

Legislative Council

Thursday, the 2nd November, 1961

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SPECIAL 2340

STANDING ORDERS COMMITTEE

Presentation of Report

The Hon. W. R. Hall presented the report of the Standing Orders Committee.

Ordered: That the report be printed and its consideration made an Order of the Day for the next sitting.

QUESTIONS ON NOTICE

1. *This question was postponed.*

SIGNS OR HOARDINGS

Regulations Governing Erection

2. The Hon. G. C. MacKINNON asked the Minister for Local Government:

Which local government authorities have gazetted regulations or by-laws prohibiting the erection of signs or hoardings in their areas on—

(a) public property; and

(b) public and private property?

The Hon. L. A. LOGAN replied:

Of the 145 local authorities, 131 have applying to them general by-laws made under the Town Planning Act for the control of signs and hoardings which regulate but do not entirely prohibit the erection of signs and hoardings.

Of the remaining 14 all of which have by-laws made under either the Municipal Corporations Act, 1906, or the Road Districts Act, 1919, the by-laws of the cities of Perth, South Perth, Subiaco, and Nedlands and of the towns of Cottesloe and Northam, prohibit any new hoardings, whilst those of the City of Fremantle, the towns of Kalgoorlie, Geraldton, and Claremont, and the Shires of Melville, Belmont, Armadale-Kelmscott, and Katanning do not prohibit either signs or hoardings but these are subject to application for approval.

The by-laws made under the Town Planning Act for this purpose specifically state that they do not apply to any property of the Crown, whilst by-laws made under the other two Acts do not appear to have any power to bind the Crown. It can be said, therefore, that the by-laws apply to private property and only to public property which is not the property of the Crown.

I have a copy of the uniform by-law which I can make available to Mr. MacKinnon if he cares to look through it. It covers about four pages. I have not a spare copy, so I will have to ask the honourable member to read it from the file if he desires to peruse it.

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

PIPING AND STRUCTURAL STEEL*Shortage*

3. The Hon. A. R. JONES asked the Minister for Local Government:

As in reply to my question on Tuesday, the 31st October, 1961, regarding the shortage of certain iron and galvanised piping, the Minister did not answer Nos. (4) (b) or (5) satisfactorily—he merely quoted that a ship was taking on a large shipment which would be due in about two weeks—will he now answer the following:—

- (1) What is the name of the ship referred to?
- (2) What tonnage of piping of all types is the ship loading?
- (3) What is the estimated tonnage of all types of pipe in short supply in Western Australia at the moment?
- (4) If the tonnage in short supply is in excess of that tonnage now being loaded, will the Government do all possible to have further shipments delivered early?
- (5) Is the shortage of pipe due to retrenchments at Stewarts & Lloyds Newcastle works some months ago?
- (6) Who prepared the answers to questions regarding this matter yesterday?

The Hon. L. A. LOGAN replied:—

- (1) The *Iron Duke*, due to berth Sunday, the 5th November, 1961.
- (2) 1,200 tons.
- (3) 1,000 tons—although the actual figure may be less than this as users, when there is a shortage, tend to order from a number of suppliers and thus an element of artificial shortage is created.
- (4) Answered by Nos. (2) and (3).
- (5) No.
- (6) The Minister for Industrial Development.

**CITY OF PERTH PARKING
FACILITIES ACT AMENDMENT
BILL**

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.42 p.m.]: I move—

That the Bill be now read a second time.

The parent Act was introduced in 1956 to provide for the control and regulation by the Council of the City of Perth of the parking or standing of vehicles in certain defined regions within the district of the City of Perth.

That Act conferred certain powers in relation to such control and regulation, and also in relation to the establishment, provision, and operation of parking stations and parking facilities, including the installation and operation of parking meters.

The City of Perth was further empowered to make provision as to zones, and spaces or stalls for the installation of parking meters within those regions; and it had vested in it the care, control, and management of those stations, facilities, zones, spaces, and meters.

Section 11 of the principal Act makes particular reference to the powers conferred on the council with regard to the creation of departments for administering those several functions. That is in subsection (1); and subsection (2) of that section states that the council shall not establish a parking station or provide a parking facility, or alter or abolish a parking station or parking facility, or install a parking meter without the approval in writing of the Minister, or except in accordance with the directions of the Minister.

The purpose of this Bill is to include a provision by way of inserting a new subsection (2a) which will empower the Minister to appoint and set apart stands for the use of omnibuses and taxi-cars on any road or other place within a parking region, and may, for that purpose, abolish any metered space or stand provided or set apart by, and remove any meter or sign erected by the council under that subsection.

This amendment refers only to parking facilities for buses and taxis, i.e. passenger transport vehicles, and it provides the Minister with an overriding power in regard to the Perth City Council under the Act.

As clearly set out in subsection (2), the Minister has little or no powers in that regard—an aspect which was not attended to when the original Act was drafted; and, consequently, on the rare occasions when real conflict arise between the many local authorities and the expert officers of the various traffic departments under the control of the Minister, there could be delay in getting the appropriate officers of the local authorities together. Such delay could be most frustrating.

It is accordingly considered necessary for the Minister in control of transport and traffic to have an overriding power as, in the long run, he is the one who accepts responsibility.

The Minister in charge of this measure in another place gave a clear undertaking that it was his intention invariably to discuss problems with the council before taking action.

The amendment corrects what is considered to be a fault in the parent Act which has led to the unnecessary prolongation of alterations to traffic patterns. It may be said that a basic requirement of traffic control in a large developing city is one that permits of speedy adjustments to traffic regulations.

Debate adjourned, on motion by The Hon. R. F. Hutchison.

STATE TRANSPORT CO-ORDINATION ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.45 p.m.]: I move—

That the Bill be now read a second time.

The Western Australian Transport Board is constituted under the provisions of section 5 of the State Transport Co-ordination Act, 1933-1959, and consists of three members, one of whom is a Government official, one representing rural industries, and one representing city interests.

Section 5 of the Act is repealed and re-enacted by clause 7 of this Bill. Clause 7 empowers the Governor to appoint an advisory board by the name of the "Transport Advisory Board" under the chairmanship of a commissioner or his deputy. That is in paragraph (a) of subsection (1) of the new section; and in paragraph (b) it is stated that there shall be four other members, two of whom shall represent rural industries and two city interests.

Under the provisions of paragraph (f) of the same subsection, the payment of fees and expenses of the members of the board, other than the chairman and deputy chairman, shall be determined by the Governor.

Clause 6 of the Bill substitutes for the heading "Division (1)—State Transport Board—Constitution—Officers" the heading "Division (1)—Commissioner of Transport—Transport Advisory Board—Constitution—Officers," and a new section 4B. enables the appointment of a commissioner of transport who, with his deputy—see proposed section 4D—shall be appointed by the Governor for a period not exceeding seven years.

The commissioner, subject to the Act and to the general control of the Minister, will be responsible for the administration of the Act; and, in relation to any matter referred to the board for advice pursuant to the Act, he will administer the Act in

accordance with the policy determined by the board when giving advice. Both the commissioner and the deputy commissioner shall be paid such salary and allowances as the Governor determines.

It is provided under clause 10 that the commissioner may, of his own volition, or under the direction of the Minister, make investigation and inquire into transport matters, and in making those investigations and inquiries, the commissioner shall give consideration to all or any of the following factors:—

- (1) The question of transport generally in the light of service to the community.
- (2) The needs of the State for economic development.
- (3) The industrial conditions under which all forms of transport are conducted.
- (4) The impartial and equitable treatment of all conflicting interests.

He may also demand and obtain information relating to matters connected with the internal transport of the State, including transport controlled by the Crown or any agency of the Crown.

The commissioner will call tenders for road transport with or without inviting premiums in any case where, after receiving the advice of the board, he considers the requirements of a district are not adequately served by any form of transport.

After receiving the advice of the board thereon, the commissioner will advise the Minister on all or any of the following matters:—

1. The areas that, because of the absence of a railway service or an adequate railway service, require to be served by road transport.
2. The routes to be followed by such road transport and the classes of goods to be carried thereby.
3. The extent to which it is expedient that subsidies be granted in aid of such road transport.

The Bill further stipulates in subsection (2) of proposed new section 10, that the commissioner shall report in writing to the Minister the result of any investigation or inquiry made by him pursuant to investigations on matters relating to transport generally, and on industrial conditions, as previously referred to.

For the purpose of such investigation or inquiry, the commissioner has the powers, authority, and protection of a Royal Commissioner under the Royal Commissioners' Powers Act, 1902.

Further duties of the commissioner shall be to consider and determine all applications for licenses in respect of public vehicles and may, without limiting any of the provisions of this Act—

1. Specify any particular conditions that the commissioner may impose on the granting or holding of a license;

2. Determine, in respect of any particular license or group of licenses, the conditions that shall be imposed on the granting and holding of the license or licenses.

This measure ensures that the board shall advise and assist the commissioner in, or in connection with, the general administration of this Act, and, in particular, shall advise the commissioner on such matters as he may refer to the board for advice and, subject to the direction, in writing, of the Minister, shall determine the policy of the commissioner in the administration of this Act in relation to any particular matter referred to it by the Minister or commissioner.

The board shall, in writing, report to the Minister when and as often as it is of opinion that the commissioner is not administering this Act in relation to any matter which has been referred to the board for advice pursuant to this Act and on which the board has given its advice and determined the policy in respect thereof.

For the purpose of enabling the board to effectually carry out its duties under this Act, the board may of its own volition, or under the direction of the Minister shall—

1. Make such inquiries as it thinks fit;
2. Request the commissioner to furnish the board with such information as the board considers necessary for that purpose.

The commissioner is required to comply with any request made by the board in respect of these latter requirements; that is, in subsection (8) of proposed new section 10.

In clause 11 there is power for delegation of authority by the commissioner.

By amendment to subsection (2) of existing section 11 of the Act, it is provided that if, in the opinion of the commissioner, the services of any railway are inadequate, and the requirements of a district can be better served by road and/or air transport, the commissioner may recommend—if the board concurs in that recommendation—the closure, or partial suspension of the railway service.

It is further provided, in respect of railways, that the commissioner shall, in exercising any of his powers or functions under the section dealing with railways, confer with and obtain the advice of the board; and, for the purpose of assisting the board in so advising the commissioner, make full disclosure to the board of the inquiries made by him under subsection (1) of that section, and the result thereof; and he shall make such further inquiries under that subsection as the board may direct.

Another important amendment is to section 34 and to the first schedule. The amendment arises from a case known as the Bilney case. A person of that name was prosecuted by the Transport Board

for transporting five tons of superphosphate from Albany to his farm near Kojonup. This occurred after he had carted a bag of oats on the forward journey under the first schedule concession.

As no specific quantity of produce is set as a qualifying load for the forward journey, the primary producer has, in some instances, considered that a load of marketable quantity of produce of even the smallest quantity would be a sufficient qualification for the back-loading of his requirements.

Needless to say, such a position has given rise to many queries as to what should be considered a proper load for the forward journey.

Endeavours to deal with the matter administratively have met with no success. The amendments to which I have referred are being introduced with a view to restoring the position to that which primary producers considered it was in prior to the Bilney case decision.

It may be readily conceded that, under the conditions existing in 1933, the emphasis, in regard to road transport, was on the haulage of high freight-rate goods, such as fuel, or machinery, or domestic requirements as back-loading. Bearing that in mind, it may be readily appreciated that legislation framed in those days was hardly expected to deal with back-loading of "M"-class freight in the form of superphosphate, as was the case in the Bilney instance.

It would not be proper, under any circumstances, to make provision in legislation in such instances for the Railways Department to be forced to lose additional "M"-class freight on the forward journey so that road transport could qualify for a full load of other "M"-class freight in the form of superphosphate as back-loading.

While it is not necessary in other States to restrict cartage of superphosphate or manures by private or public road transport, the exceedingly light loading on many of our country railway lines necessitates the retention of as much freight as possible for the Railways Department, in order to keep those lines in operation.

On the other hand, it would not be in the interests of the State to restrict unreasonably the producers of export-earning primary produce in the carting of their own goods in their own vehicles. There is no doubt that primary producers, in the main, recognise the important part the railways have played in opening up our farming areas; and a great deal of good is being done by the manner in which railway activities past and present are being kept before the public by the commissioner, his public relations officers, and staff generally.

Debate adjourned, on motion by The Hon. G. E. Jeffery.

BUILDERS' REGISTRATION ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [2.55 p.m.]: I move—

That the Bill be now read a second time.

Before proceeding with the explanation of this measure, I desire to refer to the findings of the Honorary Royal Commission appointed to inquire into the Builders' Registration Act of 1939-1959. The main recommendations made by the commission were as follows:—

- (a) That there should be only one class of registered builder and that the "B" class registration should be abolished.
- (b) That the scope of the Act be extended to cover the whole State as quickly as possible, and that all unregistered builders or supervisors of building construction be given a period of three months in which to apply for registration, acceptance by the board to be subject to certain conditions.
- (c) That partnerships, companies and other corporate bodies be registered and subject to the same penalties as individual builders.
- (d) That the constitution of the Builders' Registration Board be altered.

The provisions of this measure give substantial effect to those recommendations, and provide also for some other variations to the parent Act.

It is proposed to eliminate completely the "B"-class builder. This will be effected over a period of five years. There is provision, in the first instance, for these builders to be given the opportunity of becoming registered builders forthwith, but under certain conditions. These conditions are quite reasonable. One is that a "B"-class builder will need to have been actively engaged as a builder in the building industry or to have been a building supervisor for not less than five consecutive years. If, during that period, such a builder has carried out or supervised work of an annual average aggregate value of not less than £12,500, he shall be entitled to be registered if he pays the prescribed fees for the registration.

In the case of a "B"-class builder unable to meet those prescribed conditions, he will become a journeyman-builder until he is able to meet the conditions, should that be his wish, or unless he ceases to reapply for annual registration by the board as a journeyman, and complies with the requirements of the Act generally. It follows that the journeyman-builder, as such, will eventually cease to exist.

When speaking of variations to the parent Act, it should be mentioned at this juncture that to give full effect to the Royal Commission's recommendations one of the following courses would have had to be followed.

Firstly, it would have been necessary to deny the right of registration to the journeyman-builder at the expiration of five years, and so deprive him of his means of livelihood; or, secondly, to give him registration at the end of five years without compliance with the conditions required of the other "B"-class builders.

Very careful consideration was given to the Honorary Royal Commissioner's findings, but neither of those two alternatives was considered satisfactory. This was especially so when it may be considered there are probably a number of journeymen builders who, despite being competent, would never comply with the conditions, they being satisfied to operate in a small way.

There is no intention of permitting any further registration as a "B"-class builder. There is a means by which the scope of the Act can be enlarged by proclamation of the Governor.

The Bill provides a means of registration for builders at present operating outside the scope of the Act. A period of three months will be allowed in which all unregistered builders or building supervisors in the city, or in the country, may apply for registration. Their acceptance by the board is to be subject to the builders or supervisors being able to meet the same conditions as have been laid down for the acceptance of the "B"-class builders, though, additionally, they must satisfy the board as to their competency in the industry to merit registration.

In order to assist unregistered builders who are unable to comply with the conditions, yet are actively engaged as builders or supervisors at the end of this year, they will be permitted to notify the board of their intention to register upon complying with the requirements. Furthermore, the concession will remain for a period of five years from the 1st January, 1962.

The parent Act provides that partnerships, companies, and other corporate bodies need not register, so avoiding the penalties imposed by the Act, and enforceable against the individual builder.

For instance, an individual builder may be deregistered and consequently prevented from carrying on his business. Should he be employed by a partnership company, or other corporate body, such deregistration would not affect that firm which would just turn round and employ another builder.

The passing of this Bill will remedy those circumstances by removing the exemption from registration. As a consequence, the same penalties and requirements of the Act will apply to such firms.

There is a further provision to the effect that direct supervision by a registered builder of all buildings to be constructed by partnerships, companies, or other corporate bodies, must be assured.

One of the recommendations of the Royal Commission was with regard to the constitution of the board. This recommendation sought the replacement of the architect appointed by the Governor by a person representative of premises owners and persons entering into contracts for the construction of houses and buildings.

A further recommendation was that the representative of the W.A. Builders' Guild be replaced by a representative elected by the builders' association other than that of the Master Builders' Association.

The Government considers it should be represented by a nominee. There is a proposal in the Bill, however, which will replace the representative previously appointed by the W.A. Builders' Guild with a registered builder who will be appointed by the Governor.

There is an amendment to section 10 of the Act which is quite important, and follows as a natural corollary to the recommendations of the Honorary Royal Commission. As the amendments proposed cover not only the builder who is actively engaged on his own account, but also a supervisor of building works, it is considered that section 10, which deals with the registration of registered builders, should be broadened to include also the supervisor of building works.

THE HON. H. C. STRICKLAND (North—Leader of the Opposition) [3.2 p.m.]: I rise to support the Bill. The parent Act is one which has been discussed in this House on more than one occasion, and it appears to me that the Bill, which follows the lines of the report of the Honorary Royal Commission, is designed to ease the existing position. I should imagine it would enable competent "B"-class builders to extend their activities into more expensive work.

I was interested in that portion of the Minister's speech wherein he said that it was competent for the Governor, by proclamation, to enlarge the scope of the Act. That is true. At present the scope of the Act is limited to that area covered by the Metropolitan Water Supply, Sewerage and Drainage Act. It is a rather queer set-up in that respect. However, there is a proviso in the parent Act to the effect that the Governor may at any time extend the scope of the Act to cover any portion of the State, or even the whole State.

