop is no mean effort. I emphasise that it shows the extent to which the Government is prepared to go when it thinks it is in difficulties.

I suggest it ought to go one step further and abolish the road maintenance tax. That is what we will do if we are given the opportunity.

Mr. Williams: How are you going to go about replacing the method of raising the funds?

Mr. TONKIN: Leave that to us.

Mr. Gayfer: That is what we are afraid of.

Mr. O'Connor: They will take it off pension concessions.

Mr. TONKIN: We will finance road-building in this State but—

Mr. Williams: Tell us how.

Mr. TONKIN: —I will not explain how on this Bill, even if the Speaker would permit me. The honourable member should not be so ridiculous. He ought to grow up.

Mr. Williams: I thought you might be generous enough to do that.

Mr. TONKIN: I was about to explain that this is a very substantial—

Mr. Williams: I thought you were going to tell us how you were going to do it.

Mr. TONKIN: —reduction in taxation to be given. Although the member for Bunbury does not like it, I re-emphasise that it indicates the extent to which the Government is prepared to go, and is in line with its actions in connection with the Albany by-election which the Government believed it was going to win and therefore felt that what it was offering was worth while. However, the people benefit so I do not complain.

Mr. Williams: Let us have an election every 12 months.

Mr. TONKIN: As I said, the people benefit. The people of Albany will benefit, and the people of the State, generally, will benefit because of these concessions. That is all to the good and is all the more reason why we should stick to elections every three years; because the people stand to get benefits, or more concessions than they would otherwise get—

Mr. Williams: The question of elections every three years is not in the Bill.

Mr. TONKIN: —if they had to wait for five years. The people would not get the concessions so regularly. No doubt the Government has more up its sleeve.

Mr. Rushton: It has been very generous.

Mr. TONKIN: We do not expect the Government to be unmindful of the general atmosphere in the State at the present time. As a matter of fact, did not the Premier say after the last election that the Government had been given a kick in the pants?

Sir David Brand: Yes he did.

Mr. TONKIN: At that time there was a mere margin of 300 votes covering three electorates. Had those votes gone the other way it would have put the Government out of office. Any Government which did not appreciate that situation, and realise that a further three years in office must run against it, would indeed be foolish. So in the circumstances these handouts are not unexpected. Of course, the Government wants to stay in office—

Mr. Gayfer: Would you have given these handouts?

Mr. TONKIN: —and the people are benefiting as a result. I am pleased about that, but I would remind the Government that for two years at least I have been hammering about these unfair taxation imposts. During that period the people have been left to bear them.

I would have approached this in a different way. I think that instead of putting ceilings on certain valuations we should get back to a situation where people are not subject to large increases in valuations because of circumstances over which they have no control whatsoever—where their valuations jump 500, 600, and even 800 per cent. from one year to another because of the fact that five years are allowed to elapse between valuatons.

Mr. Rushton: That is inconsistent with your recommendations for controlling the price of land.

Mr. TONKIN: The basic principle ought to be this: the Government is entitled to expect from existing lands increased revenue each year to meet its commitments, including increased costs. Therefore, it could quite easily and fairly adopt a percentage increase without sending fellows around to value, and without crying that because of the shortage of valuers valuations cannot be undertaken. There would be no need for that. Land could be given a certain value and each year a reasonable accretion in value could be added to it. That would give the Government increased taxation—increased revenue—and it would relieve the people of the heartburning which results under the present system.

Sitting suspended from 3.45 to 4.07 p.m.

Mr. TONKIN: I was proceeding to explain that I thought a preferable method of preventing this inordinate rise which takes place when each valuation is made at five-year intervals would be to provide for a certain regular increment in valuation. A percentage could then be taken to meet Government requirements, because it is entitled to expect some revenue from this source, and a calculation could even be made of what would be a fair percentage of increment each year, without the necessity of having to send valuers around the country to revalue every property. The assessment could be made in the office with the use of a computer; a great deal of expense would be saved, and many people would not have to suffer a lot of heartache.

The Government would be well advised to give consideration to such a method in preference to what is proposed here. This will meet the situation for the time being, but if we had a repetition of what has taken place elsewhere, some difficulties would arise. Quite often some people have benefited substantially. Some had inside knowledge, or perhaps had second sense, and they were able to foresee the possibility of rezoning taking place. So they purchased rural land and, shortly afterwards, were able to have it rezoned as

urban and make substantial profits. I know that has taken place, because I have had complaints from people who considered they were taken down by people who had bought their land as rural and who, shortly afterwards, had it rezoned.

Those who did not sell and found themselves in possession of rural land adjacent to land which had been rezoned urban were immediately faced with a substantial increase in rates and taxes, even though they had done nothing further to their properties. All they desired was to be left in peace where they were. This Bill intends to take steps to deal with the situation by applying a ceiling value on land, and its retrospective application will be of considerable advantage. Many people on improved land will benefit from the Government's proposals.

Previously a straightout exemption was fixed at $6,000. This proposal in the Bill will now grant a straightout exemption of $10,000, with a reducing exemption until the figure of $50,000 is reached. That will benefit the large majority of taxpayers and will, of course, be greatly welcome because it will give much needed relief. As I have already said, my only complaint in this regard is that it is somewhat belated. The need for it has existed for a long time and the Government has now decided to take this worth-while step to remedy a situation which was causing considerable hardship to many people.

The proposal to treat defined unimproved rural land as improved land is a further step to reduce the amount of taxation that will be required, because it will mean that the rate of taxation will be lower than if it were imposed on the basis of being unimproved land. Members will recall that the Government deliberately increased the tax on unimproved land in order to force land onto the market and so apply a corrective to a situation which was resulting in a land price spiral, making millionaires of some people and paupers of others, and at the time we supported the idea.

It has now transpired that this high, unimproved land tax is acting unfairly on some people who are not land speculators, but who, for some reason or another, have not yet improved their land. The Bill proposes that any *bona fide* cases of rural land may be valued on the basis of improved land, and that will result in a lower amount of tax being paid.

A further proposal is to deal with the situation of unimproved rural land being later rezoned as urban. Even though the people on this land have no desire to change their use of it, they find themselves in a new taxation bracket because the zoning of the land has been changed. The Government has recognised that situation at last. So it will ensure this lower scale of taxation, and a maximum period of three years is provided to enable owners of such land to adjust themselves. If they cannot afford to pay the higher tax resulting, no doubt they will sell and move elsewhere. So this provision will provide immediate relief and give people a breathing space in which to adjust themselves to the new position which has proved to be beyond their financial capacity.

For a long time I have interested myself in the situation whereby land which was previously zoned as rural and not being in a city or town was not taxed and similar type land which happened to be located in a city or town was taxed. A ridiculous situation has presented itself in a locality near my electorate. Half of the land owned by this person was in the Cockburn Shire, and the other half in the City of Melville. He had to pay a higher rate of taxation on the half of his land which was in the City of Melville because it was in a city, than the rate on the land in the Shire of Cockburn because that land was not in a city.

I discussed this case with the Commissioner of Taxation. He showed me the section of the Act under which the taxes were applied, and I had to accept the situation. Nevertheless, it was a ridiculous state of affairs. Apparently the Government has realised that, and has taken steps in the Bill to bring about a change. So, we find that land in a city or town which is used for primary production is to be exempt from land tax. Up till now it did not matter whether or not the land was used for primary production; if it was in a city or a town it was taxable but if it was in a shire it was not taxable. That situation is to be altered so that providing the land is being used for primary production it will be free from land tax.

The provision in the Bill which relates to home units is also very necessary, and is a welcome one. A lot of hardship has arisen because of the existing law. As a result of it, under the heading of "land tax," far more revenue has been derived from a small area of land than should have been derived.

We find a somewhat similar adverse effect with regard to water rates, where a very large amount of water rates is obtained from a very small area of land and the consumption of water is out of all proportion to the amount that is paid in rates. This Bill does not deal with that situation, but only with land tax. However, I think it is very necessary for some special arrangements to be made, and the Government proposal with regard to the assessment of home units is a very worthy one.

The proposal is that the assessment on home units is broadly to be on the same basis as the assessment on ordinary residences. So, these people will obtain the advantage of a tapered exemption, as is applied to ordinary residences.

I can see the wisdom in the proposal to rebate 50 per cent. of the tax on land used for forestry purposes. The production of timber is very desirable and should be encouraged. People should not be penalised just because they are utilising their land for such a purpose. The encouragement which is given under the terms of the Bill is, in those circumstances, justified.

I can appreciate that under the existing system every district has to be revalued within a certain period. The Government endeavours as near as possible to ensure that valuations take place at quinquennial periods. I appreciate that it is essential to engage more valuers to do this work. This is an avocation which is not followed by a large number of people. Not many aspire to this type of position. Valuers have to be trained, and they have to be suited to this type of work. They have to possess sound judgment. So, when there is a demand for a large number of valuers it is not easy to find them.

That being the position, if the existing situation is allowed to continue it is essential that, with a growing population and a larger number of residences being constructed each year, more valuers be available; otherwise instead of making it possible to revalue districts every five years the period will become longer. Consequently when valuations do take place the increase will be much steeper and will have a much more adverse effect upon the owners of property. It is the suddenness and the steepness of changes in valuations which are responsible for so much dissatisfaction with the existing situation.

I think I have covered practically every proposal contained in this legislation, so there is no need for me to delay the House much longer. I repeat that we welcome this legislation; it is very necessary; and it has been necessary for a long time. Although the legislation has been a long time in coming before us, now that it is here it will fill a long-felt want and will be of substantial benefit to very many people.

I do not mind saying again that a proposal which involves the loss of $1,600,000 is one to be fully appreciated. Of course, the whole of that amount of $1,600,000 will not really be lost taxation in the overall; it will be lost revenue in this financial year, some of it being due to the fact that there are delayed assessments. Therefore, the money will not be collected this financial year, but in some subsequent year—probably in the next financial year.

The Treasurer did not indicate how much was involved through delayed assessments. It could be as much as half of the amount mentioned, but I doubt very much it would be as high as that.

Sir David Brand: No, it would not

Mr. TONKIN: I think it would still be a very substantial sum. So whilst we are considering the loss of revenue of $1,600,000 we should not have a false impression that the whole of that amount will be lost to the Government. Without having the data available to me, in an endeavour to calculate what would be the real loss, I put it down at something like $1,300,000, attributing the difference of $300,000 to delayed assessments. Whether or not that is near the mark I cannot say, but that is my guess. I merely mention this point to show that it will not mean a loss in revenue of the whole amount of $1,600,000 which was mentioned by the Treasurer. I support the Bill.

MR. GRAHAM (Balcatta — Deputy Leader of the Opposition) [4.24 p.m.]: Unfortunately on account of pressure at this time of the session it has not been possible for me to give the attention to this Bill which its importance warrants. For that reason I intend to apply myself to one aspect only—an aspect which is causing considerable concern in Osborne Park. Of course, this could be multiplied many times if we took into account similar cases in the various parts of the metropolitan area, and possibly in certain country centres as well.

Members are no doubt aware that a number of people went to live on the outer fringes of the city. They acquired areas of land of one acre and upwards on which to establish their homes, and on which perhaps they also intended to engage in a little rural activity. With the growth of the city and with the implementation of the metropolitan region plan there has been a transformation, and this has caused great hardship to quite a number of people. It is on their behalf that I now speak. It would appear to me that the passage of this legislation will not make any difference whatsoever to their plight.

Perhaps I could best illustrate the point I am making by quoting a single case. This man was a driver with the M.T.T. He suffered some heart trouble and was unable to continue working as a driver. He is now a fare collector. His home is established on an acre block of land. He likes living where he is, and he does not want to move away. Apart from his home and his young family, not much activity is carried on by him on that land except perhaps a little gardening or the growing of some fruit trees.

Sir David Brand: Where is this land?

Mr. GRAHAM: In Osborne Park. This land was valued at $3,700, but the valuation has now been increased to $34,000. The increase is almost unbelievable, but it came about because the locality in which the land is situated has been zoned for medium density flat development. Nobody will deny that the land is worth the

valuation that has been placed upon it, but it will be seen that an impossible burden has been placed on this person. He can no longer afford to live where he is.

At the present time his problem relates to the rates imposed by the Shire of Perth. He is only one of the very many who have written or telephoned me, or whose places I have called at, as a result of the embarrassing situation in which they are placed. Returning to the case in connection with which I have given some details, and quoting from the explanatory notes which the Treasurer was good enough to circulate, it would appear that as matters stood with a valuation of $3,700—which in any event is less than the $6,000 that was exempted and under this legislation the $10,000 to be exempted—this person would not be required to pay any land tax whatsoever.

Under the existing state affairs, assuming his land is valued at around $35,000, which is near enough to the valuation which has been accorded to his land, he is now under the existing law called upon to pay land tax of $297.50. Under the proposals in the Bill when they become law the amount will be $254.38. Irrespective of the figure on which the assessment is based it would not make any difference to this man, who is almost in Queer Street. If we couple this amount with the amount shown in the notice he has received from the local authority we will appreciate his position.

I concede readily that this land is worth every cent of the valuation that has been placed upon it. However, this man is the victim of a set of circumstances. It is true that he can sell his property and home, and, on account of a town planning decision, obtain a greater amount than he would have obtained previously. However, that man, like so many others in the locality, does not want to move from his home. He is happy and contented there with his family, with his neighbours, with his association with local clubs, and with the other interests he has developed.

If the property were simply an investment, good luck to him. Because of the rezoning the value of the block would have increased several times and he would, no doubt, be grateful to the authorities which provided the windfall. However, he wants to remain there and in order to remain there it is necessary for him to find some hundreds of dollars for the Treasury on the one hand, and some hundreds of dollars for the local authority on the other hand.

There is something wrong with that concept and our system if that situation can develop, and a decent respectable responsible citizen can be driven out of his home because of a decision reached in a public office somewhere. I am not critical of the decision being made; it is done in accordance with town planning concepts and in the best interests of the metropolis as a whole. However, the people to whom I have referred are victims of that type of situation and surely it should not be impossible for the Treasury Department—perhaps in association with the Town Planning Department, as it affects local authority rates—to devise some sort of system under which a family which is *bona fide* living in a home on an area of land larger than one would usually anticipate as a homesite, and which has not been acquired for speculative purposes, could receive some dispensation.

Mr. Rushton: Does the Deputy Leader of the Opposition think there should be a capital gains tax on sales?

Mr. GRAHAM: I do not know. I think we become involved if we try to seek a panacea, but I do think there is a case for a system of capital gains tax, or payment, because of an increase in value created by the community, and not by the person concerned.

It might be suggested that the person whose case I have in mind could resolve part of his difficulty by subdividing his land. Here again, on account of the circumstances, that is impossible. At the time of building his home—quite a few years ago—he had no idea of the modern concepts of town planning so he built his home right in the centre of his block of land. It is impossible to put a dividing line through the centre of the land. To subdivide the land so that the house is situated on a subdivided block would mean that the remainder of the land would be of a width which is not permissible. So far as the rear of the property is concerned, a subdivision would depend on other landholders in the locality providing access so that the blocks would face a proposed new road.

So, because of the system of town planning, this person—and there are quite a number in the same position—has been hemmed in. He is confronted with a position not of his own making, but generated by our system of town planning. He is unable to escape. The only alternative is for him to quit his home, and I think that is a cruel situation and some steps should be taken to meet it.

The present legislation certainly does not meet such a situation. I acknowledge, immediately, that this is a problem comparatively easily stated but not so easy of being resolved. However, surely there is a way. A number of people are affected in the way I have mentioned: one is a market gardener, and one is a pensioner. I am aware of the fact that a pensioner can have his rates and taxes deferred but for some reason which I do not understand pensioners think they are doing an injustice to themselves and their families if their properties become encumbered.

Perhaps I do not understand because I am not close enough to the pensionable age.

Mr. Williams: You are getting nearer to it.

Mr. GRAHAM: I am getting nearer to it, at exactly the same pace as the member for Bunbury. As I was saying, the pensioners think they are doing an injustice to their families if their properties become encumbered. In other words, if there is a debt of several thousand dollars on their property, on the day of their departure from this earth, they think they have not played the game. I cannot understand the logic of that argument. I have spoken to many pensioners and they seem to think there should be no encumbrances attached to their properties when they pass on.

In the case of the man whose home is on one acre of land, even if his home were on a normal block of one-quarter of an acre, his land would be valued at $8,500. The block is in an area where there is comparatively open land. There is a nursery, and there are swamplands, market gardens, and so on. However, it is questionable whether a person in the income category one would expect to be living in that locality could meet the imposition placed upon him by a valuation such as that. The valuation has been assessed because of the zoning of the area. The block is not valued as a single dwelling block, but as part of an estate where perhaps hundreds of units and flats will be built as part and parcel of a comprehensive development. The land would be worth every cent of the valuation for such a purpose, and no doubt more, but so far as a person who has done nothing but establish a home for himself and his family is concerned, the valuation is far too high. A way will have to be found to meet the situation.

