

funds that we might be able to interest contractors, even outside of Western Australia, if the contracts were big enough. Transport is a matter of extreme urgency. The Main Roads Department does not seem to be able to handle the funds it is accumulating, and I am of the opinion that if we could let sufficiently large contracts to enable contractors to provide the necessary plant we might very quickly increase our communications.

Progress reported.

#### **BILL—BUSH FIRES ACT AMENDMENT.**

##### *Council's Message.*

Message from the Council received and read notifying that it had agreed to the conference managers' report.

#### **BILL—NOXIOUS WEEDS.**

##### *Council's Further Message.*

Message from the Council received and read notifying that it had agreed to the Assembly's request for a conference on the amendments insisted on by the Council, and had appointed Hon. J. M. A. Cunningham, Hon. L. A. Logan and the Minister for Agriculture as managers for the Council, the President's room as the place of meeting and the time 10.30 a.m. on Friday, the 1st December.

#### **BILL—FAUNA PROTECTION.**

##### *Council's Further Message.*

Message from the Council received and read notifying that it had agreed to the Assembly's request for a conference on the amendments insisted on by the Council, and had appointed Hon. N. E. Baxter, Hon. H. Tuckey and the Minister for Agriculture as managers for the Council, the President's room as the place of meeting and the time 6.45 p.m. on Tuesday, the 5th December.

#### **MINISTERIAL STATEMENT.**

##### *Welshpool-Bassendean Railway Bill, and Bassendean Marshalling Yards Bill.*

The PREMIER: I ask leave to make a statement in connection with the Welshpool-Bassendean Railway Bill and the Bassendean Marshalling Yards Bill.

Leave granted.

The PREMIER: I have tried to tell as many members as possible, and I have sent a note around to others, notifying them that tomorrow morning at 11 o'clock the Chief Commissioner of Railways, Assistant Commissioner, Mr. Rayner, and the Chief Civil Engineer, Mr. McCulloch, will come to Parliament House where they will be glad to meet members who are interested in these two Bills. It is suggested that the meeting could take place in the Ministerial room, but if it is not large enough other accommodation will be found. I hope that those members who

are interested will make every effort to attend, because the Government regards these Bills as urgent. If we cannot get on with them the railway rehabilitation scheme will be postponed for, probably, 12 months.

#### **ADJOURNMENT—SPECIAL.**

**THE PREMIER** (Hon. D. R. McLarty—Murray): I move—

That the House at its rising adjourn till 2.15 p.m. tomorrow.

Question put and passed.

*House adjourned at 11.13 p.m.*

## **Legislative Council.**

Friday, 1st December, 1950.

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The PRESIDENT took the Chair at 3 p.m., and read prayers.

**QUESTION.****ROADS.**

*As to Bituminising Streets, Southern Cross.*

Hon. G. BENNETTS (for Hon. J. M. A. Cunningham) asked the Minister for Transport:

As an urgent appeal is being made by the Yilgarn Road Board to have the essential bituminising of Southern Cross streets commenced—

(1) Will the Minister give consideration to having this work commenced at the first opportunity?

(2) Will he give consideration to having that portion of the main road traversed by the school bus route to Ghooli completed at the same time?

The MINISTER replied:

(1) and (2) Restrictions on the use of water from the Goldfields Water Supply Scheme have necessitated a change in the department's plans as waterbinding works or proposed works cannot be undertaken until restrictions are lifted.

At Southern Cross work was authorised for waterbinding and priming the section of the Great Eastern-highway from Southern Cross to Ghooli, and it was proposed to undertake some further water-binding work on some streets in Southern Cross while the organisation was in the locality.

These works will be undertaken when it is possible for the department to obtain the necessary water from the main as there is no other source of supply.

**BILL—NOXIOUS WEEDS.***Conference Managers' Report.*

The MINISTER FOR AGRICULTURE: I beg to report that the conference managers met in conference on the Bill and have agreed to the deletion of the word "secondary" in Clauses 51 and 52. The occurrence of the word "secondary" being in Part VII, which deals specifically with the eradication of secondary weeds makes it appear that the rate to be levied was for the purpose of enabling the local authority to deal with secondary noxious weeds. As, however, the responsibility of the local authority extends to primary weeds it must have the power to levy a rate to cover both types of noxious weeds. Therefore the restrictive word "secondary" should be deleted. I move—

That the report be adopted.

Question put and passed, and a message accordingly returned to the Assembly.

**BILL—PHYSIOTHERAPISTS.***Report, etc.*

Report of Committee adopted.

Bill read a third time and returned to the Assembly with amendments.

**BILL—COAL MINING INDUSTRY LONG SERVICE LEAVE.***Second Reading.*

**THE MINISTER FOR MINES** (Hon. C. H. Simpson—Midland) [3.8] in moving the second reading said: This Bill, which is of a machinery nature, has been introduced at the request of the Commonwealth Government, for the purpose of implementing in this State the decision of the Coal Industry Tribunal to award long-service leave to employees in the coal-mining industry. Similar legislation has been or will be introduced in the other coalmining States. All States agreed to send copies of their Bills to the Commonwealth Government, which has signified that the Bill now before the House is satisfactory.

The award provides that long-service leave shall be payable as from the 19th June, 1949, but that employees shall be entitled to long-service leave for any employment in the industry prior to that date up to a maximum of 13 years. In order to avoid any disruption of industry, no leave can be taken prior to the 1st January, 1954, but, in special circumstances, a payment of cash, in lieu of leave, can be made before that date.

Usually long-service leave is a responsibility of employers, but in view of conditions peculiar to the coalmining industry, it was decided to deal with the problem in a different manner. It might impose a difficult financial burden on proprietors of small mines if required to meet long-service leave benefits for their employees, and there is also the problem of the men who, more or less frequently, change their employment, but who, at the expiration of the period of necessary service in the industry, would be eligible for leave which would have to be met by their current employers. It was therefore decided to impose an excise charge of 6d. per ton on all coal produced in Australia, and to place this in a fund to finance long-service leave payments throughout the industry.

Each coal-producing State agreed to establish a coalmining industry long-service leave trust fund from which to reimburse employers for sums paid out by them for long-service leave, these reimbursements being later refunded to the States from the Commonwealth fund.

The Bill, which as I have said, has been approved by the Commonwealth Government, provides that the State legislation shall come into effect on a date to be proclaimed. The State fund will be under the control of an administrator who, it is proposed, shall be a permanent State public servant, his staff being those at present administering the Coal Mine Workers' Pension Fund. For the information of members, I might say that the administrator is to be Mr. Green of the Premier's Department, a very valuable and efficient officer.

No refund of any payments by an employer will be made until the administrator of the fund is satisfied that the employees covered by such payments were entitled to long-service leave. The duties of the administrator are set out in the Bill and include a provision that an annual report on the financial position of the fund and of the transactions of the administrator shall be submitted to the Minister for Mines. The administrator is given the power by the Bill to summon witnesses, take evidence on oath and require the production of documents or records. Any person who fails to appear when lawfully summoned or fails to answer any lawful question, or produce any documents or records, will be liable to a maximum penalty of £50.

Any employer who fails to keep the records required by the Act, or to produce these records when required by the administrator will also be liable to a penalty of not more than £50. Any false or misleading statements made for the purpose of obtaining money from the fund, or any fraudulent act or omission will render the offender liable to a maximum penalty of £100 or 12 months' imprisonment, as well as a penalty not exceeding double of any amount from the fund fraudulently received by the offender. Members will note that the Bill was amended in Committee by another place, but these were minor adjustments requested by the Commonwealth Government. I move—

That the Bill be now read a second time.

**HON. W. J. MANN (South-West) [3.14]:** This Bill introduces a new element into the provision of levies on industry, in this instance brought about by long-service leave payments. As the Minister has said, in the past employers bore the whole of the burden. After a very lengthy and comprehensive examination of the position as it was in the East, it has been decided that a form of provision for the payment of long-service leave be instituted, and this legislation is the result.

