The DEPUTY CHAIRMAN (Mr. Bateman): The voting being equal, I give my casting vote with the ayes.

Clause thus passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 9.50 p.m.

Legislative Assembly

Thursday, the 12th August, 1971

The SPEAKER (Mr. Toms) took the Chair at 11.00 a.m., and read prayers.

BUSINESS OF THE HOUSE

Delay in Passage of Bills: Request by Leader of the Opposition

THE SPEAKER (Mr. Toms) [11.01 a.m.]: I am led to believe that towards the end of business last night there was a little misunderstanding. It is the desire of the Leader of the Opposition, with the consent of the Premier and the House, to make a certain request to the Premier. Is the house agreed?

Mr. J. T. Tonkin: I agree.

SIR DAVID BRAND (Greenough—Leader of the Opposition) [11.02 a.m.]: Thank you very much, Mr. Speaker, and I also thank the House for its indulgence. I agree there was, perhaps, a little misunderstanding last night. At least, I felt very upset even though no one else may have been affected.

I raised the point that the House had moved to the third reading stage of the Offenders Probation and Parole Act Amendment Bill and the Land Tax Assessment Act Amendment Bill without further explanation of both Bills when I felt there had been an undertaking in this regard.

In the first place might I say I understand that the intention of the Government to go on with Government business, following the conclusion of private members' business on private members' day, was advised by the Government Whip to our Whip. However, here again there seems to have been some misunderstanding: At least, I was not informed. As proof of the misunderstanding in this matter the Treasurer—who did undertake to explain certain queries relating to the Land Tax Assessment Act Amendment Bill—was not present. At least, he did not have his notes with him and he found it very difficult to get into his seat. There is no evidence that he had been advised we were to proceed with that Bill.

In the case of the Offenders Probation and Parole Act Amendment Bill, the Attorney-General delayed somewhat and missed the call. I am of the opinion that his was a genuine misunderstanding and he was waiting for a member of the Opposition to stand up.

A great deal of confusion was caused. As the time was past 9.30 p.m., and the Premier had indicated that 10 o'clock would be the adjournment time throughout the session, if possible, I thought the Premier would adjourn the House and call it a night, because private members business had been concluded.

I want to ask the Premier: Would he consider delaying the third reading of the two Bills I have mentioned in order that we might place on the notice paper our intention to request the recommittal of both Bills. I also request, at least, an explanation from the Treasurer regarding the Land Tax Assessment Act Amendment Bill before proceeding to the third reading.

I do feel that the atmosphere which was created was unfortunate, and perhaps not in the best interests of the decorum of the House. We will know better next time; we will know that we can expect to go on with Government business after private members' business if that is finished before 10 o'clock. I make my request to the Premier along those lines.

MR. J. T. TONKIN (Melville—Premier) [11.06 a.m.]: It is regretted that a little bubble did occur last evening which, I feel, might have been avoided and was not entirely due to a misunderstanding, so far as I can see. There was no intention of any discourtesy from this side of the House, nor do I admit that it actually occurred.

The necessary steps were taken from this side of the House to advise the Opposition of what was proposed. If something went wrong with the system we cannot be blamed for it. However, the request is quite reasonable and I will agree to it. I will agree that we should not proceed with the two Bills mentioned and I will take the necessary steps.

I would like to point out we made it clear at the commencement of the session that our aim was to try to eliminate the long sittings which almost invariably occur at the end of sessions. We made it clear we would endeavour to finish about 10 o'clock in the early part of the session. So far we have been able to stick fairly closely to that time.

When considering the notice paper for yesterday's business it would have been obvious to anybody that in the ordinary course of events private members' business would be disposed of very early. As a matter of fact, if one Minister had not chosen to reply there and then to one of

the motions, and it had been adjourned, we would have been through private members' business much earlier than was the case. Surely it cannot be argued that because private members' business is concluded we should go home when we have other business to consider. From my long experience the Government has invariably proceeded to Government business when private members' business has been disposed of if there is time to spare and it is the desire of the Government to push on with legislation.

I did not vary the order of business last night. If I had brought forward some orders of the day in order to take them earlier than ordinarily would have been the case there would have been some cause for objection. When we came to order of the day No. 4, surely anybody watching the notice paper would have readily appreciated that it would be extremely likely that we would be dealing with that order of the day and, for that matter, with orders of the day Nos. 5 and 6.

Having taken the necessary steps to advise the Whip of my intention, it could be expected that the Opposition would know. I do not know at this stage, because it did not occur to me at the time, whether the Country Party was advised or not.

Mr. Gayfer: Definitely not.

Mr. Nalder: No.

Mr. J. T. TONKIN: I regret that very much and in future I shall see that the position of the Country Party in the House is recognised just as much as the official Opposition. The Country Party will be advised of what the Government's intention is.

Sir David Brand: Just to make it clear, I believe our Whip queried this situation with your Whip.

Mr. J. T. TONKIN: In view of what occurred and the fact that we had no wish to avoid any further discussion on these matters, I consider it is quite reasonable for us to agree to the request of the Leader of the Opposition. I have no objection at all to that course. When we come to Orders of the Day Nos. 1 and 2, I will move that they be postponed.

SIR DAVID BRAND (Greenough—Leader of the Opposition) [11.11 a.m.]: Through you, Mr. Speaker, I should like to thank the Premier and say that we shall be ready for any developments such as this in the future.

I wish to query one point the Premier made. In our 12 years in Government I do not think we ever went on with Government business on private members' day—at least not until later in the session. However, I do not want to further any argument on this point, but I shall content myself by looking up the record.

RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. T. D. Evans (Treasurer), and read a first time.

VERMIN ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th August.

MR. MENSAROS (Floreat) [11.13 a.m.]: Indeed it was with some relief that we listened to the second reading speech of the Treasurer. I might as well say it, because we on this side were perhaps prepared for the worst; that is, the reintroduction of the vermin rate. Even during the short period of this session of Parliament we have been told by the Government, through official questions and by way of interjection, that we should be kept guessing regarding the intentions of the legislation. I can only say that if all our guesswork has such results, we will not be an unhappy Opposition. The Treasurer, however, sounded a small warning. He said in his second reading speech that if we are naughty boys and do not accept his proposals he might reimpose the rate.

Mr. T. D. Evans: The Treasurer did not say he was going to impose a rate.

Mr. MENSAROS: I am referring to the Treasurer's second reading speech. He said that if the retrospective legislation is not accepted two possibilities remain; either to do away with the vermin protection, which is unthinkable, or to reimpose the rate.

Mr. T. D. Evans: Would the member for Floreat care to read the passage of the second reading speech to me to justify that statement?

Mr. MENSAROS: Yes. The Treasurer said—

> This is quite apart from the financial result which could well mean either the cessation of vermin protection, which is unthinkable, or the possible reimposition of the rate . . .

Mr. T. D. Evans: I said that it was unthinkable. There is no suggestion in my speech that it would be introduced.

Mr. MENSAROS: According to my understanding of grammar the word "unthinkable" relates to the first part of the sentence, that is, to the reference to cessation of vermin protection; however, this is not the most important thing. At the outset I want to say that I will not discuss the rural aspects of the measure. Some members may wonder why a metropolitan member took the adjournment, but as is obvious, because the Treasurer introduced the measure, questions of taxation and the very important principle of retrospectivity are contained in the Bill.

The Bill before us, as I said, wishes to introduce the principle of retrospectivity with respect to certain past exemptions from paying vermin rates. In 1951, exemption of vermin tax on land not in excess of 10 acres in area was introduced and, in 1964, this exemption was reduced to a maximum of five acres. It is proposed retrospectively that exemption from vermin rates shall apply only if the aggregate of other parcels of adjoining, touching, neighbouring or contiguous—being the word used by the Treasurer—land held by the same owner do not exceed 10 and five acres respectively.

This brings in the very important principle of retrospectivity. I think I am correct in saying that, when in Opposition, the Labor Party quite often argued against this principle of applying retrospectivity in legislation and, in my opinion, rightly so. I dealt with this principle myself when we were legislating to amend the City of Perth Endowment Lands Act. A validation clause was contained in that Bill when it was before the House. My approach at the time was that retrospective legislation should be generally condemned unless it legalised some long-practised usage which was never challenged—and this is the important principle here—and if it did not result in any disadvantage, inconvenience, loss, or burden to any person. I compared this type of retrospective legislation with the law of real servitude, which is the same principle; namely, if I walk through someone's property and am never challenged, after a certain amount of time I acquire some rights of use to the property. I emphasise again that the condition is that there shall be no challenge.

The Treasurer gave reasons and arguments for this retrospective legislation. He said that it is desirable to apply retrospectivity because of the case of one ratepayer who objected against the assessment and therefore challenged the practice which, according to the law, was a wrong practice. The Treasurer then went on and made what I consider has been the understatement of the session when he said—

> On close examination of the Act, and after obtaining Crown Law advice, it was evident that the claim by the ratepayer has some substance and that the deficiency had existed since 1943.

On close examination, I think every member would say that it does not have some, but every, substance. I am sure the Treasurer, as a lawyer, would be the first to admit this. My question is in connection with the reason given for the legislation. Is the challenge, which we know has been made, reason enough to bring in retrospective legislation which, of course, will hit the challenger?

Being practical, we know very well that 99 out of 100 people—or perhaps an even higher percentage—who receive assessments will not sit down, look through all the Acts and amendments, query whether the assessment is lawful, or go to a solicitor to have the assessment checked. They will accept the assessment on its face value, because it comes from the authority, and pay it. When the commissioner adopts an absolutely wrong interpretation—an interpretation which, of course, suits the Treasurer—is it fair to penalise a ratepayer who takes the trouble, and perhaps expense, to find out the correct meaning of the Act so that he knows it better than the administrator or the commissioner?

In a case of litigation between the Crown and "X", the Crown can always cause to legislate but "X" cannot. Should we create the precedent that every time there is litigation involving the Crown and it appears that in law the result will not be very convenient for the Crown, the case is adjourned so that we can legislate to produce a result which is convenient for the Crown? I do not think that is fair; nor do I think it is a correct principle.

Apart from this case, being his reason, the Treasurer put some arguments in support of his intention to legislate retrospectively. His arguments were twofold and they read—

> In any case it is clear enough by virtue of subsequent amendments and the continuation of the practice of aggregation that it was not intended to remove this principle in 1943.

Let us look at this very carefully. With due respect, I must reject those arguments and say that they are not at all relevant to the contention that it was not intended to demolish the principle of aggregation in 1943. Whatever subsequent amendments might contain, are those amendments relevant to the intention in 1943? I cannot see the relevance.

Supposing, but not allowing, that if in 1943 a mistake was made and the legislation had the result of whitening something that was black, and if subsequent legislation were aimed at saying, "Yes, it is black," does that prove that the intention was wrong in the first place? I do not think it does; nor do I think that the continuation of the practice of aggregation points to the intention of the Legislature in 1943.

If I am wrong in interpreting the way an Act should be administered, that does not mean that I change the intention of the legislator. Surely one cannot say that because a continuous practice was, in fact, illegal—and we must admit that it was—the consequence is that the original intention was wrong. I do not see any connection; otherwise I would have to refund all the fees I have paid to various universities where I spent 2½ years only on studying logic and philosophy as major subjects.

For argument's sake, I will suppose—but not allow—that the intention of the Legislature in 1943 had anything to do with the

present contention of the Treasurer. I would like to show, perhaps at some length, that the intention of the Legislature in 1943 was not different from the expressed provisions of the Act. There is only one member of this House, the Premier—and, unfortunately, he is not in his place—who would personally recall the debate in 1943, as he took part in the division on one question.

What happened in fact was that a private member's Bill was introduced to amend the Vermin Act. Notice of the Bill was given as early as the 28th October, 1942. The Bill was discussed in both Houses and reached the Conference of Managers' stage on the 13th April, 1943; that is, six months after notice of the Bill had been given. With your permission, Sir, I will go into some detail to illustrate my point that the intention was to abolish aggregation. It is quite clear that after almost constant deliberation for six months there was no mistake made in the final wording of the Bill passed, and that the Bill did express the intention of the Legislature.

Let us look at the history of this amendment in 1943. It was introduced by Mr. Seward, the member for Pingelly, in an endeavour to create a situation whereby a farmer who fenced part of his property should be exempted from paying vermin tax at least for that portion of the property. He mentioned that there were two vermin rates. He did not deal with the rate that was due to the central vermin board, but with the rate that was due to the road board for rabbit protection.

Mr. Seward's logic was very clear when he introduced the amendment. He said, first of all, that certain people were physically not in a position to fence the whole of their properties—which was the requirement of the Act at the time—because the properties might be crossed by rivers or roads. To adhere literally to the Act, one would have to fence one portion of the property, go around the river shore and fence the other part, and go around the river shore again. The same situation applied to roads because one could not put a fence across a road. One could not therefore totally fence the whole of the property because the fencing required would be three or four times the central perimeter of the property.

Mr. Seward's argument continued that in any case a farmer might have half or three-quarters of his property uncleared and he would normally only fence the section he used for agricultural purposes because, obviously, that would be the section he wanted to protect. The member for Pingelly also said that the amendment would provide an incentive to farmers. He pointed out that the vermin rate was not a kind of insurance for farmers whereby a farmer could say, "All right, I pay the vermin rate; I am therefore insured against rabbits and I do not have to do anything because the inspectors will come and shoot the rabbits." He also said the vermin rate was not a business from the point of view of the road board; that the road board received the rates which covered the appointment of an inspector or the issuing of poison to farmers so that they could bait for rabbits.

In introducing his amending Bill the member for Pingelly said the Act should aim to eradicate this vermin danger and that everyone should co-operate. He said farmers should be given the incentive to fence as much of their properties as they could by exempting them from paying the vermin rate for the fenced portions of their properties. The shire or road board should continue with the protection measures for the other portions of the properties for which rates were continuously to be paid.

To digress for just a moment, it is quite interesting to note that he also queried why the ratepayer could not be sold the poison by the road boards at a figure below cost. That was apparently the usage at the time. However, some auditors maintained that road boards cannot cause a loss to the ratepayers by selling the poison below cost price. The member for Pingelly wanted to allow this practice to continue. However, this does not really concern the amendment.

The Minister for Agriculture at the time —he was a Labor Minister—opposed the amendments in the Legislative Assembly and he was successful in moving to strike out the words, "or part thereof" which related to the property. Therefore, he achieved the situation whereby once again the whole of the property would have to be fenced. Finally there came a compromise; and it was agreed that any land should mean land which is under one certificate of title. At that stage, even in the Assembly, it did not matter whether the property was contiguous. Therefore, in the case of three title deeds it did not matter whether the properties were next to each other or apart. The main thing the Minister of the time wanted to achieve—against the original amendment—was that the one title should count.

Therefore, a person would have been able to fence one of his properties if it was under one title deed, and leave the other properties unfenced; and he would have been exempted from the vermin rate in regard to that property which was fenced. Of course, that was not the intention of the original amendment, because the original amendment sought to achieve that even a property under a single title deed, if it is fenced separately, should be eligible for proportionate rebate in regard to the rate.

The Bill then went to the Legislative Council and the debate was adjourned on the 8th December, because the Government was in minority in that House, and it was

suggested that there were other means of achieving roughly the same objective of the original Bill. The Council later amended the Bill back to the form in which it was originally introduced and returned the Bill to the Assembly. The Assembly did not accept the Council's amendments, and sent the Bill back to the Council. An interesting situation then arose—this was after the recess—in which the members concerned had discussions with officers of the Crown Law Department and various other people. The members of the Council opposed the message from the Assembly for a technical reason—not because they did not agree, but because they found out later that there was a better way of achieving the original contention; and that was by amending another paragraph and not the one originally intended to be amended.