Mr. Rushton: How does the Deputy Leader of the Opposition equate the situation with what he suggested a couple of years ago whereby people should be forced to develop if they were sitting on land which could be developed?

Mr. GRAHAM: I still agree with, and advocate, that policy. However, I feel there should be some sort of provision where there can be regard to the circumstances. I had in mind then, as I still have, people who purchase land by way of investment or speculation. They do nothing but interrupt the free flow of development, and they sit idly by. Other people, including Governmental authorities, proceed with their plans. The type of person to whom I have referred does nothing but interfere with the orderly development of the area as it pays him to sit back and do nothing because instead of receiving an increment of 5 per cent. to 15 per cent. for doing nothing, he receives a return of several hundred per cent.

Indeed, some friends of mine who were living in humble circumstances, the same as I am at the moment, are now virtually millionaires. They are able to take trips around the world whenever they feel like it, and they purchase motorcars in a price range well above that at which I purchase my motorcar. Other members in this House would also be aware of people in similar circumstances. They are taking advantage of a set of circumstances and there is nothing wrong with what they are doing in the eyes of the law; there is no question of that whatever. However, it is a set of circumstances which should not be permitted. The most profitable investment is to acquire a piece of land, and then sit down and do nothing. Something should be done in order to bring that state of affairs into its proper perspective.

Mr. Rushton: Could that argument not be applied to the case mentioned by the Deputy Leader of the Opposition where a person could buy a block of land with the idea of settling there for the rest of his life, but the land could become very valuable?

Mr. GRAHAM: I do not want to give a policy speech—if you like—on the various steps which I think should be taken. However, I mention there should be some sort of scheme devised under which, particularly where it affects a person's home, the rate charge should not increase by more than a certain percentage per annum. In the case I have quoted it will be seen that the valuation has been increased almost 10 times.

Such an increase is likely to dislocate the finances of all but those people who are well circumstanced financially. That is completely wrong, although there is no denying that the value of the land has increased. If there was some sort of arrangement under which, because of rezoning or revaluation, or both, there was an increase in charges, that charge should not be increased by more than—to grab any figure—say, 20 per cent. Perhaps the increase could be 20 per cent., again, in the following year. A person would then know the reason for the increase in rates, and he would know what was going on. It would be a gradual process, and it would give a landowner some time to adjust and to make other arrangements.

At the moment we have the situation where the rate notice arrives from the local shire council, and it is found that an impossible situation has arisen. I have assisted a number of people to draw up reasons for appealing against their valuations. However, what is written is more or less an emotional appeal because there is very little else which can be placed before the appeal authority. It has to be admitted that the figure quoted is usually the valuation of the land. However, the sum total of the situation is that the

dimensions of the rate notices are so great that it is impossible for some people to meet them. Appeals have been sent in but I have no idea of what the result is likely to be. If the appeals are upheld I cannot see, in all conscience, that the party to whom the appeals have been made would be able to make more than some minor adjustment affecting the particular person concerned.

If the land tax is in the vicinity of $300, and the local authority rate is in the vicinity of $300, what ordinary person could meet a commitment of that dimension?

It will be appreciated that town planning brings all sorts of anomalies which operate in a couple of directions. Getting a little away from this subject, I am aware of two people who have land in close proximity. It would appear that some licensed premises are deemed to be necessary in the area, and obviously both landowners cannot profit from the deal. A certain number of gentlemen ensconced in a board room, will make a decision and either "A" or "B" will be able to sell his land. If "A" receives the business—and a decision could be made with the best of intentions—that land immediately increases in value, with a corresponding decrease in value of the other property. I think members will agree that unless a publican's general license is granted in the centre of a business area it does nothing to improve the value of the surrounding properties.

So it can be seen that on the decision of some authority a person can become exceedingly wealthy overnight. This situation occurs with the siting of service stations and small shopping centres. I look at the Minister for Housing when I say that because a great deal of housing activity is occurring in my electorate at the present moment. Some people who were prepared to spend up to $1,000,000 on a shopping complex were told by the Town Planning Department that they could not build in the locality because shopping facilities on a grand scale were to be constructed within the Housing Commission project, and nothing could be done to detract from that concept.

It will therefore be appreciated that instead of the usual, normal, natural flow of supply and demand, land is increasing or decreasing in value. I use the word "decreasing" in a comparative sense because, generally speaking, the overall trend is upward at the present time. These valuations of considerable magnitude are with us because of decisions made by town planners, whether at local government level, or higher up in the Town Planning Department, or in the Metropolitan Region Planning Authority.

As a consequence of all this, whilst some people at one end of the scale are fortunate enough to be able to make plenty of money, there are others who are being oppressed and who are finding themselves and their families in most embarrassing financial circumstances. Again I say something should be done expeditiously in order to meet and resolve this situation.

I stated at the outset that because of the time factor I have been unable to give attention to all the multifarious matters that have come before me. I think that overall this is a step in the right direction but the situation still bristles with difficulties. I suppose if they are being resolved one by one, eventually we will come to the one which I have particularly stressed, but I feel it is a matter that requires urgent attention because of the heavy impact it is making. I support the second reading.

MR. HARMAN (Maylands) [4.47 p.m.] I wish to address my remarks on this Bill to the subject of home units, regarding which some amendments are proposed in the Bill. At the outset I would like to say that I welcome the proposed amendments.

As members know, in recent years accommodation in home units has developed particularly in inner metropolitan suburbs. In my own electorate of Maylands quite a number of home units have been erected in the high density zones. The types of home units have varied. The type that was originally erected was a block of six to 12 units, for which there were no strata titles. It operated under what was known as the purple title system, and the individual owners acquired shares in a company which owned the land and building. From there home units progressed to much larger blocks of units, for which strata titles were provided.

This Bill does not refer to home units that have strata titles, because they can be assessed for land tax as individual home units. The amendment does refer to the group of home units which is company owned by the 12 or 20 members who have bought the units.

I think the Treasury has done an excellent job in arriving at the decision to give these people some relief in the matter of land tax assessment because, as I have discovered in the last two or three years in my examination of the problems regarding home units, there are quite a number of "bugs" which upset one's attempts to develop a system of relief. I think the officers concerned have come up with what is probably the best attempt at a solution for this particular group.

I hope the Premier will make some arrangements for those officers to be transferred to the staff of the Minister for Water Supplies so that they can give consideration to granting some relief in regard to water rates for the people living in home units. For two years I have corresponded with the Minister about this matter and, frankly, I have not got very far.

have suggested that he give consideration to a "pay-as-you-use" system for assessing water rates, but on each occasion the Minister has been able to refute the arguments I have advanced, and he has advised that he intends to continue the present system of annual rental valuations in respect of home units.

In the metropolitan area there are quite a number of home units which are unoccupied. It is true that the market was over-supplied two or three years ago, but there is a limited clientele for home units. Such things as the high costs for water rates are not always explained to people before they buy home units. Indeed, they find that they are required to pay more for water rates for home units than they paid for the single residences in which they previously lived.

Mr. Ross Hutchinson: The rates are 21.5c per 1,000 gallons of water.

Mr. HARMAN: In most of the cases I have examined, the rates for home units are in excess of the rates that the owners were paying when they lived in single residences. This is understandable because the home unit is new and is usually in a fairly reasonable area which must attract a higher valuation and a higher annual rental value. But while there are so many home units that are unoccupied, and while there is only a limited number of people who are anxious to buy home units, it is reasonable that the Government should pursue its activities to make the purchase and habitation of home units more desirable for the people who want them.

Mr. Ross Hutchinson: Do you think water is expensive?

Mr. HARMAN: This subject has been canvassed in other States. It was the subject of an investigation into rating, valuation, and local government finance by a Royal Commission in New South Wales in 1967. In the report of that Royal Commission the Minister will find considerable reference to the complex problem of rating—and not only water rates—for home units.

Reverting to the Bill, subclause (2) on page 3 reads—

> (2) The provisions of this section do not apply to or in relation to the assessment for taxation of land on which home units are erected unless—
>
> (b) the owners of all of the home units erected on the land apply, in a form approved by the Commissioner, to have the provisions of this section applied to that land;

In other words, in a block of 12 home units which is company-owned, and not covered by strata titles, unless all the owners of that block apply for the relief provided by this amendment, the relief will not be available, because the paragraph says "the owners of all of the home units." It is often the situation that the owner of one of the home units dies and the unit is left unsold or unoccupied; and, because not all of the owners can apply, the other 11 owners will not get the benefit of this relief. I do not know how the Minister proposes to overcome this problem, but I point out that it is one of the "bugs."

Mr. O'Neil: Even if an owner died, there would still be an estate which would be due to pay. I think that is to obviate flats being used to evade land tax.

Mr. HARMAN: I hope that is the situation because it has been suggested that unless all the owners apply such a block of home units will not be able to obtain the relief provided by this amendment.

I support this Bill. I think the Government has made an attempt to deal with the problem of home units. I hope the Government will also give consideration to water rates and introduce a further amendment to give relief in that direction.

SIR DAVID BRAND (Greenough—Treasurer) [4.57 p.m.]: I would like to thank members for their support of the Bill, particularly the Leader of the Opposition who was very fair in his general comment. However, I would remind him that it was a very generous Bill he was dealing with. Without perhaps breaching the rules of the House, I mention that he placed some emphasis on the fact that the Government is making these concessions because an election is so imminent. He then proceeded to say, "We will give away $3,000,000, perhaps $4,000,000, by declaring road maintenance tax out." Was that because he was moved with some deep emotion for the truckies? I would think the idea was to do what he accused us of doing—nicely, of course—

Mr. Tonkin: If the Premier will throw his mind back, he will recall that we opposed the Bill when it was first introduced.

Sir DAVID BRAND: He was nevertheless making a statement at this point of time, and I say, just as nicely as he did, that I query in the same generous way whether he was seeking some public support by way of a concession which he could offer. In Opposition, of course, there are limits to what one can do. The other day I saw in the paper an advertisement in which the Leader of the Opposition promised to install a water supply for a group of people immediately, in the event of his winning. I presume no-one could draw a wrong inference about that.

I make the point that we are all human beings. If we can make concessions at a time when an election is pending, we will do so. But let me say that our system

of land tax and valuations has equally worried people on this side in all the years it has worried people on the other side, because we did not seem to be able to arrive at a method of increasing land values by a certain percentage each year. The Leader of the Opposition was the deputy leader of his Government for a number of years during which the system continued with the same problems from time to time concerning the same sharp rises in valuations.

Mr. Tonkin: Not quite the same.

Sir DAVID BRAND: It has always been very difficult for administrators to overcome the problems of revaluation and the problems of having the job done on a regular basis—and, I think, a regular basis of every two or three years. We all recognise the difficulties; we have insufficient valuers to go around and look into every backyard in order to assess the value of every home site.

We have been able to make this concession owing to the sharply increased valuations over the last few years which have caused the impact on the taxpayers to be even greater, and which have also caused further anomalies, hardship, and inconvenience. So we were all the more anxious to find a solution. I wish to pay a tribute to the Treasury officers and to the Commissioner of Taxation for having resolved some of the problems. Of course, many problems still remain and some have been referred to this afternoon. However, those are individual problems, and anomalies have always arisen from any taxation at all, however fair it seemed to be. I would say that anomalies will always arise out of individual situations.

Whilst we are always anxious to make concessions when an election approaches, hitherto we have not had the money to make sweeping concessions such as we are making at the present time. I think it is fair to remind members that the policy we have pursued, which has been criticised by those on the other side, has been the means of increasing the income to the State and the natural wealth of the State. People have asked, "What are we getting out of this?" and I must admit that at times I could understand the reason for the query. However, now we can share with those people some of the wealth and prosperity which is coming to Western Australia in particular.

The Government is most happy to be able to make these concessions in the interests of those people who have attended my office, the Treasury offices, and many other offices in connection with this tax. Representations have been made also by members of Parliament on both sides of this House. We have listened to the stories of those people and we are now pleased to be able to offer them some relief.

This is a most comprehensive Bill, attempting to provide relief in many directions. I am very pleased that it has received support from both sides of the House and, in particular, from the Leader of the Opposition. He referred to the belated action of the Government. I can only say that any decision such as this is always open to criticism because the action was not taken soon enough. That also applies to every previous Government. Whatever concession is made, we can be accused of not having made it earlier. I come back to the point that this measure and the measures which repeal the vermin and noxious weeds taxes represent a great amount of money. What is more important to us all is that the Budget, which was a balanced Budget, will continue to be a balanced Budget as well as carrying the concessions represented by those measures. We in Western Australia are most fortunate to be able to do that.

It has been implied that some of the measures represent only a small amount; but $800,000 is not a small amount. However, I will go no further than that; I merely make the point.

The Leader of the Opposition mentioned that it was alleged the land tax concessions would cost the Treasury approximately $1,600,000 in one year. I endeavoured to explain it might not cost us that much under certain circumstances because of the very reasons he mentioned concerning late assessments, and so on. However, it is a fact that in one financial year at some point of time the Treasury will lose somewhere about $1,600,000. I am not certain that the assessment of the Leader of the Opposition—I think it was $1,300,000—will be very far out; but I do not want to state a figure, for the simple reason that I do not think a figure can be obtained. It is difficult to assess whether people will pay their land rates, or any other taxes, on time.

The Deputy Leader of the Opposition raised a specific case. Again, I think that comes under the heading of awkward situations which arise as a result of action taken by certain authorities—in this case, the local authority. The person mentioned by the honourable member owns one acre, he has a house on the land, and the value of the land is assessed at $37,000. I can understand a person in that position who is not very well and who has to take a lesser job than he had previously not wanting to leave the area. I can see no real answer to this problem. The person is sitting on his assets which are valued at $37,000; and, on the other hand, part of this legislation has as its purpose the encouragement of people to subdivide their land and build more houses upon it.

We find it most difficult to strike a happy medium between those two points because we are only human beings. We

find it difficult to distinguish between a genuine case and the person who is taking advantage of a situation. It is indeed most difficult. However, I simply want to assure the Deputy Leader of the Opposition, and other members, that I am sure the Treasury people and the taxation officers will pursue further investigations in the hope of giving some easement to genuine cases which can be distinguished as being apart from those who speculate in land.

As for the matter raised by the member for Maylands, I am afraid I can give him no information except to say that, as a result of investigations by Treasury officers and action taken by the Commissioner of State Taxation himself, we have been able to offer some relief and at least remove what was a very real anomaly. I am afraid I cannot go further and say that much progress will be made. I again thank members for their support of the Bill. I believe it will provide relief to hundreds of people in a very real way.

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.

Third Reading

Bill read a third time, on motion by Sir David Brand (Treasurer), and transmitted to the Council.

STAMP ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Sir David Brand (Treasurer), and read a first time.

Second Reading

SIR DAVID BRAND (Greenough—Treasurer) [5.14 p.m.]: I move—

That the Bill be now read a second time.

This Bill has two purposes: firstly, to repeal the provisions imposing stamp duty on receipts; and, secondly, to provide further concessions in the duty imposed on credit and rental business.

At a Premiers' conference held in Canberra on the 8th October, the Prime Minister advised that the Commonwealth intended to legislate for the purpose of validating the collection of receipts duty in the excise area, subject to the legislation applying only to amounts received up to the 30th September, 1970. This legislation has been passed by the Commonwealth Parliament and has received Royal assent. It operates on and from the 18th November, 1969, to the 30th September, 1970. All collections under this law by the Western Australian Commissioner, who is to be appointed collector for Commonwealth purposes, will be retained by the State as general revenue grants from the Commonwealth.

As a result of discussions at the conference, the Prime Minister accepted the views of the States that it would not be practical for them to continue to impose the remaining valid State laws after the 30th September, 1970. Many examples were given by Premiers of the problems of deciding what was an excise and, therefore, not subject to the laws of the States and what was validly taxable by the States.

Continuation of valid State laws with these inherent problems would have resulted in an untenable situation for both the taxpayers and the States' administrations. For this reason it was decided that as from the 1st October, 1970, State laws imposing duty on receipts would be repealed and the Prime Minister agreed to arrange for the Commonwealth to meet the resulting shortfall in collections in the current financial year.

For the future the Commonwealth has agreed to recoup the States for receipts duties they would have collected if both Commonwealth and State laws had continued to operate. To do this the amount which would have been received if both laws had operated for all of 1970-71, is to be added to future Financial Assistance Grants and accordingly will be subject to the increases which the grants formula produces each year. This was a concession; but whether it was a concession or a grant it was certainly a very helpful formula to adopt, because it was important that the States receive the benefit of this type of growth tax.

Thus, for the balance of the period of the existing agreement, that is, for the financial years 1971-1972 to 1974-75, the revenue collections of the States are to be protected by the receipt of additional Commonwealth grants.

The agreement to impose a Commonwealth receipts duty and reimburse the States for revenue losses as a result of abandoning receipts duty, did not include the stamp duty levied on receipts given for salaries, wages, and pensions. However, as I have already announced when introducing the Budget for this year, it is intended to repeal this duty on and from the 1st January next.