As I understand the Minister's speech on this Bill, he is indicating that the Government has ideas of complying fully with the report of the Honorary Royal Commission, and that it will extend the scope of the Builders' Registration Act to cover the whole State. The Minister did not say so

in so many words, but he drew attention to the fact that the Governor can, by proclamation, bring the whole State within the scope of the Act.

He went on to say that it was not the Government's intention to register any "B"-class builders either in the country or in the metropolitan area. He explained that "B"-class builders, whether they were located in the metropolitan area or in any of the distant towns in the State of Western Australia, must apply within a certain period if they wished to be registered. Of course there is also a further restriction which this Bill will place upon them. It requires that to become registered builders—there will be only one class in future; that is "A"-class builders as we know them now—"B"-class builders must have been actively engaged in building during the last five years, and they must also have completed work of the annual aggregate value of £12,000 or more during those five years.

The Hon. H. K. Watson: For five consecutive years.

The Hon. H. C. STRICKLAND: And for each of the five years. If those requirements are expected of country builders I venture to say that many of them will not be able to measure up to the provisions which this Bill will insert in the Act. If the Minister had said straight out that the Government was not adopting the proposal of the Honorary Royal Commission to extend the scope of the Act to make it cover the whole State, I would have been relieved, and so would a lot of small builders—competent ones, too—who are situated in that part of the State which I represent. They would have had no fear of being disqualified for life because they had not completed £12,000 worth of work during each of the past five years.

That is my understanding of the Minister's explanation of the Bill; and when he replies I would like him to let us know very definitely what the Government has in mind in relation to that aspect so that country members will understand exactly what is likely to take place. For instance it will be just too ridiculous if a competent builder—and there are some registered "B"-class builders in the North Province—is precluded from building because he has not completed £60,000 worth of work during the past five years. The position would be rather expensive for people who may want to build in the north.

Let us take the position of a person who wants to build a station homestead, or shearing shed. If the local builders are to be disqualified from building in the future it will simply mean that a company will undertake the erection of the necessary buildings; a company would be able to do that so long as it employed a registered builder. But the same builders will do the

work in the north because they will need to. The extra cost of employing a registered builder must increase the cost of the building.

There is one ridiculous provision in the parent Act. A prefabricated warehouse, or a steel shearing shed, which is just like a meccano set—one merely bolts it together—must be erected by a registered builder if its value is above a figure set out in the Act. That is just too ridiculous, because I know plenty of natives who can erect that sort of building.

The Hon. H. K. Watson: I tried to rectify that anomaly 10 years ago.

The Hon. H. C. STRICKLAND: That is so. That provision is in the parent Act, but, at the moment, its scope is limited to the area covered by the Metropolitan Water Supply, Sewerage and Drainage Act. My thoughts are that the Minister has now given us a hint that the Governor, by proclamation, will extend the scope of the Act to cover other parts of the State, and probably the whole State.

If that is so we come back to the position that we are to be left in the hands of not a great number of competent builders. Many "B"-class builders would not have completed up to £12,000 worth of work in each of the last five years.

This is something which we, who represent the country and rural areas, should have a very good look at before we decide to accept this Bill as being something beneficial. It will benefit two classes of builders operating at the moment. But our concern must go further than that. We must also see that the public, or a company, or anybody who is contemplating the erection of a building of any kind, will not have their costs built up by our accepting a measure which will impose a higher price when tenders are called for building, because of the mere fact that a registered builder would be needed to supervise the job.

As members know the air fare to Wyndham is £84 and this, of course, would have to be included in the costs. To take an extreme case the air fare to Hall's Creek is about £100 which, of course, would also be shown in the costs.

The Hon. A. F. Griffith: I think you are confusing the statement I made. I read out the Royal Commission's recommendations and one was that the scope be extended to the country; but the Bill does not do that.

The Hon. H. C. STRICKLAND: The Bill has no need to say that, because it is already in the parent Act.

The Hon. A. F. Griffith: That is the point.

The Hon. H. C. STRICKLAND: The Minister has sent up a small smoke signal, as we would say in the north. The Minister said there is no intention of permitting any further registration as a

"B"-class builder; that there is a means by which the scope of the Act can be enlarged by proclamation of the Governor.

The Hon. A. F. Griffith: You place the wrong emphasis on the word "is."

The Hon. H. C. STRICKLAND: The Minister said that the Bill provides a means of registration for builders at present operating outside the scope of the Act and that a period of three months would be allowed in which all unregistered builders or building supervisors in the city, or in the country, may apply for registration. I would take that as a warning. In his notes the Minister tells us that the scope of the Bill is confined to an area, and there is provision for that area to be enlarged by proclamation.

The Hon. H. K. Watson: And in the interests of uniformity it ought to apply to the whole State.

The Hon. H. C. STRICKLAND: Either to the whole State or to none of it. At the present time the Metropolitan Water Supply, Sewerage and Drainage area has the distinction of being the only area which has such a provision.

The Hon. A. F. Griffith: There is one other, the Painters' Registration Act.

The Hon. H. C. STRICKLAND: There is no other known area in the world where similar legislation exists except perhaps in Cuba or Russia. If the Minister has a look at page 5 of his notes and puts those two queries together, and explains whether that is exactly what the Government has in mind, we will be much more enlightened; because the Minister for Works has adopted the main recommendations of the Honorary Royal Commission.

The Minister has drafted a Bill to implement those recommendations. There is no necessity to include the recommendation to extend the scope of the Bill throughout the State; it is already in the parent Act and has been there since 1943 when the Act first came into force. It has never been extended. That particular aspect should interest all of us.

THE HON. G. C. MacKINNON (South-West) [3.15 p.m.]: As Mr. Strickland said, the Government has accepted the recommendations of the Honorary Royal Commission to an amazing degree when one considers the history of most Royal Commissions. The question of extending the scope of the Bill to the country has excited some interest; and the Royal Commission did recommend that its application be extended to the rural districts wherein a reasonable amount of building is being carried out. The commission considered this matter in some detail and realised all the difficulties that have been enumerated by Mr. Strickland plus a few that he has not mentioned.

The commission felt there was an anomalous situation existing by restricting the Act to one section of the State, as was

pointed out by Mr. Watson; and that it was difficult to justify its restriction. The report states—

Your Commission is fully aware of the difficulties facing a general extension of the Act. However it is suggested that a careful watch be kept on certain of the more populous rural parts of the State with a view to the ultimate extensions of the scope of the Act. Provision for such extension already exists under section 3 of the Act.

I take it that the Minister for Housing was paying the commission the courtesy of explaining the Government's attitude to the commission's recommendations.

The Hon. A. F. Griffith: Yes; it depends where you place the emphasis.

The Hon. G. C. MacKINNON: The commission had no thought of extending the scope of this Act to, say, Hall's Creek. One only has to spend two minutes examining the matter to find that that would be absurd. The commission came to the conclusion that there is no part in this State outside the metropolitan area which is sufficiently developed to warrant immediate extension of the Act.

There are indications that one or two areas are reaching such a stage; or that they will do within the next five or 10 years. The commission merely brought the anomalous situation to the notice of the Government as it was its duty to do. I take it that the Minister was merely paying the Honorary Royal Commission the courtesy of answering its recommendations.

I notice there is a needful amendment placed on the notice paper by Mr. Matiske who will no doubt explain it. Apart from that I consider the measure has followed the recommendations of the Royal Commission very closely and it has every appearance of being a very good Bill indeed. I am sure that anyone who has followed the matter closely will feel some disappointment that the final recommendation of the Royal Commission was not accepted.

I think it is a great pity that the entire Act was not repealed and redrafted with a view to tidying it up; because with the number of amendments it contains it is a little difficult to follow. It is interesting to note that one of the anomalies that exist was picked up while this Bill was being debated in another place. But I dare say we cannot expect everything; and we should be extremely happy to have the recommendations accepted to the extent they have been.

THE HON. R. F. HUTCHISON (Suburban) [3.18 p.m.]: I am glad to see this Bill come before the House, because it goes a long way towards clearing up anomalies in the law which have caused a great deal of trouble and hardship to some very

worthy people. I hope that in Committee some of the anomalies which are still evident will be further tidied up.

I would like to pay a tribute to the Honorary Royal Commissioners; and particularly to Mr. Baxter for the trouble he took in this matter, and for the courtesy and help he extended to everybody who appeared at the sittings of that commission. I do think he deserves a word of commendation for his action.

I am one who knows of the deep concern and hardship that has been caused to people, and this should never have been. Ours is the only State that has such an Act as this; and I do not know whether there is any particular reason why we should have it any more than any of the other States.

This amending Bill will iron out some of the anomalies that have occurred in the past and, for that reason, it has my support.

THE HON. F. R. H. LAVERY (West) [3.21 p.m.]: I think it is fitting that I should rise and say a few words in support of this Bill, particularly as during the last session I took up a great deal of time urging that something be done in order to do justice to a group of people, which the legislation before us at that time was not going to do. I also join with Mrs. Hutchison in commending the commissioners for their time and effort and for the very fine report they presented to the Minister.

Personally, if I had my way, this legislation would disappear altogether from the statute book. If I heard Mr. Hall correctly, he said the other day that we had no firsts in Western Australia. I think he forgot we had the Builders' Registration Act, because it operates only in the metropolitan area. However, as far as I know, this is the only State in Australia which has such legislation.

It is not very often that I throw bouquets, but I wish now to throw one to myself.

The Hon. A. F. Griffith: Look out, or you'll catch it!

The Hon. A. R. Jones: Is it a dandelion?

The Hon. F. R. H. LAVERY: If, last session, the amendment I moved, after giving it a great deal of study and attention, had been carried, this present Bill would not have been necessary. In that case, unregistered builders who had carried out over £25,000 work per annum for five years would have been registered as "A"-class builders. However, this Bill brings the figure down to £12,000.

I pay a tribute to the commissioners for their final recommendation; and I am quite happy about that. However, had my amendment been accepted this Bill would not have been necessary. I support the measure.

THE HON. N. E. BAXTER (Central) [3.23 p.m.]: It is not my intention to delay the House in connection with this Bill, but I would like to make a few remarks in order to express my appreciation to the Government for agreeing to convert the Select Committee appointed by this House into an Honorary Royal Commission during the recess. It was not necessary for the Government to do so, but it was a gracious action in that it permitted the Select Committee to continue as an Honorary Royal Commission and then submit its findings to the Government, which were followed up to a fairly good degree, culminating in the introduction of this Bill to give effect to them.

Whilst on my feet, I would like to record in this Chamber my appreciation to Mr. MacKinnon and Mr. Davies for their very able assistance during the whole of the sittings of the Commission and during the period when we were drafting the report. I can assure you, Mr. President, they were of great assistance to me and their approach was always reasonable. To them, I express that appreciation.

I trust the House will agree to the second reading of this Bill. I am of the opinion that we need this Bill as it is a step forward in the registration of builders in Western Australia. After this amending Bill is passed, I believe our Act will be the forerunner of similar legislation in most of the Eastern States. At the present time, the Eastern States are pushing forward towards registration, and I have been approached by members from those States for information; for the report of the Honorary Royal Commission; and for the amending Bill we are putting through. I feel sure when they receive that information it will not be long before builders' registration legislation becomes more or less complementary throughout Australia. With those few words, I support the Bill.

Adjournment of Debate

THE HON. J. M. THOMSON (South) [3.25 p.m.]: I move—

That the debate be adjourned.

Motion put and negatived.

Debate Resumed

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [3.26 p.m.]: I am sorry I had to call "No" in connection with an adjournment.

The Hon. H. C. Strickland: No rush legislation!

The Hon. A. F. GRIFFITH: We would never get through our work if we adjourned debates from one day to another.

The Hon. F. J. S. Wise: Surely you were fortunate the Leader of the Opposition went on with it, were you not?

The Hon. A. F. GRIFFITH: I was; but I was not surprised because that was not the first time that the Leader of the Opposition has been helpful by going straight on with a Bill. I would say the same of Mr. Wise.

The Hon. F. J. S. Wise: That is so, but a simple adjournment at this stage should not be out of order.

The Hon. A. F. GRIFFITH: I am sorry I called "No," but this Bill seemed simple to me. If we get Bills adjourned all the time, we will not make progress.

The Hon. H. C. Strickland: It is not simple for the country people, though.

The Hon. A. F. GRIFFITH: The only point at issue seems to be the basis of the interjection made just now by Mr. Strickland. I think he has misinterpreted the intention of the Bill or my words. What I conveyed was that the main feature of the findings of the Honorary Royal Commission—and I enumerated them—was in connection with the recommendation of the commission that the scope of the Act be extended to the country.

The remark I made that the Bill provides a means of registration for builders at present operating outside the scope of the Act was not intended to be interpreted as meaning that section 3 of the Builders' Registration Act was, in fact, going to be extended by proclamation. Quite the contrary. The intention is that the builder now operating in the country will have the opportunity of registering if he wants to so that he may operate in the city. That is the whole point.

The Hon. H. C. Strickland: The Government does not intend to extend the scope?

The Hon. A. F. GRIFFITH: To the best of my knowledge, there is no intention that the Act will operate any further than is now laid down by section 3. I ask the honourable member to accept that explanation, which is given to the best of my knowledge. I feel quite sure that is the case. This is not the only piece of legislation that refers to the Metropolitan Water Supply, Sewerage and Drainage Act. We have another Bill on the notice paper, the Painters' Registration Bill, which makes such a reference.

The Hon. H. C. Strickland: It is expanding all the time.

The Hon. A. F. GRIFFITH: Yes. This seems to be the best way of defining an area of responsibility; and if that is what it does, it is not doing any harm.

The Hon. H. C. Strickland: Water supplies are expanding.

The Hon. A. F. GRIFFITH: I do not know of any other way that may be adopted to describe the area of responsibility. I do not know whether a better definition than this could be found. However, that seems to me to be the main bone of contention.

May I say in conclusion that I am grateful for the support the Bill has received from members. I apologise to Mr. Jack

Thomson for calling "No" on the adjournment of the debate. If he wishes to give some consideration to the matter I will postpone the Committee stage till later.

Question put and passed.

Bill read a second time.

BANANA INDUSTRY COMPENSATION TRUST FUND BILL

Second Reading

Debate resumed from the 1st November.

THE HON. W. F. WILLESEE (North) [3.33 p.m.]: This Bill has been necessary because of the cyclone which occurred in the banana area of the State in March of last year, in connection with which the Government paid some £61,000 by way of compensation to growers who had suffered loss. That money was paid contingent upon the adoption of an insurance scheme which would be submitted to growers for their consideration. The scheme has been submitted to them, I understand, and is acceptable to them, and is the substance of the Bill now under discussion.

The basic contribution to the fund will be by way of a levy of 2s. a case on the growers. This amount will be deducted by the wholesaler and paid into the fund. In addition the Government will make a contribution of 1s. per case. It is estimated that at the end of seven years, which is the period for which the Act is to remain in force, £100,000 will have been accumulated. At the end of the seven years the legislation will be again reviewed to see whether it needs extension or whether the fund will be able to stand on its own feet. Obviously it is hoped that during the seven years, particularly the first three or four years, no circumstances will arise by which production will suffer.

It is interesting to quote the figures of production in this area since 1947 because they have fluctuated considerably. They are as follows:—

Year.	Cases.	
1947-48	43,252	
1948-49	57,155	
1949-50	77,310	
1950-51	68,011	
1951-52	54,676	
1952-53	51,509	
1953-54	31,205	This reduction followed the cyclone in 1953.
1954-55	57,506	
1955-56	51,750	
1956-57	25,604	The cyclone in 1956 was the cause of this reduction.
1957-58	32,817	
1958-59	52,096	
1959-60	80,922	This was a record year.
1960-61	5,630	This reduction was as a result of the disastrous cyclone in 1960.

With regard to the assessment for compensation, a scale is provided in the Bill whereby partial losses will take precedence over total losses. Partial losses are covered by provisions in the Bill whereby the maturity of the plant is taken into consideration; and in the case of total losses this progresses further to an average per acre over a period of five years.

In addition to the scheme as it stands, the Government undertakes to meet the shortage of both partial and total losses combined by providing additional funds from the Treasury, should they be needed, and such payment will not impose a charge on the grower.

There are several clauses in the Bill dealing with the running of the organisation. It will be responsible to the Auditor-General and will have to produce balance sheets, reports, profit and loss accounts, and so forth.

The constitution of the committee is clearly set out and must consist of three members, one being an officer of the department nominated by the Minister, one an officer of the State Treasury, also nominated by the Minister, and one a growers' representative to be elected by the growers.

In discussions on the Bill in another place it was pointed out that when calculating the compensation for damage caused by a cyclone, it would be necessary to make certain that no previous cyclone year was included in the five-year period mentioned in the Bill; and it has been agreed to include a proviso which appears on the notice paper under the name of the Minister for Local Government, and which reads as follows:—

Provided that the quantity so calculated shall not include the production of any year in respect of which compensation has been assessed and paid.

That will probably obviate the difficulty. The Bill appears to be quite well modelled; it makes provision for the effective administration of the committee's affairs. A thoughtful and wise guarantee is included inasmuch as the Treasury will meet additional payments, if it is necessary to do so; and such payments could be required if we had early disasters. The Minister, when introducing the Bill, said—

In the event of excess contributions being made, they are to remain in the fund to the credit of the grower.

