There is an ambiguity in line 38 with the word "produced," which could refer to the maker rather than the previous possessor.

If we refer back to the second line of the clause we will have no difficulty with that provision, but I know of a full-blooded confidence man in the Kimberley—he is the only man on this earth who has ever "conned" me three times. He is very good. I am sure he would find a loophole in this clause. I will not mention his name, even under parliamentary privilege, because he has "conned" many people, including the department. I have seen him sell the one didgeridoo to all the passengers on a State ship that was visiting the area. I might add that he retained the didgeridoo. That takes a lot of doing.

I would like clause 51(1)(a), on page 30, to include the words "pursuant to the provisions of the Aboriginal Affairs Planning Authority Act." I do not think there is any need to explain that.

I close by extending my congratulations to the Minister for bringing forward a Bill to protect these Aboriginal objects.

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

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.33 p.m.]: I move—

> That the House at its rising adjourn until Wednesday, the 26th April, at 11.00 a.m.

Question put and passed.

House adjourned at 5.34 p.m.

Legislative Assembly

Thursday, the 20th April, 1972

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

GOVERNMENT BUSINESS

Precedence

MR. J. T. TONKIN (Melville—Premier) [11.04 a.m.]: I move—

> That until the 30th June, 1972, or such earlier date as may be ordered, on and from Wednesday, 26th April, 1972, Government business shall take precedence of all Motions and Orders of the Day on Wednesdays as on all other days.

I would like to explain that it is the Government's aim to close this part of the session on the 11th May. In anticipation of this, a number of members have made firm arrangements and we feel it is desirable to complete business by that date. For this reason I feel we should bring on Government business first and whatever time is still available can be devoted to private members' business still on the notice paper.

I give the assurance that private members' business already on the notice paper will be dealt with. However, I can give no such assurance about private members' business coming forward after today. The purpose of this motion is to make it possible for Parliament to conclude this part of the session by the 11th May.

MR. COURT (Nedlands—Deputy Leader of the Opposition) [11.05 a.m.]: Normally the Opposition would go along with this motion without much comment because it is customary procedure. However, I would like to draw to the attention of members the fact that this motion is moved at an unprecedented time. Previously the Government has moved for the suspension of Standing Orders in the second half of the year, close to Christmas. In the old days we knew we would not be back until the following July and in latter years in the first part of the new year. Previously, towards the end of the year this motion was moved in an entirely different atmosphere. However, this session commenced in March and we will meet, as the Premier says, until the 11th May when we will adjourn to a date to be fixed, presumably towards the end of July or early August.

Under the old arrangement legislation would have included a Supply Bill, an Address-in-Reply, and the Estimates. So a very large portion of the former sessions was taken up with these procedures. This meant that the time for the Government's legislative programme was very much curtailed because of private members' business.

In this part of the session we had a comparatively short Address-in-Reply—the Opposition being its usual co-operative self. There has been no Supply Bill and no Estimates, and therefore the only intrusion into Government business has been private members' day.

I was pleased to hear the Premier say that he will use his best endeavours to ensure that business on the notice paper today—and presumably including the motion to be introduced by the member for Mt. Lawley—will be dealt with.

I would like to clear up another point: The suspension of Standing Orders will cease after the 30th June, and when we reassemble for the second part of the session members can then give notice of further private members' business. It is not suggested that this is the end of private members' business for this session—we are only dealing now with the first part.

I would like to make a submission to the Premier, in view of the fact that normally we have one private members' day after a motion such as this. As we are meeting at 11.00 a.m. next Wednesday because of the Anzac Day holiday, private members' business could be dealt with after about 4.30 p.m. By that time the House should have caught up with the time normally available on Tuesday, and my suggestion would assist the House to work in harmony. Private members' business could then continue for the rest of that day.

I do not mean, of course, that the motion should be amended. This arrangement could be purely a goodwill gesture between the Government and the Opposition. If the Premier agrees with this suggestion I am quite happy to go along with the motion. However, in view of the fact that we are creating a precedent this year, I will make one comment: I would like to feel that both the Government and the Opposition will be prepared to review this situation next year if the reversal of the sitting times of the House creates problems we did not expect. I support the motion.

MR. NALDER (Katanning) [11.10 a.m.]: I concur with the remarks of the Deputy Leader of the Opposition. However, I would like the Premier to give consideration to a further point. I would like him to indicate to the House whether he intends to proceed with all the Bills on the notice paper, or whether he intends to allow some of them to spill over into the next part of the session. This information would provide members with the opportunity to know whether or not they should be prepared for legislation on the notice paper, or whether they could delay their research until the next part of this session. It would be very much appreciated if the Premier would provide this information.

MR. J. T. TONKIN (Melville—Premier) [11.11 a.m.]: I thank the Deputy Leader of the Opposition and the Leader of the Country Party for their remarks in connection with this motion. I shall seek to explain the various points raised.

With regard to the first point, it is intended that this motion, directed towards giving precedence to Government business, will no longer have effect after the 30th June. When we resume in July, or whatever time it may be, the situation will be precisely as it is now before this motion is put to the vote.

The proposal concerning allotting a certain amount of the time of the sitting next Wednesday to private members' business is quite reasonable in view of the fact that I was unable to bring this motion forward in time to allow a further private members' day subsequently, as is generally the case. I am quite prepared to agree to the proposal. It will not present any difficulty; and in the long run it will not take up any more time because I have undertaken to ensure that private members' business will be dealt with. It is simply a matter of whether it will be dealt with next week, the week after, or the following week.

With regard to the point raised by the Leader of the Country Party, it is my intention to ascertain from Ministers before the Cabinet meeting next Monday those Bills which it is absolutely imperative should be passed, and those which may be allowed to remain until the next part of the session. So when we meet on Wednesday of next week I will be able to indicate to the House those Bills we will not have to deal with unless there is time available for the purpose. I anticipate at this stage that in the case of many of the Bills there will be no adverse effect if they are not dealt with for a couple of months. However, I will have the position examined so that I will be able to inform the House precisely on this point.

Question put and passed.

CLOSING DAYS OF SESSION: FIRST PART

Standing Orders Suspension

MR. J. T. TONKIN (Melville—Premier) [11.13 a.m.]: I move—

> That until the 30th June, 1972, or such earlier date as may be ordered, on and from Wednesday, 26th April, 1972—
>
> (a) Standing Order 224 (Grievances) be suspended; and
>
> (b) The Standing Orders be suspended so far as to enable Bills to be introduced without notice, to be passed through all their remaining stages on the same day, and all Messages from the Legislative Council to be taken into consideration on the same day they are received.

With regard to part (a) of the motion, I do not think we will deprive members of very much if we decide that for the rest of this part of the session we will use the time which might otherwise be devoted to grievances for the purpose of dealing with legislation.

With regard to part (b), I have never been happy about the suspension of Standing Orders for any purpose at all. I do not propose to use the power I am now seeking unless it is absolutely essential and we all generally agree that it is desirable in order to save time that we should be able to introduce Bills and get them through the House without the ordinary procedures. I emphasise that, although I am seeking the power to do this, it is not my present intention to use the power. It will not be used unless we feel it should be used to expedite the business of the House without any disadvantageous effect.

Mr. O'Neil: You could use it for third readings.

Mr. J. T. TONKIN: That is right; we could use it in connection with the third readings of Bills, the reports of Committees, and such matters where we feel it is not necessary to wait for a further day before sending the Bill to another place so that it may be dealt with there. That is the reason for this motion.

MR. COURT (Nedlands—Deputy Leader of the Opposition) [11.15 a.m.]: In view of the explanation given by the Premier my attitude towards part (b) of this motion has been softened considerably. I intended to ask the Premier to delay this motion until some consultation had taken place as a result of the unusual situation brought about by the new form of sittings. However, he has given an assurance that he will not use the suspension of Standing Orders as a routine measure.

I know that under the old order, under all Governments, it was always accepted that when we drew near to the end of the session practically every Bill was treated on this basis. Like the Premier, I was never very happy about it because I felt that possibly in pushing a Bill through quickly something could be missed owing to a member being absent. Human nature being what it is, I know that in my own case I was inclined to relax my vigilance a little, which is not good for either side. However, I accept the assurance of the Premier that he will not use this as a routine measure, but only in cases where, because of the timetable and the desire to terminate this part of the session by the 11th May, it may be necessary, for instance, to put through a third reading immediately after the Committee stage. Usually that is not any great problem. Very rarely is this a problem with third readings. So I do not object to this part of the motion as much as I intended to.

I would like to make a suggestion that in view of the unusual nature of the situation in which we meet this year, the Premier might be good enough to agree that when he proposes to take advantage of the suspension of Standing Orders he will give notice to the Country Party and Liberal Party leaders. If there are special circumstances in which they feel it would not be desirable to use the suspension, it would be up to them to state their case at the time. Having regard for my experience of the Premier, I think he would normally agree with them if their request was reasonable. In view of the fact that he might need to gain a day in connection with some of his legislation, I would have no strong objection. However, I would like that understanding with him.

The other point I wished to raise has been touched on by my colleague, the Leader of the Country Party; that is, the question of Bills of a special nature which are well nigh impossible of being dealt with within a day or two. We have this session some most important legislation. We have a Bill to be introduced by the Minister for Labour; we have the Mining Bill, which has been introduced by the Minister for Mines; we have the Hospitals Act Amendment Bill of which notice has been given; and I understand the Minister for Agriculture proposes to introduce a Bill to consolidate the dairy industry legislation.

These are not the types of Bills about which one can obtain the reaction of the public, or even the reaction of one's party, in a short time. They are usually involved and complicated. I will pass on to the Leader of the Opposition the assurance of the Premier that next Wednesday he will indicate which of the Bills will be suspended until the next part of the session so that they may be introduced in this part of the session, studied, and given priority when the session is resumed.

MR. W. A. MANNING (Narrogin) [11.18 a.m.]: I would like to make a point in connection with grievances. Owing to the length of the Address-in-Reply debate, and the falling of the Easter break into this session, we have had only one grievance day. Surely it is cramping it a little to cut out grievance day at this stage. I would like the Premier to agree that grievance day be held again next Wednesday—which is the day it would normally be held—and then certainly it could be cut out.

Mr. Gayfer: I think the Premier would miss it.

Mr. W. A. MANNING: I think it is fair enough that we should have at least two grievance days.

MR. J. T. TONKIN (Melville—Premier) [11.19 a.m.]: I thank the Deputy Leader of the Opposition and the member for Narrogin for the remarks they made in connection with this motion. I cannot give the member for Narrogin the assurance he seeks because really the Opposition has nothing to grieve about!

Mr. Court: You would be surprised.

Mr. Williams: We will agree to disagree on that one.

Mr. O'Neil: That is a grievance in itself.

Mr. J. T. TONKIN: In any event, should something arise about which they want to let off steam, ample opportunity will be given to them in some other way. If I can properly assess the capabilities of members of the Opposition they will find a way to express their grievances without depending upon the special provision in the Standing Orders, so I do not think we will lose much in regard to that.

I am quite happy to agree to the suggestion made by the Deputy Leader of the Opposition that in those instances where I feel it is necessary to use the power of suspension of Standing Orders to put Bills

through all their stages, I will confer with the Opposition and hope to obtain its agreement that such a course is necessary.

At present I visualise the suspension of Standing Orders will be used only to expedite the passing of the report of the Chairman of Committees or the third reading of any Bill after receiving the Chairman of Committees' report, instead of waiting another day for that purpose; because it could easily be that on the 11th May we may be concluding discussion on a Bill and, ordinarily, we would have to wait until the next part of the session to get the third reading through so that the Bill can be sent to another place. That would be ridiculous, and so we should have the power to deal with a situation such as that and assist in the closing of Parliament. With those assurances I feel that the House will be quite happy to agree to the motion.

Question put and passed.

BILLS (2): INTRODUCTION AND FIRST READING

1. Wood Distillation and Charcoal Iron and Steel Industry Act Amendment Bill.

   Bill introduced, on motion by Mr. Graham (Minister for Development and Decentralisation), and read a first time.

2. Hospitals Act Amendment Bill.

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

STAMP ACT AMENDMENT BILL

Third Reading

MR. J. T. TONKIN (Melville—Treasurer) [11.26 a.m.]: I move—

That the Bill be now read a third time.

In the course of the discussion on this Bill I gave some undertakings that I would look into certain points raised, and to discharge this obligation I conferred with the Senior Assistant Parliamentary Counsel, who drafted the Bill, and the Commissioner of State Taxation.

With regard to clause 3, both officers are completely satisfied that the provisions contained in the Bill will achieve the results which I explained in my second reading speech, and consequently will correct any deficiency existing in the present law.

The second matter raised was the suggestion that, contrary to what I said, we were in fact breaking new ground by extending the Western Australian stamp duty to insurance policies written in the Eastern States but covering liabilities in Western Australia. I discussed this point very closely with the gentlemen I have named and I shall now relate what emerged from the discussions.

In 1968, it was a Division of the Liberal and Country League which drew the then Government's attention to the fact that no policy written in the Eastern States covering any Western Australian risks was subject to Western Australian duty and that, consequently, the State was losing a substantial sum in revenue. In drawing the Government's attention to this situation, the division said that—"by arranging Commonwealth-wide policies in Melbourne and Sydney, large organisations avoid Western Australian stamp duty on insurance premiums applicable to their Western Australian operations".

At a later stage in the letter the division continued that—"Whilst insurances arranged on property or potential liabilities (i.e. public liability, etc.) are intended to attract stamp duty on premiums, it is generally held that unless evidence of the insurance contract enters the State, the contract, even though it is known to be in force, is not dutiable in Western Australia."

From the foregoing it is clear that the intention behind the original amendment was to cover insurance policies written for all types of risks. However, as I explained in my second reading speech, in drafting the legislation it was believed that this had been done, but the use of the word "property" inadvertently precluded the imposition of duty on liability policies. Therefore, I think it is clear and fair to state that we are not breaking new ground but simply repairing a deficiency in the drafting so that the original intention as approved by the previous Government can be carried into effect.

I went further and asked the Commissioner of State Taxation and the Senior Assistant Parliamentary Counsel, "How did it come about that the word 'property' was used?" The explanation is that the New South Wales Act had been in operation for many years and that Act covered all types of risks, and what was done in Western Australia was to lift that part of the New South Wales Act and put it into the Western Australian Act. The problem which arose in regard to our own Act and drew attention to the deficiency apparently had not arisen in New South Wales over all those years, but there is no doubt whatever that all this Bill is doing is to cover the intention of the Brand Government at the time when, in 1968, it amended the law to cover insurance which was effected outside the State on all types of risks in Western Australia. I hope that clears up the point raised.

Mr. Court: What is their explanation regarding my query about clause 3? That is the other part of my query about when there is a vendor.

Mr. J. T. TONKIN: I think the Deputy Leader of the Opposition was busily engaged on something else when I was explaining that.

Mr. Court: No, they were satisfied that it gave effect to what you said. My opinion is that that is not what they intend. I am talking now about when the vendor takes out a mortgage. They are now seeking for that to be taxed as a primary security as well as taxing the original document. The other night the Premier suggested what I believe the position to be; namely, that if the primary document is taxed with full duty the mortgage should then only attract the collateral rating, but I think you will find they want it on both.

Mr. J. T. TONKIN: Specifically, what they intend, is this: They do not want to lose out on the tax altogether and so they provide that unless the tax has been collected on the primary document it will then be obtained on the collateral so that the department does not lose the revenue; but if the tax is obtained on the primary document they will not look for the tax on the collateral as well.

MR. COURT (Nedlands—Deputy Leader of the Opposition) [11.30 a.m.]: I am afraid we have not got very far with this legislation. I will just have my comments recorded, because it is rather important that the officers concerned should be given the opportunity to study what I am about to say, in conjunction with the advice they have given.

As far as clause 3 is concerned, the Treasurer has given us an assurance of his understanding; namely, if the main document attracts the full duty then the State will not seek to get the duty again if a mortgage is taken out and is registered as collateral. If that is the situation we are at one, but my understanding is that the State does not intend to proceed in that way, particularly as emphasis has been placed on the effect of the flow-on from the English case.

I can do no more than to have my views recorded, in the hope that when the Bill is looked at quietly by the Treasury before it is considered in another place we will be able to satisfy all concerned, including the legal profession which has to work under this legislation, exactly what we mean.

So far as breaking new ground is concerned I would like the Premier to congratulate his officers and give them 10 marks out of 10 for trying, but no marks out of 10 for the result they have achieved; because the simple fact is that the letter on which they based their argument is a letter which was sent in by one of the divisions of the Liberal Party, inviting attention to the fact that people outside the State were evading stamp duty to the disadvantage of people operating within the State. That shows how vigilant the Liberal Party is!

Mr. J. T. Tonkin: And how quick was our response to it.

Mr. COURT: Therefore they are deserving of credit for what they have done. That division of the Liberal Party went further in the letter and made the point that it not only referred to property but also to other risks, such as loss of profit, workers' compensation, public liability indemnity, etc., which are far removed from property in the ordinary sense.

When the legislation was drafted and explained by the then Treasurer reference was made to property only. The explanation by the draftsman is that apparently they had taken into account the fact that the New South Wales legislation referred only to property and it had never been challenged, so it was good enough for Western Australia. That does not explain why the advisers to the then Premier and Treasurer did not ensure that included in his notes was a comment that although he was referring only to property, it also covered other risks.

However, they have given their explanation. I say this without any rancour: I give them full credit for putting up a case for the Treasurer to bring forward, but on the other hand I do not accept the arguments they have used. It is quite obvious that the original legislation dealt with property and not the other risks. The Bill before us is breaking new ground to make sure it does. We are not objecting to the State obtaining the extra revenue; all we want is to make sure that the position is clarified. I hope that before the Legislative Council discusses the Bill the uncertainty regarding clause 3 can be cleared up.

The other matter is the question of the Treasurer making sure that when his colleague in another place presents the Bill it is pointed out clearly to the members there that in the original legislation there was only reference to property, but the Bill before us seeks to repair this deficiency and correct the situation.

MR. R. L. YOUNG (Wembley) [11.35 a.m.]: I looked forward with some anticipation to the Treasurer's explanation of clause 3 and the additional stamp duty that will be imposed under the Bill in respect of collateral securities. I must confess my anticipation was not rewarded, because of what the Treasurer has said. It appears that he and the Parliamentary Draftsman are happy that the Bill will achieve what they desire to achieve.

It was suggested in the Minister's second reading speech that this is, in fact, a loophole. The Treasurer did not make any reference just now as to whether or not the Bill is in effect breaking new ground in respect of stamp duty payable on these documents.

To clarify the position I would like to point out that under the existing Act a contract of sale, for instance, is stamped at the ordinary conveyancing rate. It does

not attract any stamp duty as a collateral security unless there is a supporting collateral security to go with it. If there is a supporting collateral security it attracts stamp duty at the rate of 5c for every $200, and when the transfer of property takes place later only a nominal amount of stamp duty is payable on the transfer.

The alternative is that if a property is transferred there will be conveyancing duty payable at the rate of $1.25 per $100 up to $10,000, and $1.50 per $100 above $10,000; and if a mortgage is taken out at the same time to secure moneys owing under that arrangement the stamp duty payable on that document is 5c for every $200.

Under the Bill before us what will happen is that in respect of the collateral securities I have referred to the stamp duty will be multiplied five times. From what the Treasurer has told us that is the intention. His second reading speech suggests there is simply a loophole. In the explanation which the Treasurer has just given he says this legislation is to overcome a deficiency in the present law. I put it to him that this can hardly be described as a loophole, because our Stamp Act is based on the English Act of 1882, and the wording in our Act has remained unscathed for 90 years.

In 1962 legislation was passed in Britain to make the unlawful collection of stamp duty, that had been paid between 1882 and 1962, lawful following a decision of the House of Lords. Since 1882 we in this State also made unlawful collections until 1962; in other words, for 80 years Western Australia had been making unlawful collections of stamp duty based on a misinterpretation of the Act.

The Stamp Office—and this has been confirmed by the Treasurer in his second reading speech—began to assess the duty on these documents at a rate which it should not have used; therefore for 80 years this State had also been making unlawful collections of stamp duty.

If the Treasurer is to be consistent in his attitude, I wonder whether he would take the stand that the Government should refund the unlawful collections of stamp duty which the State has made over the 80 years, just as he intends to refund the stamp duty on receipts.

Instead, what is intended under the Bill is to enable the Treasury to gather another tax. The Treasurer has suggested that this is not breaking new ground. I put this to him. A certain situation has existed within Western Australia under the stamp duty legislation for a period of 90 years, and then the Premier of the State refers to what is obviously not a loophole as being a loophole, and to a deficiency which is not a deficiency at all. He seeks to impose a tax which will have the effect of multiplying by five times the amount of duty that is now payable under a particular section of the Act.