Under the arrangements made with the Commonwealth, those taxpayers who have continued to pay all duty, whether valid or invalid, will have no further obligation under the Commonwealth law. This is because the Commonwealth law contains an overriding exemption. It provides that where all obligations, whether valid or otherwise, have been met under State law, the provisions of the Commonwealth Act shall not apply.

However, where taxpayers have either not paid or paid duty in part, they will now be required to pay all duty withheld under either one or both laws. If they decide to pay under State law, then the overriding exemption in the Commonwealth law will apply.

To assist these taxpayers to comply with the law, the State Taxation Department will send circulars to all taxpayers who used or are using the returns system, detailing their obligations and advising them of the ways in which they may be met. For those who have been using adhesive stamps, Press announcements will be made and public notices inserted in newspapers advising them of the position.

The Bill now before the House contains provisions to implement the arrangements which I have just described. The remaining provisions in the Bill concern that part of the Stamp Act which imposes duty on credit and rental business. There are three proposals. These are—

(1) Extension of the present exemption of housing loans from this stamp duty to cases where money is borrowed at high rates of interest to purchase land on which the borrower intends to erect a home.

(2) To grant exemption from this type of stamp duty for loans made to members by registered credit unions.

(3) To give the Treasurer power to declare from time to time that loans which bear a simple rate of interest not in excess of that specified in the declaration, be exempt from this stamp duty.

Since the coming into operation of the legislation imposing stamp duty on credit transactions, a number of representations have been received seeking relief from the duty of 1½ per cent. applied to loans raised for the purpose of purchasing land on which it is intended to erect a dwellinghouse for the borrower and his family.

It has been pointed out that this concession is given in one of the other States imposing similar stamp duty on loan transactions and, as it is desirable to encourage home ownership, it has a great deal of merit. Because it reduces taxation on those who borrow for the purpose of securing land on which to build a house, it directly benefits the home builder. The provision to exempt these loans is to operate from the 1st January, 1971, and is estimated not to exceed a cost of $40,000 in this financial year.

Members will recall that when the legislation to impose duty at 1½ per cent. on loans was introduced, strong representations were received from credit unions for exemptions for loans made by them to their members on the grounds that the unions were non-profit in the sense that they were a co-operative movement and kept their rates of interest to the lowest practical level. At that time I pointed out that this exemption was not granted in other States imposing this duty, but if there were a change in the position elsewhere in Australia, I was prepared to review the decision.

Recently Victoria, the State on which we based our legislation, agreed to exempt loans by credit unions and legislation has been introduced in that State for this purpose. In conformity with my undertaking to representatives of credit unions, the position has been reviewed and a provision to exempt loans made by these bodies is included in this Bill. It will operate from the 1st January next and is estimated to cost $47,000 in 1970-71.

The remaining proposal in this Bill will confirm an administrative decision put into operation some months ago. It will be recalled that when stamp duty was imposed on various forms of loans and credit arrangements which had taken the place of hire-purchase agreements, duty was payable only where the rate of interest for the accommodation exceeded 9 per cent. per annum.

As a result of an increase in the general interest rate towards the end of last year, transactions to which the legislation was not intended to apply became subject to duty. For this reason it was decided that from the 1st July, 1970, the provisions be administered as though the rate of interest or discount specified in the Act was 10 per cent. per annum instead of 9 per cent. per annum. No doubt general interest rates will vary in the future and in order to prevent this situation arising again, the Bill contains a proposal to allow the Treasurer from the 1st July, 1970, to declare and publish an appropriate rate of interest from time to time.

This completes my comments on the proposals contained in this Bill which are designed to bring into operation undertakings already announced in respect of receipt duty and provide concessions in the taxable credit field to which I have referred. I commend the Bill to the House.

Debate adjourned, on motion by Mr Tonkin (Leader of the Opposition).

LOAN BILL

Introduction and First Reading

Bill introduced, on motion by Sir David Brand (Treasurer), and read a first time.

Second Reading

SIR DAVID BRAND (Greenough—Treasurer) [5.26 p.m.]: I move—

That the Bill be now read a second time.

This is purely a formal measure. I have notes which refer to the sums of money raised through the Loan Council; information which I have already given in my speech on the Loan Estimates. I do not think it is necessary, therefore, to again weary the House with these figures.

We all know the system used by the Loan Council in raising money for the use of the States, and, indeed, for the Commonwealth itself. We are also aware of the $300,000 limit which is placed on local government bodies; a figure which, incidentally, I would like to see increased to $500,000. However, the decision of the Loan Council is that this figure shall remain at $300,000, and the local governing bodies who wish to borrow over that amount will need to have the approval of the Loan Council through the Treasurer. Because the Bill simply authorises loans under the various headings, I commend its provisions to the House.

MR. TONKIN (Melville—Leader of the Opposition) [5.27 p.m.]: I agree with the Treasurer that this is more or less a formal Bill to meet requirements, the details of which have already been supplied in the Loan Estimates.

The figures in this Bill should be confirmatory of those mentioned in the Loan Estimates. It is necessary that Parliament should authorise the expenditure set out in the programme of works which was indicated when the Treasurer introduced his Loan Estimates and placed them before the House.

I would point out, however, that I thought I noticed a figure in the Bill which differs from one I had seen in the Loan Estimates. This refers to the capital which was supplied to the Metropolitan Water Supply, Sewerage and Drainage Board.

I cannot find the figure for the moment so I shall let it pass; but I had an idea that the figure quoted in the Bill—that of $12,000,000—differed from the figure I had read in the Loan Estimates. I will not hold up the House on this point however, because I will have an opportunity to raise the matter after I have checked it. I notice that in the Bill the figure is shown as capital, $12,000,000, whereas, I seem to recollect, it was shown as $11,000,000 previously. I could be wrong, so I will not make a point of it now.

I simply confirm that the Loan Bill is a necessary procedure to cover the appropriation as indicated in the Loan Estimates already submitted to Parliament, and I support the measure.

Question put and passed.

Bill read a second time.

Message: Appropriations

Message from the Lieutenant-Governor received and read recommending appropriations for the purposes of the Bill.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Sir David Brand (Treasurer), and transmitted to the Council.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by Sir David Brand (Premier), and read a first time.

Second Reading

SIR DAVID BRAND (Greenough—Premier) [5.35 p.m.]: I move—

> That the Bill be now read a second time.

This Bill, the introduction of which was forecast in the Governor's Speech, seeks to amend the parent Act to extend the franchise to eligible persons not under 18 years of age instead of those not under 21 years of age, as at present.

The matter of altering the voting age was referred by the Premier's Conference to the Standing Committee of Attorneys-General on two occasions. The first was just prior to the meeting of the standing committee which was held in Perth in early November, 1968. The second was in June, 1970. The latter submission was considered by the standing committee at its meeting in Sydney in July, 1970.

It was known that the standing committee had under consideration the matter of the general age of legal responsibility and it was probably considered that this study would have prepared the attorneys to comment on the legal implications of any change in the voting age. All attorneys agreed that this was a policy matter and essentially one requiring a decision of Commonwealth and State Governments.

At the July meeting the attorneys agreed that they could report as follows:—

> . . . Attorneys-General unanimously agreed that there is no legal obstacle to a reduction of the voting age or of the age of general legal responsibility by the Commonwealth or the States in relation to matters within their respective competence.
>
> . . Attorneys-General also consider that it may be necessary for the Commonwealth to study the possible implications of a reduction in the age of general legal responsibility by any one or more States, upon the right to vote in Federal elections in such State or States, having regard to Section 41 of the Federal Constitution.

Section 41 of the Constitution of the Commonwealth is as follows:—

> No adult person who has or acquires a right to vote at elections for the more numerous House of the Parliament of a State shall while the right continues, be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth.

Section 41 actually confers a right to vote; a right which may not be disturbed by any law of the Commonwealth. It follows—at least in theory—that the exercise of this right will not be prevented by any failure to alter the Commonwealth Electoral Act to take account of such a right.

However, it is obvious that until there is some authoritative ruling as to who have rights under section 41, those administering the Commonwealth Electoral Act will be bound to abide by the letter of that Act. In other words, the authority administering the Commonwealth Electoral Act will not be competent to decide for itself that a person whose age is less than the minimum age for voters prescribed in the Act, has an entitlement to vote pursuant to section 41 of the Constitution. The path could be securely cleared if the Commonwealth Electoral Act was amended.

The matter of the progress—if any—made by the Commonwealth and other States in reducing the voting age to persons over 18 years of age was discussed at the last meeting of the standing committee held in Perth in October this year. The position then was that legislation had been passed in New South Wales and it may be possible for that legislation to be proclaimed with effect as from the 1st July, 1971. A Bill was then about to be introduced into the South Australian Parliament and the Premier of Victoria had announced that he would proceed with legislation when the Commonwealth had gone in the same direction. Cabinet approval of the reduction had been given in Queensland, but the matter was still under consideration. In Tasmania the State had resolved to introduce a Bill and the necessary legislation was in preparation. The position in the Commonwealth sphere was that consideration of the subject had yet to be made by Cabinet. It was also stated at the meeting that the voting age in New Zealand was lowered in 1969 to include persons over 20 years of age.

Introduction of the Bill in Western Australia has been delayed to avoid the undesirable possibility of any confusion occurring before the Senate election takes place on the 21st November, 1970. It is not proposed at the present time to amend the Constitution Acts Amendment Act in regard to the age at which a person becomes eligible to be a member of Parliament. Consideration can be given to this when the question of the reduction in the age of general responsibility is considered in other legislation. It is proposed that the measure shall be proclaimed in time to permit of persons over 18 years of age enrolling and voting for the next State general elections.

Referring to the Bill itself, clause 1 is the short title and clause 2 provides that the measure is to operate from a date to be fixed by proclamation. The latter provision will allow time for the necessary amendments to be made to the forms and regulations involved in the change. It would seem to me that the situation in most of the States is fairly clear. All of them have introduced, or intend to introduce, legislation to provide for 18 years to be the voting age.

In respect of all the talk and writing concerning the standard of responsibility of the youth of this country, I am quite satisfied that by and large the percentage of responsible youth is much the same as it was in our day or in anyone else's day, having regard to the age in which we live and the condition of society. Once having been given the responsibility of voting, the young people, I am sure, will give more thought to the political situation—at least as much thought as adults of the past have given. Sometimes I wonder if this is a great deal, but nevertheless the fact remains that time will, I am sure, prove that the percentage of responsible young people of 18 years of age is the same now as it ever has been and that these young people will record a responsible vote in accordance with their decisions, their allegiances, and their general ideas of what policy should apply.

I have been asked whether I believe this provision will favour any particular party. I have no idea, and I am sure that if I made a suggestion I would be wrong. I say again, though, that I have no doubt that the young people will respond in the same responsible way to a good job of work being done by any Government of the day, and they will vote accordingly. Therefore it gives me great pleasure to commend to the House this Bill which will bring in a new era for young people in this State.

Mr. Bovell: Hear, hear!

Debate adjourned, on motion by Mr. Tonkin (Leader of the Opposition).

RESERVES BILL

Second Reading

Debate resumed from the 11th November.

MR. GRAHAM (Balcatta—Deputy Leader of the Opposition) [5.43 p.m.]: The Minister for Lands went to great pains to submit to us in minute detail particulars concerning the 23 operations embodied in this Bill. I suppose we should be grateful to him for the time he devoted to

this. Personally I feel that about 50 per cent. of what he told us was couched in the same terms as the Bill, and he might have saved us time to that extent. However, who am I to criticise a Minister for devoting time and energy to providing information for the edification of members? The least we can say is that the Minister's heart was in the right place.

I suppose that strictly speaking one could call this a Committee Bill as each one of the 23 proposals is entirely separate and apart from each of the others.

In order to avoid, as far as possible, interruption clause by clause at the Committee stage I will embody my remarks at this stage of the proceedings in the hope that our business can be expedited to some extent.

First of all I make a comment about proposition No. 6, which is to exchange some 34½ acres of camping reserve for an area of land stated to be more suited for the purpose and in the same locality but of only 15 acres. In other words, there will be a loss of public amenity to the extent of almost 20 acres. I wonder what the reason is for this. If it was felt many years ago that approximately 34 acres were necessary it seems extraordinary that with an increase in population—and certainly with an increase in the mobility of the population—an area somewhat less than half should be regarded as sufficient in this day and age. I hope the Minister will be able to give us some information on that point.

I now turn to clause 9 and my thoughts go in the direction of Fremantle. The proposal is to cancel a recreation reserve. Immediately I start to bristle when this is proposed and, on examining the proposition I can find no reason for adopting a different attitude. The prime purpose is to allow certain road and associated bridge works to be established by the Main Roads Department.

I do not intend to move from the particular to the general to any extent but I think all of us should deplore what has occurred, and is occurring, in Perth at the present time. When I say "Perth" I am using that in the broad sense to refer to the Perth metropolitan area. Public space is being sacrificed to provide a financially more convenient method of providing roads which are so essential. The Main Roads Department is one department in a particularly fortunate situation because many millions of dollars are made available to it every year. It has no commitments in respect of repaying capital or meeting interest charges. It does not make a great deal of difference whether it costs $1,000, $10,000 or $100,000 a mile for roads. It only means that a little less can be done for the year.

There is no direct impact as a consequence of that as there is, for instance, with the State Housing Commission where whether a house cost $8,000 or $18,000 would make a tremendous difference. It seems to me to be wrong that the Main Roads Department should be getting its land on the cheap; that is, using up reserves whether they be along the river front, in Hamilton Square in West Perth, part of Parliament House grounds, or portion of the Esplanade. To pass to the one under consideration, it is a recreation ground in Fremantle.

If land is required in that position for road works it is inevitable that the Main Roads Department should obtain the land, but surely it should pay for it to enable a compensating area to be purchased in the same locality.

The Perth metropolitan area is fortunate in certain respects with the large area of King's Park and, west of the city, Reabold Hill, which is under the control of the Perth City Council. These areas together with other large areas where our national sport, Australian rules football, is played, would seem to indicate that a fair percentage of public open space has been provided to meet the requirements of our people. In point of fact, from my observations we are shockingly short of public open space. It astounds me that in cities like London in the old world so many parks, large and small, are available to the public. This is the case even in the very heart of that city as in other cities which I could mention.

It seems an extraordinary state of affairs that we should allow recreation reserves and reserves set aside for other purposes—all of which belong to the people—to be whittled away.

I trust, Mr. Speaker, you will not be of the opinion that I am departing too much from the measure, but I want to make the point that I am concerned about the shortage of public open space. A general requirement under our town planning laws is that when a subdivision is undertaken approximately 10 per cent. shall be set aside for public open space. That might be all right in ordinary suburbs where there might be approximately 3½ houses to the acre. A 10-acre block of land would mean 35 homes and, consequently, the same number of families. One acre of public open space would probably be sufficient.

Changed concepts in housing have brought about flats of various densities. Surely if there are to be 100 flats on what was a 10-acre block of land but what is now a residue of nine acres allowing for one acre of public space, that single acre cannot be regarded as sufficient. It should be two, three, or five acres. I am not suggesting that this should necessarily be at the expense of the subdivider, but it would be in the public interest.

Fremantle is the subject of this item and we should not allow public open space to be denied the people there or in any

other place where there is an increasing proportion of high density living units. I am referring not only to the people who live in these areas at the moment but to the heavier concentration of people who will live in those localities in the future.

The Main Roads Department, as we know Government departments, is not short of funds. The land in question is of some proportion—1½ acres—and it is certainly large enough for kiddies to play, kick a football, or play cricket on it. It is also large enough for people to stroll on and to breathe fresh air on. Surely if this area is required for roads and no other spot is suitable, the Main Roads Department should pay for a replacement area. This recreation ground should not be lost to the public. It is invaluable now and will be valuable beyond all measure in the future.

The process has commenced and we find that where freeways and other major roadways are concerned the Main Roads Department manoeuvres about the areas to take advantage of public estate. I repeat that this is the cheap and easy way and that we are sacrificing what I consider are the rights of the people, not only of the people of today but ever increasingly of the people of tomorrow. We cannot afford this whittling away.

I am not criticising the action on a party basis. I suggest that all of us, not only the Minister but every member, should become a little more conscious of what is involved in this matter and adopt an attitude somewhat similar to that in which we approach State forests; namely, every acre is to be preserved unless it is excised for the very best of reasons. Only under circumstances that are virtually unavoidable do we allow State forests to be reduced in extent.

With regard to reserves, generally, and to the reserve we are considering at the present moment, it is a shame that this kind of thing is occurring. I hope it will be the last example of it. I hope and trust that even at this late hour the Main Roads Department can be prevailed upon —indeed, forced by the Government—to pay something for this land to enable a replacement area to be acquired.

I notice that quite a number of the proposals involve merely the changing of the purpose for which the reserves were dedicated. By way of interjection, I wanted to know from the Minister what was the essential difference between the strict future definition that he has in mind of "picnic area and stopping place" and the present definition of "public utility."

Mr. Bovell: I checked this point this morning and, as I anticipated, it is on legal advice.