I would like to weary the House by reading a passage from the debate which occurred because I believe it describes the situation far better than I am capable of doing. At that time in the Legislative Council—and this is reported at page 2531 of *Hansard* of the 24th February, 1943—the member who dealt with the Bill explained the position thus—

> Section 59 provides that any property which is totally enclosed with a rabbit-proof fence is exempt from local vermin rates and it was sought to add an amendment in the original Bill that when only part of a property was enclosed the part of the property so enclosed should be exempt from vermin rates. The Minister concerned in another place—

that is, the Assembly. To continue—

> —would not agree to that and had inserted the words, "provided the enclosed part of the property is comprised in one or more titles." That is how the Bill came to this House. The amendment agreed to by this House deleted the words, "one or more titles." The Bill went back to another place and the Minister would not agree to the deletion. There was a conference with the Crown Solicitor and it was decided that the best way out of the difficulty would be to amend not Section 59 but Section 4 which deals with the definition of "holding."

Reference to this is made in the Treasurer's second reading speech. To continue—

> The only way to ensure that is by a conference and the only way to secure a conference is to insist on the amendments.

Therefore, there was a technical reason for the Council not accepting the amendment. The matter went to a conference and, to conclude the history, the conference amended the definition of, "holding." The amended definition created a situation in which there was no aggregation. Surely, having considered that history, nobody can say—as the Treasurer or his advisers said—that the intention in 1949 was not to abolish aggregation. That was very much the intention, and it was deliberately so. The principle was done away with only after a long and advised deliberation.

Therefore, I feel there is no justification to punish—so to speak—the ratepayer who does the right thing by the law and insists on not paying his assessment because in fact he has been assessed illegally. I do not think this is a matter of party politics or party ideas; I think it is a matter of principle to which Parliament should adhere if we want to uphold the proper reputation which belongs to this Parliament.

There is, of course, the other side of this matter—and I suppose it is more important practically—with which the Treasurer dealt when he said that it is impracticable or impossible to refund already paid rates based upon what I contend to be illegal assessments—or perhaps I could say an assessment by error. I sympathise with the Treasurer and I can appreciate the difficulties he mentioned, although I think those difficulties are not at all insurmountable. I imagine it is possible to advertise a deadline for claims for refunds. Perhaps that deadline should not be as short as the one imposed by the Minister for Railways on a Saturday morning till that Saturday noon in relation to higher railway fares, and which was pointed out by the member for South Perth. I feel the deadline should be along the lines of allowing people to lodge claims for refunds until a certain date, and if the claims are not received by that date they cease to exist.

I do not know whether that could be done simply or whether legislation would be needed. That is not for me to say. But surely the Treasurer would have available to him all the advice he needs in regard to it. I merely wish to point out that it is not at all impracticable or impossible. An interesting question arises here: How would members on the other side of the House decide on this matter after having heard their leader argue so strongly and so convincingly for the case that taxes should be refunded if they are levied illegally?

Every one of us will recall the speeches the Premier made during the debates on the Supply Bill and on the Address-in-Reply only last year, when he argued about the taxpayer's right to a refund of illegally collected taxes. Perhaps for the benefit of new members only, I might quote one short passage of his speech which he made on the 11th August, 1970, and in which he said—

> The Government is liable to refund the tax that had been paid for a number of years previously in the same way as the Shire of Jarrahdale was obliged to refund to Bell Bros.

> the whole of the license fees paid for many years for the right to quarry stone.

He then went on to say—

> So for a start the Premier should be commencing to refund money from the inception of the tax up to the date of the High Court decision at least, even though I believe his responsibility extends beyond that.

On another occasion, in fact only a day later, the 12th August, 1970, he said—

> By this unanimous judgment, every person who has paid stamp duty under the section which has been declared invalid is entitled to a refund of his money and is bound to get it.

I do not think it matters whether or not an illegal assessment and/or collection was invalidated by a court as long as it is illegal.

The SPEAKER: You can get back to the amendment now.

Mr. MENSAROS: I am sorry, Mr. Speaker. I do not intend to canvass your remark or your ruling, but the same principle, from the point of view of retrospectivity, applies to this amendment as it does to the receipts stamp duties which were assessed and paid, but which were levied illegally.

I do not, however, quite agree that these people who have already paid have a legal right to a refund of vermin rates. Even if they were entitled to a refund, I would be much happier to go halfway. As I said when I dealt with the rebate question, I fully appreciate the difficulty faced by the Treasurer. However, I do think that there would be much less injustice if the people were not entitled to a rebate after having paid the rates. Contrary to my opinion, it is found that people who have paid the rates on past assessments which were not in accordance with the law, are entitled to rebate but their claim could be invalidated within the framework of this Bill or by a separate measure.

I think, however, it is a gross injustice to penalise those who took the trouble to obey the law and to tell them now that the rates should be paid retrospectively. Under criminal law, of course, there is the principle that ignorance of the law is no excuse. That principle could be turned around in this instance by saying that no person should be discriminated against because he knows the law, as, in fact, this is the situation.

I do not intend to move an amendment because, quite frankly, last night's events convinced me that it is not very practicable and serves no useful purpose to move an amendment. Nevertheless I request the Treasurer to go into this matter a little deeper and make a study of the history of the amendment to ascertain whether he was rightly advised to say that the intention of the Leglislature was different. He should get a few more facts for the information of myself and for the House so that we are in possession of them. Such information can easily be obtained by him. The Treasurer could then decide whether he wants to continue with this principle of retrospectivity.

The facts I am referring to concern the number of outstanding assessments. This would not be hard to establish, because it should be known by the commissioner. The Treasurer mentioned one assessment, but there could be 10 or 15 more. However, I do not think there would be many more. Therefore it would not cost the Treasurer much to do the right thing. He could also ascertain the legal aspect—as I said before—that is, whether the Treasurer would be obliged, in accordance with existing law, and without even passing this Bill, to refund those rates which have already been paid.

The Treasurer could then ascertain, if he is obliged to refund the rates; whether this legislation could be amended in a way to prevent refunds being made by the Treasury. He could so observe the principle of not legislating retrospectively should this cause inconvenience, hardship, or loss to any person, yet he could still be practical about the refund.

I suggest advisedly, and in all seriousness, that if this measure is bulldozed through without further thought it would absolutely and utterly discredit the Premier's own principles, and further, it would damage the respect that I and others have for the Premier as a man of principle. The Premier is willing to sacrifice millions of dollars from the meagre funds of the Treasury to uphold his principle in regard to the receipts duty tax; that is, by refunding the tax which he believes was unlawfully collected.

I do not suggest that we go as far as that. I do not ask that the unlawfully collected vermin rates should be refunded. I merely ask, based on a smaller, but stronger, part of the Premier's principle, that those people should not be penalised for keeping within a law which this Parliament approved.

The Opposition which takes its role and responsibility much more seriously than does the Government, has decided not to obstruct the passage of this legislation. This is based on its recent experience, in that it cannot see any purpose being served by such action. Nevertheless, the Opposition does throw the ball deliberately and firmly in the Government's court. It is for the Government to prove to this House and to the public generally that it takes its role seriously; or, alternatively, that it is contemptuous and arrogant. These were the accusations that were levelled against the Opposition when it was in Government.

If the Government is serious and responsible; if it regards the Premier's principles as being worth anything it will seek further advice and consider the points that have been raised by me and those which possibly will be raised by other speakers; it will do away with punitive retrospectivity and postpone the passage of the Bill with a view to amendments being made to it. I rest my case with the exclamation, "Over to you, Mr. Treasurer!"

MR. I. W. MANNING (Wellington) [11.50 a.m.]: In a very brief speech to a very small Bill the Treasurer set out to establish what must be a record length of time in the history of retrospectivity.

Mr. T. D. Evans: Was not your Government in office for 12 years whilst this practice was being adopted?

Mr. Court: We got rid of the noxious weeds tax.

Mr. T. D. Evans: Was not your Government in office for 12 years whilst this practice was being adopted? Your Government was aware of the position.

Mr. Court: You put your foot in every time you open your mouth.

Sir David Brand: Was the previous Government aware of it? Who wrote the minute?

Mr. I. W. MANNING: The Bill provides for an amendment to repealed legislation, and this dates the application of the tax back over a period of 20 years. The purpose of the Bill is to validate some action taken by the Commissioner of Taxation between 1951 and 1964 in assessing, for vermin tax purposes, contiguous parcels of land of less than 10 acres. It also seeks to validate the action he took from 1964 until the time when the taxing provision was repealed in 1970, in connection with areas of less than five acres.

The Treasurer has claimed that the Bill is being introduced to correct a deficiency of many years' standing. I should not like to accept that comment as a justifiable reason to support the measure, nor would I accept it as a good reason to cast a net back 20 years in order to catch someone who believed over that period that his property was exempt.

Mr. T. D. Evans: There is no desire or intention to do that. Read the Bill.

Mr. I. W. MANNING: I have done that.

Mr. T. D. Evans: If you have, then you do not understand it.

Mr. I. W. MANNING: It is certainly written in the Bill and I will set out to prove what I have said. Undoubtedly it has been the intention of Parliament since 1943 to extend concessions in certain circumstances to property holders who were required to pay the vermin tax.

If a property was fenced by a satisfactory vermin-proof fence, the tax levied was at half the normal rate. Later in 1951, when the Agriculture Protection Board was set up, the concession was altered and exemption from the tax was given to property holders owning parcels of land of 10 acres or less; and from 1964 onwards the exemption was granted to those owning parcels of five acres or less.

The Treasurer has asked us to agree to a proposition in the Bill which reads—

> Notwithstanding anything contained in subsection (1) of this section—

This is the section which the Bill proposes to amend and which contains the exemption provisions. To continue—

> (a) a person was the owner of two or more holdings which were contiguous or constituted, or were worked as, one property . . .
>
> that owner shall be deemed for all purposes to have always been liable to pay the rate for every such financial year on all those holdings so owned by him, and the provisions of the first proviso to subsection (1) of this section shall be deemed for all purposes never to have applied to him in respect of every such financial year.

So, according to the Bill, in retrospect the only land exempt from vermin tax was the single parcel of, at first, 10 acres or less, and then later that of five acres or less.

It would not matter, of course, how many such lots a particular landholder might own. Provided they were not contiguous, he was granted exemption. This particular line of thinking by the Treasurer does not receive my support. However, in his brief comments he went on to say that over the years the various Commissioners of Taxation have applied the principle of aggregation of contiguous holdings, and the rates have been paid by all ratepayers on this basis. In this situation I, myself, am included, because I paid rates on that basis.

Mr. Brown: So did I.

Mr. I. W. MANNING: I certainly agree it would be an impossible task for the landholder to try to obtain a refund of the money he has paid unnecessarily under this tax. I agree that some action should be taken to protect the Crown in these circumstances, but I would point out that I paid my taxes believing the department was legally entitled to levy them. On one occasion in this House I made an appeal to the Commissioner of Taxation to give a clear indication on the assessment notice of the land to which the notice applied.

Mr. T. D. Evans: Which Government was in office when you made that request?

Mr. I. W. MANNING: It was quite a few years ago, and I would not be surprised if I made it in the period between 1953 and 1959.

Mr. T. D. Evans: Did you repeat the request in the period between 1959 and 1970?

Mr. I. W. MANNING: Possibly not.

Mr. T. D. Evans: Why?

Mr. I. W. MANNING: I have always held the view there was insufficient information on the assessment notice to give the landholder concerned a clear understanding of the land to which the notice applied. So, I indicate at this point that I am in favour of some action being taken to protect the State against claims by landholders who are desirous of obtaining a refund of the money which they have paid under this tax.

What I do not like to support is an attempt to amend repealed provisions in the law; thus causing a landholder to pay an account in respect of property which he rightly believed should not come under that law, and which should be entitled to exemption under the Act.

I would be amazed if the member for Boulder-Dundas accepts this tax as being legitimate, because surely in the field in which he is particularly interested it would be extraordinary if at this point of time Parliament introduced an amendment to a law which had been repealed, and asked the landholder to pay for a period covering 20 years a tax which he believed he was not required to pay.

I would like the Treasurer to make further and more elaborate comments on what this measure is about, because you must agree with me, Mr. Speaker, that it seeks to introduce a very unusual provision into the laws of Western Australia—an attempt to introduce retrospectivity over a 20-year period—thus causing people to become liable to pay a rate which they believed they were exempt from paying over that period.

The Treasurer apparently believes he is correcting an oversight, but like the member for Floreat I believe the record does not substantiate the Treasurer's view. In fact, it could be justifiably claimed that contiguous lots were to be exempted from the vermin tax.

As I said earlier, the only sympathy I have for the measure is that it would protect the Crown from landholders who, having paid the tax unnecessarily, might now sue for the return of their money. Even though I am affected myself I do not agree that landholders should be permitted to do this.

I will leave the matter at that, but I do feel strongly on the point that we are treading on very dangerous ground indeed in applying the amendment to a repealed law. The intention is to make the provision retrospective for 20 years to catch those people who rightly believed they were exempt from the provisions of the law then in force.

MR. McPHARLIN (Mt. Marshall) [12.01 p.m.]: I would like to commend the member for Floreat for the detailed speech he gave on retrospectivity and for his opinion concerning the legality of the situation. He said that he felt if something was not illegal in 1943 it could not be illegal now, and I consider he put forward a comprehensive and detailed case for requesting the Treasurer to give us more information regarding the necessity for the legislation to be retrospective for such a long period.

Before the exemption from the payment of the vermin tax applied no-one appeared to think it necessary to challenge the legislation as it existed; but since the repeal of the tax last year one ratepayer at least has seen fit to incur costs to obtain legal advice on the matter, and he has now queried the validity of the assessment and has brought the matter to the notice of the authorities. The Government has seen fit to try to amend the legislation in the manner provided for in the Bill before us.

If the man who raised this matter is out of pocket because of the legal advice he sought, perhaps the Government might consider reimbursing him.

In his second reading speech the Treasurer said that it would be an impossible task to attempt to issue reassessments covering the 20 years, and I agree with him. Of course, if the tax has been wrongly applied the logical thing to do would be to issue reassessments but, as has been explained, this would be impossible. However, I do believe the Treasurer would be doing members a service if he would explain the situation in more detail in order that we might have a clearer understanding of the measure.

MR. LEWIS (Moore) [12.04 p.m.]: I rise to make a few brief remarks in what I might term my reluctant support of the Bill. I commend the Treasurer for his early action in an endeavour to tidy up something which, at best, must have created a very grave legal doubt as to the validity of a law made in 1951 with respect to the aggregation of small holdings for the purposes of the assessment of a vermin rate. I also commend the member for Floreat for his deep research into this matter.

Although the Bill sets out to provide retrospective application to 1951—a period of 20 years—it does not necessarily mean that in practice the retrospective provision will be applied. In his second reading speech the Treasurer said that

although, generally speaking, ratepayers had paid the tax it is difficult to ascertain why they did so. Probably the only reason is that they felt they had no alternative. However, one person saw fit to object and did not pay, and I assume the authorities have determined that they will have to recover the money through the process of law. It probably was then that the Crown Law Department realised that some legal doubt existed.

For how long the objector failed to pay, I do not know. It may have been for a period of only 12 months or it may have been for 20 years. However, it seems rather incongruous to me that the Commissioners of Taxation should themselves interpret the aggregation without having some legal backing during that period.

The net result is that the position has reached an untidy stage and the Government can see no alternative but to provide legislation to enable the tax to be collected retrospectively. This is a bad principle in anyone's book, but no alternative exists.

It would be neither expedient nor practicable to refund money collected over that period, and so no alternative remains. However, when he replies to the debate I hope the Treasurer will give us information concerning the number of ratepayers affected, and the total amount of money involved in making a refund to the small landholders of whom there may be a considerable number in the southern portion of my electorate. He may not be able to give the information off the cuff, but I do believe it should be made available to us. With those few remarks I support the Bill simply because I can think of no practicable alternative.