I suggest that if a farmer has to resort to a transfer of land and to pay duty at the normal conveyancing rate on the transfer, and is also forced—as a result of the adverse situation of the rural industry—to give a mortgage back to the vendor, he would have to pay five times as much stamp duty as an ordinary contract of sale attracts. He would have to pay at that rate when he takes out a second mortgage with some organisation such as the Commonwealth Development Bank or the Rural Reconstruction Authority. A private company will also be caught up in respect of personal guarantees, in having to pay stamp duty at five times the existing rate.

I suggest the Treasurer go to these farmers who are in tremendous difficulty and tell them this is a loophole in the Act, because the plain fact of the matter is that it is not a loophole. It is an attempt to collect more revenue from the people who, once again, are least able to afford it; that is, the fellow who has been forced to take a second mortgage and who does not have the money to be able to sit on a contract of sale and pay stamp duty at the rate of normal conveyance. If the Treasurer is prepared to tell these people that, let that be on his head; but do not let us have legislation introduced into this House to multiply a tax by 500 per cent., and be told it is simply a loophole in the Act. I will not wear that.

MR. J. T. TONKIN (Melville—Treasurer) [11.41 a.m.]: It seems that in the member for Wembley a Daniel has come to judgment.

Mr. Hutchinson: You might be right.

Mr. J. T. TONKIN: I repeat that on the authority of the Senior Assistant Parliamentary Draftsman and the Commissioner of Taxation this legislation does not break any new ground at all; but merely corrects deficiencies—

Mr. R. L. Young: Ninety years old.

Mr. J. T. TONKIN: —which were found to exist and the previous Government believed it was adequately covering. I could do no more than refer to the gentleman who drafted the Bill and the gentleman on whose advice it was drafted to ask them what the Bill does and whether they could put me in a position to assure Parliament that this does not break any new ground at all but merely corrects the deficiency. They assure me it does not break any new ground at all, but merely corrects the deficiency.

Mr. Court: I hope when they read *Hansard* they receive our message that we do not agree with them.

Mr. J. T. TONKIN: I have told them that already.

Mr. Court: I hope they get the message again because we never attemped to stop the flow-on from the English case and this Bill does; and that is new ground completely.

Mr. J. T. TONKIN: Of course, it does stop the flow-on because neither the previous Government nor the Commissioner of Taxation—nor anyone else in this State apparently—was aware of the situation following the decision until a case cropped up.

Mr. Court: We knew about this. This is not a new case in England. From memory it goes back to 1962.

Mr. J. T. TONKIN: Yes, but the fact is that it was not until quite recently that the question arose, and when the matter was studied the position was realised.

Mr. Court: With respect, that is not so. The Stamp Act has been administered with a full understanding of this situation for years and years.

Mr. R. L. Young: And with the knowledge of the 1962 English legislation.

Mr. J. T. TONKIN: Let us see what the Bill does and what it is intended to do. That is the important aspect. I am advised that paragraph (a) of proposed section 87A simply proposes that in cases where no primary security has been stamped with the duty applicable to securities of this naure, the collateral security shall be stamped as if it were a primary security.

Mr. R. L. Young: We know what it says but you also—

Mr. J. T. TONKIN: It is intended to do what it says.

Mr. R. L. Young: As long as you admit that.

Mr. J. T. TONKIN: I am told also that in making this provision clear it will overcome the effect of the United Kingdom court decision which has been applied to this State.

Mr. Court: Therefore, it is breaking new ground.

Mr. J. T. TONKIN: They say it is not.

Mr. Court: I do not care what they say.

Mr. J. T. TONKIN: If a lawyer and the Commissioner of Taxation say it does not, who am I to stand up to them and say, "You do not know what you are talking about. It is." I am not prepared to do that.

Paragraph (b) of the same proposed new section provides that when no primary security is discharged the collateral shall bear the duty which would have been paid had the primary security been discharged as it should be. This will overcome the flow-on from the decision overcoming paragraph (a) and it will protect the future revenue. That is the expert advice available to me in connection with the point raised. If members want to have other ideas, they are entitled to them, but I accept this advice as being sound and it entitles me to make the declaration which I have made here.

Now, perhaps I might, off my own bat, make this observation: lawyers, like politicians, are human; and to err is human and to forgive, divine. Lawyers would not have much scope to make a living and we would have no necessity for judges if all decisions made by lawyers could be taken as absolutely correct; but they remain correct only until they are proved to be wrong.

Question put and passed.

Bill read a third time and transmitted to the Council.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd March.

MR. O'NEIL (East Melville) [11.47 a.m.]: I am tempted to apply the adage about the curate's egg to this legislation. However, since the Minister for Agriculture and the Minister for Consumer Protection are facing enough problems with eggs, I am sure they would prefer me to confine my comments to the Bill itself.

Mr. Taylor: Are you assisting us by eating more eggs?

Mr. O'NEIL: This Bill is designed to achieve four things. Let me say at the outset that the intention of one of them is supported by those on this side of the House, and the intention and proposition in one other is also supported by us; but we intend to vote against the other two propositions.

The Minister clearly explained the purposes of the Bill, the chief one being to ensure that town planning schemes are not left in abeyance for long periods of time, but must be the subject of review and examination within limited or fixed periods in order that proposals for town planning can be reviewed and upgraded, and that the people most affected—namely, the residents of the area involved—may have further opportunity to object to and criticise these schemes of their local authority.

The proposition in the Bill is not acceptable to us and, following the appearance on the notice paper at some time or another of an amendment by the Minister, I understand he is having second thoughts about the way in which these town planning schemes are to be examined and reviewed. However, I think we will discuss that matter a little further in Committee.

The Bill makes it mandatory for certain things to happen at specified times and gives little opportunity for flexibility. I have on the notice paper an amendment

which, in my view, will carry out the intent of the Minister, but it will also give much more flexibility.

First of all I had better deal with the provision to which we have no objection; that is, the amendment under which persons who have made contributions in respect of roads in subdivisions may claim a fair share of contribution from a subsequent subdivider. We have absolutely no objection to that. It is perfectly clear and fair, and simply places on the local authority the onus to advise the person who is eligible to claim money that the money is in trust and may be claimed.

The Bill has three operative clauses, and one clause contains two amendments to the Act. One amendment will require that, as is the case with the subdivision of land, an amalgamation of individual lots will require the approval of the Town Planning Board. Currently, of course, to subdivide land a subdivider must submit his plans—via the local authority—to the Town Planning Board and the proposition is vetted by a considerable number of authorities. There is often some criticism of this procedure.

It is important that servicing authorities —road-making authorities and the like— be apprised early of any proposed subdivision in order that they can indicate whether or not they have the capacity to service the proposed subdivision. For that reason, I think the proposition is fair enough. A servicing authority may require an easement over part of the land, or may require part of the land for road widening purposes. A proposed subdivision must obtain a clearance from the servicing authorities before it is referred back to the board, which may then approve of the subdivision subject to certain conditions laid down in the approval.

The current position is that if a person owns two lots—and naturally they must be side by side to be amalgamated—it is only necessary to take the titles to the Titles Office and arrange for the amalgamation of those lots into one title. The Minister proposes, in the Bill now before us, that the procedure of amalgamation should go through the same type of operation as a proposal for a subdivision. The Minister has given reasons, one being the case of a servicing authority—which had laid a service adjacent to the lots to be amalgamated—being denied the opportunity to apply for an easement over the land, to enable it to extend its service, if the matter was handled purely by the Titles Office rather than following the procedure which allows perusal by the servicing authorities.

The Minister also made the point that two lots which are adjacent could conceivably lie each in a different local authority area. It is true there could be a local authority boundary along the back fence line of a residential area, although in most situations the centre line of the road is designated as the boundary. However, the Minister has said that in the event of each lot lying in different local authority areas certain administrative problems could be occasioned to the adjacent local authorities in respect of the amalgamation. Of course, these problems have been arising since time immemorial and up to date there may have been some administrative difficulty. However, in my view, the difficulty has not been to such an extent as to require that the amalgamation of two lots should have to go through the gamut of procedures necessary for a subdivision. For that reason I indicate clearly, now, that it is my intention to oppose clause 3 of the Bill.

I suppose it is quite natural that when a member of the Opposition takes the adjournment of the debate on any Bill it is up to him to make inquiries of the various people concerned as to their attitude to the contents of the measure. With that in mind I approached two organisations which have some dealings in relation to the matters contained in this Bill. During my research, I discovered that an approach to an individual gave me one point of view on one subject, but an approach to the organisation of which he was a very active member produced a different point of view. So it is difficult for me to make up my mind.

Mr. I. W. Manning called attention to the State of the House.

Bells rung and a quorum formed.

Mr. O'NEIL: After that interesting interruption, I shall continue. I simply make the point that in obtaining opinions from individuals one is quite likely to be misled because the organisations to which those individuals belong may have different views.

I took the opportunity to write to the Royal Australian Planning Institute, Western Australia Division. I also received communications from the Local Government Association without having made any specific approach to it, and the letters which were sent to me were, in fact, copies of the letters sent to the Minister. I also approached a new organisation known as the Developers Institute of Australia, Western Australian Division, and also the Perth Chamber of Commerce.

In general terms, the views of those organisations balanced out and, in my mind, are conveyed in the amendments I propose to move. However, I must make the point that in the case of one organisation— which shall remain nameless—certain things relative to this proposal where brought to my attention. The comments were such that I decided to ring the organisation and ask the representative to whom I spoke whether he had the parent Act in front of him when the amending Bill was studied. I was not surprised that the answer was "No," because many of the

suggestions and criticisms which that organisation voiced were, in fact, already catered for—in the form which it advocated—in the parent Act. So even the process of inquiring of expert bodies quite frequently does not produce the right answer.

The Royal Australian Planning Institute requested me to point out a couple of features which the Minister might take into consideration when considering town planning legislation, generally. One point the planning institute made was as follows:—

> (c) There appears to be no connection with the Metropolitan Region Town Planning Scheme Act, the review of the Metropolitan Region Town Planning Scheme being considered a basis for Local Authority Schemes, and therefore possibly requiring review, and if so, preferably prior to the review of the Local Schemes.

The Bill now before us proposes to require local authorities to update their planning schemes within reasonable periods. The Royal Australian Planning Institute makes the point that most of the planning schemes are dependent upon the overall metropolitan regional scheme, and this Bill makes no provision for local authorities to be able to examine their own schemes following a major alteration to the metropolitan regional scheme. Whether or not the comment is valid I do not know; it is mainly a talking point and the Minister might do well simply to ask his officers to look at it.

A second point raised in a number of letters—which I had to point out was not pertinent to the Bill now before the House—was the need for qualified planners to undertake planning schemes.

This does not mean, of course, that small local authorities must have qualified planners on their staffs, but when a town planning scheme is developed it seems pertinent that it should be done by at least a fully qualified person. As I understand it no such provision exists in the law at the moment. I also understand this is not a matter for the Town Planning and Development Act but should be considered in relation to an amendment to the Local Government Act.

Generally, this covers the matters that are the subject of amendment in this measure. To reiterate, we agree with the Minister's intention with respect to clause 2, the principal clause, but we propose amendments which will make this requirement much more flexible and acceptable to local authorities, planners, and developers.

We shall oppose clause 3 because, in our view, there is no need for the provision. In that regard I have omitted an important part of this clause. I have mentioned our opposition to the first part of clause 3, but the second is one which requires further explanation as to our opposition. Currently, when broadacres are subdivided for residential purposes or for other purposes it is a requirement that 10 per cent. of the land shall be surrendered to provide public open space necessary to cater for the population which such a subdivision will generate. Normally this is a condition of approval of the subdivision and is inserted by the Town Planning Board. During our term in Government it was pointed out to us on many occasions that the area, which is 10 per cent. of the total area to be subdivided, is often too small and badly located. Therefore it is unsuitable to be used for public open space.

For this reason the Act makes provision for the subdivider, with the approval of the local authority and the board, to make a cash contribution in lieu of the land to the local authority. The cash contribution must be expended either to purchase land which will be used for open space in the locality in which the subdivision occurs so that a conglomeration of land large enough to be useful can be obtained; or the cash must be used to pay for loans which have been raised for the purchase of open space; or the cash may be used, with the approval of the Minister, for the development of public open space. It is quite clear that when cash is contributed in lieu of land that cash must be used in the interest of the community in the locality in which the subdivision takes place for the acquisition and development of public open space.

As a matter of policy the Town Planning Board has never placed the requirement of the surrender of 10 per cent. of land on subdivisions of approximately 2½ acres and less. There is good reason for this. If an area of land of 2½ acres is subdivided into, say one-fifth of an acre blocks, the parcel of land which would need to be surrendered would be very small indeed. It would simply be one of the residential blocks and certainly would be completely unsuitable for public open space. It has rarely, if ever, been a condition of subdivision that land be given in these circumstances.

The Bill proposes that the initiative for insisting upon cash instead of land shall no longer rest only on the subdivision but that it shall rest with the local authority through the board. This implies that in future there will be a requirement upon a subdivider either to purchase land or pay cash in lieu, as the local authority requires, in respect of every subdivision.

Two groups of people would be adversely affected by the adoption of such a policy. The first is the owner of small parcels of land which, however, are able to be subdivided. Let us assume a person owns an acre of land which can be subdivided into

four residential blocks. Under present conditions he is not required to make land available for public open space, but under the provisions proposed in this measure it may be a requirement of subdivision that he provide cash in lieu. We consider this will be an unfair impost upon such a small subdivider.

I would like to quote the comments of a person who is not a small subdivider but a very large one in connection with this provision as it applies to large areas of subdivision if there is a requirement to make cash payments in lieu of surrendering land. I quote—

> I would consider this proposal to be very unfair. A subdivider is now required to hand over 10% of his land holding on the capital cost of which he has had to pay interest for years together with rates and taxes and to lose 10% of the land represents a greater sacrifice than any other type of business is called upon to pay. In a subdivision I am currently developing, the value of the land to be given will amount to $220,000 plus the interest and rates and taxes paid on the land in its broadacre period.

I interpolate to say this is currently a requirement of the Act. This subdivider must surrender land to the value of $250,000 in round figures. He continues—

> The only redeeming feature to a subdivider is that if he has held the land for some years he may have purchased it cheaper than its present day value—

I interpolate again to say that he definitely would have. To continue—

> —and his cash out-of-pocket loss is thereby eased to some extent.

Whilst the subdivider I am quoting is critical of having to give away $250,000 worth of land he recognises that there is some justice in the matter. To continue—

> But if he is going to be required to pay for recreation space at current broadacre value and has to find $220,000 in cash at the whim of some local authority, this will surely be one of the final nails in the coffin of many subdividers.

Members will see that there are arguments for opposing this provision, which will enable the initiative for giving cash in lieu of land to rest with other than the subdivider, on behalf of both the owner of small parcels of land as well as the subdivider of very large parcels.

With those comments I shall close by saying we support the Bill in general terms excepting some aspects of clause 2, which we propose to try to amend, and clause 3 to which we are completely opposed.

MR. LEWIS (Moore) [12.08 p.m.]: When introducing the Bill the Minister said that it has four objectives. The first is to give the Minister power to direct a local authority; the second concerns the amalgamation of lots which is to be approved by the board; the third gives the local authority power to require a cash payment in lieu of land for public open space; and the fourth concerns a refund of entitlement to those who have paid into the trust fund. I give my full support to the last three objectives, but I cannot approve of the proposal to give the Minister power to direct local authorities to review their town planning schemes.

I appreciate the member for East Melville has certain amendments on the notice paper which may, or may not, be accepted. If they are accepted it will soften the blow and to some extent limit or moderate the power of the Minister. Nevertheless, I see no warrant for the Minister being given this power under the Bill as printed. On this point, the Minister said in his second reading speech—

> Many amendments are frequently made to schemes without the local council necessarily considering the full impact of the amendments on the district.

I think to some extent this is a reflection on local authorities. Nevertheless, we know that before a local authority can amend its town planning scheme and have the amendment gazetted the amendment must be approved by the Minister. I do not know whether the implication in the comment of the Minister when introducing the Bill is that local authorities have unsuccessfully attempted to amend their schemes, which amendments have not been approved by the Minister, or whether the inference to be drawn is that sometimes the Minister does not give sufficient consideration to schemes before giving his approval to them. The Minister did not give any examples of this in his second reading speech, so I ask him to do so when replying to this debate.

Local authorities are set up by the local people. Many of them employ professional town planners, who I would say are in a better position than the Minister to assess whether their town planning schemes are for the welfare of the local community. As the member for East Melville has pointed out, it could well be that there is not always sufficient co-ordination between the regional planning authority and the local authorities in the submission of schemes. Perhaps that is a valid point, but I do not think it provides sufficient warrant for the Minister to be given power to direct a local authority to amend its scheme. To my mind, it points to the need for more co-operation and persuasion rather than for using the big stick of compulsion.

The preparation of these local schemes costs a good deal of money. The Bill states that five years after the initial approval the local authority must review its scheme —not a part of the scheme. Therefore, the local authority must review the whole scheme, which would involve a good deal of expense and time and lead to considerable uncertainty on the part of the people coming within the scheme as to what might happen five years hence when the scheme is reviewed, because again the review must meet with the approval of the Minister. I cannot agree to that clause.

Clause 3 (a) of the Bill seeks to amend section 20 (1) to provide for the amalgamation of lots. I can see nothing particularly wrong with that.

Paragraph (b) of clause 3 seeks to amend subsection (4), which gives power to the Town Planning Board to require payment of cash in lieu of the surrendering of land. I can imagine many occasions when a local authority would prefer to have cash rather than 10 per cent. of the land subdivided. I appreciate that the subdivider now has the right to offer cash to the local authority but he might choose to offer 10 per cent. or half an acre of the land proposed to be subdivided. The local authority might consider it uneconomic to develop the land as public open space, and in those circumstances I think it should have the option of requiring cash in lieu of the 10 per cent. The accumulation of cash from several subdividers would provide a significant sum of money with which the local authority could do something. I therefore agree to clause 3 (b) of the Bill.

Clause 4 of the Bill will amend section 28A (5) (a) of the Act to enable the subdivider who will at some subsequent date be entitled to a refund of money he has paid for a roadway to pay such money into a trust fund. When another subdivider pays his share towards the road the original subdivider is entitled to a refund, but many subdividers are not aware of this entitlement, and the Bill proposes that the money will be refunded from a trust fund without any application from the person so entitled. I go along with that provision. I agree with all the provisions of the Bill other than the first one.

MR. GRAHAM (Balcatta—Minister for Town Planning) [12.17 p.m.]: I appreciate the thoughtful contributions made by the members for East Melville and Moore. I am sure both of them will agree with me that the substance of any differences we may have and the elucidation of some of the points would be better undertaken during the Committee stage.

I say that with two reservations. In regard to the suggestion of the member for East Melville that town planners should undertake the responsibility for town planning schemes, I advise that I will discuss this matter with the officers of the Town Planning Department to ascertain whether anything is required. I can envisage certain difficulties but I will consider the matter with an open mind.

The member for Moore seems to have a feeling that one of the amendments sought will give power to the Minister to direct local authorities to do certain things; that is, to effect changes in their town planning schemes. Close study will reveal that the power of the Minister is confined to directing or requesting a local authority to submit its revised plan. This will commence the usual procedure of the public being notified and having the right to lodge objections if circumstances have changed since the scheme was first devised.

It is felt necessary to review town planning schemes from time to time because changes can be effected in isolation which affect other parts of the plan. This could include a type of activity which was not perhaps envisaged in an industrial area. It is difficult to estimate the volume of traffic which will flow along arterial roads, just as it is difficult to estimate what routes the main traffic will take.

We can debate matters such as these presently; but I repeat, the local authorities will still be free to initiate their own amendments, follow the usual procedures, and consider a scheme on its merits after the people have had their say. This is a very different situation from the one of a Minister saying to a local authority, "You will make this change and that change." On the contrary, the local authority will report on what it has accomplished and perhaps submit some modifications in line with the wishes of the people. The residents will have the opportunity to submit objections to the local authority and thence the Town Planning Board. It is true that finally the objections find their way to the Minister. If the local authority does not review its town planning scheme—as it is intended to under this legislation—and there is no present obligation for it to do so, the people are denied the right of appeal for all time. This is virtually an appeal by the people to another authority; namely, the Town Planning Board. The board then investigates the merits of their claim. I am certain this procedure will appeal to residents of local authorities.

The people would have the opportunity to express themselves—in a negative form, of course—by making objections as they have been doing for many years, when town planning schemes are being prepared. The local authority has regard for these objections and can even itself make amendments to its own plan based on the validity of the objections of the people. When the revised scheme goes to the Town Planning Board, the objections of the people are analysed, together with the

comments made by the local authority. This means that an independent authority is looking at it.

Mr. Lewis: What is wrong with that system continuing?

Mr. GRAHAM: This all happens when the authority presents its town planning scheme.

Mr. Lewis: But they are still subject to the protests of the local people, surely? The local authority must take heed of the ratepayers.

