I would like to correct information given by *The West Australian* last Friday in this regard. The article stated as follows:—

> The circumstances echo those last year when the Supreme Court quashed Mr. Logan's authority to reverse a decision by the Albany Town Council.

The Supreme Court was not dealing with any decision made by me; it was dealing with a decision by referees who included Mr. Smith and Mr. Haley. Therefore, the opinion contained in the article is wrong. It was not my judgment that was being discussed, and no decision of mine was quashed. I thought I had better put the record straight.

To continue, this decision has received a considerable amount of publicity, with the result that decisions of the Minister, in cases where it is clearly within the public interest that an appeal should be upheld, have been challenged. This Bill which contains only one main clause is to amend section 374 by adding a new paragraph to subsection (2) to enable the Minister to modify the application of a uniform general building by-law.

It should be noted that in respect of other by-laws made under section 190 of the Local Government Act, it is permissible for by-laws to be so made as to delegate to or confer upon a specified person or body, or class of persons or bodies, a discretionary authority. Failure to pass this measure would have the effect of creating cases of undue hardship if the strict application of by-laws were to be insisted upon on every occasion.

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

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.32 p.m.]: I move—

> That the Bill be now read a second time.

The purpose of this Bill is to amend the Coal Mine Workers (Pensions) Act, 1943-1965, in regard to an invalid pensioner under the Act being permitted to earn an amount of $17 per week from available employment without suffering a reduction in the pension benefit.

Section 7, subsection (2), at present provides that an invalid pensioner's entitlement under the Act is reduced by the average weekly amount which he earns until he attains the age of 60 years. The proposed amendment, as set out in clause 2 of the Bill, is to allow an invalid pensioner to earn up to $17 per week without suffering a reduction in pension.

Clause 3 of the Bill amends section 10A of the principal Act to bring it into line with the proposed amended section 7, subsection (2), by amending the amount of allowable weekly earnings from "seven pounds" to "seventeen dollars" per week.

It is realised that there are avenues of employment for such invalid pensioners which are acceptable under the terms of the Act, and it is reasonable to allow a pensioner to increase his income where possible.

It is the general policy to permit pensioners under the Coal Mine Workers (Pensions) Act to earn the same amount as a social service pensioner, without affecting their entitlement. The allowable earnings under the Commonwealth social services means test have been lifted to the figure of $17 per week.

The amendments proposed in this Bill will give effect to this policy. I commend the Bill to the House.

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

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.35 p.m.]: I move—

> That the House at its rising adjourn until 11.30 a.m. tomorrow (Thursday).

Question put and passed.

House adjourned at 5.36 p.m.

Legislative Assembly

Wednesday, the 23rd April, 1969

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

ACTS AMENDMENT (SUPERANNUATION) BILL

Message: Appropriations

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

BILLS (2): INTRODUCTION AND FIRST READING

1. Land Act Amendment Bill, 1969.

   Bill introduced, on motion by Mr. Bovell (Minister for Lands), and read a first time.

2. Pig Industry Compensation Act Amendment Bill.

   Bill introduced, on motion by Mr. Nalder (Minister for Agriculture), and read a first time.

QUESTIONS (43): ON NOTICE

POLICE STATION

Wyndham

1. Mr. RIDGE asked the Minister for Police.

   (1) Have tenders been called for the construction of a new police station and lockup at Wyndham?

   (2) If "No," when will this be done?

   (3) If "Yes," when is it expected that building will commence?

   Mr. CRAIG replied:

   (1) No.

   (2) Tenders will be called on the 3rd May, to close on the 3rd June next.

   (3) Approximately the end of July next.

COURTHOUSE

Kununurra

2. Mr. RIDGE asked the Minister representing the Minister for Justice:

   (1) Is it intended to build a courthouse at Kununurra?

   (2) If "Yes," when is it anticipated that work will commence?

   Mr. COURT replied:

   (1) and (2) It is anticipated that consideration will be necessary in the future to the provision of a courthouse at Kununurra. The time will depend on the volume of business expected to be undertaken.

VICTORIA LOCATION 10952

Applications and Allocations

3. Mr. TONKIN asked the Minister for Lands:

   (1) Reverting to questions relating to Victoria Location 10952 answered by him on Tuesday, the 25th March, have there been other instances of evidence being heard from an applicant by the land board before the time for which a meeting of the board had been convened?

   (2) If "Yes," is this common practice?

   (3) If it is not common practice, how frequently, and for what reason is it done at all?

   (4) How does an applicant arrange to be heard by the land board before the time at which it is convened to hear applicants for specific land?

   Mr. BOVELL replied:

   (1) Yes.

   (2) Only when circumstances are considered reasonable.

   (3) Three cases have occurred over the past 10 years. In each case the applicant has requested the board to hear his application before the appointed time. In the case of Victoria Location 10952, the board had completed its business at that stage and before 11 a.m. on the 29th September, 1967, the date on which the board sat, and proceeded with hearing Mr. Matson at his request.

   (4) By request to the secretary, who arranges the time directly with the chairman of the board.

LAND RELEASES

Streamlining of Government Procedures

4. Mr. TONKIN asked the Minister for Industrial Development:

   Will he specify the measures taken by the Government to streamline some of its procedures to have more land released and of which he informed the annual meeting of the Liberal Party's Moore division at Cunderdin?

   Mr. COURT replied:

   These measures cover a number of things directed at speeding up the release of land for housing, including those referred to by the Premier in answer to a series of questions by the member for Fremantle, on the 1st April, 1969. Apart from the Cabinet committee, senior officers of appropriate departments have been directed to seek ways and means to streamline procedures. If these prove inadequate then it is the Government's intention, as already stated by the Premier, to introduce further methods to achieve the Government's objective.

ORGAN TRANSPLANTS

Donor Cards: Legislative Action

5. Mr. FLETCHER asked the Minister representing the Minister for Health:

   (1) Would legislation be necessary to make it possible for Western Australians to carry donor cards authorising the use of their organs for transplant purposes in the event of sudden death?

   (2) If "Yes," is any legislation contemplated in the near future?

   (3) If "No," will consideration be given to relieving in this manner the publicised shortage of kidney donors in particular?

   (4) If measures above are considered, will he ensure that donors' relatives, if readily available, are consulted prior to organ removal?

   Mr. ROSS HUTCHINSON replied:

   (1) and (2) No.

   (3) Yes.

(4) The Tissue Grafting and Processing Act requires approval of next of kin before organs are removed from a donor, even where the donation is expressed in a will.

SCOTT STREET BRIDGE, HELENA VALLEY

Safety Signs

6. Mr. BRADY asked the Minister for Works:

(1) Is he aware of the concern of the Helena Valley Parents and Citizens' Association, regarding Scott Street bridge?

(2) Is any action being taken to provide safety signs to protect children crossing the bridge?

(3) Is it anticipated any alterations will be made to the bridge in the near future?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) As a consequence of representations by the Helena Valley Parents and Citizens' Association "Narrow Bridge" signs will be erected and also bridge width markers at each end of the bridge.

(3) A footwalk has recently been provided on the bridge, and consideration is being given to widening the structure for vehicular traffic.

HOUSING

Emergent Cases

7. Mr. BRADY asked the Minister for Housing:

(1) Is it a fact—

(a) that many cases determined as emergent are still awaiting houses from the State Housing Commission;

(b) many State Housing Commission houses in the metropolitan area are vacant and awaiting maintenance?

(2) Can additional maintenance contractors be engaged to take up the lag?

(3) Can priority be given to empty houses for maintenance work to allow early occupation?

Mr. O'NEIL replied:

(1) (a) There are always some emergent cases awaiting allocation of homes in suitable areas.

(b) There are at present 18 vacant homes. Of these 11 have been vacant seven days or less.

(2) In view of answer to (1) (b) this is not considered necessary.

(3) Priority is given to maintenance for purposes of reletting.

STATE SHIPS

Geraldton Service: Government Policy

8. Mr. SEWELL asked the Minister for Transport:

(1) What is to be the Government's policy in regard to ships of the State Shipping Service calling at the Port of Geraldton?

(2) Will he give the reasons why State ships have been ordered to discontinue calling at the Port of Geraldton?

(3) Is he aware that since State ships have discontinued their service to Geraldton, considerable inconvenience and loss of trade has been caused to Geraldton traders?

(4) What assistance is it proposed to give to these traders who are serving customers and merchants in the various ports along the north-west coast?

(5) Is he aware that financial loss to both consignee and consignor and loss of wages to waterside workers could follow the discontinuance of State ships calling at Geraldton?

Mr. O'CONNOR replied:

(1) It is not intended that ships of the State Shipping Service will call at Geraldton in future on a regular basis.

Should there be sufficient inducement at any time for particular cargoes, consideration would be given to calling.

(2) The service's primary reason for maintaining Geraldton as a port of call has been to lift flour and other mill products to northern ports.

Calls have gradually become more uneconomic over the years, until in 1968 the deficit reached $28,000 in handling 1,600 tons in 24 voyages in and out of the port.

One of the major drawbacks to calling at Geraldton with the regular weekly schedule vessels has been the necessity to leave double the amount of space in Fremantle in order to stow the Geraldton cargo for all ports north.

This, in peak traffic season, causes embarrassment in not being able to lift essential supplies on these weekly ships from Fremantle.

Using 1968 figures, it was calculated that by railing the flour and other by-products of the mill to Fremantle for shipment, thereby being in a position to take advantage of the additional space available, the overall position is

improved to the extent that the abovementioned deficit becomes a gain of $4,000.

(3) Apart from flour and by-products, the total shipments of "other" cargo from Geraldton in the 12 months' period amounted to 275 tons, of which 90 tons of urea was carried to Wyndham in one vessel leaving only 185 tons, an average of approximately eight tons per voyage.

(4) As the primary purpose of serving Geraldton was to lift the flour, arrangements have been made to rail mill products to Fremantle for shipment to northern ports, but consideration has not been given to extending this to other shipments owing to the very small quantity involved and irregular shipments.

(5) So far as the regular shipments of flour are concerned, there will be no additional cost to consignees as the service is absorbing the difference in cost arising from shipment ex Fremantle and ex Geraldton—mainly rail freight.

Wages paid to waterside workers amounted to only $9,500 last year and as these workers receive attendance money the loss per person because of discontinuance of calls by State ships will not be very considerable and could quite feasibly be made up by work on other vessels using the port.

SWIMMING POOLS

Government Subsidy to Local Authorities

Mr. SEWELL asked the Premier:

(1) What is the amount of subsidy paid by the Government to local authorities for the building of swimming pools in—

(a) South-West Land Division;

(b) eastern and Murchison goldfields districts;

(c) districts north of the 26th parallel?

(2) What amount of financial assistance is given to local authorities where a loss has been made through maintenance, wages, etc., on the operation of the pool?

(3) What is the policy with regard to those local authorities that have seafronts and whose main towns or seats of local government are 20 to 50 miles inland?

Mr. BRAND replied:

(1) (a) and (b) One-third of the cost up to a maximum of $20,000 for each pool.

(c) One-third of the cost up to a maximum of $25,000 for each pool.

(2) A subsidy up to a maximum of $500 per annum.

(3) South of the 26th parallel the pool must be located at least 15 miles from the seafront, but this does not apply to pools north of that line.

HOUSES AT BELLEVUE

Purchase by Railways Department

10. Mr. BRADY asked the Minister for Railways:

(1) Is it a fact negotiations are taking place for the W.A.G.R. to purchase houses at Bellevue and elsewhere in lieu of same being sold by auction?

(2) Will present occupants, who are employed by the W.A.G.R., be given preference in occupancy?

Mr. O'CONNOR replied:

(1) Yes.

(2) If negotiations are successful, change of ownership will not affect the present tenancies.

TELEVISION

Albany Area

11. Mr. HALL asked the Minister for Electricity:

(1) Can he advise if the State Electricity Commission has carried out investigations on complaints that TV reception in the Albany area is being affected by electrical interference?

(2) What remedial action, if any, has been taken?

Mr. NALDER replied:

(1) A complaint of poor TV reception in Albany has been passed on to the Radio Interference Branch of the Postmaster-General's Department, which is responsible for the investigation of such complaint. The branch reports that the principal difficulty is the hu . terrain of Albany interfering with the television transmission.

(2) During the investigation one cracked insulator was found and replaced.

MINERAL SANDS INDUSTRY

Albany Area

12. Mr. HALL asked the Minister for Industrial Development:

In view of the increasing value of minerals to this State, would he undertake to make approaches to

Coastal Titanium Pty. Ltd. for development of a mineral sands industry in and around Albany?

Mr. COURT replied:

I will refer the matter to my colleague, the Minister for Mines.

An extension of activities in and around Albany would be a matter for the company to decide, subject to the requirements of the Mining Act, assuming that the areas the honourable member has in mind are not already held by other parties.

HOUSING

Albany

13. Mr. HALL asked the Minister for Housing:

(1) How many State Hosuing units were—
(a) planned;
(b) completed,
at Albany for the years 1965 to 1969 respectively?

(2) How many applications were received by the State Housing Commission for housing assistance in these years, and how many actually received housing accommodation?

