Legislative Assembly

Thursday, the 17th November, 1966

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

BILLS (2): INTRODUCTION AND FIRST READING

1. Reserves Bill.

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

2. Government Employees (Promotions Appeal Board) Act Amendment Bill.

   Bill introduced, on motion by Mr. O'Neil (Minister for Labour), and read a first time.

QUESTIONS (27): ON NOTICE

ROADS

Darlington-Glen Forrest: Construction of Main Road

1. Mr. DUNN asked the Minister for Works:

   (1) Could he advise if any firm plan has been made to develop the closed railway line which runs through the Darlington-Glen Forrest area as a main road?

   (2) If "Yes," can the proposals be made public?

   (3) If "No," can he advise what proposed planning, if any, is under consideration to use this closed line for vehicular traffic?

   Mr. ROSS HUTCHINSON replied:

   (1) No.

   (2) Answered by (1).

   (3) The Lands Department has been requested to hold the land comprising the route of the closed railway line pending the completion of investigations into an alternative route for the Great Eastern Highway. Feasibility studies of alternatives will need to be carried out before a final route can be adopted.

MAIDA VALE SCHOOL

Increased District Requirements

2. Mr. DUNN asked the Minister for Education:

   Will he ensure that careful consideration will be given to the requirements of the Maida Vale Primary School, which could be materially affected by the develop-

ment of a new housing subdivision at present being carried out in close proximity to the school, and also the proposed rezoning of land near the school from a two-acre to a half-acre subdivisional area?

Mr. LEWIS replied:

Yes.

FISHING BOATS

Teggs Channel and Two-mile Channel: Establishment of Safe Anchorage

3. Mr. NORTON asked the Minister for Works:

(1) Is it intended to make a survey of Teggs Channel and the two-mile channel at Carnarvon with the view to establishing a safe anchorage for fishing craft?

(2) When will Teggs Channel be efficiently marked to allow fishing boats to enter it in all weather in—
(a) daylight;
(b) night time?

Mr. ROSS HUTCHINSON replied:

(1) A survey of the Teggs Channel area will commence on the 5th December.

(2) (a) Daylight navigation marks already exist.

(b) A decision on the provision of night navigational equipment will be made after the results of the survey have been examined.

BROWN RANGE AND CARNARVON

Difference in Temperatures

4. Mr. NORTON asked the Minister for Lands:

(1) Has his department any record of comparative temperatures of Brown Range and the Carnarvon Meteorological Office?

(2) If "Yes," what are the degrees of difference?

Mr. BOVELL replied:

(1) Yes, but only for the month of January, 1965.

(2) During this month there was an average difference in temperature between Brown Range and the Carnarvon Meteorological Office of eight degrees at 1.30 p.m., Brown Range being the higher.

LAND AT CARNARVON

Development at Babbage Island, Morgan Town, and Pickles Point

5. Mr. NORTON asked the Minister for Lands:

(1) Has his department received a report from the Public Works Department in respect of the proposed development of—
(a) Babbage Island;
(b) Morgan Town;
(c) Pickles Point
as proposed by the Carnarvon Shire Council?

(2) If "Yes," on what date was the report received?

(3) Did the report favour all three proposals; if not, which ones?

(4) Has his department any objection to releasing any or all of the land mentioned in (1); and, if so, will he state his department's objections?

Mr. BOVELL replied:

(1) Yes.

(2) The 19th August, 1966.

(3) No. It provided a cost assessment only.

(4) I have no objection to the development of Pickles Point. This was offered to the Carnarvon Shire Council, which is fully aware of all the details resulting from a careful study of all reports submitted.

SHEEP FROM THE EASTERN STATES

Noxious Weeds: Protection against Introduction

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

As the reply to my question of the 15th November regarding the entry of noxious weeds on sheep indicates—
(a) no fines;
(b) no authority to return sheep;
(c) no responsibility of Eastern States' inspectors;

on what is the department relying for protection against further importations of noxious weeds?

Mr. NALDER replied:

All sheep are subject to final inspection in Western Australia before release, irrespective of inspection and certification in the Eastern States.

All sheep carrying overlength wool must be shorn. Any sheep found to be carrying weed seeds are held until freed of such seeds. This may involve shearing or hand picking.

PRAWNING LICENSES

Shark Bay Waters

7. Mr. NORTON asked the Minister representing the Minister for Fisheries and Fauna:

(1) Have any requests been received from fishermen for a twelve-months' license to prawn in the Shark Bay waters; if so, how many licenses have been granted?

(2) If licenses have been granted to whom where they granted and which of those who received a license are trawling at the present time?

Mr. ROSS HUTCHINSON replied:

(1) All fishermen to whom authority has been granted to fish for prawns in the Shark Bay area are entitled to operate throughout the whole of the calendar year for which such authority is granted. The right to operate in Shark Bay this year has been accorded to 30 vessels.

(2) Boats operated by the following have been authorised for the current year—

	Number of Boats
Planet Fisheries Pty. Ltd.	18
Nanango Fishing Co.	1
Pooles' Fisheries	1
Eureka Fishing Co.	1
Correias Fishing Co.	1
Annear and Wheeler Bros.	1
T. W. Doak	1
Sousa and Co. Pty. Ltd.	1
Ross Fisheries (Aust.) Pty. Ltd.	1
Kia-ora Fishing Co.	1
Lombardo Fisheries Pty. Ltd.	1
A. E. Woodcock	1
West Coast Traders Pty. Ltd.	1

So far as is known, only three boats remain in the Shark Bay area.

TAXIS

Fares: Determination Outside Metropolitan Area

8. Mr. SEWELL asked the Minister for Police:

(1) What authority decides on the price of taxi fares charged to the public outside the metropolitan area?

(2) When was the last increase granted to taxi operators in Albany, Geraldton, Northam, Bunbury, and Kalgoorlie?

Mr. CRAIG replied:

(1) These fares are fixed under the Traffic (Taxi-Cars) Regulations on the recommendation of the Commissioner of Police.

(2) The Traffic (Taxi-Cars) Regulations apply to all districts outside the metropolitan area. The current rates were amended on the 12th October, 1966, as a result of representation from country taxi operators.

Current charges represent an approximate increase of 3c per mile for metercars and 2c per mile for non-metercars compared with the charges operative in 1965.

GERALDTON HOSPITALS: OLD BUILDINGS

Future Use

9. Mr. SEWELL asked the Minister representing the Minister for Health:

Now that the Geraldton Regional Hospital is functioning, will he advise the use to which the buildings will be put which previously were used as the—

General hospital,
Private hospital,
Maternity home,
Nursing staff quarters?

Mr. ROSS HUTCHINSON replied:

The former district hospital buildings for the time being will be retained for use for associated hospital purposes, including staff accommodation, and laundry.

The former private hospital—Rosella—will be used as a hospital for nursing home cases.

The former maternity hospital has been offered through the town council to a local committee to conduct an aged people's centre or club.

It is presumed that the honourable member refers to Margaret House, which will be retained for nursing staff accommodation.

FLUORIDATION OF WATER SUPPLIES

Geraldton, Dongara, and Northampton: Commencement

10. Mr. SEWELL asked the Minister representing the Minister for Health:

When is it expected that water supplied to the public will be fluoridated in—

(a) Geraldton town area;
(b) Dongara;
(c) Northampton?

Mr. ROSS HUTCHINSON replied:

(a) and (b) Probably within 18 months.
(c) This will be determined later.

ROYAL PERTH HOSPITAL

Staff: Application of Public Service Industrial Agreement

11. Mr. GRAHAM asked the Minister representing the Minister for Health:

(1) What statutory authority has the Minister for Health in relation to the administration of Royal Perth Hospital?

(2) Is it a fact that the industrial award with the Hospital Salaried Officers' Association (Union of Workers) stipulates that the

rates of pay prescribed in the award shall be adjusted to the same extent and concurrently with adjustments made to the relative rates payable to officers employed under the provisions of the Public Service Act?

(3) Were applications called for a position advertised in a newspaper dated the 29th October last indicating that hospital salaried officers' award conditions would apply and that these conditions would be parallel with those of the Public Service?

(4) In the past has parity been maintained between technologists employed by the teaching hospitals and those employed by the Public Health Department?

(5) In May, 1966, were departmental laboratory technicians awarded substantial increases of salary retrospective to the 1st January, 1963?

(6) Is it a fact that the same increases operative from the same date have not been granted to medical technologists in teaching hospitals?

(7) Did the Public Service Commissioner recommend that this should be done?

(8) Notwithstanding these circumstances, is it a fact that he asked the board of management of Royal Perth Hospital not to pass on the increases?

(9) If so, why?

(10) Has he since suggested a later commencing date and increases of payment by way of allowances instead of salary adjustments?

(11) Why has he suggested accordingly?

(12) What is the current position in respect of the whole matter?

(13) Does he not consider there is an obligation for action in accordance with the premise set out in (2)?

(14) When will the issue be finalised?

Mr. ROSS HUTCHINSON replied:

(1) The Minister is the Minister charged with the administration of the Hospitals Act, but the board is an autonomous body under that Act.

(2) Yes.

(3) If the honourable member refers to a position at Sunset Hospital —"yes."

(4) Yes, as far as this is possible.

(5) As a result of a decision of the Public Service Appeal Board in May, 1966, laboratory technologists within the Public Service were reclassified to higher grades as from the 1st January, 1963.

(6) Yes.

(7) No—the Public Service Commissioner recommended to the board allowances commensurate with increases granted by the appeal board retrospective to the 30th May, 1966, and not a reclassification as from the 1st January, 1963, as was the case with technologists in the Public Health Laboratories.

(8) to (11) The Minister has indicated in writing to the board his agreement with the Public Service Commissioner's recommendations as in (7).

(12) The matter has recently been the subject of a compulsory conference before the Western Australian Industrial Commission. As a result of the compulsory conference, the industrial commissioner made the following recommendation, and I quote:

> That the employers as a group inform the Hospital Salaried Officers' Association at an early date re the course of action they intend to adopt and that the Association await this advice, seek an interpretation or institute enforcement proceedings.

Because of the industrial commissioner's recommendation, the Secretary for Labour, on behalf of the various respondents, wrote to the Hospital Salaried Officers' Association advising that, in the opinion of the respondents, the terms of the award were being correctly implemented.

(13) and (14) I am advised that this issue now rests with the Hospital Salaried Officers' Association for approach to the appropriate industrial authority.

MEMBERS OF PARLIAMENT

Rail Travel: Cost

12. Mr. BICKERTON asked the Treasurer:

(1) What amount of money, per member, is paid by the Treasury per year to the Government railways to cover rail travel by members?

(2) Are records kept by the Railways Department of actual journeys made by members; and, if so, what is the actual cost involved?

(3) If records are not kept can he supply an estimate?

Mr. BRAND replied:

(1) A lump sum of $3,000 is paid annually by the Treasury to the Railways Commission to cover unremunerated services which include passes for members of Parliament and their dependants, passes for blind persons and disabled soldiers, and other charges for fares and freights as directed by the Premier's Department.

(2) No.

(3) No.

WATER SUPPLIES

Esperance: Test for Bacteria

13. Mr. MOIR asked the Minister for Water Supplies:

(1) Has bacteria, harmful to human beings, been detected in the Esperance water supply?

(2) Have samples of water been forwarded to Perth for testing; if so, will he give details of the results of the tests?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) Yes. As the results did not fully conform to public health requirements, all water supplied to consumers is now being chlorinated.

Pipeline to Kambalda

14. Mr. MOIR asked the Minister for Water Supplies:

(1) What are the estimated water requirements for the mining project at Kambalda?

(2) Will a pipeline be built from—
(a) Boulder, or
(b) the Norseman pipeline,
to supply this centre?

(3) What is the maximum present daily capacity of the main pipeline for delivering water to Kalgoorlie, Boulder, and Norseman for mining and domestic requirements?

(4) What are the maximum daily requirements for each of the towns mentioned?

(5) What is the maximum daily capacity of the Norseman pipeline?

(6) What is the storage capacity at Norseman?

(7) If the supplies for Kambalda are to be taken from the Norseman pipeline will this affect the water supply at that centre?

(8) Is it proposed to enlarge the pipeline to the Kambalda take off or increase the flow by other means?

Mr. ROSS HUTCHINSON replied:

(1) 200,000 gallons per day.

(2) A pipeline will be built from the Norseman main.

(3) 6,200,000 gallons per day.

(4) Kalgoorlie and Boulder—5,000,000 gallons per day. Norseman—600,000 gallons per day.

(5) 550,000 gallons per day.

(6) 13,000,000 gallons.

(7) No.

(8) Yes.

15. *This question was postponed.*

EGG MARKETING BOARD

Mr. B. S. Marshall: Reasons for Dismissal

16. Mr. TONKIN asked the Minister for Agriculture:

(1) Will he inquire from the W.A. Egg Marketing Board, and inform the House whether the board has received a letter dated the 4th November, 1966, from the former board secretary, Mr. B. S. Marshall, requesting a statement of reasons why Mr. Marshall was summarily dismissed from his position with the board on the 18th February, 1966?

(2) If so, and as the information requested by Mr. Marshall is urgently required in connection with, and as a necessary preliminary to, certain legal advice he wishes to obtain in relation to his possible re-entry to the State Public Service, will he inform the House when the W.A. Egg Marketing Board will be in a position to make available the information sought?

Mr. NALDER replied:

(1) Yes, the letter was received by the board. A reply will be forwarded to Mr. Marshall after the next board meeting on the 22nd November.

(2) Answered by (1).

AUSTRALIAN CITIZENS

Conditions of Entry into Britain

17. Mr. RUNCIMAN asked the Minister for Immigration:

(1) What are the conditions under which Australian citizens can enter Britain?

(2) Has he seen the Press reports giving publicity to the inconvenience caused to Australians by Britain's strict application of its migration laws?

(3) What is the present situation?

Mr. BOVELL replied:

This question does not come within the scope of my administration as Minister for Immigration, but I have endeavoured to obtain some information for the

member for Murray. The only answer I can give is as follows:—

(1) to (3) This is a matter for discussion between the Commonwealth and British Governments. The British High Commissioner in Australia stated that these reports are being investigated by the British Government.

FISHING

Advisory Committees: Appointment

18. Mr. RUNCIMAN asked the Minister representing the Minister for Fisheries and Fauna:

(1) When was the Crayfish Advisory Committee appointed?

(2) Who are its members?

(3) When is it intended to appoint the general fisheries advisory committee?

(4) What has been the reason for the delay?

Mr. ROSS HUTCHINSON replied:

(1) The 1st January, 1966.

(2) Messrs A. J. Fraser (Chairman), J. C. Bowes, R. D. Harrison, L. H. Amm, G. Travia, B. K. Bowen, and R. F. Boylen.

(3) Invitations have already been sent to certain gentlemen to accept appointment to the general fisheries committee. It is expected that appointments will be made very shortly.

(4) Pressure of other departmental business.

RAILWAYS

Maida Vale Road Crossing: Installation of Boom Gates or Lights

19. Mr. DUNN asked the Minister for Railways:

Is it proposed to install either boom gates or warning lights on the Maida Vale Road rail crossing?

Mr. COURT replied:

Yes. Boom gates will be installed at this crossing.

20. *This question was postponed.*

RAILWAYS

Burakin-Bonnie Rock: Restrictions on Loads

21. Mr. CORNELL asked the Minister for Railways:

On the 26th October, when replying to the member for Victoria Park, he implied that owing to the condition of the track, loads on the Burakin-Bonnie Rock railway were being restricted—

(1) Is he aware that trains on this line have been hauled by two "X" class diesel locomotives coupled together?

(2) Has the practice of running trains hauled with double-coupled locomotives contributed in any way towards the present condition of the track?

(3) Does he agree that the use of double-coupled locomotives is consistent with the haulage of heavily loaded trains?

(4) If so, is not this fact inconsistent with the submission that loads are restricted because of the condition of the track?

Mr. COURT replied:

(1) Yes—as traffic demands.

(2) No.

(3) Yes.

(4) No. The individual axle load for single vehicles is restricted to 10 tons due to track condition, but the length of train and total load hauled is not restricted on this account. "X"-class locomotives conform to this axle loading.

Ammonium Nitrate: Haulage and Revenue

22. Mr. MOIR asked the Minister for Railways:

Referring to question 14 of the 8th November last, on differentiation of freight charges for ammonium nitrate, will he please supply me with the information required in parts (3) and (4) of the question?

Mr. COURT replied:

Yes. This information will be specially extracted as quickly as practicable.

LAND BACKED WHARF AT ESPERANCE

Public Access

23. Mr. MOIR asked the Minister for Works:

(1) Does his department propose to fence off the land backed wharf area at Esperance?

(2) If "Yes," will the public be excluded from this area when ships are not at the wharf?

(3) If this is the case, many people will be prevented from visiting this area which is visited by holiday makers for fishing and sightseeing. In the circumstances, will he give consideration to continuing to allow the public access to the wharf area?

Mr. ROSS HUTCHINSON replied:

(1) Yes. Work has already commenced.

(2) For security reasons, vehicles will be excluded from the wharf area

when ships are not at the wharf but pedestrian access will be available at all times.

The security fence will be arranged to permit vehicular access at all times to the breakwater area *via* the road at the back of the wharf area except for one day each year.

(3) Answered by (2).

MILK

Bulk Cartage: Policy of Board

24. Mr. RUNCIMAN asked the Minister for Agriculture:

(1) What is the policy of the Milk Board regarding bulk milk cartage?

(2) When does the board expect that this service will be provided?

Mr. NALDER replied:

(1) Publicity has been given to the policy of the board and to the requirements to be complied with to enable approval to be granted for bulk milk pickup from dairies. A copy of the requirements will be tabled.

(2) When sufficient approved refrigerated farm milk tank units have been installed by dairymen.

The paper was tabled.

25. *This question was postponed.*

GOVERNMENT DEPARTMENTS AT KALGOORLIE

Vehicles: Equipping with Two-way Radio

26. Mr. EVANS asked the Premier:

What Government departments in Kalgoorlie have motor vehicles—

(a) fitted with two-way radio equipment;

(b) not so fitted?

Mr. BRAND replied:

(1) (a)

Agriculture Department	3
Forests Department	2
Main Roads Department	8
(1 other being fitted)	
Police Department	2

(b)

Agriculture Department	2
Child Welfare Department	1
Main Roads Department	18
Mines Department	9
Native Welfare Department	3
Police Department	1
Public Health Department	1
Public Works Department	35
Railway Department	37

Vehicles: Economic Life and Replacement

27. Mr. EVANS asked the Premier:

(1) What number of motor vehicles are in the service of each of the Government departments having offices at Kalgoorlie?

(2) What is the maximum mileage that is allowed to accrue in respect of a Government vehicle after which it is deemed uneconomical to retain it in service (i.e., at what mileage is it deemed advisable to have a vehicle traded in)?

(3) Are there any vehicles in service by departments mentioned in (1) above with a mileage exceeding the maximum mentioned in (2)?

(4) If so, what are the departments concerned, how many vehicles are concerned, and what is the mileage recorded in respect of each of them?

Mr. BRAND replied:

Agriculture Department

(1) (a) Department of Agriculture 1
(b) Agriculture Protection Board 4
5

(2) (a) A maximum mileage has not been determined for Department of Agriculture vehicles. Each is replaced when it becomes uneconomical to incur further maintenance costs.

(b) Agriculture Protection Board —25,000 miles.

(3) Yes.

(4) The Agriculture Protection Board has one vehicle with a mileage of more than 25,000. W.A.G.7706 has travelled 30,791 miles.

Child Welfare Department

(1) Child Welfare Department 1.

(2) There is no set mileage; vehicles are replaced when their condition makes it economical to do so.

(3) No.

(4) Answered by (3).

Forests Department

(1) Two Government vehicles in service with the Forests Department, Kalgoorlie.

(2) The department aims to transfer vehicles from Kalgoorlie to areas in the south-west after they have travelled 35,000 to 45,000 miles. They are then used for a further 30,000 to 40,000 miles in the south-west.

(3) One vehicle had travelled 40,455 miles to the 29th September, 1966, and a replacement vehicle has been ordered and should be available within two weeks.

(4) —.

Main Roads Department

(1) 27.

(2) For light vehicles—35,000 miles or two years, whichever is the sooner; other vehicles maximum mileage will depend on the assessed condition of the vehicle.

(3) Yes.

(4) Two light vehicles, one of which has done 58,700 miles; the other has done 39,500 miles and is in the course of being replaced.

Mines Department

(1) 9.

(2) 30,000 miles.

(3) Yes.

(4) Mines Department—1 vehicle—37,000 miles.

Department of Native Welfare

(1) Three attached to the Kalgoorlie office.

(2) The Department of Native Welfare endeavours to replace vehicles during the financial year in which they exceed a total mileage of 20,000 miles, subject to finance being available.

(3) Yes.

(4) Two of the Department of Native Welfare vehicles have travelled 22,035 and 30,069 miles respectively as at the 10th November, 1966. The latter will be replaced during the current financial year.

Police Department

(1) 3.

(2) The trade-in policy is two years' service with 40,000 miles; or three years' service at any mileage.

(3) No.

(4) Answered by (3).

Public Health Department

(1) Kalgoorlie Hospital—1 Holden station sedan.

(2) This vehicle replaced when deemed necessary. Present mileage 12,750—purchased the 30th July, 1965.

(3) and (4) Answered by (2).

Public Works Department

(1) 35.

(2) Cars, station wagons, and light utilities are replaced at a nominal 35,000 miles. Trucks are replaced as necessary, depending on mileage and condition.

(3) Yes.

(4) Four vehicles as under—

W.A.G.5956—62,000.

W.A.G.7049—49,000 replacement action in course.

W.A.G.7205—45,000 replacement action in course.

W.A.G.9369—40,000.

Railways Department

(1) 34 road motor vehicles
3 omnibuses.

(2) Economically it would be advisable to trade in light vehicles such as station sedans, utilities, and panel vans, at 50,000 miles. The maximum mileage allowed to accrue for light vehicles, including the lighter class of trucks, is around 100,000 miles. For heavy duty trucks—250,000 miles, which varies according to the type of work the trucks are engaged on. Buses—at approximately 500,000 miles.

These figures are those set down in general policy, but are controlled by the loan moneys available.

(3) Yes.

(4) One Holden station sedan—124,597 miles.
One A. E. C. omnibus—509,616 miles.

QUESTIONS (4): WITHOUT NOTICE

END OF SESSION

Target Date, and Number of Bills to be Introduced

1. Mr. HAWKE asked the Premier:

(1) At this stage, could the Premier indicate how many additional Bills have yet to be introduced into Parliament by the Government during the remainder of the session?

(2) Has the Government yet decided upon a target date for concluding the session?

Mr. BRAND replied:

(1) I find this question a little difficult to answer, because a number of Bills have been introduced already. However, I should say there will be approximately five more Bills to be introduced. Two of these are of a rather formal nature; that is, the Loan Bill and the Appropriation Bill. I should imagine there could be five or six new Bills of no major importance.

Mr. Hawke: Would you check and let the House know next Tuesday?

Mr. BRAND: I will.

(2) It appears that the notice paper is well loaded at this stage and, because of this, it is very difficult

to imagine we could finish next week. I have given some thought to the matter and, although I have not discussed this with the Leader of the Opposition as yet, I had intended to do so. It is proposed that we should sit at the normal hour on Tuesday and then begin at 11 a.m. on Wednesday, Thursday, and Friday. It must not be forgotten that the Christmas party will be held on Wednesday evening, the 23rd November, 1966.

I suggest that we set some reasonable hour for finishing on Friday, the 25th November, but, if we do not get through an amount of work sufficient to justify finishing the session by that time, we could, perhaps, come back the following week and sit on the Tuesday and the Wednesday.

LOTTERIES COMMISSION

Capital Works on Hospitals: Funds Provided

2. Mr. TONKIN asked the Chief Secretary:

What amounts have been made available during the years 1963-64, 1964-65, and 1965-66 respectively for capital works on hospitals by the Lotteries Commission?

Mr. CRAIG replied:

			$
1963-64	....	....	527,399
1964-65	....	....	670,361
1965-66	....	....	240,840

MEMBERS OF PARLIAMENT

Rail Travel: Cost

3. Mr. BICKERTON asked the Treasurer:

I refer to part (1) of question 12 on today's notice paper, which reads as follows:—

(1) What amount of money, per member, is paid by the Treasury per year to the Government Railways to cover rail travel by members?

The answer given was that a lump sum of $3,000 is paid annually. I wonder if the Premier could check that figure because it seems to me to be exceedingly low as it works out somewhere round about $37 per head per member of Parliament. This figure does not allow for the other persons mentioned by the Premier, such as blind people and disabled soldiers. I am wondering if perhaps the figure should have been $30,000. Could the Premier check that figure?

Mr. BRAND replied:

I certainly will.

SPASTIC QUEEN CARNIVAL OF WESTERN AUSTRALIA

Attitude of Railway Officers to Sponsoring a Candidate

4. Mr. HALL asked the Minister for Railways:

Can he advise the House if it is correct that the executive officers of the Western Australian Government Railways refuse any assistance towards the sponsoring of a queen for the Spastic Queen Carnival of Western Australia?

Mr. COURT replied:

With reference to the question asked by the member for Albany, I am afraid I could not answer it, nor would I be expected to. However, if he wants me to make some inquiries, I will be only too pleased to do so.

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY BILL

Introduction and First Reading

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

LEAVE OF ABSENCE

On motion by Mr. W. A. Manning, leave of absence for three weeks granted to the member for Roe (Mr. Hart) on the ground of ill health.

STATUTE LAW REVISION (SHORT TITLES) BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [2.38 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to confer short titles on certain Acts of the Western Australian Parliament which do not at present have them and which Acts will be retained on the Statute book as principal Acts, although most, if not all, will almost certainly be further amended as part of the Statute law revision process. However, it is not considered that the conferring of short titles on these Acts is either premature or unnecessary, as such short titles will facilitate the citing of these Acts in any subsequent legislation.

The first Western Australian Acts which were given short titles as part of their original provisions were the Private Slaughter House Ordinance, 1852 (16 Vict. No. 7) and the Public Slaughter House Ordinance, 1852 (16 Vict. No. 10)—both since repealed. However, it was not until 1871 that the practice of conferring short titles at the time of original enactment became at all regular. Even after this time, many Acts were passed which did not have short titles, as reference to the schedule to the Bill will show.

As well as being an aid to the citation of a Statute, the short title might be said to be a precis of the long title and in the schedule to the Bill, the long titles have been set out in order to show the relevance and appropriateness of the short titles which have been selected. In some cases, usage over many years of a certain short title, although not formalised by any express enactment, has resulted in the particular Statute becoming commonly known by the short title and, indeed, such short title may have been incorporated in subsequent amending or other legislation.

As one example of this practice, reference can be made to the Ordinance 17 Vict. No. 10 of 1854, the long title of which is "An ordinance to consolidate and amend the law relating to the conveyance and transfer of real and personal property vested in trustees and mortgagees", but which is commonly known as the "Trustee Ordinance, 1854". This Ordinance was amended by an Act passed in 1895 (59 Vict. No. 28), the short title of which is "The Trustee Ordinance, 1854, Amendment Act, 1895." Members will see that the long title was very considerably reduced by the introduction of such a short title.

Under present-day drafting procedures, the short title of an Act is invariably contained in the first section. In the past, the practice has varied and in many older Acts, the short title will be found in the final sections. When these Acts come to be reprinted, it is not proposed that, merely for the sake of consistency with modern procedures, such Acts should be amended so as to insert a section at the beginning of the Act which cites the short title. For this reason, in the case of all the Acts being amended by this Bill, the appropriate section citing the short title is an additon to the Act.

It may appear from a perusal of the schedule to the Bill that in the case of four Acts, there is an inconsistency or error in numbering the additional section. These four Acts are the Real Property Transfer Act, 1832 (page 2 of the Bill); the Registration of Deeds Ordinance, 1856 (page 3); the Parliamentary Papers Act, 1891, and the Parliamentary Privileges Act, 1891 (both on page 5). In each case, the reason why the new section bears a number two removed from the present last section, instead of being numbered consecutively, is that the original final section of the Act has previously been repealed. For example, the Real Property Transfer Act, 1832, as originally enacted, contained seven sections. However, section 7 was later repealed by section 4 of 19 Vict. No. 3 of 1856, and section 6 is now the final section of the Act. In the eventual reprint of this Act, section 7 will be shown as a repealed section in accordance with modern reprinting procedures.

It is perhaps unnecessary to add that the conferring of short titles on the Acts so amended by this Bill does not make any alteration in the substance of the law.

Debate adjourned, on motion by Mr. Evans.

STATUTE LAW REVISION BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [2.43 p.m.]: I move—

> That the Bill be now read a second time.

One could almost be excused for referring to this Bill as one of the customary Bills introduced in the latter part of the session to give further effect to the scheme of Statute law revision commenced some few years ago by the Minister for Justice. Such progress has been made, however, that I am now in a position to say that this Bill completes substantially the first phase of the revision programme; namely, the repeal of all those local enactments suitable for total repeal.

The Bill is, therefore, something of importance within the group of four legislative proposals being introduced to Parliament this session and emanating from the same source; namely, the Statute Law Revision Committee.

When the initial Bill of a similar title was introduced in 1964, there were over 5,200 enactments which had been passed by this Legislature. Of these, some 1,200 had been repealed, leaving about 4,000 enactments on the Statute book. As a result of the revision programme, this number will, with the passing of the present group of Bills, have been reduced to about 2,800 by the total repeal of over 1,200 enactments.

