albeit at tremendous cost. The Premier mentioned tidal power on a French river. We accept the use of that type of energy because it is clean and will not produce disastrous results. I do not mind anyone coming to Australia to discuss the question of solar or tidal energy.

However, I do take strong exception to a suggestion made that a retreatment plant may be established here for the recovery of uranium rods so that they may be cleaned or reactivated and used again in Japan. That is my understanding of what is proposed. If that is the intention of the talks, then sure I am concerned and sure I will get up-tight about it.

Some time ago I mentioned during a debate an issue that arose in America where somebody had a bright idea to get rid of nuclear waste by storing it in mines, and thousands of cattle were dying from poison and people were being affected by poison which drifted out from the earth adjacent to the mines and then drifted to low land where the damage was done. This is a problem with which we could be faced if we intend to clean up this nuclear waste so that the rods may be used by another nation.

Leave to Continue Speech

Mr Speaker, I seek leave of the House to continue my speech at a later sitting.

The SPEAKER: Leave may be granted if there is not a dissentient voice. There being no dissentient voice, leave is granted.

Debate thus adjourned.

House adjourned at 5.06 p.m.

Legislative Council

Thursday, the 13th May, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 2.30 p.m., and read prayers.

QUESTION WITHOUT NOTICE

PENINSULA HOTEL, MAYLANDS

Preservation

The Hon. R. F. CLAUGHTON, to the Attorney-General representing the Minister for Urban Development and Town Planning:

(1) Is the Minister aware of efforts being made to preserve the Peninsula Hotel, Maylands?

(2) Is he also aware that demolition of the hotel has commenced?

(3) Will the Minister take whatever action is open to him to have the hotel preserved?

(4) Is the Minister aware of deficiencies in the National Trust (W.A. Branch) Act that permits important buildings classified by the trust to be demolished?

(5) Is it the intention of the Government to introduce legislation to strengthen the above Act?

The Hon. I. G. MEDCALF replied:

I understand the honourable member gave notice of the question to the Minister for Urban Development and Town Planning, and the answer is as follows—

(1) and (2) Yes, from Press reports.

(3) If requested, yes, but I should point out that I have no statutory powers to influence the decision.

(4) Yes.

(5) The Government is currently drafting legislation for the establishment of the Heritage Council of WA which it is hoped will resolve such problems.

QUESTION ON NOTICE

Postponement

THE HON. N. McNEILL (Lower West—Minister for Justice) [2.36 p.m.]: I ask that the question on notice be deferred to a later stage of the sitting.

The PRESIDENT: Question deferred.

NATIONAL PARKS AUTHORITY BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Minister for Education), read a first time.

ACTS AMENDMENT (PORT AND MARINE REGULATIONS) BILL

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [2.38 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to permit the port authorities and the Harbour and Light Department to incorporate by reference in regulations made pursuant to the various Acts any rules, regulations, codes, instructions, or any other subordinate legislation made under any other Act of the State or Commonwealth, or the United Kingdom, or standards, rules, codes, etc., prepared by such organisations as the Standards Association of Australia, the British Standards Institution, the Association of Australian Port and Marine Authorities, or similar organisations.

The amendments proposed will apply to six separate port authority Acts, as well as the Jetties Act, the Shipping and

Pilotage Act, and the Western Australian Marine Act, and are identical in each instance.

The great benefit which will arise from such amendments is that it will be possible to incorporate in the various Acts, without having to spell out in detail, complicated procedures for handling explosives, dangerous goods, inflammable substances, etc. Furthermore, when such codes are updated, it will not be necessary to go through the formalities required to amend the regulations, as it is envisaged that the reference to the adoption of such procedures would provide for the updated codes to be applicable at all times.

Undoubtedly these amendments will result in substantial financial savings. Fewer reprints of regulations will be required. The Parliamentary Counsel's Office will also be saved the task of drafting detailed and comprehensive regulations covering complex procedures.

Additional amendments have also been included firstly to incorporate in the Jetties Act the authority to make regulations in respect of handling of flammable liquid, explosives and other such dangerous goods, to overcome a defect which exists in that Act at present.

Secondly, provision has been made to extend the authority under the Shipping and Pilotage Act to make regulations covering the handling, loading, and unloading of explosives and dangerous goods, to rectify a defect existing in that Act.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. S. J. Dellar.

UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [2.41 p.m.] I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the principal Act so as to provide a degree of flexibility in relation to the representation of the Education Department on the Senate of the University of Western Australia.

At the present time both the Statutes governing the two universities in this State contain provision for the permanent head of the Education Department to be a member of each of the controlling senates with no provision for the nomination of a deputy or replacement. It has become obvious with the increasing responsibilities pertaining to the position of Director-General of Education that some flexibility is required.