Mr. O'NEIL replied:

(1)—

	(a) Planned	(b) Completed
1965/66	16	16
1966/67	28	27
1967/68	50	5
1968/69	64	43 to date (a further 27 units under construction)

(2)—

	Net Applications	Assisted
1965/66	103	78
1966/67	129	79
1967/68	75	49
1968/69	75 to date	94 to date

LICENSING ACT

Charges and Prosecutions

14. Mr. HALL asked the Minister representing the Minister for Justice:

How many charges and prosecutions have been made under section 123 of the Licensing Act and regulations as amended in the *Government Gazette* of the 19th March, 1968?

Mr. COURT replied:

Since the amendments to the regulations made under the Licensing Act were published in the *Government Gazette* of the 19th March, 1968, there has been only one prosecution made under section 123 of the Licensing Act.

CIVIL SERVANTS ON NATIONAL SERVICE

Salary Adjustments, and Employment Guarantee

15. Mr. BATEMAN asked the Premier:

(1) Are public servants who are called up for national service given pa adjustment by the State Govern ment to bring their pay up t their Public Service salary?

(2) If "No," has any consideratio been given to this situation?

(3) Does the Government stil guarantee the employment o public servants when they retur from their two-year term o national service?

(4) Is the break of two years serve by public servants detrimental t their promotional opportunity?

Mr. BRAND replied:

(1) No.

(2) This matter was considered b Cabinet in 1965 when it was de cided to grant national servic trainees the same conditions a those applying in the Common wealth Public Service—leave t be taken without pay, with n eligibility for any part of Publi Service pay while on service.

(3) Yes.

(4) Promotion and appeal rights a protected for Government em ployees under the terms of th Government Employees (Promo tions Appeal Board) Act.

SEPTIC TANK PLANS

Refund of Fees

16. Mr. BATEMAN asked the Minist representing the Minister for Health

(1) Will the Public Health Depar ment refund outstanding duplica fees already paid by plumbers ar builders to the Public Health D partment for septic tank pla examinations?

(2) On what date did the Publ Health Department decide to alt the regulations in order to refu fees, as described in my questi of Tuesday, the 22nd April, 196 on this subject?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) The regulations have not be changed in this respect.

17. *This question was postponed.*

NATIONAL SAFETY COUNCIL

Tabling of Financial Statement

18. Mr. GRAHAM asked the Minister for Traffic:

Will he lay on the Table of the House each year a copy of the annual financial statement of the National Safety Council?

Mr. CRAIG replied:

Yes. I can have made available to the honourable member the statement to the 30th June, 1968.

The SPEAKER: Is that paper presented for tabling?

Mr. CRAIG: No, Mr. Speaker, I shall table it tomorrow.

HIGH DENSITY DEVELOPMENT, BENTLEY

Water and Electricity Services

19. Mr. MAY asked the Minister for Housing:

In connection with the proposed high density accommodation to be established at Bentley, will he advise when the Metropolitan Water Board and the State Electricity Commission will be requested to provide the necessary services to this area?

Mr. O'NEIL replied:

The commission has presented the proposals as agreed with the Canning Shire Council to the Town Planning Board for its consideration and recommendation to the Minister for Town Planning.

During all phases of planning, the project has been discussed with the Metropolitan Water Board and the State Electricity Commission, and on approval of the Town Planning Board the necessary services will be requested.

HIGH SCHOOLS

Clontarf Electorate: Student Numbers

20. Mr. MAY asked the Minister for Education:

What is the anticipated number of students and their respective schools attended in 1969 who, in 1970, will attend—

(a) Bentley High School;

(b) Cannington High School;

(c) Como High School?

Mr. LEWIS replied:

(a) Bentley primary	117
Millen primary	116
Wilson primary	67
Students from other parts of the State, interstate, or overseas	20
Total	320

(b) Cannington primary ..	61
East Cannington primary	85
Canning Vale primary	8
Kenwick primary	29
Maddington primary ..	45
Queen's Park primary	85
Thornlie primary	74
Students from other parts of the State, interstate, or overseas	33
Total	420

(c) Collier primary	45
Como primary	47
Koonawarra primary ..	61
Manning primary	72
Students from other parts of the State, interstate, or overseas	14
Total	239

21 and 22. *These questions were postponed.*

TIMBER MILLS

South-West: Closure

23. Mr. H. D. EVANS asked the Minister for Forests:

How many timber mills, excluding those cutting sleepers exclusively, have closed in the south-west of this State in the last 12 months?

Mr. BOVELL replied:

Since April, 1968, seven general purpose mills have closed.

TIMBER IMPORTS

Effect on State Industry

24. Mr. H. D. EVANS asked the Premier:

As the importation of timber into Western Australia from New Zealand increased from 35,918 super feet for the year ended June, 1965, to 574,079 super feet for the year ended the 30th June, 1968, will he inform the House—

(a) has any investigation been made to ascertain the degree to which the timber industry of this State has been affected by this increase;

(b) is the effect of this increased importation sufficiently adverse to the W.A. timber industry to necessitate an approach to the appropriate Federal Minister to have the timber trade position with New Zealand reviewed;

(c) if no investigation into the matter of timber imports has been made, will he endeavour to have an inquiry made?

Mr. BRAND replied:

(a) Yes. This timber is almost entirely the softwood known as Douglas Fir or Oregon.

(b) and (c) Western Australia has no native softwood and this type of timber has been imported for many years—mainly Douglas Fir (Oregon) from U.S.A.

Year Ended 30th June	Total Imports of Douglas Fir super ft.	Imports from New Zealand of Douglas Fir super ft.
1965	901,292	Nil
1967	1,724,208	34,056
1968	1,351,416	520,056

The figures suggest that the increase in imports of Douglas Fir from New Zealand is at the expense of more costly imports from U.S.A.

The effect of the New Zealand imports on the local timber industry is being closely watched and the situation is under continual review.

KALGOORLIE-BROAD ARROW ROAD

Reconstruction

25. Mr. T. D. EVANS asked the Minister for Works:

When is it planned to commence work on the reconstruction of the Kalgoorlie-Broad Arrow road?

Mr. ROSS HUTCHINSON replied:

It is planned to commence work on the widening of the Kalgoorlie-Broad Arrow road in the next financial year.

It is expected that the work will be put in hand before the end of 1969.

LEGAL PRACTITIONERS ACT

Deletion of Section 20 Paragraph (a)

26. Mr. T. D. EVANS asked the Minister representing the Minister for Justice:

(1) Has he received a recommendation from either the Law Society of W.A. or the Barristers Board, or both, that section 20 paragraph (a) of the Legal Practitioners Act should be deleted in an endeavour to attract more legal practitioners to this State and so overcome the present serious shortage of practitioners?

(2) If so, is it intended to act upon this recommendation?

(3) If not, why not?

Mr. COURT replied:

(1) Yes.

(2) and (3) The matter is still unde discussion with the Law Society

TEACHERS

Resignations

27. Mr. TOMS asked the Minister fo Education:

(1) How many teachers resigned dur ing the year 1968, and to date i 1969, from each of the high school in—

(a) metropolitan area;

(b) country areas?

(2) Were there sufficient replacemen teachers for each of the respectiv schools; if not, which schools ar understaffed and to what degree

Mr. LEWIS replied:

(1) and (2) The information sough by the honourable member woul entail intensive research and staf is not readily available. It will b obtained and conveyed to him a soon as possible.

SLOW LEARNING CHILDREN'S CENTRES

Building Programme

28. Mr. WILLIAMS asked the Minister fo Education:

What is the anticipated buildin programme for slow learnin children's centres for the financia year 1969-70?

Mr. LEWIS replied:

Bunbury Occupation Centre—commence new school of thre rooms, administration, and toilets Millen Occupation Centre—tw additional rooms.

South Kensington Occupatio Centre—manual arts block.

Bunbury

29. Mr. WILLIAMS asked the Ministe for Education:

(1) Will the building of a new schoo and residential for the Bunbur slow learning children's group b included in the 1969-70 pro gramme?

(2) What priority will this project re ceive?

(3) Is it intended to use the site situ ated at the corner of Timperle and Minninup roads?

Mr. LEWIS replied:

(1) Yes, a commission has been le to Oldham, Boas, Ednie-Brow and Partners, private architects for the preparation of plans fo the Bunbury occupation centr

The commission does not include residential facilities, which are not provided by the Education Department.

(2) The work has a high priority.

(3) Yes.

METROPOLITAN HIGH SCHOOLS

Enrolment Figures

30. Mr. JAMIESON asked the Minister for Education:

(1) What are the respective enrolment figures for each of the metropolitan high schools?

(2) Which of these schools are senior (five-year) high schools?

Mr. LEWIS replied:

(1) Senior high schools—

Applecross	1,471
Armadale	1,263
Belmont	1,356
Bentley	1,463
Churchlands	1,363
City Beach	652
Cyril Jackson	1,013
Governor Stirling	1,453
Hamilton	987
Hampton	1,036
Hollywood	896
John Curtin	1,520
John Forrest	1,436
Kent Street	1,389
Melville	1,259
Mirrabooka	1,114
Mount Lawley	1,549
Perth Modern	1,324
Scarborough	1,416
Swanbourne	919
Tuart Hill	1,302

(2) High schools:

Balcatta	904
Cannington	1,213
Como	259
Eastern Hills	403
Kalamunda	604
Kewdale	1,017
Kwinana	875
Rossmoyne	480
South Fremantle	949

SCHOOLS IN THE NORTH

Enrolments

31. Mr. HARMAN asked the Minister for Education:

What were the total student enrolments for the following schools at similar times in 1968 and 1969:—

Derby primary,
Broome primary,
Fitzroy Crossing,
Go Go,
Christmas Creek,
Cherrabun,
Halls Creek,
Kununurra,
Wyndham,
Broome Convent,
Derby Convent,
Balga Mission,
Forrest River Mission?

Mr. LEWIS replied:

School	Enrolment as at February— 1968	1969
Derby Junior High	438	432
Broome primary	131	159
Fitzroy Crossing primary (special native)	107	148
Gogo primary (special native)	69	63
Christmas Creek primary (special native)	46	(a)
Cherrabun primary (special native)	16	(a)
Hall's Creek primary	140	138
Kununurra primary	159	156
Wyndham primary	165	163
Balgo Hills primary (special native)	103	97
Forrest River primary (special native)	30	(b)
Broome—St. Mary's School	221	219
Derby—Holy Rosary School	162	184

(a) This school was officially opened but there were no pupils.

(b) This school closed on the 10th July, 1968.

TRAFFIC LIGHTS

Grand Promenade-Beaufort Street Intersection

32. Mr. HARMAN asked the Minister for Traffic:

(1) Is it the intention of the Main Roads Department to install traffic lights at the intersection of Grand Promenade and Beaufort Street, Inglewood?

(2) If so, when can this work commence?

Mr. CRAIG replied:

(1) Yes.

(2) The commencement of this work will depend on its relative priority with other works of a similar nature.

WEEBO TRIBAL GROUND

Investigating Committee

33. Mr. HARMAN asked the Premier:

(1) What are the names and positions of the persons selected by the Government to investigate the Weebo sacred site?

(2) When this committee visits Leonora and Weebo Station, will he ensure that a suitable interpreter is obtained and is present during any discussion with aborigines?

Mr. BRAND replied:

(1) As announced today the committee will comprise—

Dr. W. D. L. Ride—Director, Museum of Western Australia.

Mr. R. Edwards—Curator of Anthropology at the South Australian Museum.

Mr. F. E. Gare—Commissioner of Native Welfare.

Inspector H. Purkiss of the Police Department.

I might say that I announced in this House that the committee would consist of three members. The Government has since decided to add an anthropologist, who will come from South Australia.

(2) I have discussed this matter with Dr. Ride and he has informed me that where an interpreter is necessary he will be used.

GOVERNMENT INSTRUMENTALITIES

Contracts with P.A. and Associates

34. Mr. HARMAN asked the Premier:

(1) How many departments or Government instrumentalities, excluding the M.T.T., have contracted with the firm P.A. and Associates to have certain work performed during the past 12 months?

(2) Which are they and what costs are involved?

Mr. BRAND replied:

(1) For the period up to the week ended the 12th April, 1969—three departments.

	$
(2) Transport Department	6,102
Metropolitan Water Supply Board	24,629
State Government Insurance Office	21,502

TRAFFIC AND PEDESTRIAN MOVEMENTS

Maylands Shopping Centre

35 Mr. HARMAN asked the Minister for Traffic:

(1) Has the Main Roads Department investigated traffic and pedestrian movements generated by the new Maylands shopping centre in Guildford Road, Maylands?

(2) If so, has the department recommended any changes or additions to ease the unsatisfactory situation in this area?

Mr. CRAIG replied:

(1) Yes.

(2) The department has not yet evaluated the information obtained from this survey.

HOUSING

Oralia Subdivision

36. Mr. TAYLOR asked the Minister for Housing:

(1) How many homes are expected to be completed in the Orelia subdivision, Kwinana, during 1969?

(2) Of this number, how many are State Housing Commission purchase homes?