Mr. GRAHAM: That is the whole point —the Town Planning Board looks at it. Of course, I do not know about my predecessor in office, but I have made very few departures from the recommendations of the Town Planning Board. Of course the Town Planning Board has complete regard for the submissions of the local authority and I suppose 95 per cent. of these submissions are agreed to by the board. If there is a strong submission by individual ratepayers, or a group of ratepayers, some modification can be made.

By now most of the local authorities have presented their town planning schemes, and I think I would be right in saying no great difficulties have arisen. Sometimes there has been an amicable exchange backwards and forwards in order to resolve differences between the Town Planning Board and the local authority. This machinery is used now and the same machinery will be used at five-yearly intervals or such other periods as may be necessary.

Mr. Lewis: If the local people do not object to the scheme, the local authority still has to review its scheme by direction of the Minister. This provision is contained in clause 2 of the Bill.

Mr. GRAHAM: That is so. However, as the law stands at the moment there is no necessity for the local authority to review its plan for the next 100 years. We believe this is wrong. The plan should be subject to review and this should be obligatory on the local authorities. Also, people in the affected areas should have the opportunity to express themselves.

Having regard for my earlier observations, I reserve further remarks until the Committee stage of the Bill is reached. However, I would like to point out here and now it is our intention to accept all the amendments placed on the notice paper by the member for East Melville with one modification to his proposed subclause. I think he will accept the modification.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Graham (Minister for Town Planning) in charge of the Bill.

Clause 1 put and passed.

Clause 2: New section 7AA added—

Mr. O'NEIL: This clause has received the most attention during the debate, and is the one I wish to amend. The Minister has indicated his general agreement with my amendements.

Clause 2 prescribes that a town planning scheme which has been through the gamut of town planning schemes and has finally been gazetted, shall be reviewed by direction of the Minister every five years unless the Minister gives approval for an extension of time. Most of the objection to his clause has been aimed at its mandatory requirements. Many people have remarked that if a town planning scheme is operating satisfactorily and there are no major objections by local ratepayers, and no problem with the scheme, why must the local authority be required to undertake a review of the scheme every five years?

This is a very expensive operation. I am told that the preparation of documents alone for a town planning scheme within my electorate would amount to something like $5,000 or $6,000. It can take six months for a scheme to go through all the procedures—that is, to advertise it and seek objections—and this would stultify normal efforts within the district. It must be remembered in many cases the scheme is already in operation. Therefore, this should not be a mandatory requirement—it should be more flexible.

If my amendments are accepted, and the Minister has indicated his agreement, the clause will read as follows:—

(1) A town planning scheme which—
  (a) has been prepared by a responsible authority;
  (b) has been approved by the Minister and published in the *Gazette*; and
  (c) contains zoning or land use provisions in relation to a district, or part of a district,

shall be examined—
  (d) if the Minister after consulting the local authority affected by notice in the *Gazette* so directs, in accordance with that direction; or
  (e) in each fifth year following the date on which it was last published in the *Gazette* with the approval of the Minister.

I think this will ease the mind of the member for Moore. My amendments propose that every approved local planning scheme must be examined and checked. As a result of that check a report must be sent to the Minister concerning the viability of the scheme. If the Minister is satisfied that the scheme is viable and there are no major complaints he may then exempt the local authority from the procedure of what is called "reviewing" as

distinct from "examining"; or if the Minister is dissatisfied for reasons known to him but perhaps unknown to the local authority he may, after consultation with the local authority, require it to carry out the proper examination and following review.

In regard to the use of the word "reviewed" instead of "examined," the private members' counsel says that this was done to convey the idea that it is a periodic examination of the scheme which is called for; and because it means that proposed new subsection (2), which refers to "review," may be left untouched.

Under this provision every local authority scheme must be examined and reported upon to the Minister. Following receipt of the report the Minister may, after consultation with the local authority, direct a review—which is the same as producing a new scheme—or grant an extension of time.

My further amendment to insert a new subsection (2) is to the effect that, when the review is required, from the time the Minister so requests a period of two years is allowed in order that the review and the gazettal of that review may take place. The period of two years is not critical. In this respect the counsel said that the draft refers to a period of two years, but the figure has been simply plucked from the air. He also said that we may consider 12 months to be adequate. I do not think there will be any great difference of opinion on this.

I have a query relating to the area of control of this legislation. As I understand it there is a requirement under the metropolitan region town planning scheme which gives every local authority a certain period of time in which to present its own planning scheme. For various reasons extensions of time have been given on numerous occasions, and still many local authorities have not an approved and gazetted scheme.

Mr. Graham: I think there are only two such authorities in the metropolitan region.

Mr. O'NEIL: I think the City of Perth is one.

Mr. Graham: The Town of Cockburn is a second. I think the others have been received by the Town Planning Board or the Town Planning Department.

Mr. O'NEIL: Some may be being processed. These local authorities still operate under what are known as town planning by-laws which, I think, are still subject to the purview of the department. My query is merely a technical one. Does this Bill apply to town planning schemes which become official and operative after the passage of this Bill, or only to those already in existence? I do not expect the Minister to know the answer. We should check to ensure that future town planning schemes of local authorities who do not have schemes now must come within the control exercised over existing schemes.

Mr. Graham: What causes your doubt about that point?

Mr. O'NEIL: The query was raised in discussions with people. For example, if a local authority did not like being subject to this modified direction, could it continue to operate under town planning by-laws without ever producing a town planning scheme? If that is so the good intentions of this Parliament will be lost in respect of that local authority.

Mr. Graham: If your point is valid only a simple amendment would be required.

The CHAIRMAN: Before the honourable member moves his amendment, I would advise him that under Standing Order 267 he may move his three amendments together provided they relate to one another and they are not interrupted.

Mr. Graham: I have no objection.

Mr. O'NEIL: Thank you, Mr. Chairman. I move the following amendments—

> Page 2, line 15—Delete the word "reviewed" and substitute the word "examined".
>
> Page 2, line 16—Insert after the word "Minister" the words "after consulting the local authority affected".
>
> Page 2, lines 19 to 21—Delete the passage "unless the Minister by notice in the *Gazette* otherwise directs, within a period of five years from" and substitute the words "in each fifth year following".

Amendments put and passed.

Mr. GRAHAM: I would like your advice, Mr. Chairman. I am prepared to accept the next amendment of the member for East Melville. However, I propose to move to delete the words "two years" in the fourth last line with a view to inserting other words. Can I do this after the honourable member has moved his amendment?

The CHAIRMAN: Yes, after the member for East Melville has moved his amendment.

Mr. O'NEIL: I move an amendment—

> Page 2—Insert after subsection (1) of proposed new section 7AA the following subsection to stand as subsection (2):—
>
> (2) (a) The examination required by subsection (1) of this section shall be effected by way of a report to the Minister by the local authority on the operation of the scheme.
>
> (b) Where a report of the local authority recommends a review of the scheme, or the Minister

after considering a report advises the local authority that a review is desirable, the scheme shall be reviewed within the period of two years from the date of the report or the date of the Minister's advice as the case may be.

Mr. GRAHAM: I move—

That the amendment be amended by deleting the words "two years" in line 10 of paragraph (b) and substituting the words "six months or such longer period as the Minister may in writing agree".

As the member for East Melville pointed out, he has no set ideas as to period of time. I have discussed the amendment with officers of the Town Planning Department who feel that six months should be ample. I further discussed the matter with the member for East Melville and in a spirit of co-operation he felt—and I agree with him—that there may be occasions when a longer period is necessary.

The whole spirit of the exercise will be one not to cause embarrassment to local authorities, but to seek healthy co-operation in the interests of town planning and in the interests of the people generally. If the Committee approaches my amendment on the amendment on that basis it will appreciate that it is being put forward in the form of a shaking of hands rather than a sledge hammer. It is considered that two years is far too long, because in many cases there would be little to do.

In view of the terrific cost that could be involved, I do not think the instance given is a fair proposition. The hope would be that the script of the scheme would be almost exactly the same. The hope would be that in its own interests and in the public interests the local authority could keep its plans up to date and therefore this would be more of a copying exercise than anything else. Again, I assure the Committee that the whole spirit of the exercise will be to facilitate this periodic review and thereby, from time to time, present people with an opportunity to express themselves on specific matters relating to local government which come before the Town Planning Board and finally to the Minister himself. I trust, therefore, the Committee will agree to my amendment on the amendment.

Mr. O'NEIL: I suggest the Committee should agree to the amendment on the amendment moved by the Minister.

Amendment on the amendment put and passed.

Amendment, as amended, put and passed.

Mr. O'NEIL: I move an amendment—

Page 2, line 27—Delete the figure "(1)" and insert the figure "(2)".

This is only a question of renumbering as a result of the additional new subsection.

Amendment put and passed.

Clause, as amended, put and passed.

Sitting suspended from 12.46 to 2.15 p.m.

Clause 3: Section 20 amended—

Mr. O'NEIL: This clause contains two propositions to which we previously indicated our opposition. It is rather difficult to deal with the two matters at once, because despite the fact that they appear in one clause they are two entirely separate subjects. For that reason I move the first amendment—

Page 3, lines 8 to 17—Delete paragraph (a) including the word "and".

This is a provision which makes it a requirement that the amalgamation of lots must be subject to the approval of the Town Planning Board; just as if it were an application for subdivision.

We know that when a subdivider applies for subdivision the matter goes to the board, and is examined by all servicing authorities and other bodies concerned. I am not sure whether the Environmental Protection Authority also looks at these applications. Certainly it is a long and tedious process, and in my view in respect of subdivisions it is a warranted process because it is necessary for certain authorities to indicate that, as a condition of subdivision, they ought to be able to do certain things—whether it be the widening of a road or the creation of easements for services, and the like.

However, I do not agree that the same sort of procedure is necessary in respect of the amalgamation of existing lots. Let us look at a situation that can obtain. The Minister has indicated, firstly, that two lots might be on either side of a municipal boundary. This may be so. The Minister stated that this could occasion administrative problems for the local authorities when the two lots are amalgamated. It could be argued as to which local authority is to collect the rates on the amalgamated lot. This sort of situation has been with us for a long time, and is capable of being resolved through the mutual co-operation of the local authorities affected.

The Minister went on to say that in another case a servicing authority might have established a service to the boundary of the lots to be amalgamated, and because it does not have the opportunity to vet the amalgamation it would be inhibited in obtaining easements which would allow it to extend the service. I do not think this is a valid argument. This situation has been with us for a long time, but I have not heard of any major difficulties having been occasioned.

I have tried to think up some cases which might give greater strength to the Minister's argument. One was: That the two lots to be amalgamated lie in areas which are zoned for different purposes. One could be in a residential area and the adjacent lot could be in an industrial area.

Mr. Fletcher: This could apply where a road or footpath separated the lots.

Mr. O'NEIL: People cannot amalgamate two lots if there is such a facility established between them. However, there could be the occasion when one lot is in a residential area and the adjacent lot is in an industrial area. I thought this proposition would add strength to the Minister's argument; in other words, what is the amalgamated lot to be regarded as —an industrial or a residential lot? I find that does not make any difference.

Mr. Fletcher: One lot might have conforming use and the other nonconforming use rights.

Mr. O'NEIL: I thought of many other examples which could strengthen the Minister's case, but none convinced me sufficiently to warrant the procedure of amalgamating lots having to run the normal gamut that is required for subdivisions, and to which I do not object.

Mr. GRAHAM: I hope the Committee will not agree with this proposition. It is a fact that where it is proposed to redraw lines—that is to say, where there is currently one lot to be subdivided—conditions are laid down. This is merely an extension of that principle where it is sought to redraw lines; that is to say, an amalgamation of lots. In those circumstances it is possible for a public authority to lay down conditions, so no new principle is being introduced.

Secondly, amalgamations would be insignificant in number compared with subdivisions and therefore the impact would be correspondingly insignificant on local authorities, the Town Planning Department, and the persons affected.

When introducing the Bill I gave a couple of examples and the member for East Melville has suggested there could be other circumstances presenting difficulties. Strangely enough, only a few weeks ago when in Geraldton I encountered a case which fortifies my viewpoint. The problem involved new licensed premises at a very busy intersection at which the local authority desired some road widening to be carried out. Had this condition been in the legislation, then rather obviously and without any detriment to the licensed premises, the road could have been widened. However, now that the licensed premises have been erected, and accordingly the value of the property has increased considerably, it is beyond the financial resources of the local authority to do anything about it.

I know it is easy to make out a case indicating it is a little unfair that a person should be required to cede for road purposes or some other circumstances portion of what is his. However this is the essence of our town planning legislation and scores, if not hundreds of cases of where conditions of one sort or another are imposed are occurring every week. Some of them, of course, are referred back to the Minister because it is felt the conditions are too harsh.

Many conditions for years have been imposed in respect of subdivisions. However, I think very few if any conditions will be imposed concerning amalgamations and, as I have already indicated, the number of applications for amalgamation is fractional compared with the applications for subdivision. It is in the public interest that this amendment in the Bill be passed and I cannot see that it will involve a great deal of time or expenditure. As a matter of fact the greatest financial impact will be on the Town Planning Department.

This is not my dream-child. It is something requested by the Town Planning Department as being necessary if we are to have an orderly system of town planning to allow proper provision to be made in the general public interest for those amenities and improvements that are necessary. I hope and trust the Committee will agree with my submission.

Mr. O'NEIL: I am persisting in my proposal concerning the deletion of this provision in the clause and I thank the Minister for giving me some additional ammunition. He said that often the need arises to acquire some of the land in the lots to be amalgamated, and I do not deny this. However other Statutes contain provisions under which land can be compulsorily acquired for public works and so on. The proviso here is that if land is compulsorily resumed for those purposes the owner is probably entitled to a little more in that he is entitled to claim 10 per cent. for what is known as injurious affection. So provision does exist in the circumstances mentioned by the Minister for the authority to take, under some circumstances, land which it requires in the interest of the public generally.

However I wish to make another point, and this is probably the last shot I have left in the barrel. If the amalgamation of lots is to be subject to the same scrutiny and rules as the subdivision of land, it is competent for the planning authority under the Act and under the second proposal in this clause to demand a surrender of 10 per cent. of land for public open space or cash in lieu thereof; because an amalgamation under this proposal is to be treated in precisely the same way as a subdivision, which is not fair. When a man desires to amalgamate two lots, he is not proposing to subdivide for sale. So in every

respect the Minister's arguments fall down. These are my final words on the matter and I do urge the Committee to support the deletion.

Mr. LEWIS: I listened carefully to the member for East Melville as I did to the Minister when he replied to the second reading. I appreciate the comments made by the member for East Melville but I still do not see any cause to retract the approval I gave to this clause when I spoke to the second reading. However, since the member for East Melville has spoken to the clause in Committee I have again referred to the Act and to the Minister's speech.

The Bill seeks to amend section 20 of the Act and, in explanation of this, the Minister said—

> People seeking to subdivide lots are required to obtain the approval of the Town Planning Board—

We accept that principle. He went on—

> —but the amalgamation of lots does not require such approval. This may create problems. For example, a proposal to amalgamate two lots either side of a common boundary between two local authorities may result in subsequent administrative difficulties for the councils concerned. Similarly, where a servicing authority has a service laid adjoining a boundary, the amalgamation of lots may eliminate the boundary and deprive the servicing authority of the opportunity to request an easement or of rerouting the service. This amendment proposes that contemplated amalgamation of lots shall be subject to the approval of the Town Planning Board.

I believe the saving phrase is, "subject to the approval of the Town Planning Board." To my mind it tidies up a situation which now provides only for subdividers to meet their obligation; this will extend the provision to the amalgamation of lots.

I have not heard sufficient argument to cause me to change the previous view I have expressed; namely, we should support the clause.

Mr. GRAHAM: There are just two observations I wish to make. First of all, it is perfectly true a local authority could resume part of the property if it were required for road widening. However, this would place a burden on the local authority, which means on the people in the area.

If that is to be the policy I think we should be consistent and say, in respect of subdivisions, that we shall not allow a local authority to have land either for public open space or for road widening purposes at the expense of the subdivider. This has long been a principle accepted without question by Governments of all political colours, and the position in Geraldton, as explained to me, was that the town council simply could not afford to purchase the land necessary to widen the road at an important intersection. Therefore this will be a hazard to the public at large for goodness knows how many years to come until the authority is able to resume it. This could have been effected without cost to the local authority had there been such a provision as I am endeavouring to insert and such as would have applied had it been a subdivision rather than an amalgamation.

I am afraid the member for East Melville fired a blank with his last shot. I invite him to look at section 20 of the Act, which we are seeking to amend, at subsections (4) and (5). He will see that where the Town Planning Board has approved a plan of subdivision—subsection (4) goes on to talk of parks, recreation ground, and open space—subsection (5) states that for the purposes of subsection (4) the value of the portion shall be such percentage, etc. Therefore, it applies in the case of subdivisions and would not apply in respect of amalgamations.

I hope and trust in consequence of this explanation the member for East Melville will be able to agree with me in the matter of the retention of the subclause which we are considering at the moment.

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

Ayes—15	
Mr. Court	Mr. Ridge
Mr. Coyne	Mr. Runciman
Dr. Dadour	Mr. Rushton
Mr. Grayden	Mr. Thompson
Mr. Hutchinson	Mr. Williams
Mr. Mensaros	Mr. R. L. Young
Mr. O'Connor	Mr. I. W. Manning
Mr. O'Neil	*(Teller)*

Noes—23	
Mr. Bertram	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Brown	Mr. Lewis
Mr. Bryce	Mr. May
Mr. Burke	Mr. McPharlin
Mr. Cook	Mr. Moiler
Mr. H. D. Evans	Mr. Nalder
Mr. Fletcher	Mr. Norton
Mr. Gayfer	Mr. A. R. Tonkin
Mr. Graham	Mr. W. G. Young
Mr. Hartrey	Mr. Harman
Mr. Jamieson	*(Teller)*

Pairs	
Ayes	Noes
Sir David Brand	Mr. T. D. Evans
Mr. Reid	Mr. Bickerton
Mr. Blaikie	Mr. Taylor
Mr. Stephens	Mr. J. T. Tonkin
Mr. W. A. Manning	Mr. Davies

Amendment thus negatived.

Mr. O'NEIL: After that resounding defeat I propose to move to delete clause 3 (b). I attach far more importance to this paragraph than to the last one because, in my view, it is most iniquitous and unfair.

Let me explain to the Committee that the situation which obtains at the moment is that it can be a condition of subdivision that 10 per cent. of the subdivided land —or the broadacre area of the subdivided

land—will be surrendered to be used for public open space. This is a principle which we have all accepted.

It is further provided that on the initiative of the subdivider, he may elect, with the approval of the local authority and the Town Planning Board, to make a cash contribution of 10 per cent. in lieu of the 10 per cent. land contribution. That is the law as it stands. It is now proposed to give the local authority the power to ask for cash in lieu of land.

During the second reading debate I explained that this will not help the large developer—and it could be an embarrassment to him—nor the developer of small lots. I quoted a specific case without mentioning names, but this developer is well known to the members of the Chamber. He stated that if the local authority demanded cash in lieu of land, he would be required to find an amount very close to $250,000. There is no specific time mentioned. The Bill reads "and shall within the time specified in such notice if the local authority by notice in writing so requires."

Therefore, the local authority has the power to say, "Pay the money in 14 days." This particular subdivider has already indicated that he is prepared to give the land, despite the fact that the sale value of the land today may be $250,000. Whilst the developers complain about this, they are prepared to accept it. However, as this developer says, if the local authority has the right to demand cash in lieu of land, it could drive the last nail into the coffins of the developers.

Let us look at the example of a man who owns a small portion of land. It has been the procedure of the local authorities not to enforce the handing over of land for open space on areas of 2½ acres or less. I have explained the reason for this —one-tenth of 2½ acres is one-fifth of an acre.

Mr. Graham: How are your mathematics? It is a quarter of an acre.

Mr. O'NEIL: That is right. However, most building blocks are one-fifth of an acre and they are commonly referred to as quarter-acre building blocks. One-quarter of an acre represents one residential block in 2½ acres and understandably that is not suitable for development as public open space. One sees this type of thing in older subdivisions and the only recreation available is a broken-down swing.

As I mentioned, the local council does not make this demand for land as a matter of policy. However, if this provision is passed, the local authority may ask for cash in lieu of land. To my mind this is the main reason for the provision—so that the owner of land to be subdivided must pay something irrespective of the broad-acre area. There may be circumstances when the development is of such high value that the developer may be expected to make some contribution. However, this provision is not qualified.

I can give an example of a case where I feel some contribution is warranted. One can imagine the subdivision of, say, half an acre into two quarter-acre lots. This land will be used for multi-flat development so the subdivider has created a population which requires open space. The local authority cannot take the land because it would be less than one-fifth of an acre, so therefore, under those circumstances the developer may be required to pay cash to the local authority to enable the authority to acquire public open space adjacent to the development, although not necessarily next door. There is no qualification of this type in the Bill.