There remain but about 130 enactments, which have been classified tentatively as suitable for total repeal but which, for various reasons are still under consideration. Also, there are approximately 135 reserves Acts which are being examined in conjunction with the Lands and Surveys Department, some of which may ultimately be totally repealed.

Present planning is to complete research on these remaining enactments in order that such of them as are suitable for total repeal can be dealt with in the next session, when it is intended also that the first Bill dealing with partial repeals will be introduced.

The form and procedure, in respect of the drafting and introduction into Parliament of this Bill, are substantially the same as those adopted in connection with earlier Bills.

This Bill is based on recommendations contained in the further progress report on Statute law revision submitted on the 31st January last. There has been circulated with this Bill an explanatory memorandum, giving some particulars of

each enactment and the reason why it is thought to be no longer effective. It is hoped that study of the Bill will be assisted by this memorandum.

The practice of first referring enactments proposed for repeal to the particular department, organisation, or authority thought to be or to have once been, affected by, or charged with, their administration before any recommendation for repeal was made, has been continued where references have been considered necessary or desirable and, sometimes, even only as a matter of courtesy. Where such reference has been made, the fact is referred to in the memorandum.

It will be noticed that the form of the Bill and the memorandum differs from those of previous years. There are in this Bill only two schedules. The first comprises the 121 enactments sought to be repealed, while the second comprises three enactments which were repealed in error by the Statute Law Revision Act of 1965 and which, by this Bill, it is intended should be revived.

The provisions of the Interpretation Act, 1918-1962, and, in particular, sections 12 and 16 relating to appeals, should be borne in mind when considering the effect of the Bill. These provisions are referred to in the memorandum.

In the first schedule, part I comprises miscellaneous money Acts, and Part II general enactments, all of which are no longer effective for the reasons given in the memorandum.

The second schedule comprises the three Acts dealing with wheat marketing, which are dealt with by clause 3 of the Bill. Although these three Acts are not at present in use because of the operation of the Commonwealth wheat marketing system until 1968, they should not have been included amongst those Acts repealed by the Statute Law Revision Act of 1965. Unfortunately, the error was not discovered and reported by the Statute Law Revision Committee until shortly after Parliament rose last year and, consequently, the oversight could not be rectified last session. However, the State legislation will not be required before 1968, so it was decided to correct the error by inserting an appropriate provision in this Bill.

The memorandum attached to this Bill will prove of much interest to most members for, in a manner of speaking, the descriptions of the many Acts affected mirror, as it were, the history of the State; and the scope of the subjects covered is so wide, I should think, as to provide at least one point of interest for every member in the Chamber.

Some of these references are not without their historical significance and others are not without their humour when viewed in the light of today's moods and attitudes, and I commend to members a study of the memorandum.

When introducing this measure in another place, the Minister for Justice took the opportunity of expressing his regret at the prospect of Mr. Gresley Clarkson, Q.C., leaving Western Australia and the Minister said how grateful he was for the fine job done by Mr. Clarkson. I desire to associate myself with those expressions of appreciation and the personal tribute paid to Mr. Clarkson for the work he has done whilst he was retained by the Government on law revision. This is important work which is not easy, and it calls for a great deal of application and specialised knowledge.

Though he is highly-qualified and was assisted by an extremely capable officer in Miss Offer, and even with the great care taken by them both, because of the nature of the work involved, it is appreciated that, even in those favourable circumstances, a mistake can occur and this happened last year. Mr. Clarkson, I can assure the House, was personally very upset about this and was informed by the Minister for Justice that he felt sure that Parliament would accept the situation in the manner it should be accepted on the occasion when the repealed legislation is being re-enacted.

At the same time we would also like to express our congratulations to Mr. Clarkson on his appointment to the bench. He is shortly to take up his appointment as a judge of the Supreme Court of Papua and New Guinea. He will be sadly missed in the legal circles in this State, quite apart from the work which he initiated and carried out so well on law revision. I should also point out to the House that the Minister for Justice is quite determined to go on with the task of revising our Statutes. This work has been going on for a long time, and it would be a pity, having gone so far, not to bring the work to its ultimate desirable conclusion. I have already indicated that there is the prospect of further legislation in this direction being introduced next year.

Debate adjourned, on motion by Mr. Evans.

STATUTE LAW REVISION BILL (No. 2)

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [2.51 p.m.]: I move—

> That the Bill be now read a second time.

The reason why the nine enactments proposed for repeal in this Bill have been made the subject of a separate measure is that such repeal might be said to effect an alteration in the substance of the law and, consequently, to extend beyond the main purpose of a

Statute law revision measure; namely, the removal of deadwood from the Statutes.

By reference to the explanatory memorandum accompanying this Bill, members will see that these nine enactments are apparently ineffective. They may still have some life in them, although the necessary executive action has not been taken to implement them and it is not now intended that such action will be taken.

The schedule to the Bill is divided into two parts. The first contains eight enactments which authorise the construction of railways. For various reasons, the railways so authorised were not constructed and there is no present intention that any of them should be. The authorising legislation is therefore considered to be no longer required.

It may be remembered that, in the case of those railway construction Acts which were repealed by the Statute Law Revision Acts of 1964 and 1965, the original limits of deviation authorised by the enactments so repealed were expressly reserved. So far as concerns the eight enactments now proposed for repeal, it is necessary to include a similar provision, since the power given by each of these enactments has not and will not be exercised.

The Vaccination Act of 1878, which is named in the second part of the schedule, is no longer effective, for the reasons given in the memorandum. This Act aimed at lessening the incidence of infectious disease and, in particular, smallpox, by making the practice of vaccination compulsory. It was passed at a time when smallpox was a scourge and people generally were far less sophisticated than they are now.

However, the community as a whole now has a far more enlightened attitude on these matters and the Public Health Department considers that, in these days, compulsory provisions are not necessary. In any event, the department considers it has now adequate powers to deal with infected persons and contacts. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Evans.

AMENDMENTS INCORPORATION ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [2.54 p.m.]: I move—

That the Bill be now read a second time.

This Bill was introduced by the Minister for Justice in another place and its proposals arise from a recommendation contained in the fourth progress report on Statute law revision.

The Amendments Incorporation Act, 1938-1962, authorises the making of certain formal amendments to Statutes before they are reprinted, so it is unnecessary to increase the bulk of a Statute law revision Bill by including amendments authorised by that Act.

There is, however, one further process which might usefully be authorised by the Amendments Incorporation Act and this is concerned with the formal words of enactment. The formula at present in use takes up over five lines of print and it is thought that when Statutes are reprinted, the omission of these words would result in a significant saving of space over the whole Statute book without in any way affecting the proper construction of the actual Statutes.

Also, it will be noted that the Bill authorises either the omission of the words of enactment or, alternatively, the substitution of a shorter form; namely, "be it enacted." This is desirable because some enactments contain preambles.

Except in rare instances, such as private Acts or the occasional public Act, it is not consistent with present-day drafting and legislative procedures to include preambles in Acts of Parliament. In former times, however, it was the usual practice and it forms part of the Statute as an aid to construction and clarity.

It became the practice in England in 1890 to repeal or omit many preambles as part of the process of Statute law revision in order to save bulk in the Statute book. This practice has, however, been much criticised, and, in the sixth edition of *Craies on Statute Law*, at page 206, reference is made to the view of a famous lawyer, Sir Frederick Pollock, that "the repeal or omission of preambles, unless used with consummate discretion, is likely to obscure the history and meaning of legislation out of proportion to any saving of extent and bulk."

The better view now seems to be that preambles should be dealt with in this way—that is, repealed—only when the sections to which the repealed part clearly refers are also repealed, or where the courts have definitely decided on the relation of the preamble to the enacting part. The authority for that is *Craies* on page 359.

In Western Australia, some Statutes containing preambles remain and will remain on the Statute book and it is proposed that this more cautious view concerning the repeal or omission of preambles should, in due course, be applied to them for the purposes of Statute law revision.

However, in those cases, where the preamble is retained either wholly or in part the retention of a shortened enacting formula readily indicates where the preamble ends and the enacting sections of the Statute begin, and also preserves the

proper grammatical construction of the enactment. Therefore, in these cases, it is proposed to substitute for the full enacting formula the words "be it enacted," and this process is authorised by the present Bill.

Debate adjourned, on motion by Mr. Evans.

LAND TAX ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd November.

MR. HAWKE (Northam—Leader of the Opposition) [2.58 p.m.]: This Bill to amend the Land Tax Act proposes to increase slightly the present rate of tax on unimproved land values as it is applied to unimproved land, whether it be in towns or in rural areas.

The present surcharge in connection with this tax is five-twelfths of a cent in the dollar; and the proposal in the Bill is to increase the surcharge up to half a cent in the dollar. There is a further proposal in the Bill which provides that where land has been held by the one owner for a period of two years, and it has not during that period been improved, the surcharge, instead of being half a cent in the dollar, will be 1c on the unimproved value of the land for each dollar of assessment made by the tax authority.

The Treasurer, when explaining this Bill to us a few days ago, indicated the proposed increase had been calculated to bring into the Treasury an additional $120,000 a year. He also indicated the proposed increases in the tax that would apply during the current assessment year.

In the normal course of events I would have seen quite a deal of merit in this proposal, even though I would have had some slight reservations regarding the cases where anomalies or injustices could have arisen. I have in my mind, particularly, instances where young people have purchased unimproved blocks of land for building purposes and where, because of inability to obtain the necessary finance with which to have homes constructed, the building blocks of land have remained completely unimproved.

It is unjust, to some extent, that individuals like that who, through no fault of their own have not been able to improve their land, should now have to carry a heavier surcharge in relation to the land tax imposed upon the unimproved value of the land. However, my basis for opposition to the Bill is related to the attitude which the Government adopted last night in connection with a Bill which was then before us to amend the Totalisator Agency Board Betting Tax Act Amendment Bill.

As members of this House will recollect, the Government's proposal in that Bill was to increase the existing rate of tax from 5 per cent. by one half of one per cent. to 5½ per cent. on the total turnover of the T.A.B. In Committee, on the appropriate clause, I moved to delete the proposed increase of one half of one per cent. with the object in mind of moving later on an amendment to increase the present rate of imposition from 5 per cent. to 7 per cent. Had that proposition been accepted by the Government last night, the Government would, in a full year of T.A.B. operations, have received an increase not of $180,000, as it will under the one half of one per cent. increase, but an increase of something like $1,600,000.

As I said last night, the T.A.B. is a source from which the maximum taxation should be taken by the Treasury, because the T.A.B. carries on activities which are to some degree non-essential, and to a very large degree non-productive, in the wealth-producing sense. However, the Government chose to use its numbers to defeat the proposal which I put forward.

This does not encourage me to now support a Bill to increase the surcharge on the tax on the value of unimproved rural and town lands. For that reason, exclusively, I propose to offer opposition to the Bill now before us.

MR. RUSHTON (Dale) [3.5 p.m.]: I wish to say a few words in support of the Bill before the House. Some people who have not read the principal Act may have doubts about the land that will be affected by this measure. A brief description is that city and town land on which there have not been erected substantial buildings, will attract this tax, as will rural land which has not been improved to the required value. That is a brief description of the land which will attract this tax. In the case of rural land, I understand it will not apply to areas under five acres.

I see this Bill as something that will encourage the utilisation of land to the point which is desirable. In the case of town and metropolitan land, the measure could have the effect of encouraging people to use their land or place it on the market; and, in some way, it may dampen the speculative efforts in connection with urban land. I think all members would agree that this is what we desire. Whilst this measure provides a source of revenue, it may also bring about a reasonable reduction in the price of urban land. I am sure all members would be delighted to see this goal achieved.

I wish only to comment on two points in connection with the measure; and, if the Treasurer sees merit in them, maybe he will be prepared to amend the Act at a later stage when the tax is being revised. He did mention this is a tax which could attract increases in the future. Maybe at that time the Government could give consideration to the two points I wish to make.

Firstly, I would refer to land that is known as public open space or greenbelt which, for some reason or another, is precluded from being developed. Because of this, owners who have not been bought out by the Metropolitan Region Planning Authority are denied the right to develop this land. Therefore, they are precluded from improving their property and, for the purpose of this exercise, will attract this increased tax after the two-year period. I think this is a case that is worthy of consideration, because a genuine owner is unable to make a move.

The same position could apply to the people involved in Government developmental planning such as the ring road. Until now those people have been in somewhat of a fix as regards developing or ridding themselves of this land. I do not think it is quite as clear a problem as the one associated with a greenbelt, in which case, as members know, the land is held for the airing of a city or as a playground for a city. This is something for which everybody is responsible financially.

In closing, I would mention the other point. I do not think the Treasurer would give serious thought to the matter which I intend to bring up now, but I do hope he will comment on the previous point. As one who has spent many years in the service of an establishment which required that I travel from town to town in the country areas—and this applies to school teachers and other members of the public—I feel many people have a tendency to purchase a block of land near the city to which to return in 10, 20, or 30 years when their work in the country is completed. They have the intention of coming back in the years ahead to share in the facilities of the city. However, this tax will be inclined to defeat their object. I admit at this time that it is hard to separate those with a serious and just cause from those who may be speculating.

When future taxes are being levied on land, I suggest this matter should receive some attention. I believe we could possibly allow a person to own one block without attracting the additional tax.

In concluding, I feel this tax is one which has been well received, and I certainly support the Treasurer in his introduction of the Bill.

MR. BRADY (Swan) [3.11 p.m.]: I want to say a few words on this Bill because two shire councils in my electorate have written to me to say they are opposed to any further taxes being imposed on landowners in their particular areas. Those shires are already finding great difficulty with the taxes which are imposed at present.

Earlier this year, I mentioned cases where shire councils were doing their own town planning; and this in itself is causing great difficulty both to the shire councils and to the owners of land. The shire council at Bassendean has, for many years, had an area of land in the Walter Road area at Bassendean. The shire council hoped to put through a drainage scheme in conjunction with the Water Supply, Sewerage and Drainage Department, and to put through certain roads. With that work a lot of land which is at present of no great value could be improved and made available for housing.

The shire council expects the people who own adjoining land to face up to certain costs. If those people are not prepared to do this, the council intends to sell the land which they own to compensate for the money already spent on roads, on the resumption of certain properties, and on the drainage already put through.

All this is causing the people in the area —who are mostly working people—quite a a lot of mental anxiety. I have had three instances at least in the last six weeks where people have begged me to urge the shire council to allow them to sell a quarter acre of their land so that they could move to another district and settle down.

I have mentioned the problem of that particular shire council so that members will see that many people feel they are already taxed to the hilt. The very fact that the shire councils have written to me and requested me to protest shows their opposition. I do feel I should protest, even though the increase is only small. All the taxes which have been introduced in recent times, have been very small—so we were told. There is an old saying that the last straw broke the camel's back, and apparently some people feel they are at that stage, and they do not want to see any more taxes imposed.

I will briefly enlarge on another angle of this tax. In the main, a lot of small landholders will not gain very much as a consequence of the resumption schemes associated with arterial roads, main roads, and major roads. The people who will receive the big benefits are those in business in the heart of the City of Perth, and I feel those people should have their taxes considerably increased so that a lot of the people in the eastern suburbs can be absolved from the incidence of the tax. The working people are not in a position to meet these taxes, which they have to pay out of their weekly income.

The shire councils which have written to me have carried resolutions protesting against increases in land tax, and I understand they have conveyed their views to the Local Government Association. It is hoped that association will also protest against the increase in this tax.

MR. DAVIES (Victoria Park) [3.15 p.m.]: May I say it is good to see the Premier back with us today. I am sorry we were not able to deal with this measure before he returned. Perhaps he might have been ill again today if he had heard some of the unkind comments about the Government, which were made yesterday. Those

remarks were unkind, but not unfair, because the Government adopted an unfair approach in its taxing methods.

Once again, the amount to be raised by this tax is considered to be only small. I believe the figure expected for this financial year is $120,000. I doubt if that amount will do very much to help the Government out of the financial difficulties it appears to be facing.

It is a particularly unfair tax because of the people it is going to hit hardest. It will not apply to people with unimproved rural land; and it will not apply to pastoral leases. The big landholders in this State will not be affected in the slightest.

Mr. Rushton: The tax will apply to unimproved rural land.

Mr. DAVIES: I am quoting what the Treasurer had to say.

Mr. Brand: That was my error.

Mr. DAVIES: In that case, I do not have to criticise that section. I am pleased that it applies to unimproved rural land, because we should start to hit the people who are not improving the large tracts of land which they hold.

Many people purchase a block of land in the hope that they will be able to build a home in the years ahead. They hope to build that home to their own design and liking. Indeed, it is a condition of the grant from the Commonwealth Government that savings of £750 over a three-year period can be in the form of paying for a block of land over that period. So, no doubt, many young men with matrimonial aspirations—and possibly young women also—would buy a block of land and would probably expect to pay for it over a period of five, six, or seven years. If the instalments over a three-year period amount to £750, then the young men qualify—other factors being equal or acceptable—for a £250 grant from the Commonwealth Government.

Not only are most such people in a fairly low wage group, but they pay exorbitant rates of interest on the money which they borrow to finance the block of land. Now we find the Government is to increase by 1/12th of a cent the land tax on the unimproved value of the land. That is bad enough, but if the land is held for a period of two years or more, the tax is to be doubled. I think that is disgusting, because the young man, or the young woman, as the case may be, would not even have qualified for the £250 grant from the Commonwealth Government within two years. Yet, the land tax will be doubled.

Mr. Rushton: Do you agree that if more land was available there would be a reduction in prices?

Mr. DAVIES: I am not quite certain what the member for Dale is driving at, but I would like to see a lot of land made available for home building, and I would like to see the Government take steps to that end. However, I would like to see the Government open up land under far better conditions than the miserable attempt made when land was made available at Woodlands last year.

That land was only available to people who were in a very high income bracket. If I remember rightly, one of this Government's policy pledges was to make cheap land available for home builders. However, apart from the blocks on which the State Housing Commission is building its houses, the Government has done abolutely nothing to try to bring down the price of land. Of course, most of the State Housing Commission homes are available for people who are earning less than £25 a week.

I feel the Government should have done much more than this because it cannot be suggested, for one minute, that the Government's timid effort at Woodlands had the slightest effect in reducing the price of land anywhere. The Government has not stopped speculation in land; the only thing the Government has done is to stop subdivision. By doing that, in some of the distant metropolitan regions, the Government has stopped some speculation.

I feel the Government adopted a rather doltish attitude with regard to subdivision. I have here the case of a young man who bought some land in 1949 in the Peel Estate, which is just at the back of Jandakot. At that time, this fellow was very young and ambitious; he hoped to do some small farming on this land. In order to get some money to buy machinery, to build his house, and to run his farm, he had hoped to subdivide and sell a small portion of the land—perhaps, just one or two quarter-acre blocks. He would then have had over 340 acres left on which to farm.

Mr. Rushton: Where is this situation?

Mr. DAVIES: At Jandakot, in the Peel Estate. The lot numbers are 111 and 795, if the member for Dale would like to check to see where they are located. This young man had gone to a considerable amount of trouble to find out the best use to which this land could be put. He certainly was not going to be a very large farmer, as members will realise from the area of land which is involved. Then again, he was not going to be a beef baron from the Terrace. His ambition was to get onto the land and to put it to some good use, and he thought that if he realised his ambition, he would be happy for the rest of his life.

However, this young man has not even been allowed to subdivide in order to get rid of one or two quarter-acre blocks, the proceeds from which would enable him to establish himself. The banks will not lend money to anyone whose reason for a loan is that he wishes to establish himself. Once the individual gets the land running, then the banks will help with finance.

The position now is that the land is lying idle and he cannot do anything with it. I suggest this position has arisen because of

the Government's doltish approach to subdivision. I referred this matter to the Minister for Town Planning in July last year, and the Minister was, personally, good enough to tell me, apart from the written reply which I received, that he had considered the case and he did feel sorry for the young married couple; in fact, he would have liked to help them. However, the Minister said that if he said, "Yes" to one person, he would have to say, "Yes" to others, and therefore he could not do anything about this particular case

If there is a reasonable and genuine case advanced, as in this instance, I think a subdivision should be allowed. Surely to goodness if a young lad bought a block of land in 1949 when he was 16 or 17 years of age, he would not have bought it purely for speculative purposes. Nevertheless, no doubt this chap is going to be faced with these increased taxes.

Mention of this brings me back to my other complaint and that is in regard to the doubling of the land tax after two years. If the Government is genuinely trying to help the small would-be home owner, I think a reasonable attitude for the Government to adopt would be to allow people to hold a block of land for at least five years, or even for three years. If a block of land is held for three years, the young married couple qualify for the £250 Commonwealth grant. However, as the position is now, after a period of two years the couple will have to pay double the land tax. As I said before, these are not people who are in high income groups; and these are not people who buy land for speculative purposes. I consider these people are being treated very harshly by the Government.

I hope the Treasurer will give some consideration to amending the period before which the tax is to be doubled. It is bad enough that the Government is going to such considerable trouble, by means of the taxing Bills which are before the House, to receive a miserable $120,000 a year. However, when the Government hits the young people as it will hit them if this measure becomes law, I think this attitude is disgusting.

The principal reason why I feel sorry for these young people is because they are buying land at exorbitant rates of interest in the hope that they will qualify for the £250 Commonwealth grant. It is imperative that a young married couple should receive this grant, because the cost of a home has gone up by easily £250 since the time the Commonwealth grant was first instituted. As things are now, in the long run a young couple are going to be worse off than they would have been if the Commonwealth grant had not been instigated. This measure will mean another little burden for the couple to shoulder, because, after a period of two years, they will be faced with paying double the tax which, on an average block of land, would amount to approximately $24.

I do not believe the Treasurer even thought of this aspect when he introduced the Bill. I am sure he was trying to hit the speculators, and I, myself, would most sincerely support him in any endeavour to stop speculation. However, in the genuine case which I have quoted, some concession must be extended, and I do hope the Government will give second thoughts to this matter. If the Government intends to proceed with the measure as it has been brought before the House, the least the Government can do is to amend the period in which people can hold blocks of land before suffering this 100 per cent. penalty, which is really most severe.

I oppose the Bill, particularly the provision which seeks to double the tax on unimproved land which has been held by the owners for two years or more.

MR. GRAHAM (Balcatta) [3.28 p.m.]: It occurs to me that this Bill is one which has not been properly considered by the Government. It should be obvious to all members of the House that the Government is desperate in its desire to obtain additional revenue. If in the process of collecting extra moneys, the Government could do something worth while in the way of assisting the community and resolving certain problems, then the proposed increased taxation would have some merit about it.

In a few words, I desire to give my thoughts in respect of the matter. There is no gainsaying the fact that the price of residential land in the metropolitan area is reaching fantastic heights and, in addition, no action whatsoever has been taken by the Government to meet the position.

Indeed, some action which was taken by the Government some 18 months ago, I think, in connection with subdivisions tended to aggravate the situation to my way of thinking; because, instead of those who owned large parcels being able to subdivide down to 10 acres and 5 acres, those who were speculators in that direction concentrated the whole of their attention onto the one-quarter acre and one-fifth acre building lots in the urban areas with the consequent result of applying more pressure; and, inevitably, the prices rose.

I would suggest to the Treasurer that he doubles—or, if he chooses, trebles—the land tax on unimproved land; and that he should extend the period to five years as the minimum time during which something must be done in the way of improvement. When I refer to improvement, I have in mind, of course, the erection of dwellings, in particular. I consider the Government should adopt the idea that if a house is erected within that period of time, the additional tax, or surcharge, will be refunded.

So we would then have a situation that, when people were merely speculating in

land, they would be paying two or three times the normal amount required, which would discourage them and would tend to force more blocks of land onto the market with a consequent advantage to the genuine home seeker. A person who bought a block of land with the idea of building a home on it for himself would then become part of a system, as it were, which would be somewhat akin to a compulsory savings system. If he were required to pay an extra $50 a year, for example, for a period of four years, the total $200 that he would pay as a surcharge on his land tax could be refunded to him and so, in point of fact, a service would be rendered to him.

In this measure, however, we are considering a proposed increase which, in my view, is not sufficient, because it will not do the job; and also it is completely divorced from reality to expect that, in the majority of cases, a person would be in a position to improve his block and build a home for himself within two years of acquiring his block of land. I think all members are aware that anything which looks like a block of land in the metropolitan area—and it need not be situated in a fashionable suburb, either—would bring a minimum price of approximately $3,000 or more.

Therefore how does the Treasurer, or the members of his Government, expect an ordinary citizen or a worker to pay that price for a block of land, or sufficient of it to enable him to think seriously of involving himself in the commitment of another $10,000 or $15,000, as the case may be, for the erection of a home for himself?

It is because of these circumstances that I condemn the Bill and describe it as one that has not been properly considered. If closer attention were given to it, the Government would raise more money for itself, and it could force more blocks of land onto the market—which would prove to be of advantage to those who are genuinely seeking land in order to do something practical with it—instead of allowing people to sit on land for speculative purposes. Also, by extending the period to say, four years, this would be more a realistic approach, because it would give a person an opportunity to pay off the purchase price of the land; get the original indebtedness under control; or at least have an opportunity of recovering from the shock of having paid the deposit. Then, with the further provision of a refund for the *bona fide* person, this system would prove to be a form of compulsory saving which would be of assistance to any young couples concerned.

It is probably too late to make amends now, but if the Government feels there is some merit in what I have suggested, I would point out that I have canvassed a number of places, and in practically every quarter the principle I have endeavoured to enunciate has been approved, and approved in some unexpected quarters. I think it is far too late in the session for the Government to give thought to recasting legislation with a view to making this Bill conform with what I have endeavoured to outline. However, if we accept this Bill as a pretty poor job, as the Treasurer himself has said, at least it is a move in the right direction by placing a levy on land which is not being used.

I am in favour of a levy being placed on those who own land but who have no need of it; who are retaining it purely for the purpose of making money out of it; but this is where the weakness of the Bill lies, because it will penalise the person who wants to do something with his land but who, for no reason other than the terrific price he is required to pay for the block, and the subsequent shocks associated with building a home, is not proceeding to develop his block in that two-year period.

For that reason the concept is intensely unfair. I realise that if we increase the period from two years to five years, it will, to some slight extent, be assisting the person for whom I have sympathy, but unfortunately if the surcharge and refund proposition I have suggested in respect of the *bona fide* case is not adopted, an extension of the period to five years will be of no great advantage to him. A concession that is granted to the *bona fide* home builder will also be a concession enjoyed by the person who is a speculator in land and nothing else. Therefore, so far as I am concerned, it appears the Bill does not have a very great future.

I do not like the way it has been conceived, but I think the idea of doing what we can by legislation to compel persons to make use of their blocks of land at the earliest possible moment is most desirable. This is not only because of viewing the situation of land as land, but also having regard for the many public services and public utilities which are passing vacant blocks—public utilities, such as roads, power lines, and water mains—but which are rendering no service to those blocks even if rates are being paid, but rates which, in my view, are not sufficiently high.

Government transport services, such as M.T.T. buses, travel over long distances and pass land which is virtually in a virgin state. Therefore it would be of assistance to many governmental, semi-governmental, and local government bodies if something could be done to compel the present owners of land to do something to develop their blocks by making it too expensive for them to retain the land for a lengthy period; and by providing that if they are not prepared to do something about it themselves, the properties can be placed on the market for

purchase by other persons, especially when the land is situated in areas where services are available.

Some of the finest land for home building in the metropolitan area, lying between the City of Perth and the beaches, and in the vicinity of the offices of the Shire of Perth, is, at the present moment, held up as rural and deferred urban land, because the Government is unable to supply the services required. So there are people suffering all kinds of hardships, because they are unable to subdivide the land they own. If they were able to do so, it would have a further impact on the prices being demanded for home-building sites at present.

But these hapless souls are unable to do anything about the present situation and there are cases of the gravest hardship among those who were the pioneers of the area; that is, people who, 30 and 40 years ago, travelled along a sandy track and opened up land for market gardening and for other purposes; but all they can do now is to sell their land on a broad-acre basis to some of these speculative firms who, in turn, will retain the land for perhaps two or three years until the zoning and town planning schemes have been finalised when, of course, they will make hundreds, and in some cases, thousands per cent. on their outlay.

This is to the disadvantage, of course, of those who originally opened up the land. Surely if there is any profit to be derived from subdivision transactions, those persons who originally opened up the vacant ground should be entitled to it! Instead of this, those people are compelled by the authority of the Crown to leave their land in broad acres and so permit speculative firms to derive the benefit from the sale of such land.

In my own electorate I suggest that within five miles of the G.P.O., Perth, there could be some thousands of additional blocks of land made available to home seekers if something could be done to overcome the town planning and zoning regulations. In passing, I would point out that these blocks would be regarded as being among the most attractive on the market at present.

So there is one attitude and one approach to the whole matter. I appreciate that what I have said is getting a little away from the subject immediately before us, because the prime purpose of the legislation, unfortunately, is not designed to make more land available to improve the price of residential land in the metropolitan area, but to produce a further estimated $120,000 a year in taxation.

I am certain that what I have been saying will, by and large, be endorsed by the member for Maylands, who happens to be a member of the Shire of Perth. One would almost think that this, the largest local authority in the whole of the State of Western Australia, was somewhere out in the middle of the Nullarbor Plain, because of the number of cow paddocks and goat paddocks, and the amount of disused land within 100 yards of the offices of the Shire of Perth; and this because of the leeway that exists in developing the zone plans under the metropolitan region improvement scheme.

If there be—as I understand is the position—a shortage of town planners which prevents the department from getting on with the job, surely the Government should be using other devices, such as, perhaps, taxation, with a view to such land being placed on the market to solve the problem for many people.

