Legislative Assembly

Thursday, the 23rd October, 1969

The DEPUTY SPEAKER (Mr. W. A. Manning) took the Chair at 2.15 p.m., and read prayers.

DISTRICT COURT OF WESTERN AUSTRALIA BILL

Returned

Bill returned from the Council without amendment.

BILLS (2): INTRODUCTION AND FIRST READING

1. Rural and Industries Bank Act Amendment Bill.
2. Reserves Bill.

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

QUESTIONS (20): ON NOTICE

1. IMMIGRATION

Arrivals

Mr. HARMAN asked the Minister for Immigration:

What is the estimated number of migrants arriving in Western Australia during this financial year under all migration schemes?

Mr. BOVELL replied:

It is estimated that 25,000, of which about 18,000 will be traveling under the various assisted passage schemes, will arrive in Western Australia during the current financial year. The balance would be full fare-paying passengers.

2. PERTH RAILWAY STATION: LOWERING

W.A.D.C. Proposals

Mr. TONKIN asked the Minister for Railways:

(1) Will a decision be made before Parliament rises on the proposal received from the Western Australia Development Corporation for the sinking of the railway?

(2) Is it intended to sign before Parliament rises an agreement with the W.A.D.C. in connection with the sinking of the railway?

Mr. O'CONNOR replied:

(1) It is anticipated a decision will be made before Parliament rises and details will be presented to Parliament.

(2) No, but if an agreement is signed at a later stage it will be brought to Parliament for ratification.

3. RAILWAYS

Cuthbert Siding

Mr. MITCHELL asked the Minister for Railways:

(1) Is it a fact that the department has decided to close the Cuthbert Siding in the near future?

(2) If so, what is the reason for the closure?

(3) Would it not be reasonable to expect that the member for the area be notified before such decisions are made final?

(4) In view of the large number of closures on a permanent and part-time basis of sidings on the Albany line, is it intended to eventually discontinue this line altogether?

(5) Is he aware that the closure of sidings is having the effect of forcing people to use road transport?

(6) Would it be correct to assume that the Railways Department is not interested in giving a service or making a profit seeing that its losses are made good by the Treasury?

Mr. O'CONNOR replied:

(1) and (2) The public siding at Cuthbert had to be removed in the re-design of facilities to accommodate the Co-operative Bulk Handling grain storage silos, but is being reinstated on the southern side of the main line.

(3) Yes, this is normal practice.

(4) and (5) Since June, 1966, the only closures of sidings on the Albany line, within a distance of 200 miles from Albany, have been Marbellup and Chorkerup.

(6) No.

4. IMMIGRATION

Intending Migrants

Mr. BATEMAN asked the Minister for Immigration:

(1) What is the minimum capital required for an intending migrant to Australia under the "nest egg" or any other scheme?

(2) Are intending migrants advised of the problems associated with first, second, and, in some cases, third mortgages when purchasing homes?

(3) Is the Agent-General made aware of the several problems migrants have to face when migrating to Australia?

Mr. BOVELL replied:

(1) "Nest egg" is a Commonwealth Immigration Department nomination requiring capital of at least $2,000 to be available on arrival in Australia.

(2) Intending migrants are advised of home purchase mortgages in both Commonwealth and State publications.

(3) The Agent-General and immigration staff at Western Australia House are aware of initial problems, both financial and social, which confront some migrants, and intending migrants are advised accordingly.

5. ELECTRICITY SUPPLIES

Farmers' Contributory Group Scheme

Mr. MITCHELL asked the Minister for Electricity:

(1) How many connections were made under the contributory electricity scheme during the years 1965-66, 1966-67, 1967-68, and 1968-69?

(2) How many applications are at present held by the commission?

(3) What is the number of connections expected to be made to farms during 1969-70?

Mr. NALDER replied:

(1) 1965-66—1,052.
1966-67—1,281.
1967-68—1,377.
1968-69—1,513.

(2) 2,200 approximately.

(3) 1,300.

6. WATER SUPPLIES

Beacon

Mr. GRAHAM asked the Minister for Water Supplies:

(1) What is the source of the present water supply at Beacon?

(2) Is there rationing of water in this area and, if so, what are the details?

(3) How many properties are connected to the service?

(4) What have been the average daily consumption rates during the summer period for each of the last three years?

Mr. ROSS HUTCHINSON replied:

(1) A roofed circular concrete tank of 1,190,000 gallons capacity with a rock catchment area of nine acres. This was a former railway supply.

(2) Yes. Eight gallons per head per day.

(3) 46.

(4) Average daily consumption rate per service—

1966-67 summer—120 gallons.
1967-68 summer—118 gallons.
1968-69 summer—70 gallons.

7 HEALTH

Fructose

Mr. T. D. EVANS asked the Minister representing the Minister for Health:

(1) What are the constituent parts of the chemical compound known as "fructose"?

(2) Has any testing been made in Australia for the purpose of determining whether this substance is efficacious in quickly eliminating alcohol from the human blood stream?

Mr. ROSS HUTCHINSON replied:

(1) $C_6H_{12}O_6$.

(2) No published accounts of Australian investigations are known but fructose has long been regarded as a substance which promotes the metabolism of alcohol.

8. EDUCATION

Armadale Senior High School

Mr. RUSHTON asked the Minister for Education:

(1) Has a contract been let for the construction of a library and science block at the Armadale Senior High School?

(2) If not, when is this expected?

(3) When is construction estimated to commence?

(4) When are these facilities expected to be ready for use?

Mr. LEWIS replied:

(1) No.

(2) The letting of a contract cannot be indicated at this stage, because sketch plans have only recently been approved.

(3) Not known.

(4) Not known.

9. LAND

Bunbury Education Complex, and Gaol

Mr. JONES asked the Minister for Works:

(1) From whom were the sites obtained at Bunbury on which to build an education complex and a new gaol?

(2) What price was paid by the Government for each site?

Mr. ROSS HUTCHINSON replied:

(1) and (2) Bunbury Gaol site was excised from Crown Land (Bunbury Endowment Land) without monetary consideration.

Land for an education complex at Bunbury is similarly to be excised from Crown Land (Bunbury Endowment Land) and the granting of surplus school premises in

Bunbury to the council in exchange is subject to consideration. No monetary consideration is contemplated.

10. DIRECTOR-GENERAL OF EDUCATION

Overseas Visit

Mr. WILLIAMS asked the Minister for Education:

(1) Is it intended to send the Director-General of Education overseas?

(2) If so—
  (a) when will he leave and return;
  (b) what countries will he visit;
  (c) for what purpose will he visit these countries;
  (d) what are the expected results of these visits?

(3) Why was the Director-General of Education particularly chosen?

Mr. LEWIS replied:

(1) Yes.

(2) (a) He leaves on the 26th October, 1969, and returns early December.
  (b) Great Britain with possibly short stopovers en route.
  (c) To assess the results of an intensified teacher recruitment campaign and determine future policy.
  (d) A greatly increased flow of teachers from the United Kingdom.

(3) Because many of the decisions to be made involve policy at top level.

11. GOVERNMENT BUILDINGS

Bunbury Hostel for Girls

Mr. WILLIAMS asked the Minister for Works:

(1) Has the old hostel for girls adjacent to the Bunbury Senior High School been leased?

(2) To whom, and for what purpose and period of time has it been leased?

(3) Who gave the approval for the lease?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) The hostel has been leased to Mr. R. Messenger for the purpose of a rest home for elderly ladies for a period of five years from the 26th August, 1969.

(3) The Public Works Department with the concurrence of the Education and Public Health Departments.

12. WATER SUPPLIES

Divining

Mr. W. A. MANNING asked the Minister representing the Minister for Mines:

(1) Is use being made of the divining method for selecting water boring sites to supplement the work of geologists?

(2) If not, will he take action so that every possible means of finding water in dry areas is made available?

Mr. BOVELL replied:

(1) No.

(2) The Farm Water Supply Committee is endeavouring to assist farmers in drought areas by providing a subsidised water drilling programme.

The hydrological section of the Mines Department does not employ water diviners; it employs geologists specially trained in hydrology and whose responsibility it is to fix drilling sites.

13. CHILD WELFARE DEPARTMENT

Collie Office

Mr. JONES asked the Minister representing the Minister for Child Welfare:

Where is the new office accommodation for the Child Welfare Department at Collie?

Mr. CRAIG replied:

74 Wittenoom Street, Collie, at the rear of the Water Supply Office.

14. *This question was postponed.*

15. ABATTOIRS

Bushmead: Female Employees

Mr. BRADY asked the Minister for Agriculture:

(1) How many women are employed at the abattoirs, Bushmead?

(2) When were women introduced as employees at the abattoirs?

(3) What work is performed by women?

(4) In what sections are women employed?

(5) What wages are paid to females?

(6) Is a separate canteen provided for women?

(7) Are lockers provided for each female employee?

Mr. NALDER replied:

(1) 137 by the Midland Junction Abattoirs Board and 54 by other firms.

(2) The 18th September, 1967.

(3) Tally clerks, wrapping and packing of meat, trimming of carcasses, washers on the mutton floor, laundry hands, and various small jobs such as preparing tickets for carcasses.

(4) Mutton floor, wet room area, offal room, boning rooms, meat delivery area, and laundry.

(5) Female employees of the Abattoir Board are paid according to Award No. 11 of 1966, and those of private firms are covered by Award No. 26 of 1966.

(6) No separate canteen is provided for women but there is a separate amenity block.

(7) Not at present. An additional locker room unit now being constructed will allow for lockers for each female employee with an additional 50 per cent. excess capacity.

16. ABATTOIRS

Bushmead: Industrial Awards

Mr. BRADY asked the Minister for Agriculture:

(1) Have the recommendations in the interim award and final award by the Chief Industrial Commissioner, Mr. B. M. O'Sullivan, relating to the abattoirs, Bushmead, been carried out?

(2) What is the reason for the delay in carrying out various recommendations made in January, 1969, and partly carried out in October, 1969?

Mr. NALDER replied:

(1) A majority of the recommendations have been completed and the balance are in progress with the exception of a particular recommendation concerning the installation of a spring-loaded switch on the reject rail. The installation of such a switch is not possible because of the mechanical structure of the chain system.

(2) Delays have been caused by shortage of skilled tradesmen and delays in obtaining materials.

17. SONS OF GWALIA MINE

Disposal of Equipment

Mr. CASH asked the Minister representing the Minister for Mines:

(1) Can he supply any information regarding the disposal of locomotives formerly used by the Sons of Gwalia Mine and the rolling stock and other mining equipment used by the company?

(2) In what districts have items of mining equipment been preserved for historical purposes?

Mr. BOVELL replied:

(1) One very old locomotive was given to the shire and is on show in a park in Leonora. The company disposed of its rolling stock some years ago and it is understood it was sold for scrap.

(2) Kalgoorlie, Coolgardie, and Leonora.

18. KEY DAM SCHEME

Means Test

Mr. YOUNG asked the Minister for Lands:

(1) Has the "means test" always applied to farmers seeking loans under the key dam scheme?

(2) If not, when was it first applied?

(3) What assessment of a settler's ability to repay the loan is taken into consideration?

Mr. BOVELL replied:

(1) Qualified requirements have always applied.

(2) Answered by (1).

(3) The stage of development disclosed in the application and confidential report from applicants' bankers.

19. TOWN PLANNING

Erection of Flats

Mr. BERTRAM asked the Minister representing the Minister for Town Planning:

(1) Is the Government concerned with the position whereby flats are being erected in built-up areas where there does not exist sufficient open space and other facilities to cope with the denser population thereby created?

(2) If "Yes", what is being done in respect of this position?

Mr. LEWIS replied:

(1) and (2). The responsibility for preparing town planning schemes under the Town Planning and Development Act rests primarily with local authorities. Such schemes provide for residential areas, including flat areas. It is for the local authorities, when designating areas for flat development, to take full account of the need for open space and other facilities.

20. *This question was postponed.*

QUESTIONS (4): WITHOUT NOTICE

1. WHEAT

Quotas

Mr. TONKIN asked the Minister for Agriculture:

Following the question asked yesterday by the member for

Avon, can he advise if the decision of the committee on wheat quotas has been communicated to the Government?

Mr. NALDER replied:

A decision has been communicated by the Chairman of the Wheat Quotas Committee that the quotas are being despatched. A Press release is being prepared, and the quotas will be despatched tomorrow.

2. WHEAT

Quotas

Mr. TONKIN asked the Minister for Agriculture:

Is the decision which has been indicated to the Government that the wheat quota will be the average of the best five-years' deliveries in the previous seven-years' deliveries, less 17½ per cent?

Mr. NALDER replied:

Yes.

3. RAILWAYS

Interstate Trains: Press Report

Mr. GAYFER asked the Minister for Railways:

(1) Has the Minister sighted the Press release agreed to by the Minister and released following the last meeting of the Australian Transport Advisory Council?

(2) In it is stated that the first train will run direct from Sydney to Perth on the 1st March; then follows "When the standard gauge line is constructed between Adelaide and Port Pirrie even faster journeys will be possible."

How does this come about when the Indian-Pacific will not be using this portion of line?

Mr. O'CONNOR replied:

(1) Yes.

(2) The time of arrival of the Sydney-Perth train is dependent upon the connection at Port Pirie of the train carrying passengers from Melbourne and Adelaide. Following the completion of the standard gauge link through to Adelaide it is expected that the timetables can be varied to provide a faster through transit for Sydney-Perth passengers. The matter is currently under investigation by the commissioners of the railways concerned.

4. MEAT INDUSTRY EMPLOYEES

Deputation to Minister for Agriculture

Mr. BRADY asked the Minister for Agriculture:

Can I anticipate a reply during next week to my request for a deputation from the meat industry employees to wait on the Minister?

Mr. NALDER replied:

I am not in a position to answer that question at this stage. I have been seeking information, and when that becomes available I will give a decision to the honourable member.

LAND ACT AMENDMENT BILL (No. 3)

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [2.35 p.m.]: I move—

That the Bill be now read a second time.

The redevelopment of the city centre includes proposals to connect large buildings with pedestrian tunnels. As the ground through which the tunnels are constructed under road surfaces, and the air space above such roads belong to the Crown, it is necessary to consider what form of occupancy can be given to either of these proposals.

The Lands Department received two applications to deal with the occupany or tenancy of underpasses and overpasses. They are—

(1) The request which proposes to link Hay Street to the south side of St. George's Terrace in relation to the development of properties between Hay and Murray Streets. This development also proposes a pedestrian overpass at Murray Street level into Forrest Place.

(2) The other request deals with a pedestrian underpass to connect the Economic Buildings on the corner of Hay and William Streets with proposed redevelopment with the west side of William Street surrounding Wesley Church.

Legal opinion obtained shows that there is no power in the local government body to approve the use of street reserves for either below the ground or in air space above any street road, or highway, as the case may be. The legal view also is that the land for a road is vested in the Crown to an unlimited depth, and the air space above the road to an unlimited height.

There is some doubt, however, as to whether the land or air space can be termed a "lot" within the meaning of the Land Act and defined as such. Further, the legal view is that it is necessary to

amend the Land Act to give the Government the power to determine occupancy of underpasses and overpasses.

Section 511 of the Local Government Act covers the construction and maintenance of subways, and provides for the use of pedestrians, and also for pipes, conduits, and conveyers for the purpose of transporting materials.

There is no right given under any Act, however, for the use of such underway or air space unless the Land Act is amended to give legal meaning to the areas required.

Further, the method of tenure needs to be decided, and in the Government's view it would not be wise at this stage to grant other than leasehold tenure for a set term. Future development of the city may require more use of tunnels and overpasses, and I do not think that anyone can visualise what the city will be like in the next century.

The amendment now proposed is a further section to the Land Act, section 117A, to provide for leases or licenses under or over streets for construction and maintenance of subways and bridges.

This is a further indication of the progress and development that Western Australia is enjoying at the present time. I want to emphasise that this measure relates to under and over Crown land. It does not refer to freehold land in any way. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Norton.

NORTHERN DEVELOPMENTS PTY. LIMITED AGREEMENT ACT AMENDMENT BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [2.40 p.m.]: I move—

That the Bill be now read a second time.

By introducing a Bill with a supplementary agreement attached in the form of a schedule the Government proposes an amendment to the original agreement which was ratified by Parliament by Act No. 41 of 1969.

A close examination of the Northern Developments Pty. Limited Agreement Act, No. 41 of 1969, in relation to the company's basic needs to implement the terms of the agreement, reveals that some adjustments are necessary.

The company's developmental programme is based upon the rapid development of lands for the production of grain sorghum, the sale of which is to be assured under firm contracts with overseas buyers. This makes it essential that—

(a) grain sorghum be defined as an "approved crop" within the definition contained in the Act; and

(b) the issue of licenses for the land parcels to be acquired by the company be accelerated.

In framing the necessary amendments to give effect to these points, the opportunity has been taken to express more clearly other matters which are relevant. "Safeguarding" clauses have been included to ensure that the company continues to work the land it acquires and that it makes experimental plantings of rice on at least 100 acres.

The indemnity given by the company to the State to protect it from all claims or damage has been widely expressed and the State, in fact, seeks full immunity under the protection of Statute.

The effect of the amendment sought is that the company will now carry the onus of proving land to be irrigable, and will be permitted to take up, in 10,000-acre parcels, successive licenses to a maximum of 55,000 acres in all in the Camballin area. Five thousand acres of this will allow for waste or non-irrigable lands, so giving 50,000 acres of irrigable land. Of course, 50,000 acres was mentioned in the Bill which was presented in the autumn sitting of the last session of Parliament.

Land allocations will be dependent upon the company first planting each preceding parcel with an approved crop; its construction of a levee to protect the first 20,000 acres, which levee will be maintained by the company; and the right of the Minister to inspect the areas or to test the soil for salinity.

Payments for water used will be made on the basis of measurement at the boundary of each parcel. This was not previously clear. The form of license document will be amended to include grain sorghum as an approved crop and to provide for the depasturing of stock.

I will now refer, in more detail, to the relative clauses of the original agreement. Subclause (2) of clause 1 provides a further definition to define "irrigable land," which places the onus on the company to prove that the land can be irrigated. The existing definition of "parcel" is deleted and another substituted to give effect to the principle of releasing parcels of land of approximately 10,000 acres successively to a total of 50,000 acres of irrigable land so as to accelerate development.

The definition "subject land" is deleted and a new definition substituted to enable the company to use the full 50,000 acres for irrigation. The additional 5,000 acres allows the margin for elimination of pockets of land within the parcel which are not capable of being irrigated.

The principal agreement provides for rice, or other approved crop, and the amendment proposes to add grain sorghum as a main crop. Perhaps I might interpose to say that under the variation

clause of the original agreement the Government could quite legally have allowed sorghum to be a crop. However, because of the major exercise involved in the growing of sorghum it was considered desirable and right that, despite the authority which Parliament gave to the Minister in a previous Act, this should be brought to Parliament. The company claims that this crop will provide the main operation on which the company will be able to establish the economics of the whole concern. Markets are readily available for this crop and the amendment, in effect, applies to the general reference throughout the agreement so that where necessary it will be read as, "rice, grain sorghum or other approved crop."

Mr. Bickerton: Does that mean all other types of crops will come to Parliament for approval?

Mr. BOVELL: That will rest, of course, with the Government of the day. I would say, as in this instance, if another major crop is involved then the Government will submit the proposal to Parliament. I have already stated that it would be quite legal for the Government, under the provisions of the previous Act, to allow sorghum to be produced in greater quantity. As to the future, the proposals will be considered on their merits and, if necessary, Parliament will no doubt be advised.