This subject has not been thoroughly researched, and therefore I have no option but to move to delete the provision.

I would like to refer to comments made by the Developers Institute of Australia in respect of this provision. It says—

> This Committee strongly objects to the suggestion that such an iniquitous payment could be demanded from a developer in lieu of giving land for public open space.

There is a good deal of emotive prose in the middle, but the letter then continues—

> To further highlight the inequity of this section of the Bill it could be argued that cash contributions could be used to the detriment of the developer concerned in that such cash contributions could be used to enhance a scheme of another developer who may or may not have been required to make a cash contribution.

The large developers feel that cash given in lieu of land could be used by the authority to consolidate a recreational area in a locality not necessarily adjacent to the particular development. Land may be acquired in another development area so that the contribution of one developer is used to enhance the development of another.

Let me instance the case of a small subdivider, and I quote from another authority —once again a well-known developer whose name I will not mention. He gives examples such as this: A poultry farmer owns five acres of land and if he subdivides he must hand over 10 per cent. of the land for public open space. That is the law. In many cases the owner of the land would not be in a position to pay cash in lieu of the land. The owner would have to approach a finance company and pay a high rate of interest in order to arrange the subdivision and pay the council. Another example is given.

Mr. Fletcher: The local authority might give him time to pay.

Mr. O'NEIL: Well, it could, but the provision is that the money shall be paid at a time stated by the authority.

Mr. Fletcher: Surely some useful arrangements could be made.

Mr. O'NEIL: The honourable member may be right. This is my reason for suggesting that the Minister undertakes more research.

Another example is the man with a house on half an acre. If he decides to subdivide and sell a quarter of an acre he should not be obliged to pay 10 per cent. of the value to the council. The letter indicates that this type of thing has happened many times in places such as Peppermint Grove and Applecross. There are many propositions to put access roads through the back of half-acre blocks and subdivide the blocks into quarter acres.

Under this provision the local authority could demand from any one of those owners cash representing 10 per cent. of the value of the half acre. I do not believe this is fair and equitable because this has affected the present home owner who, for financial reasons alone, has to subdivide.

Mr. Fletcher: I do not think Fremantle does that.

Mr. O'NEIL: It may not, but why should we grant all this power? They are not all as well behaved as the City of Melville and the City of Fremantle so I appeal to the Committee to reject this proposition and to support my amendment if only to let the Minister have a further look at the proposition and come forward with some modified form of amendment with which the Committee could find less cause for complaint. I move an amendment—

> Page 3, Lines 18-22—Delete paragraph (b).

Mr. LEWIS: Previously I said we would support the Bill in this connection, but having further studied the measure and the Act, and having listened to the member for East Melville, whilst not agreeing with all his arguments, I believe he has quoted cases where the developer could suffer great hardship if he had to observe the provision in the Bill.

I can also sympathise with the Minister's desire in regard to this provision, because under the present Act there could be many small areas of surrounding land which are beyond the economic resources of the local authority to develop. If the local authority has the right—as it would have under the Bill—to demand cash settlement instead of exercising the option that is provided, the aggregation of these cash contributions could give the local authority a significant amount of money with which to develop a public open space and make it worth while.

The member for East Melville has also pointed out, in giving the other side of the story, that this could result in great hardship. I will now quote the section in the Act, as if it were amended. It will read as follows:—

> 20.(4) Where the Board has approved a plan of subdivision of land upon condition that portion thereof be set aside and vested in the Crown for parks, recreation grounds or open spaces generally, if the local authority in whose district the portion is situated and the Board approve, the owner of the land may, in lieu thereof,—

It is at this point the amendment would be made. Continuing—

> —and shall within the time specified in such notice if the local authority by notice in writing so requires to pay to that local authority a sum that represents the value of the portion.

That is the power given to a local authority to extract a cash contribution. It is left entirely to the local authority to impose such terms as it thinks fit. There is a valid argument that the Minister should have another look at this clause, so I intend to support the member for East Melville and the amendment he proposes.

Mr. GRAHAM: I think it is possible to imagine all sorts of things that could happen. Of course, the fact of the matter is that any conditions as a prerequisite to a subdivision are subject to an appeal to the Minister. Daily in my office I am dealing with appeals—incidentally, I uphold a great majority of them—and they emanate, in the main, from members on both sides of this Chamber. The same sympathetic treatment would be accorded in respect of the matter we are now discussing. Here let me hasten to say that the attitude of my predecessor was somewhat akin to mine. There were differences in outlook, but I think they were fair and reasonable.

In a case one might envisage here, be it large or small—and after all, the persons concerned are ratepayers of the local authority—the local authority would want the cash and therefore would be anxious to arrange terms under which it would be assured of receiving a return rather than being placed in the position of causing acute embarrassment. I think local authorities are reasonably responsible, but in the odd case where one is not, there is a Minister to whom an appeal can be made. This arrangement, overall, has worked quite satisfactorily. Indeed, many members of this Chamber would be able to confirm that on occasions where a Minister has made a decision adverse to the appellant, upon further approaches being made by the member for the district, or even by the person affected, the Minister,

following such further consideration, has upheld the appeal, either entirely or with some modification. The same sort of arrangement would apply here.

This matter is somewhat complex. It is established practice that when a subdivision is undertaken a certain portion of the land should be made available for public open space, not only breathing space, but recreational space. There is no 10 per cent. provided in the Act, but there is general power and as a result of a test case to determine whether the Town Planning Board could lay down these conditions, the court upheld the viewpoint that approximately 10 per cent. was an acceptable and reasonable figure. Generally speaking, therefore, that is the figure that has been recognised ever since, up to a point.

Those who have a piece of land comprising 2½ acres or less—of course about 3½ dwellings can be built on every acre—are escaping these contributions. Instead of the one family currently living on 2½ acres there would be seven to 10 families living on that area of land, depending on the size of the lots. Additional finance should be available for acquiring additional public open space, but none is provided, unless those who have already subdivided large areas of land are called upon, through the rates they are paying, to raise funds to purchase additional land to provide further sporting or recreational facilities for the people at large.

So amongst others, there is created the problem of those who own a smaller piece of land and who, I repeat, are making no contribution whatsoever. Surely that is wrong. If the number of lots is less than 10, it becomes virtually impossible to set aside an area for public open space. Where there are 10 lots, of course, one can be taken, but if there are less than 10 it becomes impossible without taking a percentage considerably in excess of the 10 per cent., which is the usual requirement.

In addition to what is proposed here, I feel Parliament should go a step further than that which is proposed in this legislation. For instance, in an area of 10 acres, which lot embraces 3½ dwellings to the acre, 35 families would have to be catered for by way of public open space; but if on those 10 acres multi-storied flats were built there could be several hundred families living in them, but still only one acre of public open space would be provided.

I think that a fairer proposition is for a certain area of public open space to be contributed either by way of land or cash for every dwelling, whether it be built vertically upwards or at ground level. In that way we would ensure that the people are provided with some of the amenities to which they are entitled. Anyhow, that is not provided in the Bill before us.

There is an obligation placed on certain subdividers at the present time, whilst other subdividers completely escape their responsibility. In regard to the large subdivisions there should be no problem, because in effect there is ample opportunity under the planning scheme for the provision of playing fields, children's playgrounds, and the rest; but where smaller areas are involved it is not of much use having one-fifth of an acre in one spot and another fifth of an acre 100 yards down the road for public open space. It is far better that there be an amalgamation, so that there is an adequate area available to the public whether it be developed as gardens or for sporting facilities.

All that the Bill does is to ask the owners of small areas to do exactly the same as the owners of large areas, no less and no more. It is not the intention or the purpose of a local authority to impose any hardship by demanding, for the sake of argument, a pensioner woman to hand over $5,000.

Mr. W. A. Manning: She would not be a pensioner in that case.

Mr. GRAHAM: The honourable member means after the payment has been made. That would be so. Even if the woman did sell one of the blocks in the subdivision she would want the payment in moieties rather than in a lump sum.

The safety valve lies in the Minister. Just as at the present time he applies sympathy and common sense in laying down conditions, he will apply exactly the same rules in connection with this matter. The Bill does not introduce any new principles. At present there is a section of people owning land—whether they be wealthy or battlers does not matter—who are escaping their responsibilities. If those same people have areas of land in excess of 2½ acres they are obligated to make a contribution of 10 per cent. when they subdivide. Why should there be this distinction? Why cannot it be left to the good sense of the Minister for Town Planning to ensure that in the odd case where a local authority does not play the game the conditions applied will not impose any hardship.

The purpose of this exercise is to make it a better place in which people live. Nobody has suggested that we have too much public open space in our subdivisions, be they old or new. I hope the Committee will insist on the retention of the paragraph.

Mr. O'NEIL: After listening to the comments of the Minister, my view that the matter requires a great deal of research is confirmed. Nobody has denied the need for the provision of public open space, or for the principles that now obtain.

Despite the availability of the right of appeal to the Minister, we believe that the provision contained in the Bill will enable

certain local authorities to take inappropriate action against subdividers, and certainly they can prove to be an embarrassment to the people referred to by the Minister as battlers.

If the requirement of paying cash in lieu of the surrender of land for public open space is confined firstly to subdivisions of broadacres which in total are greater than 2½ acres, and if it applies only to subdivisions which are being made for other than single residential purposes where the payment of cash may be conditional on the sale of the subdivided lots, then perhaps we have something on which we are mutually agreed.

After all, this is a wide net, and it can cause embarrassment not only to the large subdivider from whom the local authority might demand cash instead of land, but also to the small subdivider. It may be that if the land to be subdivided is to be used for multi-storied flats the proposal would be fair enough; but if there is half an acre of land to be subdivided into two quarter-acre lots and there is a house on it, and if the owner wants to sell one lot to get some cash, why should the local authority have the power to demand from him 10 per cent. of the total value which, in some cases, could amount to $3,000 to $4,000? What the Minister has said confirms my view that this matter requires further examination.

Mr. I. W. MANNING: If ever any provision in a Bill required examination this is one. The Minister made very light of the situation of the small subdividers. The cases of which I have had experience indicate that in some instances public open space had already been taken from the land when it was in broadacres. When the land was reduced in size through subdivision, once again the subdivider was required to give up 10 per cent. for public open space.

Another point of which I am highly critical is the valuation that is placed on the 10 per cent. of land in the small subdivisions when the lots are reduced in size to a half or a quarter acre. Because the assessment of the value is based on the land after it has been subdivided into quarter-acre lots, when the subdivider has already provided all the services, it must be high. It is my strong contention that in any instance where a subdivider is required to surrender 10 per cent. of his land for public open space, the valuation that is to be placed on that land ought to be the value when the land was in broadacres. A vastly different value is placed on land before it is subdivided and after it has been reduced in size.

In these days when the subdivider is required to provide all the services, there is very little charge to the local authority. In fact, to my mind local authorities now get it very easy, because little is required in the way of services to be provided by local authorities for a number of years after an area has been subdivided and built on.

Mr. Graham: The remarkable thing is that in areas where most subdivisions and developments are taking place the local authorities are the ones crying poverty.

Mr. I. W. MANNING: Personally I do not accept that, because an inflated value is placed on the land when it is developed and the local authority reaps the reward through increased rates.

Mr. Graham: You recall that in the North-West the Government had to make special financial provision, because of the rapid rate of development.

Mr. I. W. MANNING: I again appeal to the Minister to look at this situation because, to my mind, a grave injustice will be done. When the 10 per cent. becomes a half acre or a quarter acre it will be a small subdivision and the situation might arise where the subdivider cannot pay the money in lieu of the land. I know of instances where the land had to be given up because the persons concerned could not meet the cost of the valuation placed on the land.

Mr. RUSHTON: I agree with what has been said by the member for East Melville that we all like to have areas of playing fields in our districts. I also agree with the Minister that the newly-developing areas seem to have more problems than do the older areas. The older areas, over the years, have been able to make provision for recreation by the collection of rates but in the newer areas the services have been required quickly, and have usually been on a loan basis which stretches the finances of the various shires.

I ask the Minister to have another look at this amendment because it is obvious there will be anomalies. The newer areas are not the ones at stake. Where large areas are subdivided it is not difficult to make provision for reserves. As a matter of fact, the reserves are negotiated before the subdivision is approved.

I well remember a subdivision which occurred when I was a shire councillor, and I think it is a good illustration. The area to be subdivided was surrounded by reserves, one of 88 acres and another of 20 acres, because the early planners had made adequate provision for recreational purposes. In that case it was agreed that cash would be paid in lieu so that amenities could be placed on the existing recreational grounds.

Mr. Graham: It was the only subdivision of its kind of which I have knowledge.

Mr. RUSHTON: Let us come back to the 2½-acre subdivision. I agree with the member for East Melville that in the case of multi-storied development there could be big problems. It is possible that not enough

land could be provided for adequate recreational facilities. In a single residential area 2½ acres could be subdivided into three blocks.

Mr. Graham: Whatever argument is used, I want the honourable member to stick to the three-acre lot. The three-acre subdivision has to make a contribution.

Mr. RUSHTON: In that case the subdivider can take the land and pay the money to the shire. I am a great believer in this type of contribution so long as the money is retained in the neighbourhood. It worries me to think that the money could be spent in another area. I sincerely believe it should be spent in the area from which it was derived for the benefit of the people concerned. Under the provisions of the proposed legislation the money could be spent on an area five miles from where it was raised.

Mr. Graham: That could be applied to any payment made to a local authority.

Mr. RUSHTON: The Minister has said the money will be spent in the area.

Mr. Graham: I am speaking of rates and other charges.

Mr. RUSHTON: If it is considered in that way this could be another taxing measure. The Minister is implying that it is not a taxing measure, but a move to build up recreational facilities. However, there might not be any need for further recreational areas where the subdivision takes place, so this would be a taxing measure

Firstly, it is easy to see that this is a taxing measure; and, secondly, there will be many anomalies. Also, we have to consider the point raised by the member for East Melville concerning multi-storied development. I sincerely request the Minister to reconsider this measure.

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

Ayes—21

Mr. Blaikie	Mr. Nalder
Mr. Court	Mr. O'Connor
Mr. Coyne	Mr. O'Neil
Dr. Dadour	Mr. Ridge
Mr. Gayfer	Mr. Runciman
Mr. Grayden	Mr. Rushton
Mr. Hutchinson	Mr. Williams
Mr. Lewis	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. McPharlin	Mr. I. W. Manning
Mr. Mensaros	*(Teller)*

Noes—21

Mr. Bertram	Mr. Jamieson
Mr. Brady	Mr. Jones
Mr. Brown	Mr. Lapham
Mr. Bryce	Mr. May
Mr. Burke	Mr. Moiler
Mr. Cook	Mr. Norton
Mr. Davies	Mr. Taylor
Mr. H. D. Evans	Mr. A. R. Tonkin
Mr. Fletcher	Mr. J. T. Tonkin
Mr. Graham	Mr. Harman
Mr. Hartrey	*(Teller)*

The CHAIRMAN: The voting being equal I give my casting vote to the Noes.

Amendment thus negatived.

Mr. LEWIS: We have been dealing with amendments to section 20. Section 20 commences with the words, "Subject to section 20 (1) (b) of htis Act." The section is therefore subservient to section 20 (1) (b), which deals with subdivisions. We have now inserted in section 20 provisions for amalgamations as well, but section 20 (1) (b) makes no mention of amalgamations.

It seems some consequential amendments are required to section 20 (1) (b). I suggest the Minister might examine this matter. Something else is needed to tidy up section 20 (1) (b).

Mr. GRAHAM: The honourable member was good enough to discuss this matter with me. He has now brought it to my notice officially and I undertake to examine the point to see whether there is any validity in it. If so, I shall ensure that appropriate action is taken before the Bill goes to another place.

Clause put and passed.

Clause 4 put and passed.

Title put and passed.

Bill reported with amendments.

QUESTIONS

Statement by Speaker

THE SPEAKER (Mr. Norton): I wish to draw the attention of members to the fact that on Wednesday next questions will be taken at the normal time, just after the House sits at 11.00 a.m.; and questions on notice for Thursday, the 27th April, will close at 12.00 noon.

QUESTIONS (35): ON NOTICE

1. WORKERS' COMPENSATION

Review of Act

Mr. O'NEIL, to the Minister for Labour:

(1) Since he has indicated in his answer to question 8 on Tuesday, 18th April, 1972 his dissatisfaction with progress being made in the promised review of the Workers' Compensation Act, how does he reconcile the statement in the same answer: " . . . it was reluctantly decided to push ahead with important amendments to the Act as it now stands . . . " with the statement contained in the answer to question 26 on Wednesday, 12th April, 1972, "The Minister for Labour Advisory Committee . . . has not yet considered proposals to amend the Workers' Compensation Act"?

(2) When was this reluctant decision made?

(3) When is it expected that the committee will consider proposals to amend the Act?

(4) Can it be expected that, as his answer to question 8 on Tuesday, 18th April, 1972 implies, important amendments to the Workers' Compensation Act will be introduced into Parliament in the near future?

Mr. TAYLOR replied:

(1) The Workers' Compensation Act differs from most other Acts involving employer-employee relations administered by me in that it does not lend itself so readily to tripartite deliberations. I therefore considered it preferable to instead invite suggested amendments from interested parties without discussion and gave guarantees that those amendments acceptable to the Government as well as those proposed by the Government itself would be placed before the Minister for Labour Advisory Committee for their consideration and comment and, if a case was made out, for further amendment.

(2) The latter half of 1971.

(3) As soon as possible after the return of one of the three members, Mr. J. Coleman, from overseas which I understand will be early next week.

(4) Unless serious objections develop, and subject to drafting and printing schedules, it is still my hope that the Bill will be introduced this session.

2. STATE GOVERNMENT INSURANCE OFFICE

Contributions to State Revenue

Mr. O'NEIL, to the Minister for Labour:

What percentage of total State revenue did the S.G.I.O. contribution represent in each of the last three years?

Mr. TAYLOR replied:

		%
1968-69	....	.05
1969-70	....	.06
1970-71	....	.14

3. KWINANA-BALGA POWER LINE

Land Zoning: Armadale-Kelmscott

Mr. RUSHTON, to the Minister for Town Planning:

Adverting to my question without notice on 18th April—

(1) What is the zoning of the land north of Allen Road and north of other properties in line with Allen Road to the South Western railway?

(2) If (1) is "urban" when did this zoning become effective?

(3) Has this land been subdivided?

(4) Is there a proposal for this land to be subdivided?

(5) If "Yes" to (4) what are the details, that is—

(a) owner;

(b) developer;

(c) area;

(d) conditions;

(e) number of blocks?

(6) How many blocks are contained within the area bounded by Lake Road, Ypres Road, Gosnells shire boundary and South Western railway in Kelmscott?

(7) For how many years has the majority of these blocks been subdivided?

Mr. GRAHAM replied:

(1) The land is predominantly zoned "rural" in the Shire of Gosnells Town Planning Scheme.

(2) Only some 10 acres of land south of Eileen Street—between Eileen Street and Allen Road—were zoned "residential" in the Gosnells Scheme, granted final Ministerial approval on 10th May, 1968.

(3) The 10 acres referred to in (2) above have been subdivided.

(4) There is no proposal for subdivision lodged with the Town Planning Board for the remainder of the lands specified in (2) above (between Eileen Street and Allen Road).

(5) Answered by (4).

(6) 95 blocks, ranging in size from 27.5 perches to 50 acres 0 roods 10 perches.

(7) 51 years.

4. HOSPITALS

Swimming Pools

Mr. W. A. MANNING, to the Minister for Health:

(1) Under what circumstances will a swimming pool be built for staff use at a hospital?

(2) At what hospitals have these been built?

(3) What others are under consideration or planned?

Mr. DAVIES replied:

(1) It is unlikely that approval would be given to build a swimming pool on a hospital site. Each case would be carefully considered, but in no circumstances could Government funds be involved.

(2) At Carnarvon a swimming pool was built on the hospital site.
At Port Hedland an above ground pool was erected on the old hospital site which until recently was occupied as staff accommodation. The pool is no longer in use.
At Royal Perth Hospital there is a pool at the new nurses' home in Goderich Street—not on the hospital site itself—and, I believe, paid for by an anonymous donor.

(3) A request to construct a pool at the Armadale-Kelmscott District Memorial Hospital was refused. Several representations have been made to me for re-consideration of this decision, but further evidence would be required to alter the decision.

5. *This question was postponed.*

6. ALUMINA REFINERY

Pacminex: Kwinana Site

Mr. COURT, to the Minister for Development and Decentralisation:

(1) Is it correct that one of the alternative alumina refinery sites under discussion between the Government and Pacminex is in or near Kwinana industrial area?

(2) If so, why is such a proposal being considered in view of the decision to ensure alumina production beyond the present capacity of 1,250,000 tons per year is undertaken on a decentralised basis and away from the Kwinana industrial area?