Kwinana-Rockingham Area

(3) Does the commission plan construction of any other purchase homes in the Kwinana-Rockingham area during 1970?

(4) If "Yes," how many and in what areas?

Mr. O'NEIL replied:

(1) Approximately 600 units.

(2) 30.

(3) Yes.

(4) The programme is not yet finalised.

PEDESTRIAN OVERWAY

Blind School: Guildford Road

37. Mr. HARMAN asked the Minister for Traffic:

Further to my question of the 30th July, 1968, could he advise whether a decision has been made to erect a pedestrian overway in the vicinity of the Industrial School for the Blind and the Maylands State School?

Mr. CRAIG replied:

Discussions are still proceeding between representatives of the Main Roads Department, Perth Shire Council, Education Department, Police Department, and the Blind School, in order to arrive at a satisfactory design and location for this structure.

ELECTRICITY POLES

Resiting

38. Mr. DAVIES asked the Minister for Electricity:

(1) Under what conditions will the S.E.C. resite a pole carrying electric light wires if such pole is considered to be a traffic hazard?

(2) Who bears the cost of such work?

(3) Under what conditions will the S.E.C. resite poles which are situated in, or dangerously near, driveways to businesses or private homes?

(4) How are charges assessed in such cases?

Mr. NALDER replied:

(1) Poles are not considered a traffic hazard unless they are in the carriage-way. Poles are not erected in existing carriage-ways but occasionally existing poles need to be moved because the carriage-way is widened.

(2) The authority responsible for widening the carriage-way.

(3) A pole will be moved to a point opposite the appropriate boundary between adjacent properties at the request of the property owner whose driveway is affected. If the pole has been or is to be located opposite the appropriate boundary between adjacent properties, it will be moved at the request of the property owner whose driveway is affected provided he agrees to the pole being located in front of his property. All such movements are subject to the requirement that they will not interfere with the electricity supply to any consumers.

(4) The cost of the work of moving the poles is recorded and charged to the property owner requesting the work.

SCHOOLS

Kwinana Area: Location

39. Mr. TAYLOR asked the Minister for Education:

If his department has made provision for schools in the Kwinana area to meet future needs, would he indicate the possible location of—

(a) future primary schools?

(b) future secondary schools?

Mr. LEWIS replied:

While co-operation between the Education Department and the State Housing Commission has allowed for provision of all educational facilities in the Kwinana area, no firm locations for future needs have been made over and above the existing six schools.

LAND IN KWINANA AREA

Rezoning

40. Mr. TAYLOR asked the Minister representing the Minister for Town Planning:

Does the Metropolitan Region Planning Authority intend rezoning a large area of land in the Kwinana area to urban in the near future?

Mr. LEWIS replied:

As I have previously stated, there is a statutory procedure for rezoning which involves public notification and exhibition of proposed zonings by the Metropolitan Region Planning Authority. While I am sometimes aware, ahead of its formal decisions, of the M.R.P.A's intention, either to initiate zonings or to reject submissions made to it for rezonings, it would be obviously improper for me to disclose such information through an answer to a parliamentary question.

HOUSING LAND

Metropolitan and Country Areas

41. Mr. BRADY asked the Minister for Housing:

(1) What area of land is held in—

(a) metropolitan area;

(b) country areas,

for housing purposes?

(2) What number of blocks would be available if the above land were immediately subdivided into quarter acre lots?

(3) Is it anticipated any of the land held above will be sold this year?

Mr. O'NEIL replied:

(1) and (2) The vacant land held by the commission for housing purposes in the Perth Metropolitan Region as defined by the Metropolitan Regional Planning Act—I would point out that this area extends from Wanneroo in the north to Kwinana in the south, and includes the hills area as well as Armadale—totals 7,279 acres as at 23rd April, 1969. Of this total 3,254 acres are classified urban and the balance deferred urban.

The subdivisional potential of such land depends not only on its classification under the Metropolitan Region Town Planning Scheme but its location, the requirements of the scheme, the Town Planning Board and the local authorities operating under the Town Planning and Development Act and the availability of services and facilities essential to permit of home building.

After allowing for local public open space, roads, schools, shopping, etc. but before allowing for special requirements of the Perth Metropolitan Region Scheme, the commission is able to obtain 3.5 individual home sites per gross acre.

On this basis the residential subdivisional potential of the urban and deferred urban acres is as follows:—

Urban—11,389 lots.

Deferred Urban—14,087 lots.

In country areas the total acreage held is 3,347 acres, and subdivisional potential as and when

services can be made available to the sites is estimated at 11,714 residential sites.

(3) Yes—after regard is paid to the commission's building programme.

STANDARD GAUGE RAILWAY

Speed Restrictions

42. Mr. BRADY asked the Minister for Railways:

(1) Is it a fact numerous speed restriction notices are being advertised through *Weekly Notice* in regard to various sections on the standard gauge railway?

(2) Do the speed restrictions mean the permanent way is below standard?

(3) Are any negotiations taking place with contractors regarding the quality of the permanent way along the standard gauge railway?

Mr. O'CONNOR replied:

(1) Five speed restrictions due to track conditions are current between Kwinana and Kalgoorlie.

(2) No.

(3) No.

DRAINAGE

Extension to Jandakot Lakes Area

43. Mr. TAYLOR asked the Minister for Water Supplies:

With regard to the Metropolitan Water Board's plan to construct a drainage scheme in the Willeton-Bateman area with outlet into Bull Creek, would he advise—

(1) Is it intended at this time that this scheme will later be extended south to include the Jandakot and associated lakes system areas?

(2) If "No," do present plans for this scheme allow for any possible substantial utilisation of the system for any future drainage scheme for the Lakes-Jandakot area?

(3) Has the board any plans to carry out major drainage works in the Lakes-Jandakot area?

(4) If "Yes," when?

(5) If answers to (1) to (3) are "No," would he investigate the possibility of amending the present plans for drainage of the Willeton-Bateman area to allow its utilisation as part of a future scheme to drain areas immediately to the south?

Mr. ROSS HUTCHINSON replied:

(1) No.

(2) No.

(3) No.

(4) Answered by (3).

(5) Preliminary investigations along these lines have already been made. They indicate that, with all things considered, this is not the best way of dealing with this problem and that ultimately water from this area will have to be discharged into Cockburn Sound.

QUESTION WITHOUT NOTICE

LICENSING ACT

Proposed Investigation

Mr. TONKIN asked the Premier:

(1) Is it intended to proceed with the proposed investigation in connection with the Licensing Act?

(2) If "Yes," when is this likely to take place?

Mr. BRAND replied:

(1) Yes.

(2) A Crown legal officer is preparing a comparative statement of the legislation in other States for the information of the committee which will be appointed when this information is complete.

It is hoped the committee will sit during the parliamentary recess, and any recommendations for amendment to the Licensing Act can be considered with a view to introduction in the July, 1969, session.

STATE FOREST No. 16

Revocation: Motion

MR. BOVELL (Vasse—Minister for Forrests [12.43 p.m.]: I move—

That the proposal for the partial revocation of State Forest No. 16 laid on the Table of the Legislative Assembly by command of His Excellency the Governor on 22nd April, 1969, be carried out.

This is an area of approximately 191 acres of fairly flat country, containing no marketable timber, which has been set aside for future pine planting needs, and which is to be exchanged on an equal acreage basis for Reserve No. 22672 (Recreation and Golf Course) which has greater pine growing potential.

The area of State forest proposed for excision is to be used as a golf links, for which it is considered better suited than Reserve No. 22672 because of the availability of underground water and its

proximity to the Harvey River diversion. The proposed exchange will therefore be of mutual benefit to the Forests Department and the people of Harvey.

Debate adjourned, on motion by Mr. H. D. Evans.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

MR. LEWIS (Moore—Minister for Education) [2.45 p.m.]: I move—

That the Bill be now read a second time.

This Bill has been brought down to remedy several small defects in the parent legislation. The existing legislation precludes the disposal of land by lease or license to occupy other than in lots for any term exceeding 10 years, unless otherwise approved by the Town Planning Board.

The purpose of this provision is to ensure the orderly development of land. However, a recent decision of the High Court of Australia was to the effect that the Act, as worded, permits the intention of the legislation to be circumvented by allowing land not in lots to be leased for 10 years, and subsequently licensed to occupy for a further 10 years. Thus, the land can be dealt with for up to 20 years in the aggregate without the prior approval of the Town Planning Board.

Clause 2 (a) of the Bill will amend the relevant section—paragraph (a) subsection (1) of section 20—so as to preclude leases and licenses to occupy land not lots from exceeding 10 years in the aggregate, unless the approval of the Town Planning Board has first been obtained.

When the owner of land proposes to subdivide, it is not unusual for him to enter into an agreement with prospective buyers for a cash consideration. The Act requires that in the event of the application for subdivision failing, any money so paid in consideration of the transaction shall be refunded.

However, no time limit is set for the refund, and it is possible for a subdivider by devious means to defer payment for a considerable period. This has been clearly demonstrated in a recent court case where it was established that, as it is worded at present, the provision in the principal Act could not prevent an indefinite delay in the repayment of the money.

Clause 2(b) of the Bill will repeal and re-enact the relevant paragraph of the Act—paragraph (b) of subsection (1) of section 20—to provide that where it is found that a transaction cannot be completed within six months of entry into it, or within such further period as may be agreed by the parties concerned, the person who paid the consideration shall be entitled to a refund.

In 1967, Parliament enacted legislation to permit contracts of sale to be concluded before the Town Planning Board had approved the subdivision, but subject to the board's subsequent approval of it. Clause 3 of the Bill will amend subsection (1) of section 20B of the principal Act to extend this benefit to include options to purchase, options to lease, leases, and licenses to use or occupy.

The final clause in the Bill is intended to eliminate an unnecessary delay in the registration of land in the Titles Office consequent upon subdivision. Under the provisions of the principal Act a subdivider is required to submit an outline of his proposals to the Town Planning Board for its preliminary approval. When the plans have been finalised they must again be submitted to the board for its final written approval. However, instances do occur where they are referred back to the board a third time; this time by the Titles Office.

This amendment has been brought forward on the recommendation of the Watson committee as one of the means of streamlining subdivision procedures. It will eliminate the third submission, which serves no useful purpose and merely delays the processing of the documents by the Titles Office.

Debate adjourned, on motion by Mr. Toms.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL (No. 2), 1969

Second Reading

Debate resumed from the 22nd April.

MR. BERTRAM (Mt. Hawthorn) [2.49 p.m.]: I support this Bill. In the broad, it really intends to do three things. In the first place it is proposed to amend the Act, in a way which I would think is long since overdue, to facilitate the accounting procedures of the Motor Vehicle Insurance Trust.

Secondly, it is proposed to perform a renovation of a nature which occurs without any significant piece of new legislation and which has been given a trial run. In this case in 1966 there was a sizeable amendment to the Motor Vehicle (Third Party Insurance) Act which, amongst other things, set up a Third Party Claims Tribunal. There is a certain renovation required there.

The other point of criticism is an acknowledgment of certain governmental ineptitude, in a *prima facie* manner anyhow, that section 29 should only be amended at this time, because, quite obviously, anybody who investigates this with his eyes open will see it should have been amended at the time of the 1966 amendment, which brought into being the motor vehicle Third Party Claims Tribunal.

Not necessarily taking the points in the order in which I have referred to them, the accounting provision which I have mentioned is dealt with in section 3P (4) of the Act. Amongst other things the trust has an account called an annual account which up to now appears to be a complete misnomer, because it simply was not. Premiums were coming into the account, and still do, which did not refer to a year or an annual account; and, similarly, claims paid have been coming out of this "annual account" for some other period and not for the year. I do not know how accounts can be meaningful when we have transactions coming in for all sorts of periods of time. The net result conveys nothing to the reader. It is an extraordinary account.

In any event the idea of this amendment is to bring about a procedure for apportionment so that on the one hand, premiums, in so far as they are applicable to one year, are brought into the account, while the other portions go into another appropriate account in point of period over which the premium applies.

The same procedure is now envisaged in respect of claims which are paid out by the trust. Only such claims as are applicable to premiums for a certain space of time will be applied against those premiums. In other words, for the first time the annual account will become an annual account and not something which is quite different and which beggars description.

The second amendment is what I would refer to, and have referred to, as a renovatory amendment, because whilst in the existing section 16E there was a power vested in the tribunal to compromise claims and so forth, it appears this was only so after action had been commenced before that tribunal; or, perhaps more correctly, its jurisdiction did not exist where the question of negligence had been determined and the only matter to be then established was the amount of damages to be paid to a person, and the particular type of person concerned here is a person who has a legal disability

The result of all this is that lawyers, having observed this slight fault in the Act, are going to the Supreme Court with respect to cases where a person with a legal disability is seeking a compromise settlement of an action after the question of negligence has been agreed.

This, of course, is clearly not the intention of the legislation. It matters not whether at this moment members are in favour of a separate third party tribunal, or whether they would prefer to have the Supreme Court jurisdiction still operating as it was prior to 1966. The fact is that the intention of the Legislature is that the tribunal should operate; and it is operating, but by inadvertence a small portion of the legislation which should be relating to the law of running down cases has been diverted to the Supreme Court. This is clearly not the intention.