Mr. GRAHAM: I will be pleased to hear the Minister in due course. Having regard to these two descriptions I would like him to inform me what it will be possible to do on that reserve in the future that cannot be done at present or, alternatively, what anyone will be debarred from doing in the future that he is now able to do.

It becomes a little nonsensical if we are to go through the process of simply altering words when, by and large, there is no difference whatsoever. Surely "public utility" means that it is made available to the public and if the local authority or whomever it is vested in decides to erect shelters, construct gardens, improve a portion of it, and so on, my feeling is that it could be done either way irrespective of the description.

I now turn to the birth place, Narrogin, which is encompassed by proposition No. 15.

Mr. Williams: I see a gleam in the member for Narrogin's eye.

Mr. GRAHAM: As a matter of fact, I intend to include him in my remarks.

Mr. Williams: As long as it is only a sparkle.

Mr. GRAHAM: The name of Manning is extremely well respected in Narrogin. This has nothing to do with politics, but it has been the case for many years.

Mr. Jamieson: You mean that was before one entered politics.

Mr. W. A. Manning: Until now.

Mr. Bovell: Might I say that the name of Graham is similarly respected there.

Mr. Williams: It is back-scratching time.

Mr. GRAHAM: This surely is the season!

Mr. Bovell: I am talking about the Deputy Leader of the Opposition's father.

Mr. GRAHAM: Strangely enough, I was speaking about the member for Narrogin's father.

It is proposed that an area shall be excised from what is called the civic centre site which happens to be almost in the very centre of the business portion of Narrogin on an elevated site. Somebody, possibly under pressure, allowed a certain church to be built there a number of years ago, and, accordingly, a corner was excised. Because of that, the public reserve has not the proper shape it should have, and I think to some extent the site has been spoilt. As I say, that happened quite a long time ago—a couple of generations ago, in point of fact.

It is now proposed to excise another portion at the other end of the civic centre site for the purpose of erecting professional offices. I would like the Minister to tell us something about that because I am uncertain in my mind whether, first of all, it is to be excised and granted in fee simple to the town of Narrogin before the professional offices are built. This project is to be sponsored—I think that was the word used—by the Town Council of Narrogin.

Does that mean that the town—in other words, the public—will have some interest in the possession of this estate, or this area? Or does it mean that the Narrogin Town Council will have this land made available to it and then the land will be sold on the open market so that a developer of some sort can erect offices? I would have hoped that the land would remain with the council. It is public estate. The hill, to which I have already made reference, should be made available to the public and should not be cluttered up with offices and buildings, whether they belong to the Narrogin Town Council or other people. That simply interferes with the rights of the public and of an amenity generally.

It would almost appear that the Minister is trying to sugarcoat the proposition to some extent by telling us that an adjacent area on which at the present time is a public library and which was acquired by the town council, is to be embraced in the reserve and therefore, in point of fact, not a great deal of land will be lost. Unless I am mistaken, the land which now constitutes the library was once used for tennis courts and I have a vivid impression of seeing a sprightly youth, some years ago, displaying his sporting prowess on those tennis courts. Today that same youth represents some of those with whom he contested as well as some of those who watched him at his relaxation.

Full marks to the Municipality of Narrogin for having purchased this land from a church and for having made it available to the public. However, I am not enamoured of the proposition of excising some of the land—over an acre—to allow some professional offices to be built upon it. I refuse to believe that the Town of Narrogin has reached the stage where there is a dearth of land in that town upon which to erect offices, and that it is necessary to make incursions into the public estate, particularly a reserve right in the heart of the business centre of the town.

It is true, as the Minister pointed out, that this site is admirably suited for the purpose in mind. However, I suppose many of us could trot out lots of commercial purposes for which King's Park or the Esplanade, for example, might be made available, because they are so ideally situated. Coming back to the point at issue, why does the town council propose to sponsor the erection on the excised area of a block of offices mainly for professional use? I want some advice as to what is meant by the town council "sponsoring" the erection of these offices.

To complete the thought, the Minister said that the area to be excised is to be granted in fee simple to the Town of Narrogin.

Mr. Bovell: It is 1 rood 32.4 perches.

Mr. GRAHAM: Yes.

Mr. Bovell: You said that it was 1 acre.

Mr. GRAHAM: I am sorry; I was referring to the other area of land. Of course, what the Minister has just said makes the position worse because a larger area of land is to be excised from public estate and handed over to some commercial interest. Is that the position?

Mr. Bovell: An area of 1 rood 32.4 perches is to be excised and granted in fee simple to the council.

Mr. GRAHAM: Let us not worry about the odd rood and perches. This is an area in excess of one acre.

Mr. Bovell: No. It is 1 rood and so many perches and not one acre.

Mr. GRAHAM: Perhaps I had better read it. It is as follows:—

> . . . containing five acres and twenty-three perches . . .

is to be excised. It then goes on to state—

> . . . is amended, by excising an area of one acre and one tenth perch, surveyed as Narrogin Lot 1579 and abutting roads and rights-of-way.

I have just been quoting what is in the Bill, so it will be seen that what I have stated is a fact: the area is in excess of one acre.

Here and now I venture the opinion that part of that roadway and right-of-way should not be there; the park should be retained as a complete entity without having an entrance by way of a road and then a right-angle turn into the right-of-way. A piece of land should not be excised and handed over to somebody else. I think a false move has been made and the policy in regard to it is short-sighted. This is an area which should be retained for the public, and the commercial offices should be moved somewhere else. It will be interesting to hear the member for Narrogin in regard to this matter. Perhaps I can look at it a little more objectively than he can.

Mr W. A. Manning: I will certainly clarify the matter for you.

Mr. GRAHAM: I am pleased to hear that. I thought it might be inevitable that the member for the district would somewhat naturally want to be on the side of the local authority in the area he represents.

Mr. Bovell: He was on the side of the people of Narrogin, I think, for very strong and convincing reasons.

Mr. GRAHAM: I wish the Minister had supplied us with strong and convincing reasons and left out some of the detail of numbers, areas in acres, roods, and perches, fractions, and so on.

Mr. Bovell: I thought I might blind you with what might be termed a confusion of words, but I have not.

Mr. GRAHAM: I trust it has not become a pastime of the Minister to try to confuse.

I must take the opportunity to demonstrate my knowledge of Italian names and places. I draw the Minister's attention to line 8 on page 7, where "Guiseppe" is wrongly spelt; the "i" should precede the "u" and it appears here the other way round. I am sure Signor Raschella would be upset at this misspelling of one of the most popular Italian names, which is also the name of a saint.

Mr. Rushton: I can assure you he will not be upset.

Mr. GRAHAM: It is the only opportunity this gentleman will have to appear in the official records of the State as far as Parliament is concerned, and we might as well have it straight.

With regard to proposition 22, it is proposed that in Boulder certain educational endowment land shall be made available to the State Housing Commission in order that it might undertake extensive development. As far as I was able to comprehend, the Minister did not say or even suggest whether it was proposed that this would be made available to the State Housing Commission or sold—

Mr. O'Neil: The State Housing Commission development will include a school site.

Mr. GRAHAM: That will be the compensating factor? I think the Minister for Housing should perhaps have introduced this Bill.

Finally, regarding proposition 23, which is in respect of an area in the north of the State, a plan accompanies the proposition. I say, with whatever modesty or lack of modesty I might possess, that once upon a time I was a draftsman in the Lands and Surveys Department, and I cannot understand this plan. To me it is completely meaningless. It appears to have been scissored about half way through. How the area that remains—because the boundary does not continue—can be regarded as an area which will allow the construction of rail and road, I do not know. It consists of hundreds of acres. It appears that something has gone wrong. Perhaps the member for Pilbara, or another member from that locality, or the Minister, himself, might know something about it, but to me it is completely meaningless, and it is therefore impossible for me to make any comment upon it. With those remarks I support the second reading.

MR. MITCHELL (Stirling) [6.11 p.m.]: I did not intend to enter this debate but I would like to learn from the Minister for Lands a little more about the third proposition in the Bill; that is, the proposition referring to Plantagenet Locations 6111 and 6112. From the information given, it appears that we are taking a portion of a reserve somewhere in the Albany area—I have not looked up the exact location on the map—and making it available for private acquisition. Whilst I have no objection to these people obtaining an area of land, we had some argument last year about how much the Lands Department had done to preserve these reserves for the people; yet here we are taking away 30-odd acres of a reserve for a C.P. grant.

It seems to me that if we start whittling away pieces of land to make them available for private use we are entering very dangerous ground. I said last year—and I repeat it—that in all my time in local government I resisted with every effort I could muster attempts to take away portions of reserves. We received several applications, and I know there is a move afoot to take some portion of Stirling National Park. When this sort of thing occurs it is difficult for people such as myself to resist the temptation to put pressure on the Lands Department to ensure that these bits of reserves are not taken away.

This area of 30-odd acres of land is a valuable piece of land, and there is no good reason why it should be granted to two people instead of being made available for general application.

Mr. Bovell: I do not think the honourable member listened to me at a late hour last night. There is a very definite reason with which the member for Albany would agree. These people have been subjected to some inconvenience because of various operations.

Mr. MITCHELL: I do not think it has anything to do with the member for Albany, because it is in my electorate. Perhaps I was a bit dumb last night, but I thought I would like an explanation.

Sitting suspended from 6.15 to 7.30 p.m.

MR. W. A. MANNING (Narrogin) [7.30 p.m.]: Before the tea suspension I was about to say how pleasant it was to see the Minister for Lands present, so congenially, the Reserves Bill in the second reading stage.

Mr. Sewell: He always does.

Mr. W. A. MANNING: Yes, I agree; he always does. Possibly his introduction of the Reserves Bill on this occasion is something of a swan song for him in terminating his career as Minister for Lands. However, I hope, during the days he remains in office, he may be able to work out some shorter way for the next Minister for Lands to present the details which he so ably presented to us last night.

I am concerned mainly with the clause in the Bill dealing with the reserve at Narrogin. This was the subject of some

comments by the Deputy Leader of the Opposition. It is regrettable that he has not been to Narrogin of late to visit his famous relatives; in fact, he does not visit them often enough to acquaint himself with what is going on, because the matter concerning the reserve at Narrogin is a very simple one.

It is a large reserve of approximately five acres situated on the crown of a hill and it is a very imposing site. Five acres is a fair bit of land if one does not have access to it. So the town council bought a piece of land and provided access from one of the main business centres. In addition, it bought another block of land for cash obtained from its own funds, on which is established a library. The library site adjoins the reserve of five acres. All this has been done under a town planning scheme to open up the area so that the purpose for which it is reserved—a site for a civic centre—is readily accessible.

I think members will agree that a site for a civic centre is not of much use if it is inaccessible. A parking area has already been established. A block of land in the north-east corner, which is the lowest part of the reserve and has as a background the rear aspect of business premises facing two other streets, is not a very favourable site for a civic centre, but it is very useful for business purposes. Therefore the arrangement in the Bill is to excise this site from the reserve and for the council to dispose of it as it sees fit. This has been very carefully planned and the area will be exchanged for the site it has already added to the reserve to enable it to become a more useful piece of land. I think this is a commendable project.

Mr. Graham: Is not that only words? Because the library site is already a public estate, whether it is given a reserve number as a civic centre, or any other reserve number.

Mr. W. A. MANNING: It is only a public site because the town council bought it. Buildings were erected on it, but they were demolished and the land was used to extend the area of the reserve, and so it has now become part of the reserve. This means that a very undesirable part of the reserve has been excised, and a very desirable piece of land has been added.

Mr. Graham: The Bill does not add anything, but takes away from the reserve.

Mr. W. A. MANNING: If it were measured on the surface area of the land that could be so, but it is not so in regard to the site of the land.

Mr. Graham: The library site is already a public site.

Mr. W. A. MANNING: It is now, because it is all part of the project.

Mr. Bovell: I believe it would not have been part of the project had not the Narrogin Town Council bought it. It could have been used for another purpose.

Mr. W. A. MANNING: That is so. The town council bought it as freehold land and handed over the freehold land as compensation for the excised land.

Mr. Bovell: The member for Narrogin knows that I took some convincing on that.

Mr. W. A. MANNING: I can assure the House that the Minister for Lands examined this matter very closely before he agreed to it, but I think he was wise in agreeing that it should be excised.

I suggest that the Deputy Leader of the Opposition should go down to Narrogn some day to have a look at this important town, but I would not suggest that he does so in the next three or four months. After that time, as the then member for the district, I will be very happy to show the Deputy Leader of the Opposition over his birthplace again.

Mr. Graham: If you are still member for the district, I will accept the invitation.

MR. RUSHTON (Dale) [7.36 p.m.]: This being a most important Bill I wish to add a few words to the debate. The exchange of pleasantries between the member for Narrogin and the Deputy Leader of the Opposition was quite enjoyable. I, too, had pleasurable times with members of the Deputy Leader of the Opposition's family when playing tennis in various parts of the great southern when his sisters were there.

In speaking to the Bill I was wondering about the company he must have shared during his recent visit overseas, because the change in his demeanour is very pleasant; or is it because, on looking from his side of the House, he thinks there is not much hope of winning the next election and he has given it away?

Mr. Bovell: Don't rouse him!

Mr. RUSHTON: In view of the fact that the Deputy Leader of the Opposition also raised the question of what he considered to be a misspelling of the name of one of the persons who are to have a previous error rectified for them in this Bill, I felt I must rise and express thanks to the Minister for his prompt rectification of this error that apparently occurred many years ago, with or without the right spelling of the name, because I have seen this name spelt many different ways and it does not concern me greatly.

What does concern me is that this mistake which took place 30-odd years ago is now to be rectified, and I repeat that I express thanks to the Minister and to the officers of his department for readily

recognising the error that occurred many years ago. It is not a very comfortable feeling to think that one's boundary runs through the lounge room or through the water supply on this reserve. This error must have crept in many years ago when the number of residents in the district was very small and when they were not as concerned about the situation of the boundary fence as we are now. I conclude by expressing my thanks once again to the Minister and his staff for rectifying this error.

MR. BOVELL (Vasse—Minister for Lands) [7.40 p.m.]: I commend the Deputy Leader of the Opposition for the close examination he made of the Bill. This fact is evident, because he noticed the misspelling of an Italian name. This will not have any effect on the Bill or the purpose of the proposed amendment. Therefore I think we will leave the spelling as it is, and I hope the people concerned will not be offended.

Last night I did apologise for the detail I entered into when I introduced this Reserves Bill. But in the last few years the matter of reserves and the question of maintaining and increasing them have been of great public interest. Therefore on this occasion the introduction of this Bill represents my swan song, as it were, after 12 annual introductions of Reserves Bills—as was mentioned by the member for Narrogin—and I thought I would present every possible detail of the reserves that were listed for amendment. I might have had second thoughts if I had realised that the hour was to be so late when I was required to introduce the Bill, but having embarked on the enterprise I had to continue.

The Deputy Leader of the Opposition raised several matters. One concerned clause 6 which had some difference in area. The member for Blackwood, together with the president and another member of the Boyup Brook Shire Council, requested that some consideration should be given for this exchange of land. From memory, the reason for the difference in area is the value of the land, and when any exchange takes place consideration is given to the situation and the value of the land. I do not know whether I am correct in this. The member for Blackwood, who is in the Chamber, may be able to correct me if I am wrong. It is very difficult to remember every detail of the many transactions of land which take place over the years.

Mr. Graham: The important thing is not the value of the land, but whether the area is large enough to be suitable for the purpose for which the reserve is dedicated.

Mr. BOVELL: I give very close attention to these matters and, like the member for Narrogin, the member for Blackwood had to talk long and hard together with the shire, and when the shire and the member for the district join together to present a case I think there is every justification for it to be considered. The same circumstances apply to the reserve at Narrogin as apply to the Boyup Brook Shire Council proposal. We have the local authority and the member for the district combining to present a proposal, and I think this is sufficient evidence that the proposal merits earnest consideration.

In regard to proposal No. 9, concerning roads and associated works, as a result of the increased number of motor vehicles on the roads, it is necessary to increase the number of roadways. In this case I am informed that a second traffic bridge is proposed and a site, which is close to this land, has been suggested. I know the complaint of the Deputy Leader of the Opposition is that the Main Roads Department, apart from encroaching on the reserve, is getting something on the cheap. I think those were his words. This aspect has never been presented before, and I do not know whether there is any substance in the submission put forward by the Deputy Leader of the Opposition. Nevertheless, attention will be drawn to his comments to see whether any compensation can be paid for the encroachment on reserves for some other public purpose. This would seem to me to be a case of robbing Peter to pay Paul.

Mr. Graham: That is not the position at the moment. In this case public open space is robbed for the purpose of making roads. The public are being robbed, while the Main Roads Department is gaining.

Mr. BOVELL: The public are also gaining because the motorists have the advantage of the roads.

Mr. Graham: This is a case of sacrificing everything for the motor vehicle; and there is too much of that.

