The CHAIRMAN: Amendment No. 11 made by the Council to which the Assembly has disagreed, is as follows:—

No. 11.

Clause 59, page 32, line 10—Insert before the word "shall" the passage "as such,".

The Assembly's reason for disagreeing is—

The Legislative Assembly disagrees with the Legislative Council's amendment No. 11 because the insertion of the words "as such" before the word "shall" in line 10 of clause 59 alters the intention of the clause generally, that letters addressed to any of the persons in the categories referred to in the clause shall be sent forward unopened to the person to whom it is addressed.

The effect of the clause with the insertion of the words "as such" is that a letter addressed to any of the persons in the categories as mentioned in subclause (1) but not disclosing their official position need not be sent on at all.

The Hon. L. A. LOGAN: I move—

That the amendment be not insisted on.

Question put and passed; the Council's amendment not insisted on.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

House adjourned at 4.32 p.m.

Legislative Assembly

Thursday, the 18th October, 1962

CONTENTS

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

QUESTIONS ON NOTICE

1. *This question was postponed.*

NOXIOUS WEEDS ACT

Exercise of Powers by Agriculture Protection Board

2. Mr. W. A. MANNING asked the Minister for Agriculture:

(1) Has the Agriculture Protection Board had to exercise its power of

direction, under section 10 of the Noxious Weeds Act, to any shire, town, or city council?

(2) If so, how many have not complied, and which?

(3) Has any Government department failed to carry out its obligations under section 17 of the Noxious Weeds Act?

(4) If so, in what instances?

(5) Has the Agriculture Protection Board recovered all costs of destroying noxious weeds when the authority or person has failed to carry out their responsibilities under the Act and the board has taken action under sections 14 and 23?

Mr. NALDER replied:

(1) No. The policy of the board is to achieve co-operative action, and to work within the limits of practicability. Every effort is made to avoid direction.

(2) Answered by No. (1).

(3) Government departments have co-operated fully with programmes against noxious weeds, although this does not mean that all weeds have always been eradicated.

(4) Answered by No. (3).

(5) When the Agriculture Protection Board has taken action under section 23, all costs of destroying noxious weeds have been recovered. No directions having been issued under section 14, no costs have been incurred.

MUJA POWER HOUSE

Employment of Local Unemployed

3. Mr. H. MAY asked the Minister for Labour:

According to a statement contained in the October, 1962, issue of the *Good Neighbour Council*, made by Mr. Downer, Commonwealth Minister for Immigration, recently arrived new Australians are to be sent to work on the Muja Power House. Are the local unemployed to be given employment on the power house, before any new Australians are sent to Collie to be employed on this work?

Mr. WILD replied:

The employment of labour on the Muja project is entirely the prerogative of the contractors. If the honourable member requires the names of the contractors I can supply them to him.

Mr. Graham: Aren't you interested?

RIVER AND HARBOUR POLLUTION

Precautions Against Visiting Ships

4. Mr. FLETCHER asked the Minister for Works:

(1) What precautions are to be taken to prevent river pollution by refuse from overseas visitor ships situated in Fremantle Harbour during the currency of the Commonwealth Games?

(2) Is he aware that sewage from ships has been found as far into the river as Bicton Swimming Club and that vegetable and other refuse is occasionally carried further upstream with incoming tides?

(3) Is he further aware that a tidal backwater exists to some degree in the area of No. 10 North Wharf, and that refuse and sewage could accumulate in this locality and become a health hazard?

(4) Will he have all possible precautions taken by health and other authorities, including the Swan River Conservation Board, to ensure the prevention of harbour and river pollution by sewage and refuse disposal from accommodation ships moored or berthed in Fremantle Harbour during the period mentioned?

Mr. WILD replied:

(1) The Fremantle Harbour Trust regulations provide that refuse shall not be discharged into the inner harbour. Steps will be taken to ensure that the regulations are observed.

(2) No.

(3) Yes. The position will be carefully watched, and if it is considered likely that a health hazard will arise suitable action to prevent it will be taken.

(4) Yes.

UNEMPLOYMENT AT ALBANY

Relief Works

5. Mr. HALL asked the Minister for Works:

In view of the fact that unemployment figures increased sharply in Albany and nearby districts during the month of September, 1962, will he undertake to have sewerage works, and the erection of the new prison and police station implemented as soon as possible to correct this trend?

Mr. WILD replied:

It is not anticipated that any major Government works will be carried out in the Albany area this financial year.

SCHOOL HOSTELS

Existing Number, and Number to Be Built

6. Mr. HALL asked the Minister for Education:

(1) How many new school hostels have been built in this State by the High School Hostels Authority and in what towns are they built?

(2) How many new hostels are to be built in the years 1962-63 by the hostels authority and at what towns will they be built?

(3) Are any hostels in existence in this State built by the Public Works Department; and, if so, where were they built?

Mr. LEWIS replied:

(1) One at Merredin.

(2) One at Narrogin and one at Geraldton.

(3) No.

SCHOOLS AT ALBANY

Enrolments

7. Mr. HALL asked the Minister for Education:

(1) What were the enrolments at the Albany Infants' School for the years 1958, 1959, 1960, 1961, and 1962, and what is the anticipated enrolment for 1963?

(2) What were the enrolments for the same years in all respective primary schools in Albany, and what are the expected enrolments for all Albany primary schools for the year 1963?

(3) What are the expected enrolments for all secondary schools in Albany (Albany High School and C.B.C.) for the year 1963?

(4) What were the enrolments for the same secondary schools for the years 1958, 1959, 1960, 1961, and 1962?

Mr. LEWIS replied:

		1958	1959	1960	1961	1962	1963*
1.	Albany Infants	414	356	365	386	380	375
2.	Albany Primary	547	348	363	376	363	370
	Mt. Lockyer	620	641	669	695	673	730
	Spencer Park (opened in 1959)	....	268	286	310	297	325
	St. Joseph's Primary	223	221	229	257	240	252
	Dutch Reform	....	....	....	....	47	56
	C.B.C.	86	96	94	97	102	110
3. and 4.	Albany High	592	710	807	889	985	1,080
	St. Joseph's High	46	47	47	46	56	62
	C.B.C.	24	33	41	52	63	65

* Anticipated enrolments.

COURT TRIALS

Delay in Launching Prosecutions

8. Mr. JAMIESON asked the Minister representing the Minister for Justice:

(1) Did he see the recent report of a doctor from Boyup Brook being committed for trial on a charge of manslaughter resulting from the death of a person injured in an accident in August, 1961?

(2) Does he not consider the lapse of time before the proposed trial, January, 1963, at the Bunbury South-West Court of Sessions, an inhuman penalty to be imposed on an unconvicted person?

(3) Can no way be found to hasten trials of such a serious nature to avoid all possible mental strain on persons concerned and their near relatives?

Mr. COURT replied:

(1) Yes.

(2) and (3) It is agreed that there should be no undue delay between committal and trial; but, having regard to the availability of judges and counsel and to our system of trial by jury, a delay of up to three months between sittings of Quarter Sessions has, in every State, been accepted as not undue. However, where an earlier trial is desired, application may be made to a judge for a change of venue to any appropriate place. In the particular case mentioned, no decision or recommendation has yet been made concerning the presentation of an indictment.

9. *This question was postponed.*

HARVEY IRRIGATION DISTRICT

Total Area, Waterings, and Acre Feet

10. Mr. I. W. MANNING asked the Minister for Water Supplies:

(1) With reference to the Harvey irrigation district—

(a) what is the total number of acres rated for irrigation;

(b) what is the average quantity of water required per acre at each watering;

(c) what is the average number of waterings taken per normal season;

(d) is it anticipated that the full area rated will be watered during the current season;

(e) what number of hours or acre feet of water is allotted to each acre to be watered during the current season?

(2) When Logues Brook Dam comes into operation as a source of supply, will he be able to guarantee an adequate supply to meet the full requirements of the Harvey irrigation district?

Mr. WILD replied:

(1) (a) 12,863 acres.

(b) A depth of five inches on irrigator's land.

(c) Seven.

(d) No. An area of 11,500 acres is expected to be watered.

(e) 15¼ hours per rated acre. Acre feet measurement is not used in Harvey.

(2) No. In years when dams fill the supply will be adequate.

ALCOA WORKS

Use of Imported Prefabricated Steel

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

Why was it necessary for the construction of the Alcoa Works at Kwinana to import 400 tons of prefabricated steel within recent days?

Mr. COURT replied:

It is the policy of Alcoa and in accordance with its arrangement with the Government to place contracts with local companies wherever possible.

The main contract for structural steel was given to a local firm, but because of the time element involved in meeting the target date for commencement of production, part of the steel fabrication work was placed with an associated company in Adelaide.

STATE RENTAL HOMES IN NORTH

Effect of Increased State Shipping Freights

12. Mr. RHATIGAN asked the Minister for the North-West:

(1) Is it a fact that the recent rise in freight charges by State ships will mean an increase in freight on materials for the construction of State rental homes in the north of £50 or £60 per home?

(2) If not, what will be the increase at Broome, Derby, and Wyndham?

(3) Who will carry the increased costs involved?

Mr. COURT replied:

(1) It is expected the increase in freight charges by the State Shipping Service will mean an increase in freight on materials for the construction of State rental homes in the north by the amount of approximately £45 per home. This will vary according to a number of factors, such as type of material, design, etc.

(2) Answered by No. (1).

(3) The State Housing Commission, without any extra charge to the tenant.

WYNDHAM DISTRICT HOSPITAL

Electricity: Change from D.C. to A.C.

13. Mr. RHATIGAN asked the Minister for Health:

As there is now ample A.C. available in Wyndham, when will the district hospital change to A.C. from its obsolete D.C. plant?

Mr. ROSS HUTCHINSON replied:

In approximately two weeks.

PERISHABLES FOR NORTH-WEST

Commencement of Air-freight Subsidy

14. Mr. RHATIGAN asked the Minister for the North-West:

Will the air-freight subsidy on perishables to the north-west commence as usual on the 1st November?

Mr. COURT replied:

Seasonal subsidy on air-freighted perishables to the north-west will commence on the 1st December, 1962. This follows the recommendation of a special committee set up to examine the over-all question of air-freight subsidies on perishables. The subsidy commenced on the 1st November, 1961. At the time, it was made clear that in future years it would be the 1st December.

STANDARD GAUGE RAILWAY

Weight of Rails, Minimum Curve, and Spikes

15. Mr. BRADY asked the Minister for Railways:

(1) What will be the weight of the rails to be used in the standard gauge railway?

(2) What will be the minimum curve?

(3) What type of spikes will be used?

Overhead Bridge at Bellevue

(4) Will there be an overhead bridge to carry the standard guage railway at Bellevue?

Mr. COURT replied:

(1) 94 lb. per yard.

(2) The standardisation agreement stipulates that curvature shall be of a radius not less than 40 chains, except that a radius of not less than 20 chains may be adopted at locations specifically approved by the Commonwealth Minister for Shipping and Transport.

(3) The agreement stipulates 5¾ in. x ¾ in. dogspikes but alternatives are being considered.

(4) The present intention is for the new railway to cross Great Eastern Highway at the present road level. Continuation of the required 1 in 200 grade will carry the standard gauge line over the existing railway at Bellevue station. This may change in the light of current planning and research.

DRY DOCK ON W.A. COAST

Establishment by William Denny & Bros.

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

(1) Can he advise the House if the firm of William Denny & Bros. construction firm has considered the possibility of establishing a dry dock on the W.A. coast?

(2) If so, what were its determinations, respective to the individual ports inspected?

Mr. COURT replied:

(1) The firm of William Denny & Bros. made a preliminary survey at the invitation of the State Government of the possibilities of establishing a sizeable ship repair and shipbuilding industry in W.A.

(2) It was not optimistic about the economic possibilities of such a venture on a commercial basis at this juncture. Considerable public funds to cover capital and maintenance costs would be involved.

The question of shipbuilding and ship repairing is kept under review by the Government both in respect of a steady expansion of existing capacity and the bigger project of a large-type dry dock. For instance, the Government has given practical help in the establishment of an efficient ship-repair facility at Albany as a start of something that could develop in a sound way as demand increases.

Likewise, we are engaged in further investigation and testing work to establish a suitable location in Cockburn Sound at which the construction of small ships as an extension of the boatbuilding industry can be successfully undertaken.

W.A.G.R. AND M.T.T.

Management

17. Mr. DAVIES asked the Minister for Railways:

(1) Has any consideration been given or is any consideration being given to the placing of the W.A. Government Railways and Metropolitan Transport Trust under single or joint management?

(2) If so, what action is proposed?

Mr. COURT replied:

The over-all question of better co-ordination of road and rail passenger transport in the metropolitan area has been and still is under consideration.

The best way of achieving this, including whether a single authority or some other modification of the present administration is desirable, is part of these deliberations.

QUESTIONS WITHOUT NOTICE

STANDARD GAUGE RAILWAY

Effect on York Railway Staff, etc.