The amendment in the Bill will give to the Third Party Claims Tribunal, as was always intended, jurisdiction in respect of these particular cases which have been escaping through a loophole.

The remaining amendments deal with section 29. I would like the Minister, in respect of this matter, to reassure us on one item. It is proposed by the Bill to repeal and re-enact section 29. It is not the same section which has been altered. The Minister said it has been streamlined, whatever that means. In this sort of situation it means absolutely nothing. It is just rather a flashy term. I am concerned whether in the process of streamlining, the people who have suffered damages by reason of negligence on roads are to lose a little ground. I will, however, come to that aspect in a moment.

We are told that the real reason for the repeal and re-enactment of section 29 is because it still has a reference to judges. In other words, the section which should clearly have undergone amendment back in 1966 was not so amended; it makes reference to the judges of the Supreme Court, when it is obvious it should refer to the Third Party Claims Tribunal. To make that good, the present amendment is before us. So far as it goes, I have no objection to it.

I am concerned, however, with respect to the old section 29 (2) (b) and also with subsection (3) of that section, because it sets out the machinery as to what the Motor Vehicle Insurance Trust may do if a claimant does not bring his claim within a certain space of time after an accident; that is to say, the accident from which his claim arises.

The present law which is now sought to be amended will enable the trust to go straight into action by issuing an application supported by an affidavit to be dealt with by the Third Party Claims Tribunal. The existing legislation makes no provision for that in the first instance at all; it merely provides that 42 days' notice, or six weeks' notice, is to be given requiring the claimant in that space of time to initiate his action if he so intends, and only then may the trust bring an application.

In other words, the proposal is that this six weeks' period by way of notice, which is not a court proceeding as such but merely a notice delivered by the trust to the claimant, has been lost.

I imagine that is where the term—which I referred to as a fancy and meaningless term—"streamlining" comes into it. It may be this is an improvement of the law, but at least we are entitled to be shown how it is an improvement of the law.

I think many legal practitioners would feel that this period of 42 days is essential, and that they need this additional

time in their busy profession to get themselves organised to put the case on its feet, before they decide what to do by way of a statement of claim.

Mr. Nalder: Do you suggest the period should be longer?

Mr. BERTRAM: I am not suggesting anything. What I have said is this: The proposed amendment may be a good one, but we have no facts at all to show why the period of 42 days is to be eliminated. From what I have seen and heard, the 42-day provision—only then allowing the trust to bring an application before the court—has worked very well. If it is working very well, then some reasons should be given to us as to why, with a stroke of the pen, it should be eliminated. This is not a long time, particularly in respect of cases which involved many thousands of dollars, to enable evidence to be obtained and to enable legal practitioners to make up their minds which way they are to go. Six weeks pass very quickly.

It is true that when an application is made to the Third Party Claims Tribunal it can be the means of obtaining more time, etc. All I am saying is that if the existing state of affairs has run reasonably satisfactorily—and there has not been the slightest suggestion that it has not—then what I and members generally would like to see is some justification for the change. Thus far we have not been given any justification whatsoever. With the qualification I have just referred to, I support the Bill.

MR. T. D. EVANS (Kalgoorlie) [3.2 p.m.]: I listened with a great deal of interest to the remarks of the member for Mt. Hawthorn and to his examination of the provisions of the Bill. I would say that I agree with him in his very clear analysis of the provisions. I do not intend to repeat what he has said; I agree entirely that the Bill purports to deal with four separate aspects of the principal Act. Firstly, it deals with the accounting procedure, and it is obvious that this amendment is desirable and is certainly not ahead of its time.

The next provision in the Bill deals with a very important part of the trust and it is of great interest to certain classes of applicants. For the first time we find coming into the Act a definition clearly stating the terms of cases coming within the jurisdiction of the Act, and as to what a person under a legal disability is deemed to be. We learn—and this is not unknown to us from other jurisdictions of the law—that a person under a legal disability is one under the age of 21 years, or one suffering from mental incapacity.

This definition is inserted in the Bill with particular reference to a later amendment to section 16E of the parent Act. The amendment to section 16E, which is intended to repeal the first subsection of that section, aims at extending the exclusive jurisdiction of the tribunal to approve of compromises in respect of settlements affecting persons under a legal disability. In support of this particular amendment the Minister gave us a very clear explanation, and I would say sound justification for it.

Prior to the coming into operation of the Third Party Claims Tribunal, where a claim arose in respect of a person under a legal disability within the meaning of the rules of the Supreme Court, those rules provided that any compromise—whether or not arising from a legal proceeding—would first have to be approved of under the procedure laid down by those rules.

With the advent of the Third Party Claims Tribunal it is obvious that it was intended that henceforth any approval of settlements offered to, and accepted by, or on behalf of, a person under a legal disability would still of necessity, in the interests of such person under a legal disability, be approved of. It was obviously intended that this approval should be rendered by the claims tribunal rather than the Supreme Court. So, we find in the first subsection of section 16E an unusual group of words which were intended to give effect to the obvious legislative intent. The first subsection of section 16E read—

> (1) Subject to the provisions of section sixteen F of this Act, the Tribunal shall, on and after a date to be proclaimed, have exclusive jurisdiction to hear and determine all actions and proceedings brought against an owner or driver of a motor vehicle, or against the Trust, claiming damages in respect of the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle.

No doubt it was found that in the original wording, which I have just read out, the provision was quite deficient, because the tribunal was only clothed with exclusive jurisdiction in respect of actions and proceedings.

What did the Legislature do? When we found the existing section was not sufficient in itself to meet the need to extend the jurisdiction of the claims tribunal, this strange group of words appeared in parenthesis as an amendment to the section in 1967—

> (including proceedings to compromise claims).

The provision then read—

> The Tribunal shall . . . have exclusive jurisdiction to hear and determine all actions and proceedings (including proceedings to compromise claims) brought against an owner or a driver of a motor vehicle . . .

The matter was left as it was, and as it still is, until attention was focused on it in a case heard in the Supreme Court, the case of Glidden and Glidden, reported on page 195 of the *W.A. Law Reports*, 1968. I will not weary the House with the report, but briefly the facts are: An infant plaintiff suffered damages or injuries in a motor vehicle accident and claimed damages against the driver of the vehicle. An offer of settlement was made and an originating summons was taken out in the name of the infant as the plaintiff by his guardian *ad litem* seeking the approval not of the claims tribunal, but of the Supreme Court pursuant to the rules of the Supreme Court.

The jurisdiction of that court was challenged in the Supreme Court. It was claimed that the matter was wrongly before the court and should have been before the tribunal. The matter came before the late Mr. Justice Negus, who said—

> It is quite clear that the exclusive jurisdiction conferred on the tribunal by the original s. 16e related only to actions and proceedings claiming damages. The addition of the words "(including proceedings to compromise claims)" by the amendment No. 37 of 1967 does not seem to have widened the jurisdiction to any great extent. Those words, placed in brackets as they are, can only refer to proceedings to compromise claims which are already the subject of actions or proceedings claiming damages. They are certainly not wide enough or clear enough to take away any pre-existing jurisdiction of the Court to deal with a summons seeking approval of a settlement previously made in circumstances where no action or proceeding claiming damages has been commenced.

It is obvious that the intention of the proposed amendment is to extend the absolute jurisdiction of the claims tribunal to such matters, and the Minister has, as I mentioned earlier and now repeat, given us ample justification to be consistent and clothe the tribunal with these exclusive powers regarding its jurisdiction. I therefore support this amendment.

In his opening remarks on this measure, the member for Mt. Hawthorn indicated that he supported the Bill, and at this I shuddered a little because I think the fourth amendment is highly objectionable. Therefore I was pleased to hear during the concluding part of his examination of the measure that the honourable member's support was given with a reservation regarding clause 5.

This clause deals with section 29 of the Act, which is aimed at bringing actions for determination by the appropriate tribunal—in the past this action has been brought before the Supreme Court, and at present it is brought before the tribunal—without any great undue delay on the part of the claimants. This is obviously a necessary provision in an Act such as the one with which we are dealing.

Section 29 provides *prima facie* that where a delay is apparent, the trust is able to have the matter brought before the appropriate tribunal for determination. The section refers to matters coming before a judge of the Supreme Court and obviously, to be consistent, this must be amended so that the matters are brought before the chairman of the tribunal instead of a judge of the Supreme Court.

However, the amendment goes much further than that. It does not only substitute the chairman for the judge. This would be merely a procedural amendment. If members examine the Bill they will find it contains a substantial amendment, but I did not hear one word from the Minister suggesting any reason for, let alone substantiation of, this departure. Believe me, there is a departure from the present procedural steps adopted by the Motor Vehicle Insurance Trust to ensure there is no undue delay on the part of the claimants in having the matters determined.

To clearly indicate this departure in principle, I could do no better than briefly analyse the principle now contained in section 29, which is this: First of all a claimant is required to give to the trust proper notice relating to an accident within the meaning of the Act, and then if no claim is made against the trust or an insured person within six months after the accident, section 29 provides that the trust may, in writing to the claimant or to his solicitor, require the claimant to commence an action within 42 days. In other words, the trust is required first of all to write to the claimant and indicate that he is required to commence an action within 42 days of the service of such notice by the trust upon him.

If the claim is not commenced within the said 42 days, the present provision allows the trust to apply to a judge. If the principle was to remain the same, and the only amendment was to provide for the chairman of the tribunal to replace a judge of the Supreme Court, the trust would then be required, if it wanted to have the matter brought before the tribunal, to apply to the chairman for an order requiring the complainant to commence his action.

The judge—or the chairman of the tribunal—when hearing the application by the trust, has the power to nominate a certain time in which the action must be commenced, provided the judge or chairman, is satisfied that there is no real substantial reason why the action should not be commenced. However, if the judge is so satisfied, he may then nominate a time during which the action must be commenced. If, for example, the judge has

some doubt as to whether it is fit and proper to compel the complainant to prosecute, he may do certain other things. He may adjourn the matter for a given period of time or indefinitely; or he may allow the trust to reapply.

Having made an order and nominated a certain time within which the action must be commenced, the judge has power on the application of the claimant, to extend the time. The present law provides that if at the expiration of the time set by the judge, or any extension authorised by him, no action has been commenced, then the action, or the right of action, of the claimant together with all rights associated therewith are forever barred and extinguished. That is the present law.

The purpose of clause 5 is to completely repeal the present law on this subject and to re-enact it. If members read the legislation they will see that a vital departure is proposed. Under the new proposed section 29, the law will still require that the claimant shall give proper notice to the trust. It then goes on to provide that if legal action has not been commenced within six months of the event giving rise to the claim, no longer will the trust be required to communicate, in the first instance, direct with the claimant. Instead, it will be able to go straight to the chairman of the tribunal. The chairman of the tribunal, when the application is before him, will henceforth have similar powers to those which were formerly capable of being exercised by a judge of the Supreme Court.

I have no objection whatsoever in regard to whether these powers have been exercised by a judge in the past or will be exercised by the chairman of the tribunal in the future. However, I do object to deleting the obligation on the trust, in the first instance, to give notice to the claimant direct requiring him to commence an action within 42 days. The effect of this departure will be that a claimant with a just and sound reason for not having commenced an action within six months—six short months—of an event giving rise to a claim, will be put to considerable expense and inconvenience in trying to satisfy the tribunal chairman that there is such a reason.

Under the present law, at least if he had a valid and just reason, he had a further six weeks of breathing space before he could be called upon by a judge.

I repeat that the Minister has given no reason for this departure or any suggestion why it should be made. With reference to the previous amendment to re-enact section 16E, subsection (1), relating to a person under a legal disability, the Minister gave ample justification. However, in respect of this amendment he has given none whatsoever. In the absence of clarification and suitable explanation this measure appears to me to be objectionable.

MR. W. A. MANNING (Narrogin) [3.24 p.m.]: I looked at this Bill and read the second reading speech of the Minister with the result that I thought it was a fairly simple matter to which we could all agree.

I am not surprised at the comment made by the member for Mt. Hawthorn that he did not see how this measure would streamline activities; because certainly the two previous speakers have convinced me that a situation is definitely streamlined when it is taken out of legal hands. Members have heard legal argument which has gone on for a considerable time, but it simply seems to me that if the matter were referred direct to the tribunal, a considerable amount of time would be saved. I might be wrong in this.

Mr. Bertram: You are.

Mr. W. A. MANNING: However, it does seem to me that the arguments put forward so profoundly go beyond the necessity of the occasion. Under the proposed amending measure a claimant would have already had six months to deal with his claim. Under the amendment he will be given 14 days' notice that the matter is to be heard before the tribunal. Surely this is long enough. If a person is anxious for his claim to be heard, I should think this would be ample notice.

Mr. Nalder: In addition, a copy of the trust's application is given to the injured party.

Mr. W. A. MANNING: That is so. To my mind there is ample protection. After all, if a claimant is not very interested in a period of six months, who are we, the members of this Parliament, to greatly extend the time wherein he may lodge the details of his claim? There is certainly justification for this amendment.