Mr. BOVELL: That may or may not be so. The Deputy Leader of the Opposition also raised the question of the change of purpose of reserves. Last night I made a stab in the dark—and it was almost midnight when I did that. I said there might be some legal involvement. As a former Minister the Deputy Leader of the Opposition would know that Governments are guided by their legal advisers. This morning I received some advice dealing with the interjection made by the Deputy Leader of the Opposition last evening. It is as follows:—

> Reserve No. 16804 was set apart for "Public Utility" on 19th December, 1917.

That is my birthday. I wish I were now the same age as I was in 1917.

Mr. Graham: Why?

Mr. BOVELL: I could then do all the things which I would like to do. The advice I received continues—

> The Crown Solicitor advised on 24th March, 1965 that the phrase "Public Utility" is one of imprecise meaning, and suggests that it would be wiser to avoid the creation of reserves for public utility. Since the opinion was given, Reserves have not been set apart for that purpose.
>
> The Harvey Shire Council proposes to develop the Reserve from Shire funds, and it is therefore considered desirable that there should be no doubt as to the purpose of the Reserve on which this money is being spent. As it is proposed that the Reserve be vested in the Shire, clarification of the purpose also ensures that the Reserve cannot be used for any other purpose.

The designation and naming of reserves is a very important matter. Recently, together with the member for Murray, I visited the Mandurah Shire, and some of the proposals which were then submitted to me have been included in the Bill. The shire was concerned about camping on a reserve. The legal position was that the shire could not evict anyone camping there. This reserve is in close proximity to the traffic bridge at Mandurah. From a legal point of view one has to be very careful in taking action.

In regard to item No. 15 I thank the member for Narrogin for his very clear explanation of the circumstances surrounding this proposal. Over a considerable period of time representations have been made to me, but I have had some reservations. In this case the town council as well as the parliamentary member for the district made approaches. I have found the local authority and the parliamentary member for a district to be the greatest barometer of public opinion for the area. Both convinced me that it was necessary to implement the proposal.

Periodically I pass through Narrogin, and on one occasion I was invited to make an official visit but time did not permit me to take advantage of it. However, I did examine the situation and I was satisfied that the submissions of the local authority and the member for the district were worthy of consideration. Therefore I agreed to put forward the proposal to Parliament.

Mr. Graham: Is there any significance in the fact that the member for the district was at one time the mayor of the town?

Mr. BOVELL: That fact did not enter my head. I was a bank officer at Narrogin when the present member for Narrogin was working in his father's business in that town. That was a long time ago, but not as far back as 1917.

The Deputy Leader of the Opposition raised a query in respect of item No. 22, but by interjection the Minister for Housing was able to satisfy the honourable member.

Regarding item No. 23 I am unable to give any further details at this stage on any confusion that might be evident in the plan. This was a question which the Deputy Leader of the Opposition, with his professional experience in these matters, raised. The plan is not as explicit as it might be. I would remind the House that similar matters have been raised on previous occasions, especially in relation to the motion for the revocation of dedication of State forests. As a result of suggestions made by the Deputy Leader of the Opposition the circumstances have been improved.

I now turn to item No. 3 to which the member for Stirling referred. Last night I gave a long explanation of this item, and I do not intend to go over it again. I pointed out last night that the National Parks Board of Western Australia had agreed to this excision. This board is like the Conservator of Forests and if it agreed to something I would be very diffident in refusing to bring a proposal for excision to Parliament, unless there were exceptional circumstances. This applies to any recommendation made by the National Parks Board in respect of parks, and any by the Conservator of Forests in respect of State forests. In view of the recommendation of the National Parks Board in respect of this proposal, Parliament would be justified in agreeing to it.

The member for Dale made reference to a proposal which he had submitted to me concerning a person who had been farming a property for some time. He purchased the property in good faith a few years ago and did not realise the house had been built partly on a reserve. That situation had existed for many years, and the error was only detected recently. In fairness, Parliament should agree to this proposal.

I thank members for their reception of the Bill. I realise that there is great public interest in this measure because of its effect on the maintenance and improvement of reserves. 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.

Third Reading

Bill read a third time, on motion by Mr. Bovell (Minister for Lands), and transmitted to the Council.

COMMONWEALTH PLACES (ADMINISTRATION OF LAWS) BILL

Second Reading

Debate resumed from the 10th November.

MR. T. D. EVANS (Kalgoorlie) [7.56 p.m.]: This measure before the House is a most interesting one; indeed, I find it intriguing. The Bill is entitled "An Act relating to the Administration of Laws of the Commonwealth and of the State of Western Australia in Commonwealth Places and for other purposes."

The query might arise in the minds of members as to what Commonwealth places, as distinct from Commonwealth territory and from areas of Commonwealth jurisdiction, mean. The answer to this query can be found in section 52 of the Australian Constitution. That section provides that the Federal Parliament shall have exclusive power to make laws with respect to the seat of Government of the Commonwealth and of all places acquired by the Commonwealth for public purposes.

Earlier this year the High Court gave a decision which caused, in the minds of those who care to take notice of happenings in the judicial world, a flutter. It was certainly not a mild flutter, because the decision handed down by the High Court was that in respect of the Richmond airport the State law had no application to what could be called a civil wrong and the remedy being sought as a result of that wrong. The case is known as the Worthing case, and it arose out of what appeared to be a breach of the State scaffolding legislation.

The applicant, Worthing, was seeking compensation for this statutory breach, as a result of which he had suffered damage. The High Court held that as this was a Commonwealth place—the accident had occurred within the Richmond airport—the State legislation had no application; and that if the applicant was to succeed he would have to seek remedy elsewhere. No other remedy was available, because on this particular issue the Commonwealth legislation was silent.

The decision of the High Court, as I said, certainly caused a flutter in the hearts and in the minds of Governments and the people generally of Australia. When one considers, many Commonwealth places are scattered throughout Australia, more particularly known before this decision as just other places within the State. Instances of Commonwealth places are post offices, offices of the Commonwealth Railways, airports, quarantine stations, and so on.

As the result of the decision it was said, beyond doubt, that in the case of any Commonwealth place acquired by the Commonwealth the State law which may have hitherto applied would no longer have application. There was some doubt as to whether or not the State law ever existed at all in respect of Commonwealth places which were, immediately upon Federation coming into operation, taken over by the Commonwealth.

As a result of the decision it could be said that it would be possible for a person to conduct a game of two-up in the colonnade of the General Post Office in Perth. There is no law available for the law enforcement officers to apprehend such a person. There is no law available under the Police Act, or under the common law of Western Australia, and the offence would be beyond the control of our Police Force. One would have to look for Commonwealth legislation because it appears the Commonwealth legislation would be necessary to cope with that practice.

Mr. Jamieson: Do not shout it out too loud because the two-up ring at Kalgoorlie might shift to the airport.

Mr. T. D. EVANS: In answer to that interjection, one might do a little probing to find out if the Commonwealth has a certificate of title for the area which has been used. That area might have always been a Commonwealth place.

The measure before us is an attempt by the State of Western Australia, in conjunction with the other States and the Commonwealth of Australia, to devise ways and means of overcoming the position which has been brought about. To devise such ways and means one must look at a Commonwealth place and examine its characteristics. Those characteristics can be said to be twofold: one side is the locality, which is geographical, and the other relates to the time that it became such a Commonwealth place, bearing in mind that section 52 of the Constitution provides that the Commonwealth has exclusive powers to make laws in respect of —amongst other things—all Commonwealth places where those places have been acquired by the Commonwealth. So the time factor becomes important as to when the particular place was acquired by the Commonwealth.

I have before me *The Australian Law Journal*, Vol. 44, for the month of September, 1970. Under the heading, "The Law in Commonwealth Places," the author, P. H. Lane, was able to expect but, at the time of writing, apparently he was not able to anticipate, early legislation to remedy the position in which we find ourselves. Under the subheading of, "Commonwealth Assimilative Act," at page 413, the author states as follows:—

> I have already alluded to the possibility, indeed, the postitive need, of a Commonwealth Assimilative Act as post-operative care after the surgery on State powers by Worthing. . . .

The next part is most important: To continue—

> . . . There has already been federal assimilative legislation in the past. That is to say, Commonwealth Parliament, instead of itself enacting some system of laws or its own code of behaviour, has transmuted and federalized an existing State system or code of laws. For example, when the Commonwealth accepted territory from New South Wales for the Seat of Government, the Seat of Government Acceptance Act (Commonwealth) 1909 co-opted all New South Wales laws for the new territory until other provision was made.

The article lists other examples. So from past experience the Commonwealth has been able to devise a way, or what appears to be a means, to overcome the position in which we now find ourselves; that is, for the Commonwealth Parliament to enact a law, the effect of which is to Federalise or to adopt the entire State legislation in respect of a Commonwealth place falling within that State.

For example, if it is desired to curb any undesirable and hitherto illegal practice from being conducted under the balcony of the Perth General Post Office, and the existing body of Commonwealth law is deficient to handle the situation, then the Commonwealth, by its new legislation, can adopt the entire State legislation of Western Australia and say that henceforth that law applies, not as the law of Western Australia but as the law of the Commonwealth, in respect of that particular Commonwealth place. In other words, the formula is that the Commonwealth adopts State legislation and Federalises it.

The purpose of the measure to be adopted by each State is to facilitate the Commonwealth legislation. I understand the Commonwealth legislation has passed both Houses of the Federal Parliament, and I daresay that it will soon be operative as law. Our measure, which is similar to that which will be adopted by each of the States, is to give authority to our law enforcement agencies—our courts, our judges, our police officers, and Government instrumentalities—to give effect to the Commonwealth law and to apply its provisions and enforce them.

It is noted that our proposed legislation is to have a short life unless it is further enacted, because the Bill provides that this measure, having become law, will remain so only until the 31st December, 1971. The explanation for this appears to be that the Minister for Justice in Western Australia, who has undertaken the responsibility for introducing this legislation, is of the opinion—and apparently this opinion is shared by the Attorneys-General or their respective corresponding Ministers in the other States—that an amendment to section 52 of the Commonwealth Constitution is both necessary and desirable.

Such an amendment to the Constitution would be to give to the States power to make laws in respect of these places which are now to be referred to as Commonwealth places. As I have mentioned, section 52 of the Constitution gives exclusive power to the Commonwealth to legislate in respect of those places. The feeling among the States appears to be that this legislative power should not be exclusive to the Commonwealth, but that it should be concurrent.

The Minister, when introducing the Bill, indicated that the Commonwealth Attorney-General, when faced with the question as to whether he would initiate legislation to bring about an amendment to the Australian Constitution so that the necessary referendum could follow, indicated, apparently, that his attitude was that such amendment was neither necessary nor desirable.

Having read the notes of the speech made by the Minister who introduced the Bill into this Chamber, and having studied the provisions of the Bill, I was of the opinion that the attitude of the Commonwealth Attorney-General was, in fact, the correct one. I was of the opinion that it was not really necessary for an amendment to be made to the Constitution. I thought the legislation which was before us was very clever; I was of the opinion that the authors were to be commended for such an effort, and I thought the legislation was almost perfect to meet the situation.

However, after studying the situation, and after an examination of the provisions of the Commonwealth Judiciary Act of 1903, I am now not so sure that an amendment of the Commonwealth Constitution is not necessary. I am inclined to the view that, probably, after all the Commonwealth Attorney-General was incorrect and that the view of the States was the correct one. I would like to quote, very briefly, from section 39 of the Commonwealth Judiciary Act where it is provided as follows:—

> 39. (d)—(1) The jurisdiction of the High Court, so far as it is not exclusive of the jurisdiction of any Court of a State by virtue of either of the last two preceding sections, shall be exclusive of the jurisdiction of the several Courts of the States, except as provided in this section.
>
> (2) The several Courts of the States shall within the limits of their several jurisdictions, whether such limits are as to locality, subject-matter, or otherwise, be invested with federal jurisdiction, in all matters in which the High

Court has original jurisdiction or in which original jurisdiction can be conferred upon it, except as provided in the last two preceding sections, and subject to the following conditions and restrictions: —

(a) Every decision of the Supreme Court of a State, or any other Court of a State from which at the establishment of the Commonwealth an appeal lay to the Queen in Council, shall be final and conclusive except so far as an appeal may be brought to the High Court.

We have the position in Australia that the Commonwealth has legislated to end the right of appeal to Her Majesty in Council, whereas this right is preserved to the several States by State legislation. It is possible under existing State law for an aggrieved person to proceed with an appeal to the Privy Council. I ask: Will this right of appeal be preserved in the case of the Commonwealth where the State law is adopted, is Federalised, and is applied to Commonwealth places? Will the right of appeal guaranteed at present by law still prevail, or will the operation of the Commonwealth Statute to which I have referred prevail over State law. Unless one had the opportunity to analyse the provisions of the Commonwealth Statute, one could not be sure on this point.

I would now like to refer to another point arising under section 39 of the Judiciary Act. Paragraph (d) of subsection (2) of that section provides that the Federal jurisdiction in a court of summary jurisdiction of a State shall not be judicially exercised except by a stipendiary magistrate. Under State law two justices of the peace have the right, in normal circumstances, to proceed and to determine questions in a court of petty sessions.

Prima facie, the State law existing in Western Australia is to be Federalised and applied in respect of a given Commonwealth place, and one would expect that a hearing arising out of a breach of a State law could in fact be heard and determined in petty session by two justices of the peace. However, it appears to me that section 39 (2) (d) of the Judiciary Act indicates otherwise. I would therefore be pleased if the Minister would examine the points I have raised and subsequently make a report thereon.

I am pleased to indicate, on behalf of the Opposition, that we support the measure. We hope it is workable and that it resolves the situation that has been allowed to develop as a result of the decision of the High Court. At this stage I indicate that it appears to me that the view of the States on this issue is, after all, a correct one, and that an amendment to section 52 of the Australian Constitution is not only desirable but also necessary. I support the measure.

MR. JAMIESON (Belmont) [8.18 p.m.]: With all due deference to my learned legal colleague, I take issue as to whether he is quite on the right track. The people who drew up the Constitution were not all lawyers—fortunately or unfortunately—but in drawing up the Constitution they tried to cover every aspect that they knew of. I do not believe that this Bill should be before us at all. It is absolutely the prerogative of the Federal Parliament to make enactments to fit in with State laws.

If that is not done, we could have a problem that would be most evident with trading concerns. I listened to the Minister's second reading speech, and I have been through the Bill. Neither the speech nor the Bill seems to mean very much, because the basic requirement is clarification as to where the common law actions and the Statutes of the individual States start and finish. The member for Kalgoorlie has clearly demonstrated that section 52 of the Constitution gives exclusive power to the Commonwealth to make laws. If we carry his argument through, the word "exclusive" must be the paramount feature of any such section of the Constitution. As a consequence, the Commonwealth must have the exclusive right—being the only right—to make laws as far as Commonwealth properties are concerned, and I would say that must be right.

Section 51 of the Constitution comes under the heading "Part V—Powers of the Parliament." Section 51 (xxv) reads—

51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to . . .

(xxv) The recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States:

That seems to make it very clear that the intention of the people who drew up the Constitution was not only to give the Commonwealth Government an absolute right to make laws but also, at its will, to adopt State Acts and proceedings where necessary. The Commonwealth Government has not chosen to do this, probably for its own good reasons. If the Commonwealth Government adopted that provision of the Constitution in its entirety, surely Commonwealth trading concerns, liquor franchises, franchises for petrol outlets, and all such things must come under the relevant Acts of the States.

As things stand, if there were a dispute at the Orbit Inne it is rather doubtful whether the police would have any right to intervene. It is true that the Commonwealth security officers who are employed at the airport have a right to make arrests and take action, but at some subsequent stage they have to turn offenders over to

State authorities because the Commonwealth has no authority to have charge of offenders.

This has caused difficulty in Canberra recently, because there is no gaol in Canberra and the authorities had been putting prisoners into gaols in New South Wales. It was found that such people had been unlawfully gaoled. One smart cookie found that this was a way of getting out of gaol, and he got out very quickly. The Commonwealth Act was amended to enable penal establishments in New South Wales to be used in relation to offences occurring within the Australian Capital Territory.

The Commonwealth does not need to adopt all the State laws. Let us examine the petrol outlet in this State. It is not subject to roster conditions; it trades until midnight each night, and it is quite outside the provisions relating to all the other petrol stations in the metropolitan area. I do not say that is wrong but I am saying that that is what occurs. If that petrol outlet were to come under State laws, it would have to come into the general scheme of things and become one of the roster stations.

As regards the liquor arrangements at the airport, following the introduction of a private member's Bill by the member for Cottesloe—who is now a Minister—provision was made in our Licensing Act for the original license at the airport, which granted certain privileges. Since then, the Commonwealth has built a palatial style of terminal building and has given franchises to people to trade within certain prescribed limits.