1. Mr. GAYFER asked the Minister for Railways:

(1) As York will not be required as a sub-depot with the advent of standardisation what effect will this have on the railway staff there?

(2) If it is contemplated that some employees will be transferred, how many families is it expected will be involved?

(3) When are these transfers likely to begin?

(4) Except transference of staff what other railway requirements at York will diminish with the advent of standardisation?

Mr. COURT replied:

(1) to (4) While it is evident that York will not be required as a sub-depot with the advent of standardisation, planning is not sufficiently advanced to enable information to be given as to what its ultimate effect will be on railway staff and requirements at York. The commissioner is trying to expedite the determination.

2. Mr. GAYFER asked the Minister for Railways:

In view of the answer given by the Minister to my question, I take it there is no justification to believe the rumour that 30 families are about to be moved from the vicinity of York as a consequence of the standardisation of the railway line?

Mr. COURT replied:

There is no justification to say those families are about to be moved, because the project of constructing the standard gauge line down the Avon Valley is not timed to be completed until the end of 1964, and the line will not be in operation until the end of 1964 or early in 1965. The exact number of families which will be affected is not known to the commissioner at the present time. As soon as we know we will pass the information on.

We are anxious to settle as many of these problems as we can, realising that difficulties created by the standardisation of the railway line will result in the relocation of some families in some country towns. In the interests of those families as well as the townships we want to clarify the position as soon as possible.

Route through Kellerberrin Area

3. Mr. CORNELL asked the Minister for Railways:

Is the Minister in a position to supply me with details as to the finalisation of the route of the standard gauge railway through the area in the vicinity of Kellerberrin? At the moment there is considerable concern among the inhabitants there as a number of routes have been surveyed, and there is much doubt in the minds of many people as to where exactly the route is contemplated to be located.

Mr. COURT replied:

I assure the honourable member that the commissioner and his staff are doing all they can to expedite finality on the route. We realise there is some uncertainty in the minds of the people living in the towns through which the standard gauge line will pass. It is important to co-ordinate the whole route, and no particular case can be determined without considering the other towns involved and the possible effects on them. I shall endeavour to find out before the next sitting day the information desired by the honourable member, and advise him whether we can give a definite timetable on the finalisation of the route of the line in respect of the towns affected, including the one he mentioned.

ANSWERS TO QUESTIONS

Authenticity

4. Mr. TONKIN: Mr. Speaker, this question has no relationship to answers given this afternoon, but relates to an answer which was given on the 16th October. I desire to know whether there is any method or procedure available to this House to guard itself against falsehoods being given in replies to questions?

The SPEAKER (Mr. Hearman): I do not think there is any procedure which would enable the House to ensure the veracity of all statements made in this House. However, I am prepared to discuss this matter with the honourable member in my room.

ELECTORAL ACT AMENDMENT BILL

Third Reading

MR. COURT (Nedlands—Minister for Industrial Development) [2.37 p.m.]: I move—

That the Bill be now read a third time.

MR. RHATIGAN (Kimberley) [2.38 p.m.]: Unfortunately I was absent from the House during the second reading debate on this Bill, so I am now taking the opportunity to pass a few brief remarks. It is with some reluctance that I support the Bill before us, because I do not consider a measure of this nature is at all appropriate. I would prefer to see one introduced to give natives full citizenship rights, rather than a sop of this nature.

I consider it to be an insult to extend the right to vote to natives, while at the same time refuse them full citizenship rights. If the Bill is passed, natives can become enrolled, but they are not given citizenship rights. During the nine years I have been privileged to be a member of this House, I have advocated the complete abolition of the Native Welfare Act, and I continue to do so now. I do not mean that any of the officers or staff of the department should be done away with. They should be retained, and increased, if necessary, but the name of the department should be changed so that it will be responsible for caring for those who are in need, irrespective of the colour of their skin.

At present the position regarding those classified as natives under the Act is very confusing, particularly the position in the

Kimberleys. In that area there are native boys and girls who are as white in colour as any person in this House, and who are as well educated as most members here. However, by virtue of the Native Welfare Act they are classified as natives. Again there are people, very dark in colour, who are, by virtue of this Act, automatically classed as citizens because they are from another country. It creates some confusion, believe me.

Very briefly the answer to this question is quite simple. All we have to do is repeal the Act, and change the name of the department to the Department of Social Services catering for those in need, irrespective of colour. I understand that in the north the native welfare officers act as agents for the Commonwealth Government. They have old-age pension forms—

The SPEAKER (Mr. Hearman): Order! The honourable member must confine his remarks to the Bill.

Mr. RHATIGAN: I was hoping that that was what I was doing, inasmuch as the present department now acts as an agent for the Commonwealth Government. The department should have its name changed because the mere fact that a race of people has a department to cater for it places it at a disadvantage in comparison with other folk.

Therefore it is with reluctance that I support the third reading of this measure as I consider a Bill giving natives complete citizenship would place them in a position to enrol if they so desired and would be, all round, much better than this Bill.

Question put.

THE SPEAKER (Mr. Hearman): To be carried, this motion requires an absolute majority. I have counted the House; and, there being no dissentient voice, I declare the question carried.

Question thus passed.

Bill read a third time and transmitted to the Council.

VERMIN ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [2.45 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains a number of very important and necessary amendments. As a consequence of the passage of the new Local Government Act, several changes in the parent Act are necessary. The Vermin Act is closely allied to local government legislation, particularly in such matters as administration, elections, formation of vermin boards, etc.; and for the sake of simplicity and clarification the draftsman has recommended the repeal of some sections and their re-enactment with the necessary amendment.

The Bill seeks to amend the definition of "vermin". At present it is necessary to name specifically any fauna which is to be declared "vermin," and it is considered desirable that all fauna non-indigenous to Australia, with certain specified exceptions, should be banned. This means the listing of hundreds, and possibly thousands, of names; whereas the amendment will permit the general declaration of groups of fauna as "vermin" such as all those "non-indigenous" to Australia or some specified classifications such as zoological families, or even individual species. This will enable the exceptions to the ban to be listed, which will be a much more simple procedure. Lists of declared vermin will be published annually instead of the present method of adding to the third schedule of the Act.

With the proposal to set up a road check on interstate traffic, provision is being made for the stopping and inspecting of vehicles for the purposes of the Vermin Act. Such power will also apply to ships and will enable these to be inspected for such pests as Ceylon crows.

The Bill seeks to increase the maximum rate of the vermin tax payable on pastoral holdings from 2d. to 3d. in the pound on the unimproved capital value of such holdings. Although pastoralists favour increased contributions for vermin destruction on their areas, the maximum they can now contribute is only £12,000 compared with the present collection of about £110,000 from the agricultural areas. Pastoral areas are, of course, represented on the Agriculture Protection Board and are in a position to watch the interests of their districts. The amendment will enable a further £6,000 to be collected; and, as this is matched on a pound for pound basis by the Government, it means that an additional £12,000 will become available for spending on vermin eradication in the pastoral areas.

At present the Agriculture Protection Board is powerless to deal with masters of ships from which Ceylon crows have escaped into Western Australia, even where it has been known that they have been carried as pets of the crew and released when approaching, or in, port. Such release has resulted in the employment of teams of men to hunt down and destroy the pests, and has involved heavy expenditure. The amendment will enable action to be taken where it is considered that reasonable attempts have not been made to prevent the escape of such potential pests.

The amendment is also aimed at discouraging the common practice of deliberately abandoning domestic dogs in country areas. A number of these survive to become "wild dogs", which are very difficult to destroy. Complaints have also been received from farmers and others in

regard to cats, which have multiplied greatly in country areas to a point where they are causing some concern because of their destruction of birds which reduce insect pests and also because of depredations against poultry.

It will be recalled that last year, with the advent of the commercial keeping of rabbits, a decision was made that any permits issued under the regulations would be for five years and no longer. In view of the many protests and concern expressed throughout the State that the five-year limit might not in fact be enforced, it is intended to amend the Act accordingly and ensure that such domestic rabbits should not be kept except for scientific or zoological purposes after the 30th June, 1966.

Mr. Norton: What about Belgian hares?

Mr. NALDER: I think they will come within the same category as rabbits. If they do not, we can amend the Act accordingly.

Experience over the last year or two has shown that, following a big increase in the number of Alsatian dogs being brought into Western Australia, implementation of the present laws requiring sterilisation is not possible without considerable changes, including the setting up of a permanent and costly registration and checking system, along with additional staff, etc. Such a system would have to include a means of identifying individual dogs, together with the employment of at least one man full time. This, in turn, would mean that a registration fee of at least £5 would be necessary to cover identification, marking of dogs, and issue of special tags, etc. However, even then it is felt that such a system would not be completely watertight.

More recently, people have been openly defying the present restrictions; and, as a result, there is considerable alarm on the part of vermin authorities and stockowners throughout the State. It is known that these dogs are crossbreeding and that others have already escaped, so that the Agriculture Protection Board is facing costly and time-consuming destruction operations. In order to simplify the whole procedure and ban the entry of Alsatian dogs into Western Australia, it is proposed to repeal the Alsatian Dog Act and at the same time declare Alsatians as "vermin" under the Vermin Act.

At the same time the Bill will enable the Agriculture Protection Board to issue permits for any breeds declared "vermin" to be kept subject to such conditions as sterilisation and safe enclosure, or other requirements determined by the protection board. It is emphasised that the declaration of the Alsatian breed of dogs as "vermin" means that a permit will be required to keep them under conditions laid down by the Agriculture Protection Board. Although it is known that some unsterilised Alsatians have been brought into this State, the relatively few being kept in the past has made it possible for reasonable control to be maintained. However, within the last few years there has been a resurgence of interest in the breed, and it is known that 85 were brought into Western Australia last year.

Mr. Bickerton: Are there not other dogs equally as bad?

Mr. NALDER: Does the honourable member mean any special breed?

Mr. J. Hegney: Yes; there are any amount of them.

Mr. NALDER: It will be the problem of the Agriculture Protection Board to take any action required under this Act and declare any particular type of breed, if it is necessary.

Mr. Bickerton: What makes the Alsatians worse than the others? Why single them out?

Mr. Cornell: It is nice to know the dogs have been put under the Dog Act.

Mr. NALDER: To continue: Extensive promotion activity is taking place; and it is quite evident that unless some action is taken the number will greatly increase. The only accepted evidence of sterilisation is a certificate from a registered veterinary surgeon, which is made out in the name of the original Eastern States owner. However, with the sharp increase in numbers and the rapidity with which dogs are changing hands, the situation has become completely out of the control of the existing legislation.

There are instances of dogs changing hands two or three times in a week or so, and there is no way of being sure that the dog with the last owner is the one for which the veterinary certificate was originally intended. The same certificate could be produced for a number of dogs. Although at present a person can be fined for having an unsterilised Alsatian dog in his possession, action for destruction depends on a court order which, of course, takes time; and in the case of a female dog the pups may be sold for many times the value of the fine which may be imposed under existing law.

Mr. Bickerton: Is there any particular reason why the Alsatians are singled out? Speaking quite seriously, there are other dogs.

Mr. NALDER: It has been proved without doubt that the Alsatian breed of dog is a savage one; and that Alsatians, when bred or crossed with other dogs, are a menace to sheep in this State.

Mr. I. W. Manning: And cattle.

Mr. NALDER: Yes.

Mr. Bickerton: Doesn't that apply to other dogs as well?

Mr. NALDER: It is not proposed that any Alsatian dogs at present within the State will be destroyed, but sterilisation will be insisted upon and the law will be strengthened to enforce compliance with directions. With the passage of the Bill, there will be ample authority to deal with any attempts at illegal trafficking, and a further amendment in the Bill will permit immediate action to be taken when an unsterilised Alsatian dog is found, instead of the present procedure in the parent Act of seven days' grace or of waiting for a court hearing as is now required under the Alsatian Dog Act.

In conclusion, I will make it quite clear that the declaration of Alsatian dogs as "vermin" by the Agriculture Protection Board will not result in any sterilised dogs at present in the State being destroyed. The fact that Parliament, in 1929, felt the need to legislate for the control of this breed of dog in Western Australia speaks for itself; but the law having now been found inadequate, the proposals contained in this Bill are an alternative to a costly procedure involving special staff, identification measures, and registration fees.

Mr. J. Hegney: I see you are incorporating the onus-of-proof clause in the Bill, too.

Debate adjourned, on motion by Mr. Hall.

ALSATIAN DOG ACT REPEAL BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [3 p.m.]: I move—

That the Bill be now read a second time.

This Bill is complementary to the action proposed to be taken under the Vermin Act Amendment Bill, in regard to Alsatian dogs. I have already explained at length the new proposals for dealing with this breed of dog.