I am sure the other clause fits the bill in connection with the legal restrictions on a person who is under age or who suffers from some similar legal disability.

The other main clause deals with the matter of accounting periods. No member has opposed this. I would like to support it heartily, because it does allocate the premiums to the periods to which they should refer. To my mind it is a pity that more Government processes are not dealt with on the same basis. This is ordinary commercial practice, and an accountant can tell more precisely the true position. I heartily endorse the amendments before the House and I hope members will accept them.

MR. NALDER (Katanning—Minister for Agriculture) [3.27 p.m.]: I have listened with interest to the debate that has taken place with reference to the amending legislation.

For the life of me, I cannot fully appreciate the point made by the member for Mt. Hawthorn, and emphasised by the

member for Kalgoorlie. It was stated that the matter has been streamlined. Possibly this does not mean anything to the honourable member, but it suggests to me that problems have been associated with the workings of the trust. The result is that the trust wants to make it simpler; but, above all, it has been emphasised that the injured party will be protected in this exercise.

The member for Narrogin acknowledged that the amendment provides for a copy of the trust's application to go to the injured party. It is not as though something is taking place in connection with which the injured party has no knowledge. The Bill emphasises this point, and the measure has been brought down with the object of allowing the trust to get its business completed.

When the parent Act has been amended previously by the Parliament, mention has been made of a terrific time lag. It has been stated that business which should have been completed by the trust has been building up excessively and finalisation of claims has not been conducted and completed. The amendment under discussion suggests that this will not be the case in future. The opportunity will be given to the trust to streamline its activities. I have used the word "streamline" again, but I think it covers the situation adequately.

Provision has been made for the injured party to be informed of the trust's intentions and, also, he will be informed of what the chairman has decided to do after an application has been made. It has been emphasised that the proposal will give the injured party similar protection to that which exists at present; but it should provide for much easier operation. I think that sums up the situation relating to this part of the amendment.

I will not refer to the other amendments, because members have agreed to them. They have also been agreed to in another place, and I hope the House will agree to this amendment. As I see it, there is no catch in it. I have studied the amendment and have had discussions with the Minister who will administer the legislation and he assures me that the reason for it is to allow the trust ease of operation and to continue with the work that has been allocated to it under the Act. I hope the House will proceed with the acceptance of these amendments.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 to 4 put and passed.

Clause 5: Repeal and re-enactment of section 29—

Mr. T. D. EVANS: As far as the Opposition is concerned, apparently this is the stumbling block to the passing of this measure. We can see good reason for the inclusion of the other amendments in the Bill and their ultimate incorporation in the Act.

As mentioned during the second reading stage of the Bill we can see no good reason for a departure to be made in the legal principle that is being evolved in this particular amendment to section 29 of the Act. When the Minister replied to the second reading debate, he skated delightfully and very vaguely around the issue. He spoke in terms of streamlining the Act and of simplifying procedures, but did not dwell upon, and, in fact, did not even touch upon, the rights of the injured person.

It is not difficult for us to read reports in the daily Press of those people who have been before the tribunal and to realise that these cases relate to events which may have happened some years before. It is obvious, from reading the Press report of any particular case, that there have been considerable delays in having matters terminated. I hope members would not be naive enough to believe that an injured person who has what he believes to be a valid claim against the trust would do anything to delay the hearing of that claim and so delay receiving just compensation for his injuries.

The Minister has not justified the departure—

Mr. Nalder: If that is the reason, you would not have any objection to this.

Mr. T. D. EVANS: —from the original provision by eliminating the obligation imposed upon the trust to grant 42 days' prior notice to the complainant prosecuting the action before imposing upon the injured person the necessity, the inconvenience, and the expense of attending before the tribunal to justify his claim.

The Minister talks of simplifying procedures. This amendment will not simplify the procedure; it will complicate it. If the amendment is agreed to, we will allow the trust to by-pass its obligation to the complainant to allow him to prosecute his claim by going straight to the tribunal. It will force the claimant to appear before the tribunal to justify any extension he requires, whereas previously he had at least one-third of six weeks before he had to justify his claim.

This is a case of an extra financial burden being placed on the claimant, because a claimant does not go to the tribunal penniless.

Mr. Nalder: It is only the extension of the delay that has embarrassed the trust.

Mr. T. D. EVANS: When the Minister was speaking he did not give any evidence of these delays. In the absence of any justification by the Minister, and to test the feeling of the Committee, the Opposition intends to move an amendment in an endeavour to restore, in principle, the 42 days that were previously allowed. The member for Mt. Hawthorn will move this amendment, and I hope the members of the Committee will support it.

Mr. BERTRAM: I have listened to the remarks made by the member for Kalgoorlie in respect of the work of the trust under the provisions contained in clause 5, and I endorse them. As mentioned by him, I now move an amendment—

> Page 3, lines 28 to 35—Delete all words after the word "may" down to and including the word "commenced".

It will be seen, of course, that the deletion of these words will leave a noticeable gap if they are not replaced by other words. Obviously we cannot replace them with a worth-while provision under this system, so this is purely an "opening-up" operation to allow something better to be inserted.

There is no need to debate the amendment at great length to outline what we are striving to do, because to anyone who has had any dealings in respect of this subject it is almost self-evident. As a matter of practice, I do not believe the trust applies pressure on a litigant very often, because the claimant has incentive enough to bring his case to the tribunal. Quite often he has thousands of dollars at stake; huge sums sometimes. Some claimants also have the mental reservation that the longer the case takes to be heard, the more their costs will increase. This is quite ill-founded, but nevertheless it is a popular belief.

Litigants are not interested in delaying the determination of their claims. They are interested in only one thing: to proceed with their claims and be relieved of the burden of worry attached to the claims. They have every possible incentive to go ahead with their claims and have them brought on as soon as possible.

Mr. Nalder: You are speaking in favour of the amendment.

Mr. BERTRAM: That is so. What I am saying is what the litigant says. However, surely there is a responsibility upon Ministers who bring in a change of the law to give some sort of justification for it. Otherwise Parliament might as well abdicate from its responsibilities and cease to function. If a law requires some alteration, why the secrecy? Why not give some statistics as to the difficulties which, in this instance, the Motor Vehicle Insurance Trust is being faced with; or the inconvenience being experienced by the public? We have not been given any statistics at all; we are left in a complete vacuum.

We have to set up our own Aunt Sallies, and it seems to me that if for no other reason it would have been common courtesy to let members know the reasons for the amendment in the Bill. Members have a duty; they are not merely rubber stamps. They must be able to make up their own minds unless it is desired that they should abdicate their responsibilities and merely take the say-so of one or other of their ranks.

The CHAIRMAN: Order! I would draw the honourable member's attention to the fact that his amendment does not make sense and I cannot accept it as it stands, unless he intends to insert other words. So far that has not been indicated.

Mr. BERTRAM: Yes it has.

The CHAIRMAN: You intend to insert other words if the words to which you referred are deleted?

Mr. BERTRAM: Yes.

Mr. Nalder: What are they?

Mr. BERTRAM: I intend to insert the following:—

> (a) By notice in writing to the claimant requiring him to commence within 42 days from the service on him of such notice an action or proceeding for the purpose of ascertaining the liability of any insured person or the trust in respect of such claim; and
>
> (b) if the claimant does not commence such action or proceeding within the said period of 42 days the trust may apply to the tribunal for an order that such an action or proceeding be commenced.

It will clearly be seen by those who have the existing section 29 before them that what I seek to do is to maintain the position that currently exists. This system has probably been working since the Act first became law in 1943. It has been working well over that period and no argument has been advanced to indicate why the situation should be altered.

Sitting suspended from 3.45 to 4.4 p.m.

Mr. NALDER: I want to indicate to the Committee that I have no intention of accepting this amendment. The Opposition should support legislation designed to help the individual, and I cannot see how this amendment is going to do that. It will only cause greater expense to a claimant because the situation could be extended over a longer period than is intended under the amending Bill.

During the suspension I sought information on the provision in the Bill and was informed that it was purposely designed

to help a claimant in this situation. He has already had six months in which to have his solicitor, or the person who is acting on his behalf, go into the claim he has to put before the tribunal. It is considered to be unnecessary to provide for an extra 42 days.

The honourable member said that the amendment was to make sure that an individual was looked after. In my opinion, it will be a more costly exercise for the individual to allow the period to extend beyond six months. This matter has been discussed by the officers of the trust and the Minister; and I have discussed the matter with the Minister who has made it clear to me that the Committee would be well advised to accept the clause as it is. I oppose the amendment.

Mr. T. D. EVANS: Nothing could be more ridiculous than the babble of words put forward by the Minister. He said this provision is designed to help the injured claimant.

Mr. Nalder: Exactly.

Mr. T. D. EVANS: The provision which we are trying to restore to the future law is the position prevailing right now. The Minister has given no explanation at all as to how the present provision is acting against the interests of injured claimants. If it is, then it has been doing so since 1948.

Members would be wise to recall that an action by a claimant can arise from an injury incurred by his own act, or it can arise from the death of someone, and action is taken pursuant to the Fatal Accidents Act if the death has resulted from the use of a motor vehicle. In the first instance action is brought against the trust; and it can be brought only by the person who is administering the deceased person's estate.

Here we have a situation where the claimant may seek to obtain letters of administration, and the six months referred to by the Minister would be quickly swallowed up by such a procedure. All the member for Mt. Hawthorn is endeavouring to do is to write into the intended law the provision which has existed since the inception of the trust in 1948; and we have had no justification for altering the present position. The Minister has not been able to sustain his argument that the intended change in principle will be to the advantage of the claimant.

At the present time the Motor Vehicle Insurance Trust is obliged to give at least 42 days' notice to the claimant that it intends to have him prosecute his action. Under the intended law, the trust will be enabled, without warning to the injured person, to direct that person to the tribunal, thus causing him inconvenience and expense, particularly if he has a valid reason for not prosecuting his claim. He will have to appear before the tribunal to convince it that he wants further time, whereas under the present law he has a further six weeks in which to prosecute his claim before being called upon to satisfy the judge, in the past, or the tribunal in the future.

It is my view that this move on the part of the Government will meet with strong opposition from the members of the legal profession. It may be thought by some people that this will be to the advantage of the legal practitioner. However, it is my view that the members of the legal profession will look upon this provision as a restriction on the rights of the injured person and will regard it with a great deal of abhorrence.

I appeal to the Committee to support the amendment, which does not bring about something revolutionary, but retains something that has been the law since 1948.

Mr. BERTRAM: I objected earlier to the use of the nebulous term, "streamlined." I can understand its use in respect of motor vehicles, and objects that move in a hurry, but it is quite meaningless in respect of this amendment. I say that streamlining does not tell members of the Committee much, if anything, at all. Now we have been told that the amendment is designed for the benefit of claimants. How does that advance the argument? It is simply a statement with no evidence to support it. I suppose this expression of opinion would vary from person to person, as indicated by the member for Kalgoorlie. He doubts very much whether the W.A. Law Society would appreciate this particular amendment.

When I say "appreciate" I am speaking to the amendment initiated by the Government. I suggest the great mass of cases where the trust has, in the past, found it necessary to give notice to a claimant under section 29, have been those where the claimants have had solicitors acting for them.

So it almost seems as though the Minister is protecting the claimant against the legal profession. Yet, inconsistent with what appears to be the usual practice where the legal profession is directly involved in matters of law, there is no suggestion that the Law Society has been consulted in respect of this Government-proposed amendment. Suddenly the Government displays a complete lack of confidence in the legal profession.

The Minister probably inquired from the Motor Vehicle Insurance Trust as to whom the Government Bill would benefit. Without casting any aspersions on the trust at all—it is quite unnecessary to do so—whom would one expect the trust to say the Bill would benefit? However, what weight should we attach to that expression of opinion when it is remembered that the job of the trust is to protect the trust, and not the people who are claiming against it. The trust is not there to sponsor

claims; its job is to battle with a claimant who is claiming one figure when the trust is doing its best to bring that figure down to what it believes is the right figure.

I agree with the member for Kalgoorlie that if clause 5 of this Government measure were produced to the Law Society, an extremely dim view would be taken of it. The Minister has not given any statistics to show that what he is doing is needful. We have received repetitive statements and repeated assurances, as we have received in connection with other Bills, and they are all right for those prepared to accept them. However, when dealing with matters before Parliament we want more than idle repetition.

If a case was made out, I am quite sure that members on this side—and members generally—would support it. However, no case has been made out and we do not know to what extent the trust is operating under section 29. We do not know how many cases where notice is given involve solicitors, and how many do not. In short, the situation is not altogether unlike what might be described as "nowt." If there is no case to support a change of law, we simply say it should be left where it is. The amendment which I now propose, in the circumstances, is full of merit.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture), and passed.

AIR NAVIGATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th April.

MR. JAMIESON (Belmont) [4.22 p.m.]: As anybody in his right mind could not find much to oppose in this Bill, I am not going to give the impression I am not in my right mind, and I clearly support the Bill.