The Bill is complementary to legislation already passed by the Commonwealth Government under the Commonwealth Coal Mining Industries Act of 1946. I understand that it represents the considered opinions of all the elements of the coal mining industry, and that it has their unanimous approval. We are in a happy position inasmuch as the whole of the money from this fund is to be provided by the Commonwealth, and it will be paid into a pool from which owners will be reimbursed after having made such payments as are eligible under it.

I can see nothing but good in the Bill. I have read it very carefully and it seems to me to be designed for smooth working, and with a generous view towards the

demands, as I think the Minister said, of the small coal mineowners. For that reason I trust the House will pass the Bill with the full knowledge that it is a definite advance on anything of this nature we have had in the past.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. W. J. Mann in the Chair; the Minister for Mines in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

The MINISTER FOR MINES: I move an amendment—

That at the end of the definition of "award" the following words be inserted: "and also includes any award of the Coal Reference Board applying the provisions of the said award made by the Coal Industry Tribunal to the Collie Coal Miners' Industrial Union of Workers of Western Australia and the members thereof."

It is proposed to insert these words at the request of the Commonwealth law officers, because the Collie Miners' Union is not under the jurisdiction of the Coal Industry Tribunal, and it is necessary to put something of this nature in the Act in order that it may come under the jurisdiction of that tribunal for the purposes of the Act.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 3 to 12, Title—agreed to.

Bill reported with an amendment and the report adopted.

*Third Reading.*

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

## **BILL—ROAD CLOSURE.**

*Second Reading.*

**THE MINISTER FOR AGRICULTURE** (Hon. G. B. Wood—Central) [3.25] in moving the second reading said: This is a lengthy Bill dealing with the closure of certain roads. The first proposal deals with the closure of portion of MacDonald-road, Albany. In designing a subdivision of Crown land at Albany for the State Housing Commission, it was found necessary to provide for the closure of the northern end of MacDonald-road for a distance of about five chains. A new road, to be known as Playne-street, has been provided in a position about 1½ chains to the west, and this will meet all requirements. The land within the proposed closed road will be incorporated in the new subdivision for homesites.

Closure of Small-street, Albany: The municipality of Albany has requested that an extension of Hill-street be provided through certain Crown land from Serpen-

tine-road to Burt-street. The proposal will involve the resumption of Albany Lot 711 recently sold by auction by the Crown. As the proposed new road would be about a half chain west of Small-street, the latter would be no longer required. The land contained in Small-street, would be then available for exchange for Lot 711 which would be incorporated in the new street.

**Closure of portion of Road No. 3269, First-avenue, Bassendean:** A very generous road truncation was provided in the subdivision of the private land at the intersection of First-avenue and Walter-road at Bassendean, leaving an area of vacant land between the south-western boundary of Lot 55 and the constructed roadways. The owner of Lot 55 desires to build, but wants closer access to the constructed road and has requested that the truncation be reduced to standard dimensions. In ordinary circumstances, if the portion of the road were closed, the land therein would revert to the adjoining holder under the provisions of the Road Districts Act, 1919-48, but a discrepancy therein prevents the vesting of the whole of the closed road in Lot 55 and, therefore, the special legislation herein is required.

**Closure of portion of Emery-street, Carnarvon:** When surveying roads at Carnarvon, a departmental surveyor reported that portion of Emery-street was unsuitable and not required for a public road. The municipality of Carnarvon has concurred in the recommendation for closure of this low-lying portion of Emery-street. Road access to the north of this area is provided by Road No. 3901.

**Closure of Venn-street, Carnarvon:** In a recent subdivision of Crown land at Carnarvon into lots ranging in area from three to five acres, provision was made for the ultimate closure of Venn-street, which is regarded as unnecessary, as there is another road, Marmion-street, about six chains away. Upon closure of the street, it is intended that the contained land be granted to the holder of Lot 582 to increase its area to four acres and 23 perches, which would be consistent with the size of other lots in the subdivision.

**Closure of certain rights-of-way at Fremantle:** The Director of War Service Homes has acquired certain lots at Fremantle near the intersection of Carrington and Stephen-streets, which it is intended shall be resubdivided to a modern design which will eliminate the rights-of-way. The only other adjoining holders and the City of Fremantle have agreed to the closure. The Bill provides that upon closure the land in the rights-of-way will be included in the contiguous lots.

**Closure of portion of Augustus-street, Geraldton.** At the request of the Commonwealth Government, portion of Augustus-street, Geraldton was included in an area made available for the purpose of bulk wheat storage, at a rental of £65 per an-

num. The area has now been surveyed as Geraldton Lot 1244, but, before the survey can be approved, it is necessary that the portion of Augustus-street be closed officially. The Municipality of Geraldton has agreed to the closure.

**Closure of portion of Evans-street, Geraldton:** The resubdivision of land at Geraldton for the State Housing Commission has necessitated the deviation of Evans-street between Dampier and Fraser-streets. The position of the street at this point will be moved about 1½ chains east of the old alignment. The proposal has been approved by the Geraldton municipality. The land in the portion of the street to be closed will be incorporated in the new lots.

**Closure of certain rights-of-way at Geraldton:** The State Housing Commission has acquired from the Crown certain land at Geraldton which it decided to resubdivide to a modern design which will eliminate the rights-of-way. The Geraldton municipality has agreed to the proposed closure of the rights-of-way and the resurvey has been completed. The only adjoining holders affected are the owners of Lots 1038 to 1040 and 1043 to 1047 inclusive, who will benefit by the inclusion in their lots of half the land in the contiguous right-of-way. The land in the remaining rights-of-way will be vested in the State Housing Commission as owner of the adjoining lots and included in the newly-subdivided lots.

**Closure of portion of Ord-street, Geraldton:** The Railway Department requested that a small portion of Ord-street, Geraldton, be closed, where it is crossed by the railway line near the junction of the Mullewa and Wokarina lines close to Bluff Point station. The Geraldton municipality agreed to the closure and there is direct access from the remainder of Ord-street by a deviation to the North-West coastal highway. It is proposed to include in the adjoining Railway Reserve No. 7666 the land contained in the portion of Ord-street, the subject of this clause.

**Closure of portion of a right-of-way at Geraldton:** The State Housing Commission has acquired an area of land at Geraldton comprising certain lots on Land Titles Office Plan No. 3700. For the purpose of re-subdividing the area it is desired to close the right-of-way and to include the contained land in the new lots. The only owner other than the State Housing Commission owning land adjoining the right-of-way is Eric George, the owner of Lot 5, and provision is made to vest in him half of the portion of the right-of-way contiguous to his lot. The balance of the right-of-way will be vested in the State Housing Commission as holder of the other adjoining land.

**Closure of Midway-avenue, Victoria Park:** Midway-avenue, a small street between Canterbury-terrace and Basinghall-street, Victoria Park, was rendered unnecessary by an extension of Berwick-street

about one and a half chains to the south-west. It is desired to close the street so that the land contained therein may be sold to adjoining holders. The limited width of the street, 50 links, precludes the land being sold as separate building lots. The holder of Lot 44 is not interested in acquiring the portion of Midway-avenue adjoining that lot, but the holder of Lot 43 has agreed to purchase the full area between Lots 43 and 44 for an amount of £40. It is proposed to divide the north-western half of the avenue between the holders of the adjoining Lots 109 and 110 on payment of £20 each.

Closure of certain rights-of-way at Victoria Park: The State Housing Commission acquired a considerable area of land between Sussex-street, Devenish-street, Westminster-street and Jarrah-road, Victoria Park. The re-subdivision of the land to a modern design, eliminating rights-of-way, requires the closure of the majority of the existing rights-of-way. Where some of the adjoining land has been built on previously and is not held by the Commission, the rights of the holders have been protected and the contiguous rights-of-way will be retained. The Bill provides for the vesting in the State Housing Commission of the land contained in the rights-of-way to be closed so that it can be incorporated in the new subdivision.