Mr. Bickerton: I always become a little suspicious when the Government acts in such a democratic way. However, I could be wrong.

Mr. BOVELL: Assurances have been given in this House that where major enterprises are concerned the Government will refer such matters to Parliament. That is what the Government is doing on this occasion although, I repeat, it is considered that we could have continued with the alterations without referring them to Parliament for ratification.

Clause 4 of the principal agreement is deleted in relation to the release of the second and subsequent parcels, which as stated earlier, are of 10,000 acres each. The company is required to plant the cultivable area and the preceding parcel of land with rice, grain sorghum, or other approved crop before applying for a succeeding parcel. The principle here, of course, is the same as in the original agreement, but the areas have been varied to speed up the full development of the whole 50,000 acres.

A levee bank is required to be constructed by the company before the third and successive parcels can be applied for. This, of course, appears in the Act as it now stands. This means, in effect, that with the issue of the license for the second parcel of 10,000 acres this, together with the first parcel already issued to the company, makes a total of approximately 20,000 acres of irrigable land.

It has been shown conclusively that there is a need to protect the area within the first and second parcels by constructing a levee bank between the Fitzroy River and the irrigable land. Any discretion which the Minister may exercise in relation to the whole of this clause would not apply to the engineering necessity of constructing the levee bank.

Clause 6 of the principle agreement includes the words "second schedule" in the last line and only one schedule is attached to the agreement. Consequently, the word "second" should be deleted.

A further paragraph is added to clause 7, after paragraph (4), to provide that the company sets aside at least 100 acres for the experimental planting of rice and to ensure that the result of such experiments are communicated to the Minister.

Here again, this makes it mandatory for the company to experiment in rice, which I do not think the other agreement provided for. This will ensure that the company is obliged to set aside at least 100 acres for the experimental planting of rice, and it will also ensure that the result of such experiments are communicated to the Minister.

With the addition of the crop "grain sorghum" it is necessary to ensure that every opportunity is given to prove whether rice can be one of the main crops.

Clause 8 places the yearly rental on the original areas of up to 5,000 acres for each parcel. As the parcels have been increased to approximately 10,000 acres, the rental has been adjusted to an acreage basis for every 1,000 acres or part thereof.

An additional subclause in clause 9 provides for the maintenance of the levee bank after construction by the company. Consequently, it is necessary to add a further paragraph (b) and delete the word "and" between paragraphs (a) and (b).

Clause 10 of the agreement provides for amendments to subclauses (3), (4), and (5). Subclause (3) has added to it an additional paragraph to provide for the right of access to inspect and examine the operations of the company. Subclause (4) will have a proviso added to it to give the State the right to install water gauging equipment as near to the boundary of each parcel of land as is practicable. The amendments to subclause (5) make more positive the form in which the company shall indemnify the State in respect of third parties in the general construction works of the project, and include also the protective levee bank.

Subclause (1) of clause 18 of the agreement deals with the issue of Crown grants to the company after development of a parcel of land in relation to cropping; but as clause 7 (4) of the original agreement refers to "associated depasturing of stock" it is necessary for the inclusion of these words in clause 18 (1), and to remove the restrictive purpose by deleting the word

"whatsoever" in line 29 of this subclause. For the same reason, it is necessary to add to the license in the schedule to the original agreement the same words—"associated depasturing of stock"—as was the original intention.

As subclause (2) of clause 22 of the agreement now reads—dealing with the rights of the State on default—the word "and" in the third line of the subclause is without meaning and should be deleted. It is necessary, however, to add a proviso to this subclause allowing the company to take full possession of all the improvements which it has made to any parcel on the issue of a Crown grant. At that stage the Government would be satisfied that the company had carried out all its obligations before a Crown grant was issued.

New clause 10A: In reviewing the conditions for the establishment of this project as set out in the original agreement, it was found necessary to have an additional safeguard from the Government's point of view. Consequently, a new clause has been added to make sure there is authority for the Minister to order an inspection and examination of the operations of the company if tests show that such operations are having a detrimental effect on the land, particularly in relation to the encroachment of salt. The new clause ensures that the Minister has the right to inspect the area and ask that action be taken to remove the cause.

New clause 23A: The intention of this new clause is to avoid any action which the company may feel inclined to take against the State which could arise from any works undertaken by or on behalf of the State. The new clause gives complete protection to the State against any action by the company.

Members may be interested to know what further development is proposed by the company beyond the first 20,000 acres. As mentioned earlier, it is necessary for the company to construct a levee bank to protect the first 20,000 acres. In the event of the company requiring any additional supplies of water, the Minister for Water Supplies would grant a license to the company under the Rights in Water and Irrigation Act to construct a dam on a site mutually agreed upon by the Government and the company.

Before the construction of a major dam, however, the company is required to submit for the approval of the Minister for Works and Water Supplies a design of the dam with a construction schedule which requires the approval of the Minister. Before such license is issued, however, the company will be required to prove to the satisfaction of the Government that it has the financial resources to complete the work, and that the whole scheme is viable. All costs in connection with the project are the responsibility of the company and, on conclusion of the construction of the dam and associated works, these will be handed over to the Government for future operation as an irrigation scheme.

I have mentioned that because additional water will be required, but there is no reference in the agreement to these proposals because they can be carried out with the consent of the Minister for Works and Water Supplies. However, I think members should be advised of the overall proposals for the development of this area. This measure will enable more expeditious development of the land. If everything proceeds in accordance with what is envisaged the whole area should be developed in five years, instead of over a greater number of years as was thought would be the position under the original agreement.

There is today a ready overseas market for grain sorghum and, on the advice of the Department of Agriculture, it is considered that this crop can be grown on irrigated land in this region. This will also have a beneficial effect on the Port of Broome because that, logically, is the port which will be used for the export of sorghum. In all, I believe this to be a satisfactory amendment to the original agreement ratified earlier this year, and I recommend approval of it.

Mr. Bickerton: Before you sit down, there is just one point. Can you give us some information before the debate on the second reading is resumed as to what work has taken place up to date under the parent Act or under the original agreement? What work has the company carried out up to this time?

Mr. BOVELL: I shall endeavour to find out for the honourable member. However, the principal Act was only passed early this year and was not proclaimed until the middle of the year or thereabouts. Consequently, there has not been much time for work to be carried out, although a good deal of planning has been done. The planning carried out makes necessary the introduction of this amending legislation. Members cannot expect any great developments in two or three months. This is the planning stage and it is due to the planning that it has been found necessary and considered to be advantageous to the State to introduce this amendment. However, let me repeat that we could have permitted the company to grow grain sorghum or anything else in this area without referring the matter to Parliament.

Mr. Bickerton: You mentioned that previously; but have you any information that you can give us about the work carried out?

Mr. BOVELL: If there were any major alterations to the agreement—and this is not a major alteration—they would be brought to the House for consideration.

Mr. Bickerton: That is very worthy of you, but can you let us know before the second reading debate is resumed what stage the planning has reached?

Mr. BOVELL: I shall make some inquiries, but the planning up to this stage indicates that it is considered necessary to introduce the present proposals because of the markets for grain sorghum. This can be grown as a profitable crop and there are ready markets for it overseas. That is about the planning so far.

Mr. Bickerton: The company must have done a lot of planning to find that out!

Debate adjourned, on motion by Mr. Bickerton.

HOSPITALS ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [3 p.m.]: I move—

That the Bill be now read a second time.

Hospital morbidity statistics from metropolitan hospitals—that is, aggregate figures of the various diseases admitted to hospital, the length of time in hospital, and the results of treatment, etc.—have been published in the annual reports of the Commissioner of Public Health since 1958.

These statistics are now being expanded to include all hospitals in the State, and the other States are developing the same pattern of recording so that hospital morbidity statistics will be available for the whole of Australia, and thereby comparable with figures provided by other countries. From these statistics we are enabled to determine the pattern of disease in the State and so design, as best we can, our hospitals to fit in with this pattern. Furthermore, we obtain a picture of disease in the State and the types of diseases that are most prevalent and most costly to treat. By comparison with other areas, States, and countries, we can determine if there is any undue prevalence of a particular disease and investigate the cause more easily; and, by comparison, we can also determine the relative efficiency of a hospital and its economy in dealing with patients.

The morbidity statistics are therefore of considerable assistance both to the hospital planner and to those engaged in preventive medicine. In order to make the use of these statistics effective, however, a central authority must be put in possession, not only of aggregate statistics for all hospitals together, but also of aggregate statistics for each individual hospital, so that comparisons may be made. This is where our present difficulty has arisen.

The Commonwealth Bureau of Statistics collects and tabulates the statistics from hospitals. The Commonwealth Act under which the Bureau functions prohibits it from providing statistics to a third party unless that third party has a clear statutory authority entitling it to the statistics. As our Hospital Act stands it is not clear that the Medical Department or the Minister has this authority. It is clearly written into the Queensland Act; and, in consequence, the central authority in Queensland has no difficulty in obtaining statistics from individual hospitals. The amendment to our Act is taken from the Queensland Act and, if passed, will allow the Minister for Health to obtain aggregate hospital statistics from individual hospitals, and so assist his department in its function of hospital planning and management and in its role in the field of preventive medicine. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Moir.

LICENSING ACT AMENDMENT BILL (No. 2)

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [3.3 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this small Bill is to amend the Licensing Act to permit the sale of honey mead by holders of Australian wine licenses, and also to extend the powers of the Licensing Court to enable it to grant a provisional license in respect of premises already licensed under the Act.

Honey mead is a beverage which has lately received quite a lot of local publicity and, generally speaking, is obtainable in licensed premises. The local product is produced, I understand, from a mixture of fermented apple juice and honey. The resultant beverage has an alcoholic content approximating that of a table wine. Indeed, it seems that the emphasis is on the treatment of the honey and the other ingredients, the apple juice being somewhat subsidiary.

As I have mentioned, this beverage is covered in the main by the various types of licenses which are issued under the Licensing Act. Sections of the Act, however, which deal with Australian wine licenses in particular, refer to wines made in any State of the Commonwealth and produced from fruit grown in the Commonwealth, but honey mead is not mentioned. Under the provisions set out in the Act, therefore, this beverage does not come within the ambit of the Australian wine licenses, and this restriction prevents the sale of honey mead by holders of these licenses. It is submitted to members that there appears to be no good reason why the sale of this locally produced beverage

should suffer on account of this restriction. The Bill, therefore, proposes suitable amendments to the parent Act with a view to overcoming this disability.

With regard to the proposal for the granting of a provisional license in respect of premises already licensed, I desire briefly to recount the present situation. At the moment a person desirous of obtaining a publican's general license, a limited hotel license, a wayside house license, or an Australian wine license for premises previously unlicensed—and I emphasise that this applies in respect of unlicensed premises—may, before effecting alterations or additions to the premises the subject of the application for a license, apply to the Licensing Court for a provisional license. The court is then able to consider the matter and either approve or disapprove; or it might require amendments to the plans which have been submitted.

However, the holder of licensed premises —that is, any one of those premises I have mentioned—who desires to apply for another form of license does not enjoy the benefits which the granting of a provisional license before commencing alterations confers, as there is no provision at present in the Act for the issue of a provisional license under those circumstances.

While the holder of a limited hotel license, for instance, is allowed to serve liquor to guests, their friends, and public diners, the main requirement to convert his premises to such as is required to qualify for the issue of a publican's general license would be the provision of saloon and public bars. The cost of such alterations to achieve the generally accepted standard nowadays is quite substantial; and it appears reasonable that the attitude of the court to the application should be known before any firm commitments need be made. This Bill proposes to allow the Licensing Court to issue provisional licenses in respect of any premises, and thus eliminate the anomaly at present existing in the Act.

I am assured that these amendments are acceptable to the Licensing Court, and I commend the Bill to the House.

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

STATE HOUSING ACT AMENDMENT BILL (No. 2)

Message: Appropriations

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

Second Reading

Debate resumed from the 15th October.

MR. GRAHAM (Balcatta—Deputy Leader of the Opposition) [3.8 p.m.]: I do not know whether the Minister for Housing expected me to wax enthusiastic about his Bill, but I can inform him that such is not the case. At first glance I thought the measure contained something of merit, something worth while, but an analysis has proved to me otherwise.

This Bill is, of course, a pathetic attempt on the part of the Government to unburden itself of something which is its responsibility and to pass it on to other financial institutions because of the mess in which it finds itself. Unfortunately, as I shall establish later, this action will be taken to the detriment of many who are lined up in that ever-lengthening queue awaiting accommodation from the State Housing Commission—those desperate people who have been waiting in excess of four years for accommodation to which they are entitled. Because of this circumstance many of them will be prepared to put their heads in the lion's mouth, as it were; in other words, they will be prepared to incur additional financial costs because of the incompetence of the Government in handling the affairs of the State Housing Commission and in dealing with the housing situation generally.

After all, if the alternative to paying considerably increased amounts for a home for one's family is to continue to live in the unsatisfactory conditions that obtain at the present moment, very many will be tempted, irrespective of the financial liability and burden, to engage in what is proposed in this Bill.

I say that because there are so many to my knowledge who are paying shockingly high rentals—between $20 and $30 a week; which is 50 per cent. and more of the wage earner's weekly pay packet—and more and more landlords have awakened to the device that an easy way to get rid of a tenant is to inform him that as from Friday of the following week his rent is to be doubled, or something of that nature.

These luckless people, who already are paying excessive amounts, find they are in an impossible position; they are unable to pay and are unable to find accommodation elsewhere. It is a waste of time for them to go to the State Housing Commission; and, very largely, it is a waste of time for them to call to see their member of Parliament.

All of them, of course, are not confronted with such a serious predicament, but there are approximately 20,000 outstanding applications on the books of the State Housing Commission and, as I have already indicated, the waiting period is in excess of four years and is constantly increasing.

We have heard so often from the Government about the millions of dollars to be spent on this aspect; we have heard about the number of approvals and the contracts which have been let, and the

rest of it, but it is quite a number of years since the Government reached a total output of 2,000 houses a year; and this figure falls into insignificance when we compare it with the 3,000, 3,500, and 4,000 houses that were built by the Housing Commission 10 or 15 years ago.

It is because of the ineptitude of the Government and its complete incapacity to deal with the situation that it comes along with a Bill in these terms, hoping it will divest itself of at least some of those who are clamouring for accommodation; and, of course, it will do so at a price.

I am waiting, as I have been waiting for some time, for a change of Government in order to ascertain what is wrong with, and what is going on at, the State Housing Commission. I believe something has been kept from us; I do not mean by the officers of the State Housing Commission but by the way in which the funds of the Government are in some manner manipulated.

Let us have a look at the overall situation. Since the State Housing Commission, under its earlier name of the Workers' Homes Board, was established by legislation approved by Parliament in 1911—and that is a long time ago—the State Housing Commission has made profits totalling to the 30th June last—and let us have the figure precisely—$17,550,967. That is for the 58 years the commission has been in existence. For the 48 years prior to this Government being elected to Parliament the total profit was, in round figures, $1,000,000.

In the period this Government has occupied the Treasury bench the State Housing Commission has, in those 10 years, made a profit of no less than $16,500,000.

Mr. W. A. Manning: That might be a sign of efficiency.

Mr. GRAHAM: That is what somebody like the member for Narrogin might think. This $16,500,000 represents largely the charges in excess of what was required for the State Housing Commission to conduct its affairs. It is an imposition on the lowest paid people in the community, ranging from those who are receiving pensions to those in the metropolitan area who have a maximum income of $52.68 per week. This Government has extracted from that section of the community over the past 10 years $16,500,000 in excess of its requirements.

Mr. O'Neil: Have you read the letter I wrote to you on the 22nd October?

Mr. GRAHAM: I have.

Mr. O'Neil: Then you must admit that what you are saying is not true.

Mr. GRAHAM: I admit nothing of the sort.

Mr. O'Neil: In that case you cannot understand the figures in the letter.

Mr. GRAHAM: Perhaps we can have a detailed debate on that point later. The purpose of the State Housing Commission is not for it to become virtually a taxing machine to raise funds for the State Housing Commission works. The funds which should be employed by the State Housing Commission are loan funds and both the original Workers' Homes Board, and the present State Housing Commission, were established by Labor Governments to provide accommodation at the lowest possible figure to enable those on the lowest rungs of the economic ladder to acquire homes; something which it would normally be impossible for them to achieve. But with this new concept of shockingly high prices for land it is completely unthinkable for them to do so; it is beyond the realms of practical politics.

Accordingly the Government has had these additional moneys available to it for housing purposes over and above whatever loan fund allocations might be made to it. But the Government has been so niggardly in its approach to housing the people in the categories I have mentioned; it has merely shrugged its shoulders and done nothing about the matter; and, notwithstanding the fact that in addition to the tremendous profits—exceeding $5,000,000 this last financial year, and exceeding $5,000,000 the year before—it has received special grants from the Commonwealth Government in order to assist the employment situation that was here for a period, the position is becoming worse every day.

Accordingly the Government is grasping and reaching in every direction and the Bill before us is the result of these activities. Let us consider a few of the remarks made by the Minister when he introduced the Bill. The Minister feels there is some merit in the proposition which is to allow people to obtain their capital funds with which to provide houses for themselves by drawing this money from building societies and, providing those societies do not charge more than 7 per cent. per annum, the Government will subsidise to the extent of 1 per cent., making the net result a matter of 6 per cent. interest to be paid by the client.

The Minister told us that in many cases applicants would prefer to be able to acquire privately built homes of their own choice rather than acquire homes that were designed and built by the State Housing Commission within its own estates. Here I ask the Minister for Housing: What has gone wrong since he has been in charge? There is nothing under the terms of the State Housing Act to prevent a person obtaining a loan for the purpose of erecting a home on his own block of land and in accordance with his own plan and design. But apparently under this retrograde Government, this has been knocked on the head.

Mr. O'Neil: Rubbish! The provision is still there and is available to anyone.

Mr. GRAHAM: All I can suggest then is that the Minister was a little remiss, because he made his statement, presumably designed for the purpose of making uninformed members of Parliament believe it, that all the clients of the Housing Commission are able to get is ordinary run-of-the-mill houses, whereas if this new process is adopted, it will be possible for them to have houses built on their own blocks, or at any rate, in accordance with their own concept of plan and design.

I am pleased to hear what the Minister has just said, but let him not endeavour to make a novelty of the thought he projected; that is, that something new will be ushered in and that, for this purpose, some people will be permitted to do things which are impossible at present.

The Minister told us that the proposition contained in the Bill had been submitted by a prominent building society, and then he introduced a little more class distinction because he said that under the provisions in this Bill applicants in the upper bracket of income could be assisted. He was referring, of course, to those who are within the income limit imposed under the terms of the State Housing Commission.

Is this to be a preferment or something special to be enjoyed, if there be any merit in it, by those who are in receipt of the higher income? Surely the first consideration of the Government should be for those who are in receipt of the lower incomes; those who are least able to bear the excessively high rents which are asked of them at the present time!

We find that of all those who fall within the definition of "worker," those who are in the upper bracket, incomewise, will enjoy the benefits of the double-headed penny—they will be able to engage in business with a building society with a subsidised interest rate, or they will be able to wait their turn and be assisted by the State Housing Commission. However, those on the lower incomes will have one option only; namely, to be assisted by the State Housing Commission sometime in the far-distant future.

I would like the Minister to explain, for my edification at least, what he meant when he indicated the cost to the commission of subsidising loans to a maximum of 1,500 clients would be something in excess of $1,177,800. He said that this would be reduced to an estimated $750,000 if discounted settlements were made with the societies. Perhaps it is not necessary for the Minister to interject at this stage. I am merely seeking the information. I am not suspecting there is anything wrong, but I would like to understand what he meant by that term.