During the debate on the Liquor Bill, I drew attention to the fact that difficulties occurred when the State could not police the dispensing of liquor on Commonwealth property. By chance, today I was reading the Adelaide newspaper *The Advertiser* in our reading room. Featured on the front of it was a story about a newspaper reporter who donned thongs, went into the bar at Adelaide Airport on a Sunday, and was refused admission. Practically the only condition applying is that one must be properly dressed or one cannot be served with drinks, but nowhere else in Adelaide is it possible to obtain liquor on Sunday.

This matter was featured in the Press here before we amended our liquor laws, and it does not matter very much now, but I give this as an instance of the importance of franchise-holders being under some form of Commonwealth control, because no doubt such people would tender for their franchises and take them up on the basis of the hours that apply under Commonwealth law. Other shops at the airport seem to contravene the Factories and Shops Act by staying open, and I suggest that to alter this is not desirable.

However, I agree that if problems are likely to occur in civil actions in cases of injury, for instance, it is very strongly the Commonwealth's responsibility to ensure that if such actions are covered by State law, the State law should apply. I think it is up to the Commonwealth Government to choose the Act that it wishes to apply to its properties in accordance with section 51 (xxv) of the Constitution. That would overcome all the problems. It is no use the Commonwealth Government crying on the shoulders of the Attorneys-General of the States and saying, "We want some co-operative effort in this." The Commonwealth Government has a clear right to take action. It is not the responsibility of the States to iron out this situation.

I do not think there is any need to change the Constitution. The section I have mentioned might well apply to territories and other property that the Commonwealth might acquire from time to time. It gives the Commonwealth Government a further right to make specific laws, such as those applying in the Australian Capital Territory and the Northern Territory, and perhaps to territories outside the Commonwealth.

I have misgivings about the Bill. I suppose I support it but I am not enthusiastic about doing so because I cannot see that it goes very far. As the member for Kalgoorlie pointed out, by the 31st December, 1971, something else must be done. I cannot see that the Bill will overcome the Commonwealth's problems in the meantime. By the time all the State Parliaments have passed the required legislation, it will be the 31st December, 1971, and they will have to start all over again.

It is high time the Commonwealth law authorities got to work, searched the Acts they deem it necessary to adopt, and put through covering legislation, as was done when the Federal territory of Canberra was established. Not all the problems will be solved, but it will certainly be a lawyers' dream if State legislation is adopted under section 52 of the Constitution, whereby the Federal Parliament shall, subject to the Constitution, have exclusive power to make laws for the peace, order, and good Government of the Commonwealth with respect to certain matters.

I suggest that the Commonwealth Government has been at fault here. It has not protected the people who have been working in the Commonwealth's various venues to the extent that they should have been protected. Having found this loophole, the Commonwealth should seek to close it, not by requiring the States to change their legislation or adopt new legislation, but by the Commonwealth itself enacting legislation to adopt the State legislation where necessary.

MR. COURT (Nedlands—Minister for Industrial Development) [8.30 p.m.]: I think this type of legislation is what is known as "lawyer's law."

Mr. Jamieson: That is for sure.

Mr. COURT: Its one redeeming feature so far as laymen are concerned is that the lawyers cannot agree amongst themselves.

Mr. Bertram: That is not at all uncommon.

Mr. COURT: Of course, this is the great multiplier in their profession; this is what ensures that for ever and ever the profession grows bigger and bigger. However, having made those few rather cynical remarks about our revered friends in the legal profession—although I am sure they take them in good spirit—I want to say that if this Bill did not have an expiry date I would be more concerned about it than I am at present. I regard it as a Bill which is intended to meet an unusual situation and provide a sort of holding legislation until the Commonwealth and the States can make up their minds how best to handle the situation.

The States have unanimously come down on the side of an amendment to the Constitution. It may be that the States are right; but the mere fact that they are unanimous does not make them right in this particular matter. However, may be they are right; and even if they are right in this matter I would not be the optimist who would expect the people of Australia to, firstly, understand the issue and, secondly, agree to the amendment.

Mr. Jamieson: They only have to get the D.L.P. in opposition, and they are gone.

Mr. COURT: In the past, people of Australia have adopted a most suspicious attitude towards any Government or any Governments that want to alter the Australian Constitution. I think it is not a bad thing that they have been so critical. One would think that if all parties were in favour of the amendments it would be a push-over to alter the Constitution; but in my experience even that does not ensure success.

Mr. Davies: It makes the public suspicious.

Mr. COURT: The people say, "Why do they want to alter the Constitution? The fellows who drew it up were fairly responsible common-sense characters." That seems to be the attitude of the average man. However, I want to make this point in answer to the member for Belmont: as a layman, my understanding of the Commonwealth law is that where the Commonwealth has the constitutional right to make a law—and it has not the constitutional right to make laws on every matter—that law is supreme where there is a conflict with the State. For instance, the classic case I remember as a young practitioner was the State Bankruptcy Act. When I first entered the profession, we operated under that Act and then a very comprehensive and much more modern and satisfactory Bankruptcy Act was introduced by the Commonwealth Government within its powers.

However, the State Act still continued and, in fact, many estates were still being administered under the old Act after the new Federal Act came into force. It quite obviously became silly to keep the State Act once the old estates had been cleaned up, because where there was a conflict with the Federal Act, the State Act had no force. So it was only a matter of a short time before all bankruptcy proceedings were taken under the Federal Act. However, in certain places we have the reverse situation in which the Commonwealth does not have the constitutional power to override the State. Therefore, I assume that the State Attorneys-General and the Commonwealth Attorney-General have endeavoured to find a means of providing for a meeting of the waters.

Mr. Jamieson: Surely they do not want to override the State; they only want to adopt the State.

Mr. COURT: They want to adopt the State legislation where they have not got a Statute and this, to my mind, is the only practical way of doing it; that is, as a holding operation until a better way is found. I did not follow the member for Belmont when he said that the Commonwealth should step in and cover the whole situation in respect of its particular domain. In some cases that would be constitutionally impracticable and, in any case, it would be administratively top-heavy and stupid. I do not think we could effectively set up separate Commonwealth legislation, bearing in mind that it would have to be implemented and policed in every State.

Mr. Jamieson: It could have adopted any number of Statutes.

Mr. COURT: That is, of course, if it had the constitutional power.

Mr. Bertram: If it had the time.

Mr. COURT: Also, as the member for Mt. Hawthorn said, if it had the time. We have to deal with the practical situation and I believe that what has been attempted is the practical way to approach it. The honourable member referred to such things as the sale of goods laws, the liquor laws, and so on. I promised during my second reading speech that I would endeavour to find something on this particular issue without getting myself too heavily committed in the legal aspects of it.

It has been pointed out to me that the Commonwealth has certain Statutes—for instance, the Statute governing the facilities at airports. The Commonwealth has a constitutional right to make such Statutes, and they are supreme in so far as they concern trading hours for liquor and other goods. The State law does not transcend

the Commonwealth law in such cases. Those places which are under Commonwealth jurisdiction have been trading during unusual hours as compared with the State laws with what appears, in the minds of the public, to be complete indifference to the State laws.

This legislation has been brought down in an effort to try to get the meeting of the waters and it still does not alter the situation that where the Commonwealth has a Statute that is a lawful Statute within the Constitution, it is supreme when in conflict with State legislation.

Mr. Jamieson: Nobody would argue about that.

Mr. COURT: I just could not follow the reasoning of the member for Belmont. I gather that one proposition the honourable member put forward was that the Commonwealth should have its own pieces of legislation which, in fact, would adopt the State laws so that in every State the trading hours for service stations, and the sale of liquor, etc., on Commonwealth property would be in accordance with the State laws and not the Commonwealth laws.

Mr. Jamieson: If it put through uniform legislation, this Bill would do that.

Mr. COURT: No. I think the honourable member is quite at variance with the legal eagles on this matter.

Mr. Jamieson: Maybe this is another matter they could argue about for ever.

Mr. COURT: I asked about this specifically, and they said that so far as the airport concessions Act, for instance, is concerned, the Commonwealth laws are supreme and the passage of this legislation in the State and the Commonwealth as complementary legislation does not interfere. The particular case they pointed out was the airport concessions Act which deals with the concession areas of trading at airports.

The other point which was raised was in connection with retrospectivity. The legal people have been rather guarded on this matter. They said that the principle is not an intrinsical retrospectivity, but when proclaimed to come into operation it will have the effect of validating certain other matters; that is, assuming both State and Commonwealth Acts are brought into operation. Of course, we are assuming they will be. So the net result is that retrospectivity is achieved without any specific statement of it. It has been pointed out that clause 7 plainly has a retrospective effect in one sense inasmuch as it validates acts and functions. As a layman, I understand clause 7 to mean just that.

However, in view of the interest that has been shown by members of the Opposition and the work they have done on this Bill, I have suggested to the Premier that we do not take the third reading tonight but postpone it to the next sitting. The Bill has been through the Council, and time is not pressing. I will endeavour to get the officers of the Crown Law Department to look at the conflicting views expressed by the members for Kalgoorlie and Belmont, and at the added confusion I have contributed in trying to answer, in particular, the member for Belmont. I thank members for their support of the Bill.

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.

CLOSING DAYS OF SESSION

Sittings of the House

SIR DAVID BRAND (Greenough—Premier) [8.42 p.m.]: Mr. Speaker, have I your permission to draw the attention of members to the hours we propose to sit next week? I do this because I see the House is thinning out and if I move a special adjournment tonight it may not be known to many members. We propose to sit at 3.30 p.m. on Tuesday, 2.15 p.m. on Wednesday, and 11 a.m. on Thursday. We can then decide what action we need to take from then on.

POISONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th November.

MR. FLETCHER (Fremantle) [8.43 p.m.]: This Bill to amend the Poisons Act endeavours to deal with drug trafficking and drug taking. It is quite a simple Bill in the respect that it endeavours to deter both those activities by increasing the penalties.

When introducing the Bill the Minister said that the problem is world wide and, with the indulgence of the House, I will later deal with those aspects of the matter in order to demonstrate that the Minister was quite right in making that assertion. Later I will endeavour to submit evidence to support his, and my, contentions. The Minister also said that the most unhappy feature is the number of young persons who become involved, and that Governments all over the world are concerned with this problem because it is generally felt that the taking of drugs by young people, in particular, saps national character. That is a terrible tragedy. The Child Welfare Act Amendment Bill which we dealt with in September of this year affords some protection to children in that

they may be deemed to be neglected if they are exposed to drugs in the home or in any other environment.

I have no doubt the Minister is aware that that protection is afforded under an amendment to the Child Welfare Act but, as I have said, the Minister did not elaborate when he mentioned the world-wide concern that was being expressed about this dreadful disease of drug taking and trafficking—I do not think we can call it anything else—which afflicts humanity. The Minister asserted that all possible steps should be taken to minimise this trafficking and taking of drugs. As a deterrent the Bill provides for penalties by way of fines and imprisonment and special penalties are provided where such drugs are supplied illegally.

The Police Act is concerned with illicit trafficking and the Poisons Act with the illegal possession of drugs supplied and used by wholesalers, retailers, and the medical profession. The Minister made reference to a complementary amendment to the Police Act to take care of certain aspects. Clause 3 provides a fine of $4,000 or imprisonment for a term of 10 years if a person is legally entitled to possess drugs of addiction, but supplies those drugs to those who are not entitled to have them.

While I accept the fact that addictive drugs are marked as poisons, are they also so marked as to deter the patient who might be in possession of such drugs from passing them on to other people? In effect I would like to ensure that the label on any bottle would deter a person for whom such drugs were prescribed from making them available to other persons; and I would like such information printed on the label of the bottle or container of such drugs.

Clause 4 of the Bill seeks to amend section 44 of the principal Act and it provides a fine of $2,000 and a term of imprisonment for three years for any person who commits such offence. As I will show later, I have some doubt as to whether the penalties prescribed constitute an answer to the problem.

I hasten to add, however, that I do support the Bill even though I have reservations as to whether or not the penalties will deter these activities. The Minister said that the Bill does present what he called a "get tough" policy with people who supply narcotics to others who then become their victims, and he hopes the penalties prescribed will deter such people. As I have said, however, I have my reservations whether or not the penalties will deter people from either indulging or trafficking in drugs; because if death is not a sufficient deterrent and if that does not stop people from taking these drugs, I ask the Minister and the members of this House whether the penalties prescribed in the Bill will be adequate to prevent the taking of the drugs in question.

Those who indulge in drug taking know that if they continue to do so death will be inevitable, and if that is not sufficient deterrent I do not know what greater penalty addicts could suffer.

Mr. Bickerton: Death is inevitable anyhow.

Mr. FLETCHER: That is so, but to precipitate it by taking drugs and to shorten one's life expectancy by, say, 30 or 40 years, 30 or 40 minutes, or less, makes me wonder whether the penalties are the answer to this problem.

In the hope, however, that these penalties will provide a deterrent, we on this side of the House are prepared to support the measure. To illustrate what could happen here it is necessary for us to look overseas, because it is only then that we will be able to find evidence of what could be repeated here.

In seeking to support my contention as to how dangerous the taking of drugs is, I find that a Senate subcommittee in America, under the chairmanship of Senator Thomas Dodd discovered that drug taking is a widespread practice not only in the S.A.C. but throughout the rest of the Air Force, the Army, the Navy, and the Marine Corps. Let me explain that the S.A.C. is the Strategic Air Command. There is a comment in *The West Australian* of the 21st August, 1970, which states—

> And now according to evidence unfolding at a Senate sub-committee hearing drugs are being used by even the tallest heroes in the American defence system—officers of the Strategic Air Command, the group that patrols the world's skies in B52's laden with nuclear bombs.

If people with such responsibility can take drugs, then everybody in the world should be concerned at the prospect of a world cataclysm being caused by the taking of these hallucigenic drugs. Members have, no doubt, seen a film on television and a film at the Windsor Theatre, Nedlands, called Dr. Strangelove which exemplifies exactly what I am saying. The inquiry further found that—

> Several doctors have said that up to 90 per cent. of American troops in Vietnam use pot.
>
> No one has the faintest idea of how many Americans take drugs. On the evidence so far presented at the Dodd hearings at least a million servicemen take pot or LSD or both.
>
> There is no question that hard-core heroin addicts run into hundreds of thousands, if not millions.

These are some of the comments on what is happening in other countries. I am pleased that this legislation has been introduced, even if it is only because of the penalties that are prescribed for drug

addiction. I would like to quote from another article dated the 31st October, 1970, which appeared in the *Daily News*. It reads—

> Deaths among servicemen from overdoses of heroin and other hard drugs have sky-rocketed in Vietnam, according to Senator Thomas J. Dodd.

It then goes on to explain who he is, and continues—

> In the past few months, South Vietnam has been flooded with the most powerful heroin ever to come to the attention of the committee.
> Army tests at the request of the committee staff in Asia indicate that it is in the 95-100 per cent. pure range.

This is what concerns me. What a frightful thing it is to have let loose among servicemen; to possibly have it taken back to the homeland—either to America or over here. There is little doubt that the legislation is timely if it will deter the prospect of the arrival of drugs on our shores. It might appear that I am being partisan in quoting what is happening in America, but I have other evidence concerning other parts of the world. Naturally I cannot deal with it all tonight. The article continues—

> He claimed that his staff had received the information on the drug situation only within the past 48 hours.

If that information was available only in the past 48 hours the legislation before us is timely indeed. I could elaborate further on the basis of those who indulge in drugs for the purpose of escape from reality, because I have no doubt that the people referred to in Vietnam would, no doubt, like to escape from Vietnam and reality as a result of what they have seen and what is being done. No doubt they take drugs to forget these things if only for a moment.

The frightful thing is, however, that these drugs could find their way back to America or, conceivably, to the mainland of Australia. The new form of heroin to which I have referred is in the 95 per cent. to 100 per cent. pure range, and this being so I am sure the member for Wembley would know the danger associated with this more condensed drug than that used for therapeutic or medicinal purposes in this State.

I think I have said enough to demonstrate that we on this side of the House are equally concerned with those on the other, about the dangers that can flow from drug addiction and drug trafficking. I do have my reservations, however, as to whether the penalties will prove a sufficient deterrent, particularly if people are prepared to pay the supreme penalty of death and yet persist in drug addiction. I wonder whether they would be deterred by fines or imprisonment.

MR. JAMIESON (Belmont) [8.58 p.m.]: I spoke recently on the Police Act Amendment Bill which dealt with some of the features which confront us now. It is true that the Bill before us deals with what might be called the more sophisticated drugs—drugs of addiction—whereas the other Bill dealt with the lesser drugs which, while they can cause addiction if taken unwisely, do not have medical advantages so far as is known. Anybody who can stoop so low as to sell drugs of addiction to the community is certainly in the very lowest type of game.

I do join issue with the Government for introducing legislation such as this. While it treats the matter seriously and prescribes a large fine which can be imposed by the court, the legislation then provides that the person concerned must go before a superior court to receive sentence.

To my way of thinking there is no difference between the offence referred to in this legislation and a criminal offence, and the person concerned should, I feel, be treated before a criminal court. The type of provision to which I have referred has no business to be in the Poisons Act at all. Action should be taken by the department and a charge should be laid under the Criminal Code for the types of offence referred to in the Bill.