I just cannot understand how an excess contribution could be made by a grower. Each grower will be levied so much per case, and the amount will be paid to the fund by the wholesaler. It is understandable that if he has over-contributed in some way he should be entitled to withdraw that money, should he so desire; and I think clause 22 covers the point made by the Minister, because it provides—

If at any time the amount of any contribution received by the Committee in relation to the liability of a

grower to contribute under this Act is found to exceed the amount of the contribution for which the grower is then liable, the amount of the excess may remain in the Fund to the credit of the grower against future contributions which may become payable by him, or shall be refunded to the grower by the Committee out of the moneys in the Fund, as the grower by notice in writing to the Committee may elect.

Provision is there to deal with a surplus; but I just cannot see how there could be a surplus.

The Hon. L. A. Logan: The wholesaler might make a mistake, or something like that.

The Hon. W. F. WILLESEE: Yes; I did not think of that. I wish to raise this point: Let us assume a grower over a period of five years has contributed to the fund and has a credit of £300 in the fund, and then sells his property. In those circumstances would the grower be entitled to withdraw that amount of money? Alternatively, would that money remain in the fund to the credit of the plantation?

This situation could arise: A person could buy a property that had had five successive good years; and he would pay a purchase price agreed upon on that basis. But in his first year after taking over the property he could suffer the disability of disease, flood, or cyclone. It seems to me that in such a case the property would be entitled to compensation, in which event the new owner would be entitled to compensation on the basis of what he had paid for the property as well as on the basis that he would have no insurance whatsoever if the previous man had been allowed to withdraw his contributions.

The Hon. L. A. Logan: You must take the average of the plantation.

The Hon. F. J. S. Wise: There is no provision in the Bill.

The Hon. W. F. WILLESEE: In that case the money would remain in the fund.

The Hon. L. A. Logan: It would.

The Hon. W. F. WILLESEE: I would like to hear the Minister on the point when he replies, so that in the future we will at least be able to refer to his explanation as being the procedure at the time the Bill was dealt with here.

Sitting suspended from 3.45 to 4.0 p.m.

THE HON. N. E. BAXTER (Central) [4.0 p.m.]: The banana producers are extremely fortunate in having a Government sympathetic to the problems which have confronted them over the years. I was wondering whether they had a little more influence with the Government than other primary producers who meet with somewhat similar unfortunate circumstances.

It has been the lot of primary producers, over the years, to suffer damage to their crops from storms, hurricanes, fire, hail and pests. This, I believe, is the first Bill of such a nature to be introduced in the history of this State.

It rather makes me think of some of my constituents on the Swan who, for years, have suffered from wind and storm damage to their vineyards. Some years ago an approach was made to the Minister to see whether something could be done for them, but to date no action has been taken to alleviate their trials and tribulations. At that time, many vignerons on the Swan suffered heavy losses through floods, when large sections of their vineyards were washed away, and when almost irreparable damage was done to their crops and properties.

The Government of the day did make money available to them, free of interest, through the Rural & Industries Bank. It was a small contribution to relieve their suffering, but it still left them with a debt to repay which they have found very difficult to do. As I have already said, their crops are subject to wind damage almost every year, and very often, the fruit is affected by disease.

Mr. Willesee brought forward a very good point when he asked what would happen if a grower who was a contributor to this scheme for some time sold his property to some other person. Although I have failed to find it, there may be some provision in the Bill to cover such a situation; but I am of the same opinion as Mr. Willesee, namely, that a man who has made contributions to the fund for several years should not expect to receive a refund of his contributions when he sells his property.

After all is said and done, during the period he has been contributing to the fund he has had insurance against any of those factors which may cause damage to his plantation. For that reason I consider his contribution should remain in the fund and should be regarded as a credit to the property and not to the individual. That is the only fair and just way to meet such a situation.

I hope this Bill will prove to be the forerunner of further legislation embracing other primary producers in this State and insuring them against the disabilities which they now suffer through no fault of their own.

It is quite feasible that they could be contributors to a trust fund under the one committee that is now proposed. I am rather surprised the Government did not give consideration to going a step further, by establishing under the one piece of legislation a trust fund to embrace other primary producing industries, and making the one committee responsible for the administration of the various trust funds, even although that may mean the keeping of separate accounts.

The Hon. G. C. MacKinnon: This is a contributory trust fund; that is the basis of it.

The Hon. N. E. BAXTER: I realise that, and I can say that the vigneron on the Swan would have no objection to contributing to such a scheme provided they were covered by the insurance that will cover the banana growers. In reply to Mr. MacKinnon I would point out that there is also provision for the Treasury to contribute money on a pound for pound basis to build up this fund, so, in those circumstances, this does not become a completely contributory fund.

When one looks to the past, one recalls that £61,000 compensation was paid to the banana growers for their recent losses. I do not know of any other industry in the primary producing field, comparable in size, that has had made available to it a similar amount of money by the Government for any loss incurred by the growers. In fact, I cannot recall any amount paid by the Government for compensation that would represent even one-tenth of the money that was paid to the banana growers.

The Hon. G. C. MacKinnon: Do you know any other area in the State that is so disaster-prone as this one?

The Hon. F. J. S. Wise: That is the point.

The Hon. N. E. BAXTER: I agree that other areas may not be so disaster-prone and might not suffer the total losses that are suffered by the banana growers, but any loss suffered by the vigneron is extremely heartbreaking and it takes many years for them to recover. I cannot understand why every primary industry cannot be embraced by a scheme such as this. Granting compensation to producers for losses they might suffer through wind and storm damage would obviate their being set back for many years. I support the measure and I hope the Government will introduce a further scheme along similar lines to assist those people in the primary producing field who, perhaps, are not in such an unfortunate position as the banana growers.

THE HON. F. J. S. WISE (North) [4.10 p.m.]: As I thought the situation had been well and truly covered by my colleague for the North Province, Mr. Willesee, I did not intend to speak to the Bill, but the one or two remarks that have been made by Mr. Baxter not only prompt, but also call for, a reply. I would first of all point out, definitely, and without fear of contradiction, that in this instance we are dealing with an industry which is right out of its natural habitat.

It is an industry which was introduced into a district with a 7 in. rainfall and which, in natural conditions, requires a 90 in. rainfall. After considerable travail and difficulty experienced by many people who followed the advocacy of Government officers, and the example set by some early

settlers, it has been possible to establish an industry in an area climatically unsuitable for the product grown. Those people have made a great success with a tropical crop of an opulent nature in an arid area. They have, during the years, suffered partial destruction of their crops from cyclones, without receiving Government assistance; except Government assistance by loan.

They are in a region within the range of a tropical cyclone area which will be found fully described in the Commonwealth Year Book—No. 15, I think—which gives the full details of the incidence of cyclones on our north-west coast. Although cyclones do not occur annually, it is possible that they could; and, although cyclones are not the only disaster to which the crops are subject—to which they are not necessarily prone—this legislation, which has been talked about for some time, reached a culminating point, as pointed out by Mr. Willesee, when the growers suffered almost complete disaster; a disaster entailing not only complete cessation of production for more than a full season, but also entire destruction of plants which were then in full bearing.

The grants that were made to encourage the people to remain there were made on the understanding that an insurance scheme would be evolved to meet the unusual circumstances surrounding this industry; and this Bill is the result. This is the result of considerable consultation, and considerable discussion between the parties—the associations and the representatives of the Government.

The Hon. H. C. Strickland: And exhaustive inquiries.

The Hon. F. J. S. WISE: Yes, as Mr. Strickland has said, and exhaustive inquiries. Without depreciating in any way all that Mr. Baxter has said for his people in other districts who are growing other primary produce and who have suffered temporary disaster mostly from seasonal circumstances which no-one can control—and who may deserve every assistance the Government, in its wisdom, can provide—I point out that this industry is on an entirely different basis altogether; it has an entirely different need. This is an industry, similar to the pearling industry in the north, which, even at Lloyds, is uninsurable. That is the important point.

This is not a gift or a grant from a beneficent Government. The funds are raised by contributions on a production basis. A grant which is supplemented by the Treasury is not largesse; it is a grant which has to be repaid, as provided for under clause 18. If a disaster occurs before there is sufficient money in the fund, any money which is advanced by the Treasury to meet the compensation will have to be repaid when the fund is able to repay it.

Those of us who know the banana industry, its background, and its circumstances make no apology for the basis on which this legislation has been framed. While we do not deny or decry the rights of people in other spheres to seek assistance from the Government when trouble is experienced, I would point out that the banana industry is one which is in a special category and to which special circumstances apply.

The Hon. N. E. Baxter: I did not attempt to deny the banana growers the right to seek compensation.

The Hon. F. J. S. WISE: Not exactly; and neither do we decry any effort which the honourable member might make, as he would be expected to make, to seek assistance for those whom he represents. A wrong impression should not be left in this House as to the basis of, or as to the need for, this legislation.

I want to point out that the banana industry has not received any subsidy in the past. It has not received any freight concessions. In the long drag from Geraldton to Perth the industry has to pay the full transport costs on this perishable product. It did not, and still does not receive rail freight concession—which concession applies to other commodities and which has robbed the railways of much revenue over the years. In the past we have sought such concession for the transport of bananas, but it has been denied.

It is no use for members to cavil about the granting of assistance to an industry which has been a wealth producer to this State. Since its inception back in the 1920's, suckers have been brought over from Queensland for planting—tens of thousands during the period between 1929 and 1935. This industry and its supplementary industries have brought millions in cash returns from crops which have been produced.

I support this legislation as it is. I make the point that the funds contributed could—as Mr. Baxter rightly pointed out—probably be assumed to be comparable to insurance payments over a period. The rights attaching to a property should not be withdrawn on vacation of the property by sale to a new owner. The proper and the equitable method is to vest the contributions in the property, so that a new owner of the property shall not be handicapped or prejudiced if he were to meet with early disaster after taking over, when he had only made payments for a period of six months.

The contributions are to be regarded as the annual coverage for insurance, and the past production of the property will give the average by which losses can be assessed. There is a clause in the Bill dealing with such method of assessment. If the Minister can give us an assurance that this is the interpretation of the provisions in the Bill, we in the north will be satisfied with the measure.

THE HON. H. C. STRICKLAND (North—Leader of the Opposition) [4.20 p.m.]: I have very little to say on this measure, because my colleagues have covered every aspect of it. I am very pleased the Government has been able to arrive at agreement with the banana growers' associations, and has introduced this measure as a basis to provide a form of insurance to the industry.

We know that very extensive inquiries were made to ascertain whether it was possible to insure banana crops against cyclones, storms, and floods. However, it is not possible to insure these crops against cyclones and storms, because the banana plant is very susceptible to damage through strong winds.

It is pleasing to see this Bill introduced as a basis of insurance for the industry. It provides that the Act shall remain in force for a period of seven years, after which time it must come up for review. If any of its provisions require amendment sometime before the period of seven years is up, no doubt we will have the opportunity to deal with the legislation then. I am sure the majority of banana growers welcome legislation of this nature.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.22 p.m.]: The query raised by Mr. Willesee and Mr. Wise can be summarised by saying that the Bill provides for payment of contributions by the banana growers in this State to the fund. Provision is made for the growers to contribute 2s. per case, according to the production per acre. No payment is to be made out of this fund to any grower except as compensation for damage to the crops. We can rest assured that there is no possible hope of a grower who has contributed to the fund for six years being able to claim a return of any of his contributions.

A query was raised by Mr. Willesee regarding assessment, where a banana grower sold out after having contributed to the fund for five years. I refer the honourable member to clause 25(5) which states—

In any case where a grower is entitled to compensation under this Act and there are no records or information available in respect of the production of bananas on the land of that grower . . .

If a grower has been producing on a property for five years and then sells the property to a new owner, the latter will take over any rights to the fund. The basis of assessment will naturally apply to the production in the previous five years.

The point raised by Mr. Baxter is not easy to overcome. He advocated similar compensation being paid to the vineyards. I do not think that the grape crop is an insurable crop; if it is, the insurance is limited. I imagine that the drawing up

of legislation to cover that industry would be much more difficult than for the banana industry. There would be a greater range of compensation applying to vineyards, because of the numerous conditions which affect grapes, such as windburn, hail, and heat. I consider that every industry involving an insurable crop which is of value to this State should try to work out a draft Bill for submission to the Government. The Bill before us gives the basis for similar Bills to be drawn up.

The Hon. N. E. Baxter: Similar industries have not so far received very much encouragement.

The Hon. L. A. LOGAN: In similar industries it may not be quite as simple to formulate a basis for assessment of compensation as in the banana industry, which is generally affected by storm or flood. The banana industry is a valuable one to this State. It is not an insurable crop and some means had to be found to raise a fund to meet compensation.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 17 put and passed.

Clause 18: Treasury may make advances to Fund to meet deficiency—

The Hon. W. F. WILLESEE: I was under the impression that the Minister in another place had stated that where Treasury funds were used to augment the fund proposed in the Bill there would be no further charge against the grower. Clause 18 (3) states—

Moneys advanced by the Treasurer under this section are whilst they remain unpaid a charge on the Fund.

I would draw attention to the wording of clause 29 (2) which is as follows:—

Any moneys paid by the Treasurer out of the Public Account under this section shall not be or be deemed to be advances to the Fund pursuant to section eighteen of this Act and shall not in any way be a charge on the Fund or be repayable to the Treasurer from the Fund.

There seems to be some conflict.

Clause put and passed.

Clauses 19 to 21 put and passed.

Clause 22: Excess contributions may remain in Fund to credit of grower—

The Hon. H. C. STRICKLAND: This is the clause members were inquiring about; namely, excess contributions. The clause explains the situation if a grower's representative deducts in excess of what he would be legally entitled to deduct.

Clause put and passed.

Clauses 23 and 24 put and passed.

Clause 25: When compensation payable—

The Hon. L. A. LOGAN: I move an amendment—

Page 13, line 9—Insert after the word "period" the following proviso:—

Provided that the quantity so calculated shall not include the production of any year in respect of which compensation has been assessed and paid.

Where a grower has, in the five year period, had a period where compensation has been paid, that period will not be taken into consideration. For the year that compensation was paid to a particular grower, it means that damage occurred to his crop, and the production for that particular year will not be taken in the averaging period. I think this is a good amendment.

Looking at the figures presented by Mr. Willesee, I think we could call the first five years as being average years. However, only two years out of those five years could be called a normal season. It may be necessary for seven years to pass before it is possible to determine a five-year average. I think this amendment covers the requirements of the banana industry.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 26 to 28 put and passed.

Clause 29: Provisions for payment of compensation—

The Hon. N. E. BAXTER: I would like the Minister to give the Committee an assurance that my conception of the clause is correct. Mr. Wise, when speaking, said that any moneys advanced by the Treasurer would be payable out of the fund. This clause says, in respect to the first seven years of this Act coming into operation, that in the case of claims for total loss, if the amount in the fund is not sufficient to meet the claims, moneys may be advanced by the Treasurer out of the Public Account; but those moneys would not be a charge on the fund or be repayable to the Treasurer from the fund. In the first seven years it may be necessary to subsidise the compensation fund from the Treasury. I would like a clear indication from the Minister whether I am reading the clause correctly.

The Hon. F. J. S. WISE: I do not want to be at cross purposes with Mr. Baxter. What I said is clearly expressed in clause 17 of the Bill. This is a separate proposition; this is a clause dealing with the initial life of the fund. The money shall not at any stage be a charge on the Treasury by virtue of the provisions of clauses 17 and 18 of this Bill. But if, during the first seven years of the fund,

claims for partial loss or total loss rebound on the Treasurer because of insufficient funds, the Treasurer is entitled to advance the money and make no claim against the fund.

Clause put and passed.

Clauses 30 to 41 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported with an amendment and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and returned to the Assembly with an amendment.

COMPANIES BILL

In Committee, etc.

Resumed from the 1st November. The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

The CHAIRMAN: Progress was reported after clause 200 had been agreed to.

Clauses 201 to 347 put and passed.

Clause 348: Balance sheets—

The Hon. H. K. WATSON: Subclause (5) (a) on page 362 of the Bill provides that the clause shall not apply to a foreign company that is an exempt private company under the law of the United Kingdom relating to companies. Paragraphs (b) and (c) virtually refer to exempt companies in other States, but only if they are declared by an Order-in-Council published in the *Government Gazette*. I would be interested to know why paragraphs (b) and (c) only run if there is an Order-in-Council; whereas paragraph (a) runs automatically.

The Hon. A. F. GRIFFITH: I cannot give the honourable member a full description of this because it is a drafting alteration which was made as a result of one of the conferences in Canberra.

The Hon. H. K. Watson: It seems curious to me.

The Hon. A. F. GRIFFITH: The only thing I can do is to undertake to give the honourable member a written explanation of the clause at a subsequent date.

The Hon. H. K. Watson: Thank you.

Clause put and passed.

Clauses 349 to 353 put and passed.

Clause 354: The branch register—

The Hon. H. K. WATSON: I move an amendment—

Page 368, line 25—Insert after subclause (8) in lines 15 to 25 the following new subclause:—

(9) In this section and in sections three hundred and fifty-five to three hundred and sixty,

any reference to shares shall, with necessary adaptations, be construed as including a reference to debentures, unsecured notes, and unsecured deposit notes.

The object is to ensure that an Eastern States company which has Western Australian members, depositors, debenture holders, or note holders, shall keep a register of each class of security in this State. The Bill, as it stands, simply provides for such a company to keep a share register.

As I explained the other night, these days there are debentures, unsecured notes and unsecured deposit notes and so on; and it would be an advantage, to the State Treasury, to the shareholders, and to note holders, generally, if the provision were made comprehensive. I might mention that one of the largest Australian companies, both in capital and in number of shareholders, namely, Ampol, does in fact do this. Ampol, for its own convenience, apart from any requirement by law, has established in Western Australia not only a share register, but also a note register to cover the various people I have mentioned.