Following an extensive inquiry by a parliamentary committee, the original legislation was passed in 1929 to prohibit the keeping of unsterilised Alsatian dogs, or part-bred Alsatians. At that time the main objections were the possible danger to humans, and also to the sheep industry, particularly if Alsatians ran wild and crossed with wild dogs or dingoes. There is no doubt that the objects and intentions of the Legislature in those days were very sound.

However, despite the legislation, reports have been received of cross-bred Alsatians killing sheep, and over recent years they have caused heavy sheep losses in the Eastern Goldfields. Doggers employed by the Agriculture Protection Board have found that cross-bred Alsatians, which have gone wild and have been killing sheep, are exceptionally cunning and have been the most difficult of all dogs to destroy.

I mention this to indicate that our legislators, at the time the original Act was passed, displayed considerable vision, as experience has shown the necessity for this type of legislation. However, as I have already explained, it has unfortunately proved inadequate, and for that reason it is propsed to repeal the Alsatian Dog Act, 1929-1952, and to deal with the problem under the Vermin Act. This small Bill provides accordingly; but its passage, of course, is dependent upon the passing of the Vermin Act Amendment Bill.

Debate adjourned, on motion by Mr. Norton.

FARMERS' DEBTS ADJUSTMENT ACT (REVIVAL AND CONTINUANCE) BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [3.4 p.m.]: I move—

That the Bill be now read a second time.

The Bill provides for the revival and continuance of the Farmers' Debts Adjustment Act—

Mr. Bickerton: Why?

Mr. BOVELL: —for a period expiring on the 31st day of March, 1967. The original Act came into operation in January, 1931, for a set term, and has been extended from time to time. The last extension was for a period of five years expiring on the 31st March, 1962; and due to an oversight in not seeking a further extension prior to that date the present Bill is introduced.

In the early years of the debts adjustment Act, many farmers sought its protection. With the introduction of the Rural Relief Fund Act, the majority of these farmers obtained financial assistance to adjust their creditors' claims. The two Acts are complementary and it is considered necessary to continue the Farmers' Debts Adjustment Act to enable the other Act to function fully.

The debts adjustment Act provides the machinery to enable a farmer to apply for a stay order whilst his case is investigated by the director, and submitted to the trustees where warranted. The Rural Relief Fund Act provides for the continuous use of the funds held by the trustees for debt adjustment purposes only.

Assistance given by the trustees amounted to £1,291,730 2s. 10d., most of which was granted by the Commonwealth Government. The balance now in the fund is approximately £209,000, and there are still a number of farmers who have not taken advantage of the concession,

which enables them to discharge their debts on payment of 20 per cent. of the amount advanced. The two Acts have been of material benefit to many farmers, and it is therefore considered advisable to keep the Farmers' Debts Adjustment Act on the statute book. The Bill provides for the revival and continuance of the Act to the 31st day of March, 1967.

Successive Governments from 1931 onwards have continued the Farmers' Debts Adjustment Act, and the last time it was continued was in 1956. The continuance Bill was introduced in that year by the then Minister for Education, the present member for Mt. Hawthorn, and his second reading speech appears on page 2760 of vol. 3 of *Hansard* for 1956. The Hon. A. F. Watts, who was then Leader of the Country Party in this House, secured the adjournment, and his reply is to be found on pages 2823 and 2824 of the same volume of *Hansard*.

The information given by the then Minister for Education, who introduced the Bill for the then Government, is almost identical with the information that I have submitted today. It will be seen that there were only two speeches to the measure on that occasion, and the provisions of the Act are not often used. Stay orders have not been issued for many years; but I would emphasise that as the two Acts are interwoven, and there are still some farmers who have the right to pay 20 per cent., it is advisable that this Act be kept on the statute book.

Debate adjourned, on motion by Mr. Kelly.

FARMERS' DEBTS ADJUSTMENT ACT (REVIVAL AND CONTINUANCE) BILL

Message: Appropriation

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

ORDERS OF THE DAY

Postponement of Nos. 8 to 11

MR. BRAND (Greenough—Premier) [3.9 p.m.]: I move—

That Orders of the Day Nos. 8 to 11 be postponed.

In asking for these items to be postponed, I would like to explain that some of the Bills which are set out on the notice paper have not yet arrived from the printer. I have discussed the matter with the Leader of the Opposition and we will have to take the Bills as they come.

Question put and passed.

RESERVES BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [3.10 p.m.]: I move—

That the Bill be now read a second time.

In each session it is necessary to ask Parliament to agree to amendments to certain "A"-class reserves. These matters have been investigated over the year, and I now submit proposals for consideration by Parliament. For the information of members, I might first run through the districts and towns concerned in this Bill. They are as follows:—

Albany
Bunbury
Busselton
Dalkeith
Gardner River
Kalamunda
Melville
Moombekine
Narrogin
Redmond
Scott River
Swanbourne
Thirsty Point
Toodyay
Toolibin
Wagin
Yallingup

Clause 2 provides for excision of an area of 2 roods 34.8 perches from Class "A" Reserve No. 2682, Public Park at Mt. Clarence, Albany, for the purpose of creating a separate reserve for the Anzac War Memorial site.

Clause 3 makes for provision for the excision of an area of about 10 perches from the eastern end of Class "A" Reserve No. 6962 at Bunbury for the purpose of creating a separate reserve for a boatshed site for the Fisheries Department. It also provides for the alteration of the purpose of the reserve from harbour and river wharves to parklands and recreation.

Clauses 4 and 5 provide for the excision of two small areas from Class "A" Reserves Nos. 8606 and 9719 for inclusion in the adjoining tearooms reserve No. 25637 at Busselton.

Clause 6 is for the amendment of Class "A" Reserve No.1668 at Dalkeith to excise an area of 1 rood 33.4 perches to provide a separate reserve for a kindergarten, already established. A road widening at the corner is also included.

Clause 7 makes provision for an excision from Class "A" Reserve No. 15776 at the mouth of the Gardner River for the purpose of establishing a townsite.

Clauses 8 and 9 refer to the proposed creation of a swimming pool reserve at Kalamunda, involving the cancellation of

Class "A" Reserve No. 22798 and the excision of a very small portion, about eight perches, from Reserve A.22576.

Clause 10 provides for cancellation of Class "A" Recreation Reserve at Melville for the purpose of including the area of 12 acres two roods nine perches in the adjoining Melville Schoolsite Reserve No. 24211.

Clause 11 gives authority for the cancellation of Moombekine Agriculture Hallsite Reserve No. 3660 and the revestment of the land with the intention of reserving it for another purpose, probably a Church of England site.

Clause 12 makes provision for the excision of Narrogin Lot 711 from Education Endowment Reserve No. 12080 and authorises the Trustees of the Public Education Endowment to sell the land free of trust.

Clause 13 refers to the amendment of Class "A" Reserve No. 19673 near Redmond for the purpose of providing a separate reserve for municipal requirements for a gravel and sand quarry.

Clause 14 is for the purpose of ratifying certain provisions in the Iron Ore (Scott River) Agreement Act, 1961, which involved the amendment of Class "A" Reserve No. 25373 to excise portion adjoining Sussex Locations 2977 to 2980 inclusive for the purpose of including the land in the works site as provided for in the agreement.

Clause 15 provides for the amendment of Education Endowment Reserve No. 9299 at Swanbourne to excise about 34 acres on which the new Swanbourne High School has been established and for which a separate reserve is required.

Clause 16 is for the purpose of excising an area of about 1.400 acres from Class "A" Reserve No. 24522 for the purpose of establishing a townsite near Thirsty Point on Ronsard Bay, formerly known as Frenchman's Bay, on the coast south of Hill River.

Clause 17 provides for the cancellation of Education Endowment Reserve No. 11392 at Toodyay and gives power to the trustees of the Public Education Endowment to dispose of the land free of trust.

Clause 18 is to change the purpose of Reserve No. 15266 at Toolibin from water to conservation of flora and fauna.

Clause 19 amends the purpose of Reserve No. 11339 at Wagin from water supply and parklands to recreation.

Clause 20 excises an area of 18 acres two roods and 19 perches from Class "A" Reserve No. 8427 at Yallingup for the purpose of including the land in the contiguous Recreation Reserve No. 24622 after protection of a road two chains wide to include the existing constructed roadway.

I have a copy of the notes here for the information of the Leader of the Opposition. There are also more detailed notes; though I have only given brief information concerning the reserves. Members will have the opportunity of perusing these notes if they desire.

Debate adjourned, on motion by Mr. Rowberry.

ROAD CLOSURE BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [3.20 p.m.]: I move —

That the Bill be now read a second time.

This Bill is brought down each year, and its intention is to obtain parliamentary approval for the closure of certain roads. In past years this Bill has perhaps been a formidable one because it provided the only machinery by which roads could be closed. However, the Local Government Act now provides certain avenues through which roads can be closed, so on this occasion the Bill is much shorter than usual. The first proposal, in clause 2, is for the closure of the remaining portion of Margaret Street, South Perth.

Before the construction of the Narrows Bridge and the Kwinana Freeway, access to the Mill Point jetty was provided by Margaret Street, the majority of which was included in the acquisitions for the Freeway and bridge approaches. In the design, a small portion of Margaret Street was left for inclusion in the Old Mill site, and this portion has been fenced in with the remainder of the site, now Reserve No. 20804.

This clause provides for the official closure of the remaining portion of Margaret Street, with the intention that the land be included in Reserve No. 20804, which is set apart for the purpose of public recreation and which is vested in the National Parks Board of Western Australia.

Clause 3 of the Bill deals with the closure of various roads at Walliabup near Bibra Lake in the Shire of Cockburn. For the purpose of providing a composite reserve for the proposed new public cemetery for the southern area at Walliabup in the Bibra Lake-Jandakot locality, it is necessary to officially close several undeveloped and unused Crown roads through the area. The project involves the cancellation of Walliabup townsite, which was subdivided in the year 1899, but no lots were sold and the whole of the townsite is still Crown land.

Various surveyed roads in the subdivision—namely, Clamp, Robertson, Bucknell, Needwell, Martin, and Gilchrist Roads, and portion of Dean Road—require to be closed. The Crown has also acquired certain freehold land adjoining the townsite for inclusion in the proposed cemetery reserve and Middleton Road, though this land has not been used or developed as a road and

will need to be closed. Clause 4 deals with the closure of portion of Mitchell Avenue, Northam.

Mr. Hawke: Now you are talking.

Mr. BOVELL: I have quite a number of proposals relating to Northam. The portion of Mitchell Avenue, Northam, on the south-eastern side of Great Eastern Highway provided a gravelled roadway to Mr. L. C. Sewell's house, and the land for it was resumed from Mr. Sewell's freehold property in the year 1907. This portion of the road has remained within the fencing of Mr. Sewell's property, and access to it was by a cyclone gate on the Great Eastern Road alignment, and it has been regarded incorrectly as a private road.

Some time ago Mr. Sewell made arrangements with an adjoining occupier, Mr. A. R. J. Paine, to sell him portions of his land, which are separated by the portion of Mitchell Road which was incorrectly included in the newly-surveyed lot, the subject of the proposed sale.

The Town of Northam agreed to the closure of the portion of Mitchell Avenue; and as Mr. Sewell was the only person using the road and is now using another track through his property, there is no objection to the closure. This clause provides for the closure of the road and for the vesting of the land in the owner of the adjoining land subject to payment of an amount of £50 for the land in the road.

The next clause is for the closure of portion of Morrell Street, Northam. The portion on the north side of Fitzgerald Street near the Northam railway station provides legal road access to a subdivision of freehold land shown on Land Titles Office Plan No. 2674. Although the road had not been constructed, it was dedicated as a public road in July, 1925. Portion of it was encroached on by the Northam Railway Institute Tennis Club by the construction of portion of a tennis court with surrounding fence on portion of the road.

There is a substantial watercourse or drain down the centre of the surveyed road rendering it inaccessible to vehicular traffic. The Town of Northam has requested that the portion of the road on the western side of the Railway Institute tennis courts be closed and that the land therein be reserved for drainage and recreation purposes in such manner as the Governor may approve.

The final provision in this Bill also relates to the Town of Northam. It is intended to close portion of Milner Road, Northam. In a subdivision of freehold land on the northern side of Fitzgerald Street near Northam railway station, as shown on Land Titles Office Plan No. 1002, approved in March, 1898, provision was made for a road one chain wide in accordance with the legal requirements of that time.

The road was gazetted as a public road in July, 1925, as Milner Road. Lots 6 to 10 inclusive, containing one-quarter acre each, fronting the northern alignment of the road were purchased by Messrs. V. Mitic, N. Ristovic, and A. Kostic, in January, 1951, and the lots were transferred to Vojislav Mitic in January, 1954, and are still held by him.

The occupier of the lots did not properly identify them, and erected a fence down the centre line of the gazetted road, thus reducing its effective width to 50 links, notwithstanding that at that time it was not legal to set out a road in a municipal district with a width less than one chain.