They should not be subject to some provision in the Poisons Act which is generally an Act providing for the orderly handling of these drugs between wholesale and retail houses and individual people. There is no place in this Act for this type of provision. These people should be treated very severely. Indeed, this is probably one of the worst types of crime.

However, on a happy note, I would say that in this State there have not been very many—if any—convictions in recent times of any wholesale supplying of drugs from a sophisticated source. The drugs supplied usually consist of those non-medical types of drugs available through various other channels, such as sailors. It is pretty hard to police this source of supply, particularly when there are so many points of approach for Asian-going vessels. There are now the iron ore ports and the various other ports in the State. Fremantle itself is a pretty big port, and has a number of private wharves, particularly in the Kwinana area. This situation makes it very hard indeed for the Customs and Excise Department to police the law.

This is the point I make. I am sure that no legitimate wholesale establishments or drug outlets of a *bona fide* nature would become associated in any way with addictive drug trafficking.

On the other hand, the people who receive the drugs are, in my opinion, treated wrongly. I repeat what I said when speaking to the Police Act Amendment Bill. We treat alcoholics in a different way and

they are nothing more than drug addicts. While on that point I would like to say that the person who supplies alcohol in unlimited amounts even to an inebriate who has been forbidden under law to drink is not subject to the vast penalties imposed on drug takers.

I point this out because an alcoholic is capable of getting in his car and then mowing down two or three people in the street thus causing bodily harm. As the member for Fremantle has said, the only persons these drug addicts hurt really are, in the main, themselves. They might even send themselves to kingdom come a little earlier than otherwise.

I am concerned about the fact that there are so many convictions for drug offences in this State. I am a little alarmed when I read a headline such as, "W.A. Heads States in Drug Arrests." The article concerned indicates that the number of convictions in Western Australia in September and October was 22, which was more than the number in all of Victoria and New South Wales. This is a ridiculous situation, particularly when we study the statistics obtained at the last census which indicate that the population of New South Wales is 4,233,822; of Victoria, 3,219,326; while in Western Australia the population is only 836,673.

This information indicates that something has gone a bit haywire here, despite the fact that there is the possibility of drugs entering the country through more ports. If the Minister for Industrial Development takes the credit for the increased development in the State, and we must blame someone for the increased drug offences, we must blame the same Minister for the increased avenues of entrance of drugs through the industrial ports.

I think that if a thorough examination were made of the situation we would find that this was where a number of these drugs were entering the country, and the Minister for Industrial Development would of necessity be concerned about the position, because it looks as if we are giving our population more opportunity to obtain the drugs than exists in the Eastern States.

The Minister for Police has suggested another reason for the increased number of convictions. He said it is as a result of the efficient drug squad which tracks down these people who commit the heinous crime of smoking pot together. Again I submit that these people are doing no particular harm to anyone.

Mr. Craig: Except themselves.

Mr. JAMIESON: That is so perhaps. I realise that the Minister and I still have our opinions concerning the harm these drugs cause. However, the Minister, no more than I, really knows what harm they do. The only thing is that the law stipulates that it is wrong to take these drugs and that drug taking must be stamped out.

I have my own ideas concerning the matter. I have complained before about the fact that in this State we have the worst ratio of police to population in Australia, with the exception of Victoria. However, Victoria is a very compact State and its ratio is very close to our own. Therefore we are the worst policed State in the Commonwealth, numerically, particularly taking into consideration our outback regions which must be maintained.

Despite this fact we have the most efficient drug squad in the Commonwealth, which is the reason the Minister has submitted for the increased number of convictions. I think there is something lacking in our thinking. There are more important things to worry about than the smoking of pot. For instance, we should be worrying about the number of people killed on the roads and we should be worrying about some of the other more important problems in the community.

We do not want to encourage drug-taking, but I believe that if this drug squad is so efficient that it is sneaking around from bedroom to bedroom to see who is smoking pot and who is doing what, it will certainly obtain the convictions and make a big name for itself, the same as did the gold-stealing squad in the early days.

That particular specialised squad was appointed because the Chamber of Mines in Kalgoorlie was feeling the pinch as a result of the pinch from the goldmines. As a consequence the chamber was pretty insistent that the Government of the day do something. However, in that case other people were being affected as a result of outright theft, which no-one can countenance. There was justification for that action.

However, with regard to drug offences, I am a little inclined to agree with the Prime Minister of Canada in his attitude to sex in the bedroom, and so on. I do not believe we should interfere with people's bedrooms or lounge rooms. If people desire to smoke pot in their lounge rooms, that is, to some degree, their own business, the same as is the playing of illegal games in people's lounge rooms.

I repeat what I said the other day that I used to feel very sorry when some poor old Chinaman was fined £50 a few years ago for smoking opium. After all, all he had to live for was his opium pipe. I used to feel that such a fine was cruel, even though the Chinaman was transgressing the law. The only person he was hurting was himself. He may have been doing irreparable harm to his own health, but that was all. He certainly was not affecting the health of others in the community.

With regard to the hard drugs, I do not believe that there is a great traffic in them in this State, although one can never tell.

If people are trafficking in the lesser lines, such as cannabis and others, the same people probably would have access to supplies of cocaine, heroin, and other drugs of that nature. I do not know where they obtain these drugs.

It is abundantly clear that one of the results of our sending our fellows to Vietnam—and the member for Avon was so pleased that we do to stop the red horde —is that they have been introduced to these drugs as a result of the corrupt nature of the country in which they are serving. Despite the actions of the Geneva Convention and the United Nations, little seems to be done in places like Vietnam to curb the ready peddling of drugs.

As a result, our young soldiers become accustomed to the use of these drugs. In the Press recently we read of a couple of young soldiers being charged with having smoked some drug while on Commonwealth property. They are now awaiting court determination in respect of their convictions.

Many of these soldiers have been caught trying to bring drugs back into the Commonwealth with them. However, if they had not been introduced to these drugs while they were on service in Vietnam they would not now be facing this additional problem. Possibly many of the young people associated with drugs in our community here might have been introduced to the drugs overseas and might be receiving their supplies from the same source.

It is to be regretted that the situation in the community has deteriorated to such an extent that people desire drugs. However, I have made my point abundantly clear on this matter. It is well known that as human beings become more sophisticated they indulge in the taking of more sophisticated types of drugs; and I doubt whether we will put an end to it merely by legislating and imposing huge penalties on the poor wretches who obtain drugs through the fiends who peddle them.

We are providing high penalties for big drug houses in case they or some of their agents might be tempted to indulge in this nefarious practice, and I think this is a good idea. However, when we impose heavy penalties on the individuals who have become addicted, this is a crime in itself. We should be endeavouring to find some way to help them. Perhaps we should appoint psychiatrists to our courts rather than just legally trained men who are appointed merely to interpret the law. In this way we might be able to ascertain what causes people to take drugs.

It is bad when even first offenders are gaoled although they are doing no harm to others while, at the same time, people who bash others are let off on a bond because of some plea they were able to make before the magistrate concerned. I think these crimes are far more heinous and deserving of punishment than those crimes associated with drug taking.

I know that drug addiction is not to be condoned, but when we start to interfere with the pleasures of life enjoyed by others we are at fault. It is a far worse crime when someone knocks somebody else about and injures him.

Therefore I believe that in future we must adopt a different attitude to drug offences. The matter should be studied by the Health Ministers from all States at their conferences in order to ascertain whether there is some other way to deal with the problem. Whether or not we should deal with these offenders from a mental health angle rather than from a criminal angle, I am not prepared to determine.

I say that we have not gone far enough into it at this stage. We cannot discard the problem by saying that we will impose additional penalties. If this is done we will find ourselves with the same type of law which exists in the Middle East where the hands of anyone who thieves are cut off so that they will not thieve again. They know they will not be caught thieving because they do not want to lose their hands. If we were to adopt this kind of legislation we would have departed a long way from a humanitarian outlook. Instead, we have to find what causes people to go for hard-line drugs. What is the reason? Surely it is not because pushers and agents are accessible. From all the information available it is an extremely expensive habit and people must work hard to accumulate money to spend on the hard-line drugs to which they are addicted.

This is probably one of its many failings. A person who craved a drug of addiction would probably thieve or attempt other ways of obtaining finance to satisfy that craving. There is, consequently, another problem in this respect.

We have not approached drug addiction from the right direction. We have to find the underlying cause for it. Habits change all the time. Sophisticated drugs which are taken now were not taken extensively 20 years ago. In another 20 years' time other sophisticated drugs will come on the scene and they will be taken extensively either with the co-operation of the medical fraternity or because of people's own desires. If people want them they will find a way to get them. As I say, this is a matter which must be looked at in great depth.

The passing of this legislation should be regarded only as a stop-gap measure. It is something similar to beatings which are given to children if they do anything wrong. If children repeat the actions one cannot increase the beatings all the time, because eventually one would end up in

court charged with cruelty to the child. The same situation applies to people who take drugs. Surely we do not intend to forget them by increasing penalties all the time and saying that they will be shut away for three or four years thus eliminating the necessity to worry for that length of time. That is not the answer. I certainly hope a great deal more research will be undertaken to find out the answer.

MR. BURKE (Perth) [9.18 p.m.]: Although I intend to support the Bill, it appears to me that none of us understands too much about the drug problem or how to handle it. What I say is no reflection on the Police Force but I wonder at times how deep the knowledge is of those entrusted with the task of investigating and policing Acts which apply in Western Australia to those who take drugs illegally. I wonder how many know much about the subject they are called upon to handle. I also wonder how much knowledge our magistrates have of the drug problem and the best method of handling it.

Mr. Jamieson: They do not have the knowledge. Nearly every time they read out a different version of somebody else's opinion.

Mr. BURKE: Everywhere one goes there is evidence of what I am saying. One gets a feeling that no-one really understands the problem. If we are to deal with it properly we should first seek to understand it in all its aspects.

I suggest to the Parliament that increased penalties, whether pecuniary or by way of incarceration, are not the answer to the problem. This is merely an expedient to handle a problem which we do not appreciate, or fully understand. Education is necessary. To get to the basis of the problem, to understand and to appreciate the method of handling it, we should look at the possibility of a Royal Commission into the drug problem in Western Australia. All sources of information would be available to a Royal Commission. It could take evidence from persons who have fallen prey to what I believe, and what we have read in the international and local Press, is a soul destroying problem. The member for Fremantle referred to it as a disease and the member for Belmont suggested we should treat it as a medical problem. I incline to the view that we should be taking the latter approach.

To approach it at all, firstly we have to look at the problem and try to understand it more fully. For this reason I suggest that the Parliament should closely consider the possibility of legislating for a Royal Commission to inquire into the drug problem. I am quite convinced that the action of increasing penalties will not overcome it. This is merely a stop-gap measure. Increased penalties can—and I suggest do at least to some degree—drive these people underground which, in turn, affects those involved to a greater extent. I am convinced that the greatest problem associated with soft drugs is that the source of supply for both soft and hard drugs is too often the same. Of course both are subject to penalties, but I consider we should undertake a thorough and exhaustive inquiry into the drug problem in Western Australia and look at the provision of institutions for the rehabilitation of known drug addicts. Very little is done in Western Australia at the moment for drug addicts. We do a little for alcoholics, but even in that area we do not do nearly enough.

Stop-gap action is to increase penalties in an endeavour to frighten people away from taking drugs. However, if we take this problem seriously, and it certainly is serious, we should undertake a full inquiry into the causes and come up with a possible solution in the interests of the health of the community. I refer particularly to the health of young people.

Only this evening I was talking to the Rev. Mr. Stone of the Charles Street Youth Centre in West Perth. He said that no-one seems to know which way to go at the moment and the obvious reason is that they do not understand the problem. He suggested there is a need for those in Government, interested parties, and those involved in the policing and administration of the law dealing with drugs to get their heads together to cope with the problem.

I suggest a Royal Commission would enable this to be done and it would enable us to obtain information from all sections of the community; from those who are trying to throw off the habit and from those who have done so. This would provide us with up-to-date information on which to legislate to provide a real solution to the drug problem in Western Australia.

In the interim there is a need for more money to be expended on the education of those directly involved today in handling the problem. This money should be spent immediately. If it is necessary, members of the Police Force and Health Department who are concerned with the drug problem should be sent interstate and overseas to look at the problem in areas where the incidence of it is much wider than it is in Western Australia. In this way they could apply what they learn to the problem in Perth.

I do not think I can say any more. I had not intended to speak but I thought it was necessary to point out that I believe incarceration and increased pecuniary penalties are not the answer. Instead, proper treatment of criminals, addicts, or alcoholics would be a far better method of handling these social problems.

MR. DAVIES (Victoria Park) [9.25 p.m.]: I have only a few words to say on the measure. I am sorry the Government has taken so long to bring in increased penalties. I intended to say this when I spoke on the Police Act Amendment Bill (No. 2) the other evening. There has been ample evidence for quite a few years that this problem is with us in Western Australia and is growing.

Ministers who have travelled overseas would have noticed that, as sure as night follows day, trends overseas hit Australia eventually and, of course, Western Australia. Changes in transport and communication mean that trends come to Australia far more quickly than they did in the past. Because of this and the available evidence, I believe the present penalties should have been inflicted some time ago.

Many in Parliament have expressed alarm and concern from time to time and we had hoped that our fears would have been noted by those in authority. Indeed some people in authority expressed concern as early as January, 1969, which is almost two years ago. At that time, the Director of Mental Health Services, Dr. A. E. Ellis, called for an urgent survey of Western Australia's drug problem after a recent increase in the number of drug cases which were referred to Heathcote Hospital from W.A. courts.

This is a man directly associated with the problem in places where he could most readily assess increases. Consequently he is a logical person to ask for assistance. On that occasion, the Minister for Health was quoted in *The West Australian* newspaper of the 17th January, 1969, as saying that our drug laws were adequate. Of course, that was far from the truth. The Minister for Health (The Hon. G. C. MacKinnon) was quoted as saying that the Government had strengthened the Poisons Act and the Police Act to the point where they were as strong as those in the rest of Australia—in some cases stronger. He felt that they were capable of stopping the present drug problem from getting out of hand. He said that Western Australia's problem was small compared with that of other countries.

In tonight's newspaper, as the member for Belmont mentioned, it is stated that Western Australia's position so far as arrests are concerned has been far worse over the last couple of months than in the other States. Of course, this is not taken on a percentage or *per capita* basis but wholly and solely on the physical number of arrests and convictions.

This may point to the fact that our drug squad is more vigilant than squads in other States and I think the House paid a compliment the other evening to Detective Sergeant McGrath who is in charge of the drug squad. The fact is that a warning was given by Dr. Ellis and echoed by many others as far back as January, 1969, and it is only during the past few weeks that amendments have been brought down to the Police Act and the Poisons Act. The legislation before us deals with the position quite differently from the way it was dealt with under the Police Act Amendment Bill (No. 2).

This Bill deals with drug traffickers, but in a different category; namely, persons who are legally entitled to handle drugs but who are dispensing illegally. Of course, this would refer to drug houses or to individuals in them but mainly it refers to retail chemists; that is, the local chemist and so forth.

The wisdom of inflicting heavy penalties has been queried already and at this stage I do not propose to deal with this aspect. We have come to the position where large penalties will be imposed.

In the case of a major offender such a penalty will not be the only one that will be inflicted, because, no doubt, if any retail chemist or pharmacist is found to be illegally trafficking in drugs, the Pharmaceutical Guild will have the power to withdraw his credentials or his license to operate. This, no doubt, would be a penalty over and above the penalty proposed in the Bill. I believe that this would be, by far, the greatest penalty that could be inflicted upon any offender.

I am certainly not in agreement with any suggestion of lesser penalties being imposed. The highest possible penalty should be inflicted on any person who is involved in drug trafficking. He would possibly be the worst kind of individual in the community to my way of thinking, anyway. But I think he would probably find himself in a far worse position, after being convicted of such an offence, than any ordinary person whose livelihood was not directly dependent on the handling of medicines and drugs.

I repeat that it is a shame we have taken so long to bring this legislation before the House. Evidence was put forward by Dr. Ellis some time ago of the dangers involved in the taking of drugs and the trafficking in them, and he is a man who should well and truly know. He said that the number of drug addicts in the community was increasing, and he expressed concern about this position. However, in effect, he received a back-hander from the Minister for Health, who maintained that everything was all right and that nothing needed to be done.

I suppose we can say that the Bill that is now before us is better late than never, but I would have preferred to see a similar Bill introduced to the House a long time ago, although I think we did pass some minor amendments to the Poisons Act and the Police Act, but they were not strong enough. Now we seem to be tackling the problem merely by increasing the penalties.

It has been considered that this is not the answer to the problem, but for the time being if it will make some people think twice before making any attempt to deal in drugs illicitly, I will support it.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [9.33 p.m.]: The remarks made by the members who supported the Bill are greatly appreciated. In one way or another each has indicated his concern about the impact that can take place on the community in any country in regard to the taking of drugs, the methods of supply, and the people who take them. It may be appropriate to mention briefly that the Bill is a small one and deals with two principal matters. It seeks to impose heavy fines and penalties on people who are legally entitled to obtain drugs, but who push them and supply them to people who are not entitled to them. The other provision seeks to lift the penalties for other offences associated with drugs of addiction.