I could go on indefinitely in connection with this matter, because it is having an impact in so many different ways. I hope you will permit me to say this, Mr. Speaker: That I have today more outstanding applications for houses with the State Housing Commission than I have had at any time since I have been a member of Parliament—which is more than 23 years—and some of the reasons advanced are because of the hopeless land position, and the intolerable burden imposed in finding the deposit and the rest because of the high prices being asked. Nine out of 10 people, because of this fact, have no alternative but to go to the State Housing Commission.

Many hundreds—indeed perhaps thousands—of these people would prefer to choose blocks of land in suburbs of their own liking, rather than be confined to the comparatively few localities in which the State Housing Commission has a stake.

So the task of the Minister for Housing is made increasingly difficult; and, I suppose, if the Minister has been doing his job he has been pressing the Treasurer heavily to obtain more funds to enable him to build more houses; and I suppose that money is very badly needed. But the need for it has increased on account of the situation I have been endeavouring to outline.

I sincerely hope it will be possible for the Government to give some consideration to remoulding this piece of legislation. I am not seeking to deny the Government the $120,000-odd it seeks; and if it can obtain that amount of revenue, or even more—and I repeat I would not have any objection to a higher rate of charge being made, and perhaps that would be necessary, in order to have a fund from which these refunds could be made if a person built on his land within a certain time—there would be no objection, provided it resulted in this land being made available.

So, Mr. Speaker, in view of all the circumstances I have outlined, I am not too happy about this piece of legislation as no doubt you and, I hope, the Government, will appreciate.

Sitting suspended from 3.44 to 4.4 p.m.

MR. JAMIESON (Beeloo) [4.4 p.m.]: In dealing with the Bill before us I wish to point out that an exemption was made in the amending Bill passed last year which provided that certain lands, as defined in section 9 (2) of the Land Tax Assessment Act, shall be deemed to be improved land if improvements have been effected to an amount equal to £1 per acre, or one-third of the unimproved value of the land, whichever amount shall be the lesser. It is not a good enough definition to provide that the erection of a small shed on a couple of acres of land puts that land into the improved category.

If the Government wants more taxes from unimproved land, and thereby prevent people from holding onto land and not making use of it, the sections in the legislation dealing with exemptions should be reviewed. Most of the exemptions apply to land held by local authorities, charitable institutions, hospitals, religious organisations, etc.

It is beyond me why the Government has sought to give an exemption in respect of land on which improvements have been effected to an amount equal to £1 per acre, or one-third of the unimproved value of the land, whichever amount shall be the lesser. In this matter all the exemptions should be dealt with together, and they should be reduced to the minimum. Exemptions in respect of land owned by pensioners, of mining tenements, and of land used solely or principally for zoological, agricultural, or pastoral purposes should all be embraced. I agree there is some justification for those exemptions. Most people have to pay land taxes, and they should be entitled to some exemption on land they use for their leisure-time activities: they should not be asked to find more money for taxes.

I suggest the Treasurer should look into the exemption that is granted in section 10 (1) (g) of the Land Tax Assessment Act, because if he requires more taxes there is a way to get them. I intend to be very brief in this debate, so I conclude by saying that I did indicate to the Minister for Industrial Development last night that if he proceeded with the debate he would be able to have this measure passed in five minutes; but today it has taken 1½ hours to get this far.

MR. W. A. MANNING (Narrogin) [4.8 p.m.]: I only wish to say a few words on this measure. I am rather surprised to find opposition to it from members on the other side of the House, particularly from the member for Victoria Park, because the merits of the Bill do not lie, in the main, on the cash it will bring into the Treasury, but on its effect on land held. This increase in tax is, perhaps, a very small inducement to persuade people from holding unused land.

If the Treasurer had proposed to halve the land tax on unimproved land, there would have been a great outcry from members opposite that we on this side were supporting land speculators. Now that a measure has been introduced to increase the land tax, there is support from some members and opposition from others. Anything which induces people to utilise land has the effect of discouraging people who speculate.

Members will recall that on many occasions I have drawn the attention of this House to the Closer Settlement Act, which was introduced in 1927. It has never been utilised by any Government of any political colour. The idea of that Act was to ensure that land was used to its utmost, and I am all for that kind of thing. I do not believe people should hold on to land and not use it without having to pay some penalty. I think this increase in the tax on unimproved land is a small move towards that end.

This would not completely improve the situation, but in my opinion it would be an inducement towards land being utilised to its greatest extent. I hope something further will be done in regard to the land affected by this measure.

Some members have said that two years is not a long enough period for land to be held before the tax is applied, but when Crown land is thrown open for building sites and residential purposes, it is sold on a conditional purchase basis, which requires that a building will be erected within two years. People are prepared to take up these Crown blocks on that basis. So it seems that two years is sufficient time in which to expect that a building will be erected on a block of land.

MR. TOMS (Bayswater) [4.11 p.m.]: Possibly 20 years ago I could have agreed with the remarks of the member for Narrogin. At that time one could buy a block of land in the inner suburbs for about £30, but that position does not apply today. This measure will have a particularly hard effect on young couples who buy a block of land on which to build their future home. There was a time when the land could have been bought for a song and when people built straightaway on land which they purchased. However, today, young couples have to pay a deposit and take possibly four or five years to pay off the land before they can start building a house. While the values of land in the last 20 years have increased 30 and 40 times, the cost of building a home has only increased about four times.

So I join with the member for Victoria Park in his concern for young couples who have bought a block of land and who will not be able to erect a house on that land within the two-year period after which they will be liable to pay the double rate of land tax. I think provision should be made in the Bill to provide

that the buyers of land who genuinely purchase it for the erection of a home will not come within the scope of this Bill. It is not necessary to take action during this session of Parliament as the increased tax will not come into effect for another two years. However, consideration could be given to this suggestion in the meantime. The fact that it will not have a retrospective effect is not a matter of urgency, but is something the Government should look at.

It is hard enough for young people these days to find sufficient money with which to buy a block of land. The member for Victoria Park indicated that the Housing Commission did not help to arrest the inflationary trend in the price of land. In fact, it may have aggravated this position.

I ask the Premier to give consideration to my suggestion with regard to young couples who have bought a block of land on which to build a home so that this added burden will not be placed upon them. I believe they should be exempt from this increased tax. As I said before, the matter could be dealt with next year if it is not possible to do anything this year.

MR. RUNCIMAN (Murray) [4.15 p.m.]: I support this Bill, and commend the Treasurer for having taken a step in the right direction, especially as far as our coastal subdivisions are concerned. I think all members are aware of the extent of the subdivisions which have taken place along our coast from Yanchep to the south of Mandurah. Over recent years whole areas have been subdivided after which there has been a great demand for this land. People have been required to pay a small deposit and have been given quite a period of years in which to pay off the land.

Although land subdivision in these areas has been restricted pending an overall plan for the development of the area, I have noticed that in a number of areas that were subdivided two or three years ago, only half a dozen buildings have, in some cases been erected. It is my opinion that the provisions in this measure which will have the effect of doubling the land tax after the land is held undeveloped for two years will encourage people who own these beach blocks to give serious consideration to either building, or selling the land. I believe that this in itself will be of great benefit. It is undesirable to have whole areas of land subdivided and held up by people waiting for the land to appreciate in value.

Mr. J. Hegney: Who do you think is getting the rake-off?

Mr. RUNCIMAN: Although this measure will not go all the way, I hope it will make people realise they should do something with their blocks of land and not just hold them. I realise that shire council rates have been increased recently; and with this increase in land tax on unimproved land which has been held for longer than two years, the people should have sufficient incentive to effect improvements. I think this is a good measure.

MR. BRAND (Greenough—Treasurer) [4.17 p.m.]: I would like to commence by expressing my thanks to the Minister for Industrial Development for getting so far with some of these taxing measures; and, as the member for Beeloo has said it might have been possible to get them all through.

I wish to apologise to the House because when I replied to the Leader of the Opposition as to whether unimproved rural land was exempt, I said it was not taxable. I misled the House, but I was under the impression that the tax applied only to town and urban blocks. However, it applies to all that unimproved land which is taxed at the present time.

Having listened to each of the members who have spoken, I would like to express my thanks to those who support the Bill. There has been some opposition to the measure for divers reasons, which gives a clear indication of the difficulties which the Treasury faces when setting out to raise more money by means of land tax. Half a dozen ideas have been presented as to what should have been done. Some members tend to say that the tax is too high, while others have said it is not high enough.

Since the Bill was introduced I have received a number of letters from people expressing the plea that the penalty part of the measure—if I may call it that—to be applied after two years is not sufficient to bring about the result for which we aim. On the other hand, reference has been made to young couples who own a quarter-acre block of land and who will, after two years' ownership, have to pay the increased tax if the land is still unimproved. Their position was not overlooked when the whole matter was discussed—far from it. That is the reason why a heavier penalty was not applied after two years.

Might I say that the suggestion made in a couple of quarters as to a heavier tax for not improving the land being associated with a rebate when the land is improved appeals to me.

Coupled with this problem has been the difficulty brought about by the ban which has been placed on the subdivision of five-acre and 10-acre areas. I think this has been quite effective for the purpose for which it was originally applied. It was not entirely satisfactory, but maybe the time has come for some review of the whole situation.

It is my intention in the new year to set up a committee to look very thoroughly at the points which have been made and the suggestions which have been submitted here as to how we can be more effective in the two objectives of the Bill which are—

(1) To obtain more money for the Treasury.

(2) To bring about, as the member for Narrogin has suggested, more expeditious development and improvement of the land held.

I think this is the desire of all members on both sides of the House. Without any doubt—and this applies to all the measures which have been debated in my absence, from the Stamp Act Amendment Bill to this one—the whole objective has been to bring in more income for the Government. No-one likes this at all, but these are the facts of life a Government must face. The Government acts according to its judgment and opinion, which may not be the opinion of those who sit opposite. They may have other ideas by which they would raise the necessary money.

However, I agree that there is quite a difficulty surrounding the taxation on unimproved land, and there are problems of people holding it for investment. There is the difficulty of the genuine land owner who desires to build a house in the fullness of time. I am sure that amongst the suggestions put forward are some practical and logical ones. I thank members for their support of the Bill, and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

MR. BRAND (Greenough—Treasurer) [4.25 p.m.]: I move—

That the Bill be now read a third time.

I would like to make reference to a point raised by two or three members in connection with land in greenbelts and land affected by town planning schemes. This is a matter of some real importance and would also be one which I would ask the committee that I mentioned to look at. Maybe such land could be dealt with on the basis of some refund or rebate. However, I wanted it placed on record that we have noted the suggestions of those concerned.

Question put and passed.

Bill read a third time and transmitted to the Council.

PENSIONERS (RATES EXEMPTION) BILL

Second Reading

Debate resumed from the 27th October.

MR. GRAHAM (Balcatta) [4.26 p.m.]: This Bill represents another instalment in the co-operation as between Government and Opposition.

Mr. Brand: Suspended, I understand, for some time now.

Mr. GRAHAM: I want to thank the Premier for having moved in regard to this matter, because this Bill goes further than was possible with mine—which, with the leave of the House, was withdrawn—owing to the fact that certain impacts upon the Treasury were involved, for which it would not be right for a member of the Opposition to be responsible.

Broadly speaking, the Bill corrects an anomaly which was in existence; namely, that although pensioners could have payment of their rates deferred, ex-servicemen were in a quandary because of the wording of the Act. The law said that deferred rates should be a first charge upon the property with the consent of the Director of War Service Homes; and, of course, he does not agree that anyone should have a priority ahead of him.

This has now been brought into line with the Local Government Act which was amended a couple of years ago, and many people will be thankful that this amendment is being made now.

The Premier, of course, goes further, in that he is extending the concession to deserted wives and divorcees. Needless to state, we have no objection to this extension. Indeed, it is welcomed that some relief can be given to sections of the community which are in dire circumstances or something akin to them.

The only difficulty is that the concession is extended to these divorcees, and deserted wives, quite rightly, in respect of rates payable to the Government; but this in itself has created a new anomaly in that this class of person will not, unless we make an amendment to the Local Government Act, enjoy the same concession in respect of local government rates. I realise we are racing against time, but I would appeal to the Premier to look into the question of a very minor amendment, entailing a few words only, to the Local Government Act to make it on all fours with the concessions contained in this measure. I think it is desirable they should be parallel.

The only other comment I wish to make is that the whole purpose is to afford relief to a deserving section of the community. There is no question of escaping liability, because the rates mount up against the property and when it is sold, or the person who is enjoying the benefits of this legislation dies, then the first charge is in respect of deferred rates that must be paid to Government instrumentalities and the local authorities respectively.

This is all right so far as water rates and drainage and sewerage rates, etc., are concerned, but there are other governmental charges as well which are becoming an increasing burden. One of them is land tax. I do not know why it is not possible to grant a deferment of that tax, and perhaps even more so in connection

with the metropolitan region improvement tax.

I emphasise that, because we are now faced wth the position that a pensioner in a township—shall we say, Northam?—will not be required to pay this particular form of tax because it does not apply there. However, the pensioner in similar circumstances and on the same income and with the same responsibilities in the metropolitan area will be this extra amount short; that is, the liability for paying the metropolitan region improvement tax. Some consideration ought to be given to those factors.

I do not think there is any difference between the Government and the Opposition in respect of this matter. The principle has been acknowledged by Parliament that people in this category of social service pensioners—those covered by the Bill which the Premier was good enough to introduce—are persons who should not be required to pay governmental or local government charges from their meagre incomes.

The legislation goes so far, but in respect of land tax and the metropolitan region improvement tax it should receive more attention. It is not a tax on all the people, but falls on those living in the metropolitan area, and in that area only. If the sum happens to be —to use a figure—$10, it hurts the pensioner in the metropolitan area just as it would hurt the pensioner in the country area, and I cannot see why the country people should be enjoying this benefit—or missing out on an impost which is levied on the people living in the metropolitan area.

Such a provision would not entail any loss of revenue, but merely a deferment. I hope that the Government will, either this session or during the following session, give attention to this matter in order that justice may be done to that most deserving section of the community.

MR. DAVIES (Victoria Park) [4.34 p.m.]: I rise to say that I regret the Bill does not overcome an anomaly which I have brought to the notice of this House on previous occasions. I refer to where a pensioner is single, or is a widow or a widower, and exists solely on one age pension. I have come across many cases where, perhaps, a widow has taken in a boarder for company. Company would be the main reason, rather than profit, and in such a case the boarder would perhaps pay only for a room and breakfast, and the amount, of course, would be less than a single pension.

If a single pensioner is receiving £6 a week, a married couple would receive £12 a week. A single pensioner receiving £6 a week and letting a room for £5 a week would receive a total income less than that received by a married couple. However, because of the income the pensioner would be deprived of any rights under this Act; whereas if that same pensioner had a husband, the total income going into the house would be greater than was the case with the widow; and the married couple would receive the benefits of this Bill. This is an anomaly, and I do think that some provision could have been put in the Bill to exclude an income that was not more than the total which would be paid to a married pensioner couple.

People who are left in circumstances such as those often require company and so they let a room to obtain that company. After all, the only concession being granted is the deferment of the rates. The money is paid eventually, except for land tax from which such people are exempt. However, all other rates and taxes must be paid when the pensioner dies, or when both of the pensioners eventually die. Therefore, the authorities are assured of receiving their money. There is no interest on that money, but I think the amount involved must be very small indeed.

It is regretted that there is this anomaly of a married pensioner couple being able to receive into the home a certain figure, and yet if a single pensioner lets a room, she is deprived of the provisions of this Bill, even though her income might be less than the income of the married pensioner couple. I support the Bill, but regret that the Government has not acknowledged the anomaly I have mentioned.

MR. GUTHRIE (Subiaco) [4.37 p.m.]: I do not know whether I misunderstood the member for Balcatta when he spoke. I understand he raised the question of why there was not a deferment of land tax in a similar form to the deferment of water rates and local government rates.

The situation is that pensioners are exempt from land tax. I would refer the honourable member to section 10 of the Land Tax Assessment Act, subsection (1) (f). It will be seen that certain classes of people are completely exempt from land tax.

I have not been able to lay my hand on the Metropolitan Region Improvement Tax Act, but my recollection is that it applies only to people liable for land tax in the metropolitan area.

Mr. Graham: It would be a pity if all that information was in the one Statute.

Mr. GUTHRIE: The situation is that no deferment is required as pensioners are completely exempt, and an assessment is not raised.

Mr. Graham: Thank you.

MR. BRAND (Greenough—Treasurer) [4.38 p.m.]: I would like to thank those who have supported the Bill. I will answer the query raised by the member for Balcatta by saying that we would certainly

not introduce legislation this session. The matter of deferring rates is for local governments to decide. However, I think we might well reach a stage where local governments will find it difficult to allow these concessions to any great extent, in view of the limited income. But it is a matter for them to decide, and we would introduce legislation in the event of their being agreeable to such being done.

Mr. Graham: Will you raise the matter with the Minister for Local Government?

Mr. BRAND: Yes.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Brand (Treasurer), and transmitted to the Council.

BILLS (2): RETURNED

1. Industrial Arbitration Act Amendment Bill.
2. State Transport Co-ordination Bill.

Bills returned from the Council with amendments.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Lewis (Minister for Education), read a first time.

PERTH MEDICAL CENTRE BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

The amendments made by the Council were as follows:—

No. 1.

Clause 16, page 9, line 32—Substitute for the full stop, a comma.

No. 2.

Clause 16, page 9, line 33—Add the passage:

"each of the three persons referred to in paragraph (b) and in paragraph (c) of this subsection, shall be a person who is a medical practitioner within the meaning of section three of the Medical Act, 1894."

Mr. ROSS HUTCHINSON: Do you wish me to deal with the amendments together, Mr. Chairman?

The CHAIRMAN: Yes. Move them together.

Mr. ROSS HUTCHINSON: The first amendment is purely formal and provides for the alteration of a punctuation mark to allow for the second amendment. The purpose of the second amendment is to ensure that each of the three persons referred to in paragraphs (b) and (c) of subclause (4) of clause 16 shall be a medical practitioner within the meaning of section 3 of the Medical Act. A reference to the clause in the Bill makes one appreciate that the amendment applies to appointments made to an appointments committee. Each teaching hospital will have an appointments committee and the constitution of these committees is set out in the clause. The prime purpose of an appointments committee is to ensure that proper selections are made of medical staff for the hospital concerned, and provision is made for lay members to be appointed. I move—

That the amendments made by the Council be agreed to.

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

Report

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

QUESTIONS WITHOUT NOTICE

MEMBERS OF PARLIAMENT

Rail Travel: Cost

Mr. BRAND (Treasurer): Might I refer to a question which was raised by the member for Pilbara following the reply which I gave to question No. 12 on the notice paper today. The honourable member queried certain figures. I have the information with me now, and I would point out the figures refer only to the W.A. Government Railways. There is a further $14,350 included in this year's estimate to cover travel by members including travel on the Commonwealth Railways, under these headings—

	$
Members of Parliament and their wives on the Commonwealth railways	5,000
Air services within W.A.	3,500
State Shipping Service	700
Life passes	5,050
Princess of Tasmania	100
	$14,350

SWAN RIVER

Reclamation at Maylands: Motion

Debate resumed from the 9th November on the following motion by Mr. Ross Hutchinson (Minister for Works):—

That this House do resolve to approve, pursuant to subsection (1) of section twenty-two A of the Swan

River Conservation Act, 1958-1966, the reclamation of an area of about two acres of the Swan River as shown in the plan deposited in the Public Works Department and marked P.W.D., W.A. 43513, and therein coloured red, and as so shown in the copy of that plan laid on the Table of the House, and that the Legislative Council be requested to so resolve.

MR. TOMS (Bayswater) [4.52 p.m.]: Last week when the Minister moved this motion he may have noticed the Deputy Leader of the Opposition come around to the back of my seat and have a few words with me. This could have caused the Minister some flutterings, and he may have anticipated violent opposition to the motion he moved.

Mr. Ross Hutchinson: No flutterings.

Mr. TOMS: What was it; panic?

Mr. Ross Hutchinson: A little amusement.

Mr. TOMS: It may have been amusement, but when the Minister spoke to me afterwards I thought he was a little concerned. I want to let the Minister know at this stage that he will not receive any really violent opposition to his proposal.

It is interesting to note that since the repeal of the Swan River Improvement Act, 1925—an Act which was 40 years old—this is the first measure to come before the House for the purpose of reclaiming certain areas around the Swan River.

Being aware of my knowledge of this particular area, the Deputy Leader of the opposition did come around to speak to me about it, and when I pointed out the particular locality involved and the ground adjacent to it, I do not think the honourable member proposed any wild opposition to this river reclamation; although we know that the retention of the Swan River is very near and dear to the hearts of many people.

The particular piece of land involved is adjacent, as the Minister indicated, to what has been for many years the Maylands Yacht Club area. The Minister did eulogise, and give a great deal of credit to, the work done by the folk at the Maylands Yacht Club. He also spoke in high terms of the success of this club, both in State and interstate competition.

The water in question at the moment is, I might say, used mainly by people like myself; by those who might get the opportunity to do a little fishing and who go down to the mud patch and seek a few blood worms. This is a particularly good spot for those interested in bream fishing. As some members will know, this area is adjacent to the East Street jetty. I do think that the trimming off and the filling in of this area will have a beneficial effect on that portion of the river, and it will also assist the yacht club which, through the good offices of the local shire, has money waiting to build a club for the yachting fraternity.

Another interesting part of the plan is the improvement that will be made by the deepening of certain sections of the river in this area. To me it is rather pleasing that the dredge *Stirling* has come this far up the Swan River; because the local Shire of Bayswater has on its files a letter to the effect that the dredge would be up the river in 1951.

I do not suppose it would be proper for us to be in too much of a hurry, but at least 15 years have passed since any progress has been made up that way. The proposed work will be of considerable benefit not only to yachtsmen; it will be of benefit during the floods in helping to get away a great deal of the water that lies in that area.

I would like to request the Minister at this stage, when this work is done, to get his officers to cast their eyes a little further up the river, because I believe the works proposed in the motion are, in effect, something which could be done for many miles up the river. I have in mind an area not very far around the bend; a spot known as the old Maylands aerodrome, where a great deal of sludge could be taken out of the river, and where a lot of flat country could be filled up.

Just this side of the Ascot racecourse there is a tremendous amount of low flat land which, I believe, with proper dredging of the river, could be turned into an excellent sports field for the youth of our State. Not only would it provide a sports field, but it would also mean there would be a channel in the river through which water could get away quicker in the flood season.

There is quite an amount of land up around the foreshore that could be treated in this way: and the Minister himself knows that the Shire of Bayswater has been using the area from Garratt Road to King William Street for sanitary land filling purposes and for rubbish disposal.

Those members who were on the boat travelling up-river could not help but be impressed with the work that has been done in the Garratt Road swimming area. Two jetties have been built and a swimming area has been established; lawns have been set, and trees have been planted; and last Sunday when it was a little warm it was really delightful to see the number of people who were enjoying themselves at that spot; the place was packed with cars. Over the years, however, the river has been subject to this silting upstream. I remember in 1922 when one could walk across the river near Guildford; the river then had a sandy bottom. That does not apply today. There is a tremendous amount of silt washed down from the hills country, and this is deposited at the bottom of the river.

I believe this silt can be utilised to provide playing fields on the edges of the

river at the back of the racecourse at Ascot. A lot of that land could be utilised and it would be to the benefit of the people in the area concerned.

Reverting to the particular portion to be reclaimed, I would like the Minister to take notice of what I now have to say. Not very far away is an area which is known as Swan Reserve, which is regularly used by the No. 1 Troop, Mt. Lawley Sea Scouts Group. This group caters for about 70 members; and there is a number of rovers in this party. I am told the local council is in the process of building a hall at this spot; and a request will come from the group that while the dredge is in the area, the river in front of the new hall be dredged. This site is not far removed from where the dredging referred to in this motion will take place. Therefore, I hope the Minister will give consideration to this matter. If it is necessary for the sea scouts to make the approach, I do not think they will be backward. However, it has been mentioned to me that it would be desirable if this work could be done while the dredge is up that far.

Mr. Brand: Would this be contiguous work?

Mr. TOMS: I think one could almost call it that. It will only mean a few shovels full on the bank near the Goodwood Racecourse. I think the Minister could work it in, even if it is a stretch of the imagination.

Mr. Ross Hutchinson: It is an interesting point, of course!

Mr. TOMS: It is not reclamation, but deepening the river.

Mr. Ross Hutchinson: Just a teeny weeny bit of reclamation?

Mr. TOMS: No; it is taking out some of the slurry.

Mr. Brand: A rose by another name is still as sweet!

Mr. TOMS: It is deepening the river and spreading the silt on the banks. I do not think this project would affect the funds of the State very much. I support the motion.

I have no doubt that from time to time similar motions will come before the House and that the Minister may strike opposition to some other proposals. Nevertheless, with this one I am happy. I would ask the Minister to give earnest consideration, while the dredge is in that area, to continue the work upstream to provide a reasonable channel for the floodwaters, and to fill in other land for the purpose of sport.

MR. MARSHALL (Maylands) [5.5 p.m.]: In supporting this reclamation of about two acres for the benefit of the Maylands Yacht Club, I wish to emphasise that an expansion and improvement programme for the yacht club has been the subject of very careful consideration by the club, in conjunction with the Swan River Conservation Board and the Perth Shire Council for the past 2½ years.

The question of local improvement to the Swan River foreshore for the benefit of the Maylands Yacht Club has been only part of the overall thinking for an improvement plan for the river upstream from the Causeway. In this regard I would like to state at the very outset that the Perth Shire Council has given earnest consideration to a Swan River improvement scheme which will extend around the Swan River boundary from Mitchell Street, Mt. Lawley, to the junction of Hardy and Clarkson Roads in Maylands. This envisages the dredging of the river and associated filling of low-lying adjacent land. This scheme is only in the embryo stage as far as the Perth Shire Council is concerned.

A report in *The West Australian* of the 9th November, 1966, was, in fact, not a report of an official council decision, but of a quotation from the minutes of the shire's town planning committee. The newspaper reference to a committee report is, at this stage, completely premature.

Before all the parties concerned came to agreement that the yacht club premises should remain in their present position, careful thought was given to five main points. They were—

(a) Security of tenure for the club.
(b) Need for extensions of club buildings.
(c) Improvements to the foreshore.
(d) Dredging of the bay immediately in front of the clubhouse.
(e) Shortening of the existing jetty and any necessary reconstruction.

The Maylands Yacht Club is performing a very valuable public duty for various age groups, including many young people, and the existing premises are quite inadequate for present needs. With the addition of new boats and new classes of yachts in competition events, the congestion at the club and of the foreshore area generally has become very acute; so much so that many senior club members have had to take their boats home on trailers. A large number of juniors have no transport and storage space must, therefore, be found for them.

Although thought was given at one stage to the possibility of locating the yacht club premises somewhere on the Maylands peninsula adjacent to the river, it was realised, firstly, that the club building must be in a position where the necessary supervision could be given to the junior members whilst they are on the river; and, secondly, the foreshore area occupied by the club had become a favourite picnic

spot. So it was realised that with a small expenditure this area could be developed, not only for the benefit of yacht club members, but for the public generally. This is the only developed riverside area with a public landing to be found from the Barrack Street jetty to Garratt Road; and with the exception of the swimming area at Caledonian Avenue, it is the only riverside area open to the residents of Maylands. On this score alone further development is definitely warranted.

The dredging of the bay and the provision of a sandy beach which will encroach on approximately two acres of the river area can be regarded as nothing less than a very valuable improvement to this portion of the river. The proposals generally agreed upon between the yacht club, the Perth Shire Council and the Swan River Conservation Board, provided for the yacht club to remain generally in its present position, but a little to the west to link with certain land held by the Perth City Council under certificate of title.

It is proposed that the council shall eventually assist with the provision of a new building for the yacht club. This will be of increased size and have the various facilities necessary for the activities of the club. It is envisaged that river reclamation involving the creation of a small sandy beach of about 50 feet to 100 feet wide is desirable at the jetty, extending westerly for approximately four to five chains.

The question of improvements to the existing East Street jetty is a matter for decision between the Shire of Perth and the Public Works Department, in conjunction with the Swan River Conservation Board. All local authorities with boundaries fronting the river upstream from the Causeway are in constant consultation in regard to the desirability of the formation of a general plan for improvement to the river; and, in the upstream section, it is emphasised and generally agreed that this small river reclamation could bring nothing but benefit. The deepening of the channels, the widening of the river, the cleaning up of the shoreline, and the eradication of considerable areas which at present are nothing but breeding grounds for mosquitoes and other insects will be welcomed by the general public, as well as by the local authorities concerned.

However, the present motion deals specifically with the Maylands Yacht Club and the reclamation of about two acres of the Swan River in that area. The early completion of this work with the necessary parliamentary authorisation will clearly demonstrate the advantages and benefits involved and will, I hope, act as an incentive for further general development of the river upstream from the Causeway. I have much pleasure in supporting the motion.

MR. BRADY (Swan) [5.14 p.m.]: I have no reason to oppose this motion and will support it because I believe the Minister and the Government are trying to do the right thing by a very worth-while organisation in the yacht club at Maylands. While I am on my feet I want to express my appreciation to the Minister for arranging for members with electorates approaching or adjoining the river to take part in a Swan River trip on Wednesday, the 26th October, when most of us were handed a map showing the route over which we were to travel.

We were shown the highlights of the river, so far as the Swan River Conservation Board was concerned. I do not want to speak at length on the subject of the river, but I do want to stress a point which should be given consideration when the Government is contemplating reclamation. I will read to the House from what the Minister said when he introduced this motion. He stated as follows:—

> Looking at the proposed improvements on the southern side it will be noted that 45 acres of river will be deepened. The spoil will be pumped onto the low-lying land owned by the Western Australian Turf Club, which has undertaken to progressively landscape and improve the area by various means, including tree-planting. Members will also see that it is proposed to retain a small island and surrounding shoal water as a bird sanctuary, and for any other wild life and fish life.