The present registered proprietor also had constructed on Lot 6 the foundation for a new house which encroached about 2 or 3 ft. on to the portion of the dedicated road which has been illegally fenced in with the adjoining property. To legalise the unlawful encroachment on the public road, the Town of Northam Council has requested that the road be reduced in width to 50 links involving the closure of the northern half of the road. This clause provides for the closure as requested by the Town of Northam and authorises the sale of the land in the closed portion to the owner of the contiguous land at a price to be fixed for the purpose.

Here again, detailed notes and plans are available for the Leader of the Opposition and all members; and, as I said before, the Bill this year is much smaller than it has been in previous years.

Debate adjourned, on motion by Mr. Rowberry.

NATIVE FLORA PROTECTION ACT AMENDMENT BILL

Second Reading

MR. BOVELL (Vasse—Minister for Forests) [3.30 p.m.]: I move—

That the Bill be now read a second time.

The Bill is being introduced to provide greater protection for the wildflowers and native plants of the State, and is based on recommendations made by a special committee set up at the instigation of the Premier. This committee comprises representatives of the following:—Premier's Department, Tourist Development Authority, Forests Department, National Parks Board, Department of Agriculture, State Electricity Commission, Main Roads Department, King's Park Board, Postmaster-General's Department, Lands Department, Railways Commission, Country Shire Councils Association, Tree Society, National Trust, and the W. A. Wildflower Growers' Society.

There were a number of recommendations. The first recommendation related to the restrictions on picking wildflowers, with which the Bill mainly deals. The existing

provisions of the Native Flora Protection Act could be strengthened by providing complete protection from the picking of all native flora within the State except (a) that which has to be destroyed in the process of *bona fide* clearing for agriculture or other purposes; (b) flora on private property where the prior permission of the owner has been obtained in writing; and (c) flora required for purposes approved by the controlling authority and obtained under permit or licence issued by that authority.

The following definitions in the principal Act are, I consider, of importance:

"Native plant" means any tree, shrub, fern, creeper, vine, palm or plant indigenous to Western Australia and not growing under cultivation.

"Wildflower" means the flower of any native plant.

"Protected wildflower" or "protected native plant" means any wildflower or native plant which has been notified pursuant to this Act by the Governor to be a wildflower or native plant protected under this Act.

"Pick" in relation to a protected wildflower or a protected native plant, means to gather, pluck, cut, pull up, destroy, take, dig up, remove, or injure the flower or plant or any part thereof.

There are more than 6,500 known species of Western Australian plants and the State is world-renowned for the great variety and beauty of its wildflowers. These wildflowers are an undoubted tourist attraction, and great concern has been expressed in many circles as to the likely effects of large-scale uncontrolled picking. Clearing in the process of land development is unavoidably taking its toll and highlights the urgent necessity to more adequately protect those areas still carrying native flora.

Proclamations have been issued from time to time for the protection of specified wildflowers on certain areas or for the protection of all wildflowers on specified areas. As a result, it is not a simple matter for the general public to readily understand which wildflowers can or cannot be picked or the areas where the protection operates. The number of inquiries each year as to whether it is lawful to pick red and green kangaroo paws, for example, indicates that action is necessary to clarify the position. For the information of members, the following restrictions now apply:—

(a) Red bugle or winter bell, black kangaroo paw, blue leschenaultia, pitcher plant, and Christmas tree are protected throughout the State.

(b) All species of orchids are protected within a radius of 50 miles from the G.P.O., Perth.

(c) All wildflowers or native plants are protected—

(i) on all roads within 50 miles radius of the G.P.O., Perth;

(ii) within a three-mile radius of Canning Dam;

(iii) within a three-mile radius of Mundaring Weir;

(iv) one mile either side of Kalamunda-Mundaring Weir road;

(v) on timber and flora reserve No. 6268 at Coolup.

In addition, the existing Act provides that it is an offence to destroy or mutilate so as to eventually destroy any native plant mentioned in the schedule thereto.

The Government considers it would be much simpler for all concerned if all wildflowers and native plants were protected throughout the South-West and Eucla Land Divisions, and it is proposed to issue a proclamation to this effect. This can be done under existing legislation, and will allow the revocation of all existing proclamations as the wildflowers or native plants therein concerned are all within the South-West and Eucla Land Divisions. Moreover, the difficulties of establishing that an offence took place on a specified area will be largely avoided. Under the existing Act the proposed proclamation would not, however, prohibit a person picking on private property without the written consent of the owner.

A proviso states that the offence referred to therein shall not apply when the wildflower or native plant is picked on any private land with the written consent of the owner, lessee, or licensee. For this reason and to assist in the policing of the Act the new Bill amends the principal Act by inserting a new provision which makes it an offence for any person who, on any private land of which he is not the owner, lessee, or licensee, wilfully picks any wildflower or native plant without the written consent of that owner, lessee, or licensee. This will not apply to members of the household of or employees of the owner, lessee, or licensee.

The Bill refers to the repeal of section 7 of the principal Act and its re-enactment in an amended form. This section deals with the offence of selling, offering for sale, or exposing for sale any protected wildflower or protected native plant during the protected period.

The Bill repeals section 12 of the principal Act and its re-enactment in an amended form. It will be noted that an "authorised person" has the various powers set out therein, but must produce evidence of his authority. Provision is also made

for the owner of private land, under certain circumstances, to require a person found on his land to give his name and place of abode and to deliver up any wildflower or native plant in his possession. It will also be noted that the number of "authorised persons" has been considerably extended as set out in subsection (5).

I think it might be of interest for me to read subsection (5), and to have it recorded in *Hansard*. It is as follows:—

> (5) In this section "authorised person" means a male person who, being over the age of twenty-one years, is a member of the police force; an officer of the Commissioner of Main Roads appointed by the Governor under section ten of the Main Roads Act, 1930; a person appointed permanently in the Education Department under the Education Act, 1928; an officer appointed under the Local Government Act, 1960, for a municipality by its Council; a mayor, president or councillor of a municipal council under the Local Government Act, 1960; an officer appointed permanently in The State Electricity Commission of Western Australia under the State Electricity Commission Act, 1945; an officer employed permanently in the Public Service under the Public Service Act, 1904; a person appointed to be an officer of the Forests Department under the Forests Act, 1918, and an honorary inspector appointed under section eleven A of this Act.

That means the existing system of appointing special honorary inspectors will be continued. An appeal is made to everyone, including visitors to this State, to assist the preservation of our native flora, as only the full co-operation of the public can assure the future of our renowned natural asset.

The penalties will remain the same as they are in the parent Act; and perhaps I might, for the information of members, read them. Section 14 reads as follows:—

> Any person convicted of an offence against this Act shall be liable for a first offence to a penalty of not more than ten pounds and for a second offence to a penalty of not more than twenty pounds, and for a third or subsequent offence, to a penalty of not more than thirty pounds.

The only way the provision of this Bill, when it becomes an Act, can be carried out is with the full co-operation of all concerned. It is not the desire of the Government to institute proceedings and prosecute anybody, but I feel sure it is the aim of everyone to see that our great heritage —the wildflowers of this State—is protected for future generations.

Debate adjourned, on motion by Mr. Kelly.

Sitting suspended from 3.44 to 4.5 p.m.

HEALTH ACT AMENDMENT BILL (No. 3)

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Health) [4.5 p.m.]: I move—

> That the Bill be now read a second time.

This small Bill seeks to repeal subsection (2) of section 99 of the Health Act. This was found to be necessary by the Department of Public Health, as certain difficulties had been encountered in the administration of that subsection, in relation to subsection (1) and general legal difficulties appertaining thereto.

Subsection (1) specifies that sanitary, bathroom, and cooking facilities shall be provided to the standard prescribed in the by-laws, and if an owner does not observe those by-laws he can be prosecuted. These by-laws can be enforced by local authorities, and power for so doing springs from section 360 of the Act.

Subsection (2) operates only when a health inspector, with the consent of the medical officer for health, serves an order on an owner or occupier to do similar things to those applying to subsection (1). In some parts of the State there is neither a health inspector appointed under the local authority, nor a medical officer for health. At times this subsection becomes inoperative because of such circumstances.

Generally speaking there is an overlap and a conflict between subsections (1) and (2), and this has caused confusion in proceedings before a magistrate, as was the case recently. This conflict and overlap indicate that subsection (2) is a hindrance and a complication, rather than a necessity.

The subsection in question which the Bill seeks to repeal is as follows:—

> (2) If any house, public place, or private place in the district appears to an inspector appointed by the local authority not to have sanitary conveniences or bathroom or laundry or cooking facilities in accordance with the preceding subsection, the inspector with the consent of the medical officer for health shall by written notice require the owner or occupier thereof within a time specified in such notice to provide the same.

Further on in the section provision is made for a daily penalty if the owner or occupier does not comply with an order. This is a rather extraordinary power to be given to a health inspector, acting jointly with the medical officer for health. It virtually duplicates the provision in subsection (1) which reads as follows:—

> (1) No person shall erect, rebuild, maintain, or use any house, or keep or use or suffer to be kept or used any public place or private place without

providing for the same sanitary conveniences, and also bathroom and laundry and cooking facilities, to the number prescribed, constructed and equipped in accordance with the by-laws of the local authority.

Mr. Brady: Has that provision any force in respect of railway stations, which are public places?

Mr. ROSS HUTCHINSON: There is no mention of railway stations. If the honourable member desires to make a point in regard to sanitary conveniences he might do so at a more convenient time.

Subsection (2) was inserted in the Act about 1954, ostensibly because of the considerable number of new Australians who had arrived in this State. At that time there was a serious housing shortage, and these factors contributed towards what was considered by some local authorities to be a lowered standard of health and sanitary conditions. Because it was thought by some people that these standards were becoming primitive, the time was opportune to insert a provision in the Act to confer on health inspectors and medical officers for health, powers of summary action.

The emergency that did exist, if it existed at all—and there is some doubt—has now passed; and it is anomalous that the subsection should interfere with the principles of the normal operation of the Act provided for in this respect in subsection (1) of section 99. Under the present arrangement in the offending subsection, which the Bill seeks to repeal, there is no right of appeal to the Commissioner of Public Health by an occupier or owner upon whom an order has been served. This right of appeal is normal under the normal operation of subsection (1) of the Act, as well as the whole principle embodied in the Act.

The conflict between the two subsections in question has caused confusion in the past, and the matter came to a head recently. It does appear desirable that subsection (2) be repealed, because it is a complication and hindrance, rather than a necessity. The repeal of subsection (2) will not lessen the power of local authorities to demand that proper sanitary facilities be installed. I suggest that the Bill is very desirable and I commend it to the House.

Debate adjourned, on motion by Mr. Sewell.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Lewis (Minister for Education) in charge of the Bill.

The CHAIRMAN: The amendment made by the Council is as follows:—

> Clause 5, page 4, line 9—Add after the word, "land," the words, "or grants permission to carry out development on the land subject to conditions."

Mr. LEWIS: At the present time when the owner of land makes application to the authority for permission to develop the land and the authority refuses, it is then bound to purchase the property. Accordingly should the authority give permission for development under certain conditions which were unacceptable to the owner there would be no obligation upon the authority to purchase. The purpose of this amendment is to safeguard the rights of owners, when the conditions laid down by the local authority are not acceptable to the owner, so that under those circumstances the local authority will still be required to purchase the land. The sole purpose of this amendment is to safeguard the interests of the owner. I therefore move—

> That the amendment made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

ANNUAL ESTIMATES, 1962-63

In Committee of Supply

Resumed from the 11th October, the Chairman of Committees (Mr. I. W. Manning) in the Chair.

Vote: Miscellaneous Services, £4,506,365—

Item No. 72: Bulk Grain Installations Off-Rail—Operating Costs and Amortisations, £26,000—

Mr. TONKIN: I would like the Treasurer to give some explanation about this item because it, and the one before it and the one after it, which are not listed as items, have me completely mystified. Last year there was no provision for bulk grain installations off-rail. This year there is an estimate of £26,000. There was an expenditure last year of £1,754 for bulk coarse grain installations and amortisations for which there was no item. Therefore the matter could not have been discussed last year.

It cannot be discussed this year either because there is no vote; but there has been expenditure. Last year there was an estimate of £17,000 for bulk wheat installations, Lakes District, Ravensthorpe, and Yarramony Eastwards for operating

costs, but £19,605 was spent. The matter cannot be discussed this year because, again, there is no amount for this year.

What is going on with regard to these three items? I would like the Treasurer to explain, if he would, how it comes about that there is a contemplated expenditure of £26,000 this year for bulk grain installations off-rail-operating costs and amortisations, and none last year; whilst there was an expenditure on bulk coarse grain installations and amortisations last year, and none this year. Are we going to have a repetition of what occurred in connection with bulk coarse grain installations and amortisations when there was no item last year, no item this year, but an expenditure last year of £1,754? What is going on with regard to these matters?

Mr. BRAND: To hear the Deputy Leader of the Opposition one would think there was some intrigue going on. He tries to infer—

Mr. Tonkin: I am not.