Closure of portions of Angwin, Penzance, Briggs and Troy-streets, Bassendean: The provision of a new road to deviate Angwin-street at Bassendean has involved the closure of portions of Angwin, Penzance, Briggs and Troy-streets. Cuming Smith-Mt. Lyell Farmers Fertilisers Limited as owner of all the land adjoining both the old and new roads is prepared to make available the land for the new road in exchange for the land comprised in the portions of the streets which it is proposed should be closed. The company has agreed to contribute half the cost of construction of that portion of the new road between Iolanthe and Penzance-streets and has undertaken not to extend its premises further north than the proposed new road. The Bill provides that the land in the portions of the streets when closed shall be granted to the company in exchange for the land in the new road. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Hon. W. J. Mann in the Chair; the Minister for Agriculture in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Closure of portion of road No. 3269, First-avenue, Bassendean:

Hon. H. S. W. PARKER: I presume the Bassendean Road Board has approved of this closure.

**THE MINISTER FOR AGRICULTURE:** I am given to understand that everything in the Bill is in order as far as the road boards are concerned.

Clause put and passed.

Clauses 5 and 6—agreed to.

Clause 7—Closure of certain rights-of-way at Fremantle.

Hon. E. M. DAVIES: Does the closure of these rights-of-way refer to land recently purchased by the State Housing Commission?

**THE MINISTER FOR AGRICULTURE:** I refer the hon. member to my remarks on this clause when introducing the Bill. I have been informed that the local authorities have agreed to all the closures. Does that satisfy the hon. member?

Hon. E. M. Davies: Yes.

Clause put and passed.

Clauses 8 to 15, Schedule, Title—agreed to.

Bill reported without amendment and the report adopted.

#### *Third Reading.*

Bill read a third time and passed.

#### **BILL—SEEDS.**

Received from the Assembly and read a first time.

#### **BILL—NOXIOUS WEEDS.**

##### *Assembly's Further Message.*

Message from the Assembly received and read notifying that it had agreed to the conference managers' report.

#### **RESOLUTION—STATE FORESTS.**

##### *To Revoke Dedication.*

Message from the Assembly received and read requesting concurrence in the following resolution:—

That the proposal for the partial revocation of State Forests Nos. 9, 14, 20, 22, 38 and 50 laid on the Table of the Legislative Assembly by command of His Excellency the Governor on the 30th November, 1950, be carried out.

**THE MINISTER FOR TRANSPORT** (Hon. C. H. Simpson—Midland) [3.43]: I move—

That the resolution be agreed to.

This is the customary proposal submitted to Parliament for consideration towards the end of each session, in accordance with Section 21 of the Forests Act. It provides for the excision from State forests of certain areas for purposes considered to be more valuable than their retention as forest land. If Parliament agrees to these proposals the dedication of each area as a State forest will be revoked and the land will revert to Crown

land within the meaning of the Land Act. Full particulars of each excision, including plans, are contained in the papers I have laid on the Table of the House this afternoon. I propose to indicate briefly the reason for each excision. These are—

Area No. 1 is about one and a half miles south of Yornup. Approximately 38 acres of poorly timbered country have been applied for in conjunction with adjoining vacant Crown land.

Area No. 2 is at Holyoake and is approximately a quarter of an acre. This is to enable the Crown to issue a satisfactory tenure to the proprietor of the building thereon.

Area No. 3 is about three-quarters of a mile north of Greenbushes and has an area of approximately 11 acres, half of which is cleared, the balance carrying only poor quality timber. This is requested by the Greenbushes Road Board to extend the adjoining recreation reserve.

Area No. 4 is about a mile and a half north-west of Jarrahdale. Part (1) has an area of approximately 10 acres of open forest country sparsely timbered and part (2) is approximately 13 acres in area, comprising open forest country carrying mainly malformed and small timber. Both areas have been applied for by the adjoining owner.

Area No. 5 is about 6 miles east of Manjimup. It is approximately 5½ acres and is to be exchanged for 5½ acres comprised in Nelson Location 7558 for inclusion in State forests.

Area No. 6 is about 2½ miles south of Contine Siding. It is approximately 71 acres and is to be exchanged for about 96 acres comprised in parts of Williams locations 5553 and 5534 for inclusion in State forests.

Question put and passed, and a message accordingly returned to the Assembly.

#### **BILL—LUNACY ACT AMENDMENT.**

Received from the Assembly and read a first time.

#### **BILL—RESERVES.**

*Second Reading.*

**THE MINISTER FOR AGRICULTURE** (Hon. G. B. Wood—Central) [3.48] in moving the second reading said: This is rather a lengthy Bill and deals with the transfer and control of a number of reserves, particulars of which I shall give to the House.

Reserve No. "A" 23123: This reserve is the western portion of the reserve bounded by Bazaar-terrace, Riverside-drive, Mill-street and William-street continuation. It is at present vested in the State Gardens Board for beautification, recreation and temporary car-parking. It has, in fact, been used up to the present time for re-

creation and for the assembly or parking of vehicles of one or more motorcar dealers. In order to provide additional parking space for registered private motorcars, it is desired that, while the need for this space as a parking area continues, the City Council could use the reserve for the purpose of the temporary use of registered private motorcars.

The City Council, however, desires to commence its scheme for beautification of this reserve by planting trees, etc., but has not yet settled its plans in this regard. The Bill, therefore, provides that the Minister may set aside portion of the reserve for beautification purposes, such portion to be delineated by notice published in the "Government Gazette." In order to prevent the unfair use of the land by motorcar dealers and others with fleets of vehicles, the Bill proposes to restrict the use of the land to one car for each owner.

It is hoped that provision may be made in time to provide other parking facilities for users of motorcars in the city area, but it is impossible at this stage to forecast when this reserve may no longer be required for car-parking purposes. The Bill therefore delegates to the Governor-in-Council the right to decide by proclamation when the reserve will no longer be required for car-parking purposes. On the making of that proclamation the reserve will become dedicated to the purposes of beautification and recreation. There is also the possibility that before the making of such proclamation it may be necessary or desirable to suspend or deny the use of the land for car-parking purposes. The Bill gives the necessary power in this regard to the Governor and provides that during any such suspension the reserve will be used for beautification and recreation.

Reserve No. "A" 23124: This is the eastern portion of the former reserve bounded by Bazaar-terrace, Mill-street, Riverside-drive and William-street continuation and erected thereon at present are the former R.A.A.F. huts which were erected by the Commonwealth during the war under National Security Regulations. Under Regulation 55A of the National Security (Supplementary) Regulations, the Commonwealth has power to remove those huts at any time. At present the Commonwealth has a lease of portion of the reserve from the State Gardens Board and there are also weekly tenants in occupation of the most easterly portion of the reserve.

The City Council is anxious to prepare a comprehensive beautification scheme for the whole of the area bounded by the four streets mentioned and is therefore anxious for Parliament to approve of Clause 3 of the Bill. It is appreciated, however, that the Commonwealth at the moment has certain rights to the land under Commonwealth law. So long as the Commonwealth remains in occupation of

the portion of the reserve occupied by it, it is not desired to disturb the existing tenancies of the tenants. Every effort, however, will be made to determine the rights of the Commonwealth and of the other tenants at the earliest possible moment so that the reserve may finally be vested in the City of Perth.

It is not possible, however, at this stage to forecast when those rights and tenancies may be determined and the Bill therefore provides that this particular clause shall not go into operation until proclamation. It is also contemplated that possibly at the date of such proclamation, the Commonwealth may have given to some private person—under a contract for the removal of existing buildings—some rights in respect of the reserve. Unless the clause contains recognition of such rights, it is possible that upon proclamation of the operation of the section, the provision would be inconsistent with Commonwealth law and therefore invalid under Section 109 of the Commonwealth Constitution. This explains the reference in the clause to the rights of the Commonwealth and rights under the laws of the Commonwealth in respect of the land comprised within the reserve.

Reserve No. "A" 22776: This reserve is part of the foreshore area opposite Christian Bros. College, Perth. In order to relieve the parking problem both of private cars and of buses, it is proposed that a road should be constructed along the northern boundary of the reserve with a view to its continuation to Plain-street and that the road at present known as Governor's-avenue should be continued to the river. This clause in the Bill is therefore designed to excise the necessary strips of land from the western and northern boundaries of the reserve with a view to the construction of these roads. It has been agreed between the Government and the Perth City Council that the total cost of the construction of the road from the river to Plain-street will be shared equally between the State and the City of Perth. The Commissioner of Main Roads has agreed to bear the State's share of the cost.