Further on in his speech the Minister told us the terms and conditions required to be entered into by the building societies would include a condition that the interest rate of 6 per cent. to the borrower could be increased in later years, provided the Minister approved. I have racked my brains to the best of my ability, but I cannot conceive of circumstances under which there would be justification for increasing the rate of interest to the client of the permanent building society. However, again there may be an explanation.

Now what will be the effect of this? As members are aware, or should be, under the provisions of the State Housing Act it is possible to obtain a mortgage to the total amount of $8,000, repayable over a period of 45 years, which is the maximum, at an interest rate of 5¾ per cent. reducible. This involves a monthly payment of $39.36, and, of course, that amount is but a fraction of what would be paid outside.

I made inquiries of one of the prominent building societies in Western Australia—if it is not the principal one—and I learnt that if $8,000 is borrowed from it, the maximum term for repayment is 25 years, and the rate of interest is 7 per cent. Under the Bill, it is intended that a subsidy be paid, and this will reduce that interest to 6 per cent. However, even at 6 per cent., the borrower would be involved in a monthly payment of $53. Therefore, someone who is a worker—that is, a person receiving an income of about $52 a week—must, in order to take advantage of what is proposed under this Bill, pay, for an $8,000 mortgage, $53 a month instead of $39.36, which is an additional $14 a month, or $168 per annum.

As I suggested earlier, this is, if you like, polite blackmail! A distraught husband and father, paying an extortionate rent, or living with inlaws with consequent discord, is faced with the bleak prospect of waiting an interminable number of years—and it is growing ever longer—or of becoming involved in this new process which requires an additional $14 a month. That amount extra per month may not mean a great deal to the Minister, but to a battling working man with a young family, it means the difference between sinking and swimming.

If we consider the situation under the State Housing Commission arrangement whereby there is a contract of sale, a person is able to borrow up to $10,000, which is made up of $4,200 maximum for the cost of the land, and $5,800 in respect of the humble house. The monthly payments in that case to the State Housing Commission would be $49.20. Buying that home through a building society, and even with the subsidised interest, the liability would be $65.50 a month.

Members will appreciate that that figure represents an additional burden of $16 a month for the luckless family whose income would probably be something between $45 and $52 a week. These are certainly desperate remedies being applied and they are indicative of the extent to

which the housing situation has deteriorated under the administration of this Government so far as the workers, or those on the lower incomes, are concerned; that is, those in the metropolitan area receiving $52 a week and below, ranging down to pensioners; and, as I indicated earlier, even those who are fortunate enough to find accommodation are being unnecessarily mulcted of something to the tune of $5,000,000 in a year. That is the degree of sympathy displayed towards them by this Government.

No doubt members have deduced that I do not find a great deal of merit in this Bill—and that is saying the very least. However, as is known to every member of this Parliament—and certainly to all members in the metropolitan area—housing for working people is in this mess. I do not intend to oppose the Bill because even if, at a price, it assists some desperate family man he will be the one, I presume, who will make the choice. If he prefers to burden himself with this additional commitment as against waiting for his turn to arise from the lists of the State Housing Commission, then that decision will have been made voluntarily.

The legislation is, after all, a bit of packing, dressing, or window display. I would have preferred some bold announcement that the Government really intended to tackle the housing position and I certainly would have preferred some indication that it does not regard those who do business with the State Housing Commission as being milch cows. I see nothing wrong with the Government putting some special tax on people who live in Nedlands, Dalkeith, and such areas, but it is morally wrong and rotten for the Government to go blithely on its way placing additional burdens on those in the lower income groups, or by not granting concessions to the extent which the Government might.

After all, if the State Housing Commission made a couple of million dollars profit through the sale of land—and I am not talking about the recoup of the cost of the land and associated costs over the years, but the profit on the land—surely the good goes with the bad and the credits should go with the debits. The Government should take advantage of the opportunity to provide some additional facilities or to grant some additional concessions to those of its clients with whom it does business directly in the way of housing. But, no. As we are well aware, the Government, in point of fact, moves in the opposite direction.

I well remember that three years ago the Government made a decision for no reason whatsoever and placed what was only a special tax on the workers to provide capital for housing. Simply by a stroke of the pen, the Government decided to increase rents and this provided an additional $600,000 a year. By this time the amount has grown, doubtless, to an even higher figure. Consequently it will be appreciated that the Government is fooling around with the Housing Commission and the housing situation in the area which is its responsibility.

I know that a great deal of what I am saying this afternoon follows a familiar pattern and that I have spoken along these lines on many occasions. I only hope and trust the day will come when there will be no need to speak in this manner.

I do not know that there is any political capital to be made out of this; what I know is that there are some 150 names of people lying on my office table at the present moment. I am not enabled to give any hope or comfort to any one of them. One speaks to the appropriate officers of the State Housing Commission who are doing their utmost under these difficult circumstances and, of course, they answer one politely. However, if the Government is not providing the funds with which to build houses, the Housing Commission is unable to allocate them. It is as simple as that.

This is a matter which has become a source of complete frustration to members. With regard to most problems which are associated with departments, if a constituent approaches a member of Parliament, he is able to argue the case and endeavour to prevail upon the responsible public officer that the circumstances are such that action in a given direction is required. If one's case is sufficiently strong and is properly presented, then there is some prospect of achieving success for the client. However, in the case of housing, no matter how a family is suffering and no matter what the circumstances, there appears to be a chance of one in a million of getting something done.

Those who approach members—as people do at frequent intervals on account of their domestic distress—cannot understand why 12 months ago they were told there was a waiting period of some three years and now they are told there is a waiting period of some four years. This does not make sense to them; the waiting period should be less and not more. This merely proves, of course, that the situation is deteriorating.

As I see it, the only people who will take advantage of this and who come within the definition of worker in the terms of the State Housing Act will be those who are desperate. They will be taking advantage of this in the knowledge that they will be committed to a monthly payment of a higher figure than would otherwise be the case.

With great reluctance and without any confidence that much good will be achieved, I have made these remarks and, as I

indicated earlier, notwithstanding my dislike of the Bill because of its concept, it is not my intention to vote against it.

MR. W. A. MANNING (Narrogin) [3.38 p.m.]: It was quite interesting to hear the great enthusiasm of the Deputy Leader of the Opposition for this Bill! I thought he might perhaps show some enthusiasm for it; but I suppose when a member changes from one side of the House to the other he acquires a different type of sanity.

Mr. Graham: I suggest the member for Narrogin analyses the Bill instead of me.

Mr. W. A. MANNING: I will analyse the Deputy Leader of the Opposition for a moment. I well remember the time when the Deputy Leader of the Opposition sat on this side of the House as Minister for Housing and, at that time, Narrogin was in a desperate situation for housing. I was talking about the possibility of a terminating building society being started. At that time, the honourable member was anxious to see some houses built and he interjected on me to the effect that if I started a building society he would see that it received an additional amount of $60,000. I remember that incident very well and I tried very hard to get a building society going at that time. Of course, this is some years ago now, but the Deputy Leader of the Opposition was very anxious to see houses built apart from those built by the State Housing Commission. Of course, this is quite right.

Mr. Graham: The Minister for Housing had no option, as you know. He was compelled to do it by the Commonwealth Government.

Mr. O'Neil: You were enthusiastic about the scheme.

Mr. W. A. MANNING: He did not offer a reduction of 1 per cent., or anything like that, as an incentive for people to go into those houses. So although we might not agree entirely with the Bill, I think we have to go part of the way in that it represents an inducement and a form of assistance for those people who seek houses.

Mr. Graham: Building society funds were not designed to help the worker but the public at large.

Mr. O'Connor: Are not members of the public workers?

Mr. Graham: I am referring to workers as defined in the Act. The Minister does not know anything about State housing and he would be well advised to keep quiet.

Mr. O'Connor: I know something about workers.

Mr. W. A. MANNING: I am extremely interested in this situation, and have been for some years. A reduction of 1 per cent. in the interest rate is worth while because it does assist people in the purchase of homes. It is a fact that most people who purchase homes under building societies pay for them within a period of something less than half that prescribed, and there is no doubt that the reduction in the interest rate will be a further inducement to such people to pay off the outstanding loan.

I will not speak at length on the Bill, because I completely support it. In fact, I like it so much I want to improve it. Members will note that I have some amendments on the notice paper. The Bill provides that the Minister can grant a reduction of 1 per cent. on a loan from a building society, provided the rate of interest is 7 per cent. That rate of interest is not mentioned in the Bill, but apparently that is the rate of interest the Minister has in mind.

I query why the word "permanent" is used in the Bill. Why should not a reduction of 1 per cent. be allowed to a terminating building society? The Minister has stated that the permanent building societies will be paid a subsidy which will enable them to reduce their interest rate from 7 per cent. to 6 per cent. but the terminating building societies say that they will be able to reduce their interest rate to 5¾ per cent. if a similar subsidy is granted to them.

I realise that, in accordance with the provisions of the Bill as printed, the Minister is restricted to granting the subsidy to the permanent building societies. Indeed, at present he is restricted to granting the subsidy to only one permanent building society. However, this state of affairs may not continue. I cannot see any reason for the scope of the Bill not being extended to embrace terminating building societies, and that is the basis of my amendments.

Terminating building societies cater for those people who wish to build homes up to the value of $10,000, and this is an area of building in which there is a great demand. Everything should be done to encourage such people to own their own homes. I have discussed my amendments with the Minister, and I know he is not enthusiastic about them, but, on the other hand, he does not appear to show any great opposition to them. Therefore, I hope he will reconsider the position and agree to the amendments I have submitted. I do not want to take them to a division in Committee. I would like to see them agreed to by the Minister.

Mr. Graham: You will be reprimanded in the party room.

Mr. W. A. MANNING: I cannot see any reason against the provisions of the Bill being extended to embrace terminating building societies so that greater scope can be granted to them to assist people who

wish to own their own homes. I intend to support the Bill but I will seek to improve it in Committee.

MR. O'NEIL (East Melville—Minister for Housing) [3.44 p.m.]: I thank the Deputy Leader of the Opposition for his enthusiastic support of the measure! He indicated that the principle appeared to have little merit, which rather surprised me since it is one of the policy platforms of the Federal Opposition. It has said it will introduce an interest rate subsidy scheme which is somewhat similar to this one.

Mr. Graham: It is totally different.

Mr. O'NEIL: It may be, because, quite frankly, I have not yet seen any real detailed proposition put forward by the Federal Opposition.

Sitting suspended from 3.45 to 4.5 p.m.

Mr. O'NEIL: Having discussed the Bill for some little time before the afternoon tea suspension, I shall now proceed to deal with the points that were raised by members. First of all, I want to make the point that this is purely a piece of enabling legislation which will enable the commission to undertake an interest rate subsidy scheme. I think it is also appreciated that the details of this scheme, as I announced when I introduced the second reading of the Bill, are the basic principles on which I propose to give approval to such subsidies.

The Deputy Leader of the Opposition did have something to say about matters, other than those appertaining to this Bill, and I am sure you, Mr. Acting Speaker (Mr. Mitchell), will allow me to make some reply to his remarks. Firstly, this Bill is an amendment to the State Housing Act which establishes the State Housing Commission, and which also does other things. I think it must also be appreciated that the bulk of the operations of the commission in the field of housing is financed from sources other than those supplied under the State loan programme; namely, the Commonwealth and State Housing Agreement and the funds raised by the commission itself.

The other night the Leader of the Opposition accused the Government of using the State Housing Commission as a taxing instrument for imposing taxes upon those people who are tenants of State Housing Commission homes. Sometime earlier in the session the Deputy Leader of the Opposition asked some questions relative to the $5,000,000 profit made by the commission this year; and one of the questions involved a breakdown of the accounts so that the profit in various areas of activity could be analysed. At that time—and he appreciated that considerable research had to be undertaken—I offered to supply him with the answer by letter. I understand he has now received a copy of the letter, which is dated the 27th October. So I presume he will not be offended if I refer to some of the figures mentioned in it.

I want to refer to the accusation of excessive rental charges by the commission. The commission has rental properties which were built under the State Housing Act, with State loan funds. I think that, principally, the Wandana flats are the biggest of the State rental propositions built with those funds. I am not quite sure that I am correct in this respect, but I know that when the Deputy Leader of the Opposition was Minister for Housing he experienced some difficulty in getting the Commonwealth Government to agree to this project being built with Commonwealth and State Housing Agreement funds. However, a way was found round the obstacle, with the exception that the rents payable for units of accommodation at Wandana flats were not subject to being rebated under the agreement; so, rents paid for units in the Wandana flats must be kept at the economic level, rather than be permitted to be rebated so that the losses may be met by the Commonwealth under the number one or the 1945 agreement.

Mr. Graham: The flats were completed with Commonwealth funds, but were started with State funds.

Mr. O'NEIL: There are other projects which have been built by the commission from funds other than Commonwealth-State funds. Of the $5,000,000 profit for the last financial year of operations, that part of the profit which comes from the management of rental accounts totals $96,340. I have just noted these figures in round terms, but if we assume that the commission manages 30,000 to 35,000 properties, of which perhaps conservatively 10,000 are rental properties, then a profit of $96,000-odd per annum on 10,000 units of property works out at $9.6 per property per annum. Nobody in his right mind will say that this is excessive profit-taking from rents.

Apart from profits from rents under the State Housing Act which amounted to $399,148, rents from houses built under the 1945 agreement showed a loss of $436,177; and on houses built under the 1956 agreement and subsequent agreements the profit for the year was $133,369. So, the overall profit on rents from something like 10,000 or more rental properties was $96,340 for the year. I think that completely defeats the argument of the Leader of the Opposition that the commission is applying taxing measures to take its profits from the people by adding to their rentals.

Mr. Bertram: Was it not the Deputy Leader of the Opposition!

Mr. O'NEIL: The Deputy Leader of the Opposition did not say that; it was the Leader of the Opposition who said that in the Budget debate the other evening.

I want to analyse further the profit mentioned. In respect of the sale of land by the commission—and this is land which is sold not only to individuals and project builders, but also to people developing shopping centres, hotels, and the like—the commission made a profit of $2,722,372, and all that money will be used to supplement the commission's funds for the purpose of building houses and developing land. A profit of something in excess of $1,000,000 was made in respect of interest and administration.

The commission borrows money from the Commonwealth under the Commonwealth and State Housing Agreement, and as has been explained before, it borrows at a concessional interest rate of 1 per cent. below the long-term bond rate, and it is required to repay its loan funds over a period of 53 years. When the commission sells houses to people over a period of 45 years, even if it charged the same interest rate, it must be appreciated that the longer term of repayment to the lender—as distinct from the term of repayment of the borrower—must result in a degree of profit in this exercise, and a perfectly natural profit.

Another area of profit was from the sale of dwellings and other assets, and this totalled $1,100,967. The greater portion of this profit represents profit in anticipation; it is essentially a book profit. A house is sold at a certain price, and as a result the commission makes a very small profit; but it does not receive all the money until the final payment is made. I have mentioned this fact in the House before: much of the commission's profits represents book profits or profits in anticipation.

Mr. Bertram: Is that not normal?

Mr. O'NEIL: Of course it is, but it is not cash with which the commission can build more houses. This point has been made previously, during and before the time the honourable member has been in this House. We have been accused of making huge profits when, in fact, they represent book profits and not cash which could be used on projects by the commission.

We also operate in another field. We undertake the insurance agency for the State Government Insurance Office, and run the insurance part of our business within the commission. I must say that purchasers are not required to insure with the S.G.I.O., but where they do we handle the insurance business with respect to our own properties and earn commission on that.

We also act as building agents for other Government departments, both State and Commonwealth, and we do not do that for nothing, either. The total profit in this field last year was $17,997, so we are not overcharging for our service.

Mr. Bertram: You do not have to do much to receive the insurance profit; that is money for jam.

Mr. O'NEIL: No, not very much work has to be done. Under the heading of "miscellaneous" there are odd amounts which must apply to exigencies. The total figure is roundabout $137,478.

The notes which have been supplied to me contain some further rather interesting figures which have been extracted by the accountant. The capital investment of the Housing Commission is approximately $200,000,000. The $5,000,000 profit on a capital investment of $200,000,000—if my calculation is correct—is about 2½ per cent. So I cannot possibly agree with the proposition that the Housing Commission is operating as a taxing measure, and is robbing the people of the State.

I would think, too—I would be prepared to go back only as far as 1947, when the State Housing Commission as we know it came into being—if the capital investment has increased fairly regularly over 20 years, it would mean that the average capital investment would be $100,000,000, and even if the profit were $20,000,000 on the $100,000,000 investment, then that is a profit very much below 1 per cent. per annum. I think the Deputy Leader of the Opposition mentioned a profit of $17,500,000.

Mr. Graham: But $16,500,000 has been made over the last 10 years.

Mr. O'NEIL: I cannot for the life of me understand why the Deputy Leader of the Opposition objects to that.

Mr. Graham: Will the Minister admit that a minimum of $4,000,000 of that profit would have been used for concessions and benefits for those who were buying houses or paying rent for houses?

Mr. O'NEIL: I have the annual report of the State Housing Commission with me, but as I understand the figure the Housing Commission subsidises rents to the extent of somewhere between $800,000 and $1,000,000 a year. This, once again, gives the lie to the argument that we rob the pensioners, because no pensioner pays an economic rent for his Housing Commission home. The Deputy Leader of the Opposition knows that.

Mr. Tonkin: How much of the capital mentioned by the Minister is actively employed in earning income?

Mr. O'NEIL: I suppose the whole lot is.

Mr. Tonkin: Rubbish! The land being held by the Housing Commission for future sales is not earning income.

Mr. O'NEIL: The figures I am quoting are in reply to the request from the Deputy Leader of the Opposition for a breakdown of the profits of the State Housing Commission. I was referring to the letter which showed the breakdown of the profitability.

Mr. Tonkin: But the whole of the capital would not be employed in earning revenue; the Minister knows that.

Mr. O'NEIL: Let us leave the argument until we discuss the Revenue Estimates. I am only endeavouring to reply to some of the points raised by the Deputy Leader of the Opposition.

Mr. Graham: I still say it is not the job of the commission to make a profit.

Mr. O'NEIL: We would be in a sorry position if we did not. The Deputy Leader of the Opposition asked for an explanation of discounted settlements. To subsidise 1,500 loans over 10 years, at 1 per cent., would cost $1,500,000, whereas the capital which would be required—in round terms again—to build 1,500 homes, would be $15,000,000.

At the end of my introductory speech I mentioned that from an investment of $750,000 in a building society, at 6 per cent. per annum the interest would enable the committee to meet the subsidy payment over 10 years, rather than have to spend $1,500,000.

The other area of discounted settlements was mentioned, in passing, by the member for Narrogin. Most people who buy through building societies do discharge their liability before the term of the loan is completed. I am not sure of the exact figure, but it is surprisingly high. It could well be that a number of mortgages would be discharged long before the 10-year term and, therefore, there would be no requirement to subsidise the interest for the balance of that term. These are just generalisations to give some idea of what is involved in granting a subsidy.

The Deputy Leader of the Opposition also asked me to comment on why we considered that one of the terms to be complied with would be that the building societies could only increase the interest rate with the consent of the Minister. It is not uncommon practice for finance institutions—not so much building societies, but certainly banks—to increase the interest payable on a housing loan with any upward movement in the long-term bond rate.