It seems to me that if it is good enough for one company such as Ampol to do that of its own accord, and for its own convenience, there is no reason why, for the benefit of Western Australia, the same should not apply in regard to other companies. As I also said the other night, on all transfers which are made on an Eastern States register, stamp duty is collected in the Eastern States; but if these companies have a Western Australian register the whole of the stamp duty will be collected here.

The Hon. A. F. GRIFFITH: I am informed that this amendment was in fact considered by the Ministers. It appears that the intent of the amendment is to make it compulsory for the foreign companies, to which division 3 of part II applies, to open and maintain a register for the registration of such locally resident holders of debentures of that company as apply to have their debentures so registered.

I am advised that the amendment would need to be redrafted to be fully effective because, as it stands, it would achieve its purpose only in the case of debentures held by a person who also holds shares in the company.

When the question of requiring foreign companies to open State registers of debenture holders was considered by the committee of the Attorneys-General, the provision was deliberately omitted from the model draft Bill because it was considered that the extra expense imposed on the company concerned was not warranted by the gain to the debenture holders affected. In this regard it is pertinent to

point out that by virtue of clause 95 of the Bill it will no longer be necessary to have a grant of probate or administration, which is issued in this State, resealed in the State where shares or debentures are registered, before transfer of those documents can be recorded. I am also informed that in the light of the honourable members' suggestion the matter can be given further consideration; but I would ask the Committee not to agree to the amendment until consideration has been given to the whole proposition.

The Hon. H. K. WATSON: I am quite prepared to take the risk so far as drafting is concerned. It adequately meets the purpose I have in mind. The Minister said this question had been considered by the Ministers, which of course means by the Ministers in conjunction with the officials. I would be surprised if we could get the unanimous consent of seven Ministers and seven officials of whom six know nothing, and probably care nothing, of our special requirements.

In the main this is one-way traffic. We do not find a great number of Eastern States investors investing in Western Australian companies. But proportionately more Western Australians invest in Eastern States' companies because of the magnitude of the market. In the interests of Western Australia this subclause should be inserted in the Bill.

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

Ayes—19.

Hon. N. E. Baxter	Hon. H. C. Strickland
Hon. G. Bennetts	Hon. J. D. Teahan
Hon. J. Cunningham	Hon. R. Thompson
Hon. E. M. Davies	Hon. J. M. Thomson
Hon. R. F. Hutchison	Hon. H. K. Watson
Hon. G. E. Jeffery	Hon. W. F. Willesee
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. F. R. H. Lavery	Hon. F. J. S. Wise
Hon. G. C. MacKinnon	Hon. J. J. Garrigan
Hon. R. C. Mattiske	(Teller.)

Noes—5.

Hon. C. R. Abbey	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. L. A. Logan	(Teller.)

Pair.

Aye.

No.

Hon. E. M. Heenan	Hon. S. T. J. Thompson
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Majority for—14.

Amendment thus passed.

Clause, as amended, put and passed.

Clauses 355 to 384 put and passed.

The Hon. H. K. WATSON: In view of the explanation I gave last night that I thought any reference to stamp duty should be in the Stamp Act rather than the Companies Act I do not propose to move the new clause which appears under my name on the notice paper. I would remind the Minister that section 433 has stood in our Western Australian Act for about 30 years, and I would be sorry to think it was this Government that discontinued it. I would like the Minister's assurance that appropriate steps will be taken to include a provision of this nature in the Stamp Act.

The Hon. A. F. GRIFFITH: The Attorney-General has intimated he is prepared to sponsor an amendment of the Stamp Act to give effect to what is sought. I am obliged to qualify that remark and say it will naturally have to be subject to the result of the next election.

First to seventh schedules put and passed.

Eighth schedule—

The Hon. H. K. WATSON: The last paragraph of the eighth schedule on page 459 says in effect that any company other than an exempt proprietary company shall each year lodge a copy of its balance sheet and its profit and loss account with the Registrar of Companies. That means that proprietary companies other than exempt proprietary companies must now, for the first time, lodge balance sheets and profit and loss accounts with the registrar.

As I mentioned last night, in many cases, particularly where there are subsidiaries, wholly-owned subsidiaries or partly-owned subsidiaries, of public companies, the provision could require such companies to comply with this requirement at their peril, because it would be the most convenient means of disclosing their financial position and their trading results to competitors. So far as subsidiaries of public companies are concerned, I suggest they should be exempt from lodging returns under this section.

Another good reason why they should be exempt is that the parent company, by the ninth schedule, is required to lodge its own balance sheet and a consolidated balance sheet and profit and loss account of the overall operations of itself and its subsidiaries. If it does not lodge a consolidated balance sheet, then to its own balance sheet it must attach the balance sheets and profit and loss accounts of its subsidiaries.

I suggest that is adequate so far as a public company is concerned; and it is both superfluous and dangerous for the last paragraph of the eighth schedule to read as it does at the moment. I move an amendment—

Page 459—Insert after the word "occurs" in line 5 of the last paragraph, the passage "or is a proprietary company which is a subsidiary of a Holding Company (other than a Foreign Company)".

The Hon. A. F. GRIFFITH: What Mr. Watson seeks to do is gain an extension of the exemptions of the obligation to lodge a balance sheet.

The Hon. H. K. Watson: To continue the present exemptions.

The Hon. A. F. GRIFFITH: I am advised that if the company does not qualify it should file its balance sheet, because some of the shares are held by a public company, and being held by a public company means the obligation should remain.

The Hon. H. K. WATSON: I am afraid I do not follow the Minister's answer, and I would be obliged if he would elaborate on it.

The Hon. A. F. Griffith: I cannot tell you any more.

The Hon. H. K. WATSON: I emphasise that if this amendment is passed the position with respect to a subsidiary of a local holding company would be the same as it is today. The registrar would receive the balance sheet and profit and loss account of the holding company, and a consolidated balance sheet and profit and loss account of the holding company and its subsidiary. The subsidiary is not now, and ought not be in the future, required to submit a separate balance sheet and profit and loss account.

The Hon. A. F. GRIFFITH: It means, the way I understand it, an extension of the exemptions provided for in the eighth schedule. I can only say again this whole matter has been considered, and the extent to which exemptions should apply is set out in the eighth schedule. I oppose the amendment.

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

Ayes—6.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. A. R. Jones	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. J. Cunningham

(Teller.)

Noes—18.

Hon. G. Bennetts	Hon. C. H. Simpson
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. A. F. Griffith	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. J. M. Thomson
Hon. F. R. H. Lavery	Hon. W. F. Willsee
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. F. J. S. Wise
Hon. J. Murray	Hon. C. R. Abbey

(Teller.)

Majority against—12.

Amendment thus negatived.

Schedule put and passed.

Ninth and tenth schedules put and passed.

Title put and passed.

Bill reported with amendments.

Recommendation

On motion by The Hon. A. F. Griffith (Minister for Mines), Bill recommitted for the further consideration of clause 126.

In Committee, etc.

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 126: Register of directors' shareholdings, etc.—

The Hon. A. F. GRIFFITH: I think it could be true to say that during my sleeping moments I did the wrong thing last night when you, Mr. Chairman, so quickly put the question. I thought, in fact, I was voting against the amendment when,

in fact, I was voting for it, because you had already put the amendment and it was carried.

I submit that because I made a mistake, I may have misled the Committee. I do not think the Committee really intended to agree to this amendment and perhaps I should ascertain that by asking the Committee to reconsider the matter. The passage I propose to delete is, "(other than an exempt proprietary company)."

I explained that the requirement that a register of directors' shareholdings should be maintained by every company was unanimously agreed to by the committee of Ministers of all the States, and I emphasised that the provision in the Bill is the same in scope as section 195 of The Companies Act of England.

The reasons are the same as those I gave last night, and so as to keep the record correct, I must give them again. The English provision has application to every company, and that provision was adopted in the 1948 Act of England on the recommendation of the Cohen Committee. A variation of the requirement which would exempt proprietary companies is undesirable as it would be a departure from the uniformity between the States. It is therefore insupportable. I ask the Committee to give further consideration to the matter. I move an amendment—

Page 158, line 1—Delete the passage "(other than an exempt proprietary company)" inserted by a previous Committee.

The Hon. H. K. WATSON: I hope the Committee will not agree to the amendment which has been proposed by the Minister. I accept his assurance that last night he slept at his post but I refuse to believe the rest of the Committee slept at their posts. I submit it is silly to expect that a small family company should not only have to register all of its shareholdings where its directors are recorded, but in addition keep a register of directors' holdings as set out in clause 126. It is a superfluous requirement so far as an exempt proprietary company is concerned; that is, a small family company.

The Hon. A. F. GRIFFITH: I am advised the register is kept in one book and the requirements can be shown on one page in that one book. I admit again that in the confusion of getting advice and attending to the dexterous way in which you, Mr. Chairman, handled the Bill in Committee, I may have been misled, but I was not asleep.

I ask members to consider this matter carefully and remember that the clause as originally printed was the unanimous decision of all the States. Therefore, I ask the Committee to delete the passage.

The Hon. H. K. WATSON: Even though the registers may be kept in the same book, the penalty for a breach under this clause

is £500, and it is a default penalty. It seems too silly that a small company consisting of Mum and Dad should have to comply with such a provision or be liable to a penalty of £500.

The Hon. N. E. BAXTER: I trust that the Committee will not agree to this amendment. As I said before, I happen to be a member of a small company, consisting of five shareholders. We already keep a share register and to have to keep another one to show the directors' shareholdings will only create extra work and something which is not required.

The Hon. A. F. GRIFFITH: I would like to ask Mr. Baxter whether he could give us one example of a company which would keep two registers, one for its shareholders and one under the provisions of this particular clause. Three minutes ago I explained that one register could be kept.

The Hon. N. E. BAXTER: Whether the records are kept in the one book or not does not matter. Two registers will still be kept. The Minister is only trying to confuse the issue.

The Hon. A. F. GRIFFITH: I am told that this register will include the names or particulars of shares held in trust and as a result the nominees of those shares will be required to be disclosed; and that is what this clause provides for.

Amendment put and passed.

Clause, as further amended, put and passed.

Bill reported with a further amendment.

CITY OF FREMANTLE AND TOWN OF EAST FREMANTLE TRUST FUNDS BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.36 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to repeal the Fremantle Municipal Tramways and Electric Lighting Act, 1903-1952, and the Fremantle Municipal Transport Board (Postponement of 1960 Elections) Act, 1960, to dissolve the Fremantle Municipal Transport Board, and to approve of an agreement between the Fremantle Municipal Transport Board, the City of Fremantle, and the town of East Fremantle, for the setting up of two trust funds, namely, the City of Fremantle Trust Fund and the Town of East Fremantle Trust Fund.

Before explaining the Bill, it is my wish to make reference to the fact that the three bodies mentioned had, in the first place, asked The Hon. E. M. Davies to introduce the Bill, but on account of his unfortunate illness and not knowing when

he would be resuming his parliamentary duties, a request was made that I introduce the Bill; and it is for that reason that I am now introducing and explaining the purposes of the Bill to the members of this House.

The Bill is actually quite a simple one, but I deem it advisable, for the information of members, to make a brief reference to the original Act. The Fremantle Municipal Tramways and Electric Lighting Act, 1903-1952, was for the purpose of empowering the municipalities of Fremantle and East Fremantle jointly to construct, maintain, and work tramways within the boundaries of the said municipalities, and to construct and maintain works for the generation and supply of electricity for motive and lighting purposes within the same district.

That Act provided for the setting up of a board to be known as the Fremantle Municipal Tramways and Electric Lighting Board consisting of five members of which the mayor for the time being of Fremantle was *ex officio* a member, and the other four members were elected by persons for the time being on the electoral rolls of the two municipalities, and were re-elected every two years.

The board subsequently disposed of its electric light undertaking in 1952 and in that year an agreement was entered into between the board, the City of Fremantle, and the town of East Fremantle dealing with the manner in which the proceeds arising from the sale of the electric light undertaking were to be held. This agreement was ratified by an Act of Parliament, No. 66 of 1952, and one of the provisions in the agreement was contained in clause 2 paragraph (h) of the first schedule and provided that—

Should at any time the board become dissolved or non-existent, the trustees of the said sum and all accrued interest shall be those appointed by the City and the Municipality and in default of or until such appointment they shall be the Mayor, Town Clerk and Treasurer for the time being of the City and the Municipality.

I mention this particular agreement at this stage of introducing the Bill because the agreement which the Bill now before the House seeks to ratify provides for the appointment of trustees to be known as the City of Fremantle Trust Fund and the Town of East Fremantle Trust Fund. Members will readily appreciate, therefore, that the agreement in this Bill follows the principle laid down in Act No. 66 of 1952.

Following the sale of the electric light undertaking, the Fremantle Municipal Tramways and Electric Lighting Act, a private one of 1903, was amended by Act No. 36 of 1952, and this amendment provided for the deletion of the words "Fremantle Municipal Tramways and Electric Lighting Board" and substituting therefor

the words "Fremantle Municipal Transport Board." This is mentioned at this stage because the Act now before the House refers to the "Fremantle Municipal Transport Board" as also does the agreement in the schedule thereto.

Elections for the return of the four members of the Fremantle Municipal Transport Board were due to be held on the fourth Saturday in November, 1960, but owing to the imminent sale of the board's transport undertaking, the Fremantle Municipal Transport Board (Postponement of 1960 Elections) Act No. 53 of 1960 was passed postponing those elections until the fourth Saturday in November, 1961, i.e. the 25th November, 1961.

The second clause of the Bill now before the House provides that this Act shall come into operation on the 25th day of November, 1961, so that the day on which the members of the board automatically retire by effluxion of time, the necessary trust funds will be set up. The Bill itself is a very short and simple one and in clause 3 defines "the Agreement," "the Board"—the Fremantle Municipal Transport Board—the "East Fremantle Fund," and the "Fremantle Fund."

Clause 4 of the Bill repeals the Fremantle Municipal Tramways and Electric Lighting Act, 1903-1952 and the Fremantle Municipal Transport Board (Postponement of 1960 Elections) Act, 1960, as I have already explained. Clause 5 of the Bill dissolves the board and this has already been mentioned by me.

Clause 6 approves of the agreement to the schedule. Clause 7 provides that each of the Fremantle fund and the East Fremantle fund under its respective names is constituted a body corporate with a seal and is capable of acquiring, holding, and disposing of real and personal property and of suing and being sued, and in the subclauses to clause 7 continues any right of action by or against the board is applicable to the two trust funds.

Clause 8 defines that receipts given by either fund shall be an effectual release and discharge in respect of the amount so paid as if the receipt was given by the board itself. Clause 9 seeks to exempt the agreement from stamp duty.

The agreement in the schedule to the Bill was entered into between the Fremantle Municipal Transport Board, the City of Fremantle, and the town of East Fremantle on the 31st October, 1961, and this agreement provides for the setting up of two trusts to control the assets acquired by the board during its management of the undertakings on behalf of the two municipalities and that with the exception of the payment of a sum of £60,000 to the City of Fremantle and £10,000 to the town of East Fremantle the balance of the funds shall be held in perpetuity for the city and the town respectively.

The agreement further provides that the income received from the trust shall be divided and apportioned annually in the proportion of six-sevenths to the City of Fremantle and one-seventh to the town of East Fremantle, which is, of course, in agreement with Act No. 66 of 1952 which I referred to in my opening remarks.

Provision is also made for the standing finance committee of each municipality to be the representative trust funds, with the added proviso that if no standing finance committee is appointed it shall then be obligatory, both upon the city and the town, to appoint the necessary councillors to control the trust.

The agreement also provides for the conduct of meetings and authorises both trusts to make investments in any manner authorised by the Trustees Act, 1900, and amendments for the time being in force. The keeping of accounts, the auditing thereof, and the appointment of staff are all provided for in the agreement.

The agreement provides that within seven days after assent, the Transport Board shall supply to the trusts, along with any other information required by the trusts, an accurate statement of the board's assets and liabilities. At the end of the balancing period for the year ended the 31st August, 1961, the audited statement of assets and liabilities showed total assets amounting to £882,558, while actual liabilities were recorded at £45,302, leaving net assets at £837,256. The Bill is commended to the House for its favourable consideration. Members will appreciate that the town of East Fremantle and the City of Fremantle will both have a very good asset as a result of the sale of their transport and electricity undertakings. Except for the two amounts I have mentioned, namely, £60,000 and £10,000, the capital cannot be touched; only the revenue from the capital in the trust fund will be handled. I imagine that this money will be of considerable benefit both to the city and the town. I commend the Bill to members.

THE HON. E. M. DAVIES (West) [5.45 p.m.]: I thank the Minister for introducing the Bill. Unfortunately, he has been asked to bring it down at a late stage of the session. But as the Minister has explained, 12 months ago a Bill was introduced for the purpose of extending the life of the Fremantle Municipal Transport Board to enable it to complete the handing over of its assets to the two local authorities.

The Bill before us is one to repeal the Fremantle Municipal Tramways and Electric Lighting Act, 1903-1952, and the Fremantle Municipal Transport Board (Postponement of 1960 Elections) Act, 1960. The Bill, when it becomes an Act, will dissolve the Fremantle Municipal Transport Board, and will approve an agreement between the Fremantle Transport Board, the

City of Fremantle and the town of East Fremantle; and it will set up two trust funds, namely the East Fremantle fund and the Fremantle fund.