The only comment I would like to make is that when amendments are made to Statutes such as the State Transport Co-ordination Act, it is a great pity that the draftsmen do not add a schedule which would provide for the amendment to be made in the other Acts concerned, and effectively cover the situation.

This is something which obviously has to be done because the provisions were transferred from the State Transport Co-ordination Act to the Road and Air Transport Commission Act. As a consequence, when legislation now refers to the State Transport Co-ordination Act, it has no effect because this Act no longer exists.

To put our Statutes in order, it is obvious the Government has to take action on this occasion. I agree with the comments of the Minister that it is desirable that intrastate matters, other than those associated with aircraft safety and procedures, and airports and general safe-working of aircraft, should be controlled by the States. The States generally know the best way to provide service. If we did not have this provision, then there would be no real State coverage. I support the amendment proposed in this Bill.

MR. O'CONNOR (Mt. Lawley—Minister for Transport) [4.25 p.m.]: I would like to thank the member for Belmont for supporting the Bill. As was pointed out, the Commonwealth has control over certain affairs while the State has control over the particular operations that will exist within the State.

Deviating a little from the Bill, we have recently had notification from the Commonwealth of a further subsidy, and an indication that the Shark Bay and Coral Bay route will receive a reduction in fares at a time not too far distant. Also, M.M.A. has contacted us and I expect some reduction in that direction also. This would be in line with the comments made by the member for Gascoyne. I thank members for supporting 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.

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Transport), and transmitted to the Council.

LAND ACT AMENDMENT BILL, 1969

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [4.30 p.m.]: I move—

> That the Bill be now read a second time.

In moving the second reading of this Bill I would like to advise members that the amendments proposed to sections 91 and 115, and new clause 115A are to give the Minister for Lands a right to exercise his discretion to approve of the transfer of shares in a company which holds a pastoral lease.

Under present-day conditions there is a tendency for lessees to convert their interests from a personal basis to one of shareholding so as to spread the incidence

of liability and taxation. The original Act did not envisage pastoral lessees as other than persons.

With amendments to the Land Act in 1963 to limit the holding of pastoral leases to 1,000,000 acres and, in fact, to prohibit the beneficial interest in any such pastoral leases to the same extent, it now becomes necessary to examine whether the present trend in holding shares in companies holding pastoral leases does not give the Minister the same discretionary right over beneficial interests as represented by shares in the particular company.

There is a legal impediment to the exercise of the discretion in the transfer of shares of a company which holds assets including pastoral leases, as these shares may be freely offered on the Stock Exchange. Therefore, a pastoral lease may change hands simply by the transfer of shares in such cases, without the Minister being aware that this is happening.

Where this set of circumstances exists, there is no way in which the State can retain the right given under the beneficial interest clauses of the Land Act to ensure that no one person holds more than 1,000,000 acres of pastoral land.

On the other hand, the amendment does give a discretionary right to the Minister to approve the transfer of shares in companies which are shown on the West Australian share register, and whose principal activity, or one of whose principal activities, is the working of a pastoral lease or leases. The intention of this is to retain as far as possible existing tenure as Western Australian companies.

To illustrate further what is meant by a beneficial interest, let us assume that two persons hold a pastoral lease of 500,000 acres as joint tenants; each then has a beneficial interest of 250,000 acres under the lease. Where two or more people hold a lease under tenancy in common, each has a beneficial interest under the lease amounting to the proportion of the area to his share. Therefore, five people hold a one-fifth share in 500,000 acres, or 100,000 acres, as a beneficial interest.

Shareholders in companies holding pastoral leases have a beneficial interest in the total acreage of the pastoral land in relation to the shares held and paid up. To further illustrate the point, if a company has a paid up capital of 500,000 $1 shares and holds a pastoral lease of 500,000 acres, then each $1 share is the equivalent of one acre of land, and the beneficial interest is related to this value accordingly. Consequently, if a shareholder holds 100,000 shares in a pastoral company, his beneficial interest is to the extent of 100,000 acres. That means that he could hold beneficial interests of 100,000 acres in 10 companies, which would give him the maximum beneficial interest for one person in 1,000,000 acres.

However, companies whose activities include other assets as well as pastoral leases are difficult to follow in this way and, in fact, shares may be traded on the Stock Exchange because of the open nature of the assets themselves. With a local company, however, whose principal activity is a pastoral lease or leases, then it is possible under the proposed amendment to determine the extent of the beneficial interest so that it does not exceed 1,000,000 acres as required under the Land Act.

Such proposals do not impose a hardship on anyone holding a beneficial interest in a pastoral lease unless the Land Act is infringed. Notice of the proposed transaction is required, under the amendment, to be lodged at the Department of Lands and Surveys, which would allow an examination of the overall shareholding of the proposed transfer of shares in relation to the beneficial interest in such company, or other companies holding pastoral leases as the case may be, so as not to exceed the maximum of 1,000,000 acres.

Of the 620 pastoral leases in existence at the present time, approximately 190 are held by local companies, and approximately 40 are held by companies that have other assets as well as pastoral leases, and by this means will hold the present position substantially within the hands of local shareholders.

It is also necessary to ensure that any future pastoral lease be not issued to a company or body corporate without the recommendation of the Minister for Lands, so as to ensure that prior knowledge is given of the company's shareholding both in relation to beneficial interest and other assets.

Debate adjourned, on motion by Mr. Taylor.

STOCK JOBBING (APPLICATION) BILL

Reference to Select Committee

Debate resumed, from the 17th April, on the following motion by Mr. Bertram:—

That this Bill be referred to a Select Committee.

MR. JAMIESON (Belmont) [4.37 p.m.]: In supporting the proposition that this Bill be referred to a Select Committee, I would like to make several points. One that seems to be apparent is that there are very few, if any, members of the House who know anything about this matter, including the Minister who is handling the Bill.

Mr. Court: You form your own judgment.

Mr. JAMIESON: I am forming my own judgment.

Mr. Court: I could give you a discourse, for two or three hours if you like, on all the technical details.

Mr. JAMIESON: Well, all the other members of this House—excluding the 51st member—and, I must admit, including myself, will agree that the matter is complicated and needs some investigation. One member on this side of the House did go to the extent of conducting considerable investigation into this Bill. He probably went further back than the Minister's time would have allowed him to do, but his efforts were to very little avail.

We must assume from the silence of the members supporting the Government on this issue that they are the types who know all about the matter and consider the Opposition knows nothing about it. Those members are probably in the category of "where ignorance is bliss 'tis folly to be wise," or they might be in the category of, "even a fool, if he keeps a still tongue, is deemed to be a wise man." I am not too sure which category they are in, but the fact still seems to remain that very little is known about this matter, and it needs thorough investigation.

The Minister made much play about the fact that the Bill was needed urgently to place the situation regarding stock jobbers beyond a shadow of a doubt. I do not believe this. If it was, the Government would not have dealt with the Bill in so leisurely a fashion. It had a rather leisurely passage through another place. It was fairly easily taken, and was not rushed through. It was introduced into this Chamber before the House went into recess, and then was left for a long time after the House resumed without being pressed forward. So it seems to me there is no urgency associated with it, and possibly the right and proper thing to do would be to refer it to a Select Committee.

At the same time, information could be given to this Chamber, and to the Parliament generally, as to whether there are any other forms of legislation that need to be tidied up in connection with this matter. I draw the attention of the Minister to the fact that in the United Kingdom, as I understand it, brokers are not entitled to do stock jobbing. However, as I understand the situation here, a broker may also be a stock jobber. I do not know whether this is a desirable feature of brokerage, but I think it should be investigated to see if it is, before we rush into it and change the situation by the measure put forward by the Government.

The United States of America has had a lot of experience in various share transactions and with all the snide practices which can be evolved in dealing with shares. That country has found it necessary to have far greater protective laws than is proposed in this State with just a mere revocation of an ancient Imperial Statute.

If we are to proceed with the measure, then we have to know all about it. It is not much use for us to proceed with a matter of which we have only a partial knowledge, and I have indicated that I do not profess to be an expert on it. All I can do is examine the position as it appears to me, and I think it is rather strange that the Standing Committee of Attorneys-General has not made more extensive inquiries into the situation, because that committee is constantly reviewing other matters. It examined extensively the position so far as the Companies Act is concerned, and it made recommendations which were taken up by the various Attorneys-General or Ministers for Justice, who implemented the different suggestions that were put forward.

Therefore it would appear it is desirable that we obtain information, and it might be made available to this House if we established a Select Committee. We would then have done a service to all of the Parliaments in Australia by our action.

To say that this State is much smaller than the United States of America and, therefore, mischief exists at a smaller scale—it could be on a much smaller scale—is not a very good basis for the argument of the Minister. I think he did argue that way. He suggested that the United States, because of its more complex financial problems, is a country that needs far more sophisticated laws covering stockbroking and all sorts of financial matters generally.

However, I remind the Minister that we are in the rather unusual position—probably partly due to his doing—of having to become involved in a lot of share transaction activities in this State. As a consequence I feel it is desirable that our legislation should be ahead of that of other States which have not had the activity in their share markets that has been apparent in this State over the past few years.

The Minister talked a lot about what he called, I think, "fringe crooks" or "fringe operators" who were fairly snide in their operations. He has been in business for a long time—a lot longer than I have—and the prime reason why people are in business is to make money.

So long as they keep within the framework of the law, most people in business do not care very much how they make money. If people fall foul of one another in a particular transaction—and in this case it is a form of gambling; of pitting one's judgment against the market—then surely it is for the stockbroker who may be involved to make arrangements with stock jobbers to discover the *bona fides* of particular individuals.

We have at long last forced the Totalisator Agency Board to make sure that a person has sufficient money to cover his betting transactions. This should probably follow the principle to be adopted by the Stock Exchange.

We have been informed that there are 20 members on the Stock Exchange here; that there are four Eastern States brokers who operate in this State, and that there

are two outsiders. We are told that there are approximately 35 people who are readily dealing in such transactions. Surely no harm could be done to this legislation if it were delayed a little longer to enable a Select Committee to make inquiries into its ramifications, particularly when we know that the legislation brought down by the Government contains a clause which will be retrospective in its application.

I will be prepared to go along with such a clause if the matter can be examined by a Select Committee, particularly if the Select Committee recommends that it is a good thing to proceed with this legislation and to include the retrospective clause.

The Minister said there was some agitation originally in connection with the period of application of the retrospective clause. Unless there have been proven cases in the past, this provision would be ludicrous, and it would have been difficult for people to proceed in law if they did not take action within the limited time.

As a consequence, the right and proper thing to do is not to make the clause retrospective over too long a period. If the features in the legislation are desirable, I would have no hesitation in supporting this aspect; I will be quite prepared to go along with this idea of retrospectivity, providing it is first thoroughly examined. I do not think, however, that I would be prepared to agree to it at this stage without knowing more about it. Other members, of course, will have to speak for themselves.

The Minister wants the Bill dealt with quickly in order that he might control the crooks to whom he has referred. The Minister, however, has not given us any examples in this direction. The legislation has already been before the House for some time and if there is a further delay of a few months, surely it will not harm the Bill.

It would certainly mean that we would all be better informed, and we would also be better able to establish ourselves as authorities on these matters. It is possible that a Select Committee will recommend that it is necessary to have legislation to control the general activities on the stock market of this State.

I support the motion moved by my colleague to refer this Bill to a Select Committee, because I feel that nothing but good can come of it. At the moment there seem to be singularly few people who have a complete grasp of the situation associated with stock jobbing, marginal dealings, and similar transactions on the Stock Exchange in Western Australia. I support the motion to refer the Bill to a Select Committee.

MR. LAPHAM (Karrinyup) [4.50 p.m.]: I rather like the motion moved by the member for Mt. Hawthorn. If it is carried it will give the House an opportunity to delve into something about which, I think, we are not sufficiently informed. The purpose of the motion is that after a Select Committee has examined all the processes involved, a greater degree of security will be provided to the Stock Exchange in its operations in this State.

At the moment there could, perhaps, be a nagging feeling among the brokers that there may be another remote Statute hidden somewhere that could be used against them at some future time when they happened to be carrying out their operations.

The motion before the House provides an excellent opportunity to inquire into and find out all about the processes of the Stock Exchange with a view to bringing down legislation which will provide the exchange with some control over its activities and which will, perhaps, also control those people who are now outside its activities, and who are not members of the exchange.

Because this is a contingency which might occur, I think an inquiry by a Select Committee is warranted. The Bill which resulted in this motion seeks to remove legislation which, in effect, contained a hidden snag; something on which the entire operation of the Stock Exchange could have foundered.

As I see the offending legislation—the old English Act—it almost prohibits what we have come to understand as the normal trading on the Stock Exchange; that is the trading in margins, stock jobbing, and trading in options. Over the years all these transactions have been looked upon as quite normal, although due to the increased activity in mining over the last 10 or 15 years, there has been an upsurge of activity in this direction far greater than ever occurred before.

Surely it is the right and sensible thing to hold an inquiry to enable us to make up our minds exactly how the exchange should operate; to see what is the best thing to do in order that there may be no problems associated with the operation of the Stock Exchange. Such an inquiry would also provide a degree of security to those who operate within the exchange.