My house happens to be financed with a War Service Homes loan, and the interest rate is still at 3¾ per cent., so I am not directly concerned. However, I understand it is not uncommon for a bank to increase the interest payable on a loan to a home-builder when the long-term rate is increased.

Mr. Graham: Why does the Bill not state that the Minister would be authorised to grant approval for an increase or a decrease? Only an increase is mentioned.

Mr. O'NEIL: The main point I want to ensure is that we cannot have a situation arise where a building society will take advantage of our scheme for the first 10 years, and lend money at 6 per cent., and at the expiration of the 10-year term revert to 7½ per cent. if our subsidy is withdrawn.

Currently, only one building society lends money at 7 per cent. I am not giving it a plug, but it is the Perth Building Society. Every other building society lends money at a higher rate of interest. If any other building society desires to take advantage of this scheme it must first of all bring down the interest rate to 7 per cent. We will then subsidise the loan. However, we do not want the situation where once the Housing Commission loan is withdrawn, and the term of the subsidy has elapsed, by some manipulation a building society could charge a higher interest rate. Members can rest assured that we will be watching very carefully to negate such a move. I do not think the situation will arise.

Mr. Graham: Fair enough; in the circumstances I see nothing wrong with the Minister approving a higher rate. However, in the opposite direction, because of some economic circumstances, the interest rate might come down, and I think the clients of the Housing Commission ought to get the benefit of that reduction.

Mr. O'NEIL: Well, we can have a look at some of the comments once the scheme is put into effect. This is purely enabling legislation and it will probably require a great number of refinements. I think I have dealt with the points raised by the Deputy Leader of the Opposition.

The member for Narrogin complimented the Bill and said he could see a way to improve it. I point out to him that I have given some consideration to his amendments. The enabling legislation confines the scheme to permanent building societies. I am not violently opposed to extending the scheme to terminating societies, but I would much prefer to have an opportunity of allowing this experimental legislation to operate for 12 months. This is not just because I am disinclined towards terminating societies; we need those societies; but I point out that the terminating societies operate, to a very large degree, with Commonwealth and State Housing Agreement funds, which are allocated by the State Housing Commission.

As a result of the last increase in the long-term bond rate the interest rate charged to their clients should have been 6¾ per cent. if the Housing Commission and the societies had added the various percentages permitted. On the last occasion I agreed that the commission would forego ¼ per cent. of its interest and that helped to reduce that considerable profit of the State Housing Commission. That allowance was made so that money from the

Commonwealth and State Housing Agreement Fund would be available to borrowers at 6 per cent., and not 6¼ per cent. This is one area where there could be a case for further assistance by way of subsidy from the Government.

Another source of money which comes to the terminating societies is, of course, guaranteed by the Government. I refer to money which comes from banks or insurance companies, and so on. That money is guaranteed under the Housing Loan Guarantee Act. The lender receives a guarantee that the money will be repaid to him and, in certain instances, the terminating societies are indemnified against default on the part of the borrower, provided the money passes from the institution through the society to the borrower under the terms and conditions which the Act lays down. Therefore, the terminating societies have that guarantee available, and they are completely protected without cost to themselves. I certainly could not agree that further financial assistance, by way of a subsidy or otherwise, is warranted.

The permanent societies use funds raised from the public as investors. In respect of subsidised interest loans, from permanent societies, we insist that they be insured with the Housing Loans Insurance Corporation or the private organisation, the Mortgage Insurance Corporation. Whilst not objecting to the principle, and whilst purposely not excluding the terminating societies, I cannot see at this time that the terminating societies have a case which would warrant assistance by way of an interest subsidy. It may well be that there could be some change if the growth rate of the State continues.

There is another reason for not agreeing to the proposition. Once again, this is enabling legislation and the Minister will determine who will get the loans which are subsidised. Even if my friend, the member for Narrogin, was successful with his amendment then any Minister for Housing could make the decision not to favour terminating societies. I do want to assure the honourable member I am not unsympathetic towards terminating societies. As a matter of fact, I have—with the registrar—done a great deal to increase the number of terminating societies. However, I am not completely certain in my mind that terminating societies warrant not only Government guarantees, but also interest subsidies, because the interest rate on the Government-guaranteed funds is also controlled in respect of the money loaned to a home borrower.

I think that covers the points raised and I appreciate that the Deputy Leader of the Opposition, while being scathing generally, intends reluctantly to support the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. Williams) in the Chair; Mr. O'Neil (Minister for Housing) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 60B Added—

Mr. GRAHAM: I feel somewhat along the lines of the member for Narrogin, except that I believe we could go a little further still. In his reply the Minister made reference to the Housing Loan Guarantee Act and under that Statute business can be done through what are called approved institutions. The definition of an approved institution is as follows:—

> "approved institution" means an institution, body, or person, approved under this Act by the Minister for the purpose of lending money to borrowers to enable them to build or purchase new houses for themselves and their dependants.

Why, I wonder, does the Minister seek to limit himself if there is merit in what this Bill seeks to achieve? Does it matter whether it is a permanent building society, a bank, or an individual, as long as those who are seeking homes have the advantage of getting accommodation for 6 per cent. instead of 7 per cent.? At the moment I do not know whether there would be many financiers lending money, or who would be prepared to do so, at 7 per cent.; but there may be. Whoever they are the approval of the Minister is required and if, for any reason, he disapproves of a particular group he can refuse to make it an approved institution. The matter would be completely in his hands.

All I want to do is leave the position as free as possible and if the Minister would agree to the deletion of the words "permanent building societies" in line 19 and in lieu therefore insert the words "approved institutions as defined in the Housing Loan Guarantee Act" etc., the way would be easier for him. Without having to come to Parliament next year to include terminating building societies, and perhaps somebody else the year after, the Minister would have the position in his own hands. This is experimental legislation and I think it would be a better way of covering the position. What would be the Minister's reaction to that proposition?

Mr. O'NEIL: Firstly, I understand—although I could be wrong—that under the Housing Loan Guarantee Act the definition of "approved institution" refers to an institution which intends to lend to a building society but not to a person wanting to borrow money for a home. As I understand it, an approved institution under that Act does not lend money direct.

Mr. Graham: Yes it does. The Minister is thinking of approved lending authorities.

Mr. O'NEIL: I would still prefer to leave the Bill in its present form. I do not want to be sticky about it, but I think we would probably have to make some fairly radical amendments to enable the commission as and where it saw fit to subsidise interest on building loans. Some consideration was given to widening the proposal but if the legislation is successful, as I believe it will be, then an early opportunity will be taken to expand the operations. However, if one reflects on the second reading speech of the Deputy Leader of the Opposition we will not have any loans to subsidise, anyway!

Mr. GRAHAM: Will the Minister confer with his officers so that if I can prevail on one of my colleagues in another place to submit this idea the Minister in charge of the Bill in that place will be in a position to accept the proposition, if, upon examination, the Minister finds that there are no unsuspected difficulties? If he does that I will not press the point any further.

Mr. O'NEIL: I think my answer will probably satisfy the Deputy Leader of the Opposition and the member for Narrogin, who has some amendments on the notice paper. I give an undertaking to the Deputy Leader of the Opposition that we will examine the possibility of widening the area under which the Minister can approve the subsidising of loans. I have indicated that I am not violently opposed to the proposition, but I would like to contain the position in its present area. With that assurance probably the member for Narrogin will not move his amendments.

Mr. W. A. MANNING: The basis of my amendments is that I believe there should be greater scope in the provisions the Minister has introduced to allow his concession on the interest rate to be extended to a wider field. I cannot see why the Minister should be limited in scope, but he is limiting himself.

Mr. O'Neil: Saving himself from a lot of pressure.

Mr. W. A. MANNING: That may be, but when a Bill like this is being introduced we should not limit it to a point where its provisions are too restrictive. If my amendments are agreed to the Minister will be given discretion to make the field wider but still they would not impose upon him any responsibility to do so. I think the Minister can take the amendments I have on the notice paper as a mark of respect to his ability because they will repose in him the power to make the field wider.

After all, the whole objective of the Bill is to promote the idea of home building among people on low incomes, and to do this we have to get funds and make the lending attractive. The Minister has pointed out that much of the money that goes to the terminating building societies comes from Government sources and from outside bodies as well. If there is a greater demand because the rate of interest is less, more funds from outside bodies could be absorbed; and that is the very thing we are after.

The amendments should be the means of reducing the effective rate of interest from terminating societies to 5¾ per cent., which is lower than the 6 per cent. hoped for. As the Minister has indicated he is not violently opposed to the proposal, I will leave it to the Committee to decide. I move an amendment—

Page 2, lines 15, 19, and 23—Delete the word "permanent".

Mr. O'NEIL: I hope the Committee will not agree to the amendment. It will certainly cut across the assurance I have given that I will look into the question of liberalising even further the terms and conditions under which the interest subsidy rate may be paid. I have indicated that I am not unsympathetic to the proposal and that I am prepared to go even further than the member for Narrogin would do with his amendment. On this occasion I think I would have the Deputy Leader of the Opposition on my side.

Mr. W. A. MANNING: I do not mind how far the Minister goes as long as what he does promotes the idea for which this Bill was introduced. Along with the Deputy Leader of the Opposition I will accept the Minister's promise that the matter will be looked at. I do not intend to press the amendment but will leave it to the mercies of the Committee.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

MUSEUM BILL

Returned

Bill returned from the Council with amendments.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

Second Reading

Debate resumed from the 15th October.

MR. TOMS (Ascot) [4.46 p.m.]: Each year since the Local Government Act came into force in 1961, a number of amendments has been brought before this House. It is very interesting to note that prior to the coming into force of the parent Act the Municipal Corporations Act of

1906 operated for 55 years, and in that time amendments were introduced in only 29 years. The Road Districts Act of 1919 was in operation for 42 years and in only 20 of those years were amendments brought to Parliament.

It is also interesting to note that the Municipal Corporations Act was reprinted only twice in a matter of 55 years, and the Road Districts Act three times in its 42 years of existence. However, the Local Government Act came into force in 1961 and was reprinted in March, 1968; and I believe that if we continue to amend the Act as we have in the past it will be necessary to have it reprinted again in four or five years. When introducing the Bill the Minister indicated that things change, and that the local government legislation requires constant revision. I think he also indicated that in years gone by the legislation did not seem to need as much revision as is necessary at the present time.

This Bill contains 25 substantial clauses and when the Minister introduced it—I notice he is not in the Chamber at the moment—he indicated that it contained nothing of a contentious nature. The Minister will be happy to know that I agree with him. The first amendment in the Bill is to amend section 37, and those members who were here a few years ago may well remember that that section delayed the House for a considerable time.

Section 37 deals with the qualifications of members of local authorities, and also states that a member shall not be disqualified due to certain reasons. We had an interesting exercise on this section of the Act a few sessions ago when I think we battled along for about four hours and then reported progress without having got very far. However that was a matter of principle so far as I was concerned, and I was prepared to stick to it all night if I had to.

However the amendment contained in clause 3 of the Bill is to ease the restrictions placed upon members of councils and I believe this should be done, provided that there is no favouritism in the easing of the restrictions, because members of councils give their time voluntarily. Provided those members submit tenders and enter into negotiations on the same basis as any other member of the public, I believe they have a perfect right to carry on their normal business.

Members may recall that in 1961 provision was made in section 281 of the Act so that an officer of a local authority could enter property to inspect or to remove certain materials, but so that compensation must be paid to the owner of the property. It would appear that somewhere along the line some council has been affected by this section, and so to put the matter in order it is considered necessary to ease the restrictions contained in the section so that a councillor will not be debarred from holding his seat on the shire.

The second amendment contained in the Bill is one on which I could have a great deal to say, and one with which I do not entirely agree. It deals with preferential voting, and I do not think we can take very much umbrage at it in so far as it deals with the election of the mayor or deputy mayor, or the president or deputy president, by the councillors of a local authority. The Act itself provides that councillors themselves shall be elected on a preferential voting basis. I remember that when the Road Districts Act was in operation the election of councillors was on a first past the post basis, and I believe this is a desirable and worth-while feature in local government elections to avoid two or three candidates ganging up on a councillor who has served for many years on the council.

I have seen both systems of voting work, and I have been connected with both systems during my time on a local authority, and I, personally, prefer the first past the post system in local Government elections.

Mr. Nalder: What about where more than two members are required?

Mr. Fletcher: If there are two vacancies the position is different.

Mr. TOMS: I still believe in first past the post.

Mr. Nalder: No preferences?

Mr. TOMS: No, not at all. This system could have been applied in the recent Kalgoorlie election. The candidates who get the top votes should be elected; they have won the votes and they have got the majority of the people to vote for them. The old system worked very well. I did not experience any trouble with it; but I am afraid that with preferential voting there could be ganging up against a perfectly good councillor in an effort to make him lose his seat. I would like the Minister to pass on my feelings about this clause to the Minister for Local Government: because I have had experience of this system—as other members may have had during their local Government careers —and it works extremely well.

The next amendment is contained in clause 5, and it clarifies the position regarding the election of committees. Apparently the department has had many inquiries regarding the fact that the Act provides that the mayor or president is an *ex officio* member of all committees, and he can delegate that authority or say that he is not interested in being a member of a committee. The Act states that committees must consist of less than half the number of councillors, so that in a council with nine members a committee may be composed of no more than four members,

one of whom is the mayor or president, if he so desires. I think this amendment is fair enough; it is merely tidying up section 179 of the Act, because formerly the Act merely provided that the number of members of a committee shall be less than half the number on the council.

Clause 6 amends section 234 of the principal Act, and introduces an owner-onus aspect. The intention is to make the owner of a vehicle responsible for damage resulting from any trespass on reserves in which the vehicle is involved. The section deals with the protection and use of municipal property, and I am sure members will appreciate the vandalism which occurs in local shires from time to time. Young fellows with blood surging through their veins take their cars onto the reserves and race around spinning the wheels. They can ruin a perfectly good reserve without any trouble.

The only danger I can see in this amendment concerns stolen cars. Would the owner-onus be enforced if a vehicle had been stolen and the owner had not had time to report the theft? Under this clause the owner is obliged to inform the authority who was driving his car when the offence took place. So an owner could lend his car to another person and then report that it had been stolen to get his cobber out of trouble. I believe it is necessary to tighten up this provision and give the local authority as much power as possible to protect its assets.

The amendment also contains a provision that an officer of a council may have power conferred upon him to carry out certain duties, but that he must carry some kind of identification which can be produced when asked for. I think this is quite understandable, because any Tom, Dick, or Harry, could claim to be an officer of the council and try to exercise authority which he did not have, thus causing a great deal of embarrassment not only to the person concerned, but also to the council.

Clause 7 of the Bill amends section 244, which deals with street use and management, and with certain aspects of what a person may not have on his property. Under this amendment local authorities will be empowered to take such action as they think fit to require a person on whose property there is standing a fence, wall, hedge, tree, or like structure or thing that is so situated, in the opinion of the council, as to constitute an obstruction of, or interference with, the vision of persons driving vehicles approaching, entering, or passing through an intersection, to remove the obstruction.

It has been understood in the past that a hedge must be a certain distance back from the road, but the matter has been getting out of focus at times and I believe it is necessary to give the shire councils power to have obstacles removed if it is felt they create a hazard. This amendment is one with which I feel most members would agree.

The next amendment deals with section 266 of the Act. That section concerns the power of a council to sell, lease, or transfer land. Under the present Act the Governor, by order, does this particular thing. For some time now, however, this has not been done, and it is felt—and I believe rightly—that since these orders are advertised in the *Government Gazette* it is not necessary for the Governor to so order, and accordingly provision is made to remove this from the Act. This will validate some of the actions that have been taken and place the Act on a proper footing.

Clause 7 of the Bill seeks to amend section 295 of the Act. This deals with subdivisions. In his speech the Minister did tell us that a committee had been set up to consider minimum standards for roads in subdivisions. While there are no minimum standards set down in the amending legislation, provision is made for the Minister to set what he might consider an appropriate standard. No doubt this standard will also be acceptable to the local authorities.

A local authority will not be able to impose just whatever conditions it likes upon people in regard to subdivisions, because the Minister has the last say. Apart from this, there is a right of appeal. I had it put to me recently that in all subdivisions a subdivider should pay for roads, footpaths, and everything else that went with such subdivisions, but I think it must be appreciated that if it were necessary for a subdivider to pay for these facilities, the responsibilty to do this would finally rest with the person who was buying the land, because the subdivider would not stand the cost; this would be borne ultimately by the purchaser of the property—he would bear the brunt of it.

I have no argument with this amendment, because I believe that in days gone by some subdividers escaped their responsibilities—particularly in the metropolitan area—by putting down a minimum road—say a 10-foot gravel road—which then became the responsibility of the local authority to widen.

In those days, of course, things were a lot cheaper than they are now; and when I say that I include the price of land. In the days to which I refer it would cost a subdivider a very small portion of the price of the land to put a road through his particular property. Things have altered a good deal since, as we all know.

Section 313 of the Act is amended by clause 12 of the Bill. There has apparently been some conflict between the Traffic Department and the local authorities as a result of this section—and I do not

know how it got into the Act originally—because we have traffic signs mentioned and these are normally the work of the Traffic Department. The amending Bill seeks to repeal subsection (2) which states that a council may provide and maintain traffic signs.

I think the shire councils will be quite happy to get rid of a provision such as this. They have no desire to carry out this duty and it is now rightly placed in the province of the department concerned, which will be expected to look after traffic signs. The consequential amendments in clause 12 seek to delete the words "and traffic signs" where they occur in subsections (3) and (4) of section 313.

The next amendment in the Bill is contained in clause 13 which seeks to amend section 334 of the Act. This is only a minor amendment. At the moment the section contains the words "of a city or town," and it provides for the temporary closure of streets. There appears to be no reason why a similar provision should not apply in the district of a shire, and the deletion of the words I have mentioned will make this applicable to all municipalities.

Under the Uniform General Building By-laws no power has been included in connection with the demolition of buildings, and the next amendment deals with this aspect. The proposed new section 373 will have the effect of making a person submit to the council an application in the prescribed form to obtain a license for this work. It also provides that the council shall not refuse an application made under this particular section, but may include in the license issued by it certain necessary conditions.

In the event of the council imposing conditions which the person concerned thinks are rather harsh, provision is made for a right of appeal to the Minister. I feel sure members will appreciate that it is one thing to get a permit to build a home, but it is quite another to get a permit to pull a house down. There is some danger of hurt being occasioned to people in both these instances. In the case of demolition the chance of people getting hurt is far greater than it is in the erection of a home.

So I think the amendment is a good one which should meet with the approval of most people. The amendment contained in clause 16 is a necessary corollary. Clause 16 seeks to amend section 434 which deals with penalties. This is an extension of the provision found in section 190 (7). I have had a good look at this, and I find it gives certain discretionary powers to the local authority. I have no quarrel with that amendment.

The Minister described clause 17 as being necessary. In the Act provision is made for the establishment of an advisory building committee, and from the time the Act came into operation until the present day the membership of the committee has stood at five. The amendment in clause 17 proposes to increase the size of the committee from five to seven, and at the same time the Minister is given power to appoint a person who is experienced in building, or who is conversant with the building trade, to be the deputy of a member of the committee. The reason given for this—and I believe it to be quite logical—is that the increased membership is necessary because of the increased amount of work the committee has had to carry out.

I do not think a committee of seven members could be considered a large committee; certainly not by the standards of some of the committees which are in existence today. I feel members will agree that it is reasonable to increase the size of the committee in view of the increased work it has been necessary for it to carry out.