I am concerned with the last few lines dealing with the island and the shoal water as a bird sanctuary, and for other wild life and fish life. Within the last 48 hours, I have had a very comprehensive document handed to me. I believe it was arranged and typed within the last week or two by a number of people who are taking a very great interest in the river from Fremantle to its upper reaches.

Those people feel that sooner or later there will be a clash of interests in regard to reclamation of the Swan River. I think it is opportune to mention that some of those peope are naturalists, and people who are concerned with the preservation of the river in its natural state. They are particularly concerned with trying to preserve the flora, the fish life, the bird life, and, generally speaking, with keeping the river as near to its natural state as possible.

They are concerned, because if a great deal of dredging were done for commercial purposes—or for enterprises of this type—it could have a very disturbing effect on the bird life and the fish life of the river. It seems that when these activities are taking place, full recognition should be given to interests other than yachting.

During the 30 years I have lived alongside the river, I have seen people with at least half a dozen different interests using the river, and all feeling that they are the

only people who count. Sooner or later there will be a great clashing, and if somewhere along the line the Swan River Conservation Board can have regard for the various interests, then I think the forseeable difficulties can be overcome. Take a case in point: the wholesale use of launches at times on the river.

The SPEAKER: Order! I think the honourable member is getting away from the motion.

Mr. BRADY: No, Mr. Speaker, but I will have regard for what you desire, and confine my remarks to the reclamation, but I would like to make this point. The weekend before last no less than 24 launches carried parties of people up the river, and I doubt whether more than one would have had proper toilet facilities on board.

The SPEAKER: I think you are a long way off the motion, and I would like you to get back to it.

Mr. BRADY: We have to give consideration to all aspects of the river, apart from the immediate reclamation which the Government is proposing to carry out for the yacht club at Maylands, and I want to issue a warning to the Minister that whilst I am not going to oppose this motion, I feel that there could be opposition from other people who have regard for the overall use of the river when reclamation takes place.

Recently five or six local governing bodies in the area said they wanted the river dredged for the reclamation of a large area of land very close to the area which is to be dredged now. That land was wanted for purposes other than for a yacht club, and I hope the Minister will see his way clear to have some regard for what the other local governing bodies are suggesting. I think the Minister already has some knowledge of those suggestions.

The main reason for my speaking on this motion is that an organisation of people is concerned about the amount of dredging and reclamation which is taking place, and the imbalance caused to the natural life on the river. I hope the Minister will refer this matter to his departmental officers, and tell them that it is very necessary that the natural life on the river is not disturbed when reclamation work is done. If the Minister will do that, I will be quite satisfied.

There will be a dozen different organisations watching this legislation as it goes through Parliament. Some will be watching it with the idea of approaching the Minister for further reclamation, and some will be watching with a view to stopping any further inroads on the natural habitats provided by the river. The yacht club can be complimented on having the sympathy of the Minister and the Government in regard to this matter. The yacht club should be encouraged in its work, and I am prepared to encourage that work to the extent that I will not oppose the motion.

The river will become a great tourist attraction, and it has been gradually building up to being this for several years. Any spoilation of the natural beauty and the natural habitat of the wild life and fish life of the river in the interests of either sporting or recreational organisations requires a great deal of consideration.

I support the motion and I hope the Minister and the Government will have regard for all of those who are interested in the river, rather than just yacht clubs.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [5.23 p.m.]: There has always been a great temptation to those people who require a piece of land to endeavour to obtain it by reclaiming it either from the river or from the ocean. Some people regard the reclamation of the sea in the same light as the reclamation of the river. I do not. I say there are few instances where a Government is justified in filling in a river such as the Swan River which provides an area of beauty for the capital city, and which is known throughout the whole of Australia.

Mr. Ross Hutchinson: I quite agree with you.

Mr. TONKIN: I take full responsibility for the blunder which has been committed at our doorstep. The more I look at it, the more ashamed I am. We have made a complete mess of the situation. We have taken away from people who could previously see the river any opportunity of now seeing it from their homes or buildings. It is just impossible to see the river at all from certain locations in the city, because of the rising ground—to use the words of a previous Minister for Works—which has now been provided for the construction of the traffic interchange. We have created—or we are in the process of creating—a dreadful monstrosity.

It is natural that yacht clubs and swimming clubs, which have only their own particular interests to consider, should approach Governments to provide sites for boat sheds or club rooms, by filling in some of the river to provide the land. There will always be pressure to do that. If the Government is to yield to such pressure to suit the request of this particular body, or that particular body, we will finally have nothing but a canal.

I believe it is most desirable that mud flats with only a few inches of water over them should be tidied up. But I do not think the way to tidy them up is to fill them in and so reduce the width of the river.

Mr. Ross Hutchinson: I quite agree with you.

Mr. TONKIN: What we must do is tidy up the mud flats by deepening the river in those places and using the mud to fill in depressions, many of which can be found in proximity to the banks of the river. The filling would be obtainable at a reduced cost, and

would provide valuable land which is now unusable because it is swampy. The dredging, rather than reducing the width of the river, would improve the flow of the river and provide an area more capable of accommodating the needs of the future.

We must appreciate that one day Western Australia will have a very large population, the majority of whom will live in the capital city and in the suburbs around about. Already quite a large proportion of the population makes use of the river. I am amazed, when I compare the Swan River with rivers I have experienced elsewhere, to see just how many people do use the river, particularly at weekends.

If we reduce this area by filling it in —two acres here and two acres somewhere else—we will have a situation where the river will not be capable of accommodating the people who wish to use it. So we ought to be using every opportunity to enlarge the river, and not reduce it. These opportunities present themselves as dredging capacity becomes available for use.

I well remember that many years ago when the late Alex McCallum proposed to use a dredge in the river, there was some opposition to his proposal by people who had other ideas. However, that was the commencement of the dredging of the mud flats in order to provide a proper river bank and increase the flow of the river. That is what I would like to see done and that is the policy which the Government should be adopting.

Mr. Ross Hutchinson: Of course there was reclamation of the river in those days.

Mr. TONKIN: I fear there was far too much. It is so easy for planners who wish to build roads and who do not want to face the cost of acquiring land already built upon—

Mr. Ross Hutchinson: Or the disturbance of the people.

Mr. TONKIN:—to move out into the river and provide the necessary land by filling in some of the river. Of course, that is the line of least resistance, and it is so easy. However, I doubt whether it is now, because so many people are alive to the need for preserving the river.

I hope that the Government—whatever Government it might be—will have proper regard for the value of the Swan River, and that its policy will be directed to increasing the area of water and not reducing it; and that requests for the provision of areas for the establishment of boatsheds, buildings to accommodate swimming clubs, and the like, will not be granted each time they are put forward.

I can accept that there could be places where it would be possible to dredge out an area far greater than the area which is being filled in. Under those circumstances, it might be justifiable to give the filled-in area to a yacht club, or a swimming club, in the knowledge that the total area of the river has not been decreased at all as a result of the action taken.

I think it was appropriate that the honourable member who spoke for this side should have addressed himself to this question, not because the location is in his area —it is not—but because some of the people drawn from his electorate will be advantaged by the provision of the facilities which are intended for this location. It is natural that those who see an opportunity for getting something reasonably cheaply will take advantage of that opportunity and make a request for some reclamation. However, Governments will have to resist those requests, because there is the danger that once the precedent is set and the request of one particular club is granted, other clubs will start to come forward and say, "Well, what you have done for club A, you should also do for club B." Then, of course, the Government is in difficulty over the situation.

In my view, it would be far better to say, "No; the Government's policy is not to fill the river in to provide these locations, suitable as they might be for those who want them. The Government's policy is to preserve the Swan River and to do nothing which will detract from its beauty or its usefulness. Therefore, any improvements which will be effected will not be by way of reclamation and filling in, but by way of dredging, deepening, and widening. In that way, whilst we might disappoint some groups whose interest would be more or less purely selfish, we would, nevertheless, justify our action in the eyes of the people generally." I would hope that that would be the policy.

With regard to this particular proposal, I do not like it for the very reason that I have explained: because once the Government gives way to one group, the pressure will be on to give way to others. The area in question is very very small indeed. I have discussed this matter with members who are familiar with the locality and they consider the reclamation will effect improvement in that area. If that be so, then I suppose there is no real danger in the proposition, other than that it makes the way easier for similar requests subsequently to come forward, and makes it harder for Governments to resist those requests.

Before the Government actually embarks upon this proposition, I hope it will consider that aspect and appreciate whether it is likely to be met with further demands for this kind of thing; and I hope it will consider to what extent it is able to meet those demands. To my mind, it does not help us at all to say, "Well, this particular location is some distance from the heart of the city and its remoteness makes it less important." I do not take that view at all; because when one looks into the future, one has to anticipate that the Swan River—from its source to its mouth—will be utilised by

future generations. Therefore, we have a responsibility to preserve the Swan River, and we have a responsibility not to destroy it in any way or to reduce its usefulness. I hope the views I have just enunciated will be the guiding principle in determining the outcome of all propositions of this kind.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [5.36 p.m.]: I am indebted to those members who have spoken to this motion. Actually the presentation of this plan for river improvement, which includes the reclamation of approximately two acres of river, was a rather interesting exercise from a number of standpoints and, particularly, in so far as Press values were concerned. It was announced that this composite plan envisaged improvement to the extent of approximately 120 acres of river; that it envisaged actually widening the river by some 35 acres; and that it envisaged completely new water space—and, in addition, much other space—becoming navigable, useful and beautiful, because of the work involved in the plan. There were two acres of reclamation involved in this plan; but, of course, the report in the Press was, "Government to Reclaim Two Acres of Land."

Mr. Hawke: Two acres of land?

Mr. ROSS HUTCHINSON: Two acres of river. Thank you. The Leader of the Opposition is very quick.

Mr. Hawke: Thank you!

Mr. ROSS HUTCHINSON: This indicates to me, as I think it indicates to everyone, just what the Press does to chase the provocative headline in an attempt to provoke those pressure groups —or people interested in this matter or that matter—to fight for this or to fight for that.

Mr. Graham: But the headline was correct, was it not?

Mr. ROSS HUTCHINSON: The member for Balcatta knows how correct and how incorrect headlines can be, and I do not propose to initiate him into the mysteries of small print.

Mr. Graham: You still have not answered my question!

Mr. May: We will not hold that against the Minister.

Mr. ROSS HUTCHINSON: I would like to say that, never for one moment, did I fear there would be any opposition to this motion when I introduced it. I should correct that statement because experience has taught me to be a little wary of what to expect. I should have said that never for one moment did I fear there would be any logical or sensible opposition to the motion.

I did expect that there would be general approbation of the whole scheme and, to a great extent, this was forthcoming, although the support given by the member for Swan and the Deputy Leader of the Opposition was somewhat reluctant. However, I suppose one can go along with their attitude.

Mr. Toms: I think they were only pointing out the dangers.

Mr. ROSS HUTCHINSON: As I have said, I did expect to find a full measure of support and, by and large, this has been received. At this point of time I would like to say, too, that in the future, there will be many requests from sporting bodies, yacht clubs, sea scouts, and the like, for reclamation work to be done to facilitate the utilitarian and sporting qualities that belong to the river. These requests will be no different from the many we have received in the past when each case has been taken on its merits; and, in the future, each case will be taken on its merits.

I have no doubt that before very long citizens from a part of the area which is represented by the Deputy Leader of the Opposition will be representing to the Government the necessity for certain reclamation work in his district. It would be interesting to have him come along leading a deputation in this regard.

Mr. Tonkin: It would!

Mr. Williams: It is bound to happen, sooner or later.

Mr. ROSS HUTCHINSON: With regard to these specific cases, members may be assured that the Swan River Conservation Board vets these requests very closely and, following upon their backing, the Minister and the Government also vet them very closely indeed.

Actually, this Parliament set up the Swan River Conservation Board with the enabling legislation to permit it to take care, and control, of the river. I have mentioned this before and this fact is known by every member in this Chamber. Therefore, I would say the future of the river is in safe hands. Any amount of reclamation over two acres must come before this House, and this will entail grave responsibility upon members in the future in the matter of what to do with regard to certain reclamation work. I feel sure, such matters must come before this House from time to time. It will be of interest to see the attitude which is adopted by whoever happens to be in Opposition at the time and by whoever happens to be in Government at the time: very interesting indeed.

Mr. Tonkin: "For I dipt into the future, far as human eye could see."

Mr. ROSS HUTCHINSON: I beg your pardon?

Mr. Tonkin: It does not matter; I was just quoting a little poetry.

Mr. ROSS HUTCHINSON: I hope that quote was not over-shortened; because, I should think, it depends on the eye of the beholder just as other things do.

However, I mentioned earlier that this composite plan is one which should receive general approbation from all quarters. As I have said, it involves the improvement of the river and the actual widening of the river by some 35 acres, and I would mention that this Government has not reclaimed from the river anywhere near this number of acres. Some six or seven years ago, steps were taken in this House to reclaim a further 19 acres at the Narrows interchange, but there has been no further reclamation since that time, except some minor reclamation work around various sections where river beaches have been formed.

Hundreds of the people of Perth and the country districts avail themselves of the river amenities on weekends, especially on weekends such as the last long weekend. Actually, the Deputy Leader of the Opposition referred to this very matter. He was surprised at the number of people who availed themselves of the improved sections of our river. So many people enjoy themselves through the work the Government has already done through the agency of the Swan River Conservation Board. In addition, this composite plan includes some 83 acres of water which will be made navigable by dredging work that will be done by the *Stirling* over a period of time.

The member for Bayswater made particular mention of the sea scouts' request. I have no doubt that this request will come forward and, in due course, I look forward to receiving representations from this body, perhaps through the president or the secretary of the organisation. I do not know whether this request will be made to the Swan River Conservation Board first; it may, perhaps, be made directly to me. I am sure the matter will be in good hands, as the president, no, I think the patron of this excellent organisation is none other than the Minister for Transport, and the secretary of the organisation is none other than the member for Gascoyne. I think it is admirable when we can join together two such eminent gentlemen who are trying to cater and care for the benefit of the youth of this State.

Mr. Court: You will get on; you will make the grade.

Mr. ROSS HUTCHINSON: I do not know whether or not this work will be done for them. The *Stirling* will have many commitments not only in the area of the river to which reference has been made, and to which this composite plan refers, but in other sections of the river as well.

Mr. Toms: The dredge only works one shift now.

Mr. ROSS HUTCHINSON: It should be made easier by virtue of the dredge being in the vicinity. The member for Swan mentioned that there were varied and diversified interests—I do not know whether he used those exact words—on the Swan, and that there could be clashes here, there, and everywhere in relation to what is proposed for the care and control of the Swan.

In a sense the Deputy Leader of the Opposition also referred to these matters. I agree that the Swan River with its tributaries is a wonderful playground, and that more and more people are using it, and that the problems surrounding its use will become more acute with the increase in our population. There will be many problems which we will have to face in the years ahead. But with these varied and diversified interests there is one thing I have learned—and no doubt other members have also learned this—that we cannot please everybody.

Mr. Tonkin: And it is a mistake to try.

Mr. ROSS HUTCHINSON: That is so. Even the Deputy Leader of the Opposition said that though naturalists and other people may feel that one project or the other should be opposed, their wishes should be overriden in the general interests of our community. This type of thing is what happens in every phase and facet of our community life. I thank members for their support of the motion.

Question put and passed.

Resolution transmitted to the Council and its concurrence desired therein, on motion by Mr. Ross Hutchinson (Minister for Works).

ORD RIVER SCHEME

Condemnation of Federal Government for Refusing Financial Help: Motion

Debate resumed, from the 2nd November, on the following motion by Mr. Hawke (Leader of the Opposition):—

> That in the opinion of this House the Federal Government deserves to be condemned strongly for its recent refusal to grant financial help to the State of Western Australia to enable the vitally important Ord River Irrigation Scheme to be completed.

To which Mr. Court (Minister for Industrial Development) had moved the following amendment:—

> Delete all words after the word "That".

MR. RHATIGAN (Kimberley) [5.48 p.m.]: Like the Leader of the Opposition and the Minister for Industrial Development I intend to steer clear of politics on this particular question; though I must admit it will be rather hard to do so, because I feel that the Commonwealth Government has undoubtedly treated the matter as a political football. But let us stick to our guns and not enter into politics at all on this very important subject.

I spent a couple of days at Kununurra last week when I interviewed a cross-section of the community of farmers, businessmen, men working on the main roads, and visitors from the Northern Territory. I found that the atmosphere among them was one of bitter disappointment. They have not lost faith in the scheme in any way at all, but they feel bitterly disappointed at the Commonwealth Government's decision not to grant the amount asked for by the State Government which, when all is said and done, is only a couple of million pounds per year spread over a period of 15 years.

The farmers, the business people, and even the housewives in Kununurra feel like a class of schoolchildren. This was adequately described by a reporter in *The West Australian* a little while back. They feel they were set a tough examination paper which they not only passed with flying colours, but in addition they did more than was asked of them.

They were, however, castigated; they were told, "You passed too well, and we are not going to help you." This is how it appears to the people in Kununurra. It has, however, made them more determined than ever to carry on, because they cannot see this scheme fail. The delay is, of course, most inconvenient to them.

It could quite conceivably happen that an enormous flood, as a result of the siltation which is evident, could damage the diversion dam. The paltry delay on the part of the Federal Government is beyond the comprehension of the residents of Kununurra. They speak very highly of the Minister for the North-West, of the Premier, and of those who handled the case—the all-party committee that went to Canberra headed at that time by Premier Hawke; who was so successful in convincing the Commonwealth Government that this scheme should be considered on a national basis.

However, as I said, the atmosphere is one of bitter disappointment. The outlook of the people is that they have done all that was asked of them, and yet they have been told that no assistance is to be made available to them.

I was one of those who was privileged to be present when the Prime Minister of Australia at the time (Sir Robert Menzies) opened this dam. There is not the shadow of a doubt that most of those present gained the impression that he was favourably disposed towards the venture.

The SPEAKER: I would like to draw the attention of the honourable member to the fact that the question before the Chair is that all words be deleted after the word "That." I do not want to stop the honourable member from making his general remarks, but I would like him to keep to the question before the Chair.

Mr. RHATIGAN: Will I be permitted to exhibit this photograph of the Prime Minister, and quote his words?

The SPEAKER: Very well.

Mr. RHATIGAN: The following article appeared in *The West Australian* of July the 22nd, 1963—

> A crowd of about 600 had gathered in the tropic winter sun near the new diversion dam to hear Sir Robert.
>
> He said he regarded the Ord River as the most exciting place in Australia at the moment. Tremendous will and enthusiasm and scientific know-how had gone into the scheme.
>
> The task of developing Australia in this way was a challenge to all Australians and would no longer be postponed indefinitely. "What we must think of is how the larger States, Queensland and W.A., can be developed. This may alter the economic balance of Australia," he said.

I am in full agreement with the motion moved by the Leader of the Opposition, and we have people like Sir Harold Raggatt having this to say in a letter addressed to Mr. Beazley, which was read to the House of Representatives—

> I have been a consistent advocate of the Ord scheme both in and out of office.
>
> You may easily confirm this by reference to Mr. Charles Court (the W.A. Industrial Development Minister) or your parliamentary colleague, Dr. Patterson.

I did ask the Minister for the North-West a question in the House—which he answered yesterday—relevant to any finance he might intend to seek for this scheme.

The farmers in Kununurra are very keen to interview the Minister on his arrival there, and the suggestion has been made to me by a couple of farmers at Kununurra that the Western Australian Government should go ahead and build the big dam itself; that it could then auction the blocks, or proposed farms, and that the farmers should put in their own channels to convey the water from the dam.

Whether the Government is in a position to find the necessary amount of capital I do not know. I do think the matter is worth considering, and no doubt the Minister will discuss it with the people when he goes to Kununurra.

There is a very interesting article by Dr. Alec Kerr on this subject, and I think a copy of this has been posted to all members. I suggest they give it very close consideration, because it contains some very worth-while facts. If we get back to Dr. Bruce Davidson's condemnation of the scheme we will find that his figures were those of the 1964 cotton crop; whereas great strides were made in 1965, and this advancement has been superseded again in 1966. I will leave the matter there, and I will wait until the Minister moves his amendment.

The SPEAKER: You are speaking on the amendment now. Your trouble is that you have made a general speech on the motion. The proper procedure would have been to speak on the amendment, and, after this was accepted or rejected, you could have made a general speech on the motion. I think I have been fairly tolerant.

Mr. RHATIGAN: You have, Sir, and I appreciate the fact. I am particularly interested in the fifth reason mentioned in the proposed amendment which reads as follows:—

(5) The advance made in the Western Australian economy and finances through increased royalties and other revenue is such that the reduced demand on the Commonwealth through the Special Grant would in effect only mean a transfer of funds to the Ord project rather than an additional demand on Commonwealth resources.

An answer given to a question asked by the member for Beeloo indicates that a third of the land that will be utilised in the greater Ord River scheme is in the Northern Territory and comes directly under the control of the Commonwealth Government. The latter portion of the proposed amendment states—

And further—

This House requests the Commonwealth Government to supply the Western Australian Government with full reasons for deferring further a determination on financial assistance.

The experts of both the Commonwealth and the State have been considering this matter for some time, and when the Minister replies I would like him to enlarge on this aspect. Although I prefer the motion in its original form, I have no objection to the amendment moved by the Minister for Industrial Development.

MR. TONKIN (Melville) [5.59 p.m.]: The motion moved by the Leader of the Opposition requests the House to condemn the Commonwealth Government and to lodge a protest in regard to its action in withholding further financial assistance in order that the project may be proceeded with.

The Minister for Industrial Development does not want the House to take such strong action, but wishes to substitute a motion expressing concern, which seeks to ask the House to indicate by a series of statements the nature of this concern and the reasons for it.

Without in any way desiring to detract from the excellent work which the present Government has done in connection with the Ord proposal, I think it is not inappropriate to remind members that as it was the Hawke Government which first of all submitted this proposition to the Commonwealth, then it is quite fitting that the present Leader of the Opposition should be greatly concerned that the Commonwealth Government has not continued to provide the necessary funds to enable this work to be completed.

It was never, at any stage, regarded by the then Government or members of the Opposition that this work was to be in the nature of an experiment. That would not have been justified. The Government of the day was fortified by many years of experience at the Ord Experimental Station where, with Commonwealth assistance and with a stated objective in view, year after year experiments were carried out in the growing of various crops for the purpose of endeavouring to establish whether at some time in the future irrigation of that wonderful soil in the north would be possible by using the waters of the Ord.

So, when the Commonwealth displayed some interest in northern development and indicated to the Hawke Government it would favour proposals, if submitted, it fell to my lot as Minister for Works, and as one of a Cabinet subcommittee, to give consideration to proposals which might find favour with the Commonwealth. This Ord proposal was one of them; and the full scheme was initially submitted to the Commonwealth Government, not only the scheme for the diversion dam, but the full scheme properly documented. As a matter of fact, this was submitted before the Hawke Government left office.

While we were still in office, the Commonwealth sent officers over here who expressed pleasant surprise that our investigations had proceeded as far as they had in connection with this proposal. It was in a matter of months after we went out of office that the Commonwealth actually made the money available for the purpose of the diversion dam part of the scheme.

We never at any stage had any doubt that once farmers were established, following the construction of the diversion dam, the economics of the proposition would be thoroughly well established and the Commonwealth would follow on with further financial assistance. Now it is a matter of very great regret that the Commonwealth has not seen fit to continue this assistance, but has raised doubts where, in my opinion, no such doubts exist.

Whilst I would not be enthusiastically wedded to the production of cotton, I think that is going to make a very substantial and valuable contribution to the area. I always had in mind that the real future of the Ord was in using the water for the purpose of growing luscious pasture upon which the cattle could be kept in good condition, and a greater value could be obtained for them than would be the case under existing conditions.

I always thought that the rapid growth which takes place in the natural grasses was during a comparatively short period. These grasses were coarse grasses which dried quickly when the rains stopped, and then the cattle lost condition. It seemed to me that with such fertile soil in the area and the use of the water of the Ord, luscious highly nutritious pasture could be grown without difficulty and the cattle raising capacity of the land stepped up tremendously. I firmly believe that in that direction, in the years to come, there will be more emphasis; and a greater appreciation of the potential will be realised. But that is not the question before us at the moment.

I think we are at one on this; and that is, that part of Western Australia must and will be developed and that the financial cost is at present beyond the capacity of the State. It is idle for us to talk about the State Government providing money when we cannot provide the money to construct the requisite school buildings needed for our children. So it is hopeless, under existing financial arrangements, for us to be expected to take from the loan funds available to the State sufficient to be worth while in connection with the Ord.

Irrespective of whether we express concern, or condemn the Government, or protest to the Government, we have to take the step as a Parliament and let the Commonwealth Government know we have complete faith in the scheme and we mean business. We consider, as one-third of the Commonwealth, we are entitled to receive from the Commonwealth Government not treatment which is generous, but treatment which is our due as an important part of the Commonwealth of Australia and which is one of the basic principles upon which this State joined the Federation.

For a very long time the Eastern States have benefited from the fact that they have found in Western Australia markets for their goods, while in turn we have provided overseas balances to enable them to finance successfully their operations. As this should be a complete partnership we are entitled to look to the Commonwealth for assistance, comparable to that given to the Snowy Mountains scheme in the Eastern States.

This does not call for any labouring of the proposition. I think the situation is clear. We are dissatisfied; we are disappointed; and we are not disposed to accept the decision of the Commonwealth without a protest. I am not particularly concerned whether that protest takes the form of a motion of condemnation, or a motion expressing concern, but we have to express dissatisfaction as well as concern. We have to point out quite clearly and unmistakably that whilst the decision of the Commonwealth must stand for the time being it is not the end of the matter; that all parties in Western Australia believe this is no more than our just due; and that being so we request assistance be given to us by the Commonwealth.

Whether the motion be passed as it was moved originally, or in the amended form, I support it with enthusiasm, because right from the start I demonstrated the faith of the Hawke Government in this proposition, otherwise it would not have submitted the matter to the Commonwealth in the first instance. I have not in any shape or form lost any confidence in the ultimate success of this project.

I conclude by giving full marks to the Government for the way it carried on the scheme when the money was available, and for endeavouring fully and successfully to implement it, but with the unfortunate result that the Commonwealth Government has not yet been put in the position to appreciate thoroughly what has been said.

MR. W. A. MANNING (Narrogin) [6.12 p.m.]: I would like to add a few words to this debate, because it warrants comment at this stage. I am very pleased to fall into line with the sentiments expressed by the Deputy Leader of the Opposition. I say, firstly, that I can quite easily support the motion as moved by the Leader of the Opposition, and I think it is a good motion, but it raises some difficulties in that it contains condemnation of the action of the Commonwealth Government. Otherwise the motion is justified.

In Western Australia we regard the Ord River scheme as a very important development. We have put much effort, thought, and time into the development of the northern areas, and it is disappointing to find that the scheme has not up to date progressed to the second stage.

As I said, I could quite easily support the motion as it was moved, but I think the motion in the amended form may be better. This House is of one opinion in respect of this matter, and if we express our opinion in the form of the motion as amended, the unanimous view of members will be conveyed to the Commonwealth. Such unanimity is the best possible form in which we can express ourselves on this subject.

Many arguments have been put up against the scheme, and some people have claimed that the money involved could be spent with far greater advantage in the south. I cannot understand the thinking along those lines, because in my view the north holds the answer to many of the problems of Australia, and to set one area against another is entirely wrong in principle.

Most members have been privileged to see some of the development which has taken place in the north. I have been to the Ord twice, and I am very much impressed with what has been, and what can be, done there. I do not wish to enter

into a debate on what line of agriculture should be pursued, because the research station is there to prove what is best, most profitable, and most suitable. Whatever it is decided should be pursued, the opportunity is there. In a region which has large quantities of water, almost any line of agriculture would be possible, and I feel very confident in the success of this area.

I intended to say these few words on the matter to indicate that I am very much in favour of this scheme, and I think it should be proceeded with. The Commonwealth Government should provide us with financial assistance for that purpose, and I am sure everyone of us here is wholeheartedly behind the scheme and unanimous in his resolve to have the motion passed; but I think our views would be better expressed in the words of the motion in the amended form.

Point of Order

Mr. BICKERTON: On a point of order would you, Mr. Speaker, clarify the position? Are we at this stage speaking on the amendment moved by the Minister for the North-West, or are we speaking on the amendment to delete words?

The SPEAKER: The question before the Chair is a motion to delete certain words from the original motion. The procedure is exactly the same as that adopted for debate in the Committee stage. When this amendment is finally disposed of—regardless of which way—then all members can speak again on the motion as amended, or on the motion as it was moved originally.

Mr. Hawke: I cannot speak on the motion again.

The SPEAKER: The Leader of the Opposition is the exception that proves the rule.

Sitting suspended from 6.15 to 7.30 p.m.

Debate (on amendment to motion) Resumed

MR. BICKERTON (Pilbara) [7.30 p.m.]: Just to put the record straight, I realise at this stage that I am speaking on the amendment by the Minister for the North West to delete all words after the word "That" in the original motion moved by the Leader of the Opposition, with the object, of course, of adding after the word "That" the amendment which appears on the notice paper.

I am going to oppose this amendment; that is, the amendment that all the words be deleted after the word "That." I can not see anything wrong with the motion moved by the Leader of the Opposition, which is as follows:—

> That in the opinion of this House the Federal Government deserves to be condemned strongly for its recent refusal to grant financial help to the State of Western Australia to enable the vitally important Ord River Irrigation Scheme to be completed.