It has been said that the inquiry might take some months to complete its investigations and that consequently a time factor would be involved. As has already been mentioned, I do not think the time factor is of any great importance, because the Bill has already been dragging on for some time, and we must not lose sight of the fact that it contains a retrospective clause. Accordingly, I do not think a further few months' delay would hurt the

measure, particularly when we realise that as a consequence of an inquiry by a Select Committee we could find out all about marginal trading, stock jobbing, and the other innumerable terms used on the Stock Exchange.

I have read quite a few treatises and passages from books with regard to the Stock Exchange and have found that marginal trading is considered as a speculation in shares, or share securities, and, that it is an act devoid of investment quality.

I do not know whether this is right or wrong. I have always accepted the fact that marginal trading in shares is a bit of a gamble. At some time or another most people have had a little flutter on the Stock Exchange, and this was more evident during the period just before oil was discovered in this State. Such activities are normally carried out as a speculation with the hope of being able to increase one's income.

I would like to know a little more about the whole of the operations of the Stock Exchange. I would like to know what actually is a stock jobber. It seems to me that a stock jobber in this State is different from a stock jobber in other countries of the world. It would appear that a stock jobber here is also a broker, whereas a stock jobber in other countries is purely a stock jobber and is separate and distinct from a broker.

These people might carry out two separate and entirely different functions, but because our State is small in population, and because we have not the capacity to fully occupy a stock jobber, this activity is taken over by a broker. It may be a very good thing, but it does concern me a little when I think that a stock jobber and a broker should be two different principals. I always felt that a sharebroker was an agent and the stock jobber was to some extent a principal.

Accordingly, if we have a situation where the two combine, we have them operating as both principal and agent, and that could be a little difficult. At the same time it could be quite a legitimate exercise in the circumstances and, accordingly, I would like to know what it is all about.

When speaking on the subject, the member for Mt. Hawthorn made it clear that it was not mandatory that we should have further legislation. He only raised the query that this may be necessary and that if so this was the proper time to introduce such legislation.

Candidly, I feel he had a right to make that statement, because we have been asked to legislate for something about which the majority of us know very little. We have also been asked to repeal legislation, and if we examine the legislation thoroughly we find it almost prohibits what has been going on.

In those circumstances I feel that some form of inquiry is warranted. Over the years the Stock Exchange has generally exerted considerable influence over its members, but it has always been limited to its own rules, and therefore it is limited to its members as regards control.

It would be far more effective if there were some legislation to control the operation of the Stock Exchange, even if we gave the Stock Exchange the right to implement it. We could put some teeth into any controlling legislation which might be brought down. Whereas the Stock Exchange operates under rules, we could have it operating under Statute. I did read where an American inquiry was quite concerned about the ramifications and the effects of stock exchanges.

The member for Mt. Hawthorn lent me a book dealing with an inquiry which took place in the U.S.A., where much concern had been expressed on what could and did actually happen in the 1930s when the Stock Exchange was at its peak and people of straw were operating on the stock market. They were operating with very little money and were utilising the resources of the sharebrokers to finance their operations. It appears to me that after the inquiry, legislation was introduced in America to prohibit this type of activity, and it was stipulated that a person investing in marginal trading would have to have an amount equal to at least 80 per cent. of the financial investment. This was designed to control the whole of the operations.

The 1734 Imperial Act seems to make much of the practice of selling stock and securities which, it terms, "are not legally possessed." It names this as a mischievous practice, but whether or not it is so, I am not sure. I feel that an inquiry would help me to reach a decision in this regard. It does appear to me that the mere contract or agreement to sell is not rated as sufficient in the eyes of this particular Act, and the need to be actually legally possessed is the salient feature.

Let us look at the operations in this State. If we have to have actual and legal possession of share certificates, stock, and securities, it would completely slow down the operations of the Stock Exchange. Under those circumstances I feel candidly that the old legislation should be repealed; but I would like to be assured on everything before I took the drastic step to repeal the legislation, because there might be other legislation which could be repealed or new legislation which could be introduced to control this particular phase of trading. I am not too sure of this; I have spoken to quite a number of members and they are not sure, either.

Let us analyse this question, and give it a lot of consideration. We could then come up with legislation which would be

of benefit to all concerned. Such legislation could also embrace the activities of the inevitables which could occur at some future time. I think it is quite a wise move on the part of the member for Mt. Hawthorn to request the appointment of a Select Committee. If we were to have one, I am sure the Minister for Industrial Development would be more than satisfied, and the legislation would be introduced in the proper way. He would then be able to say that Western Australia was one State in Australia which has solved this question and we would not, in the future, be faced with any more problems in connection with this legislation. I support the motion for the appointment of a Select Committee.

MR. T. D. EVANS (Kalgoorlie) [5.5 p.m.]: Having originally taken the adjournment of the debate on this measure last year, and not having participated in the second reading debate last week, I feel that a few words from me on this subject would be appropriate. During the course of the debate I have heard one expression used more often than any other; that is, the expression that not many of us in this Chamber know anything about the matter. Whether or not that is true, I cannot say.

It is not presumptuous for me to say further that I have heard little evidence to suggest that members, generally, are—to some degree at least, if not fully—cognisant of the significance and the full meaning of the provisions in the Bill before the House.

I would like to make it quite clear that for myself, I do not share fully the views expressed by my colleagues in dealing with what might be regarded as outright opposition to the passage of the measure. An examination of the early 18th century piece of legislation passed by the English Parliament will reveal that it refers in strange language to stock jobbing. It would appear that some confusion exists as to the operations of a stock jobber, the nature of the occupation of a stock jobber, and the practice of stock jobbing carried on in this State.

At this stage I would indicate that although I differ in my views on the desirability of this Parliament passing the Bill before us, I am fully in support of the views of the member for Mt. Hawthorn in moving for the appointment of a Select Committee, because I confidently believe that such a committee would bring about a proper and full inquiry, and would reveal that it is desirable to remove this antiquated piece of legislation which, up to a few years ago, no-one in Western Australia, or in Australia as a whole, dreamt formed part of the Statute law of this State or of this continent.

Instead of referring to the term "stock jobbing" as far as it affects this State, I think it would be more desirable to speak of the practice of buying and selling stock by way of an option agreement; in other words, option trading. I cannot see any difference between buying or selling any other form of property by way of an option transaction and buying or selling a marketable security under the same method. I feel that a proper and full inquiry would quickly reveal this fact.

We have heard much of marginal trading, of buying and selling shares on credit, and of selling shares short, but I would like to say that these are methods of dealing in marketable securities which are in no way whatsoever concerned with the Bill to repeal the early English Statute. This is not part and parcel of the Bill at all. The English Statute intended to proscribe what we term as dealing in options; no more and no less. I feel that the continuance of this piece of legislation, clinging to the Statute law of this State, would be most undesirable.

I agree with the Minister for Industrial Development that we should not do anything to retain a law which helps a person who welshes on his mates. Nevertheless, we as members of this Assembly do not seem to be convinced of this. If we are not convinced how can we expect the people at large, who at one time or another could be affected by this legislation, to understand it, either?

It seems obvious to me that it is desirable to hold a full and proper inquiry into this matter, so that we can all be convinced—as I am convinced—that it is necessary to repeal what I regard as being an obnoxious piece of legislation. I am sorry to say this, because I differ from my colleagues. Nevertheless, I join with them and indicate my support for a full inquiry so that we can all be assured—as I am sure we will be—from the evidence that would be adduced at such an inquiry that we are doing the right thing by the law of Australia, and by our fellow citizens. Although I do not hold any brief for the retention of this law, I would certainly welcome a full inquiry. I support the move for the appointment of a Select Committee.

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

Ayes—21

Mr. Bateman	Mr. Jones
Mr. Bertram	Mr. Lapham
Mr. Brady	Mr. McIver
Mr. Burke	Mr. Moir
Mr. H. D. Evans	Mr. Norton
Mr. T. D. Evans	Mr. Sewell
Mr. Fletcher	Mr. Taylor
Mr. Graham	Mr. Toms
Mr. Hall	Mr. Tonkin
Mr. Harman	Mr. Davies
Mr. Jamieson	*(Teller)*

Noes—26.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Mr. McPharlin
Mr. Burt	Mr. Mensaros
Mr. Cash	Mr. Nalder
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neil
Mr. Dunn	Mr. Ridge
Mr. Gayfer	Mr. Runciman
Mr. Grayden	Mr. Rushton
Dr. Henn	Mr. Stewart
Mr. Hutchinson	Mr. Williams
Mr. Kitney	Mr. Young
Mr. Lewis	Mr. I. W. Manning *(Teller)*

Pair

Aye	No
Mr. Bickerton	Mr. Mitchell

Question thus negatived.

PIG INDUSTRY COMPENSATION ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [5.22 p.m.]: I move—

That the Bill be now read a second time.

When I spoke on the Exotic Stock Diseases (Eradication Fund) Bill earlier in this sitting of the House, I mentioned that complementary legislation would be necessary to amend certain stock compensation Acts dealing with enzootic diseases. Two of the Bills referred to, concerning cattle and poultry, have already been dealt with, and the third complementary measure, the Pig Industry Compensation Act Amendment Bill is that which I now propose to explain.

Apart from the formal clause to adjust the title of the Act, there are amendments proposed to seven other sections of the existing Statute, and these provide, broadly, for the following:—

(a) to remove swine fever from consideration in the Act;

(b) to make it possible for enzootic diseases additional to those listed to be considered for compensation in the future;

(c) to make periodic changes in the level of compensation payable, on the approval of the Governor;

(d) to provide a reasonable check on compensation payments so as to safeguard the fund; and

(e) to extend the fund to the use of research and the promotion of sales of pig meats.

I might add here that not only pig meats are involved but also pigs themselves, on an export basis. There is a demand for breeding pigs at the present time in Malaysia and Singapore, and this could be one of the points which will be studied on the promotion side.

The first of the amendments concerns section 3 where it is intended that the definition of an "approved person" shall be a person approved by the Chief Veterinary Surgeon in lieu of the Minister as presently provided.

The recognition of diseases for which compensation is paid is a technical undertaking and is often one involving a restricted time factor. In addition, as there are only a few specified diseases designated as qualifying for compensation payment, accuracy in diagnosis is essential.

The Chief Veterinary Officer is qualified to determine the competency, or otherwise, of a person who may be approved for this purpose and, as stated, because the occasion can arise where an appointment must be made at short notice to assess whether compensation is payable, it is deemed advisable to confer the power of appointment on the Chief Veterinary Officer.

The definition of a "disease" for the purposes of the Act is to be amended to remove the exotic disease swine fever, which is now to be embraced by the Exotic Stock Diseases (Eradication Fund) Bill mentioned earlier. This definition will now encompass enzootic diseases only, and all reference to swine fever throughout other parts of the present Act have been deleted by appropriate amendments.

A new provision is proposed in relation to the market value of a pig which is destroyed because it is suffering from a disease, or, is suspected to be suffering from a disease. The Act has always specified a market value of any pig which, for the purposes of the Act, shall not be exceeded, and any alteration of this maximum valuation requires an amendment to the Act. This is not flexible enough since the economics of the pig industry make it necessary frequently to consider the matter, and this could be effected on the recommendation of the Minister to the Governor as is the case with the Cattle Industry Compensation Act.

This amendment will therefore provide that the market value of a pig shall not exceed an amount from time to time recommended by the Minister and approved by the Governor. The maximum compensation payable under the existing Act is $80, but the suggested amendment will allow fluctuations in the economic structure of the pig industry to be covered by having the value of a destroyed pig determined by the Governor.

The next amendment relates to section 8 of the Act and is designed to authorise the Chief Veterinary Surgeon or an approved person to determine the value of a pig destroyed because of a prescribed disease. The present position is that the value of a pig destroyed is determined by the person by whose order or under whose authority the pig was destroyed. The new proposal will prevent unauthorised and unqualified people from authorising compensation payments, and this will assist in a reasonable check on payments so as to safeguard the fund.

Section 13 of the principal Act is to be amended to allow the fund to be utilised to promote research in pig diseases and pig husbandry and production problems in Western Australia. I feel sure that if we can make more positive use of the fund in this way, the benefits to the industry will be considerable. If we are able to reduce the amount of compensation paid out by helping to control these diseases then we could, with considerable security, use part of the fund in financing the promotion of scientific and applied research.

I would like to refer here to the importance of this part of the legislation and also acknowledge the importance of research. In this field the Government has made an effort to assist the industry by procuring land and establishing the pig research station at Medina. This is progressing, and I may make some reference to it a little later. At the moment I want to underline the importance of research in this industry in which in the past not a great deal has been done. This morning I received a deputation, indicating the problem of disease in pigs in Western Australia at the present time. The proposal in this legislation is one which I am sure everyone will support.

Everything will be done to assist the industry to try to find out the problems associated with the breeding of pigs in the first instance and also to keep them free from the diseases which so often eat into the profits which are made by those engaged in the industry.

Finally, a further amendment to section 13 will enable the fund to be applied to any other purposes that will promote and encourage the pig industry. This provision envisages that funds will be made available for the promotion of the sale of pig meats.