When this measure becomes an Act a very fine organisation will disappear, and those of us who have been members of the two local authorities, namely, the Fremantle City Council and the East Fremantle Council, have had an interest in that organisation. The funds will be divided between the two local authorities in the proportion of six-sevenths to Fremantle and one-seventh to East Fremantle. Over a period of years, not only has the organisation paid considerable sums of money out of its profits to the respective local authorities, but it has operated for the benefit of the ratepayers of both local authorities. The electricity side of the undertaking was acquired by the Government of the day some time ago, but the transport operations were continued until the Metropolitan Passenger Transport Trust was created.

Eventually the local authorities in Fremantle agreed that the transport portion of the undertaking should be handed over to the Metropolitan Transport Trust. In order that finality could be reached in 1960, the elections were postponed for 12 months. Actually the elections are due to be held on the 25th of this month.

I thank the Minister for having brought down the Bill, because negotiations have been going on for some time and it was not until recently that agreement was reached. During the period of 12 months, the two local authorities and the Transport Board have been negotiating with a view to arriving at a unanimous decision. The negotiations were protracted, but eventually an agreement was reached and the Bill before us is the result.

As one who took part in the negotiations, I want to say that I appreciate the information that was made available to the parties from time to time. The two local authorities had their own views, and the Transport Board was endeavouring to find a way of overcoming the difficulty in connection with the handing over of the assets. The Bill is the result of the unanimous agreement reached between the three parties. The assets will be handed over to the two local authorities in the ratio of six-sevenths to Fremantle and one-seventh to East Fremantle.

When the Bill is agreed to, it will mark the passing of a body that has played an important part not only in Fremantle and East Fremantle, but in the contiguous districts, because it ran the transport back in 1903 when the transport consisted of trams. That body—the Fremantle Municipal Transport Board—did a great deal to assist in the progress of the district. It also supplied electricity to the outer parts

of Fremantle, even as far away as Rockingham; and in the main it has been responsible for the establishment of industry in and around Fremantle.

The mayor of Fremantle has always been *ex officio* a member of the board, and the other four have been elected. Two members were elected by the Fremantle City Council, one representing the owners of property and the other representing occupiers; and the East Fremantle representatives were elected on the same basis. The board managed the affairs of the undertaking.

For many years Sir Frank Gibson has been chairman of the board, and I would say, without fear of contradiction, that he and the other gentlemen who have from time to time been members of the board have played an important part in the development of Fremantle and the contiguous districts. To them I express appreciation for what they have done.

Members will know from the statement made by the Minister that the assets totalled £882,558 less liabilities of £45,302, leaving a net asset of £837,256 which will be handed over to the two local authorities. It is not proposed for the amount set out in the Bill to be handed over to the local authorities other than the amounts of £60,000 to the Fremantle City Council and £10,000 to the East Fremantle Council. The remainder will be placed in trust funds which will be controlled by the finance committees of the two local authorities.

These trust funds will continue in perpetuity, we hope, and the revenue received from them will be used by the respective local authorities for the benefit, generally, of the ratepayers. We hope to conserve the asset so that we will be able to say, "Here is an asset that is earning revenue for the two local authorities."

I express my appreciation and thanks to the Minister for having brought the Bill down at this late stage, even though he did not have a great deal of time to have it prepared. I also express my appreciation and thanks to the representatives of the Fremantle Municipal Transport Board and particularly Sir Frank Gibson, who has been its chairman for many years.

As a member of this Legislature, I can say to the two local authorities, "You are having a very fine asset handed to you. Look after it and use the revenue from it for the benefit of the ratepayers." I am sure the asset will be a monument to those people who played such an important part in making transport and power available and doing so much to create and improve the districts contiguous to Fremantle by providing ways and means for industry to be established. I have pleasure in supporting the Bill.

THE HON. F. R. H. LAVERY (West) [5.56 p.m.]: In supporting the Bill I wish to pay a tribute to someone who well deserves it because of the part he played as a member of the Fremantle City Council in the original negotiations with the S.E.C., and for the fine work he did for the Fremantle City Council and for the East Fremantle Council. As a result of his efforts these local authorities benefited to the extent of £60,000 in respect of the pulling up of the tramway rails. I refer to The Hon. E. M. Davies.

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 The Hon. L. A. Logan (Minister for Local Government), and transmitted to the Assembly.

SUPERANNUATION AND FAMILY BENEFITS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st November.

THE HON. J. D. TEAHAN (North-East) [6.0 p.m.]: One of the important provisions in the Bill is to clarify something that was overlooked last year when a similar amending Bill was before the House in regard to the date on which a pension would be paid; that is the date of retirement, or the date when an officer ceases duty. It will also define how the date is fixed when a person retires, and how he uses his final leave to the fullest extent. This clause is only a matter of tidying up the Act.

There is another provision relating to those persons employed under the Public Service Act who are engaged in the Agent's-General office in London. This seeks to correct what may be regarded as an injustice which has been served out to them because, not only do they contribute to the Superannuation and Family Benefits Fund in Western Australia, but they are also obliged to contribute to the National Insurance Fund in England. This clause will correct that anomaly and so obviate the need for them to contribute to both funds. Further, the Western Australian Government will not be obliged to contribute to the English scheme.

The clause which is most important will affect those persons who are badly in need of the assistance which this legislation will give them. I am speaking of those who, although employed under the Public Service Act, because of health reasons are not eligible to contribute to the superannuation fund. A provident

fund has been established for those people and to date they have been obliged to contribute 1s. per £1 of their weekly wage to the fund. When they retire they receive all their contributions which they have paid, plus interest. This amendment will provide for the Government to subsidise that scheme on a £2 for £1 basis so that, on retirement, this particular class of employee will receive three times the amount of his contributions, plus compound interest on the aggregate amount.

The Bill also contains a worth-while provision for those persons I have just mentioned who, in the past, during periods of illness or absence from work without pay, were required to pay their full contributions to the provident fund. When the Bill is passed, the board, upon application from such a person, will permit him to pay his contribution in smaller amounts and, during the period approved by the board, his payments may be deferred or lessened. Altogether, the Bill contains worthwhile provisions for those who are in most need of assistance and who are not as strong and healthy as the ordinary worker. I have much pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

BANANA INDUSTRY COMPENSATION TRUST FUND BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. G. E. JEFFERY (Suburban) [6.8 p.m.]: I move—

That the Bill be now read a second time.

This Bill is on all fours with the one I introduced during the last session of Parliament which was carried in this Chamber, but which languished on the notice paper in another place. It has, as its purpose, the amendment of section 99 of the

Arbitration Act. So that members will know exactly what the amendment is, it reads as follows:—

(b) by adding after paragraph (3) the following paragraph—

(3a) Where a person or party has been found by the Court to have committed a breach of an award or of an industrial agreement and subsequently commits a breach of an award, whether the same award or not, then, and notwithstanding anything contained in the Justices Act, 1902, a minimum pecuniary penalty for every such subsequent breach shall be a penalty of fifteen pounds in addition to any costs and to any moneys ordered by the Court to be paid under paragraph (5) of this section.

The insertion of this provision in the Act is considered necessary because of the activities of certain individuals who seem to make a practice of featuring in the complaints section of *The W.A. Industrial Gazette*. I have before me the 1960 copy of the *Industrial Gazette* and members will find the complaints of which I speak on pages 932 to 936 inclusive. It is rather amazing to find when one looks through copies of the *Industrial Gazette* over the past five or six years—in some instances they range over even a longer period—how frequently the same people have been prosecuted for the same breaches of industrial awards or agreements.

When one reads of the penalties that are inflicted upon these people, one can realise that the gamble they take is worth the risk. Having indicated to members where the information can be found, they can see for themselves the names of the individuals of whom I am speaking and the type of penalty that has been inflicted upon them. Without mentioning names—because members can check the details if they so desire—I will quote one case in particular of a man who was charged 15 times. Under the Bill, on the first occasion the magistrate could impose upon him a fine in keeping with what he thought was the gravity of the offence but, on the second occasion, it would become mandatory—if the Bill is agreed to—for the person to be fined £15. The complaints to which I am referring range from Nos. 174/60 to 186/60. Some of the charges read as follows:—

Failing to pay several carpenters prescribed rate for overtime—

Fined £25, costs £7 13s., order for wages £287 5s. 2d.

Failing to provide board and lodging to several carpenters—

Fined £5, costs 8s., wages £125.

Failing to pay travelling allowance to several carpenters—

Fined £5, costs 8s., wages £4 2s. 10d.

And so they run on. On this occasion, covering 15 charges, there were four organisations that had been prosecuted before the magistrate; and it will be found that the penalties on each occasion were much the same because four different organisations were involved and so only a small fine was inflicted. However, as the magistrate realised the enormity of the offence, by further complaints being heard before him, it will be noticed that he increased the penalty in accordance with the view he took of the gravity of the offence.

The Hon. A. R. Jones: It is only one man who has committed all the offences?

The Hon. G. E. JEFFERY: It is one man, but probably he may have others in the business with him. I have quoted this one case, but there are several others mentioned in the pages of the *Industrial Gazette* which I have quoted to the House. I have a list here of the charges which members can peruse, but the information can be found in the journal. I will now quote, for the information of members, the comments of the President of the Arbitration Court (Mr. Justice Nevile) which he made on the 15th December, 1960, when speaking to the preference for unionists clause; and the comments I am about to read are equally applicable to this measure. The president of the court had this to say—

Under the Industrial Arbitration Act, industrial unions, both of workers and employers, have a fundamental part to play. It is undeniable that in practice enforcement of Awards is achieved almost entirely by industrial unions of workers. I have never been able to understand why industrial unions of employers have never thought it part of their function to help prevent unscrupulous employers from consistently committing breaches of the Award. After all, reputable and honest employers must suffer severely from the competition of the less scrupulous employers, and in any case it is one of the objects of most Employers' Associations, registered as industrial unions of employers to advance the standing and repute of employers and the industry concerned. Whatever the reason may be it has, in the past, been entirely left to the industrial unions of workers to attempt to enforce compliance with the awards of this Court. The officials and representatives of such unions act as the law enforcement officers in this field of social relations, they, and they alone, attempt to see that as far as possible, the law is obeyed; in doing so they are doing for the community a task that in other fields of law enforcement is done by the police force, or by inspectors appointed by other departments of the Government or by local authorities.

Debate adjourned, on motion by The Hon. A. F. Griffith (Minister for Mines).

Sitting suspended from 6.15 to 7.30 p.m.

IRON ORE (TALLERING PEAK) AGREEMENT BILL

Second Reading

Debate resumed from the 1st November.

THE HON. H. C. STRICKLAND (North—Leader of the Opposition) [7.31 p.m.]: The Minister in explaining the agreement covered it very fully. His explanation is in accord with the provisions contained in the agreement, which is embodied in the schedule to the Bill. No-one can justifiably claim that any of these provisions are unacceptable to Western Australia.

The company which is to develop this iron ore deposit is the Western Mining Corporation. It has in the past proved to be of great value to the State, and it has opened up many goldfields at various times, particularly small goldfields during the depression when any sort of activity in the goldmining industry was very welcome by the State. Such activity offered employment for the great army of unemployed in Western Australia in the late 1920's and early 1930's.

In recent years this company extended its activities into other types of mining operations than gold. We know that it recently ventured, in conjunction with the Alcoa company, into the aluminium field, and into the talc field. Now it has interested itself in iron ore deposits.

The north-west, and particularly the West Kimberley, had, up until 12 months ago, great hopes when it was known that Western Mining Corporation was investigating an area north-east of Derby. It was hoped that the company would discover deposits of minerals to interest it in developing them. We were not without hope, because the development of most mineral deposits, in particular copper which is plentiful in the north, is governed by the market price. We were not without hope that the company would commence activities in that area.

The Hon. A. F. Griffith: The deposits are not as plentiful as we would like them to be.

The Hon. H. C. STRICKLAND: Perhaps the known deposits are not plentiful. A few years ago when this House was requested to agree to a motion to request the Commonwealth Government to issue an export license for the export of iron ore from Western Australia, it declined. I remember in particular Mr. Mattiske going to great lengths to explain particulars of the known deposits of iron ore in Australia. There was no doubt that the figures which he gave and the case which he put up were sound, according to the information available at that time.

I, and other members in this House who supported the motion, endeavoured to press the point that the known deposits of iron ore were certainly not a fraction of all the deposits to be found in Western Australia. We considered that the surface had barely been scratched. The development of iron ore deposits depended on the demand and on the price offering. Since the last world war the demand has never been greater than at any time previous to that. With Japan expanding its steel industries Australia had a wonderful opportunity to market its iron ore.

Since 1957, when details of the known quantities of the iron ore deposits were given to members of this House, many millions of tons of rich iron ore have been discovered. All this has taken place within a matter of four years.

With the present Government calling for tenders for the development of iron ore deposits in this State, the search for new deposits has been intensified by private enterprise. This action by the Government has created a tremendous interest in mining activities, and many reserves have been taken up.

Last year I asked the Minister for details of the tenders which the Government had received for the development of the iron ore deposits. I am referring to the tenders called in 1960, and not those which were called in 1961. The Minister informed the House that he could not disclose the nature, or the amounts offered by the tenderers, because by so doing the Government would be disclosing private business.

The Hon. A. F. Griffith: I said it would jeopardise the calling of tenders in the future.

The Hon. H. C. STRICKLAND: The Minister did give the reason for keeping secret the figures contained in the tenders. He said that by disclosing the figures the calling of tenders in future would be jeopardised. I have not been able to understand that reason, nor have I wasted much time in trying to understand it. Public business is public property, irrespective of the parties with whom such business is being conducted. I thought that the Government would have told members about the prices which had been offered.

The party to which I belong was interested in the tenders which were received. When we were in office we disclosed to this House the prices that were offered for iron ore in 1956 and 1957 by the Japanese interests. I thought we might have been given similar information by the Minister, since the tenders called this year have been finalised.

The agreement with the Western Mining Corporation can be looked upon as the basis for future agreements for the development of iron ore deposits. The royalties and the conditions embodied in this

agreement are acceptable to the Government; therefore it is reasonable to assume that future tenderers will base their quotes on the tender of the Western Mining Corporation. Of course the location of a particular iron ore deposit will have to be taken into account and the price offered will have to be varied to the extent of the variation in transport costs. It is not too late for the Minister, when he replies to this debate, to indicate the particulars of the tenders which were received in 1960, and which the Government used as a guide or a test for the tenders called this year. Such action by the Government was remarkable. I do not know why any Government has need to be guided by the tenders it calls, or why it should reject the tenders and then call new tenders subsequently. Probably the subsequent tenders were received from the same parties. The Minister could enlighten us on this point.

The Hon. A. F. Griffith: What were the prices offered to your Government in 1956 and 1957?

The Hon. H. C. STRICKLAND: The Hawke Government was offered prices ranging from £6 to £7 per ton f.o.b. ports. That was for ore deposits containing upwards of 40 per cent. of iron. The quality had to be fairly high. Offers within that range were made.

The Hawke Government did not call for tenders, because it did not have the opportunity to do so. It could not overcome the obstacle of export licenses. The Commonwealth Government would not grant this State such licenses. When the Minister was a private member on this side of the House he read out a very lengthy letter from the Acting Prime Minister (Sir Arthur Fadden) addressed to the Premier of Western Australia (Mr. Hawke). The Acting Prime Minister indicated it would be unpatriotic, if we were to digest his views expressed in that letter, to export even 1 lb. of iron ore from Western Australia to Japan. Yet today the same gentleman is interested in the export of millions of tons of iron ore out of Australia, if he is permitted to do so.

While I am not condemning the present Government for having successfully established an export market for our iron ore, I do consider that the Opposition in 1957 treated the Hawke Government unfairly in refusing to give constructive assistance when Western Australia was very keen to establish a steel industry in this State.

I have read a report of a shareholders' meeting of the Western Mining Corporation held in September last. There is quite a reference made by the chairman of directors to the shareholders at that meeting in connection with this particular agreement which we are asked to ratify here tonight. The corporation is very

pleased with its investigations at Talling Peak, and more pleased with the developments which have occurred in the reservation area—not at the peak itself, or not in the area for which it has tendered, but the area embodied in this Bill.

The shareholders were told that investigations were continuing into other ore bodies close to the body described in this agreement. The shareholders were also told that the corporation had taken up five reservations in Western Australia, and each was showing good prospects. This is very pleasing indeed. There seems, without doubt, to be an export market which Western Australia cannot fully satisfy; but this State can contribute an enormous amount towards the quantity which that market requires.

Shareholders were told that very good prospects were found in the Koolanooka Hills, in the Morawa area, some 150 miles from Perth. With development at Koolanooka and Talling Peak, and with the other bodies near Talling Peak, one can see that Geraldton is going to develop into a busy export port.

The Hon. F. J. S. Wise: What is the local name of the hills known as Mt. Goldsworthy?

The Hon. H. C. STRICKLAND: They are a long way from Talling Peak. They are known as the Ellarine Hills. When I mentioned the Ellarine Hills the Minister told me that I did not know what I was talking about. I asked whether Mt. Goldsworthy was in the Ellarine Hills. I could not find the Ellarine Hills on the map; but since that day I have been told that the Ellarine Hills are a range of low hills in which can be found Mt. Goldsworthy.

I think that Sir Arthur Fadden was interested in a company which was investigating deposits for iron ore at Mt. Goldsworthy. However, Mt. Goldsworthy iron ore is not embodied in this agreement, and we will have to leave that for the time being. Mt. Goldsworthy, incidentally, is a few miles outside Port Hedland.