Clauses 19 to 23 deal with the matter of farm land and urban farm land, and they seek to amend a number of sections in the Act. I believe this position has been brought about by the escalation in land prices and the difficulty being experienced by those who own rural properties—or what will become urban farm land under this Bill—which are in the middle of areas of urban land the price of which is rising rapidly.

People who use such properties for producing food and other commodities should not be forced quickly out of an area because of the rapidly rising land values. Accordingly, provision is made in these amendments to permit a local authority to strike a separate rate for this type of urban farm land.

I feel sure no-one can take exception to this, because for too long now we have seen growers of vegetables being forced further and further out because of the escalation in land prices. It is quite a good move. Provision is also made for land declared urban farm land to be noted in the rate book at the time it was so declared, and when it ceases to be declared certain conditions are set out by which the local authorities must abide. A further provision is made for the aggrieved party to have a right of appeal.

Mr. Nalder: I do not think you mentioned clause 18; have you any comment on that?

Mr. TOMS: I am glad the Minister reminded me of this, because it is something which has been brought about by overways and underways. In his speech the Minister indicated that a firm wished to build an overway across Hay and Murray Streets. While at the moment the Act makes provision for subways, and

everything else, no mention is made of overways. It is therefore necessary to amend the Act to keep up with the times.

There is no great objection to this provision because, as we all know, overways will eventually be a feature of our way of life, and the sooner more of them are erected the sooner will the traffic flow improve. Accordingly, I feel the amendment is in keeping with the advancing times; though whether the advance is in the right direction or not is at times open to a great deal of conjecture.

For some time power has existed under the old and new legislation for people to demand that a poll be held in connection with a loan. However, polls have been conducted without any reason being given for the proposed loan. Under the amendment in this Bill, it will be necesary for the conditions and purpose of the loan to be prescribed on the poll form.

The final amendment is a simple one. The Governor may, by order, rectify any error or order made under any provision of an Act repealed under this Bill. This provision has not existed previously, and many things have been done illegally. This amendment will legalise those acts which have been done contrary to the law.

Those are all the comments I wish to make on the legislation this year. As I said earlier when the Minister was not present, I am pleased that section 37 will not cause me to stand here for four hours during the Committee debate, arguing about a particular point with which I do not agree, as was the case on one occasion.

Nevertheless I do feel that many unnecessary amendments have been made since the Act was brought into force in 1961. I know it is nice to be able to appease local authorities and to agree to their requests. On several occasions certain instances have occurred and they have not been provided for in the Act. Despite the fact that it is possible similar instances will never arise again, amendments have been made just in case they do. I believe the Minister could exercise more discretion and not introduce amendments which merely clutter up the Act.

Mr. Nalder: I think he already does that.

Mr. TOMS: He cannot be knocking too many back because a large number come forward every year. As I have mentioned before, the Municipal Corporations Act was in force for 55 years during which time it was reprinted only twice, while the Road Districts Act was in force for 42 years during which time it was reprinted three times. On the other hand, the Local Government Act had been in force for only seven years when it was found necessary for it to be reprinted, and this, despite the fact that we should have picked the eyes out of the two old Acts! Surely the changes during the last few years have not been that drastic!

Mr. Nalder: Things are developing faster.

Sir David Brand: They are rapidly changing.

Mr. TOMS: That might be the case in the north-west with the development of iron ore.

Sir David Brand: I was not talking about that.

Mr. TOMS: However, it is not the case with local government. There has been no great change in that sphere.

Sir David Brand: This was a new Act, in any case.

Mr. TOMS: I know a little bit about it and I do feel the Minister might find it necessary to tighten up a little more or the Government Printer will be working overtime again to reprint the Act.

MR. NALDER (Katanning—Minister for Agriculture) [5.19 p.m.]: I think most members have looked at the amendments in this Bill and are quite satisfied with them. This was indicated by the honourable member who accepted the responsibility of studying the Bill on behalf of the Opposition, and I have noted his comments.

Everyone agrees that we should endeavour to assist local authorities because of the part they play in community life. They do a tremendous amount of voluntary work which helps the State to progress. They also make a very valuable contribution in other ways. Members of local authorities meet to discuss the various problems in their own areas and they then make suggestions regarding amending legislation. These suggestions are not made lightly. When members of a local authority meet to discuss problems and then agree that an approach should be made to the Minister concerning amendments to the Act, they do so only after due deliberation. As I have said, the Minister has, from time to time, rejected some of the suggested amendments.

However, in the main, I would say that any amendments suggested by a local authority are designed to cover certain problems as they affect that local authority; and the Minister accepts this situation.

Mr. Toms: Sometimes the problems are only imaginary and not real.

Mr. NALDER: I know the honourable member said that in some cases amendments are made because a certain situation might just happen. This could well be a good reason for making amendments because they could possibly prevent certain action being taken.

However, I repeat that, in the main, members of local authorities are responsible people and if suggested amendments are designed to assist a local authority to carry out its responsibility, I think they should be adopted.

A good deal has been said about clause 4 which deals with the election of members. Here again, I have my doubts whether the amendment is the best to adopt. After all, the situation could be quite confusing tc the general public, particularly when more than one member is required in a particular shire. I know that after the last elections which were, I think, in May, quite a few people did not know who had been elected, even though they studied the results. This was because of the different conditions obtaining in various areas.

Nevertheless, the amendment in the Bill is the course which has been adopted as it is considered to be the best. I will pass on the honourable member's suggestions to the Minister. Until someone can prove that a better system is available, I presume the present one will remain.

The honourable member referred to clause 7, which does not contain what could be described as a shattering amendment. However, it does emphasise the need for local authorities to be aware of problems which can arise in certain areas and to take precautions to ensure the safety of the travelling public. When a stranger arrives in a town, he quite often can immediately make a suggestion concerning action which could be taken to reduce the number of accidents. People living with a situation all the time do not realise that it is dangerous, but a stranger often realises the danger immediately it confronts him.

Mr. Toms: One hazard involves hedges which are allowed to grow wild.

Mr. NALDER: Yes. They are allowed to encroach on the footpath, thus visibility is restricted if a corner is involved. I do not think anyone would quarrel with the importance of the amendments in this clause.

The honourable member also refers to clause 18 which is one we must support. The situation involved is likely to occur again and although provision is made for local authorities to establish subways and so on, no provision is yet available for the establishment of overways, and that is the reason for the amendment.

The remaining amendments have been well and truly covered by the honourable member, who was prepared to accept them and I therefore do not intend to take up any more of the time of the House. I commend the Bill to members.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

ROAD CLOSURE BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [5.29 p.m.]: I move—

> That the Bill be now read a second time.

This legislation deals with the closure of portion of Mount Street, Perth. In planning for the the construction of the central section of the Mitchell Freeway, consideration was given to the construction of a bridge to carry Mount Street traffic over the freeway.

Mount Street is predominantly residential in character and it was considered that the majority of residents would walk to the city rather than travel by vehicle. Should they be travelling by vehicle, then it was not considered onerous to travel by Malcolm Street. Cul-de-sacing also ensured that through traffic would be diverted and the residential character enhanced.

For the above reasons, a vehicular bridge was not considered to be economically justified. The demand for pedestrian movement was recognised and a pedestrian bridge will be constructed across the freeway.

In connection with the Mitchell Freeway, portion of Mount Street as surveyed and shown on Lands and Surveys Original Plan No. 10270 will be closed and later declared a portion of a controlled access system with the balance of the Mitchell Freeway. It is intended that the closure of the portion of Mount Street will not become effective until proclaimed by the Governor.

A litho is attached to the file which I will make available to the Leader of the Opposition.

Debate adjourned, on motion by Mr. Brady.

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th October.

MR. BRADY (Swan) [5.31 p.m.]: Some of the amendments in the Bill are of a minor nature but others are of a major nature. Child welfare is very important and, because of this, I hope members will be tolerant with me for going into detail on some matters. Some of the clauses concern taking away the liberty of the subject. Such a measure should not be dealt with lightly, particularly when we

are dealing with young people who are under 21 years of age. I consider the provisions should be analysed at length to try to ensure that justice is done.

The Bill was debated extensively in another place where The Hon. I. G. Medcalf put forward what I consider to be very valuable amendments to the original proposal brought down by the Minister for Child Welfare. At this stage I can say that I consider most of the amendments in the Bill are desirable and I will do what I can to help the Minister in this Chamber representing the Minister for Child Welfare to have the measure passed.

One amendment, however, I consider could be very contentious and it is one which the House should not accept lightly. In fact the member for Maylands has already placed an amendment on the notice paper in this regard. At the appropriate time he will move to drastically amend clause 6 of the Bill, which provides that boys between the ages of 14 and 16 years may be imprisoned. At this stage I say that I will go along with him in every respect in his effort to eliminate this provision from the legislation.

I have already said that some of the amendments are minor in nature but others are quite major. The interpretation provision in the Act will be amended to include a definition of "drug." The definition of a neglected child will be extended to include a child who is found in an atmosphere where drugs are being used. The Bill seeks also to define "public place" and "street." These are all desirable amendments, I consider, after reading the debate which took place in another place.

The first important amendment in the Bill is in two parts and provides, firstly, that a person may be appointed in place of the director. That person will be able to do everything the director may do during the director's absence due to incapacity or for some other reason. Secondly, it provides that the Minister may revoke any such appointment. I mention that the appointment in question of a person to act in the absence of the director will be made under section 7 of the Act which also provides that there shall be an assistant director. I do not think that any member would oppose that amendment.

The next amendment concerns section 29 of the principal Act and deals with a child who is apprehended and charged with the commission of any offence, pending the hearing of the proceedings. Three subsections will be concerned with the circumstances applying in the apprehension of a child. The main point is that a child shall be brought before the court as soon as practicable and dealt with according to the law. As I understand the provision, this covers to some extent the holding of a child until such time as the child is taken before the court. Proposed new subsection (4) of section 29 reads—

> (4) Nothing in this section shall be construed as limiting the application of section twenty-eight of this Act.

I looked up section 28 of the Act and I find that it deals with the admission of bail by justices, the director of the department, clerks, child welfare officers, reception home officers, and police court officers. Consequently, the amendments proposed to this section will not in any way limit the application of section 28.

The next amendment I wish to mention deals with children who are convicted of offences and it outlines the way in which imprisonment may be served. Neither the member for Maylands nor I would support that amendment, and I hope most members of the House will not agree to it either when they understand what it purports to do. At present the Act states—

> (1) The court shall not impose a sentence of imprisonment—
>
> (a) on a child under the age of fourteen years;
>
> (b) exceeding three months, in respect of any one offence, on a child aged fourteen years and under the age of sixteen years; or
>
> (c) exceeding six months, in respect of any one offence, on a child aged sixteen years or more.

The Minister now wishes to include a subsection which reads—

> (1a) Where the court imposes sentences of imprisonment on a child aged fourteen years or more, it shall not, if it orders one or more of those sentences to be served cumulatively with any other of the sentences imposed by it on that occasion, order that the child serve a total of more than—
>
> (a) three months' imprisonment, if the child is under the age of sixteen years; or
>
> (b) six months' imprisonment, if the child is aged sixteen years or more.

As I see the position, the Minister wants to include a provision which will allow a lad up to 16 years of age to be imprisoned for three months and a lad over 16 years of age to be imprisoned for six months. I do not go along with this amendment and I will give my reasons for this later on.

The next amendment deals with a child who is convicted and imprisoned but who may be discharged upon entering into his own recognisance, with or without sureties, to be of good behaviour for one year. I do not think members will disagree with

that amendment but will support the proposal. Many boys could realise their mistake after a day or two in gaol and may be quite anxious to enter into a recognisance, with or without surety. Doubtless many parents would also be prepared to enter into some sort of surety to see their boy was of good behaviour for one year.

The next amendment provides that a child shall not be imprisoned for non-payment of fines but is also concerned with warrants being issued for children over 18 years of age who may be brought to court to show cause why a warrant of commitment for imprisonment should not be issued. Members will see that while the first part of the amendment provides that a child shall not be imprisoned for the non-payment of fines, this only applies if the child is under 18 years of age. However, if he is over 18 years of age, the court may commit the child to gaol, although the provisions of the Justices Act are still to apply.

Another provision states that when a lad over 18 years of age is being tried the director may have a representative at the hearing who would be entitled to be heard. A child over 18 does not have the protection which is normally afforded to someone under that age, because he is more or less considered an adult. The amendment provides that the Director of Child Welfare may attend the court or may have representation at the court. Either the director or his representative is entitled to be heard. I think this is desirable for more than one reason.

The next amendment deals with the position of a child who has been released on probation and who may be brought back before the court without a warrant being issued. At present the Act provides that a child can only be brought back before the court upon the written consent of the Minister. It is now proposed to delete the provision which stipulates that the Minister may authorise this to be done and, in future, the Director of Child Welfare will have this responsibility.

There are a number of ways of looking at this matter. I appreciate that the Minister for Child Welfare has a great deal to do in connection with his portfolio as well as the other portfolios which he handles, some of which are very important. It may be a burden to have to peruse papers and issue a direction in regard to the apprehension of a lad who may be on parole and who has not carried out the terms of the probation. However, the effect of the amendment is that the Minister will no longer be responsible for this, and I do not think we should take this too lightly. As I said before, the liberty of the subject is at stake, and it is the liberty of a person under 21 year of age. In the past, when the population was not as great as it is today and Ministers did not have the same number of portfolios to look after, there may have been every justification to stipulate that the Minister should sign a consent to bring a lad back before the court again.

I think I can say that the director and the officers of the Child Welfare Department are very responsible people. I think I can even go so far as to say that, in most instances, they would be dedicated to their work. They are the officers of that department because they are anxious to help the underprivileged; they are anxious to assist a child to establish himself in the community. I do not think there would be any great difficulty in allowing the Director of Child Welfare to grant consent for a child to be brought before the court again if that child were not complying with the terms of his parole.

I cannot see that the words "with the written consent of the Minister" will be of much use, but I am prepared to go along with the amendment because if we look down through history we will find that the director of the department, the assistant director, and most of the officers have been dedicated people, and they would certainly not be keen to take a girl or a boy away if they did not consider it was justified.

The next amendment deals with the maintenance of wards and the contributions that will be made by parents. It is provided that parents will be responsible in certain cases. As I view the position in regard to a fractious boy or girl, the Bill now seeks to provide that the legislation shall embrace those children who are committed under sections 17B or 18 of the Education Act.

Here again, one does not allow amendments to an Act to be made lightly regardless of whether it is the Child Welfare Act or any other Act. When one encounters cases of children who come under the provisions of the Education Act and who are likely to be committed at the expense of the parents, one naturally looks at the Act to gain the true meaning of its provisions. Therefore, on checking section 17B of the Education Act, I discovered that it reads as follows:—

> 17B. (1) If the conditions of probation upon which a child is released under section seventeen A of this Act are not observed by that child or the person or persons responsible for him, or if the Director-General is not satisfied with the conduct of that child or those persons whilst the child is released on probation, the Director-General may, with the consent in writing of the Minister, cause the child to be summoned before a children's court under the Child Welfare Act, 1947.

So it seems that in normal circumstances children who come under the jurisdiction of the Education Act by virtue of their

age, could also be brought under the provision contained in this amendment to the Child Welfare Act and be subject to penalties and the resultant expenses because they are committed.

It is hard to believe that, in this day and age, school children are in some cases the subjects of drug addiction. I think most members have read newspaper reports of children—especially children residing in Sydney—who are the subject of drug addiction. I think all members would have read the Press reports of the sad case of Art Linkletter's daughter in America who jumped out of a window as a result of her addiction to drugs. As her father said, she was virtually murdered by the people who peddle drugs.

It is most regrettable that there are people in Western Australia who peddle drugs. In fact, I have had the experience of a person telephoning me to say that behind a certain school weeds were being grown which could be used for the manufacture of drugs.

Mr. Fletcher: Did you report it to the right place?

Mr. BRADY: I reported it to the right place; do not worry about that! The person who telephoned me also said that this was not an isolated case. Therefore we cannot deal lightly with the amendments contained in this Bill. Although we may not be disposed to agree with every one of the Minister's proposals, I think we can, in the main, give the Minister credit for introducing them in the best interests of all concerned.

So I shall proceed to deal with that part of the Act which refers to procedure, penalties, and general provisions. Under that part, section 121 provides as follows:—

> At the hearing in a Children's Court or before Justices of any complaint against or any application concerning any child, or ward, the Director or some officer of the Department may be present and examine and cross-examine witnesses, and be heard touching the acquittal, punishment or disposal of the child or ward.

The next amendment is a very minor one and seeks to delete the passage "boarding-out committees," which is contained in the section of the Act dealing with regulations. Apparently there are no boarding-out commitees constituted at the moment, and accordingly it is sought to delete these words from the regulation.

In the main I believe the Opposition will support the amendment, though we do not altogether agree with the idea of imprisoning a lad of 16 years of age. The member for Maylands has given notice of his intention to move a substantial amendment, and I shall certainly support it.

I feel the Bill is in the best interests of the community as a whole and, in particular, of the young people whom it seeks to protect. In the main, of course, it sets out to protect children who may be under the control of parents who are takers of drugs. On the other hand, the child who is living with his parents may himself be in the habit of taking drugs and in both instances the children can be declared neglected children. In such circumstances they will be given protection and the necessary guidance for rehabilitation. This would be the case if the child himself is in the habit of taking drugs.

On the other hand, if he is living with his parents, who are drug addicts, the child will be removed to a different influence. Accordingly, I do not think any of us could quibble with the Minister's objective in this regard. I only regret the Minister did not give us more information in order that we might discern the difficulties associated with the gradual process of drug addition.

It would seem that the Child Welfare Department is aware of the fact that the habit of taking drugs is moving within the community like a creeping paralysis. I understand the Minister now has specialists to help the department look into these matters to ensure that the menace of drug-taking is not practised to a degree that we might regret.

In the main I support the amendments contained in the Bill, but I reserve the right in the Committee stage to try to amend the Act to prevent the imprisonment of a boy or girl of 16 years of age or under.

MR. HARMAN (Maylands) [5.57 p.m.]: When the Minister for Child Welfare introduced this Bill in another place, his opening remarks were, "The Child Welfare Act is a modern piece of legislation." Another remark made by the Minister was that the Act reflects progressive child welfare policies and practices.

The key to the Minister's entire speech was that he was modernising the Child Welfare Act and improving the policies and practices to bring them into line with modern-day living. When I read those comments I thought the Minister was going to bring in some innovations which were really needed in the Child Welfare Act.

The Minister could have introduced, for example, an amendment in connection with the name of the department—I suggest it could be called the social welfare department—because for some time now it has been generally acknowledged that it is a misnomer to call it the Child Welfare Department.

I say this because it has already been admitted by the previous Director of Child Welfare and also by the present director that the department is now more a family welfare department, and indeed it deals with adults to a far greater extent than

it does with children. This of course is understandable, because when we are trying to rehabilitate a child, naturally we must involve ourselves with the parents.

The department also deals with the payment of burial expenses for adults who are aged and indigent, and how we can relate that to child welfare, I do not know. Accordingly, the Minister could have made some attempt to modernise the Child Welfare Department to bring it into line with present-day thinking, and he could well have extended the coverage of the department in this State.

As we all know, the Child Welfare Department only covers the portion of the State from Carnarvon to Albany, and across, to Kalgoorlie. The northern part of the State is not represented by a permanent welfare officer. In that half of our State these duties are delegated to police officers and native welfare officers.

I do feel that the Minister could have legislated to ensure that the Child Welfare Department covered the entire area of Western Australia and the people who reside in that area. I am, of course, aware, that the Native Welfare Act covers the aspect of welfare among the Aborigines. I can see no reason, however—and I have stressed this aspect before, and it is also a plank of the Australian Labor Party—for our not having one State Welfare department to look after the needs of all the people of Western Australia.