Mr. BRAND: From the way the Deputy Leader of the Opposition spoke, of course he was.

Mr. Tonkin: I am not inferring anything.

Mr. BRAND: Of course you did! The cold hard facts are that there has been some change in regard to the headings, and the information I have here on these three items under the heading "Bulk Coarse Grain Installations and Amortisations" is that to assist farmers in the Lakes and Ravensthorpe districts, the Government agreed to accept responsibility for the provision of coarse grain bins in these areas. The bins were constructed and operated by Co-operative Bulk Handling Ltd. and the Government will provide capital costs including the amortisation over a period of six years.

The expenditure in 1961-62 was met from this item and expenditure in future years will be charged to item No. 72. Item No. 72, as the Deputy Leader of the Opposition points out, deals with the heading "Bulk Grain Installations Off-rail—Operating Costs and Amortisations," involving £26,000. Expenditure on this service was previously met from the preceding item and the following item. The title of this item has now been recorded to incorporate both types of expenditure. The increased amount provided is due to the good harvest achieved in 1961-62 and the quantity of wheat handled through the bins during the season.

This item provides for the running expenses of the bulk wheat bins removed from the railway line in the Lakes District, Ravensthorpe, on the Yarramony Eastwards survey and the installations at Newdegate Siding, and also the capital cost including amortisation over a period of six years of the coarse grain bins in the Lakes and Ravensthorpe districts. The bulk wheat bins are operated by Co-operative Bulk Handling Ltd. and the Government recoups the expenses involved while the coarse-grain bins are operated by Co-operative Bulk Handling Ltd. at their expense.

To deal with the last item of "Bulk Wheat Installations—Lakes District, Ravensthorpe and Yarramony Eastwards—Operating Costs" under agreement with Co-operative Bulk Handling Ltd. the State pays the cost of running the bulk wheat bins removed from the railway line in the Lakes District, Ravensthorpe, and on the Yarramony Eastward survey, and also for bulk wheat installations at the Newdegate siding. Costs met include, as well as normal running costs and maintenance, items such as interest and depreciation. The expenditure in 1961-62 was met from this item and expenditure in future years will be charged to item No. 72.

Mr. TONKIN: I thank the Treasurer for the explanation he gave. The matter is quite clear now and I regard the explanation as being satisfactory.

Mr. Hawke: It is a pity he became a little bad-tempered.

Mr. Brand: It was nothing to do with bad temper. The Deputy Leader of the Opposition suggested we were pinching money, or something of that sort.

Mr. TONKIN: I never said that.

Mr. Brand: Of course you did!

Mr. TONKIN: Of course, if the Treasurer draws inferences to suit himself, I cannot help it. I am entitled to ask for the information.

Mr. Brand: Quite right!

Mr. TONKIN: The three items previously were not intelligible to me because there was no opportunity last year, as I pointed out, to discuss the provision for bulk coarse grain installations and amortisations because there was no item. There is no item this year; and therefore this is an expenditure which we have to approve without knowing what it is all about.

The only purpose I had was to seek elucidation so I could quite properly follow what was included in the Estimates. I say again that I am thoroughly satisfied with the explanation given.

Mr. BRAND: I would like to add that had the Deputy Leader of the Opposition stated that this required some explanation he would have received the explanation I gave; but he said, "I want to know what is going on." Well, he knows!

Item No. 75: Rail freight and fare concessions—Reimbursement to Railway Department of cost of sundry concessions, £60,000—

Mr. D. G. MAY: Whilst I appreciate that the Railways Department is used to giving effect to railway policy on matters such as decentralisation and assistance to

the State and industry, I feel that the concessions that have been made over the last 12 months by the Railways Department are making a definite inroad into the railway revenue.

Last year £62,000 was spent on reimbursement of concessions and this year £60,000 is to be allocated for the same purpose. Some time ago I asked the Minister for Railways certain questions in regard to concessions which have been granted over the past few months, one in particular being the 5s. per ton concession for superphosphate. The answer I received was that the 5s. concession for the rail haulage of superphosphate was to spread deliveries because of the amount of superphosphate transported during the months of April to June.

As a matter of interest, in 1962 there were 482,495 tons of super carried by the Railways Department, and the anticipated tonnage for this year is 500,000 tons. The difference between the tonnage carted in 1962 and that estimated for this year is 17,500 tons. The Railways Department is supposed to be on a go-ahead plan. It has purchased new rolling stock, including new diesel locomotives. Yet it is going to grant a concession of 5s. a ton to the primary producers. This will amount to approximately £18,750 that the Railways Department will lose.

Mr. Lewis: How do you know how much they will pay 5s. a ton on?

Mr. D. G. MAY: I am coming to that. I also asked what was the tonnage expected to be carted during the period September to January when this 5s. was to be granted, and the reply was that if the same tonnage as last year was carted in that period the amount involved would be £18,750. Naturally, if a concession of 5s. is to be granted, more super will be carted.

Mr. Lewis: Not necessarily.

Mr. D. G. MAY: That is the inference to be drawn.

Mr. Lewis: This concession is being offered in the interests of the railways.

Mr. D. G. MAY: That is what the Minister pointed out—that in the long run it would be of great assistance in regard to the operating expenses. Nevertheless it does not seem right that this concession is to be granted when it will result in a loss of £18,750.

That is only one concession. Let us take a look at the vegetable concession, where the road haulage allowed was increased from 5 cwt. to 10 cwt. For members who are not aware of the facts, I would like to say—and I do so with a deal of authority—that originally when country people wrote to the city and asked for boxes of vegetables and that sort of thing to be sent from the markets, these cases were sent. However, over a period the people in the country were complaining — and country members will know this is true—about the quality of the vegetables being sent. Applications were made to the Transport Board by people coming from the country. They wanted to see how these vegetables were packed and the quality of the goods selected. These people were granted a 5 cwt. permit so that they could backload the goods.

Recently, the Transport Board, for no reason whatsoever, increased the amount allowed to be backloaded from 5 cwt. to 10 cwt. The original idea of the permit was so that people could see the condition and quality of the goods that were packed for them. Now the board increases the permit from 5 cwt. to 10 cwt.! As a result, the anticipated loss of revenue to the Railways Department is £7,000. There is nearly £26,000 in two concessions that have already been allowed this year due to the extension of road haulage to groceries. Because of this grant it is estimated that approximately £25,000 will be lost to the Railways Department

The CHAIRMAN (Mr. I. W. Manning): Order! This item relates to rail freights and not road haulage Can the honourable member link up his remarks?

Mr. D. G. MAY: These concessions have been granted to road hauliers and affect the revenue of the Railways Department.

The CHAIRMAN (Mr. I. W. Manning): The item is "Rail freight and fare concessions—Reimbursement to Railway Department of cost of sundry concessions."

Mr. D. G. MAY: To be brief, what I am trying to indicate is that in the last 12 months concessions have been granted to road hauliers for the cartage of goods which would normally have been carted by the Railways Department, and those concessions amount to approximately £40,000. That sum is very conservative, because the figures I have worked out for my own information are far in excess of those given by the Minister for Railways.

Mr. Lewis: It is not very long since there was a 20 per cent. increase in freights.

Mr. Hawke: Yes. Who put them up?

Mr. D. G. MAY: That increase is on top of these figures. When the Premier introduced the Estimates he said that many financial demands were made on Government funds. The Railways Department seems to be the cow that everybody wants to milk but nobody wants to feed. Anyone who wants a concession goes to the Railways Department and seems to get it without any trouble at all. The concessions which are granted have a definite effect on the morale of the railway employees who feel they are doing a reasonable job. Some consideration should be given to their feelings.

I asked the Minister whether the granting of these concessions would have an effect on the Grants Commission and he

said, "In a general way, yes, but not necessarily when it comes to relatively small amounts of freight." If he calls £40,000 or £50,000 a small amount I do not know where we are going to end up. I realise that before these concessions are granted a lot of consideration is given to them, but I also know that the Railways Department is not happy. If the Government can give a concession to the mining industry or the timber industry, etc., and then reimburse the Railways Department, it does not show the Railways Department finances in a bad light.

Mr. Hawke: I think the Minister was outpointed on this matter in Cabinet.

Mr. Court: I thought you were going to advocate the withdrawal of free travel for members of Parliament.

Mr. D. G. MAY: Those are the points I wished to raise, and I ask the Premier whether the concessions I have mentioned come within the category of the £60,000 mentioned in the item.

Mr. BRAND: The notes I have with me indicate that the figure does not refer to the items mentioned by the honourable member, but mainly to superphosphate and grocery concessions. The provision for 1962-63 has been maintained at the usual level of £60,000 although abnormal expenditure in 1960-61 exceeded this amount. The Railways Department transports certain commodities at concession rates and this item reimburses the Railways Department for the cost of such concessions. The principal commodities are gypsum, iron ore, manganese, felspar, cyanide, wool—that is from Albany—and clothing from country factories. I think that the other items which the honourable member raised might well be dealt with on the Railway Estimates or at another opportunity. We are dealing purely with concessions which, in total, amount to £60,000, and which are paid on miscellaneous freights such as I have referred to.

Item No. 76: Rail freight rebate on flour, £50,000—

Mr. HALL: The expenditure on this item for 1961-62 was £42,861, and the amount estimated for this year is £50,000, showing an increase of £7,139. Does this indicate that the rebate on the cartage of the flour is to be paid on transport from the manufacturing centre to the port or city?

Mr. BRAND: I can only give the information I have here. The provision for 1962-63 has been maintained at the usual figure of £50,000 although in 1961-62 the expenditure was abnormally low. This item concerns the rebate of freight where wheat is sent to a flourmill for conversion to flour, and then sent to a port for export. The rebate is equal to the £60,000 that is spent on freighting the flour from the mill to the port. It is provided to enable local flour millers to compete with their counterparts in the Eastern States where a similar type of concession is available.

Item No. 80: Road Transport in place of Rail Services discontinued subsequent to April, 1957—Seasonal Services—Grains and Fertilisers and other items as may be authorised, £34,200—

Mr. KELLY: I would first like to assure the Treasurer that I am not going to accuse him of pinching anything.

Mr. Brand: I did not expect that you would.

Mr. KELLY: I would like some information in connection with this item. On looking through the list of subsidies we find that road transport appears in a number of different places. Referring to the matters contained in subsidies, there is a quarter of a million pounds being spent annually, and it does seem as though there is a duplication of similar types of services. I wonder whether the Treasurer can give us some idea of the relativity of item 80 to the other items under similar headings.

Mr. BRAND: The expenditure in 1961-62 included outstanding accounts for 1960-61. In addition, payment for nearly all the season's carting was settled prior to the close of the year. Consequently there is only a relatively small amount of outstanding accounts to be provided for in this year's Estimates in addition to the annual requirements.

This item is to provide for a subsidised road service on the above commodities transported between various country centres and the railheads. The scheme is administered by the Department of Transport and the subsidy is designed to reduce the cartage costs borne by the public to an equivalent figure of rail freight.

The amount of subsidy paid in 1961-62 was £39,232 and comprised—

	£
(a) Grains and Fertilisers—	
Mukinbudin - Bullfinch	5,135
Brookton - Corrigin	30,428
Katanning-Pingrup ..	128
Gnowangerup eastwards	505
Geraldton-Ajana-Yuna	281
(b) Other—	
Elleker-Nornalup	572
Busselton-Flinders Bay	1,091
Administration	1,065
Adjustment of the 1960-61 subsidy	27

That makes the total to which I have already referred.

Item No. 90: Dairy Farms Improvement Scheme—Excess Cost of Clearing, £2,000—

Mr. KELLY: I would like to ask the Treasurer for some further information in connection with items 90 and 91.

The CHAIRMAN (Mr. I. W. Manning): The honourable member will have to take one item at a time.

Mr. KELLY: Item 90 shows an amount of £2,000, which is described here as excess cost of clearing under the Dairy Farms Improvement Scheme. I am wondering why it is necessary to have the amounts under separate headings. My recollection of the Dairy Farms Improvement Scheme during the period when we were in office is that the scheme was costing somewhere in the vicinity of £60,000 per annum. As a matter of fact I think it was £140,000 in two years, and it embraced only a very limited number of farms. I am wondering whether the Government has discontinued the service that was instituted at that time, and I would like to know the present position in regard to the scheme.

Mr. BRAND: The notes I have in regard to item 90 are that a reimbursement of excess cost of clearing is made to the bank at the completion of each clearing project. In 1961-62 claims were made in respect of three farms. It is anticipated that a greater number of claims will be received in 1962-63; and provision has been made in this year's Estimates to meet these obligations.

The Dairy Farms Improvement Scheme is administered by the R. & I. Bank and aims to lift the production of the low-income dairy farmer to at least 8,200 lb. of butter fat per annum by the addition of clearing, pasturing, fencing, and water supplies. One of the conditions of the scheme is that the farmer is liable for clearing costs, up to a maximum of £12 per acre, and any costs of clearing in excess of that figure are to be met by the Government. The work is being spread over a number of years, and assistance under this scheme is made available to farmers in the Nannup, Denmark, Margaret River and Northcliffe areas.