As a result of the activity of this company, the future of Geraldton appears to be very bright. There is not the slightest doubt that there will be large exports of iron ore passing through Geraldton as the years go by.

The company is also prospecting three other reservations 70 miles north of Southern Cross, and the prospects in the area are very good. When the broad gauge railway goes into Koolyanobbing it is hoped that use can be made of the line to export iron ore through Fremantle.

Judging from the remarks of the chairman of directors to the shareholders some five or six weeks ago there is not the slightest doubt that Western Mining Corporation has high hopes for a prosperous

future in the export of iron ore from Western Australia. That is something which is very commendable. I raise no objection to that. I did raise an objection when the State Building Supplies were sold to an overseas company. But one cannot raise any objection to anything sold to, or arrangements made with, a local company such as this.

Arrangements for the payment of royalties appear to be fair and reasonable. At first glance it might appear that the company could be committing itself to very high expenditure in connection with the railway, and without wishing to press the Minister in any way in connection with this matter I propose to make a few remarks in connection with what I think should be the arrangement for railway facilities.

During my term as Minister for Railways, the Western Mining Corporation was very keen to develop some of its small gold bodies which lay south of Southern Cross. When Parliament was of the opinion that some 850 miles of railway lines should no longer operate in Western Australia, one of those lines was the Southern Cross-Mukinbudin line. It was not included in the original list, but it was included in the motion. The corporation were negotiating through the Railways Department for a section of that line, which was the Mukinbudin-Southern Cross railway. In that instance the Government could have made the railway available to the corporation at almost no cost, or a peppercorn cost, because the corporation proposed to take the line up in sections and lay it south of Southern Cross for the purpose of developing the corporation's gold bodies. However, this did not eventuate. I suggest that some arrangement could have been made with the corporation to provide it with a railway from Mullewa to Talling Peak.

The Hon. A. F. Griffith: It will be a completely new job: new railway, new rails, new sleepers.

The Hon. H. C. STRICKLAND: That is a different proposition altogether. I think, however, that some of the railway lines which are no longer used might have done the job. We may need a heavier rail for the company's purpose. The weight of the old rail is, I think 45 lb. and will not carry a great deal of ore. However, I do feel that other sections of railway line could have been utilised.

Another favourable feature of the Bill, in connection with the railway, is the fact that the trains transporting the ore will be operated by W.A.G.R. employees, and there will be no change of crews at Mullewa or anywhere else. That should be quite acceptable to the railway unions.

I am certainly impressed with the Government's attitude towards the company, in encouraging the company to partially treat the iron ore in Western Australia. The

Government is providing an incentive by dropping the royalty. Although that was not written into the agreement, it was certainly discussed with the Government, because at the shareholders' meeting the chairman of directors made quite a point of that factor and said that the company was keen to thoroughly examine that side of the question.

All in all, the agreement appears to be a very good one. I was pleased to note that when the Premier introduced the Bill in another place he gave credit to the Hawke Government for having drilled at Talling Peak to establish the size and value of the ore body. I would also like to express my appreciation at the manner in which the present Minister for Mines is continuing drilling operations in outback areas to establish values and quantities of ore bodies. He has carried on drilling at Mt. Goldsworthy, and that is a very big thing. I wonder whether the Minister could enlighten us as to the nature of the tenders which were received in 1960, and which were called for more or less on a sample basis. He might be able to disclose whether there are any indications or possibility of large deposits of ore being opened up at Mt. Goldsworthy in the near future; because we definitely require increased activity in the Pilbara area, where Mt. Goldsworthy is located, in order to keep that area steadily progressing. Manganese is very important these days, but it would only constitute a flea bite compared with iron ore, if those negotiations mature. The Minister expressed the hope that they would, and we all hope they will materialise.

The newspapers have reported that three alternative sites have been suggested. That is a matter for the Government to decide, but we are hoping that at least one of the sites will be developed in the not very distant future.

It is interesting to note that the Minister has been advised of some encouraging results in the Wyndham area. Bell Bros. have a big reservation in that area and they have been very active. There are ready-made deposits in the area; there is a deep sea port; and there is everything made to order if the deposits measure up to the quality desired. I support the Bill.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [8.0 p.m.]: I am very pleased with the reception that this Bill has received and I thank members, particularly the Leader of the Opposition, for the constructive approach made to the matter. I am pleased, I suppose, because I had the responsibility of negotiating this agreement. Whilst sometimes one could be tempted to take advantage of the enthusiasm one has, one has to keep a good hold on one's self in case of unnecessary and exaggerated publicity. In this regard I am not making an accusation against the Press, as a result of statements made,

but one has to be careful about what one says in respect of development that is taking place.

Almost without exception the care that has to be exercised is brought about by the desire of those who are prospecting for a mineral to keep the matter as quiet as it can be kept until it reaches the point of fruition. I share the view of those prospectors. I have said before in this House that we need enthusiasts, and my short experience as Minister for Mines has proved to me that the mining world is one of enthusiasts. If there are no enthusiasts no results are achieved. Many people have said to me, "We don't want any publicity about this until we are in a position to come to you and say that we have achieved something." I think that is sound practice. It is of no use reading in the press of the millions that it is hoped will be made. It is far better to come to Parliament with an agreement like this, explain it to Parliament, and say that as a result of negotiations the Bill contains an agreement which we are asking Parliament to ratify and, provided the hopes of the company reach the stage that they anticipate, the industry will go forward with a deal of success.

The Hon. F. J. S. Wise: That attitude is much better than flying kites.

The Hon. A. F. GRIFFITH: I quite agree. Naturally enough, with this mineral development that is going on, the Press is anxious to be in it, if I can use that expression. Reporters frequently come to me and ask me questions; and I am sure they go to other Ministers and ask them questions, too. Sometimes there evolves what I might term a thinking article; there was a thinking article in the *Sunday Times* two or three weeks ago. The reporter who wrote that article thought that the port was going to go here, there, or in some other place. I did not subscribe to any of that information; but one cannot blame a man for doing his job, because this particular matter is attracting a great deal of attention.

All I want to say about the development of iron ore in the north is this: The prospects are extremely good. In my office I can see plans being developed by companies which, if they come to fruition, will mean that the north, from a mineral point of view—and I say from a mineral point of view without specifying the minerals—has a very great future. It has had it for a very long time; it has had it because minerals in the north have been lying in a latent state; they have not been discovered. But fortunately, because of the lifting of the embargo on iron ore, we have been able to offer an incentive for people to go out and look for more, and they are certainly discovering more.

The success of the development of iron ore from Talling Peak, or from anywhere else, particularly in the north, will be dependent upon our ability to get deep-water

ports for the use of bigger ships. Most of the north-west ports are capable of catering only for ships of 5,000 tons or so. Those ports would be nowhere near capable of catering for the big ships that would be required; they would not even be worthy of consideration. I think I have said before that when I was in Japan the Japanese steel millers told me that they were building 60,000 ton ore carriers. The size of our ports in the north is the limiting factor so far as the development of iron ore is concerned. I am hoping that time will present us with the opportunity, and that companies with the necessary capital will provide money for us to build a deep-water port, or deep-water ports in the north capable of handling big ships; because that is where the answer lies.

In respect of the tenders that were called in 1960, they were called, as were the inquiries made by the Hawke Government from 1957 onwards, on a certain basis; and that was that we did not have an export license. We called tenders to get an idea of the position and we hoped and expected to receive a basis for a financial arrangement with which we could go to the Commonwealth and say, "If we can get an export license this is the situation, and this is what we think we can get for Western Australia." I do not want to convey the information to the House, even at this stage, because, as yet, the Government has not been able to determine who is the successful tenderer for Mt. Goldsworthy. There are extreme difficulties involved. Indeed we must not forget for a moment the shipping difficulty which I mentioned a moment ago. Negotiations are still proceeding and, as soon as it is possible, I hope I will be able to take to the Government a recommendation which will be acceptable.

How long it will take I do not know, but I am sure that members, particularly north-west members, will agree with me that the utmost caution must be exercised in this choice, because in this case, as with Talling Peak, it will be a milestone, or a pattern, for what will be done elsewhere.

In respect of Talling Peak there were six tenders and one tenderer pulled out after tenders closed. He was obliged to do so because, having submitted his tender, he thought he would not be able to fulfil the terms that he himself had set down in the tender. So we negotiated an agreement with the Western Mining Corporation.

The Hon. G. Bennetts: A very good company, too.

The Hon. A. F. GRIFFITH: Yes, it is.

The Hon. G. Bennetts: The best in Australia.

The Hon. A. F. GRIFFITH: The case of the Talling Peak deposits, of course, was different. The Hawke Government had had the deposit drilled; and I give it full credit for that because it enabled me, as

the Minister for Mines for the time being, to state a case to the Commonwealth Government. The Under Secretary for Mines and I went to Canberra and we were told virtually that the Tallering Peak deposits were accepted at 2,000,000 tons. As a result of the drilling done by the Hawke Government, and as a result of the drilling that I undertook to have done as Minister for Mines, the Mt. Goldsworthy project was accepted at 31,000,000 tons, and we were way out in front of the other States when the embargo was lifted.

We must not lose sight of the fact that the lifting of the embargo on the export of iron ore did not apply only to Western Australia; it applied to all States in Australia. Just imagine what the Premier of South Australia would have said if Western Australia had been the only State to get an export license for iron ore. But we were in the fortunate position of being so far ahead.

We must realise, too, that although to-day there is a great demand from Japan the iron ore market is becoming more and more competitive, and it will become even more competitive as bigger deposits of iron ore are discovered. The checking I have done, and the examinations I have made of the files reveal to me that the price for iron ore in 1956-57 was not £6 or £7 a ton. We could not have expected to get as much as that for it in 1956-57; as a matter of fact, as far as we can ascertain, the f.o.b. price for iron ore round about 1957-58 for 58 to 60 per cent. Fe. was 11 dollars 50 cents, which is £5 2s. 9d. Australian. The proposition put up to the Commonwealth was to haul the iron ore from Koolyanobbing to Fremantle at a freight rate of 50s. 8d. per ton. So there really was not a great deal of profit in it.

It was not easy to find out the price then because no export license could be obtained; but it is not correct to say that the price then was £6 or £7 a ton. There is a note on one of the files that I examined to the effect that the then Under Treasurer, Mr. Byfield, had said that we had no evidence of the f.o.b. price of iron ore at that time. At that stage we had never done any trading in iron ore, but letters on the file from one of the companies indicated what I have said—55 per cent. Fe., 7 dollars 33 cents, which is £3 5s. 6d. and in 1958-60, it was £5 2s. 9d. It was quite a doubtful proposition in those days and now it is estimated to be somewhere about £3 15s. to £4 a ton. As the market becomes more competitive I imagine that the price will alter.

The Japanese, or any other business men, are not going to sign their names to contracts for Tallering Peak ore, Mt. Goldsworthy ore, or any other ore if those contracts will commit them to paying the f.o.b. price ruling today for the next 15 years. They will want some mention in

the contract about the price to be paid being the world's ruling rates; and they will want an adjustment of the rates from time to time, or my name is not what it is.

This is only a small deposit, and I would like to make this comment, when Mr. Strickland talks about prospects: I have not read the annual report of the Western Mining Corporation because, unfortunately, I have not had the time to do so. I do not doubt for one moment what the honourable member had to say when he said that he had read it, and I know that it has had some promising results. But I can assure the House that as far as I am concerned neither the Western Mining Corporation nor anybody else who has temporary reserves is just going to take millions of tons of iron ore out of this State without first coming to the Government to see what sort of a proposition can be put up; and we as a Government will ensure that Western Australia will get the best possible deal out of it.

I have made it perfectly clear, in regard to any temporary reserve that the Government has granted, that before any application for an export license for iron ore will be supported the agreement will have to be on the basis that the question of royalties and conditions of development will have to be negotiated with the Minister for Mines. The Government's attitude is, as Mr. Strickland said, to get a reasonable royalty where it is a matter of export, and to break the royalty down to the reasonable minimum of 1s. 6d. a ton where the processing of iron ore is to be carried out in Western Australia; because one ton of iron ore exported overseas is worth only £3 15s. to £4 a ton but one ton of iron ore converted to steel in Western Australia, is worth far more to the State. It means employment for our people; and that is what we hope to achieve.

So in case there is any misunderstanding as far as my attitude is concerned these companies, in their discussions, must negotiate the situation with the Government before they are given *carte blanche* to export out of the country what they feel they should. I think that is fair enough.

I think I cleared up Mr. Strickland's question about the railway by way of interjection. During the period of these negotiations I have found the company excellent to deal with. Mr. Brodie Hall was the main person with whom I dealt; and the chairman of directors (Mr. Lindsay Clarke) also came into the negotiations. They were excellent people to deal with; and the company was prepared to lay down all its facts and details to justify its offer; and in return it expected what I think is a fair agreement both to the company and to the Government.

I do not think I have neglected to cover anything that has been raised; if I have perhaps the opportunity will be afforded

me to deal with it later. In conclusion I would point out that the temporary reserve given to the Western Mining Corporation was outside the actual reserve upon which the Talling Peak ore deposits lie. The Western Mining Corporation asked for this reserve independently of the deposits at Talling Peak. When it looked certain that the Western Mining Corporation's tender was the best in the circumstances, then it became obvious that together with the temporary reserve the Talling Peak deposits should be given to the company—which is the subject of this agreement—and I took to Cabinet a recommendation that the two be combined; the result of course is the agreement before the House.

The company has gone on with the job with great speed and I have high hopes for its success. There is no doubt that according to the degree of success which attends the company's endeavours so will the area of Geraldton, and that area between Geraldton and Talling Peak, benefit.

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 The Hon. A. F. Griffith (Minister for Mines), and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

HOUSING LOAN GUARANTEE ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

PAINTERS' REGISTRATION BILL

Recommittal

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [8.20 p.m.]: I move—

That the Bill be recommitted for the further consideration of clauses 7 and 17.

Clause 10 and a new clause were added to the motion on motion by The Hon. R. C. Mattiske.

Clauses 12 and 15 were added to the motion on motion by The Hon. N. E. Baxter.

Question put and passed.

In Committee, etc.

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. G. E. Jeffery in charge of the Bill.

Clause 7: Constitution of Board—

The Hon. A. F. GRIFFITH: This clause sets out who the members of the board shall comprise. I indicated previously that if this clause were passed over during the Committee stage I would bring down an amendment which might fill the bill. The board will be quite well comprised if it has as its chairman the person included in the provision which now exists, namely, the chairman for the time being of the Builders' Registration Board of Western Australia; and if it has two other members only, one of whom shall be a master painter and the other a manufacturer. The amendments are not on the notice paper but I have circulated copies among members. The single word "association" means the Master Painters Decorators and Signwriters' Association of Western Australia, because it is included in the interpretation in that manner. I move an amendment—

Page 4, lines 13 to 21—Delete paragraphs (b) and (c) and substitute the following:—

(b) two members appointed by the Governor, one member nominated by the Association and who shall be a member of the Association, and one member nominated by the West Australian Chamber of Manufactures (Inc.) and who shall be a member of the Paint Manufacturers' Association.

The Hon. G. E. JEFFERY: The Minister was good enough to let me have a copy of the proposed amendments for my consideration, but in addition he has stated the position, and the amendment as proposed is acceptable.

Amendment put and passed.

The clause was further amended, on motions by The Hon. A. F. Griffith as follows:—

Page 4, line 27—Delete the words "names or."

Page 4, line 27—Delete the words "or persons."

Page 4, line 28—Delete the words "members or."

Page 4, line 30—Delete the passage "paragraphs (b) or (c)" and substitute the passage "paragraph (b)."

Page 4, line 31—Delete the words "members or."

Page 4, lines 32 and 33—Delete the word "paragraphs" and substitute the word "paragraph."

Page 4, line 33—Delete the words "persons or."

Clause, as further amended, put and passed.

Clause 10: Register of Painters—

The Hon. R. C. MATTISKE: I move an amendment—

Page 6, line 1—Delete the word "January" and substitute the word "July".

This legislation is comparable to the Builders' Registration Act and during the recent Honorary Royal Commission it was found that the month of January was not suitable from an administrative point of view to publish an annual list of registered members, and action is now being taken to amend that Act. As I said, the whole of the administration of this measure will be similar to that of the Builders' Registration Act, and I think we should follow the lead there and provide for the month of July.

The Hon. N. E. BAXTER: I am not happy about the deletion of the word "January" in line 1 because it will be too long a period before there is any publication of the persons registered under this measure.

If the Act is proclaimed within the next month or so it will mean 18 months will expire before the Minister can ask that a copy of the register be published in the *Government Gazette*. We must remember that the word "January" as covered by this amendment only refers to the first section. I ask Mr. Mattiske to consider leaving the word "January" in this line.

The Hon. R. C. MATTISKE: I do not see any reason why the proclamation of this measure should be held up in any way; and there is every reason to believe that it will be proclaimed before the end of this year, which will allow approximately 12 months before the first list is published.

The Hon. N. E. BAXTER: I did not say the proclamation would be held up. The month as stated in this line of the clause deals with the publication in the *Government Gazette*, at the direction of the Minister, of the persons registered under this Act. If the Bill is proclaimed in January next, 12 months later the Minister can direct that a copy of the register containing the names of those registered to the 31st December then last passed be published in the *Government Gazette*. If the amendment is accepted, it will be July 12 months, and not January 12 months before the register can be gazetted.

The Hon. R. C. MATTISKE: I thought Mr. Baxter would have been fully *au fait* with the reason for the alteration in the Builders' Registration Act. Because of the holidays in January, it is very difficult, from an administrative angle, to prepare a list up to the 31st December preceding, and have it published in the *Government Gazette* in January.