The Minister could have advised that the department was setting up a research section which is so badly needed, so that the facts and information which are coming forward not only in this State, but in the other States and in the other countries of the world, could be fed into this research section. Many valuable ideas could be obtained from it.

We can see, from the facts and information, the trends that are taking place in child delinquency and child neglect. I notice that the Director of Child Welfare is away on a world study tour and I am confident that when he returns he will bring back many ideas, in addition to the ones I am putting forward now and those I have put forward on previous occasions. Those ideas will have the effect of modernising the Child Welfare Department.

When I refer to modernising the Child Welfare Department, and improving its policies and practices, I find difficulty in reconciling those policies and practices with the provision contained in clause 6 of the Bill which deals with the imprisonment of children, even those of 14 and 15 years of age. I do not think that any member of this House would like to sit on a court and sentence a 14-year-old boy to imprisonment to be served in the Albany Gaol or the Fremantle Prison. At least in the Fremantle Prison there is a juvenile section, but in the Albany Gaol there is none.

As I shall mention again later, two 14-year-old boys were recently sentenced to six months' imprisonment, and they were taken to the Albany Gaol which does not have a juvenile section. They were just thrown in among the adult prisoners. I am sure that no member of this House would like the prospect of having to impose a sentence of imprisonment on a 14-year-old or a 15-year-old boy. I hope to put forward in the Committee stage what I think is a very good argument for this House to agree to the amendment I have placed on the notice paper.

I agree with the member for Swan that the amendments in the Bill are necessary; they will certainly improve the administration of the department; and they spell out in detail some of the conditions under which the officers of the department can apply to the children's court for children to be declared neglected, and so allow the department to take some action to rehabilitate them.

In the days when I had occasion to appear before the court to have children declared neglected—a task to which I did not look forward, and a step which I did not take unless it was the last resort—I did not relish the task, as I knew they would be taken away from their mothers and fathers. On those occasions we had to make use of the tenth definition in section 4 of the Act, which is all-embracing. It is felt that some of these provisions should now be spelt out in more detail, particularly in respect of cases dealing with drugs and cases dealing with the physical ill-treatment of children by their parents. I support those amendments in the Bill.

In respect of the amendment relating to drugs I expect the Child Welfar Department to make sure that records are kept of the number of persons who have been dealt with under this provision. Similar records are kept by the Child Welfare Departments in the other States; certainly in New South Wales. The department in Western Australia includes in its annual report statistical information which is quite valuable to those who are interested in these matters. I hope the department will add to these statistics the number of persons who have been dealt with under the provision relating to drugs.

My main objection is to the provision contained in clause 6. However, as I have, on previous occasions, dealt with what I felt were some of the improvements which could be made in child welfare I do not propose to go over the same ground again.

Recently we had occasion to look at some of the policies and practices of the department when the motion seeking the appointment of a Select Committee into one-parent families was debated. On that occasion those practices were well aired. One of the suggestions which I made in

that debate—I must admit that I have not developed it up to this point, but I intend to, perhaps over the next few months—was whether we should establish in this State a welfare commission, composed of three or four persons of suitable qualifications, so that, as in the case of some of the commissions set up in the Education Department, it could look at the trends in social welfare in Western Australia continually. I hope to develop this theme on another occasion. The director of the department is away, and I am sure that when he returns he will have some ideas to put forward to improve child welfare in this State.

Finally, because I was attacked once before when I was talking on this subject, I want to make it quite clear that I have received every co-operation from the officers of the Child Welfare Department on every occasion I have approached them, and I have nothing but praise for the director, the assistant director, and all those down the line who have dealt with me. I know that they are all dedicated to their tasks, which they carry out admirably.

In some cases I know they do not receive sufficient remuneration. I am referring particularly to the probation officers in the general division who have reached what is known as the G-II-5 classification. When I joined the Department of Native Welfare in 1952, the officers were on that classification, and they are still on it now, 17 years later. There is no avenue of promotion for these probation officers. However, that is a matter for the probation officers themselves and the Public Service Commissioner, and not one for me to discuss here.

With the exception of clause 6, which I hope will be deleted, I support the Bill.

MR. BATEMAN (Canning) [6.9 p.m.]: I would like to support the remarks of the member for Maylands and the member for Swan, both of whom spoke mainly on the Bill in its entirety. However, I would like to develop the human element and deal with the importance of the social workers. I am not referring to their academic qualifications, but to their sympathetic and compassionate attitude which is so necessary when interviewing many of the cases with which they must deal. A large proportion of these are very sad cases and I often wonder whether or not the social workers involved delve into the real reasons why the boys and girls have broken the laws of our society and thus come under the attention of the department.

I believe—and I do not think I am very far from the truth—that the main reasons these children come before the courts today is the economic structure of our society. I am sure that if we delve into the history of these cases, we would find that in most cases both parents find it necessary to work. In most homes today all the furniture—the fridge, the washing machine, the television set, and so on—have all been purchased on hire purchase and the wages of only one person in the family are not sufficient to meet the hire-purchase commitments, plus the rent, to say nothing of the education of the children. Consequently it is necessary for both the mother and father to work.

As a result of this, when the children arrive home from school they find the house empty, and this has a very big effect on the children, especially those of primary school age. We all know that the devil finds work for idle hands to do. When children start attending high school their problems seem to increase and because of their environment and other circumstances they seem to have more opportunities to get into bother. Many of them commence smoking when they reach high-school age. I suppose this is because smoking makes them feel they are grown up.

To return to the point I was making, I am convinced that the problems of the children who come before the court commence because they have to come home to an empty house after school. All children require the love and affection of their mother. I do not know whether the love and affection of the father is quite so necessary, but the mother's certainly is. Nearly all children have the greatest love and admiration for their mother.

I would like to give a personal example of the absolute need of a child for its mother's attention. When I was a child I was not very bright at school, but I excelled at woodwork and was always top of the class. On one occasion I had made a small wheelbarrow and after school I raced home to show it to my mother. My mother did not work because in those days it was not the done thing.

Mr. Brady: They were the good old days!

Mr. BATEMAN: Yes. However, when I arrived home the house was empty and I could not show off my piece of woodwork. I remember that I was terribly frustrated and upset, so much so, that I went to the corner store and booked up three pennyworth of humbugs. I can assure members that my bottom was sore for many days! But, as I say, all I wanted when I arrived home was love and affection. I wanted my mother to praise my woodwork; I wanted my ego boosted. Actually that is all everyone wants because everyone has an ego.

Members: Hear, hear!

Mr. BATEMAN: I do not care two hoots who a person is, he or she has a tremendous ego. Some have a bigger ego than others.

Members: Hear, hear!

Mr. BATEMAN: But we all have one. This is why I maintain—and this is my theory only—that if mothers did not find it necessary to work, and consequently were at home when their children arrived from school, the number of children before the court would be greatly reduced. Children require the attention of their mother, even if only to be scolded or receive the stick for stubbing shoes, tearing trousers, or ripping a dress! This is all part of growing up and part of the pattern of a child requiring its mother's love and attention and the mother requiring her child's.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. BATEMAN: Prior to the tea suspension I was discussing the problem of children, and also the problem caused by both parents working. I agree with the member for Swan in what he said regarding the terrible tragedy of Art Linkletter's daughter. I feel that perhaps this may have been caused by the daughter not receiving parental love. It need not necessarily have been a case of lack of parental control. It is quite obvious that a famous person like Art Linkletter would rarely be home in the evening because he is a very popular radio and television personality. I am sure his family must suffer, and I think his wife would also be thrown into the hurly burly of the over-emphasised and glorified profession of television personalities.

Such a home life is hard on the children who have to grow up through the ranks. The mother is the backbone of any family and if she is not there to provide a home life, then something can easily go wrong. That could have been the case with Art Linkletter's daughter, but far be it for me to say that it was.

I mentioned earlier the compassion shown by our social workers. I am fully aware that some of our social workers are among the most highly qualified in Australia, but qualifications are not everything. With your permission, Sir, I would like to mention the Basin in Melbourne. It is a Salvation Army institute and it accommodates some of the roughest and toughest youths in that city. Some of the Salvation Army officers are qualified, but the majority are not. Some of the youths who are admitted to the Basin will never become useful, but some of them make the grade.

A number of the youths who are committed to the institution and are released, return to the institution and join the Salvation Army. This has occurred after the youths have been in the institution for some months or for some years. I make the point because it is in that institution that those boys have found something which was lacking in their life. My own theory is that those boys found something in the institution which they could not find in their homes.

I have the greatest admiration for our social workers. They must have this compassion which is necessary when dealing with some of the tougher types of boys. It is generally known that some of those lads have quite a joke with the psychologists who question them.

I also would like to recommend, if I may, that some of these lads—and girls—who are committed to institutions for minor offences should have weekend detention. I understand the system is working in Melbourne where weekend detention is being tried out with first offenders. It is working effectively. I strongly recommend that we, in this State, should work along the same lines and commit first offenders to weekend detention. Jobs could be found for them around the metropolitan area or in the country, because quite a number of people are prepared to accept these youths, both boys and girls. The money earned could be used to pay for some of the damage which they might have caused.

It is too easy for some youngsters to steal a motorcar and smash it to pieces. The motor car could be the result of a man's lifetime savings, and they would be lost to him. A motorcar in the hands of a strongheaded youth is a lethal weapon. He races away in the car and smashes it and the person who may have saved all his life to buy the car faces the loss. Such a youth should be made to make good the loss.

I would like to stress once again that when the Child Welfare Department, the Department of Native Welfare, or other such departments, employ social workers they try to pick out people who have compassion and understanding to handle the youth of our day. I support the Bill.

MR. FLETCHER (Fremantle) [7.37 p.m.]: I would like to say a few words on the Bill at present before us because it deals with a subject in which I am particularly interested. When related to the parent Act this Bill has a variety of purposes including the care of neglected children arising from the lack of proper home environment, and physical injury caused by parents to their children.

The Bill attempts to segregate the young offender from the older transgressor of the law. It also refers to the illegal possession of drugs by juveniles, and the use of drugs. I think it is appropriate to refer to an article which appeared in the Press on the 3rd October, 1969. Most members will have seen the article, which is accompanied by a picture showing cannabis—from which marihuana is extracted—growing in no other suburb than Dalkeith—of all places.

Mr. Jamieson: Where is it growing in Dalkeith?

Mr. FLETCHER The article states that drug squad detectives seized two clumps of cannabis plants which were growing in a Dalkeith laneway.

Mr. Jamieson: Has the member for Fremantle looked in the laneway at the back of his house?

Mr. FLETCHER: The article published in the Press states that marihuana is obtained from cannabis, and that several people had been questioned about the plants, but no charges had been laid.

The Minister for Police may know more than I do about the subject, but I certainly know the plant is not indigenous to the State of Western Australia in general and to the salubrious area of Dalkeith in particular. Somebody has been up to some mischief. If the plant was growing in that area, it is quite reasonable to assume that it may be growing in other places in Western Australia. Consequently the legislation is necessary to ensure that this kind of situation is not perpetuated elsewhere.

Mr. Nalder: Does it have an attractive flower?

Mr. FLETCHER: I do not know a great deal about it. The Minister for Agriculture might be better qualified than I am to express an opinion on the plant. However, when a similar Bill was before the House, previously, I referred to the fact that the plant had been found growing in the suburbs of Brisbane, Queensland.

It seems that the drug has become readily available to juveniles through various sources. Consequently I believe the legislation is timely, if not overdue. There must be some protection against this type of thing.

The word "drug" is defined in one of the amendments in the Bill. It is not relative to pharmaceutical drugs, but to drugs of addiction, the sad and tragic connotations of which are well known to members. Further, it has been found necessary to define "public place" and "street." Confusion existed as to what constitutes a public place. The legislation which applies to drinking is more specific in its interpretation of a "public place." However, this aspect did need clarification and the Bill defines the area which will constitute a public place.

One of the amendments deals with the appointment of an acting director in the absence of the Director of Child Welfare. Subject to the passing of this measure, the Minister will have the prerogative to appoint, as it were, a deputy to the director. The Bill provides the necessary means to cope with a situation when a child is suspected of being destitute, neglected, or uncontrolled. This has not been stated clearly up till now and consequently the amendment is desirable.

Pending a hearing of proceedings against him an apprehended child can be confined to his home, to the home of a policeman or a similar respectable citizen, to a remand home, or to a police gaol or lockup where he would be kept apart from other adult prisoners.

If a child contravenes the conditions of his probation then, under this measure, he shall be brought before the court as soon as practicable. I notice, too, that bail may be granted.

The situation at present is that there is no limit to the cumulative sentence which can be served when multiple offences have been committed. The Bill before the House proposes to limit the period to three months if the child is under 16 years of age and to six months if the child is over 16 years of age.

Further, a child may be discharged upon entering into his own recognisance, with or without surety, to the effect that he will be of good behaviour for a specified period.

Clause 8 provides that a juvenile shall not be gaoled for non-payment of fines, costs, and restitution, but directs that the court may cause an offender under 18 years to serve a term in an institution if it thinks fit.

This could be contentious. I would like to know the kind of institution to which the person could be committed. I know the member for Maylands is very interested in this matter because of the amendment he has placed on the notice paper. If the person is over 18 years then he may go to prison *via* the children's court.

The proviso that the director or some officer of the department may be present at a hearing and entitled to be heard is a safeguard for a youth who may be immature in relation to mind or age. Also, some other circumstances might have contributed to his delinquency or transgression.

The Bill provides that a defaulter against probation may be apprehended without warrant. A hearing shall be heard as soon as possible and this will minimise the period of detention.

One of the amendments provides for a maintenance order in cases where the children are committed to the department for non-attendance at school. I would like to know from the Minister what form the maintenance order will take. Against whom is it issued? I can only assume it would be issued against the parents because, after all, they are responsible for seeing that a child goes to school.

Generally, the measure will prevent juveniles being contaminated through association with hardened criminals. I sincerely hope this will be the effect because on many occasions I have expressed my concern over the fact that people who go to prison frequently come out worse

than they went in because of the contact they have with hardened criminals. I think the Minister himself thinks this way too.

It would be deplorable if a juvenile committed an offence which would have repercussions later on in life. To my way of thinking this kind of thing is contrary to British justice. It is not at all right that a person should be denied a certain type of employment later on in life as a consequence of some offence which he committed in his youth. Certainly he or his children should not face these repercussions as a result of a skeleton in the cupboard, as it were.

When the Minister introduced the Bill he referred to the maltreatment of children, but I do not believe this is always attributable to the sheer brutality of parents. Frequently it is a result of immaturity on the part of the parents. Invariably the parties to what is colloquially known as a shotgun marriage are immature.

I do not think it is always deliberate brutality. An immature person may cause harm to a child through sheer exasperation. The child may be sick and crying to the point where the immature parent is driven to desperation. An attempt may be made to throw the child on the bed and unfortunately the child could land on the floor, or hit its head against the back of the bed.

I have no doubt that those unfortunate parents would spend a lifetime of remorse thereafter in witnessing their child suffering from some form of deformity throughout its life as a consequence of their ill-treatment of the child in the manner I have mentioned. I know members of the nursing profession who work, for example, at the Princess Margaret Hospital. One senior sister at that hospital told me she often finds that the parents of children who have been maimed in the manner I have described are just as distressed as is the child.

I know, too, that this could apply in the case of families in which one or other of the parents is an alcoholic. I can imagine the remorse of an alcoholic who has maimed a child during a period of non-sobriety. Then again, I will admit that some parents are cruel enough to beat their children physically and harm them in such a manner that it is necessary for the children to be hospitalised. Those parents have no sense of proportion; they might belt their children about the head or about other portions of the body and cause physical damage.

I think also that over large families might contribute to this situation. I refer to families in which, to be frank, the pill is a luxury—and an expensive luxury—and as a consequence there are more children in the home than the family can physically or economically care for. In such cases it is possible that an exasperated mother might unintentionally hurt a child. However, the Bill before us is an attempt to take care of situations where circumstances such as I have outlined exist.

Whilst I would like to agree with my colleague, the member for Canning, who spoke previously and said that the children of families with a working mother can be neglected, I have found to the contrary on many occasions. Mothers do not go to work because they want to; they go to work through sheer economic necessity. They leave the elder members of the family at home to look after the younger ones. A cohesive family group may be formed, particularly if the mother is enlightened enough to say to the children, "I am doing this for your good and I want your help and co-operation." I have found this attitude in many homes in my electorate.

All in all I believe the Bill to be desirable. I would refer briefly to the subject of drugs. Like the Minister and others, I am alarmed at the increasing incidence of drug offences in this State. The drug problem does not occur with everybody, but it can happen to anybody, particularly young people who are prepared to try anything for a new experience. The tragedy in the family of the famous TV personality was quoted, and I sympathise with that parent. This incident shows that where drugs are concerned no distinction is drawn in relation to the status of the parents of the children who experiment with the drugs. Children need to be protected from drugs, and my interpretation of the Bill is that it seems to be an attempt to afford that protection. At this stage I support the Bill, subject to possible amendments which may be moved at a later stage.

MR. CRAIG (Toodyay—Chief Secretary) [7.56 p.m.]: When this Bill was introduced by the Minister for Child Welfare in another place, it created as much interest amongst the members there as it has in this Chamber. The Bill was agreed to after some minor amendment had been proposed and accepted. I notice that according to the notice paper the member for Maylands apparently intends to move an amendment to clause 6. I might say here that the Minister has asked me to oppose it, and I will advance the reasons for this when the Bill is at the Committee stage.

At this point I will confine myself to commenting on the remarks made by the members for Swan, Maylands, Canning, and Fremantle; and I sincerely thank them for their contributions to the debate. I know that the member for Swan has had a particular interest in the youth movements in his district over the years, and I trust that this will continue for many years to come. I feel his attitude is indicative of the attitude of every member in this House.

Perhaps I could sum up the attitude of the Child Welfare Department by referring to what is—to me, anyhow—a very important section of the Child Welfare Act. I refer to section 25, which is very brief. I quote—

> The court, in dealing with a child, shall have regard to the future welfare of the child.

That sums up the whole attitude of the department and the Minister towards what we call a delinquent child.

All members have expressed concern about the problem of drugs which is referred to in the Bill. The member for Fremantle said he was alarmed at the increase in cases of drug addiction. Possibly there has been an increase—an increase that has, perhaps, been highlighted by the effectiveness of the drug squad which has been operating for about 18 months only. Fortunately the types of drugs which are being used are of a minor nature. When I say minor, I mean they are serious, but they are minor compared with the harder drugs. Most of the cases which have been detected—and there have been convictions—concern the use of marihuana and other minor drugs.

As I said previously, I think it is due only to the effectiveness of the police drug squad that the problem is being contained in this State. Nevertheless, we cannot afford to be complacent. I was in Holland at this time last year and I remember discussing this particular problem with the authorities there. They said that this was their attitude at the time, and then the problem was upon them overnight. I would not like to think this is going to happen in Western Australia.

It was also mentioned that in regard to the reported drug-taking by minors, there should be some record of these cases. Members may recall that the Commonwealth and the States recently decided to create a central bureau to which all such information will be fed and so it will be readily available to all the States when required. There would, of course, be some degree of control exercised. In this morning's issue of *The West Australian* there was an article by Michael Zekulich which I thought was excellently written and I commend it to those members who may not have had an opportunity to peruse it.