Reserve No. "A" 19465, at Albany: This reserve, comprising Albany Lot 827 of 2 roods 33 perches, was set apart as a reserve for a park and garden in 1927, and was vested in the municipality of Albany in trust for that purpose. The reserve is known locally as Queen's Gardens and separates Stirling-terrace from lower Stirling-terrace. It previously comprised portion of the road which was partially closed under the Road Closure Act No. 32 of 1926, Section 2. The Albany Council desires to widen Stirling-terrace to a width of one chain and has requested that a strip of land 12 links wide be excised from the reserve and added to the road.

Reserve No. "A" 20954, at Bayswater: This reserve, comprising Swan Location 3403 of 1 acre 2 roods 3.5 perches and fronting Mooney-street, Bayswater, was previously held in fee simple by the Bayswater Road Board, which acquired it by way of gift from the company that subdivided the area. The land is mainly paperbark swamp and is unsuitable for building purposes, so it was donated to the road board with other similar areas ostensibly for recreation purposes. The road board later surrendered the fee simple of these areas to the Crown for the purpose of declaring them Class "A" reserves for recreation. Owing to the lack of sufficient access and the estimated high cost of development of this location as a recreation reserve, for which it is considered unsuitable, the Bayswater Road Board has requested that the reserve be cancelled and that the land be granted to the board in fee simple with the intention that the land be sold and the proceeds devoted to the development of another area more suitable for recreational purposes.

Reserve No. 6433 at Capel: In 1900, the Crown grant of Wellington Location 1281, of 5 acres, as comprised in Reserve 6433, was issued to George Edward Dilley, Thomas Henry Coles and William Hamlyn Lang, as trustees of the Capel public cemetery. The trustees have been altered from time to time and the cemetery is at present under the control of the Capel Road Board, which was appointed as a board of control under the provisions of the Cemeteries Act, 1897-1946. It is not the present policy to issue Crown grants for leases of cemetery reserves to trustees appointed under the Cemeteries Act, 1897-1946.

Reserve No. "A" 14222, at Denison: An area was set apart for camping and recreational purposes and includes Denison Lot 30 containing 1 rood 20 perches. The Irwin Road Board has constructed a new road around the obelisk through the reserve from Marine-drive to Herbert-street, involving acquisition or resumption of portion of Lot 29 at present held by Mr. R. C. Classon. The road board has recommended that to compensate for the loss of portion of Lot 29, the holder be granted portion of Lot 30, partly by way of exchange, and partly by purchase. State officials have endorsed the recommendation and have fixed the purchase price at £40. Authority is required for the excision of portion of Lot 30 from the reserve and for its disposal in the manner recommended. The proposals are part of the Irwin Road Board's scheme to bring under its control all the waterfront at Denison involving negotiations with private owners to surrender their waterfront lots in exchange for other lots.

Reserve No. 9222 at Dinninup: Nelson Location 2931 was set apart as Reserve No. 9222 in 1907 for the purposes of a

public hall and recreation, and a lease thereof for a term of 999 years was granted to James Richmond Asplin, Frederick William Gibbs and James Blechynden, as trustees of the Dinninup Agricultural Hall. The three trustees are now deceased and it is desired to place the hall under the control of the Upper Blackwood Road Board. It is necessary that the existing lease, No. 372/42, and the trust contained therein be cancelled, for which purpose this legislation is required.

Reserves Nos. "A" 7537 and "A" 2995 at Glen Forrest: A road was constructed some years ago through the John Forrest National Park at Glen Forrest, and since then has been in continual use. The survey of a one-chain road to include the formation has recently been completed and it is desired to excise the land for the road from these two Class "A" reserves. An area of about 42 acres is comprised in the road, but only about eight perches out of Reserve "A" 2995 are affected. The reserves are vested in the State Gardens Board and arrangements have been made with the Main Roads Department to maintain the road when it has been declared a public road. Before the road can be declared, the land must be excised from the Class "A" reserves.

Reserve No. A2101 at Greenmount: The State Housing Commission has requested that this reserve be subdivided in conjunction with Reserve 16011 adjoining and that, after provision of all necessary roads and reserves, the balance of the land be surveyed into homesites for the State Housing Commission and the Railways Department. Reserve A2101 was set apart as a public park in 1892, after the land had been acquired by the State at a cost of £500, and was vested in the Midland Junction municipality in 1905, but has not been developed as a park. In 1913, an area of 16 acres 2 roods 30 perches was excised by Act 20 of 1913 for Quarry Reserve 16011 for the Midland Junction municipality. The reserve was used for military purposes during both world wars. In 1933, the portion east of Scott-street was vested in the Greenmount (now Mundaring) Road Board. Both the Midland Junction municipality and the Mundaring Road Board are agreeable to the cancellation of the reserve. The proposed subdivision will provide for school site and recreation reserves.

*Sitting suspended from 4.3 to 4.15 p.m.*

**The MINISTER FOR AGRICULTURE:**  
To continue with the details—

Reserve No. "A" 21141, over Mendel Estate near Mullewa: Lot 18 of 2255 acres, was set apart as a resting and watering place, stock route and common for travellers and stock and was classified as Class "A" in 1933. The committee deal-

ing with the reconstruction of holdings in repurchased estates requested that the reserve be cancelled so that the land could be made available for linking to the adjoining holdings of D. S. Hebiton and W. L. Steele, who needed additional land. It is considered that, with the present methods of transporting stock by motor trucks, the whole of the reserve is not now required, and should be reduced. The proposal now submitted is for the retention of a reserve of 100 acres in the south-western corner of the existing reserve and for provision of a stock-route five chains wide along the western boundary of Lot 18 when it is being subdivided to implement the linking proposition which involves the granting of the area excised from the reserve to the adjoining holders.

Reserve No. 6752 at Mingenew: This reserve, comprising Victoria Location 2515, of two acres, was set apart for the purpose of a cemetery at Mingenew in 1899, and the Crown grant thereof was granted in 1901 to William Henry Linthorne, Charles Shepherd Oliver and William Shepherd Oliver as trustees for the cemetery. New trustees have been appointed from time to time to replace those who have resigned or died, and in 1931 the Mingenew Road Board was appointed as a board to control and manage the cemetery under the provisions of the Cemeteries Act, 1897-1946. No alteration was made on the Crown grant to show the various changes in the trustees, as apparently the existence of the grant had been overlooked. Of the original trustees, Charles Shepherd Oliver resigned in 1904 and died in 1907, William Henry Linthorne died in 1920, and William Shepherd Oliver—the sole survivor—resigned in 1931. It is desired to revest the land in His Majesty as of his former estate, with the intention that the reserve will be maintained for the purpose of the cemetery under the control and management of the Mingenew Road Board.

Reserve A2360 near Mingenew: This contains 4,803 acres, and was set apart in 1893 for the purpose of a stopping place for travellers and stock and was classified as Class A in 1933. After a thorough investigation of all reserves and stock routes in this vicinity, the Surveyor General recommended that an area of about 2,400 acres be excised from the reserve with the intention that the land be made available to adjoining holders. Modern methods of transporting sheep and stock by motor trucks have reduced the necessity for large reserves as stopping places, and it is considered that essential requirements will be met by the proposed smaller reserve of about 2,400 acres.

Reserve No. A 11388, Mt. Barker: Lot 99, comprising 3 acres, 2 roods, 8 perches, is required by the Police Department as a site for the new police station. The land is freehold in the name of the



trustees of the Public Education Endowment, who agreed to the proposal, provided the old police reserve north of Mt. Barker is reserved for the use of the Education Department for the establishment of an area school. The re-vestment of Lot 99 is required so that it can be reserved for police purposes.

Reserves Nos. A18325 and A19163, at Mt. Lawley: These were set apart for the purposes of recreation and a park respectively, and are involved in a developmental plan submitted by the Perth Road Board, which has been the subject of considerable negotiation between the road board and Government departments. Agreement was reached to re-survey the area in the manner shown on the plan submitted, which provides for certain new roads and for the survey of four separate reserves to be declared as follows:—The first for educational purposes, high school site (15 acres); the second for Government requirements (8 acres); and the third (22 acres) and fourth (14 acres) for recreation, a total area of 59 acres. The proposals involve the excision of an area of about 67 acres from Reserve No. A18325 and the cancellation of Reserve No. A19163.