Mr. GRAHAM replied:

(1) Pacminex has requested that an alternative site in the Kwinana industrial area be provided for its alumina refinery if it is not allowed to proceed with its project at Warbrook. The request has not yet been considered by the Government.

(2) Answered by (1).

7. ELECTRICITY SUPPLIES

Increased Charges: Effect in Country

Mr. COOK, to the Minister for Electricity:

(1) Has his Department assessed the effect of increased charges for industrial power on industrial undertakings in country areas?

(2) If so, would he make available to me the Department's view on suggestions that the increased charges would lead to staff retrenchments and possibly affect the viability of companies?

Mr. MAY replied:

(1) Yes.

(2) Electricity charges are only one component in the cost of production of any item. Except in isolated instances the cost of electricity is a very small proportion of total cost—often less than 5%.

A recent check on several large country industries revealed that on the average the previous electricity charges were 4.3% of the total value of the products. The recent increases added only 0.67% on the average. This should have very little effect on the viability of the companies.

Industry in the country areas supplied from the inter-connected system still pay less than they would in the metropolitan area.

8. UNEMPLOYMENT

General Motors: Retrenchments

Mr. FLETCHER, to the Minister for Development and Decentralisation:

(1) Is he aware of a decline in sales of General Motors vehicles which is causing unemployment in the Eastern States plants?

(2) Is he further aware that rumours are circulating among General Motors Holden employees in this State—the Cottesloe-Mosman plant in particular—that the unemployment will be reflected in this State?

(3) Can he confirm or deny the rumours, or if possible give reassurance to the employees likely to be affected?

Mr. GRAHAM replied:

(1) No. Information in my possession indicates that General Motors are currently recruiting labour in the Eastern States.

(2) No. I am not aware of the rumours referred to but accept that what you state is correct and suggest that in view of my answer to question (1) they are unfounded.

(3) See answers to (1) and (2).

9. HOUSING FOR NATIVES

Coolgardie

Mr. BROWN, to the Minister representing the Minister for Community Welfare:

(1) Has the Department of Native Welfare given assurances to the Coolgardie Shire Council for the erection of one conventional and two transitional houses at Coolgardie?

(2) If so, when is it proposed to erect these dwellings?

Mr. JAMIESON replied:

(1) Yes.

(2) The necessary funds have been allocated and the State Housing Commission has been asked to arrange contracts.

10. MERREDIN RESEARCH STATION

Cattle and Pig Facilities

Mr. BROWN, to the Minister for Agriculture:

(1) Further to previous representations for the establishment of cattle and pig research facilities at the Department of Agriculture's research station at Merredin, are firm proposals envisaged?

(2) If "Yes" what functions are to be undertaken by such an establishment and when will it be operative?

Mr. H. D. EVANS replied:

(1) No firm proposals have as yet been made to establish such facilities.

(2) Answered by (1).

11. MORLEY HIGH SCHOOL

Fourth-year Classes

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

(1) Is it intended that the Morley high school will have fourth year classes in 1973?

(2) How many students are expected in each year in 1973?

(3) What additional building will be necessary at the school for the commencement of the school year in 1973?

Mr. DAVIES (for Mr. T. D. Evans) replied:

(1) Yes.

(2) Predicted enrolments—1973.

1st year	....	320
2nd year	....	308
3rd year	....	263
4th year	....	101
Total	....	992

(3) A specially designed fourth stage will be provided to house upper school students.

12. ROADS

Greenmount-Mundaring Dual Carriageway

Mr. MOILER, to the Minister for Works:

With reference to the proposed extension of a dual carriageway between Hardey Road, Greenmount, and Mundaring—

(1) When is it anticipated that a start will be made on the provision of the dual carriageway?

(2) When is it anticipated the dual carriageway between Greenmount and Mundaring will be completed?

(3) What is the estimated cost for the proposed upgrading between Hardey Road and Mundaring?

(4) Will the upgrading and provision of a dual carriageway require the closing of some roads at present entering onto Great Eastern Highway?

(5) If (4) is "Yes" which roads are to be closed?

(6) Is Mundaring Shire Council in agreement with the closure of any roads at present entering onto Great Eastern Highway?

Mr. JAMIESON replied:

(1) Week commencing 24th April, 1972.

(2) End of 1972.

(3) Preliminary estimates for construction of the dual carriageway between Hardey Road and Craven Road, Mundaring, retaining the existing pavement where possible, are $400,000.

(4) No.

(5) Answered by (4).

(6) While it is not proposed to close roads when the dual carriageway is constructed it will be desirable at some future time to close several roads in order to reduce the traffic conflict on Great Eastern Highway. These long range planning proposals have been submitted to the Mundaring Shire Council who have indicated their agreement.

13. LANGFORD SCHOOL

Resources Centre

Mr. BATEMAN, to the Minister for Education:

Can he advise whether the resources centre for the Langford primary school will be built during this financial year; if not, when is it anticipated that the centre will be constructed?

Mr. DAVIES (for Mr. T. D. Evans) replied:

It is general policy to provide resource centres in new cluster schools with the erection of the third cluster. Langford will receive a resource centre when further additions are warranted.

14. OFF-SHORE WATERS

Commonwealth and State Jurisdiction

Mr. MENSAROS, to the Premier:

In connection with the forthcoming meetings of State delegates to suggest amendments to the Commonwealth Constitution and in view of reports that the Australian Labor Party's policy is to hand over responsibility to the Commonwealth regarding all off-shore waters, what is his Government's view and accordingly what will be its recommendations regarding State versus Commonwealth Government responsibility for the sea within three miles limit off-shore?

Mr. J. T. TONKIN replied:

The appropriate place and time for an expression of the Government's views on matters to be discussed at the convention will be at the convention when the items on the agenda are being dealt with.

15. RAILWAYS

Commonwealth and State Jurisdiction

Mr. MENSAROS, to the Premier:

In connection with the forthcoming meetings of State delegates to suggest amendments to the Commonwealth Constitution and in view of reports that the Australian Labor Party's policy is to hand over responsibility to the Commonwealth regarding railways, what is his Government's view and accordingly what will be its recommendations regarding State versus Commonwealth Government responsibility for railways?

Mr. J. T. TONKIN replied:

See answer to question 14.

16. NEERIGEN BROOK SCHOOL

Grounds

Mr. RUSHTON, to the Minister for Education:

When will the Neerigen Brook primary school, West Armadale, recreation ground development—

(a) begin;

(b) be completed?

Mr. DAVIES (for Mr. T. D. Evans) replied:

(a) May 1972. For commencement of installation of pump to existing bore with earthworks to follow.

(b) Earthworks and reticulation to be completed June, 1972, with grassing by parents and citizens to follow.

17. QUESTIONS WITHOUT NOTICE

Practice

Mr. COURT, to the Speaker:

Referring to your statement on 18th April, 1972—

(1) In view of the fact that you expressed the view that the statements under consideration were in your opinion "contempt or verging on contempt by the Honourable Member and the Press", what action has been taken by you or anyone on your behalf in respect of the Press?

(2) (a) If action has been taken, what was the result of such action;

(b) if no action has been taken, is action proposed;

(c) if no action has been taken or is proposed, why was action taken only in respect of the Member for Darling Range?

(3) To what extent are the Erskine May publications to be the basis of procedures and practices in the Legislative Assembly in future, in view of comments by Speaker Guthrie and also the observations during the time when our Standing Orders were reviewed and there was an expressed desire to use local precedents and practices where practicable?

(4) (a) What action have you taken or you propose to take in respect of the recorded interjection by the Honourable the Deputy Premier (Mr. Graham)—see page 576 of *Hansard* No. 4 of this session—and which comment was made whilst the Member for Darling Range was addressing his question to the Minister for Electricity and about which question and subsequent events you have taken action;

(b) Whether you have taken action or not, do you regard comments such as those made by the Honourable the Deputy Premier as coming within the provisions of Standing Order 128 which says "No Member shall use offensive or unbecoming words in reference to any Member of the House"?

(5) Do your comments and rulings covered by your 18th April, 1972 remarks in respect of the Member for Darling Range mean that any Member of the House (including Members of the Government) will in future be made to withdraw and apologise if they use the words "high handed" or "arrogant" when referring to other Members of the Parliament?

(6) Which are the questions without notice that have been asked which are not within the bounds that you regard as acceptable when in the course of your remarks you said "However, when it comes to questions without notice, the position is quite different in at least some cases" and later you said "Hence a number of questions without notice have slipped through, when they should not have been permitted"?

(7) What is the authority on which Mr. Speaker can single out one Member of the Legislative Assembly such as you did in your concluding comments "I would now advise the Member for Darling Range that I will not acknowledge him, during the course of questions without notice, until he has apologised to the Speaker of the House"?

(8) Will you table for the information of Members the advice you received and which, from your remarks, appears to be to the effect that the Member for Darling Range did not commit a contempt?

(9) What is the authority of Mr. Speaker for taking or threatening to take disciplinary action in respect of a Member of the Legislative Assembly when he has not committed a contempt, but only in your opinion "was verging on contempt"?

(10) In what way has the Member for Darling Range transgressed or been in danger of transgressing Section 8 of Parliamentary Privileges Act (see pages 96-97 of "Acts, etc., Relating to Parliament") in relation to his remarks either in the House or outside of it?

The SPEAKER (Mr. Norton) replied:

(1) No action—this is a matter for the House to decide.

(2) (a) Answered by (1);
(b) answered by (1);
(c) to preserve the dignity of the House.

(3) To the extent as published by Speaker Guthrie in 1968 and issued to members. For your information I supply a copy with this answer.

(4) (a) If objection had been taken by the member at the time the words were spoken, Standing Order No. 144 would have applied;
(b) Yes.

(5) Standing Orders Nos. 128, 129, 144 and 145 apply.

(6) Reference is made to pages 215, 334 and 469 of *Hansard* of this Session.

(7) Questions without notice are at my discretion. There would be no record in *Hansard* if a Speaker had failed in the past to recognise members.

(8) This was verbal advice that it could be classed as an infringement under Section 8 of the Parliamentary Privileges Act, page 97.

(9) The authority of all Speakers to preserve order and dignity in the House. This House is recognised as having a very high standard in decorum, and I intend to keep it that way.

(10) I refer you to the publication of—
(a) Speaker Guthrie;
(b) page 97 of the Parliamentary Privileges Act—
"Insulting a member on account of his behaviour in Parliament";
and
(c) page 148 (first half) of May's *Parliamentary Practice*, 18th Edition.

18. HOUSING

Children of Evicted Families

Mr. R. L. YOUNG, to the Minister for Housing:

What arrangements are made with the Child Welfare Department or any other department to ensure the well-being of children who are members of families evicted from State Housing Commission homes?

Mr. TAYLOR (for Mr. Bickerton) replied:

In all cases Child Welfare Department receives advice where eviction of a family by the commission is imminent.

Depending on circumstances other departments including Department of Correction, Mental Health and Native Welfare may also receive advice of pending eviction.

19. HOUSING

Rental Homes Occupied

Mr. R. L. YOUNG, to the Minister for Housing:

(1) How many State Housing Commission units of accommodation were occupied on a rental basis on 30th June in each year from 1965 to 1970?

(2) How many such units were occupied on—
30th September, 1970;
31st December, 1970;
31st March, 1971;
30th June, 1971;
30th September, 1971;
31st December, 1971;
31st March, 1972?

Mr. TAYLOR (for Mr. Bickerton) replied:

(1) Rental accounts collected—
1965—13,890.
1966—14,612.
1967—14,883.
1968—15,399.
1969—15,548.
1970—16,272.

(2) Rental accounts collected—
30th September, 1970—17,046.
31st December, 1970—17,497.
31st March,1971—18,152.
30th June, 1971—18,273.
30th September, 1971—18,473.
31st December, 1971—18,376.
31st March, 1972—(Not yet available).

In both (1) and (2) tenancies under arrangements for armed services housing and special project housing for United States Navy employees at Exmouth have been excluded.

20. HOUSING

Evictions

Mr. R. L. YOUNG, to the Minister for Housing:

(1) How many tenants were evicted from State Housing Commission homes in each of the years ended 30th June, 1965 to 30th June, 1970 inclusive?

(2) How many tenants have been evicted in the quarters ended—
30th September, 1970;
31st December, 1970;
31st March, 1971;
30th June, 1971;
30th September, 1971;
31st December, 1971;
31st March, 1972?

Mr. TAYLOR (for Mr. Bickerton) replied:

(1) Rental tenants evicted—
Year ended June:
1965—9.
1966—12.
1967—13.
1968—28.
1969—21.
1970—14.

(2) Rental tenants evicted quarters ending—
30th September, 1970—5.
31st December, 1970—2.
31st March, 1971—3.
30th June, 1971—Nil.
30th September, 1971—4.
31st December, 1971—Nil.
31st March, 1972—2.

21. HOUSING

Outstanding Rents

Mr. R. L. YOUNG, to the Minister for Housing:

(1) What was the total of State Housing Commission rents outstanding as at 30th June in each year from 1965 to 1970?

(2) What was the total of State Housing Commission rents outstanding at—
30th September, 1970;
31st December, 1970;
31st March, 1971;
30th June, 1971;
30th September, 1971;
31st December, 1971;
31st March, 1972?

Mr. TAYLOR (for Mr. Bickerton) replied:

(1) Rent outstanding including write offs and vacated damages—
30th June:

	$
1965	262,170
1966	289,147
1967	333,026
1968	370,234
1969	383,035
1970	448,480.

(2)

	$
30th September, 1970	463,745
31st December, 1970	511,153
31st March, 1971	500,497
30th June, 1971	519,995
30th September, 1971	539,750
31st December, 1971	593,708

31st March, 1972—Not yet available.

22. NATIONAL SERVICE

Warrants: Instructions to Police

Mr. COURT, to the Premier:

(1) Will he table copies of all minutes, orders, instructions, regulations etc., that have been issued by Ministers or the police force in re-

spect of legal processes involving Commonwealth matters including national service offences?

(2) What is the Government's policy in respect of draft resisters?

Mr. J. T. TONKIN:

(1) No instructions have been issued by Ministers in respect of legal processes involving Commonwealth matters. However, all correspondence relevant to police involvement is tabled.

(2) To co-operate with the Commonwealth in ensuring observance of the law.

The correspondence was tabled.

23. *This question was postponed.*

24. UNEMPLOYMENT RELIEF

Murchison-Eyre

Mr. COYNE, to the Treasurer:

What amounts of unemployment relief funds were allocated to the shires of—

Yalgoo, Mount Magnet, Cue, Meekatharra, Sandstone, Wiluna, Leonora, Laverton and Menzies?

Mr. J. T. TONKIN replied:

Allocations from Commonwealth Grants for the relief of unemployment in non-metropolitan areas were—

Mount Magnet—$1,900.

Cue—$2,000.

Wiluna—$10,000 plus $5,000 for work on the Wiluna native mission to be controlled by the shire.

Menzies—$7,500.

In addition, $3,600 was allocated to Laverton from State funds.

25. FERRIES

Bar Trading Hours

Mr. FLETCHER, to the Attorney-General:

(1) Is he aware of agitation by those engaged in passenger and charter ferry work on the river and outside the harbour for a return to the bar trading hours and conditions applying to the previous Liquor Act?

(2) Is he aware that this dissatisfaction arises as a consequence of restrictions imposed by the new Liquor Act?

(3) Is he aware that crews and passengers alike are alleged to be dissatisfied with the present conditions and that the proprietors and others are petitioning Parliamentary Members to this effect?

(4) If he is aware of the situation expressed in (1) to (3) above, is any action contemplated likely to cause satisfaction to those affected?

Mr. JAMIESON (for Mr. T. D. Evans) replied:

(1) to (3) Yes.

(4) The matter is receiving consideration.

26. *This question was postponed.*

27. NATIONAL SERVICE

Warrants: Instructions to Police

Mr. McPHARLIN, to the Minister representing the Chief Secretary:

As it was reported in *The West Australian* of 19th April, 1972 that the Commonwealth Attorney General, Senator Greenwood, has tabled a police instruction that the Western Australian police were not to serve warrants relating to national service, will he table the instructions, as reported, in both Houses of the Western Australian Parliament?

Mr. TAYLOR replied:

Yes. All correspondence dealing with this matter will be tabled in both Houses.

28. TOWN PLANNING

Corridor Plan: Ritter Report

Sir DAVID BRAND, to the Minister for Town Planning:

Referring to answers to question (9) of 13th April, 1972 regarding the Ritter report—

(1) What is the estimated cost to the Government of the work detailed in answer (4) to question (9) of 13th April, 1972?

(2) What other costs have been incurred or will be incurred by the Government in Mr. Ritter's presentation of his report—

(a) to members of the Parliament;

(b) to the meeting of representatives of local authorities held at Council House?

(3) What is the total of overall costs involved, including those covered by previous answers plus (1) and (2) above and any other expected costs?

Mr. GRAHAM replied:

(1) $1,145.

(2) (a) and (b) $825.

(3) $7,615, excluding the cost of printing of the report, which it is anticipated will be covered by sales of the document.

29. TEACHERS

Overseas Recruitment

Mr. O'NEIL, to the Minister for Education:

(1) Since my question 12 on Wednesday, 19th April, refers only to 38 secondary and 10 primary teachers recruited from overseas, and since the Education Department's May circular lists postings of all teachers, how is it that he can say that information as to how many are serving in country and metropolitan areas is not available?

(2) Will he reconsider his answer?

Mr. DAVIES (for Mr. T. D. Evans) replied:

(1) and (2) Question 12 on the 19th April asked:—

(5) In respect of teachers recruited overseas—

(c) how many are presently serving—

(i) in the metropolitan region; and

(ii) in country areas?

It was assumed that this referred to all teachers recruited since 1966.

Of the 19 teachers who have arrived from the United Kingdom since the beginning of 1972, 16 have been posted to the metropolitan area and 3 to the country.

30. NATIVES AT LAVERTON

Police Supervision

Mr. COYNE, to the Minister representing the Minister for Community Welfare:

(1) Is the Minister aware that town natives in Laverton are being harrassed and exploited by young unemployed natives who refuse to work even when jobs are found for them?

(2) Does he realise that these older natives have asked the police to protect them from these vagabonds who cause trouble?

(3) In view of this extraordinary situation that is evident in this town, would the Minister give consideration to sending a senior departmental officer to visit the area (preferably on a pension day) to study the position at first hand?

Mr. JAMIESON replied:

(1) I have heard allegations to this effect. The member will be aware that there is little employment offering in that area.

(2) Yes.

(3) The Acting Superintendent of the Eastern Division was in Laverton yesterday, which was a pension day. He saw no untoward events but the situation will be kept under observation.

31. UNEMPLOYMENT

Trade Categories

Mr. COURT, to the Minister for Labour:

(1) Has the Government analysed the employment and unemployment figures to assess which trade categories are short of labour?

(2) If so, what are the categories and what numbers are needed to meet the deficiency?

(3) If not, will he have the analysis made?

(4) How many are estimated to be unemployed because of the shortage of skilled tradesmen in certain categories?

(5) What action is being taken to overcome the shortage of these skilled tradesmen?

Mr. TAYLOR replied:

(1) Yes.

(2) (a) The material available to the Government—the Department of Labour and National Service *Monthly Review of the Employment Situation* for March 1972, shows a surplus of unemployed over unfilled vacancies. The surplus is 9,083 and represents unemployed in the following occupational groups—

Rural.

Professional and semi-professional.

Clerical and administrative.

Skilled building and construction.

Skilled metal and electrical and semi-skilled workers.

(b) From the figure of 9,083 and the occupational group coverage represented in that figure it is estimated that no trade categories are short of labour.

Western Australia: Unemployed persons and unfilled vacancies by occupational group—March, 1972.

(3) Answered by (2).

(4) The actual information is not available, but as there are so very few pivotal trade categories short of skilled labour, it is estimated that other semi-skilled and unskilled workers are not unemployed for this reason.

(5) The Government has increased its intake of apprentices in 1972 and has urged industry to do likewise to ensure that the State has adequate skilled labour for the future.

There is a schedule associated with question 2 which I ask permission to table.

The schedule was tabled.

32. CRIMINAL CODE

Offences under Sections 317, 403, 404, and 407

Mr. MENSAROS, to the Attorney-General:

Referring to his reply to my question 26 on 18th April, 1972 would he disclose the number of—

(a) complaints;

(b) convictions,

in connection with offences violating sections 317, 403, 404 and 407 of the Criminal Code (shown separately) for any given period—for which statistical information is separately recorded—of approximately 12 months in 1964, 1965, 1966 or 1967?

Mr. JAMIESON (for Mr. T. D. Evans) replied:

Criminal Code Section	Complaints				Convictions			
	1964	1965	1966	1967	1964	1965	1966	1967
317	33	23	15	17	30	21	13	15
403 }								
404 }	2,888	3,028	3,510	4,799	814	758	1,036	1,210
407 }								

Separate statistics of Section 403, 404 and 407 offences not maintained.