Item No. 91: Dairy Farms Improvement Scheme, £10,000—

Mr. MITCHELL: I would like to make a few comments on the Dairy Farms Improvement Scheme. An amount of £10,000 has been allocated in the Estimates, and I would like to make an appeal for the funds for this scheme to be increased in order to give dairy farmers—and the ones in whom I am particularly interested are in the Denmark area—an opportunity to bring their farms up to the standard that is required to enable them to make a reasonable living.

I have just read an interesting report on the dairy farm position. During the 1950's it was anticipated that 25 per cent. of the dairy farms in the south-west of this State changed hands, principally the smaller and less developed farms. In this regard I am not speaking about properties in the irrigation areas, but in what we call the drier areas. Dairy farming is a most unattractive proposition at the present time, especially with the smaller number of cows that can be milked by some of these farmers.

In the Denmark district at present there are 241 active farmers, but the total area of cleared land is only just over 30,000 acres, so most of the dairy farmers in that area have about 100 acres each of cleared land; and I would say that under present economic circumstances it is physically impossible for a man to make a reasonable living off 100 acres of cleared land, however good it is, without the aid of irrigation.

The general opinion is, of course, that a greater number of cows have to be milked. I understand that the people who control the Dairy Farms Improvement Scheme will not permit money to be spent on clearing what is known in the Denmark area as the light land. They insist that the only clearing that can be recognised is the clearing of the very heavily timbered country. It might be said that the dairy farmers themselves should be able to clear the light land, but if any members know the situation that exists with most dairy farmers they will realise that, after trying to make ends meet, they have not sufficient funds to enable them to clear even the lightest land.

Those who control the scheme maintain that the lighter land in the Denmark district is not worth the investment of finance for clearing purposes to bring it under production. That has been definitely disproved on every occasion when settlers have undertaken the clearing of light land which, a few years ago, was considered useless. I maintain that the use of money to clear this type of land would bring about a quicker and better return than money used for the maintenance of clearing in the heavier country.

So I appeal to the Treasurer and those in charge to liberalise the granting of funds, maybe not this year, but in next year's Estimates so that these settlers can be given a reasonable opportunity to make a living. In a report by Dr. Schapper, and some of his colleagues, it was stated that the only possible chance many dairy farmers had was to amalgamate properties and so make larger units.

There has been a remarkable increase in the number of beef cattle run on dairy farms in recent years; and if that trend is to continue farmers will need considerably more than 100 acres of cleared land. For them to have a chance of success I consider they would need sufficient land to run 30 cows for dairying and probably 30 to 40 cows for beef production. Under the present circumstances, with the limited amount of land they have available for use, and with the heavy present-day costs involved in keeping a farm going, I fear

that many dairy farmers have a very doubtful existence so far as making a reasonable living is concerned.

Mr. BRAND: I think members are getting at cross-purposes in regard to the financing of the scheme. As the member for Merredin-Yilgarn knows this scheme is administered through the R. & I. Bank. These items are only miscellaneous items, and I think that if I give members the information I have under the heading of item No. 91 it will clear up any misunderstanding as to the reason for the estimate of £10,000.

This amount provides for the part reduction of capital losses sustained by the Dairy Farms Improvement Scheme, which was designed to increase production on dairy farms. The purpose of the scheme was to assist farmers to increase the productivity of their land by the removal of stumps and undergrowth on partly-cleared areas. It was estimated that the area needing cleaning up would be 80,000 acres.

Equipment was purchased and clearing commenced in 1951. The farmers were charged £2 per hour for work done and this charge was subsequently increased to £2 15s. per hour. Operations were discontinued in September, 1953, due to the unsuitability of the equipment required for the scheme. At this stage only 4,670 acres had been cleared. Capital equipment was eventually disposed of and resulted in a net loss of £29,137. This loss is to be written off over a period of three years. In 1961-62 the first instalment of £10,000 was provided, and the second year's charge is to be met from this item.

Item No. 93: Departmental Advertising (not otherwise provided for), £15,000—

Mr. TONKIN: Very respectfully, I want to draw the Premier's attention to this item.

Mr. Brand: He is coming good at last!

Mr. TONKIN: I humbly request that he vouchsafe the information that he has in his possession.

Mr. BRAND: It is with the greatest of pleasure that I read this note in relation to item 93. This item provides for the cost of advertising for Government departments, excluding trading concerns and business undertakings. These latter concerns pay for their own advertising from their own funds. This item is for the general miscellaneous advertisements that have been placed in newspapers overseas, and generally covers the incidental advertising of the Government.

Mr. TONKIN: I want to draw the Treasurer's attention to the fact that there has been a considerable increase in this item, and I was wondering what was the reason for it in such a short space of time. For the year 1959-60 a vote of only £7,500 was provided for departmental advertising, but the department spent nearly £10,000; that is, it spent £9,974.

In 1960-61, a sum of £11,000 was provided for this item, but the actual expenditure was £13,368. This year the vote is £15,000. That is a 50 per cent. increase from 1959-60 to 1962-63. I think a more detailed explanation for the reason for such increase is necessary. Is it because of the increase in advertising rates, or are the departments conducting greater advertising campaigns than they did previously; and, if so, what is the nature of the extensive advertising being undertaken?

Mr. BRAND: Quite obviously, I could not be expected to know all the details of this expenditure at this stage. Whilst I believe there has been some increase in advertising rates in recent times, I also acknowledge that there may be more advertising expected of Government departments, such as taking full-page advertisements in overseas newspapers, which at the present time I find is being pressed on all State Governments. The impression I have gained from the newspapers from overseas which I have seen, is that such advertising does not seem to achieve a great deal; but when four or five other States of the Commonwealth are advertising, one is often asked the question: Why does not Western Australia do more overseas advertising than it has done? I think that generally that is because of the demand for more information about the State and what is going on.

Mr. Hawke: I think the shrewd advertising salesman gets one State interested and persuades the other States to follow.

Mr. BRAND: I do not want to use the word "blackmail," but it is a kind of set-up which makes it very difficult for one State to stay out. I think the net result is that we advertise Australia. There has been some over-all criticism from overseas—not only from our own travellers—which is to the effect that the advertisements of other States are read in the newspapers but no Western Australian advertisements are seen. In view of the fact that the Deputy Leader of the Opposition has put his request so nicely, I will seek further information for him as to the reason for the increase in expenditure on this item.

Item No. 95: Dwellingup-Karridale Bush Fire Relief, £900—

Mr. RUNCIMAN: Could the Treasurer tell me how much of this amount is to be allocated to Dwellingup; and is that money for fencing or the planting of fruit trees?

Mr. BRAND: The major portion of the State's contribution towards the relief of distress caused by bushfires at Dwellingup and Karridale in the 1960-61 summer

season was met from expenditure in the previous financial year. In this year's Estimates £900 has been provided to meet the outstanding commitments on fruit tree compensation which were delayed due to the inability of nurseries to supply trees. Minor compensation is also expected on wire netting, and legal costs incurred in replacing certificates of titles that were lost in the fire.

Item No. 96: Eastern Goldfields Transport Board Assistance, £2,500—

Mr. HAWKE: I think members of the Committee would be grateful to the Treasurer if he would read to us the notes covering this item.

Mr. BRAND: Provision is made in 1962-63 for the maximum commitments of the Goverment for the recoupment of the estimated loss for the year ended the 30th November, 1962. The Government's contribution towards the loss incurred on the previous year's transactions amounted to £1,635. Since 1951, Government assistance has been rendered to the Eastern Goldfields Transport Board to enable a service to the goldfields people to be maintained. This assistance has taken the form of lending buses to the concern and meeting half the operating losses incurred. The other half of the losses was met by the local authorities. Due to rising costs and falling patronage, a larger measure of assistance was necessary, and the follow-arrangement was made:—

(a) Property of the buses now on loan to be vested in the board;

(b) the Government to continue the arrangement of recouping half the losses incurred subject to a maximum contribution of £2,500 in any one year.

Mr. Hawke: The service is mainly between Kalgoorlie and Boulder, is it not?

Mr. BRAND: Yes; as the Leader of the Opposition has said, the service is conducted mainly between the town of Kalgoorlie, the town of Boulder, and the mines.

Item No. 101: Gold Stealing Detection—Contribution to Chamber of Mines, £750—

Mr. TONKIN: I would like the Treasurer to say something on this item. There seems to be some inconsistency here which can only be explained by the person who has the information available to him. I notice that there is very little regularity in the provision. For example, in 1959-60 there was a vote of £484 and an expenditure of £483, so that is an expenditure of less than £500 for this item in that year. We find that in 1960-61 the estimate was £3,000; so, from an expenditure of less than £500, it jumped to an estimated £3,000 which was all spent. In 1961-62 there was no vote and no expenditure at all.

The item is now back with us again with an amount of £750. So we have the situation where one year it is £3,000, the next year it is nothing, and now the estimate is back to £750. That is an extraordinary position, and I would like an explanation of it.

Mr. BRAND: Once again the extraordinary position outlined by the Deputy Leader of the Opposition arises from a peculiar arrangement in respect of this matter—an increase of £750 as against no expenditure last year. As no revenue was derived from the proceeds of stolen gold in 1960-61 no payment was made to the Chamber of Mines in 1961-62. In 1961-62 the proceeds from stolen gold amounted to £1,465; and this item provides for the contribution to the Chamber of Mines.

The details are that the Chamber of Mines pays the whole cost of the Gold Stealing Detection Branch. Stolen gold, when recovered, can rarely be identified as belonging to any particular mine, and its value is therefore paid into the Consolidated Revenue Fund. Following the decision made in 1947, 50 per cent. of the proceeds of stolen gold, up to a maximum which is now £3,000—and that would probably account for the figure quoted—is returned to the Chamber of Mines in consideration of its expenditure on gold stealing detection. The limitation of 50 per cent. stems from the fact that all gold does not necessarily come from mines represented by the Chamber.

Item No. 111: Passenger Shelter Sheds, £280—

Mr. HAWKE: This item deals with money paid from the Consolidated Revenue Fund to assist in the construction of passenger shelter sheds. At least, that is my understanding of it. The expenditure last year was only £150, and the amount estimated this year is at the low figure of £280. Quite obviously that amount would only construct about one shed or a half-shed a year. I think the Treasury pays a subsidy on each shelter shed; and I imagine the local governing authority and the Metropolitan Passenger Trust also come into it.

Mr. BRAND: The increased provision in 1962-63 is intended to maintain the work on the project at a relatively stable level. Due to abnormal circumstances the expenditure in 1961-62 was below the estimate. To encourage the erection of bus shelter sheds the Government agreed to pay half the cost of the sheds erected, the local authority to pay the remaining half.

The provision in 1962-63 will continue this arrangement, and will assist with the resiting of some shelter sheds due to the alteration of bus stops. Obviously it is not intended that it will extend to new sheds.

Item No. 112: Pay Roll Tax, £430,000—

Mr. HAWKE: Big money is certainly involved here. These huge amounts have to be paid annually by the State Government to the Federal Government. Each State Government in Australia is in the same boat. The bigger States with bigger pay rolls have, of course, to pay much more than we in Western Australia. The amount we paid last year, and the amount estimated to be expended this year, in the payment of payroll tax to the Federal authority are both extremely high—getting up to the £500,000 a year mark.

This is one of the most unjust taxes it is possible to imagine. It applies not only to payroll tax paid by State Governments; but also, if I might digress slightly, in regard to payroll tax paid by industry, trade, and commerce. I would ask the Treasurer whether at recent Premiers' Conference meetings representations have been made by the Premiers to the Federal Government with a view to having this tax wiped out altogether, as it applies to State Government and local government authorities; or to having the impost as it affects those Governments substantially reduced.

Mr. BRAND: As the Leader of the Opposition said, this is a very large amount of money. It is a substantial increase, particularly when we add the payroll cost of the Railways Department and some of the other Government instrumentalities. I did not hear the question of payroll tax raised at the last Premiers' Conference, nor have I made any approaches in recent times. It was raised at the earlier conferences I attended as Treasurer, and the Commonwealth Treasury was quite adamant, in spite of the approaches by all States, about its retention. I can only say that for our part we are ready to join in any request, or to make our own approach, to relieve the payment of payroll tax. At this stage, however, there does not appear to be any indication of a change of attitude by the Commonwealth Government. A very vigorous and real effort has been made by private industry and local government to the Treasury to obtain some relief in this matter; but so far no decision has been made.

Item No. 113: Railways—Recoup of Operating Loss on Reopened Lines, £25,000—

Mr. DAVIES: I would appreciate the comments of the Treasurer on this item, as this matter is a very touchy one at the moment, particularly with many railway unions.

Mr. Brand: In what way is it touchy?