The member for Fremantle asked whether it was within my knowledge that labels on bottles containing drugs had a warning that it was an offence to pass them on. I will make an inquiry about this, but I should think they would be appropriately marked "Poison." I think in regard to the case mentioned the amendments in the Bill which are to be included in the Act would apply to those people who would supply these drugs in a vicious and criminal manner.

Mr. Bertram: Is there an analogy between the pushing of cigarettes and the pushing of drugs?

Mr. Fletcher: That is another matter. I know that any bottle containing drugs supplied by a pharmaceutical firm or chemist should be appropriately marked so that the patient cannot make the contents available to a relative, friend, or any other person; but the bottle should be so marked to cover both instances.

Mr. ROSS HUTCHINSON: I appreciate the point made by the honourable member and I will inquire into it. Later the member for Fremantle mentioned that the penalties in the amending Bill will have the effect of deterring illicit trafficking in drugs. However, I agree with those speakers who doubt whether this is the only step that can be taken to solve the drug problem. Mention was made, quite appropriately, that education is one means by which an improvement could be effected. Mention was also made of medical means to improve the situation through, say, the use of practical psychology or psychiatry in certain circumstances.

These two methods may possibly have some effect, but there is no doubt that the method proposed in the Bill, in my view, and in the view of the Government, will have a deterrent effect.

Mr. Jamieson: How many of these hard-core cases have we had recently?

Mr. ROSS HUTCHINSON: I could not tell the honourable member.

Mr. Jamieson: They have been singularly few and they have been publicised; cases such as a doctor prescribing drugs for a nurse, and so on. That is about all.

Mr. ROSS HUTCHINSON: The member for Belmont doubted whether these charges should be made under the Poisons Act. It was his view that they should be brought under the Criminal Code.

Mr. Jamieson: They should be regarded as a criminal offence.

Mr. ROSS HUTCHINSON: I will not debate this line of argument. To me, this seems to be the proper way to deal with the problem. The other way may have some prospects, but I cannot accept them at this time. The member for Belmont also considers that in this State there are not so many sophisticated channels for pushing drugs as there are in other countries. I am inclined to agree, but the Bill will present a means whereby we can prevent sophisticated channels being used.

The member for Belmont spoke on this Bill, as he did on the Police Act Amendment Bill, in regard to soft drugs. I do not agree with his remarks completely. I have regard for his remarks in the matter of the effect of smoking and drinking. He mentioned drinking in particular. He said these evils should be tackled in their own right. He did not believe there were many evils associated with the taking of soft drugs.

Mr. Jamieson: We have heard the same from medicos in regard to the taking of aspirin; there is no doubt about that.

Mr. ROSS HUTCHINSON: I believe that the taking of soft drugs in any form leads to the taking of hard drugs.

Mr. Jamieson: That is only because they are put into the hands of pushers.

Mr. ROSS HUTCHINSON: I still believe this to be so, and the method mentioned by the member for Belmont is indeed one way by which it happens; there is no doubt about that. I have in mind the famous American, Mr. Art Linkletter, who visits our State periodically, and who visited it only the other day. A very sad happening occurred with him in that his daughter committed suicide whilst under the influence of drugs. He freely admitted that in a happy household he did not know, in the earlier stages, that his daughter was taking hard drugs.

Mr. Jamieson: That was LSD, and that can be made in one's own kitchen. You cannot stop that if people are silly enough to take it.

Mr. ROSS HUTCHINSON: I am not saying what drug it was, but that is how the daughter started taking drugs.

Mr. Jamieson: I am telling you what drug it was and I ask you: How do you get over that problem?

Mr. ROSS HUTCHINSON: I believe that what has happened in the United States, where there is permissiveness in regard to the taking of soft drugs, has led to an unhappy situation; a situation in regard to which we are led to believe—if we can believe the Press reports—that many young people take soft drugs to a great extent and that this leads, in many cases, to their taking hard drugs. This permissiveness, I am happy to say, does not exist in Australia, and the Government hopes it will not happen in Western Australia. Therefore I do not agree with the line of thought taken by the member for Belmont.

The member for Perth, who also spoke to the Bill, seemed to think that there was a doubt about the heavier penalties that are to be imposed. I have briefly discussed that point. The member for Victoria Park said he would support the legislation, but considered that the Bill should have been introduced at an earlier stage in order to close earlier the possible sophisticated channels through which drug pushers could hook their victims.

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.

Third Reading

Bill read a third time, on motion by Mr. Ross Hutchinson (Minister for Works), and passed.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Returned

Bill returned from the Council without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 6)

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Nalder (Minister for Agriculture), read a first time.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [9.45 p.m.]: I move—

That the Bill be now read a second time.

The amendments to the principal Act which are contained in this measure are such as the Law Society and the Barristers' Board consider to be necessary in the interests of both the profession and the public. They deal with the maintenance and improvement of professional standards.

With reference to the amendments contained in clauses 3 and 5, which delete the words "natural born or naturalised" from the conditions for the articling of clerks and the admission of practitioners, I would mention that this proposal is related to the Federal Citizenship Act.

The Commonwealth Parliament last year passed the Citizenship Act bearing on the status of citizens, to which members' attention was invited when the current Bill to amend the Interpretation Act was under debate. It might be considered that the recent amendment to the Interpretation Act would render it unnecessary to amend the Legal Practitioners Act in the manner now proposed. However, as other amendments to the Legal Practitioners Act are presently being brought to Parliament, the Barristers' Board has requested approval to the change effected in clauses 3 and 5 of this Bill to avoid any need for reference to the Interpretation Act, should that course be otherwise necessary.

Clause 4 adds a new subsection to section 10, and this is required as a result of a change in the structure of the law course for the degree of LL.B. As from next year an award of a degree in law will require a course of five years, the first year of which will be passed in some faculty other than law. This comes about because of a conviction of the members of both the faculty of the Law School and of the advisory board in law that the new course will result in a graduate who is more mature and better equipped academically. However, in order that the total period from entry to the course should not exceed the present minimum period of six years, it was an integral part of the proposal that the period of service under articles should be reduced from two years to one year.

The Barristers' Board, which is concerned with the maintenance of the professional standard of practitioners, agreed to the proposal to reduce the period of articles, subject to a proviso that following admission such practitioners should not be permitted to practise on their own behalf, unless and until they should have had a further year's experience in the office of another practitioner or at least five years in the office of the State Crown Solicitor or of the Commonwealth Crown Solicitor.

Although the actual effect of the new scheme of articles and the right to practise on admission will not operate until 1975 or 1976, the board considers it desirable that the necessary changes to the

Act and rules should be made now. Rule 18 is being amended to provide a term of service under articles of one year in the case of a person who, in the year 1975 or thereafter, fulfils all the requirements of the University of Western Australia for the taking of a degree in law. The amendment now sought will enable students embarking on the new law course in 1971 to be aware of what is required of them before practising on their own account.

The Bill further proposes the repeal of section 20(a) which at present requires six months' residence in Western Australia before admission as a practitioner to the Supreme Court is permitted. The Solicitor-General has stated that considerations in favour of the repeal of the residential requirement are as follows:—

(1) It is no guarantee of the professional experience or capacity of the admitted practitioner. It does no more than ensure the applicant for admission has resided within the State for six months immediately preceding his application for admission. It does not require that during that time he shall have made any study of local laws or, indeed, have had any contact with the legal profession at all. One must rely on other qualifications prescribed by the Act to ensure the competence and integrity of the practitioner.

(2) It is no guarantee that professional services within Western Australia shall be provided only by legal practitioners who are resident within the State. It requires six months' residence immediately preceding the application for admission and that is all. Having lodged his application, the applicant may resume his residence outside the State and, upon admission, practise from outside the State.

(3) The legal profession in Western Australia is under considerable strain to meet adequately the needs of a growing population; this strain could be alleviated to a degree if it were easier for suitably qualified practitioners from elsewhere to take up practice within the State.

(4) The residential requirement tends to separate and isolate the legal profession in Western Australia from lawyers in the other States of the Commonwealth at a time when strenuous efforts are being made by the Law Council of Australia to promote reciprocity between the States and to strengthen the ties that should naturally link the legal profession throughout the Commonwealth.

(5) Provided that every lawyer who practises within the State is subject to the supervision and authority of the Barristers' Board, there is no reason in principle why every lawyer must be resident within the State. The important objective is to bring professional legal services within easy and prompt reach of the citizen of Western Australia wherever they may be. The repeal of the residential qualification would facilitate the provision of such legal services to the distant areas of the North-West by reasons of the proximity of Darwin.

It is, of course, particularly appropriate in the Kimberleys. To continue with the considerations in favour of the repeal of the residential requirement—

(6) In times past, such a provision may have been thought to be necessary in order to "protect" the local profession from Eastern States' practitioners. Nowadays, the local profession does not stand in need of any such protection.

(7) The increasing interdependence of Australian life, particularly at the commercial, industrial and government level, makes any attempt to maintain the isolation of the legal profession unwise, inconvenient, and impracticable.

The repeal of the residential requirement will be of particular benefit, as I have mentioned, to residents in the Kimberleys. It will be possible for legal practitioners in Darwin, who are much closer to the Kimberleys, to provide a legal service now unavailable because of distance from the metropolitan area and the consequential cost and time involved in travel.

For some time the Law Society has been concerned with the situation that frequently arises with respect to the trust account of a sole practitioner upon that person's death. If there is no-one to act temporarily, pending a grant of probate, clients can be placed at a disadvantage and often be caused hardship.

It is accordingly proposed that the Barristers' Board be empowered to obtain a judicial order appointing a supervisory solicitor to carry on the practice of a deceased solicitor until the practice can be dealt with by personal representatives according to the law. Parliament has already approved of the principle by the power in a court to appoint supervisory solicitors in cases of defaulting practitioners.

The amendments are requested by bodies concerned with the control of the profession and have the support of the Solicitor-General. I commend the Bill.

Debate adjourned, on motion by Mr. Bertram.

PRESBYTERIAN CHURCH OF AUSTRALIA BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [9.53 p.m.]: I move—

That the Bill be now read a second time.

The Bill which is being introduced at the request of the church deals with matters relating to the constitution of the church in Australia.

The Presbyterian Church of Australia was constituted in 1901 by a federal union of the Presbyterian churches in the various States. Enabling Statutes were passed by the Legislature in each of the States, the Act of the Parliament of Western Australia being the Presbyterian Church of Australia Act, No. 4 of 1901.

Now the General Assembly of the Presbyterian Church of Australia has approved of a new constitution effecting two major changes—

(1) It will replace the present federal structure with a unified national church, the general assembly of which will have all the powers and authorities usually invested in the supreme court of a Presbyterian church;

(2) It will define the powers of the general assembly to negotiate and agree to union with other churches and the procedures to be followed in such cases.

Changes now sought to the law in this State require consequential amendments to the 1901 and 1908 Acts relating to the holding of property. The Bill, which has been perused by officers of the church in this State, is satisfactory to them. I commend the Bill.

Debate adjourned, on motion by Mr. Taylor.

DISPOSAL OF UNCOLLECTED GOODS BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [9.55 p.m.]: I move—

That the Bill be now read a second time.

When the Law Reform Committee was established one of the projects assigned to it was the consideration of the need for legislation to permit bailees to dispose of abandoned or uncollected goods and to recommend legislation, should that be considered necessary.

This Bill, which gives effect to the committee's recommendations, exemplifies the benefits of entrusting such work of law reform to a representative body. The committee presently comprises Mr. B. W. Rowland, a solicitor in private practice; Dr. E. J. Edwards, Reader in Law at the University of W.A.; and Mr. Clyde Langoulant, Senior Assistant Crown Solicitor in the Crown Law Department. The committee is assisted by staff qualified in these matters and in carrying out research, which is a vital necessity if law reform is to be of any practical value to the community.

The problems and the hardships imposed by the existing law on bailees have been the subject of frequent representations from various sections of trade and commerce and from the Law Society. This existing law has also been the subject of criticism in the news media. It has generally been accepted that some reform of the law was desirable and the main questions were in respect of the types of bailment in which it should be granted and the extent of relief which should be given. As members know, a bailee is required at common law to keep and preserve goods entrusted to him until they are collected. He may not, by unilateral action, dispose of them without the risk of legal sanction.

In point of fact the Parliament of the United Kingdom passed an Act by the title of "the Disposal of Uncollected Goods Act" in 1952. That Act mitigated some of the hardships imposed by the common law, by permitting bailees in certain circumstances to dispose of uncollected goods held by them in the course of business. The provisions of the English Act, with some modifications, have been adopted by most Australian States.

Our Law Reform Committee prepared a working paper setting out the problems and referring to legislation in other jurisdictions. The paper was distributed to over 50 organisations, which were invited to consult with or submit their views to the committee.

The Australian Finance Conference, the Law Society, Perth Chamber of Commerce, Real Estate Institute, Retail Trade Association, Trade Protection Association, Western Australian Automobile Chamber of Commerce, Western Australian Transport Association, some dealers, auctioneers, and repairers availed themselves of the opportunity to present their problems and suggestions to the committee. The Police Departments of Western Australia, New South Wales, and Victoria were also consulted in the matter. It is apparent, therefore, that interested parties have been given an opportunity to bring anything relevant to the attention of the committee. The committee, in its recommendations, divided goods into two categories according to whether—

(a) the goods were accepted by the bailee in the course of business for inspection, custody, storage, repair, or other treatment; or

(b) the goods came into possession of a person lawfully but not in the course of business.

Goods accepted by a bailee in the course of business range from expensive heavy machinery to, say, second-hand shoes. The strict procedural safeguards necessary in relation to disposal of expensive items are truly unrealistic when applied to goods of little value. It became necessary therefore to provide different procedural formalities in relation to the following subcategories:—

(a) goods of little value (to be prescribed goods);

(b) goods (not being prescribed) assessed at an amount not exceeding $300; and

(c) goods assessed at an amount exceeding $300.

It is now proposed that prescribed goods may be disposed of if uncollected after four months from the date of receipt, and after two notices to the bailor have been given at prescribed intervals. Disposal is to be by public auction or private treaty.

Where the value of goods—not being prescribed—does not exceed $300, disposal cannot be effected unless uncollected for a period of seven months. Notice of intention to dispose of this class of goods must be published in the daily Press and in the *Government Gazette*. Sale by auction must be attempted before any other means of disposal can be used.

It is required, in order to dispose of goods with a value assessed at over $300, that an order of a court of petty sessions presided over by a stipendiary magistrate must be procured. Notice of intention to dispose of the goods must also be published in the daily Press and in the *Government Gazette*.

In all cases, the bailor must be given notice that the goods are ready for delivery.

Goods which come into the lawful possession of a person otherwise than in the course of business may be disposed of only by order of a court presided over by a magistrate.

Notice of disposal of any goods coming under the provisions of this Bill must be given to the Commissioner of Police. Such notice, which is to contain sufficient information to enable a check against the reports of property lost or stolen, will prevent this legislation, if it is passed, being used for criminal purposes.

Provision has been made to deal with disputes arising as between bailor and bailee. Unclaimed moneys arising from the sales of goods are to be paid to the Treasurer. The benefits of the Bill are not to be available to a bailee who refuses or neglects to make redelivery to a bailor. This restriction will prevent the legislation being used as a debt collecting device.

The Bill will advantage sections of trade and commerce which have experienced problems in disposing of uncollected goods. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Davies.

ADJOURNMENT OF THE HOUSE: SPECIAL

SIR DAVID BRAND (Greenough—Premier) [10.00 p.m.]: I move—

That the House at its rising adjourn until 3.30 p.m. on Tuesday, the 17th November.

Question put and passed.

House adjourned at 10.01 p.m.

Legislative Council

Tuesday, the 17th November, 1970

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

BILLS (11): ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Road and Air Transport Commission Act Amendment Bill.
2. Totalisator Agency Board Betting Act Amendment Bill.
3. Betting Control Act Amendment Bill.
4. Bush Fires Act Amendment Bill.
5. Tourist Act Amendment Bill.
6. Criminal Injuries (Compensation) Bill.
7. National Trust of Australia (W.A.) Act Amendment Bill.
8. Murdoch University Planning Board Bill.
9. Betting Investment Tax Act Repeal Bill.
10. City of Perth Parking Facilities Act Amendment Bill.
11. Betting Control Act Amendment Bill (No. 2).

QUESTIONS (2): ON NOTICE

1. MINES DEPARTMENT

Appointment of Inspectors

The Hon. R. H. C. STUBBS, to the Minister for Mines:

(1) How many Inspectors of Mines have left the Mines Department since 1963?

(2) Of those who resigned, what reasons did each give?

(3) Have any of the previous Inspectors of Mines obtained similar positions in other States of Australia following their resignation?