MR. W. A. MANNING (Narrogin) [12.08 p.m.]: My remarks will be few because I rise mainly to ask a question in regard to the principle involved in this Bill which is seeking, under a retrospective provision, to avoid the refund of a tax wrongly imposed. I want the Treasurer to state in very clear terms why two different principles are adopted by the Government. On the one hand this legislation makes retrospective provision so no refund will be made while, on the other hand, the Government has announced its intention to refund stamp duty which has been imposed. How can the Government reconcile the two principles; that is, that refunds will be made in almost unknown quantities in one case, while under this legislation no refund is to be made?

The SPEAKER: We are dealing with the Vermin Act.

Mr. W. A. MANNING: I rose to ask the Treasurer to explain why the principles are different.

The SPEAKER: The Vermin Act Amendment Bill is the legislation at present before the House.

MR. T. D. EVANS (Kalgoorlie—Treasurer) [12.09 p.m.]: It was with a great deal of interest I listened to the comments of the five speakers who participated in this debate. I thank them for their interest and for their research, as well as for some of the questions raised.

I feel I am justified in saying—and it is certainly consistent for me to say it—that retrospective legislation is an unusual tool in the legislator's kit and it should only be used to meet an unusual situation. I contend that here we are dealing with an unusual situation.

This measure is a responsible approach to what is an unusual case. Apart from the instance of the one taxpayer I have mentioned, it is now purely academic because, as the Deputy Leader of the Opposition repeated two or three times during the course of this debate, the tax was repealed in 1970.

The member for Floreat is to be commended because he obviously devoted a great deal of time to his research into the history of this legislation from 1943. I listened to his discourse with a great deal of interest as I had performed the same exercise myself. I agree with his reading of the appropriate *Hansard*, but I do not agree with the conclusions he came to. The member for Floreat asks whether this case which has been instanced is reason enough to bring in retrospective legislation. I say, as other members have conceded, that it would be unthinkable to allow this present challenge to the then legislation to go unanswered and at the same time not take action to reassess the position of those many people who came within the scope of this legislation over the 20-year period from 1951. Should these people, having paid their money in good faith, have their assessments left untouched and unexamined? Other speakers have conceded that it would be an impossible task to attempt reassessments over such a long period.

This brings me to the question raised by the member for Narrogin. He asked why a distinction is being made in this case. He also asked for an undertaking by the Government that it would endeavour to assess the claims of persons who believed that they had unjustly paid stamp duty during a certain period. I think the relevant distinction here is that receipts duty, as we understand it within the meaning of the recent stamp duty legislation, was not exacted over a period of 20 years or more.

I feel it should be stated that in 1943 the principle of aggregation was deleted from the Statute. The member for Floreat has told us the history leading up to the amendment of this principle. I claim that the definition of "holding" at that time inadvertently was not reinserted in the Statute when the entire provision relating to "holding" as well as "aggregation" was

repealed. It was obviously intended to reinsert a provision containing both these principles whereas in fact only one of them was covered by the legislation.

Mr. O'Neil: Answer me this question—

Mr. T. D. EVANS: In 1943 this is what happened—

Mr. O'Neil: Can you answer this question?

Mr. T. D. EVANS: I am not going to answer anything until I finish my speech. The member for East Melville can then ask me anything he likes.

Sir David Brand: You will be sitting down by then.

Mr. T. D. EVANS: After the amendment in 1947 there was not a great deal of significance attached to this point because the exemption was for holdings of 160 acres or less. By 1946 the amendment had no significance at all because the exemption was removed altogether and it was not until the 1st July, 1951, that an exemption was rewritten into the legislation. This was for 10 acres or less and this situation prevailed until the life of the former Government. In 1964 the Government led by the present Leader of the Opposition amended the exemption to holdings of five acres.

I indicated by way of interjection to the Leader of the Opposition and also to the member for Wellington that this principle had been practised by the commissioner who imposed the rate. The commissioner is now called the Commissioner of State Taxation. He was not always known as that during the life of the former Government.

Mr. O'Neil: For the last two years.

Mr. T. D. EVANS: The people who made these amendments followed this practice during the 12 years of the former Government. This assumes that the former Government was aware of the situation and here is the evidence—

Mr. O'Neil: I will be interested to hear it.

Mr. T. D. EVANS: On the 19th August, 1970, in another place The Hon. F. R. White asked this question of the then Minister for Mines—

> If a parcel of land, having an area of less than five acres, is used for primary production, is the owner liable for vermin and noxious weeds rates?

The answer to that was "No." Question (2) was—

> If one owner has two adjoining properties, each less than five acres in area, but which together total more than five acres in area, and he uses these properties for primary production, does he have to pay vermin and noxious weeds rates?

The answer to that was "Yes." Then on the 8th September last year The Hon. F. R. White asked further questions of the then Minister for Mines. The first question is as follows:—

> Would the Minister advise whether the following statement is true or untrue?
>
> "Although the Land Tax Assessment Act 1907-1969 provides for the aggregation of parcels of land for the purpose of assessing Land Tax payable by the owner, the Vermin and Noxious Weeds Acts have no provision for the aggregation of holdings for the assessment of Vermin and Noxious Weeds rates."

I shall read questions (2) and (3) as the Minister links questions (1), (2), and (3) together. These questions were as follows:—

> If the answer to (1) is "true" would the Minister explain in detail how the answer to the second part of question
>
> (7) asked by me on the 19th August, 1970—

And I interpolate here. This was the question to which I referred earlier. The question continues as follows:—

> —can be justified as being correct?
>
> If the answer to (1) is "untrue", would the Minister explain which sections of the Vermin and Noxious Weeds Acts provide for the aggregation of holdings?

The Minister answered the questions as follows:—

> (1) to (3) Although there is no specific provision in the Vermin and Noxious Weeds Acts for the aggregation of holdings it has always been the practice to do so for the assessment of rates.

No further action appears to have been taken by Mr. White.

Mr. Court: You cannot pay less than nil tax.

Sir David Brand: That was the solution to the problem. You would not have had the legislation here had it not been for that.

Mr. T. D. EVANS: The previous Government repealed the legislation last year.

Sir David Brand: Yes.

Mr. T. D. EVANS: The previous Government was aware of the situation. Why did it not do the right thing and tidy the matter up instead of leaving it?

Sir David Brand: The only reason you did it is that someone challenged it.

The SPEAKER: Order! Let the Minister finish.

Mr. T. D. EVANS: I feel each speaker partly conceded, and the member for Moore fully conceded, that quite apart from the financial consequences it would be an impossible task to reassess the assessments which have been made since 1943.

The member for Floreat strove to point out that this, in theory, should be done. I concede that the legal training of the member for Floreat was obvious from his discourse, but he went on to contend that he, himself, did not believe that persons who had paid tax pursuant to a law which they thought enforceable had any legal right to claim. That was a complete contradiction of what was said regarding a deadline. A deadline would apply to persons able to justify their claim for reassessment within a certain period of time, and those who did not come within that period of time would be forgotten. If the member for Floreat wishes to parade or masquerade as a purist, he should go the full distance.

Mr. Court: Do not forget that you promised to answer a question.

Mr. T. D. EVANS: I am unable to advise at this stage how many taxpayers are involved. So far as I am aware there is only one. I do not know the amount of money involved but I will endeavour to have that information made available; and I will also ensure that the Minister dealing with this matter in another place will supply the information to that House.

Mr. Court: How far back is the person disputing the validity of the tax?

Mr. T. D. EVANS: I was under the impression that it was of long-standing but I now understand it is the result of recent events. Although the tax was repealed last year the department still has the right to collect the tax up to the 30th June of this year. It was during the course of making a recent calculation that this matter came to light.

Mr. Court: That is the point I want to raise.

Mr. T. D. EVANS: There is no desire for any other person whatsoever to be brought into this vicious and pernicious affair to which reference has been made. I commend the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Norton) in the Chair; Mr. T. D. Evans (Treasurer) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 103 amended—

Mr. COURT: The point which the Opposition was trying to get across to the Treasurer was whether or not this Bill is, in fact, just for one person and, if so, for what period? The Treasurer has implied—and I hasten to add he did not commit himself—that to the best of his knowledge the Bill is for one person, and for a restricted period. Of course, it has always been accepted in this House that a Bill introduced for one person is usually bad legislation, anyway.

Mr. J. T. Tonkin: That view did not prevent the previous Government from introducing such legislation.

Mr. COURT: I trust the point we make is clearly understood by the Minister and if he cannot supply the information now,

I hope he will do so at the third reading stage of the Bill. I repeat the question: Does this disputed tax apply to one person only and, if so, for what period?

If the period is for only a year or two—as I assume it will be—it seems silly to bring this legislation before the House. No-one has suggested there should be a wholesale reassessment over a period of 20 years to pay back the money. We do not go along with a proposition such as that outlined by the Premier regarding the receipt tax. We have made our position clear on that point, and the Treasurer has supported our argument concerning the impracticability of repaying.

Mr. T. D. Evans: Over a period of 20 years.

Mr. COURT: Even over a period of a few years. We want to know whether or not the Bill is to apply to one person only, and whether it is for a period of many years or only for one or two years. My estimate is that it will apply for a very short period for the reason that if a person had defaulted and refused to pay his assessment over a longer period of years prosecutions would have taken place or the Treasurer would have pressed the Government and the Government would have pressed Parliament to have the law amended.

Mr. T. D. Evans: The Opposition had an opportunity to amend the law.

Mr. O'Neil: The Treasurer said that this matter was brought to notice when making up this year's assessments.

Mr. COURT: The Treasurer made great play of the answers given to questions asked by Mr. White in another place. If he stopped to think he would realise that those answers are completely irrelevant to the argument before us at the moment. The Liberal-Country Party members have had to get over a number of anomalies in connection with the vermin tax and the noxious weeds tax. We found the perfect answer: get rid of them.

I think the Treasurer should take his position a little more seriously, and give more consideration to comments from the Opposition. We have assisted the passage of this Bill, but we want a verification of the points I have mentioned because those points could also apply to the next Bill.

I hope the Treasurer will be able to supply the information at the third reading stage of the Bill.

Mr. T. D. Evans: I have given an undertaking to obtain the information

Mr. I. W. MANNING: At the second reading stage I agreed with the Treasurer that he should protect the interests of the State against likely attempts to recover money paid unnecesarily by way of tax. However, I dread the thought that the Treasurer will use this amendment to force a person to pay tax when that person believed he was exempt. I should be glad if the Treasurer, at the third reading stage, would comment on that aspect.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

NOXIOUS WEEDS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th August.

MR. McPHARLIN (Mt. Marshall) [12.30 p.m.]: This Bill is a small one complementary to the measure we have just been debating. Accordingly, it does not call for a great deal of comment, except to say that it contains the same ingredient, in the matter of retrospectivity, as the previous measure, but it does not go back for the same period of time. It goes back only to the 30th June, 1964.

The same questions can be asked and the same information sought on this Bill as on the previous measure before the House. No doubt the Treasurer will include the questions that can be asked on this complementary Bill when he gives an explanation to the other measure.

I do not think the Bill needs a great deal of discussion or debate. If the Treasurer is prepared to go along and answer the same type of question which was asked about the previous Bill, I will conclude with that request.

MR. T. D. EVANS (Kalgoorlie—Treasurer) [12.31 p.m.]: I thank the Deputy Leader of the Country Party for his comments and I give him the undertaking for which he asks. I commend the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

MR. BERTRAM (Mt. Hawthorn—Attorney-General) [12.35 p.m.]: I move—

> That the Bill be now read a second time.

This Bill, together with those to amend the Property Law and Wills Acts, introduces a measure of law reform which I expect will receive solid support: I hope from all members but very likely, at any event, from an overwhelming number of the members of this House.

The purpose of this Bill is to confer upon illegitimate persons the same right to share in the estates of deceased persons as are enjoyed by persons who are born in lawful wedlock. At the moment the law in this State is that neither an illegitimate nor any issue of an illegitimate has any right to participate on the intestacy of either parent of the first-mentioned illegitimate nor has either parent any right to participate on the intestacy of his or her illegitimate child.

Furthermore, the illegitimate is also barred from participating on the intestacy of any other kin, either lineal or collateral.

The testator can, of course, make specific provision in his will for illegitimates in being.

The adverse and unjustifiable consequences which flow from the present state of the law are many. I give by way of example one or two instances only—

> A deceased who had never married but was survived by a son and grandchildren of other deceased sons. Only following the death and when the matter of distribution of the said deceased's estate was being considered and discussed did these persons for the first time learn the facts concerning their parents and they, the children, were denied the right to inherit a small family home in which they had lived and contributed towards the upkeep and rates and taxes.
>
> Another case was where brothers and sisters of the deceased took all, or most, of an estate to the exclusion of the illegitimate children.

The Public Trustee, trustee companies, and other persons administering estates have a most unenviable task when they are obliged, in circumstances such as those stated above, to inform illegitimate persons of their status and of the consequences which flow therefrom.

There are, no doubt, still some people even today who believe and pursue an attitude against illegitimates. They choose to ignore the fact that the illegitimate status is given to them and is not of their doing.

Ordinary fair play would suggest that the hardships and disadvantages already suffered by illegitimates should not be extended, as they are, so that they are denied the right to share in the estates of their natural parents where they have neglected to make wills to provide for them.

The Russell Committee which dealt with the English law of succession in relation to illegitimates in 1966 stated—

> At the root of any suggestion for the improvement of the lot of bastards in relation to the laws of succession to property is of course the fact that in one sense they start level with the legitimate children in that no child is created of its own volition. Whatever may be said of the parents the bastard is innocent of any wrongdoing. To allot to him an inferior or indeed unrecognised status in succession is to punish him for a wrong of which he was not guilty.

Arguments against granting rights to illegitimates are to the effect that the institution of marriage would thereby be undermined and the social status of illegitimates enhanced. There is no evidence to support these contentions. The evidence, if anything, would be to the contrary so far as marriage is concerned.

If recognition of illegitimates in the manner intended by this Bill enhances their social status, then I suggest this would be of little harm; indeed, it would be good. This Bill may be said to be an extension of the Commonwealth Marriage Act which legitimates children by the subsequent marriage of parents.

In a sense, the Bill does not break new ground, in that our laws already acknowledge and provide relief for illegitimates. I refer to the provisions in section 117 of the Property Law Act, section 6(3) of the Fatal Accidents Act, and section 5 of the Workers' Compensation Act, each of which made or makes specific reference to this class of person. The Married Persons and Children/Summary Relief/Act and perhaps other Acts also make reference to and provision for persons in this category.

The Law Reform Committee was asked—

> To consider whether any alterations are desirable in the law of succession in Western Australia in relation to illegitimate persons.

As is customary, that committee prepared a working paper and circulated it to the Chief Justice and the judges of the Supreme Court, the Master of the Supreme Court, the Law School, the Law Society, the Public Trustee, the Perpetual Executors Trustee & Agency Co. (W.A.) Ltd., and other law reform commissions and committees with which this committee is in correspondence.

The Law Society advised that, after consideration of the working paper, it was decided to adopt the recommendations of the committee.

In other States there has been considerable change in the laws concerning illegitimates. The Australian Capital Territory, in its amendments in 1967 to the Administration and Probate Ordinance, 1929-1967, gave a lead to the States. It will be seen, therefore, that this Bill is not a pioneering one so far as Australia is concerned.

The Bill, it will be seen, meets the situation by providing that where any person dies intestate as to some or all of his property, then for the purpose of determining who is entitled to participate in the distribution of that part of his estate to which the intestacy applies the relationship between a child and his father and mother shall be determined irrespective of whether the father and mother are or have been married to each other, and all other relationships, whether lineal or collateral, shall be determined accordingly.