To my way of thinking there is nothing wrong with that motion, in view of what has transpired in regard to the Ord River scheme.

I think the Federal Government should be condemned for its attitude in connection with this matter because it has gone to absolute extremes in its desires to delay this important national development. I can appreciate the Minister for Industrial Development possibly wanting the motion to be worded a little more kindly, and perhaps if I were in his position I would want it that way also. However, I am not in his position and I feel that the Commonwealth Government has not done the right thing as far as the Ord River is concerned. I say sincerely that I would be big enough to say the same thing if the Government in Canberra was of a different political colour.

Mr. Graham: It has only 10 days to go.

Mr. BICKERTON: This matter has been dragging on for so long that I feel sure all interested bodies have had quite sufficient time to make assessments on this important national development scheme. There has been, to my knowledge, no other scheme investigated to the extent of the investigation of the Ord River scheme. So when I look at it from that angle I can be excused, surely, for saying that it is the desire of those who have the say in Canberra to delay the decision on the Ord with the object of the scheme never taking place. This, to my way of thinking, must be by design and not by accident.

I do not know the reasons because I am not connected with the matter as closely as the Minister for Industrial Development and the Premier, who have conducted most of the discussions. Undoubtedly, the position has been brought about by the fact that there is a greater population in the Eastern States and even though this may sound to be party politics, I would think the number of seats involved in the other States, as against our own State, might be quite an influencing factor in the decision as to whether the money should be spent on this project, or on some other project.

In opposing this matter, I am confined to the actual deletion of the words. For that reason I am not going into the benefits or otherwise of the development in the Ord River area, because I would be out of order in doing so.

Mr. May: Could you not move another amendment?

Mr. BICKERTON: I do know that at a later stage of this debate I will have the opportunity to discuss the benefits of the scheme as a whole, and I will leave those matters until that time arrives.

If the Commonwealth Government does not deserve condemnation over this, then I do not know what a Government has to

do before it deserves to be condemned. That is why I think the motion moved by the Leader of the Opposition is to the point. It expresses very fully how most Western Australians feel, so far as this scheme is concerned, and so far as the Commonwealth Government is concerned.

It is possibly unfortunate—I really mean this—that this matter has come up just prior to a Federal election. But then we were not responsible—when I say "we," I mean this Parliament—for bringing this matter to the fore so close to a Federal election. It was, in fact, those who govern in Canberra. So it surely must have been their desire to make this somewhat of an election issue. Therefore, I do not see any reason why I should make any apology even though it may be construed by some people—and I will say wrongly construed—that I am endeavouring to make some form of election capital out of this issue. That is not my intention. My remarks would not be changed in any way if the Federal elections were 10 years away.

The Commonwealth Government should be condemned because of its frustrating policies as far as Western Australia is concerned. In connection with the Ord scheme. I was looking through the files of newspaper cuttings which are kept at Parliament House. It is amazing the space which these huge files occupy in this building. The Ord scheme has been a hot potato for a long time. I doubt if there would be one other single issue in Western Australia that has had quite as much publicity. Bearing all that in mind, surely the Commonwealth Government deserves to be condemned.

I will read a few of the newspaper headings from the index to our files. I will not weary the House by reading the items. The headings cover 2½ pages of the index to the files which are kept by our staff. The headlines, or by-lines, which appear in the paper express the crux of the particular articles, so I have no intention of reading the items. Time would not permit, even if I was allowed to go through until this House rises in a week or so. The index from which I am about to read is only for this year, and we are still in November.

The headlines and sub-headlines and by-lines, are as follows: Increase in Ord Cotton Area; 38 Apply for Ord River Farms; Sorghum as Ord Crop Suggested; Fairbairn Talks of Ord Future; Premier Feels Go-ahead Will Come for Ord; Ord Applicants Sure of Scheme; Further Ord Delay Would be Foolish; Assurance on Ord Cotton; An American Quits Cotton Farm at Ord. He must have had some inside information. To continue: Weeds May Reduce Ord Cotton Crops; Anthony, Is Ord Worth Subsidy?; Ord Will be Best Cotton Area, Brand; More Sniping at the Ord River Scheme; Holt, We Are Objective about Ord; Canberra Ultra Cautious on the Ord, Says Court; Decision on Ord Soon; Cotton Can Pay Without Subsidy, Say Economists; Canberra Will Study Ord Plan on Tuesday.

The reason I am reading out these headings is to point out that the Commonwealth Government should be condemned, rather than that we should be concerned. I mention that to show I am in no way wandering away from the matter before the House. To continue the headings: Decision on Ord May be Delayed; Long Talk on Ord, but no Decision; Canberra Delay over Ord to be Contested; Mr. Holt Has Evaded the Ord Challenge; Government Move Will Mean Year's Delay; Ord Scheme Cannot be Measured in Dollars; Ord May Soon Need no Subsidy, Says Expert; Ministers Should See for Themselves; Ord Cotton Faces Stiff Lobbying by New South Wales; New Talks on Ord Planned.

I will jump a few headings at this stage, so that I will not keep the House too long. To continue: Ord Can Succeed, Says Eastern States Investor; Ord Was Not Discussed by Premiers; W.A. Labor Move Fails; Court and Hasluck Clash During Ord Discussion. I cannot understand that. To continue: Cotton Lint is More Than 30 per cent. Higher Than in 1965; Ord River Talks Arranged for August; Brand not Going to be Drawn Into Ord River Argument; Anthony, I Have Doubts Over Ord; Talks on the Future of the Ord; Ord to Get New Ginnery. I will have to check with the member for Kimberley on that matter.

To continue the list: Big Yields of Cotton on the Ord; Cabinet to Decide on Ord Before Election; W.A. Government Argues Ord Scheme on Cost Basis; Canberra Still Stalls on the Ord; Sorghum Very Promising; High Cotton Yield; The Ord Is Proving Its Own Case; Crops May Be Late Next Season; Farmers Aim to Grow More Cotton; Dunne Favours Wheat Crops in Cotton Area.

Mr. Dunn: It is the wrong "Dunne."

Mr. BICKERTON: Yes, he is a long way from Kalamunda. To continue: Federal Delay on Ord Scandalous, Says Patterson; Ord Talk Lasts 2½ Hours. I think I will give it away from there.

Several members: Hear, hear!

Mr. BICKERTON: After all that, and a further eight or nine pages, all we will do at this particular stage is be concerned. I think that the motion moved by the Leader of the Opposition is, if anything, very conservative when we take into consideration what we know.

Mr. Bovell: I do not know about the Leader of the Opposition being referred to as conservative.

Mr. BICKERTON: If I may interrupt myself for a moment, I would like to ask the Minister for Lands what he had to say. I did not hear him.

Mr. Bovell: I do not know whether the Leader of the Opposition would like to be

branded as conservative, which is what you said he was.

Mr. BICKERTON: When I am reading through the proof of my speech I often see the Minister for Lands has interjected but I have been unable to reply to him because I have not heard what he has had to say. He is a little closer to the *Hansard* reporters than he is to me.

Mr. Bovell: You were linking him up with the word "conservative."

Mr. BICKERTON: The Minister speaks in such a quiet voice that it is very difficult to hear him. However, I wish he was as quiet as that all the time.

Mr. Hawke: I think the Minister for Lands should have a runner.

Mr. BICKERTON: We have all had the opportunity of looking at the Ord scheme and I think I can safely say that while many of the general public do not think a great deal of members of Parliament, they are, in my view, a good cross-section of the community, and I think they are reasonably intelligent men—excluding myself, probably some of them are brilliant men, but I shall not go into that question. However, generally speaking, I think all members of Parliament in this State agree that the Ord River scheme should be completed—different members have different ideas as to how it should be done, but I think they all agree that it should be done—but it cannot be completed unless the money for this purpose is forthcoming from the Federal Government, or unless perhaps we go about it in a much more expensive way to get that money.

Therefore, I say that the Federal Government deserves the greatest condemnation for the manner in which it has treated Western Australia over this matter, and for its lack of appreciation of national development. This surely is a national project which will come about, as some previous speaker said, in spite of the attitude of the Commonwealth Government, or Commonwealth Governments; and I shall have something more to say on that aspect at a later stage of the debate.

I believe the motion moved by the Leader of the Opposition should be agreed to in its original form because it more clearly expresses the opinions of most Western Australians at this point of time. As a result I oppose the amendment of the Minister to delete all words after the word, "That."

MR. JAMIESON (Beeloo) [7.48 p.m.]: I, too, oppose the Minister's amendment for reasons which I shall enumerate. Firstly I would suggest that perhaps if the events of the last few days had occurred prior to the Minister being involved in this debate he would not have moved his amendment. However, circumstances being what they were he did not know what would transpire.

However, if at no other time, we, in this State, on this occasion, have certainly been made a political football because, as the Minister has repeatedly pointed out and made abundantly clear, we have endeavoured to give all the information that this State can possibly give in connection with the development at the Ord project. Despite this the Commonwealth Government has acted in a very strange way, to say the least, and it deserves some form of condemnation for its actions.

Various members who support the Commonwealth Government have acted strangely, too, even though as representatives of this State they have been vitally concerned. But the Government must take the full responsibility for it, and I would draw your attention, Mr. Speaker, to the fact that even in recent days a prominent member of the Federal Government made statements that the only crop that has proved itself in any way in the Kimberleys has been cotton.

While not getting away from the amendment, I would like to show that the person concerned did not know what he was talking about and therefore, as a member of the Commonwealth Government, he deserves to be condemned. As I understand it, the Kimberley Research Station is a joint venture between the Commonwealth and the State, and no doubt that station would have available on file all the details associated with the various crops that have been grown experimentally in that area over a number of years.

Yet despite this fact, in public, and very clearly in my hearing, the statement was made that sorghum had been tried, and it fell over; safflower had been tried, and it fell over; and sugar cane had been tried, and it fell over. That was the exact terminology used by the gentleman to whom I have referred. He then went on to say, "Now they are trying to grow wheat, and God knows we have enough country now on which to grow wheat without going to the Kimberleys to grow it! The only thing that has been proved is cotton, and that is of doubtful economic value."

So, when a responsible Federal Minister makes a statement like that, and he knows differently—and that Government has available to it all the details regarding experiments that have taken place in the area—surely we are acting like jellyfish if we do not go to the extent of condemning the Federal Government for its attitude.

Mr. Bickerton: The people who adopt that attitude should also fall over.

Mr. JAMIESON: I agree.

Mr. Graham: Let's hope they do on Saturday the 26th.

Mr. JAMIESON: It is to be hoped, for the sake of the Kimberleys and the State of Western Australia generally, that what the member for Balcatta said does take

place. However, irrespective of that, we still have a responsibility in regard to the matter. Not only do people like the one to whom I have been referring make statements like the one I quoted, but they also enter into controversies as to whether they were responsible for the final Cabinet decision.

The person to whom I have been referring said that he did not influence the decision. He said he was the last to make his position clear when Cabinet was discussing the matter. But this man is a very important member of the Cabinet, and it could well be that if the discussion had been along another line than that taken he would have influenced the thinking of some of those who may have been quite happy about supporting the project.

Therefore I would suggest that if at the end of next week some of these people are still in the same positions they now hold, the Minister for Industrial Development may have to take them on a flight to the Ord River scheme to show them what is happening up there; because it is obvious that Mr. McEwen and some of the others who have been making these statements against the Ord do not know what is going on up there and they deserve to be made better informed, even if the State has to foot the Bill for it.

It will probably pay in the long run, because once they have seen the project, and know that other crops can be grown there, they will realise the possibilities of the Ord project. However, they may become alarmed when they realise the possibilities with sugar cane, and we may finish up worse off; but that is a problem we will have to face up to if and when the time comes.

The Commonwealth Government deserves to be condemned for its actions and surely Mr. McEwen and those who have been endeavouring to write down this scheme in the eyes of the general public deserve to be condemned. They are responsible people in the Commonwealth Government and when they act as they have acted, and make statements such as they have made in recent days, they deserve to be condemned. We must include the whole of the Commonwealth Government because it was that Government which made the decision. Therefore I suggest that the motion should be agreed to as it was originally moved. As I said previously, I doubt very much whether the Minister for Industrial Development would have moved his amendment had he known what would transpire after the motion had been moved. I hope the House will oppose the amendment.

MR. MITCHELL (Stirling) [7.55 p.m.]: I support the amendment and oppose the motion moved by the Leader of the Opposition, and I hope you, Mr. Speaker, will allow me to give my reasons for so doing. The motion moved by the Leader of the Opposition simply expresses condemnation of the Commonwealth Government for its non-activity in regard to the Ord scheme.

However, I do not think it would matter how much we in this House expressed our condemnation of the Commonwealth Government, particularly after having read the opinions of the members of that Government about this scheme. I do not think that would worry the Commonwealth Government very much and therefore we should go further and give reasons why we are concerned about that Government's action and its failure to take the normal course of supporting Western Australia in this project.

I deplore the action taken in some quarters to apportion the blame for the failure of the Commonwealth Government to take any action between the Liberal Party and the Country Party. As far as I personally am concerned this is a matter between the State and the Federal Government and it is on that plane that I think we should express our concern because the Commonwealth Government has failed in its duty to the State, and has failed to appreciate the desirability of developing the north of this country. It has allowed the matter to drag on for years and finally it has come to a decision which to me, and I think to many others, means that it has decided against the practicability of developing the Ord along the lines put forward by the State Government.

I appreciate that this should not be a party matter, and that in the early stages the present Opposition started the scheme. As the Deputy Leader of the Opposition said, this Government is to be commended for proceeding with the scheme and carrying it forward as it was originally intended. However, for the life of me I cannot see how a responsible Commonwealth Government can fail to appreciate the importance of this project to the State of Western Australia and to the Commonwealth as a whole. Therefore the amendment moved by the Minister for Industrial Development more properly expresses the opinion of this House as to the reasons why the Commonwealth should assist the State to proceed with the scheme, even at this late stage of the proceedings.

As the amendment points out, one of the reasons for concern is that research and farming experience has proceeded to a point where there is adequate proof of the economic viability of the project. It is only necessary to point out that a second cotton ginnery is to be established by the co-operative movement of the farmers in the area concerned, with the support of the co-operative movement of the State. The farmers who are in the area are so sure of their position, so far as cotton is concerned, that they are spending something like $500,000 to provide a second cotton ginnery. If the Commonwealth

Government wants any further proof of the possibilities of cotton in the area, I think such proof is evident in this demonstration of the ability of the industry to provide facilities for itself to process the cotton that is grown there.

I agree with the Deputy Leader of the Opposition when he said that from the first he felt the most important effect of irrigation in that area would be on the cattle industry. Some two years ago I had the opportunity to visit the north in company with some people who were running the Kimberley meatworks. They told me that at that time they had to start work at the meatworks a fortnight early because approximately 1,000 head of cattle would have to be killed or they would die from starvation. The works were getting one body of beef per day which was considered good export quality. I think that is an indictment of the cattle industry, and we should at least appreciate the fact that irrigation of these areas, as the Deputy Leader of the Opposition said, could be the means of providing the industry there with prime quality steers which it could turn off at the age of three years, and these would be equivalent to anything that could be produced in Australia.

Mr. Norton: You must be agreeing with the Leader of the Opposition.

Mr. MITCHELL: The next matter the Minister mentioned in his amendment is the economic value of water conservation in the north-west of the State. I feel that the future, not only of the north-west, but of Australia as a whole—indeed the greatness of Australia—depends on the amount of water that the country can conserve and use.

Here we have the stage set for possibly the cheapest water that can be conserved anywhere in Australia. We are, as a Parliament, expressing our concern that the Commonwealth Government is so lacking in knowledge of the fact that it is not prepared to go ahead with the conservation of water in the north of the State.

It is interesting to note that one of the reasons given by the Commonwealth for not providing finance for this scheme is the fact that too much money is involved. I recently came across some figures of the amounts spent by the Commonwealth Government in the Northern Territory. It is true that the Northern Territory comes under the Commonwealth Government, but the figures last year show that the Commonwealth spent £19,000,000 in the Northern Territory.

I went through the Northern Territory recently—admittedly I was there for only two or three weeks—but I could see no signs of any major dams, major irrigation schemes, or anything else. The sum of £19,000,000 was simply spent on the running of the Northern Territory: for the provision of houses, roads, schools, Government buildings, and the like.

If the Commonwealth Government can spend £19,000,000 in the Northern Territory in one year, surely it can afford to spend the amount necessary for this very worth-while scheme in the north of the State.

Mr. J. Hegney: You do not want to condemn the Commonwealth very strongly?

Mr. Norton: He is supporting the original motion.

Mr. MITCHELL: As I said earlier, the condemnation of this House cannot make the position any worse than it is. But we must express our concern and point out to the Commonwealth strongly just how we feel in the matter; we should do this with all the force we can muster and point out that it should proceed with the project.

An interesting point is that the Commonwealth Government feels that the amount of money that has been asked for is too much for each particular year. I noticed some rather illuminating figures the other day which showed that the wheatgrowers in Western Australia, in providing their bulk installations and bulk handling equipment, have spent more per annum over the last five years than we are asking the Commonwealth to put into the Ord River dam. This is a great contribution by the wheatgrowers of the State, and it is only equivalent to what we are asking the Commonwealth Government to spend on the development of what I believe to be one of the most worthwhile projects ever conceived in Australia.

As the member for Pilbara said, the amount for which we are asking the Commonwealth Government is chicken feed by comparison with what it has spent on the Snowy Mountain project, and other projects in the East.

Other points made by the Minister for Industrial Development express our feelings of disappointment, and the reasons why we believe the project will be successful. It has been suggested that the development of this scheme has not been properly worked out; that its structure has not been properly stressed. I would only refer to the Commonwealth-State participation in the land settlement scheme on which there was an expenditure of £40,000,000. That scheme has practically more than paid for itself in the short period in which it has been established.

This proves that we in Western Australia can work out a scheme; that we can give the Commonwealth the necessary details—indeed I think we have given it the necessary details. It also proves that we have everything that is so essential to the stability of this scheme. Even though this is so, the Commonwealth has decided that it must defer its decision for another 12 months. The scheme will certainly never be completed more cheaply than it could be today. I daresay that Governments must stop at some point in their

spending, but only too often we are told that things cost too much; even though they be important projects which should be proceeded with.

We have a right to express our concern and set out our reasons in detail, as we have done here, to the Commonwealth Government to show why we in Western Australia are not prepared to accept the position of being considered as a poor relation in Commonwealth development.

I once had the pleasure of making a comment to a Federal Minister that I believed Western Australia had developed in spite of the Commonwealth, not because of it. I believe that in this matter we will develop the Ord River project in spite of the Commonwealth and also, I hope, because of it.

I had a letter from a friend of mine the other day who now lives in Canberra. She said that if the State of Western Australia is prepared to go it alone and build the Ord River dam she will send a cheque for £100 as a free of interest loan, or as a gift for this mighty project.

Mr. J. Hegney: That is not in the amendment.

Mr. MITCHELL: If somebody who lives in Canberra thinks along these lines then we in Western Australia have a right to go ahead with this project; and we should express our concern, because the Commonwealth is not providing the financial assistance necessary. As I said earlier, it is not much use expressing our disgust, because that will not get us anywhere. We must give reasons why we expect the Commonwealth Government to proceed immediately with this mighty project we have on hand.

MR. DAVIES (Victoria Park) [8.8 p.m.]: The motion and the amendment are very much the same in content. If we delete all the words after the word, "That" with the object of putting in the words contained in the rest of the amendment, it will merely change the condemnation as expressed in the motion for concern as expressed in the amendment.

This would water it down, and I really do not think the Government only feels concern in regard to the Ord River scheme. Surely the Government feels that the Federal Government should be roundly condemned for the action it has taken in not financing the Ord River scheme.

It has been suggested that Western Australia is a poor relation, and that the north is poorer still so far as the Commonwealth Government is concerned. I do not know whether that is correct, but it certainly appears so from the interest that has been shown by the Federal Government in the Ord River scheme. It appears that much more interest has been shown by that Government in Namoi in New South Wales where quite a considerable amount of cotton is grown without much of a fanfare.

It is not only the question of cotton that must be considered, but also the general improvement and expansion of the area—an area which in the past has been left with a few head of cattle, and which we now expect to be considerably extended not only in the growing of cotton and other farming, but also the utilities associated with such growth.

The proposed amendment finishes by asking the Commonwealth to supply our Government with full reasons for deferring a further determination on financial assistance. Surely the Commonwealth Government has already given its reasons. Has it merely said at this stage, "We will defer a decision." I cannot believe the Commonwealth Government would be as harsh as that. Would it not tell our Government its reasons for not proceeding with the scheme at the moment?

I am sure the Minister for Industrial Development and the Government had some idea of the reasons given by the Commonwealth. These surely are not reasons that have been made up by that Government; surely they are reasons which have been conveyed to our Government after discussion with the Federal Minister and his advisers in Canberra. But if nothing has been said by the Commonwealth Government in this regard, I suggest that our Government might have a look at the Federal *Hansard* of the 25th October last, because according to the cutting I have from *The Australian* of the 26th October, Mr. Fairbairn, the Minister for National Development in the House of representatives, gave reasons why the Government was not proceeding with the Ord project at this time. The article reads—

> There was a simple and frank answer to the Government's decision to further defer the Ord River project—there were a number of areas of uncertainty and doubt the Minister for National Development, Mr. Fairbairn, said in the House of Representatives yesterday.
>
> He said the first of these uncertainties was the acre yield of cotton at the Ord. The yields in the first two years had been disappointing.
>
> There had been an improvement, but the Government was still not satisfied.

I cannot believe that the information which was given to members of this House when they were in the north-west has not already been made available to the Federal authorities; and the figures given to us certainly prove that the statement by the Minister for National Development is correct, because, as I understand it, while the early yields were a little disappointing, the yields since then have been far greater than the Government

had even hoped for. The second reason given by the Federal Minister is—

> Secondly, Ord River cotton would be grown as stub cotton—harvested twice in a season. Although there had been some success in this type of cropping overseas, it was yet to be proved at the Ord.

Once again I understand from the Minister for Industrial Development that this had already been proved by this season's crop on the Ord. Mr. Fairbairn further said—

> Wheat and sorghum had been suggested as additional crops, but these had not yet been grown on the irrigation area. They had been tried at the nearby Kimberley Research Station.

Again, while it might be technically true that no cotton farmer has grown wheat crops—there has not been the need—it has been proved they can be grown very successfully in the area, and the statement by the Minister for National Development is stretching the long bow. He further said—

> The West Australian case had been based on the use of wheat and sorghum as crops to be grown after 450 acres of cotton had been planted on each farm.
>
> But no single farm had yet been planted to 450 acres of cotton.
>
> The Commonwealth would like to see some further trials on the benefit of the Ord to beef production in the Kimberleys.
>
> The Commonwealth already had advanced $28.8 million to Western Australia for the Ord. Without this the present stage could not have been reached.

I do not think we are complaining about that; I do not think any member in the House would challenge the fact that the present stage could not have been reached without Federal Government assistance.

The Federal Government took a considerable amount of pride—indeed, Sir Robert Menzies did—in the fact that stage one of this project was so successful and had been completed so quickly. Therefore, for this House to now pass a motion asking the Federal Government for its reasons for opposing the completion of the scheme is, I think, going a little too far. I would be most surprised if the Federal Government has not already explained these reasons to the State Government. The fact that the Commonwealth Government is not proceeding with the scheme has been a tremendous disappointment to every Western Australian; and we are fighting against overwhelming odds.

The Namoi people have been going along quietly and successfully with their cotton growing experiments. Doug Anthony, the Federal Minister, visited the Namoi area, and he is the one who started the rot so far as the Western Australian application was concerned. While in the Namoi area he congratulated the farmers on their experiments and said that following what he had seen, he felt the Federal authorities would have to have a second and closer look at the Ord proposition.

The Premier (Mr. Brand) went back to Canberra and defended the case for the Ord, as did the Minister for Industrial Development, on that occasion, and this woke up the Namoi farmers to the fact that Western Australia was serious about the Ord. They felt that if Western Australia was putting on the pressure at Canberra, it was time for them to do the same thing.

In May, 1966, a deputation representing a group of Namoi farmers waited on the Government. According to an article written by Maxwell Newton—an ex-Western Australian, Rhodes Scholar, and a man who for a long time worked on the *Financial Review* and *The Australian*, and now puts out various publications and contributes to many magazines, in a monthly publication called the *Nation*—said on the 14th May, 1966—

> The Namoi men who spent two days in Canberra putting these issues before Ministers and officials, included Mr. Paul Kahl, an American, who is Chairman of the Namoi Cotton Co-op; Mr. Ben Dawson, formerly an Australian Trade Commissioner, now a director of the Namoi Cotton Co-op and Managing Director of the Australian-American Development Co.; Mr. Jim Fisher, manager of Auscott Pty. Ltd., a subsidiary of the giant American agricultural company, G. J. Boswell Co.; Mr. John Parker, accountant and auditor to the Namoi Co-op; and Mr. John Howse, general manager of the Co-op.

These people, judging from their positions in various companies, particularly the large American companies, and organisations to which they belong, would appear to have some particular influence with the Federal Government. They pointed out that so long as production was maintained, with the Ord at stage one, at Namoi Valley, and with a small amount of rain-grown cotton in Queensland, up to 1976, the total production in bales would be 140,000, and this would enable everybody to get a living. But if stage two of the Ord were proceeded with, the production would go up to 290,000 bales per year by 1976 and, of course, this would mean the cotton bounty per bale would drop. The actual return to farmers would drop to something like $135 per bale as compared with $156 per bale, which would apply if the second stage of the Ord was not proceeded with. I am no economist, but those are the reasons advanced as to why the second stage of the Ord should not be proceeded with.

Mr. Bickerton: That is why the Commonwealth should be condemned.

Mr. DAVIES: I agree that is the very reason why the Commonwealth should be condemned. Whilst the motion and the amendment are very much the same, the Government, with its tongue in its cheek, is expressing concern at the Commonwealth Government's attitude whilst we, on this side of the House, want to be perfectly frank and express our thoughts openly and condemn the Commonwealth Government for its attitude. The contents of both the motion and the amendment are practically the same except the reasons are in greater detail in the Government's amendment. All of those reasons are self-evident in the original motion as moved by the Leader of the Opposition and, as I said before, the Minister for National Development (Mr. Fairbairn) in Canberra has given reasons why his Government is not prepared to sponsor the project further at this stage. Therefore, I believe the last paragraph of the amendment is redundant.

For those reasons I believe we should express ourselves and condemn the Federal Government for its attitude. I am sure the Minister for Industrial Development must feel the same way after the exchanges he has had with the Federal Leader of the Country Party over the weekend. I am sure if he considers what he is alleged by the Press to have said, he would be only too happy to condemn the Federal Government. I oppose the amendment and support the motion.

MR. HAWKE (Northam—Leader of the Opposition) [8.23 p.m.]: First of all, I would like to read the motion which I moved some time ago and which the Minister for Industrial Development, on behalf of the Government, proposes to wipe out completely. The motion reads—

> That in the opinion of this House the Federal Government deserves to be condemned strongly for its recent refusal to grant financial help to the State of Western Australia to enable the vitally important Ord River Irrigation Scheme to be completed.

There is no misunderstanding the wording of that motion. It is brief, clear-cut, right to the point, and it is not in its wording nearly as severe as the circumstances of the case really warrant. I was not altogether surprised at the action of the Minister for Industrial Development in moving an amendment, but I was surprised his amendment was such a mild one—much milder than the motion itself. I would have expected the Minister for Industrial Development to move an amendment to make the motion much stronger than it is.

Mr. Gayfer: He does not like any hysteria!

Mr. HAWKE: I watched the Minister very closely when he was making his speech on the motion at the end of which, of course, he moved his amendment. I do not often congratulate the Minister for Industrial Development, but I congratulate him now upon his great verbal restraint.

Mr. Court: How did you guess?

Mr. HAWKE: The Minister wants to know how I guessed he was exercising great verbal restraint. It was obvious. In his heart there was war, but the words of his mouth were of butter. So, as I say, I was very surprised indeed that the Minister, when he did ultimately move his amendment, moved one which, in effect, was so mild. It does not express his real views at all.

Mr. Court: It might surprise you to know I have been criticised in certain circles outside politics for having stiffened-up your motion as I did. Someone said I put some teeth into it.

Mr. HAWKE: I find that hard to comprehend. Possibly it was said by the member for Stirling.

Mr. Court: It is all in the point of view, you know.

Mr. HAWKE: As I have said, the first amendment by the Minister would wipe out the motion altogether. The only part of it which would be left would be the word "That." The move by the Minister could leave the House without any motion at all, finally, because if he succeeds with his first amendment, we will have before us only the word "That." Should his subsequent amendment, which is very long and, of course, very wordy, be defeated—

Mr. Court: Hardly likely!

Mr. HAWKE: —we would be left high and dry with nothing, and the Ministers of the Commonwealth Government would have a tremendous laugh at our expense.

I do not want to see any division at all in connection with the attitude which this House will adopt in relation to the opinion which it might express concerning the deferment—with a big question mark behind the word "deferment"—which the Commonwealth has decided upon in connection with making money available to enable the Ord River irrigation scheme to be completed. Because I do not want to see any division, physical or verbal, in connection with our treatment of the subject, I am prepared to offer what I think would be a reasonable, if not generous, compromise.