The Hon. G. E. JEFFERY: I consider I should accept the amendment. I can see the point raised by Mr. Baxter, too. The important thing is that if anyone wants to find out who is a registered painter, he can do so by inquiring from the registrar. If the amendment is accepted and the Act is proclaimed in the near future, it will mean that some 18 months will elapse before the list is published in the *Government Gazette*; but, as I said, the important thing is that anybody can find out who is a registered painter. There may be some difficulties in the first instance, but we must bear in mind that this measure has been based on the Builders' Registration Act. Therefore, I think the amendment should be accepted.

The Hon. N. E. BAXTER: This amendment does not bring the measure in line with the Builders' Registration Act. The provision for the Minister to direct that the names in the register at the end of the first 12 months be published in the *Government Gazette*, so far as the Builders' Registration Act is concerned, did not apply after the first 12 months. I am not sure as to what will be done in the future, but in this measure it will apply only to the first January after this Act comes into operation.

Amendment put and passed.

The clause was further amended, on motions by The Hon. R. C. Mattiske, as follows:—

Page 6, line 4—Delete the word "January" and substitute the word "July."

Page 6, line 9—Delete the word "January" and substitute the word "July."

Clause, as further amended, put and passed.

Clause 12: Who may register—

The Hon. N. E. BAXTER: I move an amendment—

Page 7, line 1—Insert before the word "company" the passage "partnership."

This is in line with the alteration made to the provision dealing with registration of partnerships, and tidies up this clause.

Amendment put and passed.

The Hon. N. E. BAXTER: I move an amendment—

Page 7, line 10—Insert after the word "examination" the words "as laid down by the Board for persons other than apprentices or."

There is the possibility of a big upsurge in the building industry and if the trend continues there will be a shortage of registered painters. If the board were able to set a course of training to be followed by an examination, for persons other than apprentices, this shortage could be overcome.

The Hon. G. E. JEFFERY: I must oppose this amendment. A minimum standard should be set, otherwise we will be giving people an air of respectability to which they are not entitled. We might as well let the law of the jungle apply because then at least everyone would be on guard. It is stupid to say in one clause that a person must have served five years, and in another provide that as long as an examination is passed, registration can be obtained. This problem has arisen before. A certain standard is set and because there is a shortage of some sort that standard is lowered. There have been enough troubles over that aspect in the past and instead of lowering the standard we should endeavour to train more men. I believe that if we require a certain standard for an operative painter we should at least require that same standard, or even a higher standard, for a master painter.

The Hon. G. C. MacKINNON: The board has the authority to set the examination; and I take it for granted that if such an examination were for persons other than apprentices, it would be for adults and the examination would therefore be a bit harder than it would be for apprentices. The Builders' Registration Board is empowered to set the examination and a course of study for builders, and this has worked most admirably. Those of us who represent country constituencies are all anxious to have this amendment included because we get fellows who start in painting and for some reason or other move to the city. They want to be able to study a course as laid down by the board and take the prescribed examination to enable them to be admitted when they move to the city. It could well be that city folk would be anxious to have them if there is the big boom in building which Mr. Baxter foresees. I am very glad Mr. Baxter has raised the matter again.

The Hon. R. C. MATTISKE: I hope the Committee will agree to this amendment because I have had an opportunity since Tuesday when the debate took place to further discuss the matter with people directly connected with it. They feel we made a grave mistake in omitting to include this amendment when it was previously submitted by Mr. Baxter.

One point on which Mr. Jeffery touched could be overcome by the inclusion of a new clause which I have in mind to provide the machinery under which the board would prescribe the course of study and the examination to be taken by the type of applicant we are considering. As Mr. MacKinnon said, similar powers, provided under the Builders' Registration Board, have worked very well. If the Painters' Registration Board has the power to prescribe a course of training and the subsequent examination, it would ensure that only those of sufficiently high standard would be registered.

The Hon. N. E. BAXTER: With regard to Mr. Jeffery's concern as to the standard of the examination to be set, he will only have to study the examination set by the Builders' Registration Board to realise that it is far from easy; and I am sure that the Painters' Registration Board would make sure that the course of training it set and the subsequent examination would be of the required standard.

The Hon. G. E. JEFFERY: We are in the unfortunate position that Mr. Mattiske has a proposed amendment in mind but we do not know its contents. He said that it would overcome the difficulty I have raised. Under the Builders' Registration Act, is not the minimum requirement seven years in the industry?

The Hon. R. C. Mattiske: That is right.

The Hon. G. E. JEFFERY: That means that a person would have served five years as an apprentice and two years as a journeyman. I maintain that an examination set for those people other than apprentices should be such that a person would have had to be five years in the trade to be able to pass it. The seven-year requirement under the Builders' Registration Act allows for at least five years as an apprentice—

The Hon. R. C. Mattiske: Not necessarily as an apprentice.

The Hon. G. E. JEFFERY: Not necessarily, but if a man has been in the trade for seven years it is reasonable to assume that he has spent five years as an apprentice and two years in some other capacity. That is the safeguard.

In the amendment submitted by Mr. Baxter there is no safeguard and my only concern is that we maintain a minimum standard of at least a five-year apprenticeship or the equivalent. I repeat that I am not in a position to know whether Mr. Mattiske's amendment will cover the situation.

The Hon. A. F. GRIFFITH: I do not think it is right to ask us to vote on this clause in the hope that some other clause which may be introduced subsequently will cover the situation. We should have an explanation of Mr. Mattiske's proposed amendment in order that the position may be clarified.

The Hon. R. C. MATTISKE: I said earlier that my proposed amendment would provide the machinery under which the board could prescribe a course of training and the examination to be taken by this type of individual; and I think that is all members need to know at this stage. However, as my amendment is directly applicable to this amendment I will read it. It is as follows:—

The course of training to be undertaken by and the examination of persons desiring to be registered under this Act shall be prescribed by the board who shall conduct or supervise

the conduct of such examinations at such times and places as the board may appoint. All costs and expenses with or incidental to the conduct of such examinations shall be paid by the board. There shall be paid to the board by every candidate for examination such fee as the board, with the approval of the Governor, prescribes, but not exceeding three pounds three shillings.

Under that provision the board would have the power to say what standard is required before anyone is admitted.

The Hon. A. F. GRIFFITH: I do not think we should allow this clause to pass without some comment from the honourable member in charge of the Bill. The amendment just suggested is an improvement on the situation but I am still not satisfied.

The Hon. G. E. JEFFERY: I have no great argument about the verbiage of the proposed amendment but I still feel that a person should have at least five years in the trade. If something along those lines could be incorporated I would agree. Mr. Mattiske's amendment merely provides that an examination shall be prescribed by the board, but that examination could be a standard lower than that desired. A reasonable standard should be maintained.

The Hon. N. E. BAXTER: Are you suggesting we should impose the same conditions on a painter as we do on a master builder?

The Hon. G. E. JEFFERY: No, I am not prepared to say that. The period should be reduced to five years' practical experience in the trade to allow people in the country, who have not had a chance of serving an apprenticeship, the same opportunity as those who have. That should cover the requirements of those members who represent the country areas.

The Hon. A. F. Griffith: Four years and six months, and you say you cannot work!

The Hon. G. E. JEFFERY: When I was an apprentice I served 4 years and 51 weeks and received £15 a week; the next week I became a tradesman and received £20. We have to have some yardstick. A man who can prove his *bona fides* will be acceptable. I want a standard equal to that provided for a journeyman.

The Hon. R. C. MATTISKE: I think perhaps a provision dealing with the qualification of practical experience would be better included in Mr. Baxter's amendment.

Point of Order

The Hon. H. C. STRICKLAND: Would it be possible, Sir, for members to be supplied with these amendments? They are not on the notice paper and members have apparently had them in mind for some time.

The CHAIRMAN (The Hon. W. R. Hall): This particular amendment was on the notice paper, although it is not on today's notice paper.

The Hon. F. J. S. Wise: It was on the notice paper, and was defeated.

Committee Resumed

The Hon. F. J. S. WISE: If the honourable member moving the amendment is diffident about modifying it to meet the suggestion of the sponsor of the Bill, and to meet Mr. Mattiske's suggestion, I will move—

That the amendment be amended by inserting after the word "apprentices" the words "who have had five years' practical experience in the painting trade".

The Hon. G. E. JEFFERY: I think the amendment on the amendment will meet the requirements of us all.

Amendment on the amendment put and passed.

Amendment, as amended, put and passed.

Clause, as amended, put and passed.

Clause 15: Complaints—

The Hon. N. E. BAXTER: I move an amendment—

Page 8, line 16—Insert before the word "company" the passage "partnership,".

This amendment is necessary to straighten up the Bill in respect of the registration of partnerships, companies, and bodies corporate.

Amendment put and passed.

The Hon. N. E. BAXTER: I move an amendment—

Page 8, line 18—Delete the words "in its employ at least one registered painter" and substitute the words "registered under this Act, at least one partner of the partnership, or one director of the company, or one member of the board of management of the body corporate or a person employed by the partnership, company or body corporate."

This amendment is consequential on the one to which the Committee has just agreed.

Amendment put and passed.

The Hon. N. E. BAXTER: I move an amendment—

Page 8, line 21—Insert before the word "company" the passage "partnership,".

This again is a consequential amendment.

Amendment put and passed.

Clause, as further amended, put and passed.

Clause 17: Appeal from decision of Board—

The Hon. A. F. GRIFFITH: When we last dealt with this clause, the question of appeals was raised, and it was thought that

by providing for an appeal to the court it would be regarded as imposing a charge upon the Crown. In order not to take any risk in that connection, Mr. Jeffery has provided for appeals to be made to the Minister.

The Solicitor-General is of the opinion that to make an appeal to a court would not, in fact, impose a charge or burden any greater than the charge that will be imposed by appealing to the Minister. So, *prima facie*, there will be no apparent charge upon the Crown if we provide for appeals to be made to a magistrate. The reason advanced for this opinion is that the Bill does not lay down that there shall be any scale of fees. The Solicitor-General further thinks that the court would not question Parliament on the point.

I think this is a matter that we could deal with, because I would not like to be the Minister to whom appeals of this nature would go. It will be difficult to satisfy some of the complaints. To test the Committee, I move an amendment—

Page 10, line 15—Delete the words “to the Minister” and substitute the words “in manner prescribed to a Local Court held nearest to the place where that person resides”.

The Hon. G. E. JEFFERY: I agree with the Minister. The other evening the Committee bogged down because of the information I had been given that this would be a charge on the Crown. I did say that this was only an appeal to the Minister, but frankly, I would have been happier if it had been an appeal to the magistrate. The Minister's amendment covers that and I am happy to support it.

The Hon. W. F. Willesee: Also, the Minister's amendment will tie up better with clause 25 which deals with summary conviction.

The Hon. A. F. GRIFFITH: Clause 25 has no connection with this. The mention of “summary conviction” in that clause, is the summary conviction which takes place after the painter fails to carry out the decision of the board. That will go to a magistrate in any case. An instance parallel to this can be found in the metropolitan town planning legislation where the appeal by an aggrieved person is to a board in the metropolitan area and to a magistrate in the country. That is in connection with valuations.

Amendment put and passed.

Clause, as amended, put and passed.

New clause 13—

The Hon. R. C. MATTISKE: I move—

Page 7—Insert after clause 12, in lines 1 to 28, the following new clause to stand as clause 13:—

13. (1) The course of training to be undertaken by and the examination of persons desiring to

be registered under this Act shall be prescribed by the Board, who shall conduct or supervise the conduct of such examinations at such times and places as the Board may appoint.

(2) All costs and expenses with or incidental to the conduct of such examinations shall be paid by the Board.

(3) There shall be paid to the Board by every candidate for examination such fee as the Board, with the approval of the Governor, prescribes but not exceeding three pounds three shillings.

The amendment is self explanatory. It is complementary to the amendment we have made in clause 12 and it does provide machinery by which the board can make its own regulations to hold examinations and make a reasonable charge upon candidates sitting for the examination.

The Hon. F. R. H. LAVERY: I would just like to point out to the committee that we are unaware of what is contained in this new clause submitted by Mr. Mattiske because it does not appear on the notice paper.

The Hon. R. C. Mattiske: This proposed new clause was on the notice paper on Tuesday last.

The Hon. F. R. H. LAVERY: I am not going to accept an amendment such as this from Mr. Mattiske or anyone else unless he is prepared to tell us where the amendment can be found so that we can immediately put our hands on it.

New clause put and passed.

Bill again reported with further amendments.

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [9.23 p.m.]: I move—

That the Bill be now read a second time.

This Bill is, to the extent that the Administration Act functions as an assessment Act to the taxing measure, complementary to the Death Duties (Taxing) Bill, reference to which is made in clause 5 of this Bill.

The parent Act provides that the net value of the property of the deceased means the value of the property at the time the property was distributed. This has been the cause of increasing difficulties in administration, mainly through a rapid upward revaluation of properties which can take place during the period of administration.

The original law provided that distribution was to be on the value of the property at the date of death, and that is what is proposed in this Bill.

There is a further clause which provides that, in respect of income derived from the property of a deceased person being paid as to 5 per cent. to the husband or wife of the deceased absolutely, and the remainder to be distributed among the persons entitled to the distribution, the income derived from the property shall be distributed among persons entitled to it in the same respective proportions to which they are entitled to share in the distribution of the property.

The amendment to section 69A is in relation to a dwelling-house worth not more than £6,000, and estates worth no more than £10,000, and the purpose of the amendment is to extend the same privilege in regard to deferment of duty to the husband of a deceased woman, as well as to the widow of a deceased man.

The final amendment deals with gifts to assisted schools in particular. The Assisted Schools Abolition Act of 1895, which is still in force, effectively debars gifts or devises to any independent schools from being duty free because, under the Act of 1895, they cannot receive any grant and aid.

The purpose of the amendment is to overcome this by permitting gifts to efficient schools under the Education Act so that when a school—no matter in what category—is prescribed as an efficient school, a gift or devise to it shall be duty free.

Debate adjourned, on motion by The Hon. F. J. S. Wise.

DEATH DUTIES (TAXING) ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [9.26 p.m.]: I move—

That the Bill be now read a second time.

The 1959 policy speech of the Liberal Country League proposed that the matrimonial home, up to a value of £4,000, be exempted from probate duty, subject to safeguards about the genuine use of the home, as such. It also proposed to exempt proceeds of life assurance policies and superannuation benefits up to £2,500. Those proposals were examined by a committee. The committee reported that they would result in a loss of revenue estimated at £70,000 per annum. Such loss would occur unless compensating adjustments in other rates were made.

The examination also disclosed that the implementation of those proposals would create two problems. The first of these

would arise as a result of the differential treatment between estates of comparable values passing to the same class of persons. The second would lie in the administrative difficulty in accurate determination of the "matrimonial home." The exemption from duty on the matrimonial home up to a value of £4,000, would be quite unfair to people forced, because of age or ill health, to dispose of the home and reside, in, say a flat. It is probable that the number of people following that course is on the increase.

The determination of the family home and its value would be particularly difficult, for instance, where that home was situated on a farming property, or where it was attached to business premises, or in the case of portion of the property being let or leased. One of the important problems in connection with the proposal to exempt life assurance policies and superannuation benefits which would arise, would be in respect of those people who have made investments in other directions, such as company shares and debentures, unit trusts, Commonwealth bonds, etc.

It eventuates that the committee's recommendation was to raise the exemption rather than restrict the concessions to the specific assets, proposed in the policy speech. By accepting such recommendation, the Government has removed any semblance of preferential treatment as between similar classes of people, and provides an equitable benefit to all persons within those classes. Accordingly, the Bill proposes the amendment of the Death Duties (Taxing) Act with a view to providing a reduction in the amount of duty payable on estates passing to the widow or widower, parents, brothers, sisters and children, who are domiciled in Western Australia.

The rates set out in the Bill show that the exemption from probate has been increased by £1,500 on estates up to a value of £6,000; £1,125 on estates with net values between £6,000 and £8,000; £1,000 on estates with net values between £8,000 and £10,000 and by £750 on estates exceeding £10,000. The existing rates provide for a uniform exemption of £1,000 on all estates.

The new rates will reduce probate duty by £56 5s. on all estates passing to the class of beneficiaries previously mentioned. The scales for estates up to a value of £10,000 take into account the concessions previously provided under section 100B of the Administration Act. For example:

Estate valued at	Existing			New		
	£	s.	d.	£	s.	d.
5,000	150	0	0	93	15	0
7,000	316	13	4	260	8	4
9,000	487	10	0	431	5	0
15,000	1,320	16	8	1,264	11	8

This concession will cost approximately the same amount as that which would be the case if the proposals in the policy

speech were approved. The total cost for a full year will be £70,000; and for the balance of this year £25,000.

The passing of this measure will give an equal concession to all persons falling within the categories set out in the Bill. In actual fact, the introduction of this Bill is not breaking new ground in Australian legislation because it has been the practice in other States to give varying exemptions for estates passing to different classes of beneficiaries.

Debate adjourned, on motion by The Hon. F. J. S. Wise.

DOG ACT AMENDMENT BILL

In Committee, etc.

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 6A amended—

The Hon. L. A. LOGAN: I tried to find suitable amendments to cover the points raised by Mr. Loton regarding section 6A, where the local authority refuses to license a dog because it is diseased or for some other reason laid down in the legislation. It was discovered that there was no provision to cover what was to be done with such an animal.