The rights of persons entitled in distribution to intestate estates of persons who died before this Bill becomes law will in no wise be affected. The Bill affords certain protection to administrators or trustees who shall not be under obligation to inquire as to the existence of any person who could claim an interest in the estate or the property by virtue only of the provisions of the proposed section 12(a) or the proposed provisions of part IX of the Wills Act, 1970, in so far as they confer any interest on illegitimate children or any person claiming through an illegitimate child.

The Bill also contains such other protections as are necessary for the administrator or trustee as the case may be.

Debate adjourned, on motion by Mr. R. L. Young.

Sitting suspended from 12.46 to 2.15 p.m.

PROPERTY LAW ACT AMENDMENT BILL

Second Reading

MR. BERTRAM (Mt. Hawthorn—Attorney-General) [2.16 p.m.]: I move—

> That the Bill be now read a second time.

This is another Bill considered necessary to give effect to the amendment to the law of illegitimate succession recommended by the Law Reform Committee and explained earlier today when introducing legislation to amend the Administration Act.

This legislation, as with the amendments to the Wills Act—which Bill appears on today's notice paper—is to come into force on a date to be proclaimed, as it is essential that the three Bills become effective from the same day.

Debate adjourned, on motion of Mr. R. L. Young.

WILLS ACT AMENDMENT BILL

Second Reading

MR. BERTRAM (Mt. Hawthorn—Attorney-General) [2.19 p.m.]: I move—

That the Bill be now read a second time.

The provisions of this Bill are complementary to those proposed in the amendments to the Administration Act, which were explained when introducing that Bill.

The amending measure, adding a new part dealing with illegitimacy, applies only to wills executed on or after the date of the coming into operation of this legislation. This restriction is considered desirable to enable testators who desire to do so, to amend their testamentary documents or make new ones. Members are aware that, subject to the rights of persons to apply to the court for variation of the terms of a will, a testator is at liberty to dispose of his property according to his own wishes. Legislation giving a right to share in an estate to a person whom a testator wished to exclude makes it essential that this legislation applies only from a future date.

Debate adjourned, on motion by Mr. R. L. Young.

ABATTOIRS ACT AMENDMENT BILL

Second Reading

MR. H. D. EVANS (Warren—Minister for Agriculture) [2.22 p.m.]: I move—

That the Bill be now read a second time.

This legislation to amend the Abattoirs Act is fairly brief but quite significant to Midland Abattoirs operations. The parent Act was introduced in 1909 when abattoirs in this State were placed under the management of a controller.

The increase in population and the consequent increase in demand for meat products made changes necessary both in slaughtering and preparation of meat and in the administration of such operations. Parliament then agreed to the establishment of the Midland Junction Abattoir Board to administer the abattoirs and saleyards at this centre.

For many years now the board has operated the abattoir as a service works for the butchering industry, as the requirements of the Abattoirs Act do not give the board the power to trade in its own right.

The abattoir is now a major Government capital investment and it is most desirable that it have available the opportunity to trade to make the maximum use of these capital resources now at its disposal. When current improvements are completed there will be 1,000,000 cubic feet of freezer space available.

Should the measure now before the House become law it would allow the board, where it was considered necessary, to purchase livestock, process and sell it on the open market, and do other such things as may be required by a trading concern.

There are also advantages in the abattoir handling offal and the by-products for operators, and compensating the operators for these offals and by-products by reduced killing charges.

This proposal has been discussed with officers of the Treasury Department who agree it would be desirable that the board have power to trade.

Members will be aware, of course, that the board will be subject to direction from the Minister, and any undesirable developments in trading operations could be controlled by the responsible Minister. With that brief explanation, I commend the Bill to the House.

Debate adjourned, on motion by Mr. Lewis.

CLEAN AIR ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th August.

MR. O'NEIL (East Melville) [2.26 p.m.]: I do not approach consideration of this Bill with much enthusiasm although I must indicate fairly early in the piece that we on this side of the House do not propose to oppose the legislation. My initial remark was made because, on many occasions, from another place in this Chamber I have been critical of the use of certain Statutes for a purpose other than that for which they were originally proposed.

This Bill seeks to extend the control of the Clean Air Council to other than scheduled premises in connection with operations conducted in the field of sandblasting. It is true, as the Minister has said, that currently the Clean Air Council can prescribe regulations controlling the machinery and equipment used in sandblasting in scheduled premises and this of course means that this will be in areas where there is a confined air space. We have not had much indication, but it is proposed at some time or other that regulations will be promulgated and in due course control sandblasting in other places, including open spaces. The Bill refers particularly to the method of cleaning buildings and the like by sand which is blasted by air and it purports to establish some form of control because of the hazardous nature of the material used; namely, the silica in sand. In confined spaces sand used in blasting is regarded as being dangerous to health if it has more than 10 per cent. silica as a component.

I think the Bill, in itself, needs some careful consideration, and I am sorry the member for Boulder-Dundas is not present in the Chamber because he would be rather interested in one of the clauses in the Bill.

I would like to ask the Minister several questions concerning the Bill, but before doing so I gather that we have some new parliamentary draftsmen at the Crown Law Department, because I notice with some interest that on the notice paper there has been a change in the notices of motion to introduce Bills. During the whole time I have been here I can recall that the Minister would move "for leave to introduce a Bill," but on most of the notice papers this session the expression "That leave be given to introduce a Bill" is used. I might be blaming the wrong person for this change, but if it is not the fault of a new parliamentary draftsman I suggest that the draftsman should look more carefully at the drafting of the Bill.

However, before discussing in greater detail the attributes of the Bill to which the Minister referred I repeat that, in my view, the Clean Air Act may be the wrong piece of legislation to control sandblasting in other than confined spaces. The Government, and those members who were here last session, will be aware that there should be very close to the stocks a Bill to repeal the Inspection of Scaffolding Act of Western Australia and to replace it with a construction safety Act. Just prior to the change of Government, this Bill was nearly in the form it would need to be for the purpose of its introduction to Parliament.

I say this, because I believe the control of an operation like sandblasting is more appropriately covered by an Act governing construction safety and the regulations thereunder, than by the Clean Air Act. I would imagine that long and continued exposure to silica is necessary, if that exposure is to be regarded as being dangerous to health. However, one cannot deny the existence of physical dangers to the worker and to the people close by with the use of the equipment and the material referred to. There is probably a nuisance factor also in respect of the dust which is blown about for a limited period in the neighbourhood.

In my view it would be far more appropriate to give consideration to controlling this process—which is a danger physically rather than to the health of the operator through the inhalation of silica in limited quantities—by another piece of legislation. I feel therefore it is inappropriate that the Clean Air Act should be used for such control.

The Minister did not give a great number of reasons for the introduction of the Bill. I remember that when we were in Government the now Attorney-General criticised us often for not giving sufficient reasons for the introduction of Bills. Often he said that just because somebody considered a certain thing ought to be done, that was not a good reason. I remember the present Minister for Health, when he was the Opposition Whip, complimenting me on the preparation of one of my speeches.

Mr. Davies: There was more than one good one. There were several good ones from you.

Mr. O'NEIL: I cannot return the compliment on this occasion, because the basic reason for the Bill before us being introduced arose from the representations by the control council. It is true that in these representations the council might have given other reasons for this legislation. The Minister has told us that the council had expressed concern at the lack of suitable powers in the Clean Air Act to control the considerable hazards which are occasioned by sandblasting.

I see no objection to exercising control in specified and scheduled premises where this process is carried out continually by the same operators and where there is danger to their health. However, in respect of such operations not being carried out in a confined space I believe that the process will prove to be more of a nuisance than a health hazard to the people around the site. Therefore this process is more appropriately covered by an Act which I hope to see passed in the not-too-distant future—a construction safety Act.

Although this particular aspect is not covered in the Bill, I notice that under the Clean Air Act control can be exercised in relation to the reduction of scrap metal and the like. I am reminded that under the scaffolding regulations, which I think will become part of the regulations associated with the proposed Act governing construction safety, control is provided in respect of the rendering down of waste material. So it appears there is a duplication of control of industrial processes—under this Bill and under existing legislation which it is hoped will be updated in the not-too-distant future.

Another matter is of concern to me, and I think it would be appropriate to bring it to the attention of the member for Boulder-Dundas who has given us some of his views on regulations which, in fact, can be changed at will. He referred to the Mines Regulation Act under which certain regulations can be waived without adequate consideration. In this respect I refer to clause 5 of the Bill before us. On page 3 the following appears:—

> (4) The provisions of section forty-five of this Act apply, with such modifications and adaptations as are necessary . . .

In my view the Bill points out that the provision in section 45 of the principal Act exists, but it will only apply if the Government thinks it ought to. This falls into the same category as the regulations

referred to by the member for Boulder-Dundas. It may be the Minister has an adequate explanation. I cannot see why the provision in the Bill should say that the regulations of an Act shall apply with such modifications and adaptations as are necessary. It might as well say that the regulations shall not apply, but when it is desired they can be applied, and applied with modifications and adaptations.

Mr. Brady: On what page of the Bill does that appear?

Mr. O'NEIL: On page 3, lines 11 to 14. There might be an explanation for this. As I understand the position, section 45 of the principal Act deals with the procedures for appeal and the like. No useful purpose is served by having an appeal provision if people can make such modifications and adaptations as are necessary to that provision.

I have another query, and this relates to the payment of fees. This might necessitate the draftsman having another look at the provision in the Bill. In clause 5 at the bottom of page 2 it is stated—

> (3) A permit issued under this section—
>
> (a) remains in force . . . on payment of a fee of ten dollars;

So, a fee is prescribed in the Bill for the issue of a permit to enable sandblasting operations in other than scheduled premises to be carried out. If we turn to clause 6 of the Bill we find it adds some regulation-making powers. It states that regulations may be made—

> (ii) prohibiting the carrying out of any prescribed type or class of sandblasting operations within prescribed areas, either absolutely or except with the consent of the Council, and prescribing fees for the obtaining of the consent of the Council to the carrying out of such sandblasting operations.

I wonder whether this is not a duplication of fees. Initially a sandblasting operator must pay a fee which gives him a permit to operate for a specified period; but if he wants to get special exemption to use a certain method—I think it is mainly dry sandblasting—he must pay an additional fee. That is how the position appears to me.

It would appear that following the promulgation of regulations dry sandblasting, which is regarded as most dangerous, will virtually be prohibited, and a method of using some type of liquid to prevent dust emission will be adopted.

This brings me to another question which I pose to the Minister: Are there not some processes which virtually require dry sandblasting, because no other type of sandblasting can be used? If there is such a process—I understand that in relation to sandblasting of glass there is—then it seems quite unfair that not only will a permit have to be taken out for the general process, but also a special permit for using a process for which there is no alternative. I have indicated that no-one really objects to a Bill which ensures that industrial operations can be carried out safely. I make the point that this matter is covered by the wrong Act. I think it is an industrial process which mainly concerns the operator, rather than the people in the nearby area. If this is so it would perhaps be better covered under the regulations made under what will be the new construction safety Act.

It is rather surprising that we have been told nothing about the regulations except that, broadly, dry sandblasting will be virtually prohibited. This is essentially a regulation-making Act and we do not really know the extent to which the clean air council wants to control this matter or how strict it will be. This reminds me that one of the reasons the construction safety Act, which does not exist at the moment, was not brought before Parliament was that the committee, which was representative of all sections of industry, had decided that it would like to see the regulations which it was intended should be made under the new Act so that the regulations and the Act would both be available for inspection by all parties concerned.

It would seem to me that this is a fairly simple amendment. It merely extends to confined spaces a control which already exists. It is proposed to extend this control to the open air, and surely it should have been possible to permit us to see the regulations involved. It may well be that the regulations will be of such a nature that the operations of people who are mobile sandblasters will well and truly be inhibited. The requirements might be too strict and special permits at special fees may be required, and so on. For example, an extensive amount of blasting is carried out in and about the Port of Fremantle and instead of chipping old paint from ships, as was done once upon a time, modern equipment is now used. It could well be that industries in this field could be adversely affected by the regulations. So, without a great deal of enthusiasm I support the Bill.

DR. DADOUR (Subiaco) [2.43 p.m.]: I would like to add my contribution in support of the Bill which deals specifically with sandblasting operations and gives the control of those operations to the Air Pollution Control Council. This I feel is a necessity because it would be one of the roughest industries of all.

The DEPUTY SPEAKER: Order! there is too much talking.

Dr. DADOUR: The industry really involves two hazards, the first being the danger of silicosis. There is always the danger of this disease when free silica is floating around in the air and the percentage is a little high. It is controlled to a certain extent by the use of protective clothing and equipment. The other hazard is created by foreign bodies entering the eyes of those working close by. It is quite an offensive industry and is very dusty.

Provision is being made for open sandblasting when the object being treated is too large for the sandblasting to be undertaken in a closed workshop; but this sandblasting is to be confined to the industrial area at Jandakot. This is an excellent idea because it will remove the hazards from the residential areas and so give the public less reason for complaint. Many complaints have been received about sandblasting and it is very essential that the Air Pollution Control Council should have control of these operations.

The last point I would like to make is that the only way the council can keep control is by the issue of permits. With those few remarks I support the Bill.

MR. DAVIES (Victoria Park—Minister for Health) [2.45 p.m.]: I thank the two members for their support of the Bill. I was aware, of course, that the introductory notes were somewhat brief and that my criticism from time to time has been that insufficient information is given. All I can say to the member for East Melville is that he should have seen the notes before I added to them; and even now they are fairly brief!

This matter was raised from several sources because of the dangers about which the member for Subiaco spoke. The clean air council held a meeting with members of the—

Mr. O'Neil: Blasted sand operators!

Mr. DAVIES: —Blast Cleaning and Protective Contractors Association of W.A. I did not even know there was such an association. However, a meeting was held between representatives of the association and the clean air committee way back in October, 1970, and it was as a result of that meeting and the apparent nuisance and dangers of which members are aware that these amendments have been submitted.

I am not aware of the construction safety Act which the member for East Melville said was a likely piece of legislation to come before Parliament. However, I do not think this is not the right Act—that is, the Clean Air Act—to use in dealing with this matter; because the object of this Act is to ensure that our air is clean. I am sure that if members cast their minds back to last year when dry sandblasting was done on the face of the freeway walls—and probably more will be done during the coming construction period—they will realise that the sandblasting was not only a danger but also a hazard; because at times during that operation we could hardly see from the front of Parliament House down St. George's Terrace. There is also the danger from silicosis.

Mr. Williams: Under a lot of circumstances they can use a wet process.

Mr. DAVIES: This is the object, of course. The council will decide what sandblasting would be reasonable for a particular job, and it is in this regard that amendments involving the issue of licenses are to be made.

As has been said by the member for Subiaco, our main concern must be to minimise the danger to both the operator and the public and we hope this Bill will have just that effect.

Just what the regulations will be I am unable to say. All I can do is give the member for East Melville an undertaking that we will not require three years to submit those regulations to the House as was the case with the regulations under the Clean Air Act. It was passed in 1964 and yet the regulations were not effected until 1967. This time I will request that the regulations be issued more promptly and I am sure the member for East Melville will be watching for them when they are tabled in Parliament.

The honourable member referred to subsection (4) of proposed new section 39B. It reads—

> The provisions of section forty-five of this Act apply, with such modifications and adaptations as are necessary, . . .

I do not think there is any likelihood that any modifications or adaptations will be made except in an effort to make the law read sensibly when applying the new provisions in sections 39B and 53. This provision is made only to ensure that the law will read correctly and that there will be no doubt.

Mr. O'Neil: This establishes a system of permits whereas in connection with scheduled premises it is licenses. It may be that this is a necessary adaptation, but I am only guessing.

Mr. DAVIES: This is done so that the appeal provisions apply to licenses as well as permits. That is the only requirement. I will give an undertaking now that there will not be any adaptations or modifications other than those that are necessary. If in time it is shown we are controlling these operators under the wrong Act, then, of course, the necessary amendments will be introduced to bring these operators under the control of the appropriate Act.