My suggestion is that the Minister for Industrial Development should withdraw his amendment. That would allow the motion of condemnation, and, in the House, the Minister could then move, as an addendum, that portion of his amendment which starts off with the words "The reasons for the concern of this House are." I admit it would be necessary to substitute the word "condemnation" for the word "concern". If this compromise could be unanimously agreed upon by members on both sides of the House, the motion finally

approved by the House would include my motion and would then go on to include all the reasons set down in the Minister's amendment.

In the first place we would carry the motion of condemnation, and, in the second place, we would, in an addendum, set out the reasons for the condemnation in the form in which they appear in the Minister's name on the notice paper. I think that is a fair and reasonable compromise and I sincerely hope and trust it will be accepted, and so avoid the taking of a division which otherwise, unfortunately, we will have to seek.

Mr. Court: I am not able to speak on this at this stage, as you know, under Standing Orders, but I could say the Premier would not be agreeable to such a suggestion in view of the circumstances under which the amendment was put forward. He feels, as do we all on this side of the House, that the motion as it would be amended sets out strongly and clearly the concern, and the views and reasons of this Parliament.

Mr. HAWKE: Would the Minister like an extension of time for that interjection?

Mr. Court: I appreciate the tolerance shown.

Mr. HAWKE: I have made this offer which, in all the circumstances, I think is very reasonable. But the Minister for Industrial Development indicates he is not able to accept it on behalf of the Government. Perhaps if the Premier had been here at this moment he and the Minister could have had a talk before I sat down and they might possibly have been able to see their way clear to agree.

I am sorry that the attitude which the Minister feels he must adopt towards my suggestion will make it necessary for me and my colleagues to take his first amendment to a division.

Mr. Court: I can assure the Leader of the Opposition that even if the Premier were here he would not be prepared to accept the offer. I have discussed this matter with him at great length.

Mr. HAWKE: I am not quite able—not being a Mr. Croiset—to see how the Minister for Industrial Development could have discussed my suggested compromise with the Premier, seeing that I moved it only a few minutes ago.

Mr. Court: I can assure the Leader of the Opposition that the whole background was completely canvassed by the Premier, and the Cabinet as a whole.

Mr. HAWKE: I do not accept the assertion by the Minister that if the Premier had been present he would not have agreed to give favourable consideration to my suggested compromise. However, we are beating the air a bit on the point, because the Premier is not present and consequently I cannot bring myself to blame, 100 per cent., the Minister for Industrial Development for his feeling that he cannot commit the Government to the acceptance of the suggested compromise.

I repeat, the inability of the Minister to accept the suggested compromise makes it necessary for us to seek to save the motion as it is worded. We feel it is reasonable, and, in the event of our motion being carried, we would unanimously support the reasons which the Minister for Industrial Development has set out on the notice paper as a subsequent amendment to the one which is now before us.

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

Ayes—19	
Mr. Bovell	Mr. Marshall
Mr. Court	Mr. Mitchell
Mr. Craig	Mr. Nalder
Mr. Dunn	Mr. Nimmo
Mr. Durack	Mr. O'Neil
Mr. Grayden	Mr. Runciman
Mr. Guthrie	Mr. Rushton
Dr. Henn	Mr. Williams
Mr. Hutchinson	Mr. I. W. Manning
Mr. Lewis	*(Teller)*

Noes—17	
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. W. A. Manning
Mr. Davies	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Sewell
Mr. Gayfer	Mr. Toms
Mr. Graham	Mr. Tonkin
Mr. Hawke	Mr. May
Mr. J. Hegney	*(Teller)*

Pairs	
Ayes	Noes
Mr. Brand	Mr. Curran
Mr. Hart	Mr. Rowberry
Mr. Elliott	Mr. W. Hegney
Mr. O'Connor	Mr. Rhatigan
Mr. Crommelin	Mr. Jamieson
Mr. Cornell	Mr. Hall

Amendment thus passed.

MR. COURT (Nedlands—Minister for Industrial Development) [8.35 p.m.]: I move an amendment—

That the following words be substituted for the words deleted:—

This House expresses its concern at the decision of the Commonwealth Government to defer further a determination on financial assistance to the Ord River irrigation project, which is of great national significance and a key project in the northern development programme of Australia.

The reasons for the concern of this House are:—

(1) Research and farming experience has proceeded to a point where there is adequate proof of the economic viability of the project.

(2) The conservation and economic use of water in the north is an important and urgent national responsibility in view of the overall need to anticipate the time — which time is not far distant — when the known potential water supplies of the more

southerly parts of the continent and particularly in the south-east of the continent, will need to be carefully conserved and controlled to keep up with population and industrial growth and at the same time enable Australia to continue to make an increasing contribution to the world's need for food and fibre.

(3) The project is economically viable on cotton but at no stage has it been the intention to base the project only on a monoculture. Other cash crops are practicable to give diversity and in any case the original concept—which is still valid—included benefits to the cattle industry as well as production of cash crops.

(4) In the interests of the State, the farmers and their families and all others associated with the project, it is not desirable to allow the present uncertainty to exist. A firm decision should have been made to proceed even if the Commonwealth made it a condition to delay commencement of the work for a year because of other commitments.

(5) The advance made in the Western Australian economy and finances through increased royalties and other revenue is such that the reduced demand on the Commonwealth through the special grant would in effect only mean a transfer of funds to the Ord project rather than an additional demand on Commonwealth resources.

And further—

This House requests the Commonwealth Government to supply the Western Australian Government with full reasons for deferring further a determination on financial assistance.

Amendment put and passed.

Question (motion, as amended) put and passed.

EXPLOSIVES AND DANGEROUS GOODS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Brady, read a first time.

SWAN RIVER

Reclamation at Maylands: Council's Message

Message from the Council received and read notifying that it had concurred in the Assembly's resolution.

DARRYL RAYMOND BEAMISH (NEW TRIAL) BILL

Second Reading

MR. HAWKE (Northam—Leader of the Opposition) [8.40 p.m.]: I move—

That the Bill be now read a second time.

This Bill aims to quash the conviction recorded against Darryl Raymond Beamish for the crime of wilful murder and to provide for his retrial. In connection with the proposed retrial, it is also set down in the Bill that the confession made by Eric Edgar Cooke—now, of course, the late Eric Edgar Cooke—shall be admissible in evidence in the retrial.

A Bill very similar to this one was introduced into this House some two years ago. On that occasion, the circumstances of the case were discussed at considerable length and finally, on a division on party lines, the Bill was defeated at the second reading stage.

On this occasion, I do not want to go into anywhere near the same amount of detail as I did on the previous occasion in connection with the case and in connection with the transcripts of evidence, and so on, because there are other features which have developed subsequently to which I want to devote some attention.

However, it is necessary to summarise, as briefly as possible, the facts and the circumstances associated with this case. Beamish was convicted on the 15th August, 1961, before a judge and jury, the judge being Chief Justice Sir Albert Wolff.

Subsequently, there was an appeal to the Court of Criminal Appeal and an application to the High Court to appeal from the decision of the Court of Criminal Appeal. Finally, there was an appeal to the Privy Council. I would like to say the appeal to the Privy Council, which failed, was one which in my judgment never had the slightest hope of succeeding for reasons which I gave at the time we were discussing a similar Bill to this some two years ago.

However, I would not question the judgment of those who decided to take advantage of the opportunity to take an appeal to the Privy Council. One can easily imagine the feelings of the parents of Beamish and the feelings of his near relatives. One could not blame or criticise them for taking advantage of what they thought was a possibility of having the verdict against their son quashed.

In connection with the circumstances of the actual murder case, as they applied to Cooke's confession, I want to relate a few incidents. In the first instance, the wife of Cooke—Mrs. Cooke—made it known that her husband was out until the early hours of the morning and this covered the night of the 19th December and the early morning of the 20th December. Jillian

Brewer was slain early on the morning of the 20th December in the year 1959.

It also came out that Cooke travelled on a bus towards Cottesloe on Saturday night, the 19th December, 1959; and Jillian Brewer, as we all know, was done to death at Cottesloe. He named the driver of the bus as "Bob" and described him in detail and most accurately. As a result of later enquiries, it was ascertained beyond any shadow of a doubt that the driver of the bus at the time in question and on the route described by Cooke was, in fact, the person Cooke claimed him to be.

The next very important and indeed, in my judgment, vital circumstance was that Cooke claimed a full bottle of milk was inside the flap of the doorway of Miss Brewer's flat at approximately 3 a.m. The milkman, George Northcote, when contacted and questioned on this point told those concerned he had, in fact, delivered the milk on that particular morning to Miss Brewer's flat at the time claimed by Cooke.

There would be nothing important or vital in that in the normal situation. However, he went on to explain that his usual practice was to deliver the milk to that flat between the hours of 4 a.m. and 5 a.m. He explained the reason why he delivered the milk to the flat at 3 a.m. on the morning of the murder was that he had—on that one occasion in a period of twelve months or more—reversed his round with the result that, instead of getting to Miss Brewer's flat at 4 a.m. or 4.30 a.m., he was there at 3 a.m.—either a few minutes before or a few minutes afterwards.

Cooke also claimed that there was a purse on the table inside Miss Brewer's flat and that it had in it a cheque in favour of Miss Brewer for £6, and there was 4s. 7d. in loose change. He described how this 4s. 7d. was made up. It was made up of one 2s. piece; two single shilling pieces; one penny; and either 6d. or two threepenny bits.

There was the instance of the dog which was known to bark like fury whenever any stranger came around the flat. Cooke claimed that, because he had been in the business of getting around in the middle of the night and in the early morning undertaking all sorts of crimes, he had become quite an expert at quietening dogs. There was no positive evidence that anyone had heard Miss Brewer's dog barking at the time, or at approximately the time, the murder was committed.

In the confession made by Beamish, it was claimed Beamish pushed the dog between the open door and the framework of the door and pushed the door so heavily against the dog as to have almost killed it, and certainly to have rendered it barkless, as it were. Yet no marks of any kind were found upon the dog when it was examined a few hours afterwards. Beamish's alleged reply to detectives about the throwing away of the axe on to the wood heap was proved to be absolutely wrong, but, on the other hand, the axe was found by the detectives in the place where Cooke said he had thrown it.

When Cooke was arrested—and this was not at the time of the Jillian Brewer murder, but months afterwards—he was found to be wearing ladies' tight-fitting, long, white gloves. When Cooke was arrested it was not at a time when he was committing a crime of any kind. Those members in this House who remember the circumstances will know he had planted a rifle in some bushes near some trees in the Mt. Pleasant district. An elderly couple who had been out for a walk in the sun had seen something glinting in these thick bushes and, on going closer to them, they found it was a rifle. Very sensibly they left the rifle where it was and telephoned the police. The police, naturally, arrived on the spot quick and lively.

When they found the gun they reached a quite natural conclusion, which was that someone would come for it sooner or later. They set up a continuous watch and eventually Cooke came along to recover his gun because he had put it there, and even in that situation he was wearing these ladies' long gloves. He was not about to commit a crime; he was going to rescue the gun from where he had planted it the night before. Beamish did not claim at any time to have worn gloves in the confession he made after much police interrogation. He did not claim to have worn any gloves at Miss Brewer's flat. It is very significant, in this aspect of the situation, that no fingerprints of Beamish were found at Miss Brewer's flat; none at all!

I think it is fair to say one of the first things which police and detectives look for, even in a case which is not anywhere near as serious as this one was, is fingerprints. I have no doubt they looked very hard to find fingerprints in Miss Brewer's flat, and yet they found none. There were no fingerprints on the handle of the axe which was used to carry out the foul intent of the murderer. So without arguing the point at any length, it seems clear the probability is that Cooke, with ladies' long gloves on his hands, was much more likely to have committed this crime than Beamish who made no claim whatsoever to have worn gloves in order to carry out the offence.

Beamish told the detectives about picking up the axe from the floor of a nearby garage, and that he had gone into the garage looking for money. I leave members to use their own power of thought on that statement. When the judges of the appeal court a long time afterwards were hearing the appeal which was being made on behalf of Beamish, the confession which Cooke had written out was under scrutiny by the judges.

Naturally it was put before them in clear-cut terms by counsel for Beamish. Perhaps I should say at this stage that Cooke made this confession of having slain Jillian Brewer after he had been arrested by the police in circumstances I indicated a few moments ago, and after he had confessed to other major crimes including murder, and several less serious crimes.

The Chief Justice, in considering the points of the confession made by Cooke, appeared to develop an attitude of mind which wiped the whole of the confession out of consideration because, as the Chief Justice claimed, Cooke was a liar and not to be believed in any circumstances or situation. It is a strange thing, Mr. Speaker, but Cooke's confession was believed in relation to practically every unsolved major crime, but was wiped out as being of no account in those two cases where other men had been convicted.

Mr. Craig: He was not believed in the Button case.

Mr. HAWKE: That is the point I am making, because someone else had already been convicted in the Button case; in the same way as someone else had already been convicted in the Jillian Brewer case. So for once the Minister for Police agrees with me. It is a strange situation, is it not, that Cook's confessions are accepted without question and without argument in relation to all the unsolved crimes—and there were many, unfortunately, at that time—and yet, in connection with this crime for which Beamish had already been convicted, Cooke's confession was discarded, as it were, as a tissue of lies in the same way as his confession was discarded in the case to which the Minister for Police referred; namely, the Button case.

It is an interesting exercise, and a very valid one, to think back on what the situation would have been had Beamish not been arrested, tried, and convicted in connection with the Beamish case, and Cooke had, later on, made this confession of his about having been responsible himself for the murder at Cottesloe. There is not a shadow of doubt in the wide world that Cooke's confession would have been accepted 100 per cent. by the C.I.B., by the jury before which he would have been tried, and also by the presiding judge. It would have been accepted 100 per cent.! Had Cooke been arrested just prior to Beamish's first trial before a judge and jury, and Cooke had made his confession then, he could, in the trial, have been admitted as a witness for the defence.

As soon as his confession had been placed before the judge and the jury the case against Beamish would have collapsed immediately; Beamish would have been found not guilty and discharged, and in next to no time a charge of murder would have been preferred against Cooke in connection with the murder of Jillian Brewer. The case would have been proven against him 100 per cent. He would have been convicted in relation to the other crimes to which he had confessed, and he would have suffered the penalty which, of course, he has already suffered in connection with those other crimes.

The jury which convicted Beamish had nothing of Cooke's confession before it; so, in the circumstances, having a confession by Beamish before it—even though the confession was not corroborated or proven in any form—it was inevitable the jury would find Beamish guilty.

We all know the tense atmosphere which existed in the metropolitan area at that time. Several murders had taken place spread over a considerable period of time—they had not all happened in a week or a month; they were spread over a considerable period of time, and although there was no panic among quite a number of people in the metropolitan area there was, undoubtedly, great worry, concern, and fear.

So it was, I think, a certainty once Beamish went up before a judge and jury, and the prosecuting counsel for the Crown Law Department and the Police Department put forward Beamish's confession and so on, that a verdict of guilty had to be brought in.

Further, had Cooke's confession been available then, as I said previously, the case against Beamish would have collapsed immediately. No jury, in my view, would convict Beamish provided Cooke's confession was admissible as evidence in the case. I do not think there would be a jury anywhere in Australia—and I would hope not anywhere in the wide world—which would, in the new situation, or in the new circumstances, find Beamish guilty.

Then there was the other remarkable feature which had to do, of course, with the claim by Cooke in his confession that Miss Brewer, just before dying, had spoken a few words, three of which were, "Who is it?"

Members present tonight might recollect the questions I asked in Parliament on this vital issue. They have, however, probably forgotten the questions. They certainly might easily have forgotten the answers. Although I tried hard at the time to get information for Parliament and the public of the names of the doctors concerned, the Government refused to make their names available. I was told the names could be made available to the lawyer for Beamish; but they could not be made available for Parliament or for the public.

The extraordinary thing about this feature is that the information given by the doctors to the Crown Law Department was not made available to the judges when the application was before the Court of Criminal Appeal. It was not made available because it did not favour the case which

the Crown Law Department was putting up against Beamish.

Later on I propose briefly to quote some of the answers which I received from the Government on this point. Mr. Justice Jackson—and I might say I have great respect for all these judges—said, when he was considering the application for appeal, that the bottle of milk episode—if we could call it an episode—was a startling coincidence.

In other words, the fact that Cooke in his confession was able to claim, which was the truth, that he saw a bottle of milk inside the flat door at approximately 3 o'clock in the morning, whereas in the normal course the milk was not delivered before 4 a.m., was, according to Mr. Justice Jackson, a startling coincidence.

Surely it was more than that! In 364 times out of 365 such a thing could not have happened, because no bottle of milk would have been there. So it was much more than a startling coincidence, in my view; it was proof that Cooke's confession could not be just wiped off as being a pack of lies; it could not be wiped off as an attempt on Cooke's part to bolster up his shaky self-esteem and obtain more publicity for himself. Goodness me, at that stage Cooke did not need to make any conscious effort to gain for himself any more publicity than he was getting.

He was getting all the publicity imaginable; he was in the headlines everywhere—not only in Western Australia, but in the other States of the Commonwealth of Australia, and, I have no doubt, in some other parts of the world as well.

I think it is not necessary for me this evening to place before members the views of the Reverend P. L. Sullivan and the Reverend G. L. Jenkins, both of whom had contact with Cooke, and both of whom became convinced Cooke was indeed the person who had been responsible for carrying out this foul crime at Cottesloe on the date in question in the year 1959.

I come now to the matter I mentioned a few moments ago, this being the proposition as to whether Miss Brewer spoke a few words after she had been attacked by the fiend whose attack upon her brought about her death. The first question was—

> In connection with the C.I.B. inquiries carried out this year relating to the appeal made to the Court of Criminal Appeal on behalf of Darryl Beamish, was any inquiry carried out by a member of the C.I.B. or other police officer in connection with Eric Cooke's claim that Jillian Brewer spoke a few words after he had allegedly attacked her with fatal results?

The answer was, "Yes." The next question was, "If so, who made the inquiry?" and the answer was—

> Inspector (then Detective-Sergeant) H. D. Burrows and Detective-Sergeant A. J. Parker.

The third question was—

> Which medical man, if any, supplied a report?

The answer given by the Minister for Police was—

> A verbal opinion was obtained from the Police Medical Officer, Dr. A. T. Pearson.

The fourth question was—

> What information was contained in the report?

The answer was—

> The medical opinion was that, whilst it was most unlikely that the deceased would have been able to speak after receiving the throat injury, it was not impossible.

The fifth question was—

> Was the report or the essence of it placed before the judges who constituted the Court of Criminal Appeal in this case?

The answer was—

> No.

At a later stage that was followed by further questions, in an endeavour to obtain some information on the point, and in an endeavour to ascertain why such a vital piece of evidence had been kept away from the judges of the Court of Criminal Appeal.

On the 21st October, 1964, I asked the Premier certain questions, the first of which was—

> Did any officer of the Crown Law Department this year obtain advice from a doctor or doctors regarding the claim of Eric Edgar Cooke that Jillian Brewer, before dying, had spoken a few words in his presence?

The answer of the Premier was—

> Yes.

The second question was—

> If so, what was the essence of such medical advice?

The answer was—

> Initially that speech was impossible in the circumstances; but subsequently, after research and further consideration, that speech was highly improbable but not impossible.

The third question was—

> Was the advice obtained placed before the Police Department or communicated to any of its officers?

The answer was—

> It was communicated to the police officers in charge of investigations in the case.

The fourth question was—

> Was it placed before the Court of Criminal Appeal which this year heard an appeal on behalf of Darryl Beamish against his conviction for the killing of Jillian Brewer?

The answer was—

> No, because the opinions expressed were equivocal; and while they would

not in any way confirm Cooke's statement, they would not positively disprove it. Therefore, no useful purpose could have been served by placing the opinions before the court. On the particular matter, Cooke himself later gave evidence contradicting his previous statement.

That was a strange piece of reasoning. I see the Minister for Industrial Development is beginning to realise what a tortuous course had been followed in trying to get around the situation, in view of the Premier's reply that no useful purpose could have been served by placing the opinions before the court. No useful purpose for whom? Part of Cooke's confession was after he had attacked Miss Brewer she spoke a few words, three of which were, "Who is it?"

Yet the Crown Law Department after taking medical opinion—some of it under pressure through action in this Parliament—comes along with this type of material and states no useful purpose could have been served by placing the opinions before the court. The judges described Cooke's claim on this point as fantastic, impossible, and a bunch of lies; yet medical opinion has shown quite clearly the words could have been spoken by Miss Brewer at that time.

The fifth question I asked the Premier on that occasion was—

> From whom was the advice obtained?

The answer of the Premier was—

> Three doctors, including a physician specialist and a thoracic surgeon. Names could be supplied to counsel for Beamish on request.

It was not good enough for Parliament to get the names; it was not good enough for the public to have the names made available; but the lawyer for Beamish could get them if he made a request.

My sixth question was—

> For what purpose was it obtained?

The Premier's answer was—

> To test Cooke's veracity on this particular point.

There is no shadow of doubt those intimately concerned within the Crown Law Department would have accepted the advice to prove that Cooke was, in fact, a liar, had no speech at all been possible following the injuries which the young woman had received. Yet a physician specialist and a thoracic surgeon failed to agree speech was not possible. So this effort by the Crown Law Department to test Cook's veracity turned out in Cooke's favour, and because it turned out in Cooke's favour it was not put before the Criminal Court of Appeal.

I should say it would have been placed before the court quick and fast if the advice from the medical experts had been the other way around. It would have been a rather crushing piece of expert evidence to show some important portions of Cooke's confession were just his imagination; but because the advice from the medical experts was in Cooke's favour the reply was no useful purpose could be served by putting it before the judges who constituted the Court of Criminal Appeal.

Since this case has come back into circulation, as it were, mainly because of the book written and published by Professor Brett, there has been a fair amount of comment from different sources in relation to the case as a whole. I want to quote as briefly as possible some of the views which have been expressed. I refer, first of all, to *The West Australian* of the 11th November, 1966, in which appears a Press message from Melbourne, headed, "Court Rules Miscarriage." The report states—

> Melbourne, Thursday.—Judge Bourke had caused the miscarriage of the "wife-in-the-cupboard" trial by interfering and intervening, the Court of Criminal Appeal ruled today.
>
> The court ruled that Judge Bourke had failed to warn the jury of its right to disregard his strong comments on the facts.

I think that has some relationship to what happened in the trial of Beamish when he was convicted and sentenced to death, but whether the comments of the presiding judge at that time were as strong as those made by Judge Bourke in the wife-in-the-cupboard incident I am not able to say, but it is significant this happened in Melbourne only recently.

The West Australian published a leading article on the 14th November on the Beamish case, the last paragraph of which states—

> There is an analogy between the Beamish case and the Evans case in England. Instead of allowing the matter to rest, the government should follow the British government's example and have an independent inquiry.

On that point I should say the Deputy Leader of the Opposition and myself had some discussion with the Premier and the Minister for Justice at Parliament House several nights ago. We suggested to the Government it should consider taking some action in this case, and one of the actions it could take would be to appoint an independent authority of very high standing—one obtained from either one of the other States or England—to thoroughly investigate all the facts and features of the Beamish case, including the confession made by Cooke and also the confession made by Beamish.

However the Government has since advised us it proposes to take no further action on any account in connection with the case.

I have referred to the book written and published by Professor Brett. I have here a statement by Professor P. L. Waller, the Sir Leo Cussen Professor of Law at Monash University, which appeared in *The West Australian* newspaper of the 25th August, 1966, and which reads as follows:—

> Professor Waller says he agrees with Professor Brett's carefully-argued plea that Beamish was wrongly convicted and that it has not been proved beyond reasonable doubt that he murdered Jillian Brewer.

Further on Professor Waller said—

> I find it abhorrent that the court did not quash the conviction immediately on the simple ground that in all the circumstances it was just unsafe to base the case on the confession of Beamish alone.

Further on—

> Here, with a deaf-mute who made a number of different statements, the feeling of uncertainty is so much stronger that I think Professor Brett could well have emphasised this aspect of the case more strongly.

And again—

> "I think most laymen would be immediately aghast at the thought of one man sitting to review, in any sense, his own previous judgment."

In addition—

> He criticises—

That is, Professor Waller—

> —the crown for not having produced medical evidence that Miss Brewer may have been able to speak after the blow which Cooke said he delivered across her throat with a tomahawk.
>
> "Someone made yet another dreadful mistake in this litany of tragedies at law," he says "It surely makes all the difference in the world to one's belief in Cooke's seemingly impossible statement to learn that, in the opinion of medical experts, Miss Brewer could have spoken."

I come now to a leading article in *The West Australian* of Saturday the 20th August, 1966, headed, "Govt. Should Examine the Beamish Case." I would like to quote all of this, but time is marching on, although time should not matter one whit in this dreadfully serious situation with which we are concerned at the present time. I quote—

> But it is very much open to question whether the trial jury would have convicted Beamish if the Cooke confession had been before it. The important principle of reasonable doubt would have arisen.

Later on the article states—

> It is the government's responsibility to take a broader look at all the developments since the conviction and ask itself whether there is any possibility that an innocent man may have been mistakenly sent to gaol for life.

As you know, Mr. Speaker, the Government, after Professor Brett's book on the Beamish case became available, agreed, following a request made by me in Parliament, to have the book carefully examined. Later on I was extremely surprised and bitterly disappointed to find the person appointed by the Government to examine and report upon Professor Brett's book was the Crown Law officer who had conducted the prosecution against Beamish.

What sort of conduct is that on the part of a responsible Government? Brett's book was a criticism of the manner in which the trial against Beamish was conducted and it also dealt with many of the items which I have discussed here this evening. Indeed, although I am not in the habit of giving myself a pat on the back, I must say when I had completed reading Professor Brett's book it was clear he had obtained a great deal of the information which he set down in the book from the questions which I put up in this House to the Premier and other Ministers of the Government and from the answers which had been given.

In addition, which is very important, he had made a very close study of the transcripts of evidence and was able as a professor of law, to go far more deeply and I should hope far more authoritatively into these matters than it would be possible for me or any other layman to do.

Mr. Court: Is Brett himself completely independent in the matter?

Mr. HAWKE: Yes.

Mr. Court: He did not have some connection with the case at some stage?

Mr. HAWKE: No. It would take a lot of time for me to read to the House the answer which Professor Brett has given to me in a letter to the claim by the non-impartial Crown Prosecutor who examined his book and reported to the Government upon it—and to read Professor Brett's answer to the accusation made against him along the lines that he was not impartial or that he had a special interest. If time does not permit me to do that, then I would be quite happy to have a photostat copy of this letter made available to the Minister.

In this letter, Professor Brett mentions the report which was made by this Crown Law officer and submitted by him to the Government; and he states this in connection with that matter—

> At the outset, I would observe that the Crown Prosecutor's conclusion, that my views do not merit serious consideration, is unique.

This comment by Professor Brett, which I think is valid, underlines the foolishness of the Government in appointing the Crown Prosecutor who conducted the case against Beamish to investigate and report upon Professor Brett's book to the Government. I think no worse choice could have been made. In this I am not criticising the

present Crown Prosecutor as this could apply to any Crown Prosecutor, no matter who he might be or where he might be, because to a considerable extent, the book by Professor Brett was a book that set out to prove that Beamish had been wrongly convicted; and the Crown Prosecutor who conducted the case against Beamish, no doubt thought Beamish had been rightfully convicted—and he is entitled to have that thought and I do not question his right in any way.

It was surely a shocking error of judgment on the part of the Government to appoint the Crown Prosecutor, who could not possibly be impartial, to investigate all of the material in Professor Brett's book and report to the Government in connection with it. After the Government had the opportunity of considering the Crown Prosecutor's report, the Government advised me and my colleagues that as a result of the report by the Crown Prosecutor the Government was satisfied no further action should be taken. I will repeat the words I just quoted from Professor Brett's letter to me which is dated the 28th October, as follows:—

> At the outset I would observe that the Crown Prosecutor's conclusion, that my views do not merit serious consideration, is unique; that is to say, although there have been many public comments upon and reviews of my book, not one other has made this suggestion. On the contrary, every statement I have seen, save one, either supports one or other of my main points, or agrees in general terms that the case should be re-opened. The lone dissenter, to date (apart from the Crown Prosecutor), is Dr. Eric Edwards, who (as reported in *The Age* (Melbourne)) said that the Government would be justified in doing nothing further because at the original trial the jury could, on the materials before it, have come to no other conclusion than that Beamish was guilty.

I think we all agree on that. However, Cooke's confession came along very much later. To continue—

> But (as reported) he—

That is, Dr. Eric Edwards—

> —went on to say that it was highly likely that a jury which had heard those materials and also the further ones relating to Cooke's confession, would have found themselves in reasonable doubt and would have acquitted Beamish of the charge.

Professor Brett goes on to state in this letter—

> Despite its unique conclusion, however, the Report—

That is the Crown Prosecutor's report on Professor Brett's book—

> —is an able piece of advocacy. And it must therefore be treated as worthy of serious consideration. At the same time, it cannot be regarded as an impartial assessment and criticism of my book, since it emanates from an advocate whose professional concern it has been, since the onset of these proceedings, to argue the case that Beamish is guilty of the murder. My concern has been completely different. For let me say at once that the Report's assertion on p. 1 that I was briefed and thus professionally involved, is untrue.

Mr. Graham: The Minister unfortunately is not listening.

Mr. HAWKE: Then Professor Brett sets out in the next three paragraphs, one of which is quite long, the circumstances of how he became interested in this case. I will read the third of those paragraphs because it is fairly short. It reads—

> It will be seen from this account that in no sense was I ever briefed or professionally involved in the case in its passage through the courts. I "involved myself" because of my anxiety about Beamish's position as a man whom I believe innocent (although in my book I did not claim that much) but condemned to life imprisonment—an anxiety made greater than normal because of his physical handicaps. Furthermore, to avoid any reproach of the kind now made by the Crown Prosecutor, I stipulated with my publishers that I should receive no royalties from the sale of the book.