Reserve No. 10632 at Ravensthorpe: Lot 132 was set apart in 1907 for the purpose of a mechanics institute, and a lease thereof, for a term of 999 years was granted to Walter Egbert Elston, Robert Henry Stevenson and Charles Gilbert, as trustees of the Phillips River Mechanics' Institute. The three trustees are now deceased and it is desired to place the mechanics' institute hall under the control of the Phillips River Road Board. It is necessary that the existing lease No. 356/42 and the trust contained therein be cancelled, for which purpose this legislation is required.

The Sussex Road Board has requested that portion of Class A Reserve No. 8427 at Yallingup, comprising Sussex Location 1330 of 36 acres and 28 perches be excised for the purpose of declaring the location a recreation reserve. The manager of the State Hotels Department, who is responsible for the control of the present reserve, sees no objection to the proposal. The road board will be prepared to assume control of the proposed recreation reserve. The plans of all these reserves can be seen on the file. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and passed.

## **BILL—TIMBER INDUSTRY REGULATION ACT AMENDMENT.**

*Second Reading.*

**THE MINISTER FOR TRANSPORT**  
(Hon. C. H. Simpson—Midland) [4.30] in moving the second reading said: This Bill contains two amendments, neither of a major nature, which seek to correct an anomaly in the parent Act, this being caused by an amendment made in 1946. This amendment enlarged the definition of "timber holding" to include "any place whether of a kind similar to or different from any included in this definition, at which timber is stacked, sawn, split, hewn, used in joinery construction or otherwise fashioned."

The purpose of this amendment was to give inspectors appointed under the Act the power to enter and inspect metropolitan timber yards and their attached workshops, an authority they did not previously possess, and which, in the interests of owners and workmen, was considered essential. However, by including in the definition the words "used in joinery construction or otherwise fashioned," joinery and carpenters' shops and furniture factories were brought within the scope of the Act, a provision that was never intended, as inspections carried out under the principal Act refer only to mills in which timber in the log is prepared for treatment, and timber yards where the sawn timber is treated.

Joinery and carpenters' shops and furniture factories are inspected by factory inspectors, but, although this is still being carried out, it is illegal as premises defined under the Timber Industry Regulation Act are exempted under Section 29 of that Act from the operations of the Factories and Shops Act and regulations. This has led to some confusion as inspectors under the principal Act are not qualified to deal with these matters to the same extent as are inspectors under the Factories and Shops Act.

The Bill will rectify the position by removing joinery and carpenters' shops and furniture factories from the scope of the Act. It has been discussed with and approved by the Metropolitan Council of the A.L.P. and the Metropolitan Timber Workers' Union. The other small amendment is consequential. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and passed.

# **BILL—COAL MINE WORKERS (PENSIONS) ACT AMENDMENT.**

## *Second Reading.*

**THE MINISTER FOR MINES** (Hon. C. H. Simpson—Midland) [4.38] in moving the second reading said: As members may be aware the scheme for the compulsory retirement of coal miners at the age of 60 years, and for the payment of pensions on retirement commenced on the 1st July, 1944. Schemes similar to this operate in the States of New South Wales, Queensland and Victoria.

The principal Act has been amended on several occasions, mainly for the purpose of increasing benefits and contributions to the fund, and for the adjustment of anomalies which have become apparent during the administration of the scheme. The first triennial actuarial investigation required under the Act, was carried out in June, 1947, and showed that the fund was in difficulties, the two main causes being—firstly, a large initial deficiency due to granting free pensions and pensions to persons of advanced ages who had paid few contributions, and, secondly, the low proportion of retired mine workers who were receiving Commonwealth pensions.

The actuary then estimated that the uncovered liabilities of the fund amounted to £335,000. As a result of the actuary's advice, Parliament approved in 1948 of certain amendments to the scheme. The principal features of these amendments were—

- (a) The increasing of benefits to the rates then applying in other States.
- (b) The payment of increased contributions to the scheme by mine workers and owners.
- (c) An increase in the maximum annual subsidy payable by the Government from £4,500 to £16,000.
- (d) Mine workers entering at an age greater than 35 not to qualify for retirement benefits at the age of 60 years. They could qualify for invalidity pensions after 10 years, or receive a refund of their contributions upon their retirement.

Some of the factors which subsequently have favoured the fund are—

- (1) The proportion of men over 65 years receiving Commonwealth pensions has increased from 65 per cent. in 1947 to 69 per cent. in 1950.
- (2) Heavy resignations, some at advanced ages.
- (3) The incidence of deaths from accidents and cases of invalidity have proved more favourable than anticipated.

As a result of these amendments to the scheme and the favourable factors I have mentioned, the second triennial actuarial investigation made at the 30th June, 1950, disclosed a much more stable position than in 1947. In his report the actuary estimated that the uncovered liability had been reduced to £144,000, and he expressed the opinion that if the experience over the past three years were repeated, some further improvements should be found in 1953.

The actuary recommended that, if benefits were not increased and conditions not altered, no change should be made in the contributions during the next three years, but he emphasised that any increases in benefits should be accompanied by increased revenue from some source. He also stated that the amount which should be paid by the Government is the maximum provided in the Act, namely, £16,000 per annum. In regard to other States, the scale of benefits in New South Wales was increased last year, and subsequently the Victorian and Queensland rates were raised to those paid in New South Wales.

Towards the end of last year, in reply to a request from the combined unions at Collie that the Western Australian benefit rates be increased to the level of those in the Eastern States, the Government advised that it proposed to defer consideration of this until the report of the actuary was received. A comparison of the weekly rates of pensions payable in the Eastern States and Western Australia is interesting. These are—

	Eastern States. £ s. d.	Western Aus- tralia. £ s. d.	Difference. s. d.
Retired mine worker .....	2 15 0	2 12 6	2 6
Allowance for wife .....	2 2 6	1 17 6	5 0
Allowance for female relative over age 16 (in lieu of wife) .....	2 2 6	1 12 6	10 0
Widow .....	2 5 0	2 0 0	5 0

It is proposed in the Bill to increase the rates payable in this State to the level of those in the Eastern States, and to make the increase retrospective to the 1st July, 1950, in view of the fact that the increases in the East took place some 12 months ago. This adjustment in the scale of benefits, together with other proposals in the Bill which I will explain, is estimated to cost an additional £10,000 per annum. To finance that sum it is proposed to increase mine workers' contributions from 4s. to 4s. 4d. per week and owners' contributions from 8s. to 10s. 10d. per week for each mine worker employed. The weekly contributions which would then be payable here compared with those in the Eastern States are—

New South Wales—Mine worker 4s., owner for each miner 14s. (three and a half times mine workers); Queensland—

3s. 6d., 12s. 3d. (three half times mine workers); Victoria—4s. 4d., 13s. (three times mine workers); Western Australia—4s. 4d., 10s. 10d. (two and a half times mine workers).

The mine workers' contributions in this State would then be the same as in Victoria but, although the owners' contributions will be increased by 2s. 10d. per week, they will still be the lowest in Australia. When the Act was amended in 1948, the maximum amount of the annual subsidy payable by the Government was increased from £4,500 to £16,000. This was a substantial increase, and the Government does not consider that the amount of the direct payment by the State should be further increased at present. The entire increased payment by the owners will be added to the price of coal. This means that, as the Government purchases approximately 80 per cent. of the coal produced in Western Australia, it will pay that percentage of the increase in owners' contributions, representing an amount of about £7,000 per annum.

This is the second occasion on which it has been necessary to amend the Act to increase the rates of benefits to those payable in the Eastern States. The mine workers at Collie have now asked that provision be made to authorise the Governor to vary the rates of pension from time to time, so that uniformity of rates between Western Australia and the Eastern States can be maintained, without the necessity to wait until the Act can be amended. On this occasion, retrospective payment to the 1st July, 1950, is proposed owing to the twelve months' lag compared with the Eastern States. As a general rule retrospective payment is not favoured because of complications which may arise through the deduction of old-age and invalid pensions from miners' pensions, and the effect which retrospective payments may have on old-age and invalid pensions because of the means test.