Because of the overall requirements of legislation we are currently amending, I believe that at this time it is the correct Act. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Norton) in the Chair; Mr. Davies (Minister for Health) in charge of the Bill.

The CHAIRMAN: I might mention that there may be incorrect numbering in this Bill. In clause 6 the designation (i) is used twice—in lines 24 and 30. This may have to be renumbered (i) and (ii) and further down the numbers (i) and (ii) altered to (a) and (b). This can be done under Standing Orders.

Clauses 1 to 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ANATOMY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th August.

MR. W. A. MANNING (Narrogin) [2.54 p.m.] This is just a small Bill, but it has plenty of body in it. I therefore have undertaken to speak in reply.

I notice that the Minister when introducing the measure referred to human cadavers but in the Bill itself the reference is to bodies. I do not know if "cadaver" is a refinement of speech or the language of the Minister. However, they are bodies according to the Act.

The original Act of 1930 was introduced for the purpose of providing bodies for the study of anatomy. The Governor was given an authority by license to authorise the establishment of schools of anatomy, and in addition he was given power to grant a license to practise anatomy under certain conditions and for certain periods and subject to revocation, to any medical practitioner, graduate, or licentiate in medicine or any professor or teacher of anatomy, medicine, or surgery or to any student attending any school of anatomy.

The amendment we have before us today is to confirm the situation which existed then. Matters have arisen since which have given rise to doubts as to where certain persons stand—for instance the Coroner or medical practitioner—in regard to this Act, because of other Statutes which have been introduced. The amendment simply states this fact: Nothing in this Act shall be construed to extend or to prohibit. It is confirming the fact that what was said in the Act of 1930 stands today, because the operative clause states—

> Nothing in this Act shall be construed to extend or to prohibit—

It then lists the item "(a) any post mortem examination." This is in the Act at the present time. There is no alteration there. Paragraph (b) of proposed new section 20 states—

> any post mortem examination of any human body made by a medical practitioner for the purpose of ascertaining by actual inspection the cause or extent of disease; . . .

This is to protect the medical practitioner or the Coroner. Paragraph (c) is necessary because of the Act which was introduced in 1956 entitled the Tissue Grafting and Processing Act, under which portions of the body may be transplanted.

As I see it, the sole purpose of this Bill is to confirm the Act as it was and to save any misunderstanding in regard to other Acts which may appear to have an overriding power over the Act which is called the Anatomy Act. I see no reason for opposing this Bill, and I commend it to the House.

DR. DADOUR (Subiaco) [2.57 p.m.]: If I may add my contribution once again in support of this Bill. The previous speaker has outlined the intention of the Bill but I would like to take the matter a little further as it concerns my profession.

This is a matter of priorities; in effect, this is to give priority to a post mortem examination either ordered by the Coroner or by medical practitioners, and also to facilitate the removal of any tissue willed by the deceased.

Usually, when a body has been willed to the university for anatomical study it is embalmed until required. Unfortunately, post mortems may spoil certain parts of the body for embalming, but we have to give priority to post mortems when they are performed for medical and medico-legal reasons. If we are not quite satisfied as to the cause of death or the extent of the disease which caused death we may learn something by doing a post mortem.

An important point here is seeking permission for a post mortem. The medical practitioner must approach the next-of-kin and it must be borne in mind this is a very emotional time to make this request. The medical practitioner must be very certain that if a post mortem will be necessary permission will be given.

If I do not get permission it is not very ethical for me to have to run to the Coroner and seek his permission. If I am certain that I absolutely need a post mortem, and I cannot be sure that I will receive permission, then I feel it should become a Coroner's case. That is by way of explanation on that point.

The reference to the Tissue Grafting and Processing Act means that that Act takes precedence. Tissue must be obtained as soon as possible after death because of certain procedures involved with kidneys and other organs which are to be used for transplanting. The doctors who work under the Tissue Grafting and Processing Act are very responsible people, and they are very careful. For that reason they need every protection possible in that field. With those few remarks, I support the Bill.

MR. DAVIES (Victoria Park—Minister for Health) [3.02 p.m.]: I thank the two members who have spoken for their unqualified support of the Bill. In the first instance we had the member for Narrogon —a non-medical man—being able to see that the Bill simply confirms existing practices, and spells out these practices clearly so that there will be no misunderstanding. The Bill will not alter the procedures currently used, but simply removes any doubt.

I was also pleased to have the support of the member for Subiaco because, as a medical man, he appreciates the need to remove any doubt. The file relating to the introduction of this Bill goes back something like 18 months when there was some confusion as to the procedures necessary, in some cases, regarding post mortems and autopsies. I understand that post mortems and autopsies are exactly the same. As I have said, and as explained by the two previous speakers, the present Bill relates only to procedures.

I do not know when bodies became cadavers. In fact, I might tell the member for Narrogin that I was not certain whether the word should be pronounced "cadarver" or "cadava."

As I have already said, this Bill confirms existing procedures and does not alter the Act in any way. I again thank members for their support, and I commend 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.

QUESTIONS (20): ON NOTICE

1. MILK INDUSTRY

Survey

Mr. RUNCIMAN, to the Minister for Agriculture:

(1) Is he aware if the Milk Board or any other authority has conducted any research into—

(a) trends in the liquid milk industry over the next five and ten year periods;

(b) likely demand and production over the next five and ten year periods;

(c) anticipated population increase in five years and in ten years;

(d) extension of liquid milk markets to northern Australia, Indonesia, South-east Asia?

(2) Does he agree that such a survey would benefit milk producers and those desirous of entering the industry?

(3) If he is not aware of any long term research into the production and demands for the expansion of the industry, would he give consideration to having such a survey undertaken?

Mr. H. D. EVANS replied:

(1) (a) to (c) The Milk Board and other Government authorities have made estimates of population trends to assist in forward planning for various purposes including liquid milk. Some work is being carried out regarding reconstituted milk, as distinct from liquid milk.

(d) The extension of liquid milk markets to Indonesia and South-east Asia has not been studied. Liquid milk for communities in the northern parts of Western Australia involves great transport costs.

(2) Surveys which show expanding needs should help all associated with the particular industry.

(3) Answered by (1) and (2).

2. BACKYARD ORCHARDS

Registration: Retrenchment of Staff

Mr. REID, to the Minister for Agriculture:

(1) What retrenchment of Department of Agriculture staff was made following the decision to discontinue backyard orchard registration?

(2) Were the fruit fly inspectors used as clerical staff in the registration process?

(3) Will not the Department of Agriculture be $17,208 worse off following its decision to discontinue registration?

(4) How will compulsory fruit fly baiting schemes be introduced now that it is not possible to conduct a registered growers' poll?

Mr. H. D. EVANS replied:

(1) No retrenchments occurred but there have been resignations for other reasons and transfers to other positions.

(2) Fruit fly inspectors were used to assist with annual registration of backyard and other orchards and policing of the orchard registration regulations.

(3) Not necessarily if staff and time are used in other avenues.

(4) New arrangements for the organisation of fruit fly baiting schemes are under consideration but are not yet finalised.

3. BRIDGE

Canning River: Thornlie-Maddington

Mr. BATEMAN, to the Minister for Works:

(1) Have any further representations been made to his department by the Gosnells Shire Council in respect of the building of a bridge over the Canning River to link Thornlie and Maddington?

(2) Has a definite route or road been chosen to serve this proposed bridge?

(3) Are there financial provisions in this financial year to meet the cost of erecting this bridge?

(4) If (1), (2) and (3) are "Yes" would his department expedite the construction?

Mr. T. D. EVANS (for Mr. Jamieson) replied:

(1) No.

(2) No.

(3) No.

(4) Answered by (1) to (3) above.

4. LOCAL GOVERNMENT

Adjustment of Boundaries

Mr. W. A. MANNING, to the Minister representing the Minister for Local Government:

(1) Has he regard for—

(a) the fact that electoral boundaries are, as far as possible, based on local government boundaries; and

(b) the chaos which will result if numerous serious changes in local government boundaries are made after an electoral redistribution?

(2) Taking into account the answers to (1), will he advise his intentions regarding any changes in boundaries?

Mr. TAYLOR replied:

(1) (a) No.

(b) I do not believe chaos will result.

(2) No.

5. BILLS

Introduction of Second Reading Speeches

Mr. W. A. MANNING, to the Speaker:

Would he find it possible to quickly provide each Member with a copy of speeches made when a Minister or Member introduces the second reading of a Bill?

The SPEAKER replied:

The instruction to *Hansard* is that a copy of a speech made by a Minister or Member shall not be made available to any other Member until such time as the Minister or Member who made the speech has returned to *Hansard* his corrected copy. If the corrected copy is not returned to *Hansard* by noon on the day following the speech, *Hansard* may release copies.

If Ministers or Members introducing Bills from prepared notes were to make available to the Clerk of Records and Accounts an extra copy of the prepared notes only, that officer through the copying facilities would be able to supply a copy of those prepared notes to any Member so requiring. I say prepared notes only, because Ministers and Members often add other words than these.

To supply a copy to all members, in the case of a large number of bills being introduced, would not only be difficult, but would be a waste of officers' time and paper.

6. MOBILE DENTAL CLINIC

Mt. Magnet

Mr. COYNE, to the Minister for Health:

(1) Is he aware that the mobile dental clinic at present visiting Mt. Magnet is unable to cope with the demand despite extending its time by one week and it is reliably estimated that 25 to 30 people will not receive attention during the current tour?

(2) Will he have investigations made to see if some special arrangements can be made to have the dental requirements of these people attended to?

(3) In view of the overloading of this service, is it contemplated that an additional clinic will be put on the road?

Mr. DAVIES replied:

(1) Yes.

(2) Yes.

(3) A decision would be made in the light of the result of the investigation under (2) and the availability of funds.

7. DAIRY HERDS

Brucellosis Testing

Mr. I. W. MANNING, to the Minister for Agriculture:

(1) What number of dairy herds in the south-west have been tested during the current brucellosis testing and eradication scheme?

(2) What percentage of stock has reacted to the tests?

(3) Is it considered that inoculation with the serum strain 19 has been effective in combating brucellosis?

(4) When is it proposed to bring into general use the new vaccination serum 4520 and at what age are stock to be inoculated?

(5) Is compensation being paid to farmers for stock culled because of brucellosis; if so, what are the compensation arrangements?

Mr. H. D. EVANS replied:

(1) Resulting from abattoir traceback, reported abortions, and infertility investigations, 33 dairy herds have been tested in the south-west.

(2) Eight per cent of stock reacted in these herds.

(3) Where used, strain 19 has prevented abortions and lowered incidence of infection.

(4) 45/20 vaccination has now commenced. Stock over 6 months of age are vaccinated with 45/20.

(5) Yes, by agreement with owner provided disease is not actively spreading and facilities are satisfactory to prevent reintroduction.

8. ORD RIVER DAM

Recovery of Aboriginal Objects

Mr. RIDGE, to the Premier:

(1) What research has been undertaken, and by whom, in relation to the compilation of data and the recovery of objects from primitive Aboriginal sites which will be flooded when the main Ord dam is completed?

(2) Will the on-site research work be completed before the areas are flooded?

(3) If "No" why not?

(4) What amounts, and from what source have the funds come to enable the research in question?

Mr. J. T. TONKIN replied:

(1) The area has been anthropologically researched by the Department of Native Welfare and the Anthropology Department of the University of Western Australia, to determine the details of sacred sites. This information has been recorded. The findings were discussed with the Elders of the area and it was unanimous that any areas of significance should not be disturbed.

(2) The research is complete.

(3) Answered by (2).

(4) Expenditure incurred was covered by the Native Welfare Department's salary vote and by the University of Western Australia.

9. PENSIONERS

Free Public Transport: Eligibility

Mr. RIDGE, to the Premier:

(1) In relation to his stated policy that: "Free public transport in the metropolitan area will be instituted for pensioners", will he advise if the concession is applied to all people who are in receipt of an age pension?

(2) If "No" how is eligibility for the concession determined?

(3) If eligibility is subject to a means test will he indicate if his Government has any intention of abolishing this distinction in order that all pensioners can take advantage of benefits which are initiated by the State Government?

Mr. J. T. TONKIN replied:

(1) No.

(2) The concession applies to all pensioners who qualify for free medical benefits but excludes those who are eligible for pensions under the "tapered means test".

(3) Not in the current financial year. This is a matter for future determination of policy by the Government.

10. MINERAL SANDS

Eneabba Area

Sir DAVID BRAND, to the Minister for Mines:

(1) What companies are operating in the Eneabba area in search of mineral sands?

(2) What minerals are known to exist there, and what are the estimated tonnages of each discovery?

(3) On information available to his department, could he indicate what prospects exist for the establishment of a mining industry?

Mr. MAY replied:

(1) Allied Minerals N.L.
Avoca Properties Pty. Ltd.
C.R.A. Exploration Pty. Ltd.

Hawkestone Minerals Ltd.
Carrboyd Minerals.
Killara Minerals Pty. Ltd.
Westralian Sands Ltd.
Mallina Mining & Exploration Ltd.
Western Titanium N.L.
Research & Exploration Management Pty. Ltd.
N.G.M. Pty. Ltd.
Ilmenite Pty. Ltd.
W.A. Woollen Mills.
Mining Advisors Pty. Ltd.
Syngenetic Management Pty. Ltd.

are reported to be operating in the Eneabba area in search of mineral sands, or have applied for mining tenements in that area for such minerals. However, in view of continual changes, the above list could be subject to amendment from time to time.

(2) Rutile, ilmenite, zircon, leucoxene, monazite and kyanite are the main beach sand minerals known to exist there. Estimated tonnages of each discovery are confidential.

(3) Information available indicates good prospects for the establishment of a mining industry.

11. COAL

Discoveries: Eneabba Area

Sir DAVID BRAND, to the Minister for Mines:

(1) Has coal been discovered in the Eneabba area or surrounding districts?

(2) If so, of what quality and at what depth was the discovery made?

(3) In view of the tests made to date, are the prospects indicative of a large deposit?

Mr. MAY replied:

(1) Yes.

(2) Two discoveries have been made—

(a) With a quality which varied from 8,000 to 9,000 B.T.U. with weak coking properties and at a depth between 6,373 feet and 6,441 feet.

(b) In shallow drilling near Eneabba with a subcrop at 100 feet and below with a quality which may approach that of Collie coal. The investigation and study of results is incomplete.

(3) (a) Investigation of the find referred to in (2) (a) above failed to locate economic deposits at reasonable depths.

(b) Investigation of the find referred to in (2) (b) above is in progress.

12. STATUTES

Reference to People of Asian and African Descent

Mr. R. L. YOUNG, to the Attorney General:

Which Western Australian statutes, other than the Firearms and Guns Act and the Mining Act, contain clauses which refer to peoples of Asian and African descent?

Mr. BERTRAM replied:

This information is not readily available.

13. MINING LEASES

Authorisation of Buildings

Mr. WILLIAMS, to the Minister for Mines:

(1) Is he the only person who can authorise the erection of buildings on a mining lease?

(2) If "No" what other person or persons can authorise this work?

(3) Is there any appeal by a local authority or holder of a lease against the decision?

Mr. MAY replied:

(1) A mining lease is granted by the Governor following a recommendation by the Minister for Mines and authorises the lessee to erect thereon buildings to be used in connection with such mining.

(2) and (3) Answered by (1).

14. *This question was postponed.*

15. SCHOOL BUS SERVICES

Albany and Great Southern

Mr. STEPHENS, to the Minister for Education:

In view of the problems associated with school buses in Albany as reported in *The West Australian* of 11th August and that also exist in the area of the lower Great Southern regional council of parents and citizens' association, will he consider the immediate appointment of a transport officer to be stationed at Albany for six months or until the school bus problems are rectified?