Mr. DAVIES: Perhaps the Treasurer could explain the position.

Mr. BRAND: There is a decrease in this item of £10,541. The decreased provision for recoup of operating loss for 1961-62 is due to the following factors:—

A substantial increase in the volume of traffic handled was experienced on the Burakin-Bonnie Rock line, which resulted in additional revenue, and therefore reduced the operating loss; and the maintenance requirements on the Katanning-Nyabing line, reopened in 1961, were less than the requirements in the initial year of operation. This lowered the operating cost of the line and reduced the loss.

The Lake Grace-Hyden and the Burakin-Bonnie Rock sections upon which services were discontinued were reopened on a seasonal basis in 1960. In addition, the Katanning-Nyabing section was reopened on a similar basis in 1961. The conditions of reopening were that costs involved should not be a burden on railway finances, and any loss incurred was to be recouped to the undertaking.

In 1961-62 a sum of £35,541 was expended from this item to recoup the railways for the operating deficiency incurred on these lines to the 30th June, 1961. In short, the decreased amount required to meet the operating expenses was the result of greater patronage on the reopened lines.

Item No. 117: State Building Supplies —Recoup of Losses, £50,000—

Mr. TOMS: Will the Treasurer give some explanation of this item? In the financial year of 1961-62 no provision was made, yet there was an expenditure of £68,858. For 1962-63 the estimate is £50,000.

Mr. BRAND: This item can be discussed when the relevant votes are being considered. The information which I have before me, under the heading of "Miscellaneous Services," states that the trading loss for the State Building Supplies for the year ended the 30th June, 1961, was £68,858 which was recouped to the concern's banking account by a charge to Consolidated Revenue in the last financial year. In this current financial year provision has been made for £50,000 to recoup the loss of £44,498 incurred in 1961-62, and to allow for payments yet to be made with respect to long service, annual, and sick-leave entitlements

Although the concern was disposed of to Hawker Siddeley Building Supplies Pty. Ltd. on the 30th June, 1961, there was a number of accounts which could not be finalised at that date and accordingly had to be met in 1961-62. After payment of these accounts which were mainly in respect of leave entitlements, and after taking credit for balances in provision accounts, the loss for last year was determined at £44,498. This sum will be recouped to the concern's banking account

in this current financial year from Consolidated Revenue, which will also meet remaining liabilities for leave.

Mr. TONKIN: I would like to know whether this expenditure has any relationship to the supplemental agreement which was put through in March of this year, and about which there has been no publicity. I was not aware of this supplemental agreement until I read about it in the Auditor-General's report.

Although I appreciate what the Treasurer has said—that this item can be discussed under the appropriate Minister's vote—nevertheless if I can get some information now it will put me in a far better position to discuss the matter when we reach the relevant vote.

I would like to know from the Treasurer whether this item of £50,000 for 1962-63 is in any way related to the supplemental agreement which was made with Hawker Siddeley Building Supplies in March of this year.

Mr. BRAND: I shall be quite frank and admit that, without any authority, I would be foolish to give an answer "Yes" or "No," when I am not aware of the situation. The accounting procedure of the Treasury is such that it would be very difficult for a layman like myself to give a definite answer. I understand from the Minister concerned that the item has nothing to do with the supplemental agreement.

Mr. COURT: The items referred to as loss and expenditure in the minute read out by the Treasurer adequately cover the situation and indicate that the amount has nothing to do with the supplemental agreement. The Government accounting system being what it is, and the Treasury accounts being presented on a cash basis, it often follows that items lag well behind and only in the following year are they caught up with in the accounting system, so far as the accounts presented to Parliament are concerned. This is evident more in the accounts of the Railways Department where two sets are kept—one on a cash basis and one on a commercial basis.

The items explained by the Treasurer were paid during the 1961-62 financial year, and were not caught up with in the financial accounts for the year ended the 30th June, 1960-61; but they have nothing to do with the supplemental agreement.

In connection with that agreement I should point out it has been the subject of questions earlier this session when a detailed explanation and the reason why it was entered into by the Government were given, to remove the doubt which existed in respect of the ultimate value of the stock.

Mr. ROWBERRY: I ask the Treasurer whether this item of £50,000 for the recoup of losses has any relationship to the indebtedness to the Treasury of £3,063,061 and the price of £2,052,155 which was eventually paid for the State Building Supplies. There was a loss of over £1,000,000. If this item has no relationship to that loss, what arrangement has the Treasury made to recoup its loss?

Mr. BRAND: This matter has already been debated at great length previously The explanation regarding the item of £50,000 under the heading of "State Building Supplies" has been given, and the reason for its inclusion in the Estimates has been clearly revealed. I have no more to say on it.

Mr. TONKIN: I would respectfully point out to the Treasurer that the matter raised by the member for Warren has not been dealt with at length previously; it has not been debated at all. This arises from a revaluation of stock under which a loss of some £300,000 is to be sustained—a loss which previously was not contemplated.

Mr. Court: That is not so.

Mr. TONKIN: The honourable member is entitled to know how this loss is to be met, because no information has been given to us in connection with it. He quite rightly wanted to know whether this item which we are now discussing—State Building Supplies: Recoup of Losses—has any relationship whatever to this additional loss, and whether there will be an item next year which might cover it. I take it it will be regarded as a capital loss and will have to be met in some special way by the Treasurer in order to enable him to balance his accounts.

Fortunately for Parliament the Auditor-General has, this year, found himself in a position to give some assessment of the situation, and he refers to this supplemental agreement under which it was mutually agreed that the valuation of the brick stocks and works in progress at the 30th June, 1961, shall be—brick stocks, £33,141; work in progress, £58,172; and general store trading stocks, £18,250, making a total of £109,563.

He points out the substituted purchase price for trading stocks shall be £545,000. The total of the sums mentioned previously —namely, £654,563—shall be paid by the purchaser to the Treasurer by 17 equal annual instalments on the 1st July, in each of the years 1966 to 1982, both years inclusive. There is a very substantial difference between that £654,563 which the Government is now to get for these trading stocks and works in progress; and in round figures I think the difference is about £300,000. How is it to be met? When is it to be met? There does not appear to be any provision in this year's Estimates for meeting it. I would like to know whether the Treasurer has yet got around to considering how this loss is to be met; and, if so, when is it proposed to meet some of it?

Mr. BRAND: I understand from the Treasury that it is working on this matter at the present time. The Auditor-General's report has been laid on the Table of the House giving such information as he was able to obtain up to this point of time. I am not in a position, without reference to the Treasury on these matters, to say just what action should be taken or from what fund this loss should be met. However, it will be met in the forthcoming year; and when the account is presented to Parliament an explanation will be given. It appears to me that this loss might well be met from Consolidated Revenue, but I am not in a position to confirm that.

I would like to apologise to the member for Warren, because I thought he was referring to the general issues of the sale of the State Building Supplies, which we previously discussed at great length. I did not understand it was in reference to this loss of £300,000 referred to in the general Estimates.

Item No. 122: Unemployment Relief, £92,000—

Mr. HALL: I would like to ask the Treasurer how he can say the State has never had it so good when he actually budgeted for £55,000 for unemployment relief and spent twice as much during 1961-62. On the amount spent last year, the Estimates for this year only show a decrease of £28,168. We are supposed to be entering an era when there is no unemployment, yet the Treasurer has budgeted for £92,000 for unemployment relief.

Mr. BRAND: The information I have here to give the honourable member is that in 1961-62 this item provided the funds for forestry work undertaken to absorb unemployed Collie miners and displaced employees of Industrial Extracts factory at Boddington. Many of these men have found other employment. The provision in this year's Estimates provides for the continued employment of displaced employees of Industrial Extracts to the 31st December, 1962, and Collie miners not yet absorbed in private employment.

In addition, provision has been made for the employment of displaced men of Hawker Siddeley Building Supplies at Pemberton due to the cessation of the second shift. As this work was intended primarily to absorb labour, and contributed benefit to the Forest Department as an incidental advantage, it was inappropiate to charge the expenditure against the forestry division.

Item No. 123: War Service Land Settlement Scheme—State's share of losses, £50,000—

Mr. KELLY: I would like to ask the Treasurer why this amount appears year after year. I understood in 1958-59 that the war service land settlement scheme was fast coming to a close and the time was not far distant when there would be no further delay in winding up the scheme. Yet this amount appeared in the Estimates for 1959-60, and is again in the present Estimates. I would like to know from the Treasurer the total indebtedness under this heading; and for how long we are going to be asked to provide this £50,000 per year. I do not know on what these losses are incurred, but I hope the Minister for Agriculture, when introducing his departmental estimates, will have something to say about them.

Mr. BRAND: I am sure the Minister for Agriculture will explain the situation. My notes state that under the war service land settlement scheme the Commonwealth provides the capital for acquiring, developing, and improving land for settlement. However, where the total cost of acquiring, developing, and improving any land is in excess of the valuation of such improved land, the State must bear two-fifths of the excess of the cost over the valuation. This item provides a contribution towards the State's share of the loss.

Mr. Kelly: I hope the Minister for Agriculture will supply some more information.

Item No. 124: Workers' Compensation Act—Insurance premiums, £52,000—

Mr. W. HEGNEY: Can the Treasurer explain this item and tell me what employees of the Government are covered by this particular series of insurance premiums?

Mr. BRAND: My notes state that the reason for the increase of £1,059 is that rates are revised periodically on the previous year's experience and this has resulted in increased contributions for 1962-63, for which provision has been made in this item. The item covers insurance premiums under the Workers' Compensation Act for Government employees. Premiums for employees of public utilities and trading concerns are not included under this head, as such premiums are paid direct from the funds of the organisation concerned.

Vote put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr. Nalder (Minister for Agriculture).

BUSH FIRES ACT AMENDMENT BILL

Council's Message

Message from the Council received and read notifying that it insisted on its amendments Nos. 2 and 3 to which the Assembly had disagreed.

MENTAL HEALTH BILL

Council's Message

Message from the Council received and read notifying that it did not insist on its amendment No. 11 to which the Assembly had disagreed.

TRUSTEES BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.34 p.m.]: I move—

> That the Bill be now read a second time.

This is a scheme produced to the Government by the Law Society of W.A. The legal profession had, for some time past, been aware of the shortcomings of our legislation in this field. At the South Western Legal Convention held at Bunbury in 1960, a paper delivered there highlighted the deficiencies and the Law Society thereupon proceeded to move in the matter. It appointed an *ad hoc* subcommittee comprising those practitioners most knowledgeable in this field and that subcommittee met regularly and deliberated for more than a year to produce a legislative scheme. One of its members, Mr. D. E. Allan, Senior Lecturer of the Law School, W.A. University, who has among his subjects equity, visited Melbourne, Sydney, and New Zealand to study the operation of the trustee legislation in those jurisdictions. The subcommittee corresponded with lawyers in England and the U.S.A. and considered the legislation of other jurisdictions in detail.

Our present law is to be found in three Acts—the Trustees Act, 1900, the Settled Land Act, 1892, and the Administration Act, 1903. The subcommittee has this to say about that legislation—

> In particular, we consider that the Trustees Act 1900 is a defective instrument. It has been in operation for 61 years and during that time there have been only seven minor amendments, four of which have been concerned with the investment power. It was based largely on the English Trustee Act of 1893 which was itself unhappily drafted and, as was shown by the English Trustee Act of 1925, ill-suited to 20th century conditions. Legislation which is based on notions of property current in the late 19th century England is barely suitable as a reasonable and practical system for Australia in the second half of the 20th century. Furthermore, a study of the trustee legislation of other jurisdictions leads to the conclusion that there are very many gaps in the Western Australian Act. Subjects which should be dealt with are not to be found at all in the Act, whilst there are many sections that have no conceivable relevance or application today. In these circumstances it is thought that in many instances practice may well have outstripped the law. When one considers the onerous responsibilities which rest upon a trustee, it is clear that he is entitled to the most explicit and intelligible guidance which the law can give him.

At present, the legal profession is overcoming this hurdle by drawing the necessary documents in a realistic manner so as to exclude these anomalies and anachronisms. It is said for this legislation that it will enact what is now, in fact, the practice in this field of law.

The subcommittee's report gives as the main objects of the legislation—

(1) To bring together in one place all the statutory provisions relating to trustees.

(2) To hold a reasonable balance between the sometimes (but not always) competing interests of the settlor or testator, the trustee and the beneficiary.

(3) To ensure that the legitimate intentions of testators and settlors are not frustrated by unnecessary technicalities or by any law which has today lost its significance.

(4) To bring the legislation of the State up to date, in the light of the experience of other jurisdictions and of the economic circumstances prevailing in the State today.

(5) To simplify will drafting and conveyancing, and to reduce expense in the administration of trusts by permitting trustees to exercise their powers without unnecessary reference to court, by trusting the trustees and allowing the court to exercise supervisory powers.

(6) To reduce expense in the administration of trusts, by permitting trustees to exercise their powers, as far as practicable, without preliminary reference to the Court.