The Government desires to maintain the Western Australian benefits on an equal footing with those in the Eastern States, if it is practicable to do so, and to avoid the lag in the payment of increases, provision has been made in this Bill to enable the Governor to vary the rates of pension from time to time. I might add that variations would not be made without first considering all the circumstances involved. If the Governor is given the power to vary the rates, then it will also be necessary for similar power to be given for the variation of the rates of contributions by mine workers and owners to ensure that the extra cost of the increases will be covered by increased revenue. Therefore, provision has been made in the Bill to permit the Governor to vary the rates of contributions from time to time.

When Commonwealth age, invalid and widows pensions are increased by 7s. 6d. per week for each person, there will be a number of retired miners and widows of deceased miners who will not be eligible for any payment from the pensions fund because, in the case of husband and wife, jointly, and a widow, the amount received as Commonwealth pension will be in excess of the miner's pension payable. It is considered that every retired mine worker, or the widow of a deceased miner, should receive some pension, and provision is made for the payment of a minimum amount of 5s. per week where the deduction of Commonwealth pension from the miner's pension would reduce the miner's pension to an amount less than 5s. per week.

Most of the other provisions in the Bill have been made at the request of the combined unions at Collie. They will incorporate into the Western Australian scheme alterations which have been made in the New South Wales scheme since its inception, and have been recommended by the Coal Mine Workers' Pensions Tribunal following discussions with the combined unions.

The Bill seeks an amendment in regard to the provision in the Act allowing a payment of 8s. 6d. per week for each child under 16 years of age. At present child endowment must be deducted from a pension. With the increase in child endowment to 10s. per week for all children after the first, and the payment of 5s. endowment for the first child, a pensioner who receives £1 5s. 6d. per week in respect of three children has £1 5s. per week child endowment deducted. It is now proposed to pay 10s. per week for one child only under 16 years, and to discontinue the deduction of child endowment. This conforms with the policy in the Eastern States.

Other proposals in the Bill are the payment of an allowance of 10s. per week, at the discretion of the tribunal, in respect of a child over 16 years but under 18 years, for the purpose of assisting in the further education of the child, and an allowance of 10s. per week for a child over 16 years who, because of physical or mental defects, is prevented from earning a living. Where a wife's allowance is not being paid, the tribunal may make a payment to—

- (a) a member of the mine worker's family over the age of 16, or
- (b) a female relative over 16 who is not a member of his family, or
- (c) an adult female (not a relative) who is caring for a child of the pensioner, under 16 years, or
- (d) an adult female who is caring for the invalid wife of a pensioner, or
- (e) the de facto wife of a pensioner.

The Bill provides, also, that upon the death of a pensioner or mine worker, the tribunal may, in its discretion, award a pension to his recognised de facto wife. The period of payment of a pension in such circumstances will be limited if the female is under age 30 years. At present an invalidity pension is payable only if the mine worker is permanently incapacitated as a result of an injury received while he is working in the mines. The Bill widens the qualification for an invalidity pension to include persons who are 85 per cent. incapacitated, provided they have worked in the industry for twenty years and have made contributions for a continuous period of five years or more immediately preceding incapacity.

A widow's pension is payable only to the widow of a deceased pensioner, or of a deceased miner if his death was due to injuries received in the course of his employment. It is proposed to amend the qualification for a widow's pension to include widows of deceased miners who die from other causes, providing the miner has contributed to the fund for five years or more. The Bill seeks to permit a widow to earn an average of £2 10s. per week, the same amount as a retired mine worker may earn. Any amount earned in excess of £2 10s. per week will be deducted from the pension.

The provision in the Act for a period of disqualification to be imposed where a widow receives workers' compensation will be repealed, and the pension will be paid immediately after the mine worker's death.

The method of calculating the period of disqualification imposed on a mine worker who receives a lump sum payment for workers' compensation, is altered in the Bill. The period of disqualification will be ascertained by dividing the lump sum by the maximum rate of workers' compensation payable instead of by the amount of pension payable, as is done at present.

Provision is being made for the tribunal to be a body corporate, so that it may dispose of Commonwealth inscribed stock, and where opportunity exists, invest funds in debentures and securities at a higher rate of interest than is paid on inscribed stock. Unclaimed moneys, such as unclaimed refunds, excess contributions and unclaimed pensions, will be paid to the fund if not claimed before the expiration of six years.

In 1948, provision was made to include certain employees of contractors working on open-cuts within the scheme, but transport drivers were excluded. The combined unions have asked that transport drivers be included and provision has been made in the Bill for their inclusion. It is considered that if persons such as excavator drivers, mechanics, welders, borers, lab-

ourers, etc., working on open cuts are required to contribute to the scheme, there does not appear to be any reason why a truck driver should not also be included. All employees of coalmines, including head office staffs, apart from directors, will also be included.

There are several other amendments of a minor nature which, if necessary, can be dealt with in Committee. The Bill will, if passed, bring the Western Australian scheme substantially into line with the New South Wales scheme so far as the scale of benefits and the qualifications for benefits are concerned. This will be the fifth time that amending legislation concerning the scheme has been submitted to Parliament, but it is hoped that, if this Bill is passed, it will not be necessary to submit further amendments before the next actuarial examination takes place in 1953. I move—

That the Bill be now read a second time.

**HON. W. J. MANN (South-West) [4.55]:** This is another Bill that I commend to the House. The Minister has covered all the ground fully and clearly and I do not propose to weary the House by any repetition. Those who know the coalmining industry and its ramifications realise the part that it plays in the economy of the State, and they will be gratified to know that this pension scheme, launched some years ago and subject to a good deal of hostile criticism, has gradually been brought up to a state approaching perfection.

It is pleasing to know that those who will benefit by the latest improvements to the scheme are men who, during the war, rendered wonderful service to the State. For that reason alone we are glad to think that they will have in their declining days some greater recognition of their efforts. I am also glad to see that the surface workers will be brought under the scheme. I remember the hostility years ago when it was suggested that men on the surface should be included. The idea was to confine the scheme only to men working underground. The men working on the surface are subject to dangers as well and they deserve recognition. So, I feel that the community has every reason to be gratified at the fact that the men, the companies and the Government have got together and negotiated these latest improvements. I am given to understand that the negotiations were conducted in a most amicable manner. I trust that the good record at Collie will continue, as I am sure it will, and that this pension scheme will prove of benefit to all concerned.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and passed.

**BILL—SUPERANNUATION AND FAMILY BENEFITS ACT AMENDMENT.**

*Second Reading.*

**THE MINISTER FOR TRANSPORT**  
(Hon. C. H. Simpson—Midland) [5.2] in moving the second reading said: This Bill seeks to clarify the parent Act in some instances and to amplify it where experience has shown this to be desirable. It also introduces provisions recommended by the actuary following his quinquennial investigation of the fund at the 30th June, 1950. As members are aware, the Act provides for a scheme of contributory superannuation for Government employees.

Two of the principal amendments are designed to increase pension benefits to children and to advance the date on which widows' pensions become payable. Under the present circumstances, on the death of a contributor, the widow receives a compassionate allowance based on the leave to which her husband was entitled on his death. A pension payable under the Act, however, does not commence until the day following the expiration of the period for which leave was paid in the form of the compassionate allowance. It is proposed in the Bill that the pension payment to the widow and children of the contributor, shall commence immediately following the contributor's death. This provision is similar to those operating in the other States. When the Act was amended in 1947 to provide for an increase in pension benefits of 25 per cent., all pensions with the exception of allowances for children were increased. It is now proposed to increase the children's benefits by 2s. 6d. per week to 7s. 6d. per week, this increase to be wholly chargeable to the Superannuation Fund with no charge to Consolidated Revenue Fund.

In order to facilitate recruitment of officers to the State Public Service, there is included in the Bill a provision for the transfer of contributions from another State or Commonwealth fund. Hitherto, an officer of another State service has been reluctant to accept an appointment in Western Australia in view of the heavy commitments for superannuation, as he would be required to relinquish units at a low rate for age enjoyed in the Eastern States services and join the Western Australian fund as a new contributor at a higher rate of contribution in accordance with his age at entry to the fund here. The provision in the Bill will permit such an officer to pay to the Western Australian fund, the amount received as a refund of

contributions on resignation from the Eastern States fund and continue to contribute to our fund at the same rate of contribution originally paid to the Eastern States fund. A similar provision exists in the Commonwealth Superannuation Act enabling State officers to transfer to the Commonwealth service.