Mr. J. T. TONKIN replied:

The District Superintendent, whose headquarters are at Albany, or another senior officer of the Education Department, will be investigating immediately the problems associated with school bus services in that area and the position will be watched closely on a continuing basis.

16. FARM LAND

Conversion to Pine Plantations

Mr. REID, to the Minister for Forests:

(1) Is the Government at present investigating ways of alleviating the financial problems of local shires affected by loss of rates following the purchase of cleared farm land for soft wood pine plantations?

(2) If "Yes" when will these investigations be known?

(3) If (1) is "No" does the Government plan to investigate this problem in the future?

Mr. T. D. EVANS replied:

(1) to (3) Successive Governments have maintained that land purchased by the Forests Department is not to be regarded as different from other Crown Land and it has never been the practice for the Crown to pay rates in respect of Crown Land. The Forests Department does however, make an *ex-gratia* payment based on the actual rate struck by local authorities for land in or adjacent to towns where it is for the purpose of housing or administration.

The Government has investigated ways and means of best augmenting the financial resources of local authorities where a real need for additional funds to enable such authorities to discharge their proper functions can be demonstrated.

The matter is still under review.

17. FREE SCHOOL BOOKS

Special Allowance to New Primary Schools

Mr. A. R. TONKIN, to the Minister for Education:

In view of the difficulties of supplying reading material in newly established primary schools, will he give consideration to the provision of a special allowance for such schools under the projected free book scheme?

Mr. J. T. TONKIN replied:

Newly established primary schools receive the following assistance which enables the establishment of an adequate reading programme—

(1) A library foundation issue.

(2) A teaching materials issue.

(3) Free reading materials on a *per capita* basis.

(4) Free issues of the school paper and other departmental supplementary readers.

These grants are considered to be satisfactory at this stage, but the position will be reconsidered when the free books scheme is implemented, to determine whether some further assistance is required.

18. GRAYLANDS TEACHERS' COLLEGE

Replacement

Mr. A. R. TONKIN, to the Minister for Education:

When is it intended that the Graylands teachers' college will be replaced?

Mr. J. T. TONKIN replied:

The Department has no plans for replacing the Graylands Teachers' College.

19. WATER SUPPLY DEPARTMENT PERSONNEL

Entry onto Property of J. E. and M. M. Moir

Mr. GAYFER, to the Minister for Water Supplies:

(1) Would he ascertain if it is correct that public water supply personnel have entered the unoccupied farm of J. E. and M. M. Moir of Shackleton whose cattle perished allegedly as a result of their drinking water being cut off?

(2) If so, would he ascertain if permission was given to them by the owners or sharefarmer to proceed through boundary gates marked "No Trespassing—Trespassers will be prosecuted"?

(3) Would he confirm or otherwise the report that these personnel were taking photographs and, if so, for what purpose?

(4) Would he table the water supply file dealing with J. E. and M. M. Moir of Shackleton?

Mr. T. D. EVANS (for Mr. Jamieson) replied:

(1) Yes.

(2) (i) Entry was through a gate with no sign.

(ii) The officers have right of entry under the Country Areas Water Supply Act by virtue of authority delegated by the Minister.

(iii) The officers had an amicable discussion with the share farmer on the property.

(3) Photographs were taken to amplify a report on this matter.

(4) I am prepared to make the file available at my office for perusal by the Member for Avon.

20. STATE SHIPPING SERVICE

Round-Australia Voyages: Freights

Mr. STEPHENS, to the Minister representing the Minister for Transport:

(1) What were the freight returns on the round-Australia voyages of the State Shipping Service on the sections—

(a) Fremantle-Darwin;

(b) Darwin-Newcastle;

(c) Newcastle-Fremantle,

inclusive of intermediate ports?

(2) Is he aware that Sydney and Melbourne provide the greater volume of trade for Western Australia and the agents in Melbourne, which provides the greatest volume of trade, are Associated Steamship Pty. Ltd., the interstate container company, which has its activities centralised in Fremantle?

(3) Will he authorise a feasibility study for the re-introduction of the service between Newcastle and Fremantle and intermediate ports using agents with no specific interest in centralised cargo handling at Fremantle?

Mr. MAY replied:

(1) Trading period: July, 1968-July, 1969, 7 voyages.

	Tons	Freight $
(a) Northward—		
Fremantle-Darwin	13,550	355,237
(b) Eastward—		
North West ports and Darwin to Newcastle and Eastern States ports	3,770	142,840
(Includes 3,275 tons cotton and tallow ex Wyndham.)		
(c) Westward—		
Newcastle to Fremantle inclusive of all intermediate ports	11,311	280,106
	28,631	$778,183

(2) Assuming the question refers to seaborne trade only, reference to the Fremantle Port Authority annual report, as at 30th June, 1970, confirms that New South Wales and Victoria provide the greatest volume of interstate trade to Fremantle.

In the general cargo trade, Associated Steamships Pty. Ltd. would be the major operator to Fremantle.

(3) As the future policy of the State Shipping Service involves the phasing out of the existing uneconomic vessels, including the passenger ships, to introduce a service from Fremantle to Newcastle and return via intermediate ports with new vessels, bearing in mind the strong competition from road, rail and sea, is not warranted.

QUESTIONS (4): WITHOUT NOTICE

1. ALLEGATIONS AGAINST LOCAL AUTHORITY

Release of Information

Mr. COURT, to the Premier:

The other day the Premier was good enough to undertake to make some inquiries regarding allegations that had been highly publicised in connection with an unnamed local authority in the metropolitan area. Is the Premier in the position of being able to make any further comment and, if not, can he indicate when it is likely that an official statement will be made?

Mr. J. T. TONKIN replied:

In accordance with an undertaking which I gave, to which the Deputy Leader of the Opposition has referred, I took the earliest opportunity to discuss this matter with the Minister for Local Government with a view to being able to make a statement which would to some extent, if not completely, clarify the position.

The Minister explained to me that he would not, in the first place, have made a statement about it at all but the information became available to the Press and he was approached and asked straightout whether the position was that an inquiry was in process. The Minister felt that in the circumstances he had to admit that there was such an inquiry but he was not prepared to be drawn any further. I asked the Minister whether it was at all possible to make a more specific statement with regard to the matter but he explained to me that on the advice of the C.I.B. this should not be done because the inquiries had not been completed; persons who could be involved would be alerted and in those circumstances would, naturally, take certain action aimed at extricating themselves, and in the interests of justice they should not be facilitated.

I very much regret that at this stage no statement can be made, but the inquiries are proceeding and an endeavour will be made to reach, as quickly as possible, a stage where specific information can be supplied.

2. POLICE STATION

Cunderdin: New Buildings

Mr. McIVER, to the Minister representing the Minister for Police:

(1) Has a new police complex been listed for Cunderdin in the 1971-72 allocation of funds?

(2) If the answer to (1) is "Yes," when is it anticipated work will commence?

Mr. MAY replied:

The Minister has requested that I thank the member for Northam for some notice of this question. The answer is as follows:—

(1) No.

(2) Answered by (1).

3. TRAFFIC

"Stop" Signs: Change in Law

Mr. COURT, to the Minister representing the Minister for Police:

Will he please explain the reason for the difference in the reported statements of the Minister for Police and Transport in the *Daily News* on Wednesday the 11th August, 1971, in which he is reported to have said, "The traffic law for stop signs will be changed in W.A. Motorists will have to give way to vehicles on their right and left," and he is further reported to have said "the law would be changed whether the other mainland states adopted the change or not"; whereas in this morning's issue of *The West Australian* he is reported as saying "he could see merit in a suggestion by the National Safety Council in W.A. that the traffic law for stop signs be changed. However the Government had not yet decided on the matter"; and further, that "He wanted to know whether W.A. should go it alone or wait till the next meeting of the A.T.A.C. and submit the proposal on a national basis"?

Mr. MAY replied:

I thank the Deputy Leader of the Opposition for some notice of this question. The answer is as follows:—

On the 16th July the Minister received a letter from the National Safety Council with a proposition that "stop" signs should place upon motorists, after stopping, the same "give way" responsibility that is now obligatory at a "give way" sign. This matter has been referred back to the National Safety Council for its views on whether—

(a) W.A. should take unilateral action in this matter, or

(b) should refer the matter to the Australian Transport Advisory Council for uniform adoption by all States.

He is awaiting advice from the National Safety Council and has made no statement to indicate that the traffic law signs will be changed.

4. TRAFFIC

"Stop" Signs: Change in Law

Mr. COURT, to the Minister representing the Minister for Police:

Do I take it from the answer given that the Minister did not make the statement that this State would adopt the new procedure?

Mr. MAY replied:

I am not in a position to answer this question but I will certainly find out and let the Deputy Leader of the Opposition know.

ROAD MAINTENANCE (CONTRIBUTION) ACT REPEAL BILL

Second Reading

MR. J. T. TONKIN (Melville—Premier) [3.27 p.m.]: I move—

That the Bill be now read a second time.

It will be seen that this is a very small Bill which does not contain very much verbiage, but I think it can truthfully be claimed that its effect will be out of all proportion to the time taken up in explaining what is to be done.

Before addressing myself to the subject matter of the Bill I feel it is desirable for me to explain some preliminary occurrences prior to the actual formulation of the policy. The Government had to give consideration to the practicability of raising funds to replace the receipts under the Road Maintenance (Contribution) Act.

One scheme which seems to have the support of some sections of the community is to persuade the Commonwealth Government to levy a special tax on motor fuel and then distribute that tax to the various States. However, there are some problems connected with such a proposal, as can be readily appreciated. Firstly, it would be necessary to persuade the Commonwealth to levy a special tax on motor fuel, and such a proposal would require the agreement of all the Premiers. Assuming that the Commonwealth accepted such

a scheme—which is very doubtful—each State would receive the amount of the extra tax levied in that State.

Such a scheme, of course, would not be as favourable to this State as the method of distribution of road funds under the Commonwealth Aid Roads Act, whereby Western Australia receives a higher proportion of road funds compared with the fuel tax paid than any other State.

Some years ago Victoria made a request to the Commonwealth for the imposition of a special fuel tax for that State but it was rejected, and it seems almost certain that any approach of this nature would have the same fate.

On the State scene, we are advised that it is beyond the legal capacity of the State to impose a tax on fuel. Any implementing legislation would certainly be open to challenge and could be held to be invalid and in contravention of section 90 of the Constitution.

However, the point which appears to overshadow all this is that a fuel tax would impose additional costs on all motorists, and this is quite contrary to the policy of the Government—although there were indications over a number of months that many people, without any justification, expected this to be done.

Mr. O'Connor: Your members previously spoke in favour of this.

Mr. J. T. TONKIN: That is pure speculation.

Mr. O'Connor: Your members are recorded in *Hansard* as speaking in favour of this.

Mr. J. T. TONKIN: I made no such pronouncement.

Mr. O'Connor: You wouldn't refute it when you were asked about it on a number of occasions.

Mr. J. T. TONKIN: Well, to have done so would have been to inform the honourable member in advance of what I was not prepared to do, but of what he was most anxious to know. He might get away with that in a kindergarten but I am a bit long in the tooth to fall for it.

Mr. O'Connor: No comment.

Mr. J. T. TONKIN: Another alternative was the suggestion that a tyre tax might be imposed. I understand this form of tax is used quite extensively for raising road funds in the United States. Here again, because of the legal obstacle of the Australian Constitution such a tax levied at the State level would have very doubtful legal validity.

Mr. Gayfer: Come on! The suspense is terrific.

Mr. J. T. TONKIN: It would also be difficult and costly to administer and has a number of problems in enforcement.

Having given consideration to, and rejected, these alternatives for the reasons I have explained, the Government feels that the only satisfactory way of producing replacement road funds is to impose an increase in the motor vehicle registration fees of all trucks and vehicles used for commercial purposes. There will be no increase in motorcar licenses and there will be a special concession for farmers' trucks.

Mr. O'Connor: Will this include station wagons and utilities?

Mr. J. T. TONKIN: If the honourable member will be a little patient the details will unfold as I proceed. I turn now to the Bill to repeal the Road Maintenance (Contribution) Act.

Members of the Labor Party have always maintained that the road maintenance tax was an iniquitous imposition. We opposed it upon its inception and we have never deviated from that course. We continued to oppose it and say that it ought to be repealed, and we undertook to repeal it. I can recall no other taxing measure at the State level which has been resisted so strongly by such a large section of the community.

Sir David Brand: Frankly, I do not think that is correct.

Mr. J. T. TONKIN: I am expressing my opinion and not the opinion of the Leader of the Opposition.

Sir David Brand: Well I thought I would take the opportunity to express mine.

Mr. J. T. TONKIN: There appear to be many reasons for expressing this resistance and I would say that one of the principal reasons is that it appears to impose a special tax on one section of the community; that is, the owners of the heavier type of truck and, particularly, the owner-driver.

Another point against this tax is that it falls heavily on those situated in isolated areas remote from railways, many of whom are engaged in pastoral and farming activities. Indeed, it has been from this section of the community that innumerable complaints have emanated and the Farmers' Union has been strongly opposed to the tax.

Apart from this aspect, the collection of the tax has posed many administrative problems for the Road and Air Transport Commission. Although it is difficult to obtain firm figures regarding the percentage of tax actually collected, the indications are that the evasion of the tax could be as high as 30 per cent.

The administrative costs and the administrative procedures related to the road maintenance tax, both in Government and in the transport industry, are quite complex. Each truck owner-driver who comes within the scope of the tax has to complete a return at regular intervals, and this has brought about another strong

feeling of resentment to the tax. Some operators have told me they have had to keep a staff of people doing nothing else but preparing records in order to ensure the correct payment of the tax involved, and that the cost to them—which they have had to pass on—has been excessively high. So it must be borne in mind that in making this change, even though some increase in vehicle license fees will be imposed, there will be no necessity whatever for records to be kept in connection with the payment of the tax.

Mr. Rushton: It will be passed on by them to the purchasing public.

Mr. Norton: What happened before?

Mr. J. T. TONKIN: A rather unsavoury feature of the administration of the tax is the many prosecutions imposed against those caught evading it. Since the legislation came into force in April, 1966, there have been 7,535 prosecutions and in excess of 3,000 prosecutions are still pending. Many of these have accumulated because of problems of procedure. For instance, quite a number of owners are in the Eastern States. The number of outstanding prosecutions indicates the sort of administrative turmoil which has been created by this legislation.

Other States are facing similar problems in this field. For example, in 1969-70 New South Wales prosecuted 11,461 persons for evasion of road tax. In the same period Victoria prosecuted 5,592 persons.

Mr. O'Connor: Is that the number of persons convicted, or the number of convictions? There might be 10 convictions against the one person.

Mr. J. T. TONKIN: Those numbers are of persons prosecuted. What we must remember here is that many of the persons prosecuted were not in a position to pay their fines, so the Government did not get the money. Some of the people were gaoled—in one case for more than 12 months—and the State has had to maintain these persons in gaol, and social services have had to be provided for the wives and children of those in gaol.

Mr. Court: Doesn't that happen under other laws?

Mr. J. T. TONKIN: My answer to the Deputy Leader of the Opposition is that I know of no other law under which the Government is forced to instigate the number of prosecutions which are instigated under this law—there is no other approaching it.

Mr. Court: It happens to be a special type of law.

Mr. J. T. TONKIN: In addition to having to maintain these people in the prisons, we have a situation in which the prisons are already overcrowded. So we must place such people in overcrowded institutions, which creates the additional burden of the State having to provide more prison accommodation. The case for the repeal of this tax could not be stronger.

Mr. W. A. Manning: How will you levy it against interstate hauliers?

Mr. J. T. TONKIN: It is my belief that this form of tax is just as unpopular in the Eastern States as it is in this State. I might even quote the Leader of the Opposition who, when he was Premier, said in his political notes published on the 10th April, 1969, "The Government has always been aware of some unsatisfactory features of this particular charge."