Then Professor Brett turns to the detailed comments as set out by the Crown Prosecutor in the report which he prepared in connection with Professor Brett's book, and presented to the Government. There is a great deal of this which is highly legal of course and I do not propose tonight to take up all the time which would be necessary to deal with it. The letter continues on page 4—

> As to the constitution of the Court, every statement which has hitherto appeared, save that in the Report, has endorsed my view that a criminal appeal should be heard by judges who have not previously dealt with the case. Even Dr. Edwards conceded that this is highly desirable. Sir Charles Lowe, a former Victorian judge whose experience and reputation need no endorsement by me, has stated publicly—and perhaps I should add, without any solicitation or even communication from me—that the Chief Justice would have been wise in choosing a court which did not include himself.

That expression of thought by Sir Charles Lowe was published in the Melbourne *Herald* on the 23rd August, 1966.

Dealing with another aspect of the Crown Prosecutor's report, Professor

Brett points out that the Crown Prosecutor claimed it was of benefit for the judges who sat on the Appeal Court to have had some prior knowledge of the case. Professor Brett goes on—

> This, I contend, is just what the Court should not have had. If their prior knowledge had led them to feel doubts as to Beamish's guilt, they would surely have raised those doubts in the appropriate official circles at an earlier date. If they had no doubts as to Beamish's guilt, they could scarcely approach the hearing with open minds.

Members will realise this is a fairly lengthy letter. The following is from paragraph 3 on page 6:—

> As to the correctness of my criticism of the Court's general approach, the crux of the matter is the contention (on pp. 17-18) that Beamish's confession, having been accepted as valid by the jury, must be treated as good and not tested anew for validity, having regard to Cooke's confession. I dealt with this matter at pages 28 and 29 of my book, and there gave reasons for the view that this case presented a unique situation for which the precedents on "fresh evidence" problems afford no guidance.
>
> The dilemma is a simple one, and arises from the facts that the case against each man, Beamish and Cooke, rested solely on his own statement, and that each man's statement differed in several material respects from the proven facts. Thus (a) if the variances between confession and proven facts do not suffice to prevent a jury from believing the confession, plainly a jury could have believed Cooke's confession and should have been allowed the opportunity of deciding whether to do so; alternatively, (b) if variances between confession and proved facts render a confession incredible (as the Court held), Beamish's confession was likewise incredible and the conviction should have been quashed.

Continuing—

> I have put the point here in its most favourable light from the Crown's point of view. For the scales are tipped strongly in Beamish's favour by (a) the doubts which inevitably arise from the difficulty of determining precisely what he is trying to say and (b) the additional incidents which served to confirm Cooke's statement—e.g., the milk bottle matter, the electric frypan matter, and Cooke's story of his car theft on that night, which was confirmed from police records.

On page 7 of his letter, he proceeds to deal with the question of speech, or no speech, being possible by Miss Brewer after being savagely attacked, and before she actually died. Professor Brett states as follows:—

> When the Premier revealed this matter to the House in October, 1964, he was, I imagine, speaking from a brief supplied to him.

I would say that of course he would be quoting from a brief supplied to him. Anybody in the same situation would undoubtedly be quoting from a brief. To continue the quotation from the letter—

> In his answers numbered 4 and 6, he assigns, as the reason for not disclosing the medical opinions to the Court, the fact that they were obtained to test Cooke's veracity on this matter of speech, and that as they did not cast doubt on Cooke's veracity (in no way could they have confirmed his veracity, for he alone knew what he heard), no useful purpose would have been served by disclosing them. "Useful" in this context must, I think, mean "useful from the Crown's point of view".

I think we would all agree with the logic of the conclusion which the professor makes on that point.

Mr. Court: I would not like you to take the silence from this side to mean that we are in agreement with that.

Mr. HAWKE: On page 8 of the letter, the professor had this to say—

> I adhere also to my previously-expressed view that the Premier had been misinformed in his brief when he stated to the House that Cooke had withdrawn his claim to have heard Miss Brewer speak. I add that my view on this was based on the cross-examination reproduced on page 26-27, and in particular on his final answer to that "as to what she said I am sure."

That was the final answer given by Cooke after all the intense interrogation to which he was subjected. One could imagine, without having a very active imagination, just how intense that interrogation was. However, Cooke stuck to his claim that he knew what Miss Brewer said.

Although there is a great deal more valuable information in Professor Brett's letter, I think I have covered fairly well the main points which he raised. I want to briefly mention the Timothy Evans case because it has become famous. It was, for a long time, infamous beyond any shadow of doubt, but now it has, I think, become what we could call famous.

Evans was convicted in England, for the murder of his own baby, and he was hanged. Before he went on trial he wrote a confession of guilt, after intense interrogation and intense pressure from the police who were involved. In saying that, I am not condemning the police for the methods which they use. When a citizen is murdered there is undoubtedly an obligation upon the Police Force as a whole—

and particularly upon members of the C.I.B.—to do its absolute utmost to find the killer and bring him to trial.

Evans, as I said, signed a confession; he was tried, convicted and hanged. As time went on other people were killed in the same vicinity. In fact, Mrs. Evans was murdered, and then later on two or three other people mysteriously disappeared. At his trial, Evans denied his confession and claimed he had signed it under pressure or under duress—whichever way one cares to put it. Under examination and cross-examination, Evans accused another elderly person who was living in the same residential set-up.

It should not be necessary to say Evans received a verbal roasting from the presiding judge and from the prosecuting counsel for what was regarded as his cowardly attempt to shift the blame from his own shoulders on to the shoulders of an elderly man who lived in the same residential set-up. Time went on and finally the police got on to the track of this elderly fellow.

The police dug up the floor in the residental set-up and they found several bodies. Those people had not died from pneumonia, either, I might advise the member for Wembley.

Dr. Henn: You have spoilt it now.

Mr. HAWKE: It was not long before this elderly gentleman—with a big question mark after the "gentle"—was under arrest and held on a charge of double murder, or a greater number of murders. He was found guilty.

Quite naturally, in that situation there was an outcry and a demand that there should be a searching inquiry into the case in which Timothy Evans had been tried and found guilty and subsequently hanged. The Government in Britain, before the present Wilson Government, had a judicial inquiry which went searchingly into the whole case. The result of that inquiry was a recommendation to the Government that it was beyond reasonable doubt that Evans had been responsible, and that was that for the time being.

When the new Government came into power in Britain the advocacy by a number of newspapers, a number of highly-placed legal men, and a number of the general public, went on for further inquiry, and the present Government in Britain appointed a highly-placed man of considerable judicial attainment to searchingly reinvestigate the case.

That was done, and it was not many weeks ago that this man came up with a report which indicated that Timothy Evans had not slain his infant child, but could probably have been responsible for the murder of his own wife. The Government in Britain posthumously granted a pardon to Timothy Evans. When the decision was announced in the House of Commons in London, there was acclamation in all parts of the House, not only from the Government side—the Labor side—but from the Conservative side as well.

I am as positive as it is possible for anyone to be that Beamish would not have been convicted had Cooke been arrested prior to the conclusion of Beamish's trial. The case against Beamish would have collapsed in that situation and Cooke would have been before the judge and jury on a charge of having murdered Jillian Brewer. He would undoubtedly have been found guilty and he would have suffered the penalty he did suffer, anyway, for the other murders to which he confessed and in connection with which every one of his confessions was accepted as being 100 per cent. true.

I am equally positive no jury, which would be set up in the event of this Bill becoming law, would convict Beamish. There is not a possible chance of any jury convicting Beamish in a retrial in which Cooke's confession would be admitted. Therefore, in all the circumstances and in view of all the doubts, Beamish is undoubtedly entitled to a new trial if the Government refuses to grant any judicial inquiry of a searching nature.

I think I would be prepared to say now I would agree to withdraw this Bill in the event of the Government announcing it would be prepared to appoint one of the most highly placed legal men in any other State of Australia, or preferably in Britain, to searchingly investigate this case in the same way as the Timothy Evans case was investigated in Britain. It is not possible for me to make to the Government a fairer offer than that in this situation.

Tonight I have spoken for a man who is imprisoned for life; a man who could not speak for himself when the police were interrogating him before he was arrested; a man who could not speak for himself when he was being tried for murder; a man who cannot speak for himself today and never, unless a miracle occurs, will ever be able to speak for himself during the remainder of his life. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Court (Minister for Industrial Development).

RESERVES BILL

Second Reading

MR. BOVELL (Vasse — Minister for Lands) [9.57 p.m.]: I move—

That the Bill be now read a second time.

I am sorry I have to introduce this Bill, but of course it is most necessary and it is the usual custom so that all matters can be dealt with before the House rises. These matters occur from time to time and the Leader of the Opposition will know that I have been to Northam on three occasions to try to resolve a problem of a reserve in

his electorate. Although two previous reserves Bills have included this piece of land, on this occasion and because we have carried so many motions with regard to it, a previous motion covered what the Northam Town Council wants to do with it, and consequently I do not have to include it in this year's Reserves Bill.

Mr. Hawke: I hope the Minister is not trying to pick an argument with me.

Mr. BOVELL: No; I am just trying to explain how necessary it is for this Reserves Bill to be dealt with by Parliament. I seem to be striking trouble with every Bill I introduce. The member for Balcatta complained about the motion for the revocation of forests some time ago.

However, these kinds of Bills are necessary unless Parliament decides that an "A"-class reserve shall be dealt with by the Minister as is the case with other reserves. I consider it is most necessary that Parliament should deal with "A"-class reserves, which is what this Bill deals with.

I might go further to say that Standing Orders have been suspended and, because of this, it is the usual custom for such procedures to be taken. Putting this Bill before the House involves a very long and, perhaps, tedious speech. I mention that there will be no repetition; but even so it may be tedious because each matter deals with a separate reserve and on this occasion there are many reserves to be dealt with.

The first matter dealt with in the Bill is in connection with a reserve at Albany. It is an amendment to Class "A" Reserve No. 24258 near Albany. The Shire of Albany is desirous of securing two areas of land from within Class "A" Reserve No. 24258. One site is required for the disposal of rubbish and the other for the purpose of obtaining gravel.

This reserve is set apart for the purpose of "National Park and Recreation," and contains approximately 9,018 acres.

A suitable site for rubbish disposal has been located adjoining Plantagenet Location 393, and will embrace an area of about 48 acres.

A condition of the use of the land will require that all timber within 5 chains of the constructed Frenchman Bay Road will be protected to screen rubbish disposal activity from the road, and so that deposits of rubbish are controlled by the shire council.

The area proposed for a "Gravel Quarry" has been surveyed as Plantaganet Location 6993, and a two-chain reservation has also been surveyed through this location to protect an existing graded road which provides access to the coast.

This clause proposes to excise a total area of about 103 acres from the reserve, and set apart two separate reserves for the purposes stated to be vested in the Shire of Albany.

The next provision in the Bill also concerns an area at Albany and refers to an excision of portion of Class "A" Reserve No. 27068, comprising land formerly held for defence purposes by the Commonwealth Government at Albany, and containing an area of 218 acres 3 roods 21 perches and is set aside for the purpose of "Recreation and Park Lands" but is not vested in any authority.

The Public Works Department has requested that an area of 1 acre 19.4 perches be excised from the reserve for the purpose of a "'Sewerage Main."

The area to be excised has now been surveyed as Albany Lot 1176 and is the subject of Lands and Surveys Diagram 71267.

Parliamentary approval is sought to the excision of Lot 1176 to the intent that it be set apart as a reserve for a "Sewerage Main."

The next excision provided for in the Bill is also at Albany and relates to Class "A" Reserve 2682. The Public Works Department (Country Water Supplies) proposes to construct a 5,000,000 gallon capacity service tank with attendant steel and fibrolite mains near Mt. Clarence at Albany. The proposal will involve excision of the tank site and 50 link pipeline reserves from Class "A" Reserve No. 2682, set apart for the purpose of "Public Park" under the control of the Albany Town Council.

The Albany Town Council has agreed to the tank being located in this position as there is no other suitable site for a 5,000,000 gallon tank in the town. Construction of the tank is scheduled to commence in January, 1967, subject to approval to the necessary excision from this Class "A" reserve, and completion is anticipated by May, 1967. The clause seeks parliamentary approval to excise the required area, totalling some eight acres, from the reserve which presently contains approximately 258 acres.

The next clause in the Bill deals with an excision from Class "A" Reserve No. 23480, near Alexandra Bridge; Alexandra Bridge being situated between Nannup and Augusta, and comprises Sussex Location 3871. It is set apart for the purpose of "Camping and Public Utility," and is under the control of the Shire of Augusta-Margaret River under the provisions of section 34 of the Land Act, 1933.

This reserve was classified as of Class "A" in 1952, although it has since been ascertained that the portion for which approval is now sought to excise has actually been in use as part of Saw Mill Site No. 149/53 for many years and buildings existing thereon were erected some 30 years ago. These premises are currently occupied by a mill employee, and the Forests Department wishes to have them included in the sawmill site to regularise such occupation. This clause

seeks parliamentary approval to the excision from Class "A" Reserve No. 23480 of sufficient area (1a. 0r. 28.7p.) to protect the buildings concerned.

The next proposal in the Bill seeks the cancellation of Class "A" Reserve No. 20310 at Busselton, which is situated at the corner of Marine Terrace and Queen Street, Busselton, and is set apart for the purpose of "Recreation" and is vested in the Shire of Busselton. Portion of the reserve has been developed as a tennis clubsite.

The Shire of Busselton desires to erect a squash centre on another portion of the land and has surrendered the vesting order over Reserve 20310 to enable the proposals for resurvey and creation of various reserves to be completed.

Portion of the land on which tennis courts are built is within Reserve No. 3364 which is set apart for "Railway Purposes." The Railways Department has agreed to cede this section in order that it might be included in the resubdivision of the total area. The land comprised in Class "A" Reserve No. 20310 and the portion to be excised from Reserve No. 3364 has been resurveyed into Busselton Lots 348 to 351 inclusive, and is now the subject of Original Plan 10284.

This clause provides for the cancellation of Reserve No. 20310 with the intention that the land contained in Original Plan 10284 be reserved again and each reserve classified as of Class "A" for the following purposes:—

Lot 348—"Park Lands and Open Space"
Lot 349—"Tennis Courts"
Lot 350—"Tennis and/or Squash"
Lot 351—"Park Lands and Open Space."

The next proposal deals also with land at Busselton excising portion of Class "A" Reserve No. 22624 near Busselton. It is situated at Geographe Bay comprising Broadwater Suburban Lots 25 to 30 inclusive and Sussex Location 4165, containing an area of 47 acres 8 perches, and is set apart for the purpose of "Camping and Recreation" and is under the control of the Shire of Busselton as a board of management.

The Board of Busselton Cottages desires to obtain portion of the reserve being Broadwater Suburban Lots 29 and 30 comprising an area of 20 acres 3 roods 37 perches for the purpose of providing a site for "Aged People's Homes." The Shire of Busselton has agreed to the excision of Lots 29 and 30 from Reserve No. 22624 for the purpose referred to.

Parliamentary approval is sought to excising the area concerned in order that it may be set apart as a reserve for "Aged People's Homes," and authorising the Governor to lease or grant Lots 29 and 30 under the provisions of the Land Act, 1933, in such manner as he may approve. The Board of Busselton Cottages is now in the process of becoming incorporated under the Associations Incorporation Act.

The next provision deals with the excisions from Class "A" Reserve No. 23000 near Bunbury, containing 535 acres 3 roods 5 perches, which is set apart for the purposes of "Travellers' Stopping Place and Caravan Park." This reserve is about seven miles south of Bunbury on the Bussell Highway.

The Public Works Department has completed the construction of a diversion drain for the Five Mile Brook and this has been surveyed at widths varying between 4 chains and 5 chains through the reserve. It is desirable that a separate reserve be created for "Drainage" purposes.

In addition, the Shire of Capel wishes to obtain two areas for recreation purposes, one of which it is envisaged will be leased for an Equestrian Park to cater for horsemen's and pony clubs in the area. The other portion would be reserved for future recreational development.

This clause seeks parliamentary approval to the excision of an aggregate area of approximately 181 acres in order to create reserves for the purposes stated in such manner as the Governor approves.

The next proposal in the Bill deals with the cancellation of Class "A" Reserve No. 11381 at Cottesloe, which is situated on the corner of Grant and Marmion Streets, Cottesloe, and is set apart for Educational Endowment and is held in fee simple by the Trustees of the Public Education Endowment. The area comprised in the reserve is 6 acres 3 roods 7 perches.

The trustees see no prospect of being able to lease the reserve upon conditions which would give an adequate return based upon the value of the land, and have therefore sought approval to subdivide the area into residential sites with the view to sale. The proceeds of the sale will be used for additional scholarships and other forms of assistance to underprivileged children.

Clause 9 seeks parliamentary approval to cancellation of the reserve and for the Trustees of the Public Education Endowment to sell the land contained therein, freed and discharged of all trusts.

The next provision refers to the revestment of the Trades Hall site at Fremantle. In the year 1903 Fremantle Town Lots 1511 and 1512 were set apart as Reserve 8589, and granted in fee simple to the Fremantle and District Trades Hall Industrial Association of Workers in trust to secure the use of the land for the purpose for which it was reserved in Certificate of Title Volume 277 Folio 135.

The association is now disbanded by virtue of the reorganisation of the Australian Labor Party in 1963. The administration of the affairs of the association have passed to the Australian Labor Party which is desirous of disposing of this

property. It is desired to grant authority to the Australian Labor Party to dispose of the land.

Clause 10 seeks parliamentary authority for the cancellation of the reserve and the revestment of the land in Her Majesty Queen Elizabeth the Second as of her former estate to the intent that a Crown Grant of the land be issued to The Perth Trades Hall Incorporated free of all trusts with power to sell the land and buildings thereon provided the proceeds of the sale are held in trust for the purpose of building a Trades Hall at Fremantle. This indicates the comprehensiveness of the measure, and the fact that it meets the requirements of all sections of the community, because one of the two matters deals with the requirements of the Australian Labor Party, and the other refers to land which can be sold for underprivileged children through the education endowment.

The next provision deals with the cancellation of Reserve No. 14794 and revestment of land contained therein. Reserve No. 14794 at Gosnells comprises Canning Location 944, and contains one rood. It is held in fee simple by The Gosnells Hall Association (Incorporated) in trust for the purposes of a site for a hall.

As the association is no longer active and no hall exists on the site, the trustees have requested that the land be revested in the Crown. The W.A. Fire Brigades Board wishes to obtain the site for future fire station needs.

This clause—clause 11—provides for the cancellation of Reserve No. 14794 and the revestment of the land in Her Majesty the Queen as of her former estate, so that the land might be set apart as a new reserve for the purpose of a "Fire Station Site."

The next clause—clause 12—provides for amendment of Class "A" Reserve No. 20194 at Geraldton. This reserve has frontage to Willcock Drive, at Geraldton, and is set apart for the purpose of "Esplanade and Recreation."

This reserve abuts an area of vacant Crown land which it is envisaged will ultimately be required for light industrial purposes allied with Geraldton Harbour works.

In order to rationalise the shape of the vacant Crown land to assist in any future subdivision, it is proposed to alter the northern boundary of Class "A" Reserve 20194, and clause 11 seeks approval accordingly.

There will be no loss of area from Class "A" Reserve No. 20194 by the operation of clause 11. The portion ceded therefrom will be compensated for by the addition of an equal area from the abutting Crown land.

Clause 13 provides for the reclassification of Class "A" Reserve No. 9093 at Kalamunda. This reserve comprising Kalamunda Lot 85, containing 34 acres 3 roods and 20 perches was set apart for the purpose of Park Lands and Recreation and classified as of Class "A" in March, 1904, and has been under the control of the Shire of Kalamunda (formerly the Darling Range Road Board) since August, 1907. Adjoining the western side of the reserve is freehold Swan Location 4141 containing 99½ acres which is unimproved.

Because the nature of the land in Location 4141 restricted the area of subdividable land to an area in the south-east corner sufficient for only 24 lots, the private subdivider lodged an application through the Metropolitan Region Planning Authority for 20 acres out of the adjoining Class "A" Reserve No. 9093 which would provide 27 additional lots.

The Metropolitan Region Planning Authority fully supports the application and requests that this portion of Class "A" Reserve be made available by way of part exchange for approximately 83 acres of Swan Location 4141 with a cash adjustment of $35,000 to be paid to the private subdividers by the authority to equalise the exchange.

The area of approximately 83 acres to be surrendered to the Crown under the exchange proposals plus the residue of Class "A" Reserve 9093 after excision for subdivisional purposes, is to be set apart for public open space.

This clause provides for the reclassification of Class "A" Reserve No. 9093 as of Class "C" in order that the Governor may amend the reserve to excise the portion of 20 acres from it when surveyed to make the land available by way of part exchange to the adjoining holder.

Clause 14 refers to Class "A" Reserve No. 24329 at Manning. The Metropolitan Water Supply, Sewerage and Drainage Board has been operating a sewerage ejector station for some years at the corner of Challenger Avenue and Griffin Crescent, Manning.

Although the site was surveyed in 1951 and has been occupied by the board for a number of years, it was not excluded from Class "A" Reserve No. 24329 which is set apart for the purpose of "Recreation" and vested in the City of South Perth.

This clause provides for excision from Class "A" Reserve No. 24329 of Canning Location 2026 in order that it might be set apart as a separate reserve for the purpose stated, and vested in the Metropolitan Water Supply, Sewerage and Drainage Board.

Clause 15 refers to Class "A" Reserve No. 1790 at Mt. Barker. This reserve is set apart for the purpose of "Recreation" and is vested in the Shire of Plantagenet in trust for recreation with power to the shire to lease the reserve, or any portion

thereof, for any term not exceeding five years subject to the approval of the Governor.

The Plantagenet Shire Council desires to lease an area of one-half acre of the reserve to the Mt. Barker and District Agricultural Society for a term of five years on which the society would erect a sheep show pavilion.

As a lease for such purposes would be outside the terms of the trust the shire holds over the land, which is the only suitable area available for agricultural society use, parliamentary authority is sought to amend the purpose of the reserve to "Recreation and Agricultural Showground" in order to facilitate the intentions of the proposed lease.

Clause 16 deals with the excision from Class "A" Reserve No. 13045 at Nornalup. Class "A" Reserve No. 13045, on the Frankland River, near Nornalup, is set apart for the purpose of "Park Lands."

In 1928, the Denmark Road Board (now the Shire of Denmark) was appointed as a board to control and manage the portion of this reserve severed by the Frankland River under the provisions of the "Parks and Reserves Act, 1895".

Portion of this severed section has been used for camping purposes for many years and the local authority has established a caravan park thereon.

The Shire of Denmark is now desirous of leasing the caravan park, and has sought permission to do so, but the existing status of the reserve precludes such action.

This clause seeks parliamentary approval to excise the area described in order that it might be set apart as a separate reserve for the purpose of a "Caravan Park" and vested in the Shire of Denmark, with power to lease, under such terms and conditions as the Governor may approve.

The next proposal is the excision of portion of Class "A" Reserve No. 12086 at Northampton. The trustees of the public education endowment desire to transfer Northampton Lot 2 which is part of Class "A" Reserve No. 12086 to the Shire of Northampton for an amount of $800 so that the shire may provide bowling greens and a club house on the lot. The area of Class "A" Reserve No. 12086 will be reduced by 1 acre 1 rood 22 perches.

Approval is desired to excise Northampton Lot 2 from Class "A" Reserve No. 12086 and authorise the trustees of the public education endowment to transfer the lot freed and discharged of all trusts, to the Shire of Northampton for the purposes stated.

The next provision refers to Reserve No. "A" 4813 at Point Walter. By the authority of section 15 of Act No. 35 of 1958, portion of Class "A" Reserve No. 4813 at Point Walter is being used as a site for "Immigrants' Home" for a period which is due to expire on the 27th March, 1967.

This Government is currently negotiating with the Commonwealth Government for financial assistance for the construction of a more suitable migrant reception centre at Brentwood, and it is desired that the period of occupancy at Point Walter be extended in order that accommodation facilities continue to be available to the increasing flow of migrants for a further limited period pending completion of the new centre.

This clause seeks parliamentary authority for an extension of the occupancy period for a further term of five years commencing the 28th March, 1967.

The next proposal is in connection with the cancellation of Reserve No. 16606 at Scaddan. Reserve No. 16606, comprising Scaddan Lot 34, was set apart for the purpose of "Recreation" in February, 1924, and in September, 1925, Frederick Gilmore, Thomas Crosborough Henchman, and Gustav Holznagel were appointed under the provisions of the Parks and Reserves Act, 1895, as a board to control and manage the reserve.

The sole surviving member of the board, Thomas Crosborough Henchman, has resigned his membership, and in order to place future control of the reserve on a more satisfactory basis, this clause seeks parliamentary approval to cancel the reserve and revoke the appointment of the board. It is intended that the land be again reserved for "Recreation" purposes and ultimately vested in an appropriate corporate authority.

The next provision refers to the cancellation of Reserve No. 16607 at Scaddan. Reserve No. 16607, comprising Scaddan Lot 33, was set apart for the purpose of "Agricultural Hallsite" in February, 1923, and a hall has been erected thereon.

A lease for 999 years from the 1st July, 1923, was granted to Frederick Gilmore, Thomas Lamb Jackson, and William Henry Grigg as trustees for the Scaddan Settlers' Association, and registered as License No. 696/42 under the Land Act, 1898.

Advice has been received from the Scaddan Settlers' Association that the three original trustees are now deceased and, as the hall is still owned and utilised by the association, it is desirable that control be placed on a more satisfactory basis.

This clause provides for the cancellation of Reserve No. 16607 and License No. 696/42 and for the revestment of the land in the Crown with the intention that it will be reserved again for the purpose of "Agricultural Hallsite" and subsequently vested in an appropriate body. It is envisaged that the Scaddan Settlers' Association will be incorporated under the provisions of the Associations Incorporation Act, 1895, and thus ensure perpetual succession, which is not possible where individual trustees are named in a vesting order.

The next provision is for an excision from Class "A" Reserve No. 16976 at Scar-

borough. Reserve No. 16976, known as Deanmore Square, at Scarborough is set apart for the purposes of "Recreation and Public Utility" and is classified as of Class "A". The area comprised therein is 5 acres.

The Metropolitan Water Board has excavated a compensating basin at the southern end of the reserve and enclosed this with a substantial fence. Provision of the basin will prevent a repetition of flooding that has occurred in past winters in a nearby area.

This clause provides for the excision from Class "A" Reserve No. 16976 of an area of 2 roods 20.7 perches, more or less, which has been surveyed as Swan Location 8152, and for the vesting of the new reserve in the Metropolitan Water Supply, Sewerage and Drainage Board.

The next provision is for an excision from Class "A" Reserve No. 8427 at Yallingup. This reserve, comprising approximately 1683 acres, is adjacent to Caves House at Yallingup and is set apart "For the Protection and Preservation of Caves and Flora, and for Health and Pleasure Resort".

By the operation of the Caves House Disposal Act, 1965, portion of Reserve No. 8427 was excised for the purpose of leasing to the purchaser of Caves House adjoining, and this resulted in isolating a small triangular portion containing about 7 perches.

As a means of tidying-up the small severance, it is considered desirable to excise this section from the reserve and, together with an adjoining area of vacant Crown land of about 1 rood 5.1 perches, add these portions to the abutting Reserve No. 27062 which is set apart for "Recreation". The total increase in area of Reserve No. 27062 is thus 1 rood 12.1 perches.

This clause seeks parliamentary authority for the excision of 7 perches from Class "A" Reserve No. 8427 to facilitate these intentions.

The next proposal is for the cancellation of Class "A" Reserve No. 17695, at Yallingup. Class "A" Reserve No. 17695, set apart for the purpose of "Caves House Site" orginally comprised 15 acres, but by the operation of the Caves House Disposal Act, 1965, 10 acres were excised to facilitate the sale of Caves House and attendant buildings which stood thereon.

The area of 5 acres remaining in this reserve is of no further use for the purpose for which it was set apart consequent upon the sale of Caves House, and it is now proposed that the residual area, plus an adjoining piece of Crown land containing 1 acre 0 roods 32 perches, be added to the abutting Reserve No. 8427 which is classified as of Class "A" and set apart "For the Protection and Preservation of Caves and Flora, and for Health and Pleasure Resort". The total increase in area of Reserve No. 8427 is thus 6 acres 0 roods 32 perches.

This clause seeks parliamentary authority for the cancellation of Class "A" Reserve No. 17695 in order that the area might be included, together with other Crown land, in the adjoining Class "A" Reserve No. 8427.

The next provision relates to the cancellation of Class "A" Reserve No. 12073 at Wagerup. Class "A" Reserve No. 12073 comprises Wagerup Lots 46, 47, 48, and 49 which are held in fee simple in trust for the purpose of a "Public Education Endowment" by the trustees of the public education endowment.

The trustees have agreed to make available certain portions of the reserve to facilitate the widening of South Western Highway by 50 links, to provide four road truncations at 50 links along each alignment, and to protect an irrigation channel at a width of 50 links through Lots 46 and 48.

Upon survey of the portions described in paragraph (2), the trustees have requested that parliamentary authority be obtained to enable them to sell, free of trust, the balance of the area renumbered as Wagerup Lots 121 and 122, and the area includes certain abutting closed roads. The proceeds of the sale would be invested by the trustees in approved securities under the provisions of the Public Education Endowment Act, 1909-1925.

The next provision refers to the excision of portion of Class "A" Reserve No. 27575 near Wanneroo.