The amendments standing in my name will cover cases where licenses are refused, or where licenses are granted after appeals against the refusal to license have been upheld. I move an amendment—

Page 2, line 17—Delete the passage "Subsection (1) of section", and substitute the word "Section."

Amendment put and passed.

The clause was further amended, on motions by The Hon. L. A. Logan, as follows:—

Page 2, line 18—Insert after the word "amended" the passage "(a)".

Page 2, line 21—Add after the word "mischievous" the following:—

(b) by adding after subsection (1) the following subsection—

(1a) The registering officer shall, as soon as practicable after he receives the direction of the local authority, serve written notice of it on the owner of such dog.
Penalty: Two pounds;

(c) by adding after subsection (2) the following subsections—

(2a) Where the Local Court affirms the direction of the local authority, the Court shall direct an officer

of the local authority to destroy the dog the subject of appeal, and thereupon that officer shall seize the dog and shoot it or cause it to be shot.

(2b) Where the owner of a dog, the registration of which has been refused, does not appeal as provided in this section, the clerk of the local authority that refused such registration shall, as soon as practicable after the time prescribed for making the appeal has expired, apply to a justice for an order authorising the seizure and destruction of that dog.

(2c) Where on an application under subsection (2b) of this section the justice is satisfied that the owner of the dog has been given notice of the reason for the direction to refuse to register the dog and has not appealed against it as provided in this section, the justice shall direct an officer of the local authority to seize the dog and shoot it or cause it to be shot.

(2d) Where the Local Court quashes a direction of the local authority made pursuant to subsection (1) of this section and directs the registration of the dog, the registering officer of that local authority shall, upon payment of the appropriate registration fee, register the dog as directed by the Local Court;

(d) by adding after the last line of subsection (3) the following passage—

Penalty: Five pounds.

Clause, as amended, put and passed.

Clauses 5 to 7 put and passed.

Clause 8: Section 29 amended—

The Hon. L. A. LOGAN: I move an amendment—

Page 4, line 35—Insert after the passage "person," the passage "being a male, or a female who is then unmarried and".

Mr. Cunningham raised the point regarding natives who were granted the concession to have dogs registered free of cost. He appeared to have forgotten that the term "adult" had been retained in the Act. It is difficult to ascertain how far we should go in regard to this concession. It may appear that with the passage of this amendment the gate will still be left open.

This amendment will give a female adult native, who does not have a husband, the right to have a dog registered free of cost.

The Hon. J. M. A. CUNNINGHAM: The amendment will not bring this matter to a happy conclusion. The amendment merely gives the right to an adult male or female native to have a dog registered free of charge.

The Hon. L. A. Logan: Not to the wife of a native.

The Hon. J. M. A. CUNNINGHAM: We have to consider the customs of our native communities; and we would realise how useless is the amendment if we were familiar with their customs. Common ownership among natives is so deeply ingrained in their culture that a native woman, who loses her husband, becomes the responsibility of the community. She owns nothing. Even if her husband owned a few dogs, on his death she does not take possession of them. They become the property of the group. She would not be expected to take ownership of the dogs to use them for hunting food for herself and her children. This amendment to enable the widow of a native to register a dog free of charge is of no value. It does not do anything other than allow an opening for the natives in a camp to use a widow in the group as a means of having another dog licensed free.

Members are inclined to treat this matter with some levity but it is serious to the people concerned, and we have to be fair and reasonable to the people who are suffering from the menace created by the great number of dogs at large. I suggest it would be far better to leave section 29 as it is and only alter subsection (2). I agree the provision would probably be improved if we inserted "any adult person" instead of "any adult male aboriginal."

The Hon. L. A. Logan: Clause 8 of the Bill is all you want.

The Hon. J. M. A. CUNNINGHAM: Yes. We should leave subsection (1) as it is. Subclause (2) (b) in the Minister's Bill should be altered, however, because outside the limits of a town or townsite is the very place where we will find these dogs because that is where the natives hunt. If any officer is entitled to shoot a dog on sight because it is outside the townsite—

The Hon. L. A. Logan: Only one that is not registered.

The Hon. J. M. A. CUNNINGHAM: A policeman may shoot a dog anywhere if it is not registered, but under this provision even if a dog is registered it could be shot if it were outside the limits of the town. I would suggest that the words "town or townsite" should be deleted and the words "native reserve" substituted. I submit that would meet the requirements of all concerned without breaching the Act.

The Hon. L. A. LOGAN: There is a much simpler way out of it than that, and that is to leave clause 8 of the Bill as it is but delete the word "and" in paragraph (a), and delete the whole of paragraph (b). I therefore ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. L. A. LOGAN: I move an amendment—

Page 5, lines 9 to 11—Delete all words from and including the word "and" in line 9 down to and including the word "district".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 9 to 11 put and passed.

Title put and passed.

Bill reported with amendments.

BUILDERS' REGISTRATION ACT AMENDMENT BILL

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement—

The Hon. H. C. STRICKLAND: When speaking on the second reading I asked the Minister whether the Government was likely to proclaim this Act throughout parts of the State or the whole State and I think the Minister postponed the Committee stage of the Bill until later in the sitting in order to gain some direction in the matter.

The Hon. A. F. GRIFFITH: Yes. I have had an opportunity of conferring with my colleague, the Minister for Works, and he tells me it is not intended at all at this stage that this legislation shall apply in the country. He has given no consideration to its being extended.

Clause put and passed.

Clauses 3 to 10 put and passed.

Clause 11: Section 10B amended—

The Hon. R. C. MATTISKE: I move an amendment—

Page 10, lines 26 to 28—Delete paragraph (b).

Section 10B provides that where any building work is being carried out by a partnership, the partners, or one of them, shall manage and supervise the building work, and so have his name, registered number, class of registration, etc., displayed in all advertisements. When this measure was being dealt with in another place they included in that provision that the partner is registered as a registered builder under the Act, which would have

this effect: that only partners of what we formerly knew as "A"-class builders would be permitted to operate in accordance with the Act in the future. I understand that was not the intention of the Minister, and that he required to accede to the recommendations of the Honorary Royal Commission that any partnership, whether it had "A" or "B"-class builders connected with it could be empowered so to act. This amendment is to give effect to the intention of the Minister.

The Hon. A. F. Griffith: The amendment is acceptable.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 12: Section 10C amended—

The Hon. R. C. MATTISKE: I move an amendment—

Page 10, lines 34 to 36—Delete paragraph (b).

This is exactly similar to the amendment just agreed to, except that in this case it relates to building work being carried out by a company or a body corporate.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 13 to 18 put and passed.

Title—

The Hon. J. M. THOMSON: I rise to support the title of the Bill, and my purpose in doing so is to say a few words before the Committee stage is passed. It is pleasing to note that the Bill has had such a quick passage through this Chamber. I am also glad to see that the classifications of builders have been removed so that builders will be simply registered as builders. This Bill affords opportunity for those who are unregistered to become registered by virtue of their experience as builders and supervisors.

I am pleased to see that the Bill eliminates class "B", but will enable such a builder to become a builder within the meaning of the Act if, over five years, he has carried out building work to the value of £12,500 each year. That should present no difficulty in view of present-day building costs. The Bill will also be generous in its application to those who fail to qualify for registration, as it will enable them to continue as journeyman builders; and that type of builder will become fewer and fewer as time goes on.

I am sorry that we have not seen included in the scope of the activities of the board at least the South-West Land Division, because I think the provisions of legislation such as this could well apply to the more populated rural areas. People in those areas are just as much entitled to protection in regard to building as people who live in the city. However, there is a provision in the Act to cover that aspect although as yet no action has been

taken in regard to it; although in my view some thought could be given to covering the areas I have referred to. I thank the Committee for the opportunity of being able to say these few words on such all-important legislation which deals with the building industry in this State.

I appreciate the difficulties that would confront the Builders' Registration Board, if its scope were extended to cover country areas. But in collaboration with local authorities, I think it could extend its activities at least to the more populated rural areas, and the secretary-engineers could do the work done by inspectors in the metropolitan area in regard to the supervision of buildings. Of course where there were no local officers available the Act could not apply. I trust that in due course the board will give serious thought to extending its activities to other parts of the State such as I have mentioned.

Title put and passed.

Report

Bill reported with amendments and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and returned to the Assembly with amendments.

TRAFFIC ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st November.

THE HON. G. E. JEFFERY (Suburban) [10.13 p.m.]: I rise to support the second reading. The Minister outlined the reasons for the measure, and my comments will be brief and to the point. One clause in the Bill will tidy up the definitions and at least make them much clearer than they are, and will make it much harder for anyone to slip out from under.

As regards the amendment to section 8, the Act at present provides that taxis shall be in the proportion of one to every 600 of the population. As the Minister has said, at the moment the proportion is one to 584, and it is intended to bring the figure up to one to 700. I am certain, of course, that if, when the figure reaches one to 650, there is a lessening of the services rendered to the public the Government will make the figure one to 650 of the population instead of one to 700. I think that is a fair thing and it leaves room in which to experiment.

One thing that amazes me regarding the taxi industry is that although there are people who are always wanting the proportion of population to taxis increased, the figures show that the ratio in Perth is the lowest in Australia. Another thing that amazes me is that in the business world one can judge fairly well by the market price of the shares in a company the

financial position of that company. If there is a fall in the price of the shares one knows that the company's financial prospects are not good, but if its shares are high in price, accordingly its financial prospects are bright.

The Minister for Mines, the Minister for Local Government, and I have vivid recollections of interviewing a number of taxi owners some two or three years ago. We were amazed that despite the great poverty in the industry—and all taxi men agreed on this matter—they said that their taxi plates were worth £500 each. I am told they are still worth that sum. That is one of the miracles, or I should say, mysteries of the modern age—that in an industry, which has very little prosperity taxi plates are still worth £500.

As I say, the figure of one taxi to 700 of the population is quite fair, and the Government can adjust it accordingly if it is not. So I see no reason why we should not agree to it.

One other thing that surprised me was when I read that through an oversight the local governing authorities had received quite a sum of money more than they should have received from license fees. We find now, of course, that was brought about by the fact that 22½ per cent. of the finance collected should have been paid to the main roads contribution funds account. I hope some of my friends who are members of local authorities and who have hounded me, because they felt they were not getting enough by way of traffic fees, will read *Hansard* and realise that despite their complaints they have received considerably more than they have been entitled to. The amendment in the Bill is to regularise what has been done and I see no objection to it.

There is a further amendment in the Bill which makes provision for the placing, erection or installation on roads or footpaths of traffic signs and lights, etc. necessary for the safe and efficient working and control of traffic both vehicular or pedestrian by the Commissioner of Main Roads. I think the Bill is timely and I see no reason why it should not be agreed to.

THE HON. F. R. H. LAVERY (West) [10.16 p.m.]: While I support the second reading of the Bill I do want to draw the attention of the Minister to a situation which has arisen in the taxi business, particularly as it relates to taxi drivers not being sure whether or not they are permitted to pick up passengers. I make this complaint in the hope that it will eventually reach the right place.

My complaint refers in particular to the position which obtained at the Royal Show both this year and last year where people found it impossible to get within a mile of the show ground, with the result they had to park their cars some distance away. Mine was a case in point.

Last year I received a message over the public address system that I was required at the secretary's office. Having attended at the secretary's office I had urgent reason to leave the show grounds. My car was at least a mile and a half away.

While I freely admit that it is necessary for the sake of order to have taxis lining up, I found it impossible to get a taxi to carry me that short distance. When I approached one of the drivers he said he was not interested because it was only a three bob run.

Eventually I had to approach a constable and ask him to get me a taxi. Strangely enough, when I was leaving the other end of the ground this year there were only five taxis on the rank in Loch street. As soon as they knew that I wanted to travel a short distance they refused to take me. I took the numbers of the vehicles and I intended to report them. But I thought better of it, because I felt perhaps they were hoping to pick up a more lucrative fare. The trouble is that once they got out of the line it was impossible for them to get back again.

It is most essential to draw attention to this matter, particularly if we intend to attract tourists to Western Australia, and to make an impression on them during the Empire games. I suggest the Minister place this matter before the Commissioner; because while for the most part the taxi drivers in this State are second to none when it comes to courtesy, there does appear to be a group now entering the industry who want to please themselves as to whether they pick up passengers or not.

THE HON. G. BENNETTS (South-East) [10.19 p.m.]: One feature of the Bill with which I am in favour is the regulation of the licenses which are to be issued, with a view to keeping them down to a certain number of licenses per head of population. As the population increases so the number of licenses can be increased.

I happened to be a member of a local governing body which controlled the issue of taxi licenses. After taking into consideration the amount of money the taxi owners were paying and the amount they were receiving we tried to keep the numbers down to 12 taxis for the area in question. That seemed to work satisfactorily. After a while we had a change of members on the council and it happened that one of the new ones was a member of the R.S.L. He pointed out that there was a member of the R.S.L. who was suffering much hardship and disability and he moved for the issue of a further taxi license. So the number was increased.

Like the taxi operators in the metropolitan area, these people work long hours and get very little out of it. If a man puts money into this industry he should be entitled to a fair return. I think the

Bill will help to keep the number of taxis down to a reasonable figure. I cannot see any apparent anomaly. It does strike me, however, that a man in private business who wishes to sell his shop may do so at any time and for any price he wishes; but people who operate taxis are not permitted to do that. So there would appear to be a weakness in that respect. After all, taxis are a business and their owners should be entitled to sell their taxis at any time they wish to do so.

There is another feature on which I would like to touch and that is the picking up and setting down of passengers in the metropolitan area. A lot of people do not understand the position and they feel they are being penalised when the taxi-driver refuses to pick them up. I have seen several arguments occur after which the taxis have driven away. I support the Bill.

THE HON. R. C. MATTISKE (Metropolitan [10.23 p.m.]: I have had a look at clause 6 of this measure and I feel it is closely tied up with a Bill to amend the City of Perth Parking Facilities Act. Under the second measure I understand that by arrangement with the Minister in another place there is a proviso that if a council fails to comply with a request after a period of 14 days then the Minister may take certain action to remove parking meters, etc.

In the measure before us there is no such reference to the proviso that if the local authority fails to concur within a stipulated period the Minister can then act. I would like the Minister to advise us on this point when he is replying to the debate, because I think the two pieces of legislation should be consistent the one with the other.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [10.24 p.m.]: With reference to the point raised by Mr. Mattiske I would say that clause 6 grants the right to the Commissioner of Main Roads for the placement of any equipment for lights, etc. The legislation dealing with the City of Perth parking facilities is in regard to shifting the meters from a particular place for taxis and omnibuses. One deals with the removal of taxis and omnibuses and the other with the Commissioner of Main Roads, who is given power to place equipment for lights, etc. They are two different purposes.

There is not a great deal I can say on the other contributions to the debate. It is obvious that some taxi drivers are still making a good living, although they are working long hours. The fact they are still wanting £500 as a transfer fee is proof that despite the long hours they work they are getting a decent living. The figure of one taxi per 700 of population is a proportionate basis for future consideration.

At the moment we think that because of the long hours worked we can probably increase the ratio. If it ever gets to the stage where the public is not getting a proper service, the figure could then be adjusted accordingly.

The point raised by Mr. Lavery is one that exists throughout Australia if not throughout the world. I had a similar experience in Melbourne. Members know that the Federal Hotel is only a few hundred yards from Spencer Street station and my wife and I really got told off for asking to be carried this short distance, because it was only a 3s. run from the hotel to the station. I agree, however, that taxis are essential and they should be prepared to take the good with the bad.

In Sydney taxi operators are under the strict control of the police and they must take the first fare offering without any argument. Perhaps if the Traffic Department knew the position that obtains here it might be able to warn drivers that they must accept the fares that are offering or be liable to get into trouble.

The Hon. F. R. H. Lavery: It is the abuse to which one is subjected when one asks to be taken a short distance.

The Hon. L. A. LOGAN: I will look into the point raised by Mr. Mattiske and I will take the Committee stage later.

Question put and passed.

Bill read a second time.

LICENSING ACT AMENDMENT BILL

In Committee

Resumed from the 31st October. The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 8: Section 149A added—

The CHAIRMAN: Progress was reported after The Hon. L. A. Logan had moved the following amendment:—

Page 7, lines 15 to 24—Delete all words after the word "but" down to and including the word "aforesaid" and substitute the words "when such premises, or any separate part or parts of such premises, are being used for a function or entertainment that is private and not open to the public and is under the control, direction and supervision of a person of at least twenty-one year of age, does not include those premises, or as the case may be, that part or those parts of the premises, while being so used."

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 9 and 10 put and passed.

Title put and passed.

Report

Bill reported with an amendment and the report adopted.

Third Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [10.31 p.m.]: I move—

That the Bill be now read a third time.

THE HON. G. BENNETTS (South-East) [10.32 p.m.]: Before the third reading is passed I would like to draw the attention of the Minister to a statement which appeared in the Press tonight. I have heard many comments in regard to this Bill; and according to the report that was in the paper this evening young people will be able to consume liquor under the provisions of this measure, provided they are accompanied by an adult. Therefore, I would like the Minister to issue a Press statement which will counteract the report in tonight's paper.

Question put and passed.

Bill read a third time, and returned to the Assembly with an amendment.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines): I move—

That the House, at its rising, adjourn until 2.30 p.m. on Tuesday, the 7th November.

Question put and passed.

House adjourned at 10.34 p.m.

Legislative Assembly

Thursday, the 2nd November, 1961

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

BILLS (2): INTRODUCTION AND FIRST READING

1. Reserves Bill.
2. Road Closure Bill.
Bills introduced, on motions by Mr. Bovell (Minister of Lands), and read a first time.