Following introduction of this legislation in another place, the Bills were circulated among those concerns outside the legal profession that were most likely to be affected by them. Both the trustee companies, the two bodies of accountants, and the Associated Banks in W.A. were invited to comment. The Treasury and the Public Trustee examined the Bills, and the Leaders of the Opposition in both Houses received copies of the subcommittee's report. In the result, two of the Bills were amended to take in virtually all the suggestions made, and, as so amended, are now presented.

I might add that when this Bill was originally introduced in another place the Minister in charge (the Minister for Justice) arranged that the adjournment

would be for an indefinite period so that all parties interested, including the Opposition, could examine it. This is considered to be a very important law reform measure. It is something we want to encourage in this State so that Parliament and the Government of the day might have the benefit of the experience of practitioners most knowledgeable in these matters.

This is an example of the work that has been done. Because the legislation was introduced early in the session it was possible for interested parties to have access to it in a *bona fide* way in order that they might express their views on it. We all realise that trustee law is a very important and often difficult law to understand.

Turning to the Trustees Bill itself, one of the main innovations has been the broadening of authorised investments, now to be found in clause 16. All items to be found in section 5 of the 1900 Act have been included. As to broadening these, the report says—

> We would stress that the problem as we see it is not simply one of finding investments that will provide a higher income return for the life tenant—for the most part today, the return offered by the authorised investments, taking into account that many of them offer an income tax rebate, is not inadequate. The major problem to our mind is to find investments that will guard the trust property against the risks of capital depreciation—and this is what the usual "gilt-edged" securities generally do not do. Accordingly, we consider that a prudent investment policy for a trustee to follow would be to secure a distribution of the trust funds over both governmental and "equity" securities. In this connection we would also stress that our proposal is in no way designed to encourage or even to permit a trustee to engage in speculation or to "play the market" with trust funds. In fact, section 16 is specifically designed to rule out any such possibility and the trustee in any event will remain under his general duty to invest in the manner of a prudent man of affairs having regard to the interests of those for whom it is his duty to provide.

Again, the report says—

> We think that if the range of authorised investments is to be broadened . . . it should be left to the trustee, with proper advice, to secure diversification of his investments. We recognise that this will be something new in the field of trusts, but is obviously so very desirable and essential today that we think it will be done in all jurisdictions within a very few years. Already it is being considered in several. However, as it is new, we suggest that the range should be broadened gradually . . .

This objective has been attempted by authorising investment in unit trusts that have a deed that has been approved under the new Companies Act, and also in stocks, shares, debentures of, and on deposit with, companies that have a paid up capital of £1,000,000 and have paid a dividend in the preceding 15 years. The subcommittee points out that paid up share capital is not necessarily the best test of financial stability, but supplemented by the dividend requirement it provides reasonable security.

On the recommendation of Treasury officers this section was amended so as to add to the authorised investments that of the short-term money market—a useful provision in the case where funds are to be held for brief periods before distribution. As members know, the Government has special legislation dealing with this sort of thing in respect of its own funds. The trustee's powers have been widened considerably, but clause 94 enables persons aggrieved by a decision of the trustee to have the court review the decision. The powers are to be found in part IV of the Bill.

I shall now deal with the protection of trustees, part VI. The Bill introduces a new scheme to enable the trustee to distribute the estate at the earliest possible moment, without having to hold back part of the estate to meet possible future claims, of the existence of which he was not aware at the time of distribution. On the other hand, the interests of future claimants are protected by preserving their right, subject to safeguards, to follow the trust property into the hands of the recipients. I refer members to clauses 62 to 66 and clause 74.

Part VII deals with the further powers of the court. These provisions give the court greater supervisory powers over the trustee without, however, tying his hands in the first instance. It can authorise variations in the trust itself where necessary. It may make orders in the absence of parties that are binding on them, thus eliminating the possibility of its stultification through the absence or unavailability of parties.

As I said earlier, this Bill is a major attempt at law reform in respect of a particular matter, and I commend it to the House. I should explain that there are seven other complementary Bills which will be introduced this afternoon, time permitting, in order to make the series complete.

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

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.45 p.m.]: I move—

That the Bill be now read a second time.

This is one of the Bills which is complementary to the Trustees Bill and part of the legislative scheme, comprising eight Bills, to amend the law relating to trusts. It is concerned primarily to remove from the Administration Act a number of sections that now appear, with general application, in the Trustees Bill.

It is proposed to amend section 17 of the principal Act by adding a new subsection to make it clear that the power thereby conferred is in addition to any other power a trustee would have under the proposed Trustees Act. The Bill adds a new section 17A, the purpose of which is to enable a personal representative holding property under a will or intestacy for an infant to appoint trustees of the infant's share and pay the property to them. The only reason why a personal representative cannot at present pay out to an infant is that the infant cannot give him a receipt and discharge because of his limited standing in law. The personal representative is therefore placed in a dilemma. He is under a duty to distribute, but cannot obtain a satisfactory discharge. He can at present protect himself only by paying into court. That is not always a satisfactory way to dispose of the property, and there would be an alternative—that of appointing trustees for the infant.

Other amendments appearing in clauses 6 and 7 have been recommended by the Crown Law Department so as to remove an anomaly under which no person, other than an executor, administrator, or trustee, is entitled to appeal against an assessment of the Commissioner for Probate Duties. Clause 9 gives a place in the Act to a "homeless" section enacted by an amending Act in 1959.

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

MARRIED WOMEN'S PROPERTY ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.47 p.m.]: I move—

That the Bill be now read a second time.

This is a further Bill in the series of eight Bills complementary to the Trustees Bill. It is part of the legislative scheme, comprising eight Bills, to amend the law relating to trusts. The purpose of this Bill is to add to the principal Act a section to deal with trust estates held by married women.

The principal Act enables a married woman to dispose of her separate property as if she were single, without the aid of her husband. But this does not apply where a married woman holds property as a trustee for someone else. This was cured, to some extent, by section 21 of the Trustees Act of 1900, but there is still a gap in the law. For example, a married woman holding land as a trustee for sale cannot deal with it without the concurrence of her husband.

A further minor amendment to the principal Act is one which is consequential on a provision of the proposed Law Reform (Property, Perpetuities, and Succession) Bill which will abolish the last of the disabilities applying to a married woman in respect of property.

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

TESTATOR'S FAMILY MAINTENANCE ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.49 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to give protection to an executor against a person claiming under the provisions of the principal Act, where the executor has properly distributed any part of an estate, after six months from the testator's death without notice of the claim. The effect of the change will be that an intending claimant would have six months within which to make a claim. At present, he can be forced into earlier and precipitate action by the executor advertising for claimants and threatening to distribute.

The effect of the existing provisions is frequently to bring undue pressure to bear on the family of the testator to make up their minds whether a claim should be brought. The object, therefore, of this amendment is to ensure that the next-of-kin will have six months after the granting of probate to make their claim. However, if at the end of that period the executor distributes the estate without notice of any application under this Act, the executor would then be freed from any liability, and the applicants must pursue their remedies against the assets.

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

CHARITABLE TRUSTS BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.50 p.m.]: I move—

That the Bill be now read a second time.

The Bill proposes three main changes in the law. Firstly, by part II, it is intended to remove a doubt that has arisen as to whether trusts for certain recreational purposes are charitable, by declaring that those purposes are, as had always been thought until a decision of the House of Lords in 1955, charitable.

Secondly, part III reforms the cy-pres doctrine. This doctrine is an old rule of the Chancery Court whereby, if the specific purpose of a charitable trust proves either impossible or impracticable of performance, the court may vary the terms of the trust to authorise the application of the property for a different purpose, but resembling the specified purpose as closely as possible, provided there was an overriding intention on the part of the creator of the trust to devote the property to charity. The subcommittee recommended that, as in England and New Zealand, the scope of the court's authority should be enlarged. Accordingly three alterations are proposed to the rule—

(a) To make it apply in wider circumstances than sheer impossibility or severe impracticability.

(b) To remove the restriction on the court's discretion that limits the new purpose to one resembling the original purpose as closely as possible. Instead the court may approve any scheme for the disposal of the funds prepared by the trustees in consultation with the Attorney-General, if the court is satisfied that the scheme is in all respects a proper one; and

(c) To prescribe a definite procedure for the preparation of schemes such as that just mentioned, for giving publicity to the scheme, and for obtaining the court's approval.

Part III applies to endowed and mixed charities and leaves collecting charities to be dealt with under the Charitable Collections Act, 1946. Part IV extends the existing powers of the Attorney-General to supervise charitable trusts to ensure that they are working properly and efficiently in the public interest.

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

LAW REFORM (PROPERTY, PERPETUITIES, AND SUCCESSION) BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.56 p.m.]: I move—

That the Bill be now read a second time.

The major portion of this Bill is concerned to introduce several reforms of the rule of law known as the rule against perpetuities. That rule limits the control that a settlor or testator can exercise over his property in the future. It provides that any disposition of property that a person purports to make is valid only if it will vest an interest within a period measured by the duration of a life or lives in being, plus a further 21 years.

The rule was originally formulated specifically in relation to interests in land, although today it has come to apply to interests of any description in any type of property. The rule was originally dictated by motives of economic necessity to prevent the tying up of land in a way that would render it inalienable, but this problem has today been solved in other ways.

It is said that the rule is seriously in need of reform, to strip it of its outdated technicalities, so that it will work simply, and, above all, justly in restraining the control of the "dead hand". The proposed reforms follow not only those made in other jurisdictions, but also those recommended by the report of the English Law Reform Committee which has generally been recognised as offering the most sensible and reasonable solution of the difficulties in connection with the rule.

The Bill further proposes to enable persons to make wills in expectation of marriage. By the law at present obtaining here any will is invalidated by the subsequent marriage of the testator. Section 18 of the Wills Act, 1837, provides that all wills are automatically revoked by the marriage of the testator. That produces an inconvenience in that it prevents a person making a will in contemplation of his forthcoming marriage; and if, in ignorance of the law, he does so, his will is revoked by his marriage.

All other jurisdictions whose laws have been studied by the law reform subcommittee have legislation providing that a will expressed to be made in contemplation of marriage to a person therein named is not revoked by the solemnisation of that particular marriage. It is considered very desirable that the provisions as set out in clause 20 of this Bill should be

incorporated in our law, and in this connection it is pointed out that the purpose is that it applies only to wills made after the commencement of the Law Reform (Property, Perpetuities, and Succession) Act.

One of the main miscellaneous provisions of the Bill is to make provision for beneficiaries of contingent or future gifts to have the benefit of the intermediate interest where this has not otherwise been disposed of.

Another amendment provides that money paid under mistake of law should be recoverable. At present, only money paid under mistake of fact is recoverable. The court is given a discretion to consider which is the greater hardship between two innocent parties, and to make an order for restitution by instalments. Finally, the Bill proposes to abolish the last of the disabilities in respect of property that apply to a married woman.

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

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.58 p.m.]: I move—

That the Bill be now read a second time.

This is one of the Bills which are complementary to the Trustees Bill and part of the legislative scheme comprising eight Bills to amend the law relating to trusts.

This measure provides a small amendment to the principal Act so that the proviso in section 7 catches—and I use that word not in its literal sense, but its legal sense—the children of an adopted child. This is necessary if the provisions of clause 6 of the aforementioned Law Reform (Property, Perpetuities, and Succession) Bill are to work.

In other words, the purpose of the amendment proposed in clause 2 of this Bill is to make effective the presumptions introduced in clause 6 of the Law Reform (Property, Perpetuities, and Succession) Bill concerning inability to procreate or bear children. There is no point in presuming, for example, that a woman is past the age of child-bearing if she might still adopt a child who will be qualified to take under a limitation to her children. However, section 7 of the Adoption of Children Act prevents adopted children taking under instruments which were made prior to the date of their adoption, unless there is a statement to the contrary in the instrument.

This deals adequately with the situation where there is a gift to the children, but if the children are not themselves beneficiaries, but merely the measuring lives for gifts to their own issue, the difficulty would still arise. This section therefore proposes a small amendment to exclude in these cases not only adopted children, but also the issue of adopted children. It is stressed that this will exclude them only from taking under instruments made prior to the adoption order, and then only if they have not been expressly included.

The amendment is considered necessary and desirable in conformity with the law reform scheme, but will be of little practical consequence other than to make the presumption against child-bearing effective.

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

SIMULTANEOUS DEATHS ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [6 p.m.]: I move—

That the Bill be now read a second time.

This is the last of the eight Bills which, collectively, make up the law reform Bills in respect of trustees. This measure is consequential upon the provisions of clause 21 of the Law Reform (Property, Perpetuities, and Succession) Bill. It provides that where property is given to the survivor of two or more children of the testator, and all those children predecease the testator in such circumstances that it cannot be said which of them survived the other or others or them, the gift will take effect as though it had been made to those children in equal shares.

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

House adjourned at 6.1 p.m.