Another proposal is the abolishment of an anomaly by which a contributor is required to continue to make contributions to the fund, beyond the completed years of contributions, up to his birthday on retirement. The proposal in the Bill will rectify this by providing for the cessation of contributions on the anniversary of the initial contribution for units immediately preceding the elected retiring age. The Act at present makes provision for a pro rata pension to be paid in the case of a contributor who elects to retire at an age later than 60 years, and who is called on or decides to retire at 60 or at an age earlier than that for which he elected to retire when joining the fund. The pro rata pension payable is determined by the actuary and at present is calculated on both the fund and Consolidated Revenue portions of the gross pension.

As the State is prepared to pay its share of the pension at any time after an employee attains the age of 60, the State share should not be reduced because a contributor elects for a later age of retirement than 60 and is, through circumstances, required or desires to retire from the service at the earlier age. The provision in the Bill is to limit the calculation of the pro rata pension to the reduction of the fund share only.

In addition to the features to which I have referred, the following provisions which experience has shown should be included in the Act and would be for the better protection of the fund, are proposed in the Bill:—

(a) Limitation of a retiring age of 60 years for future female contributors.

(b) Payment of children's benefits to the widow of a contributor or pensioner only if such widow is supporting the child. If not, payment is to be made to the person or bodies who are responsible for the welfare of the child.

There are a few other minor amendments of a machinery nature which can be dealt with in Committee if it is thought necessary.

Following the quinquennial actuarial investigation as to the state and sufficiency of the fund as at the 30th June, 1949, a surplus has been disclosed, indicating that the fund is established on a sound financial basis. Certain recommendations made by the actuary have been included in the Bill together with other provisions, which experience has shown would simplify the

administration of the scheme. Other proposals have been included, these arising out of requests made by the Joint Superannuation Committee—the body representing the various unions and associations, whose members are contributors for superannuation. All parties interested have been consulted and no dissentient view has been voiced in regard to the proposals in the Bill which will have the effect of improving the superannuation scheme. I move—

That the Bill be now read a second time.

**HON. E. M. DAVIES** (West) [5.10]: I desire to support the Bill, but there are one or two matters on which I would like the Minister to satisfy me. Will he be good enough to tell me whether there is any reciprocal agreement between this State and other States and the Commonwealth? The other point is as to whether the Commonwealth Government Superannuation Fund or the States' superannuation funds pay portion of the superannuation of those who transfer from the Commonwealth to a State. I am not opposing the Bill, but I would like to be enlightened along those lines.

**THE MINISTER FOR TRANSPORT** (Hon. C. H. Simpson—Midland—in reply) [5.11]: That is the very question I asked only this morning. I understand that as between other States and this State, the latter at least will accept transferees who have contributed to the fund, and they will be admitted to the Western Australian fund. I believe there are reciprocal provisions between the States and the Commonwealth, but I was not able to find out definitely whether anyone transferring from Western Australia to the Eastern States is included. But I presume anyone so transferring will be included and if he is not, the pensions organisation would certainly take the matter up.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and passed.

#### **BILL—CITY OF PERTH (LATHLAIN PARK RESERVES).**

*Second Reading.*

**HON. H. S. W. PARKER** (Suburban) [5.15] in moving the second reading said: This Bill seeks to release certain lands from deeds of trust. Some 40 years ago the Victoria Park Council, since absorbed by the City of Perth, acquired certain lands, some of which were already subdivided and, in 1941 and 1942, there were separate deeds of trust, and the only way in which these lands can be released is

by Act of Parliament. The deed of trust was put on at the initiative of the council after the land had been acquired.

In one instance a large area was acquired and subdivided. In the centre of that area was a recreation ground of about nine acres, and all the backyards abutted on to it. That was a most unsuitable subdivision. The desire is that that piece of land be released from the deed of trust. The City Council has arranged—and of this the Town Planning Commissioner has approved—that the larger portion of that area shall be placed under a deed of trust and the other portion subdivided into building blocks and brought up to date.

The second portion of the land is an area already cut up, but a street passes right through the middle and it is not suitable for recreation purposes. The desire is to sell the portion on the north side of the street to the State Housing Commission for the building of homes, while the portion on the south side will be a recreation ground, for which another deed of trust will be created. However, the Bill is not concerned with that. It is specially desired that this land should be released so that this road may be made, as shown on the plan, to connect with other thoroughfares. The effect of the measure will be to give the people a recreation reserve of 22 acres, in lieu of six and a half or seven acres, make available thirty quarter-acre blocks to the Housing Commission, and permit of the street being connected with other thoroughfares. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and passed.

#### **BILL—ADMINISTRATION ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the 29th November.

**HON. H. S. W. PARKER** (Suburban) [5.23]: I am not opposing the Bill, but I wish to point out that sometime ago a Public Trustee was appointed for the purpose of dealing with small estates, the idea being that he would be the means of saving people considerable expense. Let me explain why this Bill has been introduced.

Legal costs for dealing with an estate are calculated on a rising scale according to the amount involved. The cost for an estate of £1,000 is nine or ten guineas and for a £1,500 estate, 14 guineas. It is desired that the next-of-kin when applying for letters of administration or exe-

cutors when applying for probate should be able to do so by making personal application when the estate does not exceed £1,500. This would mean that a clerk in the probate office would fill in the requisite forms, as is done at present in the case of estates up to a value of £500.

A thought that crosses one's mind is worth mentioning. The Public Trustee does not employ a lawyer; he himself does the work and for a very good reason. Whereas, in respect of an estate up to £1,500, a lawyer would charge 14 guineas, the Public Trustee collects commission, as it is called, to the amount of £37 10s. Hence one can realise why people do not patronise the Public Trustee.

Hon. E. H. GRAY: As much as that?

Hon. H. S. W. PARKER: Yes, 2½ per cent. on £1,500. Although the Public Trustee prepares the necessary papers, I have been credibly informed that a person who places an estate in the hands of the Public Trustee has infinitely more work to do than he would if he employed a lawyer, because a lawyer would do the lot. Therefore it will be seen that the Public Trustee is not the benefactor we were led to believe he would be when that legislation was introduced. When the Bill was before the House, I opposed it on the ground that it would not operate as some people thought it would.

HON. H. K. WATSON (Metropolitan): 5.271: I support the second reading of the Bill which, as Mr. Davies pointed out, is designed to permit the Public Trustee or the probate office to handle at the office free of charge, an estate of a value up to £1,500. The existing maximum amount is £500, and Mr. Davies desires the amount to be increased to £1,500 because of the change in money values.

I remind the House that last session we passed a somewhat similar measure relating to the administration of intestate estates. Under the law as it had stood since 1900, provision was made that the first £500 should go to the widow or widower as the case might be, and last session Parliament approved of an increase from £500 to £1,000. If we, by this Bill, approve of a value of £1,000 and not £1,500, I think it will meet present-day requirements. I understand that the number of estates up to a value of £1,500 is fairly considerable and that this amendment will entail additional work for the probate office.

In support of the increase to £1,500, Mr. Davies cited the fact that a painter in 1903 received as wages £3 a week, whereas the present rate is £10 a week. He also referred to similar awards to support his case. I suggest that those particular figures prove nothing, except that the unions have saved this State from the menace of cheaper houses! Subject to these remarks, I support the second reading.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. J. A. Dimmitt in the Chair; Hon. E. M. Davies in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 55:

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

That in lines 5 and 6 the words "five hundred" be struck out.

This will have the effect of making the value of the estate £1,000.

Hon. E. H. GRAY: I hope the Committee will not agree to the amendment. A four-roomed house could be built for £500 or less in Broken Hill in 1903, and in the city houses were much cheaper. The value of £500 then would easily be the value of the amount mentioned in the Bill. We would not accomplish the objects of the measure by making the figure £1,000.