The decision to introduce these amendments to section 13 was taken after discussions with, and reference to, the Australian Pig Society (W.A. Branch) and the meat section of the Farmers' Union, both of which organisations have agreed to the principle of an increased levy on pig sales to provide additional funds for these purposes. The question of allocation of the additional levy between research and sales promotion will be decided after further consultation with the industry at the appropriate time.

I want to make the position quite clear. I do not intend to take any action at all unless I have the support of the industry. Up to the present time it has agreed that the legislation should be introduced, and at a later opportune time I will discuss the matter again with the industry and seek its agreement. I am quite sure we will get that agreement, because of the successful discussions which have taken place in the past. The matter will then be in the hands of the Minister to make representations to the Governor as to what amount of money will be deducted from proceeds from time to time.

I want to say that I appreciate the co-operation and the support which the industry has given. The Government has endeavoured to do something like this for some considerable time. Over a period of nearly eight years now, I have endeavoured to indicate the importance of this to the industry. After many discussions which took place in an effort to overcome a number of the difficulties which were put by the various sections of the industry, the industry has appreciated what can be done. We have proceeded in this light. I want to make the point that I appreciate the co-operation which exists. I am grateful, firstly, to the Western Australian Pig Society, W.A. Branch, for its interest and support, and, secondly, to the Farmers Union, Meat Section, which has also now agreed to the proposal.

With those thoughts in mind I hope the House will agree to the legislation. I especially hope that members who have a particular interest in the industry will make some contribution to the debate, as I believe that it is a starting point to help the industry perhaps to become more important in Western Australia than it has been in the past.

Debate adjourned, on motion by Mr. H. D. Evans.

PROPERTY LAW BILL

Second Reading

Debate resumed from the 17th April.

MR. T. D. EVANS (Kalgoorlie) [5.32 p.m.]: The Bill before the Chamber is quite formidable, but I indicate at the outset that I intend to support it.

As members will have gathered through reading the very informative memorandum issued with the Bill, the proposed piece of legislation will bring this State into line with all other Australian States and New Zealand—with the exception of Queensland—which have legislated to simplify and to streamline—which word I suggest would be appropriate on this occasion—the rules relating to property generally but with particular reference to the law relating to real property.

The United Kingdom first legislated to modify the technical and, indeed, archaic rules which had become encrusted onto the Act of Conveying and the Disposition of Real Property in the year 1881. This was followed by what might be called a code relating to property law in England in 1925. Members may ask why Western Australia has only seen the light in 1969 with respect to what England sought to do initially in 1881 and finally achieved in 1925.

Mr. Graham: What a Government!

Mr. EVANS: To my mind, the author of the excellent memorandum makes a very clear and logical observation when he says that the need for us to review the potpourri of rules of law relating to property would have been felt much earlier in Western Australia had it not been for the enactment in this State in 1893 of the Transfer of Land Act.

As members will know, the Transfer of Land Act incorporates the Torrens system of land registration. This system, itself, had the aim of simplifying and streamlining dealings with land and afforded a method of registration of such land.

We find in Western Australia even today, some 70 years after the operation of the Transfer of Land Act, that there are still small parcels of land outside the Torrens system. It is of some significance to remark that these small parcels comprise land of great value in some of the farming districts of this State. This land has been clear of any dealings; in other words, it is land which has been held by the one family, or members of the family, for many years. Consequently no need has arisen for the land to be brought under the operations of the Transfer of Land Act. For example, I understand that such parcels of land are known to exist around York. There may be many others. The old general law which prevailed in England prior to 1881 applies to this land today in Western Australia. This law has encrusted upon it highly technical and, indeed, archaic and cumbersome rules.

The measure has been described as being lawyers' law. I would say that it contains the proof of the excellent labours on the part of its author in connection with discovering what truly might have been said to have been lawyers' law in England prior to 1881.

Members will gather that the Bill seeks to modify the technical rules relating to such parcels of land as are outside the operation of the Transfer of Land Act. With the exception of a chapter dealing with the regulations of leases, I think it is wise to emphasise that the Bill does not purport to affect land under the Transfer of Land Act, nor does it purport to affect land under the newly enacted Strata Titles Act.

How often have we, the members of this Parliament, heard people referring to the title of land which obviously comes under the Transfer of Land Act—the title of which is known as a certificate of title—as "my deeds"? This is a matter which is easily answered by reference to the method used to transfer land outside the Transfer of Land Act; indeed, such land is transferred by a series of deeds. As I mentioned, the Bill seeks to streamline the procedures for easy transfer and conveyancing of the land.

I would not agree that the Bill could be regarded as highly reformative. I cannot see any great reform in the law, as I understand reform, but I can see a great deal of tidying up in an endeavour to facilitate dealings in old-system land.

Lest members should think that the Bill only deals with land, I hasten to add that it deals with several other matters also. It is desirable that all our property laws should be regarded, generally, as practical, consistent, and easily found. Therefore, the Parliamentary Draftsman has looked at several other rules of law affecting personal property, and also law relating to what is known as chattels will or leasehold property.

We find, then, that several old Acts of Parliament, and two which cannot be regarded as old Acts because they were enacted as recently as 1962, are to be repealed and their provisions incorporated in this one Act.

My only regret is that the law relating to presumption, arising in respect of certain documents which are brought out of proper custody over a given period of time, has not been dealt with in this Bill. I refer to the law contained in the Vendor and Purchaser Act of 1878. Under that Act there is a presumption that where recitals in certain documents, including contracts, can be shown to be in proper custody for 30 years, they shall, unless the contrary is shown, be *prima facie* evidence of the contents.

Under another Statute in Western Australia relating to a more restricted list of documents, this period of time has been reduced to 20 years, whereas in the United Kindom there is one uniform period relating to all documents. That uniform period is the same as in this State: namely, 20 years. I regret that opportunity was not taken in the drafting of the Bill to attend to this matter, but I would indicate, as I did when commencing my remarks, that I support the passage of the measure, and would conclude by indicating one or two interesting features which members will find if they peruse the memorandum to the Bill.

It will be found that clause 11 will, in future, provide that no longer will parties to a deed be required to—

(a) indent the deed;

(b) formally seal the deed; or

(c) formally deliver the deed.

In future, when the Bill has become law, it will be necessary only for the document to be identified as a deed and signed by the parties thereto.

Mr. W. A. Manning: Do you think it will reduce the legal charges?

Mr. T. D. EVANS: It will certainly obviate lawyers meeting the cost of the little red seals. However, I would emphasise that no longer will a document, purporting to be a deed, require to be

sealed and formally delivered. Yet, if we look at clause 12. we find this interesting provision—

> Any deed, whether or not it is an indenture, may be described (at the commencement thereof or otherwise) as a deed simply, or as an agreement under seal, or as a conveyance . . .

It is interesting to note that the document may still be referred to as a document under seal, but no longer will it be necessary to seal it. This is a step in the right direction to tidy up and simplify the law, but at first it appeared that this may have the result of destroying the principle of a contract under seal as distinct from one carrying valuable considerations, but I am now quite convinced that this will not be so, provided the document, in its contents, is still referred to as a deed.

The Powers of Attorney Act is one of those old Acts which has to be repealed and its provisions included in this legislation. Further, the provision of the legislation relating to interests in law, where there is a clash between the holders of interests, are also to be included in this legislation, as are other Statutes relating to apportionment of rates and taxes, interest, etc. I consider I have given a genuine outline of the contents of the Bill. I believe its provisions are desirable, and I would commend the early passage of the measure to the House.

MR. BRAND (Greenough—Premier) [5.46 p.m.]: In the absence of the Minister for Industrial Development, who, in this House, represents the Minister for Justice in another place, I wish to thank the member for Kalgoorlie for his support of the legislation, which I commend to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Brand (Premier), and passed.

ALUMINA REFINERY (MITCHELL PLATEAU) AGREEMENT BILL

Returned

Bill returned from the Council without amendment.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 22nd April.

MR. TONKIN (Melville—Leader of the Opposition) [5.51 p.m.]: The State looks to its judges to assist in the interpretation and administration of the law, and in discharging that responsibility it becomes necessary for them to dispense justice.

In order properly to discharge such an onerous responsibility, it is necessary that the appointees shall be men of high intelligence and wide experience in the law, because if they were not it would mean that they would be learning the law at the expense of the litigants.

I am afraid that sometimes happens, but to avoid its happening, the State must pay attractive salaries, because a man who is well versed in the law and is of high intelligence and wide experience will be a man who is earning a very substantial income at the law; and if he is to be induced to leave his private practice and take a position on the bench, then he cannot be expected to do it at substantial financial sacrifice.

As it is imperative that we should attract good men to this position, we must be prepared to pay for them. So it is that judges are amongst the most highly paid servants of a State.

We do not oppose the Government's present proposals, because we realise that salaries have been increased for servants in various professions throughout Australia. They will continue to be increased; and we have in this State, for years, taken as our guide what is being done in Queensland and South Australia.

The Bill before us proposes an increase of $2,400 a year to the ordinary Supreme Court judge; an increase of $2,500 a year to the senior puisne judge; and an increase of $2,600 a year to the Chief Justice. This will mean that the disparity which now exists between the salaries of the ordinary judges, the Senior Puisne Judge, and the Chief Justice will be widened to the extent of $100 in each case.

At the same time that does not mean that the salary of the Chief Justice has been increased by the same, or by a greater, percentage of his present salary than applies to the salaries of the other judges. Quite the contrary is the case.

Nevertheless, I consider that the Government's proposals, having regard for the guide lines followed previously, are reasonable in all the circumstances. Accordingly it is proposed that the Chief Justice will be paid a salary of $18,000; the Senior Puisne Judge will be paid a salary of $16,500; and each of the other judges will be paid a salary of $16,000.

It could be argued, I suppose, that judges in various States are called upon to carry out much the same type of work. It could also be argued, and I suppose it will be argued, that in a State like Western Australia the volume of work confronting judges would be greater than that confronting judges in South Australia.

If we were to apply that reasoning, however, to our assessment of salaries in other posts, I am afraid we would get into an awful tangle. We must endeavour to provide emoluments which will be sufficiently attractive to get the right people to offer themselves, and which, at the same time, having regard to all other standards, will be adequate recompense for the work being done.

I do not think there can be any argument at all against giving an increase. It only becomes a question of whether we consider that the amount of increase will be adequate and satisfactory. No doubt the Premier, as he has said, has had this position examined throughout and the Government has concluded that these amounts are reasonable in all the circumstances.

It is unfortunate that we have reached a stage where recent happenings have necessitated a number of new appointments, which means we will have comparatively new and inexperienced men on the bench. But this is unavoidable. I would say, however, without any hesitation, that one person already appointed has our complete confidence, because we have a very clear appreciation of the skill he has shown in his practice first as a lawyer and subsequently as a barrister; and if the Government is able to secure men of similar calibre we will be well served on the bench.

It is most important, however, that whoever is appointed should be a logical thinker; he should have the power properly to detect weaknesses in an argument and, above all, he should have in his makeup that spirit of mercy which will enable him to temper justice with mercy, because we would hate to have a situation where the punishment being meted out was such as to be more than a deterrent; or that it should be of a nature as would sour people and be no encouragement to them to mend their ways.

We have no objection to the Government's proposals at all, and we accept the Government's assurance that inquiry throughout has enabled it to come to the conclusion that these are reasonable amounts which ought to be offered in the circumstances. I support the Bill.

MR. BRAND (Greenough—Premier) [5.59 p.m.]: I would like to thank the Leader of the Opposition for his support of the measure, which is clearcut so far as I am concerned. As the Leader of the Opposition has said, we have made a thorough examination of the position; and again, I repeat, unless we are prepared to pay reasonable and attractive salaries we will not only fail to attract the best of our own people, but the likelihood is that we will lose them to the other States and, maybe, even to the Commonwealth, which is always on the lookout for people of outstanding ability.

Whether we like to admit it or not, the salary we receive and the conditions under which we work play a very important part in the decisions we make.

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. Brand (Premier), and transmitted to the Council.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier) [6 p.m.]: I move—

> That the House at its rising adjourn until 11 a.m. tomorrow (Thursday).

Question put and passed.

CLOSING DAYS OF SESSION

Thursday Sitting

THE SPEAKER (Mr. GUTHRIE) [6.1 p.m.]: Before the Premier moves the adjournment of the House I would mention for the benefit of members that I do not propose tomorrow to take questions when the House sits at 11 a.m. I think it would be more convenient if I took the questions at 2.15 p.m. after the luncheon adjournment. The luncheon adjournment will be from 12.45 to 2.15 p.m. and I understand that it is intended the House will adjourn at 4 p.m., so there will be no afternoon tea break.

House adjourned at 6.2 p.m.

Legislative Council

Thursday, the 24th April, 1969

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11.30 a.m., and read prayers.

QUESTIONS ON NOTICE

Postponement

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [11.34 a.m.]: Ministers are not in a position to answer questions at this stage of the sitting and, therefore, I move—

> That answers to questions be taken at a later stage of the sitting when they are available.

Question put and passed.