I can recall that when I was in Sweden last year a 10-year-old girl had been committed to the department because her parents were drug addicts. She had been allowed home for the weekend during which the parents held a pot party in the evening and this child obtained some drugs, with tragic results. I am sorry the Leader of the Opposition is not present in the Chamber at the moment, because the Ombudsman in Stockholm ordered an immediate inquiry into the circumstances surrounding this child's death.

The member for Maylands suggested that the name of the department should be changed. Such a move has already been considered by the Minister and the Government, because in some overseas countries child welfare, adult welfare, and prisons' matters all come under the department of corrections. However, further consideration will be given to implementing at some time in the future the suggestion put forward by the member for Maylands.

I do not say that the member for Maylands was critical, but he considered that some thought should be given to the question of child welfare, and I can assure him that the aspects he raised have been considered by the Child Welfare Department. However, as a result of his comments I can give the honourable member an assurance that the suggestions will be studied still further and no doubt something will develop from these deliberations.

I was interested to hear the member for Canning put forward his theories on maternal and parental love for the child, because I agree with him wholeheartedly. I feel sure that if more love were shown by parents towards their children there would not be so many child delinquents on our hands today. This problem has possibly been accentuated by the fact that in many instances both parents have to go out to work. Whilst on this question, I think it was the member for Maylands who, a short time ago, raised the matter of child-minding centres. If members will take their minds back 10 or 15 years, I doubt whether they will be able to recall any child-minding centres in the metropolitan area at that time. There may have been one or two, but today there are so many child-minding centres that they have to be registered.

As I have said, this is possibly due to the fact that parents have to work and do not have the time to care for their children and show that love and attention which the member for Canning said was so essential. Apropos of this, I can recall an instance when I was out on patrol with the police and a 13-year-old girl was picked up in King's Park. It was felt that her parents would not be keen to learn of the circumstances under which she was detained by the police, but, nevertheless, it was considered that they would have to be advised. This girl was well spoken, had attended a good school, and was rather attractive.

When the girl was taken to her home the policewoman knocked on the door and the mother, on answering the call to the door, was asked by the policewoman, "Is this your daughter So-and-so?" and the

mother replied, "Yes." The policewoman then said, "We found your daughter in certain circumstances and we do not think this is conducive to her future welfare." The mother replied, "Mind you own b— business." That is a wonderful attitude for a parent to adopt towards the welfare of her daughter. Unfortunately, however, this is the attitude that is adopted by so many parents.

Reference to that case brings to mind the comment expressed by the member for Fremantle when he said that a great deal of the trouble is caused by immature parents; that is, those who were married when very young and who do not seem to be able to shoulder their responsibilities, or who are not mature enough to rear their children in the way they should be reared. I would remind him of the comment made when I introduced another Bill to the House to take action to prevent the ill-treatment of children, who are sometimes referred to as "battered babies." It was said that the department proposed to locate the parents and to treat them rather than punish them. This is the attitude that will be adopted by the department in the future.

Another honourable member said that possibly the answer might be to place parents in detention over the weekend. I agree with this line of thought, too. Such procedure is followed with satisfactory results in New Zealand, and I suppose the time will come when a similar system will be introduced into Western Australia as a means of punishing a reasonably minor offender. In the case of young people, there is no greater punishment than to take away some of their liberties, especially at the weekend.

In conclusion, I repeat that I am grateful to those members who supported the Bill, and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. Mitchell) in the Chair; Mr. Craig (Chief Secretary), in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 34A amended—

Mr. HARMAN: I intend to vote against this clause, and if the clause is not agreed to by the Committee, I will subsequently move that a new clause be added. This new clause is set out on the notice paper, and its intention is to prevent a children's court from having the power to imprison a 14 or 15-year-old child.

I intend to refer to several cases. The first one is mentioned in a Press report on the 13th July, 1967. That report reads as follows:—

> Two 14-year-old part-native boys, who spent two days in the Fremantle Gaol, were released yesterday after the Prisons Department had started legal moves to have them freed.

We find that two 14-year-old boys appeared in the Pingelly Children's Court and were sentenced to one month's imprisonment. At the same time the first person to take action to have them released was the Comptroller-General of Prisons. The Acting Director of Child Welfare on that occasion recommended that because of their age the boys should be released into the department's custody. The following appeared on the 26th April, 1969:—

> The Child Welfare Department was investigating the sentencing in Katanning last week of two 14-year-old Aboriginal boys to six months' gaol. The two boys were transferred to the Albany Regional Gaol on Thursday.

The article then continues—

> The boys appeared last Friday in the Katanning Children's Court. Mr. L. R. Marshall, J.P., and Mr. L. F. W. Quartermaine, J.P. sentenced each of the boys to two months' gaol on each of three charges—two breaking and entering and one of interfering with a motor vehicle. A 13-year-old Aboriginal boy who appeared on the same charge was committed to the care of the Child Welfare Department.

A further Press report appeared on the 29th April, which stated—

> The Child Welfare Department has recommended that Justice Minister Griffith, should remit gaol sentences imposed on two 14-year-old Aboriginal boys in Katanning.

Subsequently this was agreed to. On the 30th April a Press report said—

> Justice Minister Griffith has agreed with recommendations for the remission of gaol sentences imposed on two 14-year-old Aboriginal boys.

There is power in the Act now for country justices of the peace to imprison 14-year-old boys—boys who are still attending school. In one case the sentence was six months. The justices of the peace, however, did not exercise the power they had under section 25, which says, in effect, that the court in dealing with a child shall have regard to the future welfare of the child.

I do not know whether the justices of the peace were aware of that particular section of the Act, and I cannot understand what motivated them to give two 14-year-old boys six months' gaol. However, that is a matter for their conscience.

I want to ensure that this sort of thing does not happen again and the only way to do so is by legislation.

If I were in a position of authority I would make certain that these two justices of the peace did not sit in the court again; I would take their licenses from them. Not being in such a position I can only move an amendment to the Act to bring about the desired effect.

Let us consider what the New South Wales Act provides. Section 83(1) of the New South Wales Child Welfare Act states—

> Where a child or young person is charged before a court with a summary offence, the court may, if the child or young person admits the offence, or if the court finds the charge is proved—

It then sets out several things the court may do, one of which is—

> (e) deal with the child or young person according to law.

In New South Wales a child is a person under the age of 16 years and a young person is one of 16 to 18 years. Section 83 subsection (5) of the New South Wales Act states—

> Where a child or young person is dealt with under paragraph (e) of subsection one of this section and is ordered to be detained for any specified term or for a specified term in default of payment of any penalty, damages, compensation or costs, such child or young person shall be committed to a shelter or to an institution or to prison.
>
> But no such child or young person shall be committed to a prison unless the court certifies that he is of so unruly a character that he cannot be detained in a shelter or an institution or that he is of so depraved a character that he is not a fit person to be so detained.

So in New South Wales before a child under the age of 16 is imprisoned the court must be absolutely satisfied that he is a person for whom no other rehabilitative treatment is available.

Section 28(1) of the Children's Court Act of Victoria states—

> Where a child has been charged before a Children's Court with an indictable offence which the Court has in accordance with this Act proceeded to hear and determine or with an offence punishable summarily and the charge has been proved to the satisfaction of the Court the Court may—

A number of things which the court may do is listed, among which is—

> (f) upon convicting him for an offence for which apart from this section a sentence of imprisonment may be imposed otherwise than in default of payment of a fine—

This is the important part—

> (i) if he is under the age of fifteen years at the date of conviction, commit him to the care of the Department for a period of not more than two years; or
>
> (ii) if he is of or over the age of fifteen years at the date of conviction, commit him to a juvenile school for a period of not more than two years—
>
> and, in either such case, the Court may, if it thinks fit, further direct that for a period of not more than twelve months following the termination of that committal or his earlier discharge therefrom he be on parole under this Act subject to such conditions as the Court directs and under the supervision of a probation officer; or
>
> (g) upon convicting him for an offence for which apart from this section a sentence of imprisonment may be imposed otherwise than in default of payment of a fine, if he is of over the age of sixteen years and the Court is satisfied that no other way of dealing with him would be appropriate in the circumstances, order him to be imprisoned for a term according to law but not in any case exceeding one year;

So in the Victorian legislation there is no authority for a children's court to impose a prison sentence on a 14-year-old or a 15-year-old boy, while in New South Wales there are certain limitations which make it necessary for the court to be absolutely satisfied that there is no other rehabilitative service available for the child in question. In *The West Australian* of 18th October, 1962, the Director of Child Welfare is quoted as saying—

> I think we need a juvenile gaol for the small number of truly recalcitrant offenders from whom the public needs protection and who might benefit by a strongly controlled regimen which might teach them that they must obey the laws of the community.
>
> "Such a place could also serve as a deterrent device by placing in it selected offenders for short periods of intensive treatment."

This was in 1962, after Riverbank and Hillston had been established. In 1962 the director was asking for a special institution to cater for a small number of young offenders.

A report which appeared in *The West Australian* of the 9th February, states—

> Harsher Time Urged for Young Toughs
>
> A reformatory where harsher treatment could be handed out to juveniles convicted of serious crimes was urgently needed in W.A., Child Welfare Director J. McCall said yesterday.

He said the same thing in 1962. The report continues—

> Such an institution could give a wider range of individualised punishment to young criminals and long-termers which was at present not available in the Riverbank and Hillston reformatories.

I now refer to a Press report dated the 19th August, 1969, of an address given by the present Director of Child Welfare (Mr. Maine) to the conference on crime held at the University. The report states—

> The director of child welfare, Mr. K. Maine, yesterday recommended special treatment for young offenders aged between 17 and 24.

He said that this age group needed correctional treatment distinct from the present provisions for children and adults. The theme of his address is that for people up to 21 years of age it is necessary to work out some course of punishment which includes treatment, so that those persons will be given the opportunity to rehabilitate themselves in the community.

The point is that since at least 1962 the directors of child welfare have been pressing for the establishment of a special reformatory—one which is more than a correctional institution like Riverbank or Hillston, but less than a punitive institution such as Fremantle Prison or the regional prisons.

Mr. Ross Hutchinson: Would you tell me what you have against the regional prisons?

The DEPUTY CHAIRMAN (Mr. Mitchell): The honourable member has another minute.

Mr. HARMAN: On the 11th September I asked a question in relation to prison sentences which have been imposed on juveniles of 14, 15, and 16 years of age. The reply was—

	30th June, 1968	31st Dec., 1968	30th June, 1969
Aged 14 years—			
Males	Nil	Nil	Nil
Females	Nil	Nil	Nil
Aged 15 years—			
Males	2	5	5
Females	Nil	Nil	Nil
Aged 16 years—			
Males	10	9	10
Females	Nil	1	3

We see from the figures given in the answer that not a great number of these children are involved. No 14-year-old child is in prison, but there have been children of this age who have been sentenced to imprisonment. However, as soon as they are sent to prison the Child Welfare Department, the Crown Law Department, and the Prisons Department, all combine to get them out as soon as possible. In the case of the 15-year-olds, I contend that the five against whom sentences of imprisonment had been imposed as at the 13th June, 1969, could have been dealt with by some other rehabilitative service of the Child Welfare Department. It is not desirable to send children of that age to prison, because such punishment reflects greatly on Parliament, on our society, and on our rehabilitative services.

The DEPUTY CHAIRMAN (Mr. Mitchell): The honourable member's time has expired.

Mr. CRAIG: I intimated during the second reading debate that I would oppose the suggested amendment. It deals with the provision in clause 6 which seeks to amend section 34A of the Act. That section states that the court shall not impose a sentence of imprisonment on a child who is under the age of 14 years; shall not impose a sentence of imprisonment exceeding three months in respect of any one offence on a child over 14 years of age and under 16 years of age; and shall not impose a sentence of imprisonment exceeding six months in respect of any one offence on a child aged 16 years or more.

The amending provision in the clause deals with cumulative terms of imprisonment, and prescribes that a child shall not serve more than six months at any one time.

The suggested amendment of the member for Maylands provides that the court shall not impose a sentence of imprisonment on a child under 16 years of age. The Minister for Child Welfare states that if agreed to this amendment would remove from the Act entirely the imprisonment provision. I think it is an ideal with which everyone agrees, and nobody would wish to see a minor serve a term of imprisonment. Nevertheless, one has to take into consideration the seriousness of the crime. Admittedly it is necessary at times for action to be taken to remit sentences of imprisonment; but at present the courts do have the opportunity to deal with these juvenile offenders in a just manner. It is considered that the prerogative of the court should not be withdrawn.

A big lad of 15 years and 10 months would qualify as a juvenile under the age of 16 years. If such a child commits a serious offence he can be sentenced to a term of imprisonment; but if he cannot be accommodated in one of the existing institutions where will we be able to place him? Riverbank is already filled to its maximum capacity.

The court should be given the power to commit an offender such as the one I have described if it considers that a term of imprisonment is justified. Even then it must be borne in mind there is power to remit the sentence; and this has been done in the past and will be done in the future.

In the case mentioned by the member for Maylands the boys were sentenced to imprisonment by justices of the peace. The main complaint was against the action of the justices in imposing terms of imprisonment. We have to realise that in these days the children are more mature than the children of a few years ago. With a difficult lad of 15 years of age there is possibly only one form of punishment he can understand, and that is a short term of imprisonment. I do not want members to think for one moment that these lads mix with the other inmates. This is not so, except on certain social occasions.

I have no alternative but to oppose this proposition, on behalf of the Minister for Child Welfare who feels that the court should still have the authority to impose a sentence if and when it feels justified in doing so.

Mr. BERTRAM: As I understand the Minister, the object of this clause is to achieve one thing and one thing only; that is, to ensure that no child under the age of 16 shall at any one time serve more than three months' imprisonment. No matter how many offences he has committed, the cumulative sentence will be no more than three months. The situation for a child over 16 but under 18 years is that he shall spend no more than six months in gaol. However, is that what the clause will achieve?

The words "on that occasion" appear in proposed new subsection (1a). Is there anything to prevent the court from imposing another three months, or six months, as the case may be, the following day? What would occur if the same boy appeared before the court on consecutive days, or at intervals? He may not even appear in the same court. This clause merely states that he shall serve only three months imposed on that occasion. He could have another sentence imposed on him the following day.

Mr. O'Connor: For the same offence?

Mr. BERTRAM: No, for a different offence. He may even appear in a different court. If this clause is to achieve what the Minister outlined, it should be so worded; but it is not. Therefore, it is quite obvious we will, if we pass this clause, be doing something which is diametrically opposed to the Minister's wishes. Therefore I will come to his rescue by voting against the clause.

Mr. HARMAN: I am not really surprised the Minister for Child Welfare has rejected my proposal to modernise the Act; but I am surprised that he has allowed the present situation to continue. Western Australia has laws which sentence 14 and 15-year-olds to terms of imprisonment, but such a provision exists nowhere else in Australia.

I appreciate the fact that the Chief Secretary is merely handling this Bill for the Minister for Child Welfare. However, the reasons advanced for the rejection of my proposal are very inadequate.

He asked what we would do about a child who was 15 years and 10 months old, if my proposal was adopted. I would reply to that by asking him about a boy who was 14 years and 2 months, or 14 years and 10 months old. It makes no difference how old the boy is. The fact remains that he is either 14 or 15; and surely we have rehabilitative services in this State which can deal with a 15-year-old boy without resorting to the necessity to imprison him!

The Minister for Works asked whether the boys mix with the adult prisoners. They do in the Albany Prison because only the one area is available. I believe that they are segregated in Fremantle, but not in Albany. Two 14-year-old lads were sentenced by the court at Katanning and were sent to Albany.

Mr. Craig: They were natives.

Mr. HARMAN: What difference does that make?

Mr. Craig: It does not make any difference except that it is helpful to the boys themselves.

Mr. HARMAN: I cannot see the point. They are two Western Australians and they were sent to an adult prison in Albany. Immediately this occurred all departments combined in an effort to have them released. For the life of me I cannot see why we have a law in this State which sentences 14-year-olds to imprisonment, but as soon as they are imprisoned, every department tries to get them out! The sensible thing would be to delete the provision from the Act so that the Government will not be embarrased again in the future.

Clause put and passed.

Clauses 7 to 12 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Craig (Chief Secretary), and passed.

TRANSFER OF LAND ACT AMENDMENT BILL (No. 3)

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [8.41 p.m.]: I move—

That the Bill be now read a second time.

This legislation has been passed by the Legislative Council, and it proposes to extend the classes of persons entitled to attest documents executed under the provisions of the Transfer of Land Act.

An increased volume of business, which is being handled in the Land Titles Office, has necessitated consideration being given to a new system of receiving documents. This is to ensure that the work will be dealt with both expeditiously and economically.

The new system which has been designed is programmed to come into operation on the 1st March, 1970. The improved method will operate more effectively if some reduction can be made in the number of documents submitted for registration which become subject to requisitions for amendment. A number of rejections of these documents is due to the restrictions placed on the classes of persons, who, under the provisions of section 145 of the Act, are competent to witness persons signing documents.

Whilst the majority of documents lodged in the Titles Office are executed within the limits of the Commonwealth and its territories, there are, nevertheless, numbers of documents executed outside those limits. This applies to countries which are outside Australia, but which come under the title of British Dominions. It also applies to countries outside Australia which do not come within that category.

Recently attention was drawn to problems experienced in overseas countries by the restrictive classes of witnesses. As a consequence, it was suggested that section 145 be amended or, rather, repealed and re-enacted, to bring its provisions into line with those of section 177 of the Supreme Court Act which deals with affidavits sworn outside Australia.

The amendments now before members have been considered by the Commissioner of Titles, and he feels that the benefits to the public and to the Titles Office warrant their approval by Parliament.

In many ways there is no need for me to outline the Bill in detail, giving the classes of persons competent to attest documents, as they are quite clearly set out in the measure, which I commend to the House.

Debate adjourned, on motion by Mr. Norton.

COMPANIES ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [8.45 p.m.]: I move—

That this Bill be now read a second time.

The Royal Commissioner's report on the activities of Wool Exporters Pty. Ltd. and associated companies referred to the matter of reckless trading. It was found that, whilst the business of the company was not carried on with intent to defraud creditors, the company traded recklessly. Obligations were incurred and debts contracted at a time when there was no reasonable or probable expectation of the company being in a position to meet its liabilities.

However, reckless trading is not an offence under the existing provisions of the Companies Act, unless it occurs when a company has been, or is in course of being, wound up. Such a position did not exist in the case of Wool Exporters Pty. Ltd. Reckless trading could occur in respect of companies which have ceased to carry on business or are unable to meet their debts. It is submitted to members that it is undesirable that, because of the limited scope of the provisions of the Act, company officers who trade recklessly can escape penal action.

The State of Victoria has seen fit to remedy this deficiency in its Companies Act by enacting the Company (Defaulting Officers) Act, of 1966. That Act deals with situations similar to those about which I have been talking. There is no doubt that other States will enact similar legislation in due course.

Whilst complete uniformity between the States in all legislation is not necessarily desirable, the control of companies, as far as possible, should be the same in all States, because of the increasing number of companies which trade interstate. This Bill, which has been passed by the Legislative Council, therefore proposes to extend the provisions of the Act dealing with reckless trading by officers of companies, and these additional powers which are now proposed follow the provisions of the Victorian Act.

The other aspect of the companies legislation with which this Bill deals is related to the fees payable to the registrar. There is an appropriate amendment to increase those fees up to the amount which has been agreed by the Standing Committee of Attorneys-General as being fair and reasonable. The decision to increase these fees is a budgetary one. Companies operating in Western Australia will pay the same fees as those operating in New South Wales, Victoria, South Australia, and the Australian Capital Territory. This will not involve them in any extra burden by comparison.