Period covered is for 12 months ended 30th June in year shown.

33. TOURISM

Financial Assistance and Guarantees

Mr. BLAIKIE, to the Minister for Tourism:

(1) Would he advise what formula is followed when assessing applications for—

(a) financial assistance;

(b) financial guarantee,

from the Tourist Development Authority when application for assistance is made by—

(i) private enterprise;

(ii) local government;

(iii) Government?

(2) Will he detail the amount of funds so allocated or guaranteed, to whom, and for what purpose were the moneys to be expended since 30th June, 1968?

Mr. TAYLOR replied:

(1) (a) There is no set formula—each application is considered on its merits. However, an outline of current policy and procedure will be forwarded by letter to the member.

(b) The Tourist Development Authority does not guarantee financial transactions.

(2) A list showing such allocation is tabled.

The list was tabled.

34. LIQUOR

Restriction on Access

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

(1) Is he aware of any power that a police officer may have to restrict any person from access to wines and spirits?

(2) Can discretionary powers be vested in a police officer to restrict access to wines and spirits to unsophisticated "bush" natives who are obviously unable to cope with this form of liquor?

(3) If so, would he consider vesting such powers in the officers in charge at Laverton and Wiluna, in the interests of law and order?

Mr. MAY replied:

(1) No.

(2) No.

(3) Answered by (2).

35 MITCHELL FREEWAY AND HAMILTON INTERCHANGE

Resumptions and Cost

Mr. STEPHENS, to the Minister for Works:

(1) What has been the total cost to date and the estimated cost to completion of the Mitchell Freeway and Hamilton Interchange for—

(a) land resumptions;

(b) all construction costs?

(2) From what source or sources is the above scheme being financed?

Mr. JAMIESON replied:

(1) The cost to date and the estimated cost to completion of the Mitchell Freeway including narrows interchange to northern end of present work on the Hamilton interchange bounded by Sutherland Street, Aberdeen Street,

Charles Street to north of Newcastle Street thence south along east side of Charles Street to Murray Street, is as follows:—

	Cost to Date 31/3/72	Estimated Cost to Completion
(a) Land Aquisition*	$	$
Main Roads Department	5,059,975	5,059,975
Metropolitan Region Planning Authority	4,130,657	4,130,657
	9,190,632	9,190,632

*Includes land acquired in present work area which provides right of way for future extension of the Mitchell Freeway.

	Cost to Date 31/3/72	Estimated Cost to Completion
(b) Construction Costs	$22,098,211	$31,240,000

(2) Expenditure to date has been from the following sources:—

Main Roads Department	$
Commonwealth Aid road funds	20,627,724
State funds—	
Traffic fees	5,730,462
Loan funds	800,000
Metropolitan Region Planning Authority—	
Metropolitan Region Improvement Trust Fund	4,130,657

QUESTIONS (5): WITHOUT NOTICE

1. METROPOLITAN WATER SUPPLY, SEWERAGE AND DRAINAGE BOARD

Plumbing Inspectors: Shortage

Mr. R. L. YOUNG, to the Minister for Water Supplies:

I apologise for not having given the Minister some notice of this question which relates to a question I asked yesterday, but I have no doubt he will be able to answer it quite readily. In reference to the question I asked without notice on the 19th April, 1972, in respect of Metropolitan Water Supply, Sewerage and Drainage Board inspectors, and his reply to that question, can the Minister say—

(1) Whether he believes that four additional inspectors will considerably improve the inspection situation on present volume?

(2) If not, will he take urgent steps to recruit the number of inspectors necessary to overcome the current unsatisfactory situation?

Mr. JAMIESON replied:

(1) and (2) It is obvious that the recruitment of more inspectors will improve the situation. Therefore the first part of the question answers itself. The position is, however, being watched. The matter was drawn to my attention by a ministerial colleague some weeks ago. I am informed that suitable inspectors are not readily available and we are endeavouring to obtain more of them. If it is proved that even more inspectors are needed after recruiting the additional number that we propose, then obviously the Metropolitan Water Supply, Sewerage and Drainage Board will give consideration to recruiting more inspectors.

2. RURAL RECONSTRUCTION SCHEME

Restriction

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

Will he quote the words in the Commonwealth-States Rural Reconstruction Agreement which restrict rural reconstruction by means of transfer of a property from a father to son?

Mr. H. D. EVANS replied:

The definition of a "farmer" in section 3 of the Rural Reconstruction Scheme Act does not extend to the son of a farmer unless he is a partner or a share-farmer, or already owns farmland.

3. QUESTIONS TO THE SPEAKER

Procedure

Mr. COURT, to The Speaker:

I seek your guidance, Mr. Speaker, on a matter of some embarrassment to you. There is, however, no one else to whom I can appeal. In view of the Standing Orders about asking questions without notice of The Speaker, how does one get on when one seeks to elucidate answers which have been given and with which one disagrees?

Mr. J. T. Tonkin: That is easy; by putting them on the notice paper.

Mr. COURT: The point is that we might like elucidation of the answer while the matter being dealt with is current. In such a case must we disagree with your ruling or must we follow up with further questions?

The SPEAKER (Mr. Norton) replied:

The Standing Orders state that any questions to the Speaker shall be in writing and on notice.

Mr. COURT: Is it competent for me, therefore, to disagree with your ruling, Sir, in respect of these questions and the answers to these questions?

Mr. Graham: This is question time.

Mr. O'Connor: We can disagree with the ruling.

Mr. J. T. Tonkin: It is worth trying if you can get away with it.

The SPEAKER: In this case it is strictly answers to questions.

Mr. J. T. Tonkin: It is worth trying.

Mr. Court: He could have saved himself an awful lot of bother if he had answered the questions better.

4. WHEAT QUOTAS

Committee of Review: Tabling of Report

Mr. H. D. EVANS (Minister for Agriculture):

Following a question asked several weeks ago I indicated that I would table a copy of the report of the committee of review in relation to the allocation of wheat quotas in Western Australia. Accordingly I ask leave to table it.

The report was tabled.

5. KWINANA-BALGA POWER LINE

Route: Armadale-Kelmscott District

Mr. RUSHTON, to the Minister for Mines:

Adverting to my question without notice on Tuesday, the 18th April, asking for the published State Electricity Commission 330 kV transmission line route through Armadale-Kelmscott to be adhered to north of Allen Road, will he, because the answer of the Minister for Town Planning today shows the previous announced route would be through rural-zoned land and the changed intention is that the transmission line will be built through subdivided land, review his decision?

Mr. MAY replied:

Yes.

PLANT DISEASES ACT AMENDMENT BILL

In Committee

Resumed from the 18th April. The Chairman of Committees (Mr. Bateman) in the Chair; Mr. H. D. Evans (Minister for Agriculture) in charge of the Bill.

Clause 1: Short title and citation—

The CHAIRMAN: Progress was reported after the clause had been partly considered.

Sitting suspended from 3.53 to 4.08 p.m.

Mr. RUSHTON: If we approve this legislation we will put local government in the position of having to accept fruit-fly baiting schemes. I now voice my objection.

Mr. NALDER: I would like your guidance, Mr. Chairman. The intention of this Bill is to delete the sections of the Plant Diseases Act which have any reference to fruit-fly baiting. The Minister said that the amendments to the Local Government Act would allow local governments to take over the control of fruit-fly baiting. I desire to have more information regarding alterations to the present scheme. The intention is not clearly set out in the amending Bills and I ask you, Mr. Chairman, whether you will permit me to seek the information at this stage?

The CHAIRMAN: Yes, I will allow that.

Mr. NALDER: The Minister's introductory speech appears on page 530 of *Hansard*. He said it is intended that the amending legislation should abolish existing schemes which have been introduced on the basis of a majority poll of owners/occupiers but it will enable municipal councils at their judgment to seek the Minister for Local Government's approval for their discontinuance.

Just how will a scheme, which is operating at present, continue if it has to be continued in the hands of the municipal council? The Minister has not explained this situation and to me it seems to be contradictory. At the end of his speech I interjected and asked the Minister whether the proposed legislation was intended to replace the present system completely, and the Minister replied, "Yes, that is what is intended."

How will present schemes continue to function and operate if this legislation is passed?

Mr. H. D. EVANS: If the member for Katanning looks at the amendment proposed for the Local Government Act he will see that it is mandatory for local government to accept the initial transfer of the scheme. I think the reason is fairly obvious. Occasions could arise where it is desirable to retain a scheme when a local authority, in the initial stages, may desire to discontinue it without reference to the community.

To ensure that the community has an opportunity to express its desires in the matter, and to ensure that the group-community baiting scheme continues, this provision is so made. However, after determining the desire or otherwise of the community to retain the scheme, the local authority may appeal to the Minister for its discontinuance.

Mr. HUTCHINSON: I intended to speak on the Local Government Act Amendment Bill, which is one of the three complementary measures. In discussion they cannot be separated, so I will make my comments while speaking to the title of the

first-mentioned Bill. I oppose this legislation because it is virtually valueless. It will not achieve what it seeks to do; that is, create a new opportunity to control fruit fly.

I submit that the proposed legislation will not in any way control fruit fly because local government authorities will not be attracted into the scheme.

Mr. H. D. Evans: Some are already involved.

Mr. HUTCHINSON: I have stated one reason I cannot support this measure. Perhaps I can go further and say it is worse than valueless because the problem will be placed in a pigeon hole, and it will not be taken out again for some time. The Minister, and his department, will consider they have dealt with the problem and tried to solve it. We from this side submit that the problem will not be solved at all. If it is one which needs to be solved it should be tackled properly.

I also believe this legislation will discriminate in regard to those councils—or at least one of those councils—which have already adopted schemes under the poll system, where a vote is taken. I believe that in the Melville area a scheme exists in part of the municipality. Under the legislation now before us, which the Minister has said is voluntary legislation, local authorities are not compelled to undertake fruit-fly baiting schemes. The Bill contains a clause which will make it mandatory that a council, having conducted a successful poll must, perforce, go on with the scheme.

Although the scheme operating in Melville applies to only portion of the municipality it could be that under this legislation the council will have to conduct a campaign over the whole of the municipality. The Minister indicates that that is not so. Well, I cannot see where that is set out in the proposed legislation. The relevant part of the legislation in the amendment to the Local Government Act reads as follows:—

> 440C. Where, immediately before the coming into operation of this Part, there was in the district of a municipality, or any portion of the district, a scheme of the kind referred to in section four hundred and forty B of this Act, the council of the municipality shall establish a scheme under this Act for the district or portion of the district . . .

It could probably be said to apply to a portion.

Mr. H. D. Evans: That is what I understand.

Mr. HUTCHINSON: However, it is still discriminatory in that it makes it mandatory for the council already engaged in a scheme to continue with it unless the council approaches the Minister, who may determine that it shall be discontinued.

Mr. H. D. Evans: That is the situation at the moment. If the community expresses such a desire, the Minister will naturally be guided by it.

Mr. HUTCHINSON: I accept that. Nevertheless, it is mandatory for the council to continue, whereas other councils which do not have a scheme do not have to participate.

Mr. H. D. Evans: That is only where established schemes exist.

Mr. HUTCHINSON: Yes. This legislation also places a financial burden upon local authorities if they establish schemes to control fruit fly. It is no good trying to control fruit fly in one section of the metropolitan area. It must be carried out over the entire area. I know the Minister would like that to happen but I do not think it will happen, and I do not think he really believes it will happen.

In his endeavours to control fruit fly in the metropolitan area, the Minister is trying to place the prime responsibility upon individual local authorities to participate in the scheme voluntarily. One of the reasons he gave for adopting this line is that it is a very expensive scheme. He spoke in terms of it costing $1,250,000 or $1,500,000 to eradicate fruit fly or bring fruit fly under control. Therefore, instead of the Government being charged with the financial responsibility the local authorities must accept it under a scheme that will not work, anyway. How naive and foolish that is!

Mr. H. D. Evans: It is not the local authority but the community who would be responsible for the scheme, as it is responsible at the present time. The community would still necessarily pay for it by way of charges or rating, as it does now where schemes exist. It is not, therefore, an imposition on the local authority. It is a matter of the local authority using funds derived from the source from which they are being derived at the present time.

Mr. HUTCHINSON: Using what funds?

Mr. H. D. Evans: The funds derived from the community that has accepted the scheme—from the contributions that are already made. We are not imposing an additional financial burden.

Mr. HUTCHINSON: I find it difficult to understand the Minister's speech by way of interjection. He mentioned that the cost of eradicating or controlling fruit fly would be in excess of $1,000,000 and that the Department of Agriculture could not afford this and was not prepared to engage in the scheme.

Mr. H. D. Evans: You do not know much about this, do you?

Mr. HUTCHINSON: I do not know as much about fruit fly as the Minister does, but I do know he is trying to wash the financial responsibility from the Government's hands and give it to local authorities. I will seek to prove that statement.

In the legislation now before us he gives additional powers to local authorities to impose more than the maximum rate in order that they can conduct the campaign. Proposed new section 440F on page 4 of the Local Government Act Amendment Bill reads—

> 440F. Where a council establishes a scheme and it appears after inquiry that—
>
> (a) the maximum general rate that the council may, apart from this section, impose will not permit a sufficient amount to be provided for the maintenance of the scheme; and
>
> (b) the council should be permitted to levy a general rate beyond that maximum,
>
> the Governor may, by Order, grant to the council such permission and may in the Order specify new limits of the maximum general rate that the council may impose under this Act.

That means the councils can impose rates higher than the maximum general rate prescribed at the present time. They can also derive fees from property owners for baiting and spraying operations. If this is not making the local authority largely responsible for conducting the scheme, who will pay for it? In an excess of generosity the Government has said it is prepared to pay 50c per household for a period of two years. This will not go anywhere near to paying the costs of staff and baiting and spraying operations.

Mr. O'Neil: Is that 50c a week or 50c a year?

Mr. HUTCHINSON: A year.

Mr. O'Neil: That is generous!

Mr. HUTCHINSON: For these reasons the local authorities are not prepared to engage in the scheme. The Minister has told us he is not prepared to make the Department of Agriculture financially responsible for it, so the finance must be obtained from the people and from local authorities. I do not think it is good enough for the Government to wash its hands of the responsibility in this way. I am therefore very much opposed to this legislation.

Mr. H. D. EVANS: I would like to clarify a few basic concepts for the honourable member opposite. I will examine the fruit-fly baiting schemes as they exist at present. Initially they were set up as a means of protection in areas adjacent to commercial fruit-growing areas. However with advanced technology and methods the schemes changed character and became more important as a service to the community.

As the schemes stand at the moment, they have three components. The first is the individual. Under the Plant Diseases Act, the Government is responsible for the control of fruit fly, and it would be a retrograde step if it were to become otherwise. The department has a two-fold function. In the first instance it has the function of enforcing control measures, by which I mean implementing the terms of the Plant Diseases Act. It is not the function of the department to carry control measures onto individual home properties. Secondly, the department has the function of carrying out research. A very updated and intensive research programme is being carried out, particularly into reinfestation, which has absorbed considerably more funds than past research programmes. I think it is highly desirable that the local authority should be the body to co-ordinate and control a community scheme.

Mr. Hutchinson: We do not mind the community being made an integral part of the campaign we suggest. Close consultation should take place with the municipality before the campaign is commenced, but the prime responsibility for engaging in it, organising it, and financially supporting it—apart from the community's responsibility to pay for baiting on private properties—should rest with the Government.

Mr. H. D. EVANS: The local authority has a very important function in engendering co-operation at the local level and appointing and supervising baiting committees.

Mr. O'Neil: That is fair enough.

Mr. H. D. EVANS: That is the intention. Dealing with the financial aspect, members will be aware of the present functions of the committees and the duplication of service that has ensued. Notices, repeats, receipts, and the rest of it are sent out, and considerable administrative costs are involved.

Mr. Nalder: It still has to go on.

Mr. H. D. EVANS: It is still being done, for example, in Carnarvon where the notification of the rating for the fruit-fly baiting scheme is part of the normal notice. It requires merely a special book entry and there is no additional cost. An ordinary scheme duplicates the cost, and with the escalation of costs the schemes are in difficulty.

Mr. Nalder: Who will bear the cost? The growers or the ratepayers.

Mr. H. D. EVANS: Who bears the costs now?

Mr. Nalder: They will continue to bear the costs; this will not alter the situation.

Mr. H. D. EVANS: This will provide much more efficient control and a large degree of community participation.

Mr. Nalder: How innocent is the Minister when he tries to put forward that argument!

Mr. H. D. EVANS: The contribution of the department is by way of inspectorial service and research.

Mr. Rushton: It is not a 9 to 5 job. It requires long hours. How could a shire cope?

Mr. H. D. EVANS: The committees do so under far greater difficulty at the moment. I am pointing out that the most successful schemes are those in which the shires participate. There is a degree of correlation with the professional organisation, and that is involved in the scheme. This has been borne out.

Mr. Rushton: What happened at Belmont?

Mr. H. D. EVANS: Part of the community decided it did not want the scheme and absolved itself from it.

The CHAIRMAN: I feel there has been ample discussion on this clause. Members are not keeping to the clause but are ranging far from it. There will be ample time to discuss these matters when the Local Government Act Amendment Bill is discussed.

Mr. NALDER: Mr. Chairman, I queried this matter with you and you said we would have the opportunity to discuss it because the three Bills are related. The basic part of this measure relates to the other two Bills. You agreed to this earlier. What the Minister said when introducing the Plant Diseases Act Amendment Bill—

The CHAIRMAN: With respect, I do not think this has anything to do with clause 1. I did give you permission to ask questions of the Minister.

Mr. NALDER: At what stage of this Bill can we obtain the information we require?

The CHAIRMAN: You can obtain it when the Local Government Act Amendment Bill is discussed.

Mr. NALDER: That is not this Bill, Mr. Chairman. I am referring to the Plant Diseases Act Amendment Bill which does away with the present system. This Bill removes all the legislation relating to the scheme. If we pass this Bill we will wipe out the fruit-fly baiting scheme completely.

Mr. J. T. Tonkin: Surely the honourable member knows that that point of view should be expressed at the second reading stage, not in Committee.

Mr. NALDER: I wish to find out whilst we are in Committee what the Minister means in regard to some of the points he raised during the second reading. He has not convinced the Committee that the sections referred to should be deleted from the principal Act.

Mr. J. T. Tonkin: It must be relevant to the clause under discussion.

Mr. NALDER: The only place we can discuss it is on clause 1. The Chairman agreed to this at the beginning. He agreed we should continue in order to satisfy ourselves about what will happen when certain sections are removed from the principal Act. If we take out those sections we will have nothing in the way of baiting schemes, except some talk about granting the power to local authorities.

We want to know what the Minister means when he says he will abolish the present scheme and start another. We want to know how the new scheme will work before we agree to abolish the powers and the authority under this Act. The Minister has not told us. As a matter of fact, I question whether he knows. I think somebody has put up a story to him.

Mr. H. D. Evans: Steady on!

Mr. Brown: You would not even know yourself.

Mr. NALDER: The honourable member has not even got to his feet to express his opinion.

The CHAIRMAN: Order!

Mr. NALDER: Before we pass this Bill we should find out exactly what is intended.

Mr. Graham: I think you have been affected by the member for Darling Range.

The CHAIRMAN: Order! I feel that this matter could be raised under clause 2, which deals with the proclamation.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Repeal of sections 12A, 12B, 12C, 12D, and 12E—

Mr. NALDER: This clause repeals sections 12A to 12E inclusive of the principal Act. It is under those sections that authority is provided for baiting schemes to operate. On many occasions in this Chamber, mainly during the Address-in-Reply and when amendments have been made to the parent Act, members have indicated the situation which has developed over the years. It has been admitted by many people who are associated with schemes, or who live in areas in which schemes are operating, that there has been some success. A great deal of praise is due to those who have worked voluntarily in this field.

I do not know whether the Minister is aware of the success of the schemes, or whether he is aware for how many years many of them have operated successfully. I know that one can visit many country towns and talk to people who have lived there for many years and who have had experience of fruit fly and experience of the baiting schemes. Those people are happy with the situation and they want it to continue.

In the Applecross-Mt. Pleasant-Brentwood area a highly successful scheme has operated. I have kept in close touch with the committee and I understand that during the last three years the incidence of

fruit fly has dropped from 11 per cent. to 1 per cent. this year; and that area has no barrier on the boundaries to the west and the south, apart from roads, although the river acts as a boundary on another side. That committee has been able to achieve tremendous successes. No doubt the member for the area will be prepared to support my comments. Generally, the ratepayers are most happy with the scheme.

I spoke to the Town Clerk of the area and he said the scheme has been so successful that the remainder of the local authority area—and I presume this came from the ratepayers themselves—has requested that it be extended. This proves that the present scheme has been successful.