The Bill seeks to provide this flexibility in relation to the Senate of the University of Western Australia by allowing the Director-General of Education to nominate some other person to represent the Education Department on the senate. A similar provision is to be introduced to provide for greater flexibility in relation to the department's representation on the Senate of the Murdoch University.

The Bill is simple in nature and purpose, and I have pleasure in commending it to the House.

THE HON. R. F. CLAUGHTON (North Metropolitan) [2.42 p.m.]: Members on this side of the House agree that the chief executive officers of many departments are overburdened by the requirement to attend meetings of various committees. We think there is merit in the action being taken in this Bill and we support it.

The Hon. G. C. MacKinnon: Thank you.

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.

MURDOCH UNIVERSITY ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [2.45 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is similar to that of the Bill to amend the University of Western Australia Act in that the Government is seeking to introduce a degree of flexibility in relation to the membership of the Director-General of Education on the Murdoch University Senate.

As indicated during the second reading of the aforementioned Bill, the Murdoch University Act currently provides for the permanent head of the department to be a member of the university senate with no provision for the nomination of a deputy or replacement. This Bill seeks to enable the Director-General of Education to nominate some other person to represent the Education Department on the senate should he so wish.

The Bill is simple in nature and purpose and I have pleasure in commending it to the House.

THE HON. R. F. CLAUGHTON (North Metropolitan) [2.46 p.m.]: Like the previous Bill, this one permits the Director-General of Education to appoint a deputy, and we support it.

The Hon. G. C. MacKinnon: Thank you.

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.

EMPLOYMENT AGENTS BILL

Second Reading

Debate resumed from the 11th May.

THE HON. D. W. COOLEY (North-East Metropolitan) [2.47 p.m.]: The Opposition supports this measure because it makes a substantial improvement to the present position in regard to the control of employment agencies. It is long overdue because, as I understand it from the Minister's speech, there has been in existence for some 27 years an ILO convention providing for the abolition of employment agencies which act for profit.

The Bill goes part of the way towards meeting objections I have raised in this Chamber from time to time regarding the Government's inability to protect the interests of workers, although the progress has been very slow when one considers that since 1949 we have had a succession of Federal Liberal Governments and no attempt has been made to adopt a convention which contained such good conditions in respect of workers and their relief from unnecessary payments to gain employment.

It is obvious there have been abuses in respect of this matter. According to the figures contained in the Minister's speech, the number of licensed employment brokers in Western Australia increased more than threefold between 1962 and 1975, the boom years in this State. It seems many people got on the bandwagon in this field, and I have received letters from people complaining about the exploitation of workers. It appears some of these agencies have indulged in what the Minister described as cankerous practices.

It is very significant also that when a responsible organisation such as the Perth Chamber of Commerce associated itself with an employment services association, only between 20 and 30 agencies sought membership of the association. Therefore, it seems a large number of agencies did not accept the responsibility of being members of that association. One organisation in our community, the Musicians' Union, would have a long story to tell in respect of the exploitation by unscrupulous agents that has occurred regarding the employment of some young people in bands and in the field of entertainment. It is very encouraging indeed to see some attempt has been made by the Government to ensure that these agents are brought under control by licensing procedures.

It is also some comfort to me and to other members of the Opposition to read clause 36 which can ultimately provide for the abolition of fees which employees may be required to pay for this service. The provision does not go all the way and say that such fees will be abolished, but the Governor may by Order-in-Council declare in relation to any class of business specified therein, no fee shall be chargeable to any employee in relation to any transaction. However, that will not take effect until three years has expired after the coming into operation of the legislation. It does go part of the way towards that very laudable principle contained in the ILO convention. Other parts of the Bill contain references to the fees that will be paid, but the fees are not stipulated. No doubt they will be laid down in regulations which will accompany the proposed Act.

The Minister correctly said the Bill has been brought down as a result of consultation between the parties concerned, and there is a general acceptance of the measure by all concerned. While it does not go all the way towards meeting the appropriate ILO convention, it is certainly a start; and I hope it is the forerunner of a situation in which we will have this service controlled by the Government and where no fees at all will be payable by people in respect of gaining employment.

On those grounds we support the Bill.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [2.54 p.m.] I have heard a few Bills ungraciously supported in my time, but this just about takes the bun. I am delighted that at least the Bill has received support and that a Liberal Government has finally moved to stop these people taking such dreadful advantage of poor, unsuspecting workers who must, of course, all be Labor men!

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. Lyla Elliott) in the Chair; the Hon. G. C. MacKinnon (Minister for Education) in charge of the Bill.

Clauses 1 to 36 put and passed.