The additional amount expected to be received is $83,000 per annum. As the new scale will operate from the 1st January next, with the passage of this Bill the additional revenue to be obtained during the current financial year, 1969-70, will amount to $41,500.

Debate adjourned, on motion by Mr. Norton.

FAUNA CONSERVATION ACT AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate from the 15th October.

Point of Order

Mr. JAMIESON: Before proceeding with this Bill, Mr. Deputy Speaker, I intend to ask for your ruling on the situation as to whether it is in order. I draw your attention, Sir, to section 46 of of the Constitution Acts Amendment Act which clearly lays down—

> Bills appropriating revenue or moneys, or imposing taxation, shall not originate in the Legislative Council; but a Bill shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand of payment or appropriation of fees for licenses, or fees for registration or other services under the Bill.

As the measure provides for a new system of royalties, I ask you, Mr. Deputy Speaker, for your ruling on the subject matter in view of the provision in the Constitution Acts Amendment Act. I seek this advice because of previous rulings that have been given in similar circumstances.

The DEPUTY SPEAKER: I will leave the Chair until the ringing of the bells to take the opportunity to look at the subject matter of the Bill.

Sitting suspended from 8.51 to 9.25 p.m.

Deputy Speaker's Ruling

The DEPUTY SPEAKER: The member for Belmont has queried whether the Bill entitled "A Bill for an Act to amend the Fauna Conservation Act, 1950-1967" is properly before the House. The clause on which the honourable member bases his query is clause 11, proposed new paragraph (a), which, in part, states—

> . . . the carcasses of such species of kangaroo as is prescribed which are so taken, are charged with payment of royalty to the Crown at the rates prescribed by the regulations.

The question is whether the charging of this royalty is covered under our regulations to permit of the Bill being introduced into this House. I would remind members of section 46 of the Constitution Acts Amendment Act which states—

> (1) Bills appropriating revenue or moneys or imposing taxation, shall not originate in the Legislative Council; but a Bill shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand of payment or appropriation of fees for licenses, or fees for registration or other services under the Bill.

It is my opinion that those exceptions cover the situation which is before us tonight; but I would also draw the attention of members to the *Australian Senate Practice*, third edition, (1967), by J. R. Odgers, Clerk of the Senate. At pages 264 and 265 we find—

> The general rule contained in section 53 of the Constitution—
>
> > Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate . . .—
>
> is qualified by that part of section 53 which says:
>
> > But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines, or other pecuniary penalties, or for the demand, or payment, or appropriation of fees for licences, or fees for services under the proposed law.

Members will notice that is consistent with the section in our own Constitution Acts Amendment Act. I would also quote as follows:—

> The importance of this provision in section 53 in its relation to the extent of the Senate's powers to originate Bills was recognised very early in the history of the Commonwealth Parliament. In June 1901, the Postmaster-General brought up in the Senate the Post and Telegraph Bill, and upon motion being made for the second reading thereof, the President (Senator Sir Richard Baker) made the following statement:

It is not necessary to quote the statement. To continue—

> Pursuant to this constitutional power, the *Whaling Bill 1935*, which prescribed the fees payable in respect of licences to engage in whaling, was originated in the Senate, and passed into law.

The circumstances outlined in that statement appear to be paralleled by the circumstances of the present case. This confirms the opinion which I expressed in regard to section 46 of the Constitution Acts Amendment Act. I therefore rule that the Bill is properly before the House.

Dissent from Deputy Speaker's Ruling

Mr. JAMIESON: Regretfully I will have to move to disagree with your ruling, Mr. Deputy Speaker. I move—

> To disagree with Mr. Deputy Speaker's ruling on the grounds that

> it contravenes section 46 of the Constitution Acts Amendment Act by allowing a Bill to impose a tax by way of royalty to be originated in the Legislative Council.

I listened with interest to what you had to say when giving your ruling, Sir, but undoubtedly you missed the point in regard to what is involved here. You relied on the section that deals with licenses and other charges. People who follow the vocation that this clause will cover are already charged license fees and other charges for permits that are granted to enable them to follow their vocation. This would also apply in the whaling industry, as was mentioned in the quotation you made relating to the Bill from the Senate. I would not argue with that aspect. That would be a license within the purview of the Bill that is before us which, in this instance, was sent from the Legislative Council. In the instance you quoted, Mr. Deputy Speaker, the Bill was from the Senate.

In this case, however, it is a definite royalty tax, and in case there is any doubt I refer to *Webster's New International Dictionary*, second edition, unabridged. We are dealing with royalties associated with fees, and it is interesting to note that in that dictionary "royalty" is defined a follows:—

> Any of the royal rights constituting the regalia (which see), including various rights in land, such as the right to all gold and silver mines (called royal mines); hence a percentage paid to the Crown of gold or silver taken from mines, or a tax exacted in lieu of such share; an imperialty.

It is obvious that, in this instance, the amount levied would depend on the extent of the activities of a person who holds a license to shoot kangaroos for the purpose of selling their flesh. The amount levied would depend entirely on the number of kangaroos shot. The license would not be a fixed amount. It would be a tax imposed on the person who followed this vocation.

The Minister, when he introduced the Bill in this House clearly indicated that it was considered to be some other form of revenue, because at page 1574 of the current *Hansard* he made this statement—

> No firm decision has been reached as to the amount of royalty—if any—to be charged, but it is thought that it may be about 20c a carcase on all kangaroos. This would probably gross between $40,000 and $60,000 a year. One must remember that the industry is itself grossing something in the order of $500,000 to $750,000 annually from a resource which is owned and managed by the Crown—

Once again I refer members to the definition in Webster's dictionary. This concerns something owned by the Crown on which a tax is being levied, because someone else is gaining benefit from it. The Minister's statement continues—

> —without any real cost to the industry. The proceeds of royalty will necessarily be credited to revenue, not to the trust fund, but it should at least offset the costs which proper management of the industry will require.

There is nothing hidden in the Minister's introductory speech. This charge will be paid into revenue, and it is a royalty that is being imposed. It is not unimportant that, in 1950, when the parent Act was introduced, it was introduced in the Legislative Assembly, and with a Message.

If we look through the parent Act the only point that is really involved in a Message is this provision relating to royalties. If the situation is changed to one where some other amount of royalty is to be imposed—and this charge is obviously another amount of royalty—we have to comply with the ruling situation. If we do not, and the point is decided at law, we will be just as badly off, if we do not attempt to amend the Act. I may agree with the Act but our argument at present is a point at law as to whether it is correct for the House to discuss a matter that applies a tax; not a license, but a tax, and this is definitely a tax, as has been clearly indicated.

As I pointed out earlier, the people who are involved already have to pay a license to obtain a permit to follow their vocation. In addition, they will be required to pay this tax in the form of a royalty. This is very clear, as you, Mr. Deputy Speaker, enunciated in proposed new paragraph (a) of subsection (1) of section 18 of the Act, which reads as follows:—

> (a) Subject to the provisions of paragraph (b) of this subsection, the skins of indigenous fauna taken in the State, and whether taken lawfully or not, and the carcasses of such species of kangaroo as is prescribed which are so taken, are charged with payment of royalty to the Crown at the rates prescribed by the regulations.

The royalty, being a tax, leaves me no alternative but to disagree reluctantly with your ruling, Sir, because if, on this occasion, your ruling is upheld, the Government may, at some later stage, find itself in a situation where it does not have something it thought it had. Surely, in budgeting, this is important to a Government, as the Premier knows as a result of another action that has taken place in the courts on the question of finance in other fields.

I suggest to the House that it should be very wary before it accepts your ruling on this occasion, Mr. Deputy Speaker. A pattern could be set, and action in the courts of law could be taken by the people who are engaged in this industry. The

industry is not small, by any means, because I notice that in part of the Minister's speech he mentioned that it was grossing somewhere between $500,000 and $750,000 a year, and no doubt the people who are engaged in such pursuits would want to ensure that they did not have to pay royalties if they could possibly avoid it.

As a consequence, I have no alternative but to disagree with your ruling, Sir. To support my argument even further I will quote from Erskine May on the matter. I do not like quoting Erskine May. I believe that the sooner we burn all his books the better, but in this instance perhaps I should quote the following from page 714 of the seventeenth edition of Erskine May's *Parliamentary Practice*:—

> Charges Upon the People
>
> The term "charge upon the people" is now primarily taken to connote any impost in the nature of a tax or customs duty the proceeds of which are payable into the Exchequer.

That is clearly explained. Continuing—

> But in a secondary sense it also includes any burden upon local rates. Financial procedure is concerned with the imposition of burdens upon local rates in so far as they automatically attract exchequer grants and because they fall within the sphere of public finance with respect to which the Commons claim privilege against the Lords (see p. 829). In other respects the rules of financial procedure are not applied to local rates.

The initial part of that quotation is the important part.

On that point, Mr. Deputy Speaker, I rest my case. I think I should have satisfied the House that this is an impost and a tax which will be improperly imposed if it is imposed by way of a Bill that has originated in the Legislative Council.

Mr. TONKIN: I was wondering whether it would be possible for you, Sir, to reconsider the position in view of the seriousness of the decision and its implications for subsequent effect. I listened very carefully to your ruling and you relied upon what you regarded as the exceptions quoted under section 46 of the Constitution Acts Amendment Act. I had hoped that you would have said, Sir, whether you regarded the royalty mentioned in this Bill as a fee for a license, a fee for registration, a fee for services, or a fine or a penalty. But you did not specify at all; you merely quoted the lot and said in your opinion that covered the situation.

If we look at this Bill I do not think any of us can say that the imposition of a royalty upon an animal is a fee for a license, because one has already paid a fee for the license and does not pay any more money until the animal is shot, after which there is a charge on the animal.

That is not a fee for a license; so what is it? It is not a fee for registration either, because the shot animal does not have to be registered. One might register a motorcar or a dog and that would be a fee for registration; but by no stretch of the imagination is this royalty a fee for registration. So that is out.

Is it a fee for service? What service is being rendered by shooting an animal? So it is definitely not a fee for service. Accordingly, so far as the fees mentioned here are concerned, the imposition of a royalty is not a fee for anything.

Is it a fine? I would say not; people are fined only when they commit some offence; it is something they are called upon to pay by way of punishment. This royalty is not something that is paid for shooting an animal, so it is not a fine.

Is it a penalty? I submit it is not a penalty. One only pays a penalty for a misdemeanour, and it is not a misdemeanour if having a license one shoots an animal.

So I think it is clearly shown that it does not come within the definition of any of these fees. It is certainly not a fine and it is certainly not a penalty. The best way to settle this is to see whether any other Bills imposing royalties are required to have Messages. Recently we had before us the Iron Ore (Cleveland-Cliffs) Agreement Act Amendment Bill, and the Iron Ore (Dampier Mining Company Limited) Agreement Bill, both of which were accompanied by Messages, and to verify this members may refer to page 1204 of No. 9 of the unbound volumes of *Hansard*.

I ask you, Mr. Deputy Speaker, why would it be necessary for a Message from His Excellency the Governor to be brought here in connection with the Iron Ore (Cleveland-Cliffs) Agreement Act Amendment Bill if it were not for the fact that that Bill imposed a royalty? Similarly, why was it necessary to have a Message from His Excellency the Governor in connection with the Iron Ore (Dampier Mining Company Limited) Agreement Bill if it were not for the fact that that Bill imposes a royalty—not a fee for services, not a fee for registration, not a fee for a license, not a penalty and not a fine; but purely because it was imposing a royalty and, as such, it is covered by section 46 of the Constitution Acts Amendment Act. I submit that, likewise, it is not covered by the exceptions mentioned.

It is not a question of upholding the Deputy Speaker's ruling; it goes beyond that. This is a question of determining on its merits whether or not this Bill complies with the requirements of the Constitution Acts Amendment Act.

I would say it is obligatory upon anybody who argues that the Bill is in order to state, not generally, that the exceptions

cover it, but to state which exceptions cover it, because they cannot all cover it.

If it is a fee for a license it is not a fee for registration; if it is a fee for registration it is not a fee for service; if it is not any of those fees and it is covered by these exceptions it must be a fine. If it is not a fine, it must be a penalty. If it is not one of those things it is not covered by these exceptions, and I challenge anybody in this Assembly to name specifically which of these exceptions covers this position.

It must be covered by one of them. It is not sufficient to say this falls within those exceptions, because it cannot fall within the lot. It must fall within one of them; but which one? I would like to hear from somebody who thinks the ruling is correct which of these exceptions covers this sitation.

I think you will appreciate, Sir, what the position actually is, and it would be, in my opinion, to the credit of the Chair if, after having heard argument on the subject and having been convinced that the ruling was in error it gave a further ruling. That is not without precedent.

The purpose of argument, surely, is to bring out the truth of a situation. I would repeat and emphasise what the member for Belmont said. It is not a question of winning this argument at this time; it is a question of the implications which might arise subsequently. If it is found and subsequently proved that this Bill was introduced in a manner which was contrary to the Constitution the Government would find itself in trouble.

Sir David Brand: Is not that the position with every challenge of a ruling of this kind?

Mr. TONKIN: Yes, but on many of them it is very arguable as to which way it goes. I would test the Premier out in this respect and if he is disposed to uphold the ruling of the Deputy Speaker, the Premier could tell us which of these exceptions in his opinion covers this situation.

No member should be prepared to hide under a general statement that here are a number of exceptions and they cover the point, because they cannot all cover it. I think I have demonstrated that if these exceptions cover the position at all then it must be because one of these five things covers the position; because it is ridiculous to assert that a fee for a license is the same as a fee for a registration, or that it is the same as a fee for services, or the same as a fine or a penalty. It has to be one or none at all, and it cannot be two ore more. I ask any member who upholds the ruling of the Deputy Speaker: Which of those exceptions—and there can only be one—covers the point raised by the member for Belmont? I submit there is not one which can be put forward to cover the situation.

If the Premier thinks the ruling is correct, then he must have a firm opinion as to which one of those exceptions covers the point. I would remind the House that the Acting Speaker said in his ruling that it was the exceptions which covered this question of royalty, and therefore it did not demand that the Bill be introduced with a Message or be introduced in this House. If that is correct and it is covered by those exceptions, then somebody should be prepared to say which is the exception. So far as I can see no-one can successfully put this situation into one of those categories.

In view of the argument that has been advanced from this side of the House I hope that you, Mr. Deputy Speaker, will give further thought to this matter so that the position will be adequately safeguarded in the future.

Mr. ROSS HUTCHINSON: I propose to support your ruling, Mr. Deputy Speaker. I trust that my few remarks will serve to show that what you have determined is quite proper. I do not think the royalty referred to by the member for Belmont and the Leader of the Opposition is a tax. Indeed, I believe it can be properly classified, as was requested by the Leader of the Opposition, I believe that in every service it is regarded as a fee for the service.

Mr. Jamieson: Who gives the service? The dead kangaroo?

Mr. ROSS HUTCHINSON: I will preface my remarks by reading what section 46(1) of the Constitution Act has to say—

> Bills appropriating revenue or moneys or imposing taxation, shall not originate in the Legislative Council; but a Bill shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand of payment or appropriation of fees for licenses, or fees for registration or other services under the Bill.

This royalty, which was referred to originally by the member for Belmont, comes within the latter category, because the services that are given—and this should be abundantly clear—are management services.

Mr. Jamieson: Not necessarly. This is general and covers everything.

Mr. ROSS HUTCHINSON: What I say is correct. Wide services are given in fauna management and control over the length and breadth of the State.

Mr. Tonkin: Why is there not a need for a Message?

Mr. ROSS HUTCHINSON: It may be that there was an appreciation that it was not required. There are management

services which apply over the whole of Western Australia, ranging from the south, where we find the noisy scrub bird to the Kimberleys, where we find Johnson River crocodiles.

Mr. Jamieson: But there are no royalties on those creatures.

Mr. ROSS HUTCHINSON: There are the services, and the fee prescribed is a fee for those services. It is certainly not a tax, and I am surprised that the Leader of the Opposition thinks it is one.

Mr. Jamieson: You said it was, and you said you will be putting the money into revenue.

Mr. ROSS HUTCHINSON: That does not mean it is a tax. It is a fee for services. I understand what the member for Pilbara has said and I echo his sentiments, but I do not want to traverse any distance unnecessarily. I have here a book by Roland Burrows, K.C. entitled *Words And Phrases Judicially Defined.* I thought it would be appropriate to find a definition of "tax" in the book. It contains a number of definitions, but I am picking out the one which I think is appropriate. Other members might pick out the ones they consider appropriate.

Mr. Jamieson: Look at the definition in relation to royalties.

Mr. ROSS HUTCHINSON: It does not mention royalties, but something much better. On page 259 this definition of "tax" is given—

> Australia.—"A compulsory contribution, or an impost, may be none the less a tax, though not so called; the distinguishing feature of a tax being in fact that it is a compulsory contribution, imposed by the sovereign authority on, and required from, the general body of subjects or citizens, as distinguished from isolated levies on individuals." *Leake v. Commissioner of Taxation.*

Mr. Jamieson: If one does not own land one does not pay the tax; and if one does not shoot kangaroos one does not pay the tax.

Mr. ROSS HUTCHINSON: I submit that this Bill is properly before the House. I trust that the debate on the second reading can be continued.

Question (dissent from Deputy Speaker's ruling) put and a division taken with the following result:—

Ayes—15

Mr. Bateman	Mr. Lapham
Mr. Bertram	Mr. McIver
Mr. Bickerton	Mr. Norton
Mr. Brady	Mr. Taylor
Mr. Burke	Mr. Toms
Mr. Fletcher	Mr. Tonkin
Mr. Harman	Mr. Davies
Mr. Jamieson	*(Teller)*

Noes—18

Sir David Brand	Mr. Mitchell
Mr. Cash	Mr. Naider
Mr. Dunn	Mr. O'Connor
Mr. Gayfer	Mr. O'Neil
Mr. Grayden	Mr. Ridge
Dr. Henn	Mr. Runciman
Mr. Hutchinson	Mr. Rushton
Mr. McPharlin	Mr. Young
Mr. Mensaros	Mr. I. W. Manning *(Teller)*

Pairs

Ayes	Noes
Mr. Hall	Mr. Burt
Mr. May	Mr. Court
Mr. Jones	Mr. Bovell
Mr. Graham	Mr. Lewis
Mr. H. D. Evans	Mr. Williams
Mr. T. D. Evans	Mr. Craig
Mr. Sewell	Mr. Stewart
Mr. Moir	Mr. Kitney

Question thus negatived.

Debate adjourned, on motion by Mr. I. W. Manning.

Point of Order

Mr. BICKERTON: On a point of order, would you give me a ruling please, Mr. Deputy Speaker? In view of the fact that the member for Belmont had the floor before he raised the matter of the disagreement concerning whether or not the Bill was properly before the House, will he have the call when the debate on the Bill is resumed?

The DEPUTY SPEAKER: The member for Belmont rose on a point of order, and not to speak to the second reading of the debate.

House adjourned at 10.2 p.m.

Legislative Council

Tuesday, the 28th October, 1969

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

BILLS (6): ASSENT

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

1. Inspection of Machinery Act Amendment Bill (No. 2).
2. Plant Diseases Act Amendment Bill (No. 2).
3. Timber Industry Regulation Act Amendment Bill.
4. The Perpetual Executors Trustees and Agency Company (W.A.) Limited Act Amendment Bill.
5. The West Australian Trustee Executor and Agency Company Limited Act Amendment Bill (No. 2).
6. Suitors' Fund Act Amendment Bill.