He set up a special committee to examine certain proposals which had been brought forward by various public bodies as alternatives to the road maintenance tax.

Mr. Rushton: Did you make any promises to repeal this tax?

Mr. J. T. TONKIN: Nothing acceptable to the Government at that time was produced by this committee's deliberations. No doubt, this was because its terms of reference were not broad enough and did not cover the field of raising license fees of all commercial vehicles.

On the other hand, my Government's proposal to replace the tax by increasing the commercial vehicle registration fees will resolve the many problems I have just mentioned and costs will be reduced. Evasion will be much easier to identify and it follows that truck owners will be less prone to try to avoid it.

It is of interest to point out that in the last 12 months the Police Department has detected only 385 persons who have attempted to evade the payment of motor vehicle registration fees. This compares with the 1,343 prosecutions launched by the Road and Air Transport Commission in 1970-71.

Mr. McPharlin: Will this amendment cover the amount that was obtained from the road maintenance tax?

Mr. J. T. TONKIN: Yes, it will; there will be no loss of income to the State.

Sir David Brand: What percentage increase in the license fee will bring you in approximately $4,000,000?

Mr. J. T. TONKIN: I will indicate that in a moment or two when I reach that stage. I believe this Bill eliminates a taxing measure which has placed an unfair burden on the community since it came into effect in 1966.

Mr. Court: When you said during the elections that you were going to get rid of the road maintenance tax, did you say, at the same time, that you would not impose an alternative tax?

Mr. J. T. TONKIN: I believe I said that and I meant it.

Mr. Court: I cannot find any reference to a substitute tax.

Mr. J. T. TONKIN: I believe I said at the time that there would not be a tax substituted for this tax, and I do not consider increasing the license fees already in existence—

Mr. Court: Tell that to the marines!

Mr. J. T. TONKIN: The Opposition can laugh, but this is not a substitution for the road maintenance tax.

Mr. Court: It is a prostitution.

Mr. J. T. TONKIN: It is as much like the road maintenance tax as I am like the Leader of the Opposition.

Mr. O'Connor: This is just misleading the public again.

Mr. J. T. TONKIN: Oh, is it?

Mr. O'Neil: It is misleading the truckies.

Mr. J. T. TONKIN: Is it misleading the public when we seek to put something on to each individual commercial vehicle owner so that he pays only what he paid before?

Mr. O'Connor: Some did not pay anything before.

Mr. J. T. TONKIN: I know this is hard for the member for Mt. Lawley to swallow seeing that he tried for years to get rid of it.

Mr. O'Connor: It will be harder for you to swallow.

Mr. J. T. TONKIN: We will see what the Opposition does with it; that will be the test.

Mr. Court: I think you have a fair idea now.

Mr. J. T. TONKIN: Have I? The responsibility will be on the Opposition.

Mr. McPharlin: Have you given any thought to the interstate haulier?

Mr. O'Neil: You cannot touch him.

Mr. J. T. TONKIN: The interstate haulier was a losing proposition, anyhow. This brings me to the point that when this tax was imposed it was for the purpose —so we were told—of making the interstate haulier pay for the damage he did to the roads.

Mr. O'Connor: Not for that sole purpose.

Mr. J. T. TONKIN: No?

Mr. O'Connor: No.

Mr. J. T. TONKIN: What was the other purpose?

Mr. O'Connor: It was for that purpose and because we could obtain matching money from the Commonwealth.

Mr. J. T. TONKIN: Was it?

Mr. O'Connor: Yes, it was; you read back.

Mr. J. T. TONKIN: I have read back, and it was said at the time that interstate hauliers who were coming to this State were damaging our roads and paying nothing towards their maintenance, and the tax was imposed to make them pay a contribution towards the maintenance of the roads. But how much of a contribution did they make?

Sitting suspended from 3.45 to 4.05 p.m.

Mr. J. T. TONKIN: Before I proceed to indicate the new license fees I propose by way of illustration, and with further emphasis to what I have already said, to outline a case which came under my notice when we were in Opposition, and was referred to the member for Mt. Lawley, who was then the Minister for Transport.

This case concerned a person who had entered into an arrangement to purchase a truck in order to carry out some road haulage; and, like many other subcontractors, he obtained a contract from a major contractor. He was operating in an area where the roads were bad, and where repairs to the vehicle were particularly heavy. The result was that he could not pay the amount due to the Government for road maintenance tax.

His truck was repossessed, because he could not meet the payments on it, so he went to work in a timber mill in the south-west. Finally the summonses caught up with him. He was taken out of his job at the timber mill, where he had been doing his best to maintain his wife and family, and he was put in gaol. Representations were made and, if my memory serves me correctly, the Minister saw how unreasonable the situation was, and the man concerned was released. That is not an isolated case. There was a genuine operator who, because of the circumstances, just could not meet his obligations.

That is one of the reasons so many prosecutions were undertaken and pending, and that is why the Government is actuated in repealing this tax and adopting some other method of obtaining the very necessary money that is required if we are to maintain the desired level of roadwork and road maintenance.

I do not think anybody would argue that we should attempt to abolish the road maintenance tax and not make an attempt to obtain funds in some other direction. The method we propose to employ is, in the opinion of the Government, the fairest and most equitable of any offering, in view of the fact that some other alternatives for one reason or another cannot be adopted.

Mr. Reid: You could buy a truck in the Eastern States.

Mr. O'Connor: The member for Blackwood is indicating that in South Australia the fee is $1, running the truck on this basis.

Mr. J. T. TONKIN: The proposed new license fee schedule will be divided into two sections—

(1) a motor wagon, tractor (prime mover type) and

(2) a utility or panel van that is not used solely for social, domestic or pleasure purposes or by a charitable, benevolent or religious institution.

If the panel van or utility is used partially for commercial purposes it will then have to bear this particular license. But if it is a utility or a panel van used solely for social, domestic, or pleasure purposes, or by a charitable, benevolent, or religious institution, the ordinary license applied to motorcars will be paid.

The vehicles which will be licensed on this basis will be those in the first instance not exceeding 50 hundredweight aggregate to be licensed on the following tare weight basis:—

Tare Weight Exceeding Cwt.	Not Exceeding Cwt.	Fee $
0	5	11.00
5	10	15.00
10	15	19.00
15	20	27.00
20	25	35.00
25	30	40.00
30	35	46.00

The license fee for vehicles exceeding 35 hundredweight tare but not exceeding 50 hundredweight aggregate will be $47.

Vehicles exceeding 50 hundredweight aggregate are to be licensed on the following aggregate weight basis:—

Aggregate Weight Exceeding Tons	Cwt.	Not Exceeding Tons	Cwt.	Fee $
2	10	2	15	48
2	15	3	0	50
3	0	3	5	53
3	5	3	10	56
3	10	3	15	61
3	15	4	0	67
4	0	4	5	73
4	5	4	10	80
4	10	4	15	87
4	15	5	0	94
5	0	5	5	101
5	5	5	10	108
5	10	5	15	115
5	15	6	0	122
6	0	6	5	129
6	5	6	10	136
6	10	6	15	144
6	15	7	0	152
7	0	7	5	160
7	5	7	10	168
7	10	7	15	176
7	15	8	0	184
8	0	8	5	192
8	5	8	10	200
8	10	8	15	208
8	15	9	0	216
9	0	9	5	225
9	5	9	10	234
9	10	9	15	243
9	15	10	0	252
10	0	10	10	269
10	10	11	0	286
11	0	11	10	304
11	10	12	0	323
12	0	12	10	343
12	10	13	0	364
13	0	13	10	385
13	10	14	0	407
14	0	14	10	429
14	10	15	0	452
15	0	16	0	497
16	0	17	0	542
17	0	18	0	588
18	0	19	0	635
19	0	20	0	683
20	0	21	0	732
21	0	22	0	782
22	0	23	0	833
23	0	24	0	886
24	0	25	0	941
25	0	26	0	998
26	0	27	0	1,057
27	0	28	0	1,117
28	0	29	0	1,177
29	0	30	0	1,237
30	0	31	0	1,297
31	0	32	0	1,357
32	0	33	0	1,417
33	0	34	0	1,477
34	0	35	0	1,538
35	0	36	0	1,599
36	0	37	0	1,660
37	0	38	0	1,721
38	0	39	0	1,783
39	0	40	0	1,845

With regard to vehicles exceeding 40 tons aggregate, for the first 40 tons the fee will be $1,845 while for each additional ton or part thereof the fee will be $62.

I have given those figures because I feel it was only fair to make them available to everyone and there is no other method by which I could have had them incorporated in my speech.

Some time will be required to develop the changed procedures in the department—the altered method of assessing the license fees, and so on—so it is not intended that this new scheme will come into operation prior to the 1st January, next year. The intervening time will be required to effect the altered procedures so that the new license fees can be collected in accordance with this scale.

Sir David Brand: They will want their holidays to get over the shock!

Mr. O'Connor: Does this mean the road maintenance tax will still apply until that time?

Mr. J. T. TONKIN: Yes; so that there will be no loss of revenue. The department could not reasonably be called upon

to face the loss of revenue which would result from the immediate abolition of a tax with nothing at all to replace it. Therefore, in order to ensure no loss of revenue, and so that the same level of expenditure can be maintained, I was advised, after careful consideration by the department, the Treasury, and the Police Department—

Sir David Brand: Thank goodness for the Treasury.

Mr. J. T. TONKIN: —that they would require this time.

Mr. O'Neil: There should be a reference to this in the Bill because if this is only to—

Mr. J. T. TONKIN: It will not operate until it is proclaimed.

Mr. T. D. Evans: It must be proclaimed.

Mr. Lewis: You mentioned something about concessions for farmers.

Mr. Gayfer: What are the concessions?

Mr. T. D. Evans: It will not operate until it is proclaimed.

Mr. O'Neil: This is an automatic Act. Automatically this Bill will go down for assent unless it contains a provision to the contrary.

Mr. J. T. TONKIN: What happened to the Physical Environment Protection Act introduced by the previous Government?

Mr. O'Neil: I am just asking the question.

Mr. J. T. TONKIN: The honourable member ought to know from experience. Parliament passed that Bill last year and it has not yet been proclaimed.

Mr. O'Neil: It contained a provision to the effect that it would not be proclaimed until a date to be fixed. I do not wish to be critical; I am just saying if you do not want this to operate until the 1st January next year, it might be as well to include in the Bill the date for it to be proclaimed.

Mr. O'Connor: A date at which it is to be proclaimed.

Mr. J. T. TONKIN: Perhaps the Leader of the Opposition might get the legal eagles on the Opposition side to look at that aspect. I am assured this meets the situation.

Mr. Lewis: You mentioned something about concessions.

Mr. J. T. TONKIN: That is right; the concessions that normally apply to the licensing of farm vehicles will continue to apply. That is, they will not be subject to these increases which are set out if they are not already subject to the licensing fees which apply.

Mr. O'Neil: One other question: are these increases, or are they new license rates? They are not added on to the current rate?

Mr. O'Connor: Yes, that is what I understood.

Mr. J. T. TONKIN: This will be the fee that will be charged.

Mr. O'Neil: Total?

Mr. J. T. TONKIN: Yes, that is what they will pay.

Mr. Norton: A surcharge?

Mr. J. T. TONKIN: No, this is what will be charged. These figures will take the place of what they now pay.

Mr. Lewis: The concessions they get are those which apply under the road maintenance tax.

Mr. J. T. TONKIN: That is right.

Mr. Lewis: Because, as you will appreciate, they will pay under the road maintenance tax, or under the ordinary license.

Mr. J. T. TONKIN: There will be no road maintenance tax at all to be paid.

Mr. O'Connor: The original license was $11 and I thought this was over and above the license fee on that vehicle now, because $11 is a very low figure.

Mr. O'Neil: I think it is for a kiddie car.

Mr. J. T. TONKIN: This is the proposed new license fee schedule; this is the schedule.

Mr. O'Neil: Good.

Mr. McPharlin: Before you sit down, are the licensing authorities in the country to be the agents for this?

Mr. O'Neil: As long as they retain licensing.

Sir David Brand: There will be two taxes then?

Mr. J. T. TONKIN: I think the honourable member had better put the question on the notice paper. I commend the Bill to the House.

Debate adjourned for one week, on motion by Mr. O'Connor.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Second Reading

MR. TAYLOR (Cockburn—Minister for Labour) [4.25 p.m.] I move—

> That the Bill be now read a second time.

The short amending Bill is a simple one, yet it is quite important. The amendment seeks to change the composition of the Western Australian Industrial Commission from a chief commissioner and three other commissioners to a chief commissioner and four other commissioners.

Members will recall that when the Industrial Arbitration Act was amended in 1963, a commission named the Western Australian Industrial Commission was created.

The SPEAKER: Order! There is too much audible conversation going on.

Mr. TAYLOR: The minimum number of commissioners who could be appointed was four for the reason that appeals against any single commissioner sitting alone had to be determined by a commission in court session comprising three different commissioners. The Industrial Commission came into operation on the 1st February, 1964, and has been constituted ever since with the original number of four commissioners.

Members will appreciate the increase in activity in Western Australia since the creation of the Industrial Commission, with new industry and a consequential increase in the work force and an extension to the industrial areas of the State, particularly in the north-west and Kimberley areas.

The workload on the commissioners has become so heavy that it is becoming increasingly difficult to service industry in cases of emergency. In the field of conciliation in compulsory conferences, the commissioners are being called upon to exercise jurisdiction in a variety of matters resulting in time-consuming negotiations necessitating urgent decisions.

This field of activity will become more extensive and to fulfil the requirements of both industry and the trade union movement the demand is such as to be beyond the capacity of the commission's present strength of four.

Members will appreciate the time involved of commissioners proceeding to and from disputes and industrial matters requiring their attention in the iron ore fields in the north, yet still having to cope with the increasing workload on the commission.

It has been, perhaps, very fortunate that no serious illness of the commissioners has prevented the commission from functioning, and although provision exists in the Act for an acting commissioner to be appointed when a commissioner is unable to attend to his duties on account of illness or otherwise, this is not the long-term answer to the problem.

Currently a commissioner is on long service leave which has necessitated the appointment of an acting commissioner for four months. The other three commissioners are all due for long service leave and if the commission alone only comprises four commissioners, then an acting commissioner would have to be appointed on each occasion.

The appointment of a fifth commissioner will solve the problem of relief, workload, and the availability of commissioners to service industry. While the commission has four commissioners, it is only possible to have four permutations of the commission in court session. The appointment of the fifth commissioner would provide for ten permutations of the commission in court session and it is an insurance that the commission can operate even in the event of an illness of a commissioner or in the absence of one of the commissioners on either annual or long service leave.

The following statistics in support will be of interest to members:—

> The total matters dealt with by the commission have increased from 655 in 1965 to 1,462 in 1971. The commission in court session sittings have increased from 87 to 136 in the same period. Individual commissioners sitting alone handled 1,326 cases in 1971 as against 538 in 1965. Compulsory conferences—the facility now being more extensively used—increased to 115 as against 59 in 1965.

It will be seen, therefore, that the work of the commission has more than doubled since its creation in 1964 and the appointment of the additional commissioner is absolutely necessary.

Debate adjourned, on motion by Mr. O'Neil.

Message: Appropriations

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

RURAL RECONSTRUCTION SCHEME BILL

Second Reading

MR. H. D. EVANS (Warren—Minister for Agriculture) [4.33 p.m.]: I move—

> That the Bill be now read a second time.

I am pleased to be introducing this Bill for an Act to approve and give effect to an agreement between the Commonwealth and the State of Western Australia providing for the establishment and operation of a scheme of financial assistance to persons engaged in rural industries in this State. I am pleased because of the measure of relief it affords, not the conditions it presupposes, in rural areas.