Clause 37: Fees chargeable to employers generally—

The Hon. D. W. COOLEY: I wonder if the Minister could indicate whether the Government has given consideration to the fees which may be charged to employers, as there is nothing contained in the Bill in this respect. Also, is it contemplated that fees will be charged to employees?

The Hon. G. C. MacKINNON: I am not sure I understand Mr Cooley correctly. However, if I do not he may correct me. Consideration has been given to the amount of remuneration an agency may ask of a person for whom it finds a job. Of course, if the fellow seeking employment wishes to do so he may use the State employment agency which does not charge fees. If he uses a private

agency he must expect to pay a fee. Clauses 34 to 37 all have relationship to the fees which may be charged. Clause 38 requires the scale of fees and expenses to be charged by an agent must be approved by the licensing officer. Clause 39 requires repayment by an agent of a fee paid in advance where the agent cannot fulfil the requirement. Mr Cooley will understand, therefore, a great deal of thought and concern in respect of fees has been incorporated in the measure.

The Hon. D. W. Cooley: I am satisfied.

Clause put and passed.

Clauses 38 to 52 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th May.

THE HON. D. W. COOLEY (North-East Metropolitan) [3.03 p.m.]: If it pleases the Minister for Education, I would like to say that the Opposition does graciously support this Bill.

The Hon. G. C. MacKinnon: That's a turn up.

The Hon. D. W. COOLEY: Its main purpose is to alter certain words in the Industrial Arbitration Act and, as has been correctly pointed out by the Minister in his second reading speech, it is consequent on the Employment Agents Bill that has just passed the third reading stage.

The Hon. G. C. MacKinnon: Thank you very much.

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.

LAND TAX ASSESSMENT BILL

Second Reading

Debate resumed from the 11th May.

THE HON. I. G. PRATT (Lower West) [3.05 p.m.]: I support the Bill. It is usually rather hard for one to be completely happy with any mechanism that is used for taxing, because generally speaking there are those who feel they are being taxed too heavily while others consider that other people should be taxed more heavily.

However, one thing that is significant about this Bill is that it does in fact show some compassion; and taxing is usually something that is done with very little compassion.

The Minister has gone to great pains to indicate the discretion and the compassion that will become evident with the operation of the Bill.

I would, however, like to comment on several points, mainly as they concern my province. The provision which provides an exemption for land up to five acres is extremely significant to the outer suburban areas where land has been zoned urban and which has, in actual fact, increased in value but is unable to be subdivided.

There are in the Armadale and Kelmscott area many such lots of one, two, or three acres which have originally been used as a rural type of dwelling in the sense that the families have been living on these lots for 20, 30, or more years. However, they cannot be developed as urban land because the main services are not available—and I refer particularly to sewerage.

There are areas where people have been living on these lots for many years, but the sewerage mains do not pass anywhere near the land in question; and there is, in fact, a sewerage condition placed on the land by the Town Planning Board.

The people concerned, therefore, are forced virtually to sit on land which cannot be subdivided and which is attracting high rates from the local authorities. If these areas were subject to land tax they would become a very heavy financial drain on the owners; a drain which could not be compensated in any way by income, because they are not income-producing areas; in fact, being within an urban zoned area they are not allowed to keep even a cow if they wish; so they cannot use the land for any sort of subsistence at all.

Accordingly the people concerned will be very pleased with the five-acre exemption provided under the legislation.

The other areas which will be specifically catered for in the discretionary provisions are those which due to the requirements of the Metropolitan Region Planning Authority, or to water catchment requirements, will also be given special consideration. It would be unfair for people living in water catchment areas and people whose land is zoned for regional open space—those who are virtually keeping the land for the community—to be taxed on this land, particularly as they are holding it in trust for the community.

The five-acre exemption does, however, highlight another problem. It is one on which I have spoken previously and on which, no doubt, I will speak again on many occasions. I refer to the Town Planning Board's policy of rural subdivision. There are many people living on blocks of land which are more than five acres in area and who do not need that much land.

If one speaks to any real estate agent in the outer suburban areas one will find they are continually being approached by people who wish to live in a rural way of

life on one, two, or three acres; they do not want a farm but they do want sufficient space around them. Those who can obtain lots of this size will qualify for the five-acre exemption. There are those who have had to buy lots varying in size from 10 to 20 acres and who have put their house on such blocks and who enjoy a rural way of life but who will, in fact, be taxed on the area of land above five acres. In fact, they will be taxed on land which they do not want; and this is land which they could dispose of if they were allowed to subdivide it.

This will bring about some need for reappraisal by the Town Planning Board of its attitude and policy towards rural subdivisions, because there is an increasing desire on the part of the people of the State to live a rural way of life. This is a trend which I consider should be encouraged. The attitude of the Town Planning Board has been highlighted by some questions which I have asked in this House relating to rural subdivisions in Rockingham.