The schemes have been carried out by groups of absolutely dedicated people who have given their time and energy with no reward whatsoever, save for plenty of criticism in the early stages. With the repeal of the sections I have mentioned, and without the support of the people, we are now going back further than we were when we started. I think this is a retrograde step, and that the Minister's proposal is one of the worst things that could happen to the people of this State. I oppose the legislation because I believe it will not succeed. Future generations will point to this Government and say that instead of going forward it took a retrograde step—which may cost the country many millions of dollars in the future.

Mr. W. A. MANNING: I agree with the Minister on one or two points. The first point is that the responsibility for the eradication of fruit fly rests with the individual. I think that is a basic requirement of the set-up, and over the years it has led to successful eradication by the setting up of voluntary schemes which, despite what anybody says, have been highly successful.

Mr. Jamieson: When you say "highly successful" you are saying they have all been highly successful.

Mr. W. A. MANNING: I did not say that.

Mr. Jamieson: You said they have been highly successful.

Mr. W. A. MANNING: That does not mean 100 per cent. Many people do not carry out their jobs or do not take sufficient interest in them and a scheme may fail as a result of that. But schemes will succeed if people carry out their responsibility.

Mr. H. D. Evans: The problem is generally not with the committee; it is in the implementation.

Mr. W. A. MANNING: That is right. However, the Minister seems to have got off the track on this point. This measure is an unholy mess. I have considered it with a view to suggesting amendments, but I cannot do that because of the shocking mess the Minister has made. He should withdraw this legislation and confer with those concerned—including the local authorities—in order to devise a procedure which will preserve the voluntary nature of the original scheme.

This would make room for others, and I think it could be done. If the individual is held responsible and he does not take steps to eradicate fruit fly on his property, surely measures can be taken to compel him to do so. The only way to eradicate fruit fly is to compel a person to spray his trees or have them removed at his expense.

Under the scheme proposed in the Bill the whole area of the local authority can be rated, but the only persons responsible for the infestation of fruit fly are those who grow fruit trees. If the Minister can devise some legislation by which voluntary schemes can be observed, and under which steps can be taken against those who do not co-operate to prevent fruit-fly infestation, I will agree with it, but I cannot agree with him on this legislation, because it is absolutely shocking. I do not know who the Minister's advisers are, but he does not seem to understand the Bill and in the light of all the circumstances we cannot expect this to be good legislation. Let us appoint a committee to investigate and eventually recommend suitable legislation that will achieve the objectives we are seeking.

Mr. RUSHTON: This clause seeks to repeal all the relevant sections in the Act and it is a slur on all those who have operated successfully the schemes that are already in existence. I know those connected with a scheme in my electorate have worked very vigorously towards the eradication of fruit-fly.

Mr. J. T. Tonkin: Have they eradicated the fruit fly in the district you are referring to?

Mr. RUSHTON: They have been quite successful.

Mr. J. T. Tonkin: What district are you talking about?

Mr. RUSHTON: The scheme operates in Armadale-Kelmscott and in part of Gosnells.

Mr. J. T. Tonkin: You are saying that there is no fruit fly there?

Mr. RUSHTON: It has been 80 per cent. successful. It does not take away the right of the individual to do his little bit. This Bill seeks to abandon such schemes. The committees that operate them have built up all sorts of assets. What will happen if this Bill is agreed to? I know that you, Mr. Chairman, have 1,000 people in your electorate who are

connected with such schemes. In the shire of Armadale-Kelmscott something like 9,000 people would be affected.

Mr. H. D. Evans: Why don't you listen?

Mr. RUSHTON: I have listened so often to the Minister that I do not want to listen to him any more, because he does not seem to have any understanding of what he is about. This is quite obvious from the way he has spoken to this Bill. It is not good enough.

Mr. H. D. Evans: Explain what the proposed rating will be.

Mr. RUSHTON: The Minister said as far as the local shires are concerned this legislation would be on a voluntary basis. However, the shires will be forced to take action. If we allow the relevant sections to be repealed by the passing of this clause we will have no scheme whatsoever, other than the one the local authority is obliged to put into effect.

Mr. Jamieson: Who initiates the present scheme?

Mr. RUSHTON: Those people who get together to form themselves into a committee.

Mr. H. D. Evans: Rubbish!

Mr. RUSHTON: We are talking about the repeal of the relevant sections in the existing Act and those committees which are working in an honorary capacity under it. Certainly these people are already obligated to work to certain rules if one looks at all their activities for the year. I mentioned earlier that this is not a 9 to 5 job. It cannot be. The executive officer who administers the scheme in my district has to operate at all times.

If the provisions of this Bill are put into effect I wonder what the cost will be in the way of overtime and all the other charges that will arise. The Minister talks about the saving of money, but I would like him to demonstrate how money would be saved under the provisions in this Bill.

Mr. H. D. Evans: Have your read what the Bill provides?

Mr. RUSHTON: I certainly have.

Mr. H. D. Evans: Go on then; tell us!

Mr. RUSHTON: We have plenty of opportunity to deal with the right clause. I am talking of the clause that will result in the abandonment of those schemes that are already operating. This is false pretences, and is ridiculous, and the Minister should have another look at the measure.

Mr. H. D. EVANS: I think the honourable member had better have a good look at it.

Firstly, the member for Narrogin does see some merit in the legislation. He has given the clause some considerable thought and I appreciate this. However, I doubt that the scheme envisaged by this legislation is a result of the study of the schemes currently operating and those people associated with them. Most members have seen such schemes in operation and some have been successful but many others have had their shortcomings. The difficulties arise from those schemes that have not operated successfully and this is the reason for the introduction of the measure.

To say there is a danger of a scheme that is working successfully folding up as a result of this legislation is to say that there is no understanding of what is involved. If a local authority already has a scheme operating within its boundaries it will want to continue with it and this measure would grant it the opportunity to do so. There is an opportunity for any shire to maintain an existing scheme or start a new one, subject to the amendment that is proposed to the Local Government Act.

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

Ayes—21	
Mr. Bertram	Mr. Jamieson
Mr. Brady	Mr. Jones
Mr. Brown	Mr. Lapham
Mr. Bryce	Mr. May
Mr. Burke	Mr. Moiler
Mr. Cook	Mr. Norton
Mr. Davies	Mr. Taylor
Mr. H. D. Evans	Mr. A. R. Tonkin
Mr. Fletcher	Mr. J. T. Tonkin
Mr. Graham	Mr. Harman
Mr. Hartrey	*(Teller)*

Noes—21	
Mr. Blaikie	Mr. O'Neil
Mr. Coyne	Mr. Reid
Dr. Dadour	Mr. Runciman
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Stephens
Mr. Hutchinson	Mr. Thompson
Mr. Lewis	Mr. Williams
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Nalder	Mr. Mensaros
Mr. O'Connor	*(Teller)*

Pairs	
Ayes	Noes
Mr. T. D. Evans	Sir David Brand
Mr. McIver	Mr. Court
Mr. Bickerton	Mr. Ridge
Mr. Sewell	Mr. I. W. Manning

The CHAIRMAN: The voting being equal, I give my vote to the Ayes.

Clause thus passed.

Clause 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th April.

MR. NALDER (Katanning) [4.58 p.m.]: Very little progress can be made by continuing to express our point of view on this legislation. As I said earlier, it is regrettable that the Government, without endeavouring to seek the co-operation of

the people or having conferences with those involved, is using its power to force this legislation through Parliament. This is quite undesirable and unnecessary and, as I say, it is regrettable the Government is taking such steps.

I know what the local authorities will do. They will not be held responsible for this legislation. They will just sit pat and take no action. This is the natural thing for them to do, because the provisions of this measure, if put into practice, will definitely increase rates if a council rates accordingly, and I cannot see how a council can take any other action.

Mr. H. D. Evans: It could be a rating or a charge and would be in lieu of existing charges.

Mr. NALDER: But the authority is provided for them to rate.

Mr. H. D. Evans: But the annual charge levied by the committee will no longer apply.

Mr. NALDER: That is right. I want to emphasise that the Minister's advisers have apparently not taken into account the problems the local authorities will face in trying to control fruit fly effectively. First of all they must get the personnel—and they are only temporary personnel—and they must also work out satisfactory schemes of payment.

Mr. H. D. Evans: Is this not much easier for them than for the committees?

Mr. NALDER: Much easier, and here again I condemn the Minister for not consulting the authorities—that is, the committees—which have been successful in an endeavour to find out what the costs will be.

Mr. H. D. Evans: We have a fairly good idea of the costs by the subsidies we have paid out.

Mr. NALDER: That is a condemnation of the Minister. He has a fairly good idea of the costs. If he has, he should have told us. The Town Clerk at Melville is fearful of what the costs will be. He has obtained all the information from the committee operating in that area and, as I said, he is fearful of what the cost will be and of having to accept the responsibility to carry out the fruit-fly baiting scheme as it has been carried out in his area. He has indicated it will be an impossible job, so I know what will happen, not necessarily there, but in other areas. The local authorities will not be prepared to accept the responsibility.

Mr. H. D. Evans: Will it not be cheaper?

Mr. NALDER: Actually there will be no responsibility because the Minister has said that if the scheme is not successful the local authority will not be held responsible.

This is an ill-conceived, cooked-up idea with no foundation for success. I would only be repeating myself if I said we will find ourselves in a worse position by far than we are at the present time, or than we have been in at any time since the introduction of fruit-fly control in Western Australia. No good purpose would be served if I delayed the House any longer. The local authority organisation in Western Australia is completely opposed to this proposition. It has made that very clear indeed, and yet the Government is bulldozing this legislation through in order to pass on a responsibility that it should be accepting. Therefore I oppose the Bill.

MR. RUSHTON (Dale) [5.04 p.m.]: It has been predicted that a 300 per cent. increase in cost will be required to run this scheme.

Mr. H. D. Evans: Who has predicted it?

Mr. RUSHTON: The people who know; that is, those who grow the fruit and those who are carrying out the present scheme.

In his introductory speech the Minister said it was logical that local government should carry this responsibility. This statement is strange. Is the Government intending to pass over the control of the codling moth and the Argentine ant to the local authorities? Is the Government intending to pass over the Education Department and the Health Department to local authorities because they are becoming expensive to run? Surely local authorities have a fair share of responsibility already. Within their own ability and economics they are attempting to work as efficiently as possible. However, under this legislation we will force onto them something they refuse to accept. We are bulldozing this legislation through Parliament. It was not requested by local authorities. It does not even have their consent. They object most strongly to it. Nevertheless, the Government will make them take the responsibility. The Government has been acting under false pretences because it has been canvassing the scheme on the basis that it is voluntary, but now it has been acknowledged that the scheme is mandatory and the local authorities will be forced to take over the responsibility.

The growers themselves, who, in the main, are making their living from their fruit growing, are objecting to the change, too. In these circumstances it is incredible that the Government should insist on the change. This is very close to a socialistic way of thinking. We are forcing a scheme on people who do not want to undertake it. They will not be efficient, and the scheme will not work; but we are forcing them to accept this responsibility.

Mr. Jamieson: People are not very efficient at paying taxes, but they are forced to do it.

Mr. RUSHTON: I am sympathetic towards the Minister for Lands because he sits next to the Minister for Works and

obviously has been influenced by him. Otherwise he would not have introduced these three Bills.

Mr. Jamieson: You have been tainted.

Mr. RUSHTON: The Minister for Works is responsible. He has influenced his other 11 colleagues with his enthusiasm. He has spoken about this subject on every occasion he has had the opportunity to do so during the last 18 or 20 years.

Mr. Jamieson: Terrific powers!

Mr. RUSHTON: This is his theme, and we are landed with this legislation as a result.

Mr. Court: This represents the crowning day in the political life of the Minister for Works. He has fought for years for this.

Mr. RUSHTON: Another incredible point is that we have been told that this legislation will free the Department of Agriculture of the odour of carrying out the scheme. What a basis for the introduction of the legislation!

We should study the matter to devise a plan which will work. The scheme under consideration will certainly not work. It has been conceived in terror against the wishes of those involved.

Mr. May: Such words!

Several members interjected.

Mr. RUSHTON: Surely the Minister does not believe the local authorities are accepting the baby. They are rejecting it. They do not want it. They have told the Minister this but he still intends to push it down their necks.

Mr. W. A. Manning: There will be an abortion I suppose.

Mr. Gayfer: It will be a bitter pill to swallow.

Mr. RUSHTON: The protestations of the Minister were intriguing. He said that the local authorities will be saved what they are already paying and so no increased costs will be involved. That is his theory.

In my own electorate the compulsory scheme has something like 1,325 participants, but under this legislation they will be replaced by 9,000 unwilling ones.

Mr. May: How do you know?

Mr. RUSHTON: A big proportion will be unwilling, I know that. They have no fruit trees and therefore will not require the services of a fruit-fly baiting scheme, but they will be forced to pay for one.

Mr. H. D. Evans: It is difficult to follow your argument because you are saying a lot more people will be involved.

Mr. RUSHTON: That is so.

Mr. H. D. Evans: That must mean the burden upon each must be less.

Mr. RUSHTON: The old tax theory. Something like the road maintenance tax being used as a taxing device. Because 57,000 more are paying, each pays less! Do not let us get involved in that.

Mr. H. D. Evans: I knew you would want to run away from that one.

Mr. RUSHTON: I thought we would have been spared that one! In Armadale-Kelmscott the compulsory scheme has 1,325 participants and the Gosnells scheme has 1,000. Rate notices are sent to approximately 9,000 people in the Armadale-Kelmscott area, so we will transfer from the 1,325 to the 9,000 the payments which the 1,325 will not make.

Mr. Jamieson: How are the 9,000 sharing their responsibility at present?

Mr. RUSHTON: Those without any fruit trees? They are doing so by not having any fruit trees.

Mr. Jamieson: I would not think they have no fruit trees. I would think that they have just not been caught up with.

Mr. RUSHTON: If the Minister desires he could drive around the new estates, but he would not find many fruit trees.

Mr. Jamieson: Have they no *prunus* in their gardens?

Mr. RUSHTON: Very few.

Mr. Jamieson: Many people have them in their gardens.

Mr. RUSHTON: Under this legislation the charge will be placed on everyone. The present charge for the baiting scheme in our area is so small that no shire could conduct one at the cost. The Minister has said that the schemes have not been efficient, but he has not contributed to their efficiency this year. Normally they receive a grant of $3,000 to help them with the scheme. It is expected that they will now pay $4,500 under this scheme. The Government gave them originally only $2,000 this year and it would probably be less next year and less still the following year until they would have to stand on their own feet.

This is the threat they are under, and this is why the Minister wants the local authorities to take over the scheme. How can local authorities accept this? It is completely ridiculous.

The cost of the present scheme is something like $18,000. The baiting charges total $14,700, and the grant is $3,000. These are the simple facts. The operating costs include the wages and annual leave charges which total $10,500 for the eight operators. Members can imagine how the scheme will work when it is transferred to the shire because the present scheme is operated by part-time workers.

The vehicle allowance for the fellows who operate the tractors is $1,100. The fuel and oil costs $170. Three tractors are involved and the baiting material costs $950 while $500 is spent on protein. The

administration and maintenance costs include $2,500 per annum for the secretary-manager. Imagine what the cost will be when the responsibility is transferred to the local authorities. Basically the schemes now are by voluntary labour. People I know very well in other areas are on the committees and are most efficient in their respective towns. They do not receive any remuneration at all, and it is good to encourage personal responsibility.

The vehicle allowance for the secretary-manager is $725, and he is available at all times of the day. He must ensure that the tractors are working. Can members imagine the Minister's scheme working under these conditions? Of course not. The other charges are minor ones.

Mr. Jamieson: It looks as if you are interested in slave labour for this work.

Mr. RUSHTON: No, but I am interested in efficient service.

Mr. H. D. Evans: They can still operate in that way if they desire.

Mr. RUSHTON: How can they under this fandangle the Minister is introducing?

Mr. H. D. Evans: The provision is there for them to do it.

Mr. RUSHTON: Obviously the Minister has no knowledge of local government or he would know what will occur when the costs must be multiplied by 300 per cent.

Mr. Jamieson: They would be grabbing that figure out of the air with no due regard for anything.

Mr. RUSHTON: No. The authority has costed the whole operation. It is only a week or so away from being forced to take on this scheme. The authority has had to study it and it is fearful. Its officers have enough responsibility with their normal tasks without having this one thrust upon them. Despite what the Minister said, they believe the Department of Agriculture should be doing this work through the committees. This would be a good way if the Minister would be a little more encouraging. The scheme would work 100 per cent. efficiently if the Minister encouraged those involved instead of knocking them down. They have given tremendous service over the years since 1948, and now they are to be disbanded without any reference being made to them, and the local authorities which have no desire to take over must do so.

What co-operation can we expect under those conditions? None at all. I have demonstrated what the costs can be. The Minister has stated that his scheme is the logical one because the department wants to get rid of the odour associated with the scheme.

Mr. Jamieson: Do you know why a lot of the local authorities in the metropolitan area have not sponsored these schemes in the past?

Mr. RUSHTON: Perhaps they listened to the theories of the present Minister for Works.

Mr. Jamieson: They looked at the cost to the people involved and have gone right away from it because of the odium associated with sponsoring it.

Mr. RUSHTON: The Minister is supporting the point of view I put forward. What right has the Department of Agriculture to get rid of something to which odium is attached?

Mr. H. D. Evans: The Department of Agriculture does not have control. In what way is the department getting rid of it? This is by way of encouragement to the scheme.

Mr. RUSHTON: It is a Government responsibility.

Mr. H. D. Evans: It is a community responsibility.

Mr. RUSHTON: It is a Government responsibility, because the Government represents the people.

Mr. H. D. Evans: I explained to you a moment ago—pointless and fruitless though it may have been—that the Government's concern with this is the application of controls under the Plant Diseases Act. That is the Government's responsibility. These schemes started off as a community effort to enable the householder—the fruit grower—to gain greater facility and ease of control as a voluntary issue.

Mr. RUSHTON: Perhaps I can interject on the Minister.

The SPEAKER: I ask the member for Dale to continue his speech.

Mr. RUSHTON: The Minister has had a fair go. One of the basic factors for the introduction of the scheme was the protection of the commercial grower. This is still the case.

Mr. H. D. Evans: Not so much now. The methods have changed.

Mr. RUSHTON: I have put forward a logical case to support our opposition to the proposal. The Minister has not put forward a case which the Opposition can support. He has not demonstrated how the proposed scheme would be effective when the legislation is gazetted and applied. The people who are supposed to administer the scheme have not been considered; they will be told that they must administer it. It is amazing to think the Government could force this upon the worthy people involved in local government. We all depend on local government at the grass roots level because of its closeness to the people. We depend on the voluntary schemes which are acknowledged to work well. The Minister for Works has a "thing" about fruit-fly schemes and, therefore, we are expected to swallow this. The Opposition cannot support the Bill.

Mr. H. D. Evans: The honourable member is being unfair and stupid.

MR. FLETCHER (Fremantle) [5.18 p.m.]: I have heard more than enough from members on the other side of the House in opposition to the three related Bills. For this reason I am justified in assisting the Minister and presenting views from this side of the House.

I support the measure, because of my unfortunate experiences with the previous administration. I want the House to know this quite clearly.

Mr. Williams: Would that be between 1953 and 1959?

Mr. Gayfer: What, again!

Mr. FLETCHER: I have sent copies of the three Bills in question to three local authorities in my area and I have heard nothing from them; I have heard a lot of nonsense from members on the other side of the House.

Mr. Gayfer: Did you send it to the Deputy Lord Mayor?

Mr. FLETCHER: Other members on this side of the House have done likewise and they, too, have heard nothing in condemnation of the measures.

Mr. Williams: We have heard nothing from them.

Mr. FLETCHER: The legislation is a laudable attempt to try to upset the ridiculous position which has prevailed previously.

Mr. Nalder: Is the Fremantle City Council in your electorate?

Mr. FLETCHER: It is. I have heard nothing from the Fremantle City Council.

Mr. Nalder: This letter in my hand is from that council.

Mr. Jamieson: The honourable member would have canvassed that letter.

Mr. FLETCHER: The member for Katanning will have an opportunity to make known any information he has received from the Fremantle City Council. I am recounting my experiences and I have received no adverse comment, despite the fact that I am the elected representative for the area. Who else would councils approach if they were opposed to these provisions? Perhaps the member for Katanning has gone to the back door, as it were, to obtain information to the contrary. If that is so, it is his business.

Mr. Nalder: Everybody does not hear what you do.

Mr. FLETCHER: I will be pleased to hear the member for Katanning's views later on. The councils I have approached have had the time to consider the legislation but I have heard nothing from them. I support the measures because I would prefer anything to the situation which prevailed previously.

Let me explain that for years I paid a fee to cover the supervision of trees that happened to be growing in my yard. My neighbours did the same thing, but we never saw an inspector. At least we may see an inspector from a local authority in future, by virtue of the 50c with which various local authorities will be subsidised.

Mr. O'Neil: Will you get a refund on the fees you have currently paid?