Hon. E. M. DAVIES: I oppose the amendment. In 1903, £500 would be comparable to the amount included in the Bill. The figure set out is a gross amount and would possibly include a mortgage on the property. I have often assisted people to obtain probate or letters of administration, and it is seldom that we find an estate of less than £500. The valuation of an estate includes freehold property and the household furniture and effects. On many occasions there are no liquid assets.

Hon. H. TUCKEY: I am not altogether in favour of probate work being done free of charge, but these people should not be called upon to pay excessive amounts. They should have the work done at a reasonable charge. I would make the figure here not £1,500, but £2,000. It is not possible to purchase a house of any sort under a couple of thousand pounds.

Hon. L. A. LOGAN: I oppose the amendment. Bearing in mind the value of property in 1903, I think £1,500 is rather a light figure and that, as Mr. Tuckey said, £2,000 would be nearer the mark. A property valued at £1,500 is not a very good one when we consider that the goods and chattels are included. I am certain that in many cases the £37 10s., which it is necessary to pay to the Public Trustee, would be hard to find.

Hon. H. K. WATSON: The section in the principal Act is designed to deal with very small or negligible estates, and so I submit that £1,000 is a fair maximum. A person handling a £1,500 estate, might well be penny-wise and pound-foolish by not paying a few guineas to a solicitor to handle it. The Public Trustee is already losing £10,000 a year and I have no desire to see the probate office compete with him in making a like loss.

Amendment put and negatived.

Clause put and passed.

Clauses 4 and 5, Title—agreed to.

Bill reported without amendment and the report adopted.

*Third Reading.*

Bill read a third time and passed.

### **BILL—LAND ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the 29th November.

**HON. L. A. LOGAN** (Midland) [5.43]: The Bill, which is rather large, contains quite a few departures from what has been the practice in the last few years, but all the principles are quite O.K. I have been through the measure and made many inquiries about it, and everything seems to be in order. I support the second reading.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time, and passed.

### **BILL—INSPECTION OF MACHINERY ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the 28th November.

**HON. E. M. DAVIES** (West) [5.51]: I support the Bill because in the first place it seeks to rectify certain anomalies which exist in the Act and, if passed, will permit inspectors to enter certain joinery establishments to inspect machines used by them. However, there are one or two provisions in the Bill of which I am not greatly enamoured, although perhaps there may be some way of amending them in the future.

At the moment, I consider that the state of affairs existing as to the administration of the Act is not right and proper and not in the best interests of either party engaged in certain industries. For many years, the State Mining Engineer, who is also the Chief Inspector of Machinery, has delegated some of his powers to the Assistant State Mining Engineer. Although the Deputy Chief Inspector of Machinery has been administering the Act to a certain extent over a long period, he has been subject to the decisions of the State Mining Engineer, as Chief Inspector of Machinery, from time to time.

The Bill proposes to validate that arrangement which, in some instances, has not been entirely satisfactory. If the Bill is passed, it will mean that the Assistant State Mining Engineer will be the Deputy Chief Inspector of Machinery and will be called upon to do certain things which he has been doing in the past, but, notwithstanding some of the provisions in the Bill he will still be subservient to the State Mining Engineer. I understand that neither the State Mining Engineer nor his assistant is a mechanical engineer. I am not, of course, aware of their experience although I understand it would be fairly considerable in the case of the State Mining Engineer, but the Assistant State Mining Engineer is actually a ventilation engineer.

To administer the Inspection of Machinery Act, the responsible official should be one with mechanical experience, so that he will be in a position to know exactly what is or is not required according to the reports of the inspectors under his jurisdiction. Possibly at some time in the future a Minister may think fit to make an alteration to the provisions which will be approved by the passing of the Bill. Another portion of the measure which seems to me to be rather sectional legislation is that which relates to the reduction of fees for the inspection of certain machinery in industrial establishments. Some time ago the Government increased the scale of fees set out in the Act for the inspection of machinery, and also those laid down for the examination of candidates who have to pass the examinations set for engine-drivers, boiler attendants and so forth and the fees charged for the actual certificates issued.

It is now proposed to reduce the fees for the inspection of machinery, but not those charged to candidates sitting for examination. In my opinion, if it is good enough to reduce the fees in one instance then it is good enough to reduce them in another. I hope the Minister will take those comments into account and that the two anomalies which still exist in the Act will receive some attention and be rectified. Also, perhaps a person who is a mechanical engineer should receive consideration when the Government appoints an officer to administer the Act, and he should not be subservient to any other person.

**THE MINISTER FOR TRANSPORT** (Hon. C. H. Simpson—Midland—in reply) [5.53]: I would like to clear up one or two misconceptions held by the hon. member. Mr. Foxall, the State Mining Engineer, is a man who has had a lifetime of experience in mine engineering, metallurgy, surveying, etc., and he has gained a very wide and varied experience of machinery. The Deputy Chief Inspector of Machinery is a



man who is well qualified, and in an interview I had with the union, its members expressed themselves as well satisfied with the competency of Mr. Ross and his administration.

Hon. E. M. Davies: I hope the Minister will not take it that I am questioning the competency of these officers.

The MINISTER FOR TRANSPORT: No, I am just mentioning these facts for the information of the hon. member. Both these officers have nearly reached the retiring age, and it has been suggested that when their positions are filled it should be done as far as possible along the lines suggested by the hon. member. As to the fees prescribed in the Act, I explained earlier that when the scale of fees was first instituted many of the plants were worked from a line shaft, and the fee was charged on the boiler or steam engine, or whatever other unit it may have been, and it was quite reasonable.

But nowadays the tendency is to use smaller motors which have quite a number of uses and which are more efficient, and the charges have grown out of all proportion to what they were years ago. For instance, take the State Brickworks. It has a total electrical output of 781 horsepower, and the £19 now paid in fees will be reduced to £16. The firm of J. and E. Ledger has an output of 216 horsepower, and the £9 4s. paid by them in fees will be reduced to £6 4s. under the new scale. In each case, the fees proposed to be prescribed if the Bill is passed are in line with what the various firms would have been paying had they adhered to the original power used. I can assure the hon. member that a lot of consideration has been given to the reduction of the fees. I am not at all au fait with the other matter he has mentioned but I should imagine it is something altogether different from what he has in mind.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and transmitted to the Assembly.

#### **BILL — STATE TRANSPORT CO-ORDINATION ACT AMENDMENT (No. 2):**

*Second Reading.*

HON. H. C. STRICKLAND (North) [6.3] in moving the second reading said: The object of the Bill is to amend the principal Act to allow of more convenient handling of the goods beyond the twenty-sixth parallel. I covered most of the ground when dealing with this subject in discussing

a previous measure relating to the disabilities of people living in the more remote areas north of Geraldton. In the circumstances I shall not delay the House with a lengthy explanation of this Bill but will leave various matters for my reply to the debate.

The Bill has been received from the Assembly. Apparently it was rather hastily drawn up and its provisions have been found not to achieve adequately the desired ends. There is no wish to interfere with existing railway or road transport services between north-western ports and the metropolis. The Bill will not mean any interference with the railways operating south of the twenty-sixth parallel. I intend to place two amendments on the notice paper that will have the effect of altering to a large extent the provisions of the Bill generally, and they will be found to be self-explanatory. I shall defer further remarks until members have had a chance to peruse them and possibly to discuss the measure.

It is a very simple matter. The proposition is to alter the exemption provisions in the First Schedule to the State Transport Co-ordination Act. The object is to exempt goods carried on commercial goods vehicles into and out of those portions of the State lying to the north of the twenty-sixth parallel. Once the Port Hedland-Marble Bar railway is pulled up, there will be no railway in the northerly parts of the State. I shall take the opportunity to reply to any queries raised when I close the debate. I move—

That the Bill be now read a second time.

On motion by the Minister for Transport, debate adjourned.

#### **BILL—COAL MINING INDUSTRY LONG SERVICE LEAVE.**

*Assembly's Message.*

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

#### **ADJOURNMENT—SPECIAL.**

The MINISTER FOR TRANSPORT (Hon. C. H. Simpson): I move—

That the House at its rising adjourn till 3 p.m. on Tuesday next.

Question put and passed.

*House adjourned at 6.8 p.m.*