Class "A" Reserve 27575, on the coastal strip west of the Wanneroo Road, comprising about 2,900 acres, is set apart for the purposes of "National Park" and is vested in the National Parks Board of Western Australia.

The Shire of Wanneroo desires to obtain further deposits of limestone rubble for road construction purposes in the vicinity of Burns Beach Road, and the area proposed to be excised containing about 115 acres 2 roods 2 perches is suitable for this purpose.

The National Parks Board and the Metropolitan Region Planning Authority have no objection to the proposal.

Parliamentary approval is sought to excising the area concerned, now surveyed as Swan Location 8035, in order that it may be created a separate reserve for "Quarry" purposes and vested in the Shire of Wanneroo.

The next provision refers to an excision from Class "A" Reserve No. 14222 at Denison.

Class "A" Reserve No. 14222 at Denison is set apart for the purpose of "Camping and Recreation". This reserve is vested in the Shire of Irwin with power to lease for a period not exceeding 21 years subject to the approval of the Minister.

Portion of the reserve has been developed as a caravan park by the Shire of Irwin which is now desirous of leasing the area concerned and has sought permission to do so. The existing status of the reserve, however, precludes such leasing.

This clause seeks parliamentary approval to excise the area described in order that it might be set apart as a separate reserve for the purpose of "Recreation, Camping, and Caravan Park," thus facilitating the objective of the Shire of Irwin to grant a lease under such terms and conditions as the Minister may approve.

The final provision in this Bill relates to a proposal to issue a Crown grant to the Commissioners of the Rural and Industries Bank—Central Government Buildings, Perth.

It is proposed to make available to the Rural and Industries Bank of Western Australia a small strip of land, measuring approximately 19.5 links on the Hay Street frontage and approximately 85.6 links in depth. The contained area is 2.5 perches, and is designated Perth Lot 837.

The bank already holds title to the Hay Street frontage on which the old State savings bank building is erected, and the acquisition of this additional small strip on the eastern side will eliminate an unsightly narrow tunnel on which there are several small makeshift buildings between the Titles Office and the land held by the Rural and Industries Bank.

This clause seeks parliamentary approval to the reservation of the area concerned, and the authority to grant Perth Lot 837 to the Commissioners of the Rural and Industries Bank in a similar manner to the area previously granted by section 10 of the Reserves Act, 1957, which adjoins the land the subject of this clause.

It will be gathered from the submission of this Bill that there is an immense amount of work involved in its preparation, because not only do the administrative officers of the department have to exercise great care in their submissions to me as Minister—or to whoever it might be for the time being—but surveys have to be carried out all over Western Australia. Therefore the Surveyor-General's division makes a very valued contribution to the matter of adjusting, where necessary, "A"-class reserves.

As members know, it is necessary for Parliament to give approval to any alteration of an "A"-class reserve. All these matters have been examined carefully, first of all by the Surveyor-General's division and the administrative division, and have been submitted to me by the Under-Secretary for Lands. Of course, it has been necessary for me to carefully examine the proposals.

I have a copy of the notes which I will hand to the Leader of the Opposition; and, included in these notes, are lithos showing the exact sites of the reserves.

Mr. Hawke: Thank you.

Mr. BOVELL: I think the information given covers all aspects of the proposals which the various members concerned will no doubt examine.

Debate adjourned, on motion by Mr. Kelly.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th November.

MR. HAWKE (Northam—Leader of the Opposition) [10.37 p.m.]: This is a Government Bill which proposes quite drastically in some respects to amend the Motor Vehicle (Third Party Insurance) Act of 1943-1964. When the Minister introduced this Bill at the second reading stage he was at considerable pains to answer criticisms which had been offered on the proposals in the Bill by the Law Society and the Royal Automobile Club. No doubt the Minister followed that course because of criticism which had been published previously in the Press from both organisations.

The Minister endeavoured to minimise the worth of the criticism which was offered by the two bodies, concentrating far more on the Law Society than upon the Royal Automobile Club. In fact he suggested at one stage a letter handed by the Minister for Local Government to members of a deputation from the R.A.C. after the Minister had finished with the deputation had apparently silenced the R.A.C. I was a bit intrigued by this, because it seemed rather mysterious to me that the Minister would have a letter all prepared and written out and signed before the deputation stated its case to the Minister. There seemed to be quite a gap in the situation in that regard. I think there may be a rational explanation.

I would have thought the proper course to follow would have been for the Minister to hear the deputationists put up their case and if a letter were to be sent to the R.A.C., it would be sent after the Minister had had time to give careful consideration to what the members of the deputation had put up to him. It seems to be a peculiar situation to find a Minister straightaway handing to a deputation a letter setting out an answer to the deputation's case as soon as the case has been heard by the Minister.

The major proposal in this Bill is for the setting up of a tribunal of three members to hear and decide third party claims. The chairman of the tribunal is to be a lawyer of at least eight years' standing and practice. He could be a judge. In the event of Parliament approving this proposal, I would think a judge would be appointed a chairman if a suitable one were

available. However, from what we hear and read we understand the judges are not so plentiful in Western Australia and I think it would be very doubtful whether a judge could be made available to be the chairman of this proposed tribunal. So, on balance—and easily on balance—I would think a lawyer of at least eight years' standing and practice would be the one to be made the chairman.

The decision of the proposed tribunal would be final in relation to the total damages awarded in connection with any one claim. Appeals from the tribunal to a judge would be allowed on all other phases of the case. Presumably the other phases would include questions of fact and questions of law. However, no judge who was appealed to could alter the decision of the tribunal in relation to the total damages to be awarded in any one case.

For the purpose of making it unnecessary for the tribunal to travel all over the country, there is a provision in the Bill which would enable the tribunal to delegate its powers to a magistrate. Doubtless this authority to delegate the power would be exercised fairly frequently.

There is to be granted an appeal from the magistrate to the tribunal, but otherwise the decision of the magistrate in every instance would be final. This means there would be no appeal at all from the decision of the magistrate to a judge or to any other legal authority.

The Bill proposes to abolish the existing limits as to the damages to be awarded. The present limit is $12,000 in respect of any one person and $120,000 in relation to all passengers involved in any one accident. There is provision in the Bill, too, for a spouse to claim against the spouse where the spouse driving a vehicle is proven to be negligent, but there is to be no claim if the vehicle being driven in any particular accident is not insured. There are some other provisions hinging on the spouse-*versus*-spouse claim which I need not go into at this particular stage.

The Bill also gives to the tribunal authority to award lump sum payments by way of damages, pensions, weekly payments on their own, or together with lump sum payments; and in this respect it is a very solid departure from existing practice. It would appear the idea in this matter is to bring this Act somewhat into line, under this particular heading, with the Workers' Compensation Act which we know provides for lump sum payments exclusively, for weekly payments exclusively, and, in some instances, for a combination of both.

I think the fate of this Bill would have to be decided upon the proposed drastic alteration to take away from the law courts the right which they now have to decide claims where any claimant is dissatisfied, and to repose in the proposed tribunal complete power in relation to the amount of damages to be awarded, except in those instances where the tribunal would have delegated its authority to a magistrate. As I mentioned earlier, there would be provision for an appeal from the magistrate's decision to the tribunal, but no further appeal in any one case.

One of the arguments submitted by the Minister in support of this drastic change is based, as far as I can understand it, on the desire or need, or both, for uniformity. Up to a point I can follow the anxiety of the Government in this matter. I suppose each and every one of us reads of awards made by magistrates or judges which appear to be out of line. In some instances we might develop the belief there is inconsistency. When we read of these decisions as published in newspapers we only get a superficial appreciation of each particular case.

I think it is to be conceded that the judge or magistrate who hears every detail of the claim or case is the one who is in the best position to decide whether claimant A should get $20,000 and claimant B $50,000, and so on. I would hate to think we would appoint a tribunal and more or less establish a system of uniform payments. I could easily see in that set-up a situation develop where not sufficiently skilful detailed judgment would be exercised in every case and may be not even in the majority of cases.

Many of these people who suffer in motor-vehicle accidents suffer very severely indeed. Unfortunately the suffering is not only physical. Some of the worst suffering is mental. Some of it has, unfortunately, to do with the nervous system. There are a great many wrecks—physical, mental, and nervous—as a result of motor vehicle accidents.

I think when we are dealing with the claims of human beings who have suffered injury, and very often severe injury, we should be careful to ensure we do not change the existing system drastically to set up in its place a new system which in operation could, admittedly, establish considerable uniformity in judgments or in decisions, but at the same time, create a great deal of injustice and deficiency in the total amount of compensation awarded in any one particular case.

My fear in that regard is quite deep. It is thoroughly well established and because of that, my judgment of this Bill, on balance, and taking the Bill as a whole, is unfavourable. I have not been able to bring myself to favour the proposed new system; namely, the system of replacing the courts of law—the judges and magistrates—with a tribunal as proposed in this Bill.

Admittedly there are some proposals in the Bill which are needed and which, by being placed on the Statute book, would confer considerable benefits upon a large number of people, and those benefits

should still be made available. The benefits which I have particularly in mind are the abolition of limits which now operate in regard to compensation, and the right of spouse to take action against spouse and claim damages where one spouse has been negligent in the handling of a vehicle.

Mr. Nalder: Have you given any thought to the ever-increasing premiums?

Mr. HAWKE: Yes, I have. I have been somewhat appalled by the proposed increase of 50 per cent. in premiums. That is not a phase of the subject which appeals to me at all. However, I would not take any steps to try to keep premiums down to the lowest possible minimum if, in the process, such action would deprive those who would have legitimate claims for compensation of a portion of the money they would otherwise receive.

We have to realise the stark situation which exists on the roads today. It is a suicidal and semi-murderous situation. Never a day or night goes by that we do not hear the ambulances tearing along the roads in some direction or another. We have to realise and we have to admit that there is terrific danger on the roads.

If the cost of paying adequate compensation to those who are injured continues to increase, and the third party insurance premiums go up and up, that is a situation which has to be endured. There may be some other solution to that problem but, in my strong view, we should not try to solve or alleviate that problem by taking action which would be likely to deprive claimants of compensation which they should, in all justice and equity, receive.

My answer, in brief, to the Minister on his point is that the two problems, although operating in the one field, require separate treatment. Every effort should be made to keep premiums down to the lowest possible figure, but at the same time every possible effort should be made to ensure those injured through no fault of their own in road vehicle accidents should receive the maximum amount of compensation applicable to the damages and injuries which they have suffered.

On the last point, that situation will be best protected by allowing claims to go before magistrates and judges in the courts, who will make awards based upon the personal knowledge and understanding of each case which comes before them, rather than substitute for that system the tribunal which is proposed in this Bill.

So, on balance, and with some regret because of the situation, I am not able to see my way clear to support the major provision in this Bill.

MR. NORTON (Gascoyne) [10.56 p.m.]: Since this Bill was introduced last year and allowed to lapse, I have made a fair study of it and discussed its implications with quite a few people. First of all, I would like to quote what the Minister said at the beginning of his speech. He stated as follows:—

> No comment or criticism has been received from the many thousands of motor vehicle owners to which this Act applies, and despite the fact that the Bill was widely distributed . . . .

I do not think that is, in any way, correct because if we look at the newspapers for the period since this Bill was before us last year, we will find many comments and many letters dealing with this particular subject. It will be found, first of all, that the legal men—or the Law Society—have spoken out strongly in opposition to the measure. We would also find that the R.A.C. has spoken out very strongly against it. This is amply indicated in articles published in *The West Australian* on the 29th May and the 29th June of this year.

In one of the articles, it was pointed out that the Labor Party was also opposed to the measure. More letters are coming in; admittedly, not a great number, but one which appeared in the paper on Monday of this week interested me. It was written by Mr. W. R. B. Hassell of Dalkeith, and was quite a long letter. I will quote one paragraph from it, as follows:—

> Contrary to Mr. Nalder's assertion in parliament, not only has the Law Society and the R.A.C. (representing thousands of motorists) opposed the bill, but the Liberal Party has sent a deputation to the minister and many individuals have expressed their opposition. The government has brushed aside all criticism.

Those four bodies represent a large number of people. There is one body which has not put its views to print and from which I have not heard any criticism; that is, the Country Party. It would be interesting to know its feelings on this matter, because I do not think anyone on this side of the House has actually heard the Country Party express its views.

In itself, the Bill has three main objects, the foremost of which is the formation of a permanent third party tribunal to replace the judges who adjudicate on all the cases which come before the courts in respect of any damage claims. The next objective is the removal of the indemnity limit of $12,000 for any one person, and a maximum of $120,000 for all passengers in any one accident. Then the Bill brings in a completely new idea; namely, the right of a spouse to sue spouse under certain conditions. This is a very laudable move and one which should have been included a number of years ago.

First of all, I will deal with the tribunal, because in my opinion that is really the crux of this Bill. In England there are many tribunals as I will endeavour to show

as I proceed. I would like to quote from a pamphlet called, *The English Legal System* which deals with the various legal systems under English law. Part of this pamphlet carries the heading, "Administrative Tribunals" and the relevant article appears on page 18; it is quite lengthy, but I consider I should read portion of it so as to give members of this House some idea of what takes place in England. Apparently all of the many tribunals in England are used purely for administrative purposes; that is, for settling administrative disputes. I will now read from page 19 of this document as follows:—

> The continuing expansion of governmental activity and responsibility for the general well-being of the community has greatly multiplied the occasions on which the individual may find himself at issue as to his rights with the administration, or with a group of people or another individual; consequently, there has been a substantial growth in the number of tribunals (there are now more than 2,000) and in the range of their activities (in one year they hear some 6,000 cases) during the past 20 years. There are tribunals concerned with land and property, tribunals concerned with national insurance, national assistance and family allowances; tribunals concerned with the national health services, with military service, and with transport; and many which do not fall into any specified group.

Therefore, all of the tribunals in England are actually used for purely administrative purposes. If one reads this chapter through very carefully he will find that these tribunals are not used for anything which is of a really legal nature. I think that proves the tribunal is a very useful organisation when it is used purely for settling administrative disputes.

One of the claims which has been made in respect of the advantages of the proposed tribunal in this State is that it would speed up the adjudication of cases. Personally, I cannot see how this is going to come about. Firstly, there will be three men who will act as judges. Admittedly, one will be the chairman and the two others will be his assistants. Each of those gentlemen who will sit on that tribunal will have the right to cross-examine, or ask questions of, any of the witnesses.

One of these gentlemen could set his mind on the exact questions he wished to ask and, when he had asked them, he would be finished. However, there is the problem that the other two may also wish to cross-examine witnesses. Therefore, the time of the hearing could be increased, by questioning from the bench, to the extent of 50 per cent. None of the legal representation is going to be done away with, because it is going to come in the same as now.

The Minister for Agriculture made some remarks during his speech and I will quote them as follows:—

> Again the statement is made without any factual evidence, and a study of the number of cases which have been heard by the court over the last three years will, I am sure, prove that the necessity for more than one tribunal would not arise for many years to come. It stated that unless the tribunal proceeds on circuit, litigants in the country, and their legal advisers, will be denied the advantages they at present enjoy.

It will be seen from this section of the Minister's speech that he said one tribunal would be able to handle all the cases. It has been stated by the Law Society that one-third of the time of the judges is taken up with cases on third party insurance claims. If that is the case, it means that the hearing of insurance claims will require the full-time services of at least two judges.

Mr. Guthrie: No; six judges do not sit continuously.

Mr. NORTON: If the member for Subiaco had listened to what I said he would have heard that it has been stated by the Law Society that one-third of the total time of the judges is taken up with third party insurance claims.

Mr. Guthrie: You will not listen to what I am saying, but I will tell you later.

Mr. NORTON: The member for Subiaco will be able to make his speech later. On Tuesday, I asked a question of the Minister representing the Minister for Justice in this House, which read as follows:—

> (1) What proportion of the time of all Western Australian Judges would be taken up with claims under the Motor Vehicle (Third Party Insurance) Act?

To which the Minister for Industrial Development (Mr. Court) replied—

> (1) No statistics are kept of the time of their honours, the judges, taken up by action dealt with in the Supreme Court. An exhaustive investigation of each action would be necessary to produce reliable information. This would involve lengthy research and, in most instances, a rough estimate only could be given. It must be borne in mind that many cases, although listed and apparently to be contested, are settled generally just before the date fixed for trial.

We know that that is true but the issue is that I asked how much of the judges' time was taken up; apparently the Government cannot tell me, or else it does not wish to tell me. The second part of my question reads as follows:—

> (2) Is it considered that one judge on full time would be able to

handle all third party claims coming before the court at the present time?

To that Mr. Court replied—

(2) This is difficult to say in view of the explanation above, but it is doubtful.

Members should note the import of the answer that it is doubtful if one judge could hear them all. If one judge cannot hear them, how is one tribunal going to cope with the situation? Therefore, I cannot see there will, in any way, be any saving in time.

Another argument in favour of a tribunal is that there would be uniformity of decision. I cannot quite see how uniformity of decision is going to be achieved unless it will be working under an Act which is somewhat similar to the Workers' Compensation Act, where the various amounts of damage are set out in the schedules.

With third party insurance, many claims come before the courts which have to be adjudicated. Claims can be made for payment; and claims can be made for loss of limbs or general disability. There are many other reasons why claims can be lodged and one case which comes to my mind particularly is the case of the farmer from the Moora area who was killed some two years or so ago. If my memory serves me correctly, his spouse received something in the vicinity of £30,000 by way of compensation.

In summing up, the judge pointed out that her husband had done such a wonderful job in developing his farm and property that he would have been earning a large income within a year or two, and therefore the loss to his wife was very great, and, to offset such loss, the judge awarded a large sum. However, where the earning capacity of a man was not very great, his spouse could not expect to be awarded any great sum to offset his earning capacity.

In order to achieve uniformity of decision, each case has to be dealt with separately. The tribunal cannot refer to any previous case with a view to achieving uniformity. In fact, it is directed under the Act that the tribunal must not refer to previous judgments, but must make a decision on each case on its own merits.

Mr. Nalder: Uniformity is more likely to be achieved with one authority, such as a tribunal, than with cases being heard by six or seven judges.

Mr. NORTON: There is no doubt that each case is different, and I cannot see that the tribunal would achieve uniformity to any greater degree than would be achieved by judges. Another difficulty that will arise with the appointment of a tribunal will be the large expenditure incurred in the hearing of any case. First of all, there will be a person appointed as the chairman who will be a judge, or a person appointed on a judge's salary. He will have two associates sitting on the bench with him. What their salaries will be, we do not know. Admittedly, a judge sitting in the Supreme Court has an associate, so we can take it for granted that he will have at least one associate sitting alongside him when hearing the case.

With the appointment of the tribunal, there will be established another department which will have to be completely staffed, because the officers of this department will be employed keeping records and sorting out all the various documents of each case so that they may be brought before the tribunal at the time of the hearing. Also, a large portion of the time of the tribunal will be taken up in the hearing of appeals that will be made with respect to the various payments made from time to time.

Mr. Graham: A lot of time will be taken up with discussions that will be held between the members of the tribunal themselves.

Mr. NORTON: Yes, a great deal of time will be taken up with such discussions. Further, judges travel around the country to hear cases, and more time will be lost when the tribunal has to do likewise to hear claims, and therefore we cannot expect any economy whatsoever by appointing a tribunal to replace judges.

An article appeared in *The West Australian* of the 14th November, 1966, and it is quite apt in the circumstances. An extract from that article reads as follows:—

> Law Society president J. S. Dewar said the tribunal would be more akin to the legal system of a Communist country than to our own.

I am inclined to agree with Mr. Dewar in that statement. The appointment of the tribunal will mean we will be getting right away from the normal course of justice we have been used to right down through the ages, and which has been proved and tried, and from which one can appeal. However, one will have no right of appeal from the tribunal, except on points of law. No appeal can be made against any payment that is decided upon by the tribunal or with respect to awards made under the Act. One has no recourse but to accept the decision of the tribunal.

Therefore, if the Bill is passed, we will be agreeing to an Act which will be dictatorial and one with which I do not agree in any shape or form. We should be looking for something else as an answer to the problems associated with the Motor Vehicle (Third Party Insurance) Act. I do not intend to debate it, but I will pose this question: Are we doing the right thing in insuring the motor vehicle? Should we

not insure the driver, the person who is responsible for any accident? In other words, should the motor vehicle be insured, or the driver of the vehicle?

I would like to bring to the notice of the House the amount of money paid in third party and general motor vehicle insurance premiums within this State. The figures I am about to quote have been taken from *The Official Year Book of Western Australia* No. 5, pages 225 and 226, and they are as follows:—

Motor Vehicle Insurance

Year	Total Revenue	Total Expenditure	Profit
	£	£	£
1959–60	2,938,000	1,937,000	1,001,000
1960–61	3,161,000	2,308,000	853,000
1961–62	3,239,000	2,257,000	982,000
1962–63	3,558,000	2,686,000	872,000
1963–64	4,091,000	3,264,000	827,000
Total			£4,535,000

Third Party Insurance

Year	Total Revenue	Total Expenditure	Loss
	£	£	£
1959–60	875,953	1,078,129	202,176
1960–61	1,080,054	1,122,944	42,890
1961–62	1,142,863	1,280,499	137,636
1962–63	1,351,577	1,608,545	256,968
1963–64	1,323,560	1,911,680	588,120
Total			£1,227,790

When we total these figures we find that in the five years the motor vehicle insurance showed a profit of £4,535,000; whereas third party insurance showed a loss of £1,227,790. But if the two were combined and each of the groups of companies were made to take their proportion of third party insurance we would not show the loss which is shown here.

That loss could be well and truly absorbed in the profit of the insurance companies which take general insurance. I understand quite a number of insurance companies are not helping in any way with third party insurance. When we have a profit over the two types of insurance for five years of £3,489,310, it shows that if these companies will come to the party and take their proportion of third party insurance we will be able to get down to paying better compensation, and we will also be able to meet any costs which may come along. This is a tremendous profit which has been shown over these particular years, in spite of the loss in third party insurance.

We should take some cognisance of these figures, and get down to something which will be equitable for all concerned.

Debate adjourned, on motion by Mr. Guthrie.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [11.23 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for the following three amendments:—

1. To modernise the Act in order that provision can be made for the installation of radiotelephones on commercial vessels.

2. To create, legislatively speaking, a new class vessel to be called "a limited coast trade vessel."

3. To widen the provision relating to the manning of small ships when a voyage exceeds 12 hours.

Although I say at this juncture that a period of 12 hours is not specified in the Bill it is intended that the periods of time should be in excess of 12 hours.

As I have said, the first amendment deals with radiotelephony equipment. The present division in the Act dealing with wireless telegraphy does not enable the newer methods relating to radiotelephony to be implemented. The Crown Law Department considers that division 4 needs to be repealed and a new division inserted to provide for radiotelephony equipment to be installed in—

(i) Coast trade vessels.
(ii) Limited coast trade vessels.
(iii) Pearling, whaling, and fishing vessels.
(iv) Harbour and river craft proceeding outside protected waters.

The radiotelephony equipment to be installed on these vessels will be of a type and standard prescribed by regulation and for which a license issued by the Postmaster-General's Department Wireless Telegraphy Branch is in force.

The new division will also require the carrying on each of the vessels fitted with radiotelephone installation of a person who has the prescribed qualifications for operating the equipment. The division also authorises the manager to exempt ships from compliance with any or all of the provisions of the new division or the regulations made thereunder if he is satisfied that it is unreasonable or impracticable to comply.

The new division will authorise the Governor to make regulations dealing with the survey and inspection of radiotelephone installations; the maintenance and testing; the keeping of radio watches, silence periods, and radio log books; also the carrying of spare parts and related equipment.

The second amendment in the Bill deals with the limited coast trade vessels, and these will be up to 50 gross registered tons. Under the present legislation all commercial craft operating from or between ports of the State are classified as coast trade vessels, and must be surveyed as such. The hull and machinery are subject to survey and much lifesaving and safety equipment must be carried. The vessel must also be manned by a person possessing minimum

certificate requirements as Master Coast Trade under 300 tons, and also by an engineer possessing a certificate as 3rd Class Engineer. In addition, the vessels must be manned by qualified AB's and greasers.

There are many marine ventures such as boat charters for the tourist trade to off-lying islands, fishing party charters operating outside port limits, and oil exploration and survey charters which are at a serious disadvantage under the present legislation which was intended originally for the larger seagoing ships. The present legislation is quite unsuited for the 30 to 60 ft. launches which are engaged in these charters.

This amendment, therefore, provides for a new class of vessel called a "limited coast trade vessel" which will apply to vessels up to 50 gross registered tons engaged in marine work outside of port limits. It also empowers the qualifications to be prescribed for masters and engineers to man these limited coast trade vessels. It provides for the survey and equipment requirements to be similar to those now prevailing for commercial fishing craft. It empowers the departmental surveyors to impose limits on the area where, or the hours during which, the vessels may be operated and the number of hands to be engaged for any vessel.

Provision is made for a penalty not exceeding $200, or imprisonment for three months, for a breach of the Act or the regulations relating to the use, manning, or equipment of limited coast trade vessels.

The third and final amendment in the Bill deals with the manning of vessels. Following the recommendations of the Royal Commission into boat safety, regulations were made under the Marine Act to make it necessary for fishing boats to be manned by two men when on a voyage exceeding 12 hours.

At that time the Government agreed that this condition should also apply to private craft. However, it was found that the Marine Act in its present form did not give power to include private craft in the regulations.

It is considered in this case, in the interests of safety, an amendment should be made to enable the appropriate regulation to be promulgated. This is being done under clause 14 of the proposed amendment Act. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Fletcher.

MAIN ROADS ACT AMENDMENT BILL (No. 2)

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [11.30 p.m.]: I move—

That the Bill be now read a second time.

The proposed amendments in this Bill are submitted for the purpose of bringing up to date certain sections of the Main Roads Act, 1930. When this Act was drafted in that year those responsible for its drafting could not have foreseen the extensive road developments which were to take place within the City of Perth under the metropolitan region plan. Members will no doubt recall that the metropolitan region plan, which was approved by Parliament in 1963, plans for an extensive freeway system to the western fringes of the city proper, together with a ring road both north and south of the city.

To provide adequate capacity on these freeways to meet the traffic needs for the foreseeable future, extensive resumptions are necessary in order to provide the land required for these freeways. In some instances considerable lengths of the freeway will be elevated in order to achieve grade separation at intersections, or for other reasons required by the designers, so that in many cases the structures carrying the roadway will be high enough above the land to permit some industrial activity to continue underneath.

The advantages of permitting an industry to continue its operations underneath the bridge structure are obvious. There is, firstly, the avoidance of interruption or a lessening of interruption to the industry concerned, and, secondly, a substantial reduction in possible compensation claims.

However, when this principle was applied in connection with the resumptions at present being negotiated for the Mitchell Freeway, it was found that there were substantial deficiencies in the Main Roads Act, because of the reasons I have already referred to. For instance, because of the limited definition of "interest" in relation to land, the Main Roads Act provides that there shall vest in the Crown all main roads and materials thereof and all things appurtenant thereto. It will be apparent that such restriction would inhibit any negotiations designed to provide a better state of affairs for the landowner along the lines I have intimated. The amendments I now propose will overcome these deficiencies and enable the Commissioner of Main Roads to have greater scope in negotiating with the landowners.

I might say that the proposed legislation has its counterpart in the United Kingdom where, for instance, when the road authorities were constructing the Chiswick-Langley Special Road M 4, they constructed a large bridge over the Beecham Research Laboratories. This structure was several hundred feet long, and the owners of the land granted the Government an easement to construct the motorway over the laboratories. The only land it was necessary to resume was the land on which the bridge supports rested.

To achieve this purpose some new definitions have been added to the Main Roads Act and others have been enlarged. For instance, there is a definition of the term "interest" in relation to land. When this is associated with other amendments proposed in this Bill, it will enable the Commissioner of Main Roads to acquire an interest in the aerial rights of the air space above any land. Then, again, the definition of "road" has been extended to include the definitions of viaducts, tunnels, culverts, etc.

The only section of the principal Act which requires amendment is section 29. This Bill proposes to repeal that section and re-enact it providing the Commissioner of Main Roads with the authority to grant a lease, license, or any interest over any land that he may acquire. It further provides that the commissioner may grant an easement over certain land, such easement not being revocable unless compensation is paid. A further clause enables the Crown to obtain a title under the Transfer of Land Act, 1893, for the air space above the land.

To illustrate: If the Commissioner of Main Roads wishes to construct a bridge over any property, the owner, on agreement with the commissioner, may retain the fee simple of such land, but a certain area of the air space above it is acquired and vested in the Crown. The air space is defined by survey which is related to the low-water mark at Fremantle, and the title of this air space then describes a certain area related to that survey point.

I would like to emphasise again the advantages which will flow from these amendments in that there will be a reduced element of disturbance to landowners, and the possibility of considerable saving in the payment of compensation.

It should be obvious that these amendments will, under certain circumstances in regard to road building, obviate the need to resume the whole of an area for the road. Instead, only the land on which the road supports will rest will be resumed, the air space over the land acquired, or ground space under the land acquired, and compensation paid on these acquisitions. Thus industry will be inconvenienced as little as possible and economies effected in road making.

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

House adjourned at 11.35 p.m.

Legislative Council

Tuesday, the 22nd November, 1966

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

BILLS (7): ASSENT

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

1. Medical Act Amendment Bill.
2. Optical Dispensers Bill.
3. Optometrists Act Amendment Bill.
4. Firearms and Guns Act Amendment Bill.
5. Fluoridation of Public Water Supplies Bill.
6. Financial Agreement (Amendment) Bill.
7. Rural and Industries Bank Act Amendment Bill.