Mr. FLETCHER: I have never seen an inspector in all that time. I went to the additional expense of paying a considerable amount of money for baiting equipment, bait, and sprays. The sprays, I think, did nothing more than attract more and more fruit fly to the Fletcher address and also to that of its neighbours.

I admit I was growing beautiful apricots. I do not know how the fruit fly got to hear about them but they came from everywhere in the State to eat the apricots. In consequence of the ridiculous situation that prevailed I cut the tree down if only to spite the fruit fly. I chopped down a loquat tree for exactly the same reason. My neighbours did not care for their trees and, in consequence, the fruit fly showed no respect for the fences. That was under the situation that has existed up to date. The passage of this legislation should prevent this from occurring.

Mr. Court: You sound like a reincarnation of George Washington.

Mr. Jamieson: Was the member for Fremantle born on the 22nd February?

Mr. FLETCHER: I find it cheaper to buy fruit from growers and from the local store rather than buy fruit-fly bait. I hope that remark will make some members of the Country Party happy because nothing else seems to.

Mr. Reid: It is a big improvement on your traffic statement.

Mr. FLETCHER: I am sure the supervision under this legislation will be better than that which has existed previously. In consequence, I support the measure.

Mr. O'Neil: Better, or none.

MR. W. A. MANNING (Narrogin) [5.23 p.m.]: In your presence, Mr. Speaker, I would not like to cast any reflection on the Minister for Agriculture but I will call the Bill "high-handed and arrogant" because that is what it is.

Mr. Graham: Looking for headlines, are you?

Mr. Court: Be careful.

Mr. W. A. MANNING: I hope that remark will hit home to the Minister for Agriculture, not physically but mentally. He has already wiped out the provisions which have been operating very successfully. He managed to do this with your help, Mr. Speaker, and despite your unbiased position you had to take a seat in the Chamber and vote in Committee, as

did the Chairman of Committees who gave this casting vote. Consequently, we can see what sort of a decisive vote was taken in favour of the abolition of these clauses.

This action is not indicative of the needs of the community and is, therefore, arrogant and high-handed, because it will not achieve anything. All it will do is to wipe out what has been effective in the past. What will happen? First of all this matter is being passed over to local government. It is an honour for local government, I am sure, and I hope the Government takes the same approach with regard to traffic licensing in future and sees local government as the body best able to carry out this and many other responsibilities.

Mr. Jamieson: We are giving them something in exchange.

Mr. W. A. MANNING: I am in accord with that principle. I wonder how many ratepayers whom the member for Fremantle has consulted realise they will be rated for their neighbours' trees. To how many did he make this information known?

Mr. Jamieson: It is a community responsibility, as was the eradication of Argentine ants.

Mr. W. A. MANNING: It is a fine community effort when flat dwellers and pensioners, about whom the Deputy Premier says he is concerned, must contribute to somebody else's fruit trees!

Mr. Jamieson: Local government will not engage secretarial staff.

Mr. W. A. MANNING: Unless the trees are preserved by some body the member for Fremantle, who chopped down his fruit trees, will not be able to buy fruit from anywhere at all.

Mr. Jamieson: Under the present scheme pensioners are not exempt.

Mr. Rushton: If they do not have fruit trees they do not have to pay.

Mr. Jamieson: This is why we have to pay the full amount.

Mr. W. A. MANNING: Under the present scheme the only people who pay are those with fruit trees. This is fair enough. I see no reason for this responsibility being placed on those without fruit trees; it should be confined to those with fruit trees. I have said before it is just as cheap, or cheaper, to pay for a community scheme which meets the cost of all insecticides than to pay for them as an individual. Spraying is done regularly under the right scheme and there is no doubt about its effectiveness.

The Government has seen fit to extend the powers of local government to increase rates above the limits which are allowed. Surely this is going too far, especially when it is quite unnecessary. There is no necessity for the measure before us except that the Minister has wiped out everything that was worth while in the other legislation. It is time the Minister woke up to the fact that he has brought down legislation which will not do anyone any good. It will not help the growers and certainly it will not help those who do not grow trees, although they will be rated equally with those who do.

Mr. Jamieson: It is an ill wind that blows nobody any good.

Mr. W. A. MANNING: We do not need any other winds because the present schemes are voluntary and splendid. It would be better for the Minister to encourage these and see they are established in other areas, perhaps, on the advice of the Minister for Works.

Mr. Jamieson: I was the prime mover in my district to have the scheme established.

Mr. W. A. MANNING: One would not wonder at that these days; the Minister must have picked the wrong committee. The Bill is entirely unwarranted and should not be before the House. I hope the Minister will ensure that better legislation is brought down which some of us can support.

MR. H. D. EVANS (Warren—Minister for Agriculture) [5.27 p.m.]: There are a few points which I think should be made in reply. I do not know how the member for Dale possibly arrived at his estimates. They do not reconcile with those in Carnarvon where the shire runs the existing scheme, which is usually regarded as efficient and economic—in fact, highly commendable. No member on the other side of the House referred to the fact that the number of schemes has diminished from 55 to 45. This trend can be expected to continue with the escalation of costs and the difficulties these schemes experience.

I have already indicated the economy of operation and I do not wish to reiterate that point. The significant factor in a scheme of this kind is that it requires local participation, which can far best be obtained through the ward member to his shire council or municipality. There is no gainsaying that the community is much closer to local government than anything else. I think the expressions of the member for Dale and the member for Narrogin of force, high-handedness, and arrogance are most inappropriate.

Mr. Rushton: You are putting words into my mouth.

Mr. H. D. EVANS: The member for Dale used the word "force."

Mr. Rushton: I did not use the word "arrogant."

Mr. H. D. EVANS: The honourable member referred to "force."

Mr. Rushton: That is not "arrogant."

Mr. H. D. EVANS: The member for Narrogin used the word "arrogant."

Mr. Rushton: Do not ascribe wrong words to me.

Mr. Graham: No-one takes any notice of the member for Dale.

Mr. H. D. EVANS: I am glad to have clarified the exact intention of the member for Dale's words, but I suggest that the inference to be drawn is that the Government is foisting something onto someone. The purpose is to protect schemes which may be put into effect hastily or which, inadvertently, are not retained. This is fairly obvious. The member for Narrogin does himself less than justice. This is a far cry from his usual balanced and reasoned approach.

Mr. Brady: Hear, hear!

Mr. H. D. EVANS: He is certainly not in his usual form today.

I have made the point that three components are necessary in a scheme of this kind and the responsibility in each case must rest with those departments to the degree I have indicated. I commend the Bill to the House.

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

Ayes—21

Mr. Bateman	Mr. Hartrey
Mr. Bertram	Mr. Jamieson
Mr. Brady	Mr. Jones
Mr. Brown	Mr. Lapham
Mr. Bryce	Mr. May
Mr. Burke	Mr. Moiler
Mr. Cook	Mr. Taylor
Mr. Davies	Mr. A. R. Tonkin
Mr. H. D. Evans	Mr. J. T. Tonkin
Mr. Fletcher	Mr. Harman
Mr. Graham	*(Teller)*

Noes—21

Mr. Blaikie	Mr. O'Neil
Mr. Court	Mr. Reid
Mr. Coyne	Mr. Runciman
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Stephens
Mr. Hutchinson	Mr. Thompson
Mr. Lewis	Mr. Williams
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Nalder	Mr. Mensaros
Mr. O'Connor	*(Teller)*

Pairs

Ayes	Noes
Mr. T. D. Evans	Sir David Brand
Mr. McIver	Dr. Dadour
Mr. Bickerton	Mr. Ridge
Mr. Sewell	Mr. I. W. Manning

The SPEAKER: The voting being equal, I give my casting vote with the Ayes.

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. H. D. Evans (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Addition of part XVIIA—

Mr. RUSHTON: I would like an assurance from the Minister relating to the takeover of the schemes if this occurs. Some of the schemes would have assets, but in the case of a scheme which is in debt, who would take over the liabilities? Will the Government take over obligations to staff? Will the schemes' obligations be cleared in full by the local authority or by the Government?

Mr. H. D. EVANS: We have looked at this closely, and as the member for Dale suggests, there is a possibility that there may be reasonable assets in some instances. Of course other schemes will have liabilities. It would not be desirable to see a debt situation transferred to the local authority. However the local authority would be in the position to take over the existing scheme and committee. I feel sure that no scheme would be at a disadvantage when it is transferred.

The member for Dale has referred to the position of a local government not wishing to retain a scheme. A scheme cannot be wiped out without an expression of the opinion of the community. The local authority cannot wipe out a scheme.

Mr. RUSHTON: I would like to raise a further point here. Many fruit growers have purchased equipment for these schemes and this money should be repaid. The Minister himself has raised another point. How do we obtain an expression of opinion from the community?

Mr. H. D. Evans: This could be obtained by referendum.

Mr. RUSHTON: It would have to be a referendum of the 9,000 ratepayers. The growers have indicated to me that they want the present situation to continue. However, they do not have this choice.

Mr. H. D. Evans: The scheme can be retained under the local government.

Mr. RUSHTON: It would need a referendum to obtain a democratic expression of opinion. Surely the 9,000 ratepayers in the Shire of Armadale-Kelmscott should be asked their opinion before this scheme is foisted on them? The shire does not want to take over this scheme, and as the Minister says, the shire would also have to take over the debts. It would need a costly referendum to obtain an expression of opinion.

Mr. Reid: Are you not saying the non-growers could vote the scheme out for the growers?

Mr. RUSHTON: This could happen.

Mr. Jamieson: The opposition to the scheme would have to be organised.

Mr. RUSHTON: As I say, there are 9,000 voters.

Mr. Jamieson: But who would organise them, unless it is the councillors?

Mr. W. G. Young: You would only need a 25 per cent. vote.

Mr. RUSHTON: That is not a hypothetical case, but something which would be quite real. The 1,325 growers would say they want it, but 1,400 or 1,500 ratepayers could say they do not want it, and we would have to abide by that decision.

Mr. J. T. Tonkin: Should this principle of asking the people apply to everything?

Mr. W. G. Young: No.

Mr. J. T. Tonkin: Why not?

Mr. RUSHTON: The Premier is taking off at a tangent

Mr. J. T. Tonkin: He is not doing that at all; he is trying to put you on the track.

Mr. RUSHTON: No he is not, because this situation is totally different. The Government is saying to people who have a scheme with which they are satisfied, "We are not going to let you have this scheme; we are going to force you to have another scheme." The local authority may not feel qualified to run the baiting scheme, but the Government is still saying to it, "You have to take it on." Of course, it also has to take on the debts. The Minister is saying that if the people want the scheme the shire will not be able to put forward its opinion.

Mr. H. D. Evans: The shire will be obliged to maintain an existing scheme. If it wishes to divest itself of it, it must show that that is the opinion of the community. It must convince the Minister that it is providing an expression of the will of the community. It is obliged to take the scheme in the first place until such time as it can apply, with reason, to divest itself of it.

Mr. RUSHTON: The Minister should give an assurance that the question of taking over the debts of a committee will be satisfactorily resolved. I would like him to commit himself to resolve this problem. Why should the shire be obliged to take over the debts of a committee? If the shire is forced to take over a scheme surely the Government should take over the debts so that the shire can start off with a nil or credit balance. I would like the Minister to assure us that the debts will be repaid and that the shires will be able to take over schemes from scratch. Another intriguing point is: How does one obtain an expression of opinion if the decision rests with the Minister? Do not let the Minister for Works make the decision!

Mr. Nalder: It is the Minister for Local Government.

Mr. RUSHTON: We have not heard that Minister's opinion. Will he have the last say on what is an expression of opinion of the community concerned? I would like the Minister to reconsider this matter because in the case where there are 1,325 growers and 9,000 ratepayers, the vote of the growers could be swamped.

Mr. H. D. Evans: The local authority would best be able to assess the opinion of the people in its district by way of a referendum or any other method it considers fit.

Mr. RUSHTON: What about the 1,325 people who have demonstrated that they want to continue the present scheme? What if there is an expression of opinion by the ratepayers that they do not want the scheme? The scheme will go out and the growers will have no legislative means of creating another. Surely we do not want that situation. I believe the Minister, in good faith, is trying to solve the problem.

Mr. H. D. Evans: If there is a scheme within a section of a shire the scheme may continue to operate unless the shire asks for it to be discontinued and there is no reason why it should be continued. The shire has to convince the Minister for Local Government.

Mr. RUSHTON: I have already received letters from the shire concerned, and it does not want the scheme. A large majority of the growers I know do want the scheme. But we are going to give 9,000 others the right to say whether or not the scheme will be continued. If 5,000 are against it then the incidence of fruit fly will get out of control and there will be no method of creating another scheme. The Minister will be forcing upon the people something which is contrary to the democratic majority.

Mr. H. D. Evans: The point is that one area of the shire is concerned. The referendum, or whatever it is, is not conducted throughout the whole shire. There is provision in the Local Government Act to do this.

Mr. RUSHTON: But the point is the Minister intends to ask all the 9,000 ratepayers to contribute to the scheme.

Mr. H. D. Evans: If a scheme is operating in a section of a shire there is provision in the Act to impose a rating for a specific use within that section. That is what would occur.

Mr. RUSHTON: The Minister is getting into further difficulties because surely the cost of the scheme will be a charge included in the rates of the shire.

Mr. H. D. Evans: No, not the entire shire. You are supposed to have been in local government.

Mr. RUSHTON: I am not supposed to have been—I have been in local government.

Mr. H. D. Evans: Then you know full-well that where a charge applies to a section of a shire that section meets the charge.

Mr. RUSHTON: Does the Minister realise that the fruit fly flies around these areas? How could the area be designated?

Mr. J. T. Tonkin: You said there was no fruit fly in Armadale to fly around.

Mr. RUSHTON: I said the scheme has been 80 per cent. efficient. Mis-statements do not become the Premier. This is a sad situation which should be resolved before the measure goes to another place.

Mr. NALDER: I appreciate your willingness, Mr. Chairman, to allow us to speak generally, as three Bills are involved in this matter. Under the Plant Diseases Act it was possible—before we deleted the relevant sections by way of the previous Bill—for a section of a community to request a poll of registered orchardists to be conducted by the Department of Agriculture. The polls were required to be conducted under strict supervision. This Bill does away with the registration of orchards.

I want the Minister to tell us who will be responsible for finding out, in any local authority area, where orchards are situated, or where any fruit trees are growing. At the moment the position is that the Department of Agriculture holds in its possession a record of orchard registrations in any area and it also has a knowledge of those associated with the control of fruit fly. But who will be responsible for ascertaining in any local authority area where fruit trees are growing under the provisions of this legislation?

I want to go further than this, because the Minister has indicated that there are many hosts for fruit fly other than fruit trees. So in this situation I take it that not only orchardists and those growing fruit trees in their backyards will be involved under this legislation, but any person who has a lilli-pilli, a flowering peach or plum tree, or any plant or shrub that is a host to fruit fly, will be involved. Who will be responsible for ascertaining the number of ratepayers who grow such trees in their gardens?

Mr. May: Under the existing legislation not all people are registered even though some have fruit trees growing in their backyards.

Mr. NALDER: Under the existing legislation people had an opportunity to vote for a fruit-fly baiting scheme, but now, in the same situation, if the local authority—

Mr. Moiler: Shire councillors are the elected representatives for any particular area and they will decide whether it is reasonable that such a scheme be put into operation.

Mr. NALDER: Who will pay the costs to have somebody travelling around to find out who has a fruit tree or who has not? The Minister has said nothing about this. Will this be the responsibility of the local authority? Will it have to employ an inspector to find out where fruit tress are growing? In fact, such a man would have to be a specialist, because I am sure an ordinary fruit-fly inspector would not know all the kinds of shrubs or plants that would be hosts to fruit fly.

Under this measure and the Bill we will discuss later, who will be responsible for meeting the cost of such assessment?

Mr. H. D. EVANS: As members are already aware, it is proposed to dispense with the registration of fruit trees. This will prove to be an economical venture, because the administration costs of registration are far in excess of the revenue received. Under the Bill the proposal is that any garden that has a host to fruit fly can be sprayed. The member for Katanning has given a wide range of hosts, including lilli-pilli, cumquat, and most of the flowering prunus, and it is these that have brought about the weaknesses in the existing scheme. Any group of fruit tree owners are penalised as a result of many people owning unregistered fruit trees which reinfest those fruit trees which are grown mainly on orchards. So under the proposition contained in the Bill all gardens will be sprayed against fruit fly.

Mr. W. A. MANNING: The Minister has already said—and I agree with him—that the eradication of fruit fly is the responsibility of the individual. Now he seeks to rate everybody in the community; not just the person who is responsible for growing fruit trees. This is wrong in principle. Many people in the metropolitan area will be shocked when they find they will be rated under the provisions of this Bill, although they, in fact, do not grow fruit trees.

Mr. H. D. Evans: There are many people who are the cause of fruit trees becoming infested with fruit fly, although they do not grow fruit trees.

Mr. W. A. MANNING: If the fruit trees are protected against fruit fly, rose hips and other shrubs will not carry the fruit fly.

Mr. H. D. Evans: How did it come about that fruit fly was found even in the gardens of Parliament House?

Mr. W. A. MANNING: If fruit trees are protected I think it will be found that there will not be much trouble experienced with shrubs and other plants. This legislation will give a council authority to exceed its rating capacity, by being able to rate for the eradication of fruit fly. If a local authority finds it does not have sufficient money for fruit-fly baiting it can increase its rates. This is entirely wrong. Even at this late stage I appeal to the Minister to give this legislation a further review to avoid its being thrown out in another place.

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

Ayes—20

Mr. Bertram	Mr. Jamieson
Mr. Brady	Mr. Jones
Mr. Brown	Mr. Lapham
Mr. Bryce	Mr. May
Mr. Burke	Mr. Moller
Mr. Cook	Mr. Norton
Mr. Davies	Mr. Taylor
Mr. H. D. Evans	Mr. A. R. Tonkin
Mr. Fletcher	Mr. J. T. Tonkin
Mr. Hartrey	Mr. Harman
	(Teller)

Noes—20

Mr. Blaikie	Mr. O'Connor
Mr. Court	Mr. O'Neil
Mr. Coyne	Mr. Reid
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Stephens
Mr. Hutchinson	Mr. Thompson
Mr. Lewis	Mr. Williams
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Nalder	Mr. Mensaros
	(Teller)

Pairs

Ayes	Noes
Mr. T. D. Evans	Sir David Brand
Mr. McIver	Dr. Dadour
Mr. Bickerton	Mr. Ridge
Mr. Sewell	Mr. I. W. Manning
Mr. Graham	Mr. Runciman

The CHAIRMAN: The voting being equal I give my vote to the Ayes.

Clause thus passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. J. T. TONKIN (Melville—Premier) [6.01 p.m.]: I move—

That the House at its rising adjourn until 11.00 a.m. on Wednesday, the 26th April.

Question put and passed.

House adjourned at 6.02 p.m.

Legislative Council

Wednesday, the 26th April, 1972

The PRESIDENT (The Hon L. C. Diver) took the Chair at 11.00 a.m., and read prayers.

QUESTIONS (3): ON NOTICE

1. STATE ELECTRICITY COMMISSION AND MAIN ROADS DEPARTMENT

Collaboration

The Hon. CLIVE GRIFFITHS, to the Leader of the House:

(1) In connection with the information passed to me by the Leader of the House contained in an undated memo from the Acting Minister for Electricity to the Leader of the House, and particularly in relation to the fifth paragraph thereof, would the Minister consult with his colleague, the Minister for Electricity, and explain to the House the manner in which the collaboration between the State Electricity Commission and the Main Roads Department took place?

(2) Was the collaboration in the form of a meeting, by correspondence, or some other form?

(3) If the collaboration was in the form of a meeting, were any minutes kept of the meeting or meetings held between the two authorities?

(4) If minutes were kept, would the Minister impart to the House the contents of such minutes?

(5) If the Departments corresponded on the matter, would the Minister make available copies of letters written and exchanged?

(6) In fact, will the Minister make available for perusal all minutes and correspondence dealing with collaboration between the two authorities on the subject matter of the memo concerned?

The Hon. W. F. WILLESEE replied:

(1) to (6) A general statement is more appropriate than individual replies to the six questions.

The collaboration between the State Electricity Commission and the Main Roads Department in this matter consists of discussions and meetings between senior engineers associated with the respective proposals. This dates from August 1970 when the two Authorities became aware of each other's proposals.

In this case the only collaboration required is in respect to positioning of towers and clearances from conductors to road level.

The Main Roads Department and State Electricity Commission are maintaining the liaison to cover points of detail associated with actual final tower positions; the proposals of each authority could be amended slightly to meet the detail requirements of the other.

No minutes are kept, but individual officers keep notes and the plans of proposals record the progress being made.

The State Electricity Commission formally informed the Main Roads Department of its intention to construct the line and the Department formally acknowledged.