All members will share my extreme concern at the problems facing the rural industries. Those problems are of such magnitude that no ready solution is available but their very magnitude should not deter us from applying whatever measures can make a contribution towards easing the burden.

Perhaps I should apologise to members opposite for deviating from the notes which I have supplied but I think I should indicate the situation which prevails, which, perhaps, is not as fully appreciated as it should be by some people.

There has, on the world scene, been a progressive move, against prices for most agricultural products. A characteristic of trade in primary products is that marginal surpluses and marginal shortages can cause violent fluctuations in prices. Australia,

being basically an export oriented country, finds its farmers particularly vulnerable to fluctuations in export prices. At the same time the trend of increased prices for farm input has continued inexorably.

This two edged sword, in Australia and overseas, has become known—in popular jargon—as the cost-price squeeze. While wool prices remained reasonable, and there was no restriction on wheat production, it was possible for the farmer to adjust to increasing costs, without losing his standard of living, by producing more of the commodity he was best able to produce. As a result, until the end of 1968, farmers were by this means, able to adjust, and keep pace with rising costs.

In 1969, however, the psychological effect of the imposition of wheat quotas, and the physical and financial results of the worst drought experienced in Western Australia for almost 30 years were felt. As everyone knows the drought did not completely break in 1970, and some areas—particularly the Gnowangerup and Ravensthorpe Shires—were severely affected during the winter of 1970.

The position was further aggravated in 1970 with the progressive fall in wool prices. At the present time we have the combined effect of the cost-price squeeze, the 1969 drought, and wheat quotas in association with the drought. The significant effect of those factors on the rural industry is appreciated when it is realised that the 1969 drought reduced farmers' incomes from wheat by approximately $50,000,000 when compared with the 1968 level.

In 1968-69 Western Australian wheatgrowers had grown and delivered approximately 110,000,000 bushels of wheat. In 1969-70 they grew only 58,000,000 bushels. When that quantity of wheat is converted to dollars it can be seen that somebody had to absorb a tremendous loss and, of course, it was the farmers. The difference, itself, is self explanatory. It is incidental that the farmers would have been paid for no more than 86,000,000 bushels of wheat as the purpose of this exercise is to point out the difference between the 1968-69 income and the 1969-70 income.

The year 1968-69 was a very favourable one and statistical records show that 359,000,000 lb. of wool were produced that season. The difference in wool yields up to the 31st March, 1970, showed a further loss. That fall in production was compounded by the fall in wool prices during 1969-70. The amount received during 1969-70 was $158,000,000, compared with $125,000,000 up to the 31st March, 1970. Over $30,000,000 is involved there.

The total amount involved in those two items—wheat and wool—of the farm income was something approaching the total of the whole of the reconstruction money available to the whole of Australia for reconstruction purposes.

Although wool production increased in 1970-71, prices continued to fall dramatically. In March the average price of greasy wool was 15c a pound below the average for December, 1969. At the present level every cent per pound is worth approximately $3,000,000 to the 10,000 sheep and cereal farmers in Western Australia.

Western Australia is not the only State that is so affected, and if I might dwell sufficiently long to give the value of falls in production in the last five years in Australia, we will see what the effect, in dollars and cents, means.

The gross production of wool in Australia for the years 1966-67 to 1970-71 was as follows: $812,200,000; $709,500,000; $838,700,000; $735,200,000; and $547,000,000. In Western Australia the figure for 1966-67 was $124,800,000, and for the current uncompleted year of 1970-71 the expected value is $98,100,000.

That is merely to indicate the magnitude of the amounts and the size of the difficulty which confronts our rural producers at the moment. Although the position has been eased somewhat by very good sales of barley in the present year—and there are prospects on the horizon for new crops such as rape seed—it is difficult to dispel the air of gloom which hangs over the rural community at the present time.

Wool and cereals are the main products concerned and these industries contribute largely to the export income required to maintain our standard of living. Other farm products—for example, dairy produce, meat, vegetables, and fruit—are needed locally and will become more important with population growth.

The problem facing the rural community today is basically that there is a need for further adjustment to meet the falling price-high cost situation, but adjustment through increased production does not exist any longer. In consequence of the restriction on wheat deliveries and the poor prices for wool and sheep meat, there is no surplus profit available for development or for farm adjustment. For these reasons, it is necessary for the Government, after more than 30 years, to enter again the field of rural reconstruction.

The reconstruction scheme is one of the measures being taken in Western Australia to help reduce the crisis. One other measure introduced by this Government was the Rural Emergency Carry-on Scheme which assisted over 300 farmers by providing finance for cropping this season. It has been suggested that the Commonwealth will support the price of wool this year. It is to be hoped that there is some significant statement in the forthcoming Budget to this effect. It will certainly be of very great assistance. It is hoped that a decision, one way or the other, to assist pastoralists in the Leonora district can be made within a very short time; indeed,

within the next few days. It is also hoped that some measure of assistance can be afforded them to enable them to take advantage of any scheme which the Commonwealth might propose.

Perhaps less palatable, because it presupposes farmers must leave their farms, is the proposed retraining scheme, the details of which are expected soon. They have not been fully considered and fully ascertained by the Commonwealth Government to this time.

The oft-quoted figures showing very dramatic increases in rural debt are well known to every member of this Chamber. They have been quoted on a number of occasions. I do not think there is any point in dwelling on them. These are indicative, though, of an expanding industry which is now in decline. The future of many farmers is in the hands of their creditors. Generally, these creditors, whether they are vendors, bankers, stock firms, or hire-purchase companies, have been very helpful to farmers and have shown considerable understanding in supplying more funds required, or restraint in not acting to recover the debts. Admittedly, it is certainly in their interest to maintain stability and values in rural areas, but it is a fair enough statement to say that the co-operation obtained from all the various types of finance houses has been very helpful. They certainly have justified their participation in it.

This reconstruction Bill will help many farmers meet their commitments, thus giving these creditors some payments and it will help keep the credit facilities open to agriculture as well as maintaining land values in rural areas. Confidence in the future of agriculture and the ability of farmers to pay will be improved. Reconstruction funds made available to farmers will also assist businesses in country towns.

The help to be provided under the Commonwealth-State agreement cited in this Bill—and, indeed, which forms the schedule—amounts to $100,000,000 from the Commonwealth. Of this, Western Australia is to receive $14,630,000. This amount is to be made available over a four-year period, but the need is so urgent and obvious that the Treasury request to the Commonwealth for finance for this purpose for this financial year has been set at $7,000,000.

The agreement provides for assistance under three headings: debt reconstruction, farm build-up, and in certain circumstances for a rehabilitation loan of up to $1,000 to farmers who are forced to leave the rural industry. The intention is to utilise the funds as nearly as possible, one-half for debt reconstruction and one-half for farm build-up. While it was the requirement of the Commonwealth to do this, practice is revealing that this balance is certainly not being maintained. As a matter of fact, of the applications which have been received about 98 per cent. have required debt reconstruction. Consequently, it is hoped that some readjustment of this balance will be possible, both by the State and the Commonwealth.

The interest rate to be charged borrowers under debt reconstruction will be an average of 4 per cent. per annum, and for farm build-up it will be not less than 6¼ per cent. per annum, while repayment terms may be up to 20 years, at the discretion of the handling authority.

Security for loans approved is to be the best and the most appropriate security available. Of course, it recognises that this may involve ranking after existing securities. It simply boils down to the best security which is possible.

While the $1,000 rehabilitation assistance provided for under the agreement is described as loans, with security to be taken if available, the authority has wide discretion in this area. It does seem possible that such assistance may take the form of a grant rather than a loan. As I pointed out, the authority has a fairly wide discretion which it is able to use and, indeed, will use.

In all, 75 per cent. of the funds provided by the Commonwealth are repayable by the State and this proportion of money, as drawn, will bear interest at 6 per cent. per annum. Repayments commence three years after their provision, and the period of repayment is 17 years. Consequently, the State is not receiving a grant from the Commonwealth; it is receiving a loan. The disparity between the rates of interest has probably been noted already. The Commonwealth is charging interest at the rate of 6 per cent. on 75 per cent. of the moneys, whereas the State authorities will be charging 4 per cent. or 6¼ per cent., on all the loaned amount.

All costs of administering the scheme within Western Australia will be met by the State. All losses will be borne by the State from the grant portion of the funds, although there is provision for a review of this with the Commonwealth. This, of course, will be where losses arise outside reasonable expectations and experience. However, any other loss will be borne from the 25 per cent. grant that the State is to receive.

One of the conditions applied by the Commonwealth was the use of any special funds held in connection with rural relief by the State before utilising Commonwealth funds. This is covered in the Bill by provision for transfer to the authority of the $430,244 at present standing to the credit of the Rural Relief Fund, established under the Rural Relief Fund Act, 1935.

After very careful consideration it was decided that the operating authority must be autonomous, and this is provided for

in the Bill. The authority is to consist of four members—namely, a commissioner or an employee of the Rural and Industries Bank of Western Australia; an employee of the State Treasury—

Mr. Nalder: Will he automatically be the chairman?

Mr. H. D. EVANS: No. The Commissioner of the R. and I. Bank (Mr. Lindsay) will be the chairman. One of the other members will be a person employed in the State Department of Agriculture—Mr. Oliver, the officer-in-charge of the marketing and economics section; and a person who has been engaged in rural industry in this State and who has exhibited special qualifications for such an appointment. The chairman of a country shire council was selected as the fourth member. He has had experience in war service land settlement dealings and his association with shire councils qualifies him in an ancillary aspect of the rural situation—namely, the effect upon local government. I feel, therefore, that the choice was a very wise one and that the authority constitutes an assemblage which would be very difficult to improve upon, having regard to the purpose for which it has been appointed.

The staff of the authority will be headed by an administrator, and very extensive assistance and advice will be provided by specially qualified officers of the State Department of Agriculture. The authority will also be expected to make use of other specialists or professional advice which could be of benefit.

As this State had no operating authority for rural reconstruction and the earliest possible action was needed, a committee was established to prepare forms of application, to set up a system of operation, and to commence receipt and processing of applications as they were received. With the passing of this legislation the authority which has already been functioning will be given legal status.

To date, considerable progress has been made in dealing with rural reconstruction in this State. Applications were called for shortly after the signing of the Commonwealth-State agreement. No delay occurred. At the end of last week, 565 applications had been received from farmers who were in need of assistance.

Under the agreement there are few limitations as to the type of farmer who may be assisted. As a matter of fact, the agreement covers the whole range of farming activities and no discrimination is made between the various segments of the industry except where the marginal dairy scheme applies. The applications received therefore range from newland farmers on the south coast to those in the established central wheatbelt, and they include applications from pastoralists in the sheep and cattle areas in the north of the State.

Sir David Brand: Have you had applications from each of those categories?

Mr. H. D. EVANS: Applications have been received from all of them. The processing of the applications is also proceeding on a very satisfactory basis. To Friday, the 6th August, 215 applications had been processed to the stage of offering funds or declining assistance. Therefore, 215 of the 565 applications have been evaluated, appraised, and decided upon.

It would be expected that the worst affected farmers would apply for assistance first, yet 54 applicants have been offered assistance of an average amount of just under $20,000. Of the other applications, three have been withdrawn and nine have been deferred pending further investigation. Thirty of the remaining 149 applications have been declined because of ineligibility or because it was considered that the applicants were not in need, and 119 have been declined because they were not considered to be viable.

To this date, a little more than half of the farmers applying for assistance would not be able to service their debts, even if the total debt was taken over and made repayable over the maximum 20-year period at the concessional interest rates offered under the scheme. It must be remembered that one of the pre-requisites is that no other avenue of assistance is available.

The progress made in this State in dealing with applications compares favourably with the progress in the other States, bearing in mind that New South Wales and Victoria have had organisations established for many years for the purpose of dealing with reconstruction. To the end of July, New South Wales had processed 552 applications, Victoria 241, Queensland 157, and South Autralia 19. Our rate of approvals to applications processed—25 per cent.—also compares favourably with the other States, where the figures are 19 per cent. in New South Wales, 9 per cent. in Victoria, 28 per cent. in Queensland, and 16 per cent. in South Australia. Comparability of operation can therefore be seen from those figures, and if any disparity occurs, it is not in relation to Western Australia.

A great deal of thought was given to the need for legislation to protect a farmer against precipitate action by a creditor while the farmer's application for assistance was being fully considered by the authority. Those parts of the Bill which provide for a protection order were designed to give the farmer an opportunity to have his position fully reviewed, while also being reasonable towards creditors as to the period, and not adversely affecting the credit-worthiness of the farming industry as a whole.

The conditions relating to application for the issuing of a protection order have been laid down carefully with three main objectives in mind. The three objectives are, firstly, fairness to the applicant so that he is not denied consideration in any way; secondly, fairness to the creditor, who should not be held up for an unnecessary time; and thirdly, to have full regard to the need to stabilise the normal avenues of credit in country areas.

This approach to protection orders is much more discriminatory than the procedure that was followed previously, and I do not think any objection could be taken to it. Members will be well aware of the previous complications in the issuing of stay or protection orders under the Bankruptcy Act, 1970. Amendments to that Act, under part XIA—farmers' debts assistance—which were assented to on the 11th November, 1970, clarified the position. The Rural Relief Fund Act is to be proclaimed under section 253B of the Bankruptcy Act, and there is nothing in the Bill now before the House which is likely to prevent its being similarly accepted and proclaimed upon application.

The problem of the rural industries is not just the concern of farmers. I think it was the member for Avon who said that if farmers are in trouble we are all in trouble. There is a great deal in what he says. Western Australia is most reliant on maintaining as many farmers as possible on the farms and this is the hope and the intention of the present Government. The future of many country towns depends on the survival of the farmers and on their being able to pay their bills. The future of much employment in the cities also requires that agriculture must survive and this is something we should all remember and of which we should be conscious.

I commend this Bill to the House and ask that it receive ready acceptance, because the need for the quickest possible functioning of the authority under the provisions of the legislation does not require elaboration. It is indeed most desirable.

Debate adjourned for one week, on motion by Mr. Nalder.

House adjourned at 5.02 p.m.

Legislative Council

Tuesday, the 17th August, 1971

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

ADDRESS-IN-REPLY

Acknowledgment of Presentation to Lieutenant-Governor and Administrator

THE PRESIDENT (The Hon. L. C. Diver): I have to announce that I have, in company with several members, waited on His Excellency the Lieutenant-Governor and Administrator and presented the Address-in-Reply to the Speech of His Excellency the Governor, agreed to by this House, and His Excellency has been pleased to make the following reply:—

> Mr. President and Members of the Legislative Council, I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen, and for your Address-in-Reply to the Speech with which His Excellency the Governor opened Parliament.

QUESTIONS (4): ON NOTICE

1. EDUCATION

Kewdale High School

The Hon. LYLA ELLIOTT, to the Leader of the House:

(1) What plans are there for increased accommodation at the Kewdale High School?

(2) Will these extensions interfere with the existing sporting facilities in the grounds?

(3) If so, will the Department be responsible for replacing these facilities?

(4) Will any new building be constructed in such a manner as to allow a gymnasium to be included in the undercroft?

The Hon. W. F. WILLESEE replied:

(1) A Commonwealth science block is to be built during the 1971-72 financial year.

(2) Yes.

(3) Yes.

(4) It is not planned to include a gymnasium in the present or future additions.

2. WATER SUPPLIES

Mount Barker Region

The Hon. D. J. WORDSWORTH, to the Leader of the House:

In view of the particularly dry season, and the shortage of water for country towns in the South, such as Mount Barker, Tambellup and Cranbrook, will the Government—

(a) speed the survey for a pipeline from the Denmark River to Mount Barker; and

(b) give serious consideration to include the cost of this water scheme in its next budget?

The Hon. W. F. WILLESEE replied:

(a) The survey is already in course and will be complete in a few weeks' time.