In the past 12 months there have been 13 applications for subdivisions in that area. One application was successful, one was deferred, and the other 11 were rejected. These rejections meant that many people who wanted to live in a rural atmosphere, in a rural way of life, had to remain on their small blocks of a quarter acre or less in highly urbanised areas of the city.

Whilst this matter does not bear directly on the Bill, I think it is related to it. It is a matter which the Town Planning Board should consider, and I hope the board will modify its policy or soften its attitude to some extent so as to enable people to live on blocks of the size they desire, and not of the size which the Town Planning Board considers appropriate. If subdivision is permitted more people will be able to enjoy a rural way of life and so take advantage of the very generous concessions provided for in the Bill before us. These people will be able to live a way of life which is different from the way of life in the suburbs.

With those comments I support the Bill.

THE HON. R. THOMPSON (South Metropolitan) [3.12 p.m.]: Some of the features contained in the Bill relating to urbanised dwelling are very good, so I will not criticise the Bill on that score. However, if we take the outer fringes of the metropolitan area I agree with much of what Mr Pratt has just said.

I draw attention to the fact that some people living in the Bibra Lake, Jandakot, and Spearwood areas of my province, and also in the Mandogalup area, would be placed at a distinct disadvantage by the passage of this Bill. Currently they are living on land zoned rural. Some of this land is covered by town planning schemes, and some of it has been zoned for industrial purposes. The land has been zoned for industrial purposes for three or four years, but the time is far distant when it will be used for industrial purposes. I contend that if industry is established there within the next 10 to 12 years the owners of that land will be extremely lucky.

To give an illustration, some of the blocks in question are two chains wide and half a mile long. There are quite a few properties in this category. When rezoning takes place the owners of that land would face heavy land tax bills. Of course, at the present time the land is being used for rural purposes—mainly for grazing and the agistment of racehorses.

Even if the shire brings this land under a scheme and relocates the boundaries so as to provide access, and the Town Planning Board classifies it as land for industrial purposes, these people will still be placed in a disadvantageous position.

Taking into account the rural land in the Jandakot area itself, we find that some people who have bought blocks there have suffered all the trials and tribulations which could be suffered. It was the choice of those people to live in that area. The first thing which most of them did was to dig a well on the property. However, it is not possible to obtain clear water from such wells; in fact, the water has an offensive smell. Members who are used to drinking scheme water will find that the water from those wells has an offensive taste, although from a health point of view it is not deleterious. It is, nevertheless, not pleasant tasting water.

Many of the people who bought blocks there dug wells, built lean-to temporary accommodation, and then eventually built homes. On top of that they faced the prospect of having to pay huge sums of money for the connection of electricity. Today many of those properties still are not connected with electricity. One person living at the end of one of the rural roads faces a cost in excess of $3 000 for the supply of electricity.

I must emphasise that under the legislation before us these people will be called on to pay land tax. The reason is that under the minimum subdivisional policy for this area the blocks cannot be less than 10 acres in area. Under the Bill the first five acres will be exempt from land tax, but the next five acres will be taxable.

These landowners, after having suffered many hardships such as the lack of transport and electricity supplies, are not even connected to scheme water. Other than in specific pockets in this region no landowner is able to extract a decent living off his 10 acres.

In the main the land is made up of white sandy soil, and it will take years for the people there to build up their properties to the stage when they become agricultural propositions. However, there are rich pockets of land in the Jandakot area which have been taken up and worked successfully for many years. It is in respect of the owners of these pockets of land that I express concern.

To give an idea of the plight of the landowners in this area I refer to one block in Forrest Road comprising 171 acres and 2 roods. The unimproved value is $58 300; the shire rates amount to $932.80; and the proposed land tax is $482.90. This property is used for grazing. By no stretch of the imagination could this person derive one-third of his income from the land to qualify for exemption under the Bill.

Another property in Beenyup Road comprises 17 acres 1 rood and 24 perches. The unimproved value is $12 700; the shire rates total $203.20; and the proposed land tax is $48.50.

Another property in Forrest Road has an area of 8 acres 14 perches. The unimproved value is $23 800 which attracts shire rates of $380.80, and the estimated land tax will be $116.60. There is a further area of grazing land of 100 acres valued at $34 500. The shire rates amount to $552, and the proposed land tax will be $205.50. Another property in Solomon Road covers 77 acres 2 roods and 6 perches and is valued at $93 000. On unimproved value the shire rates amount to $1 488, and the proposed tax on that property will be $1 009.

I could go on giving further examples but I think I have illustrated sufficiently that the people involved could not earn a full living from their properties. They have to take jobs outside, and their properties become a weekend type of exercise although at certain times of the year they do conduct some grazing. However, they will never be in the position of being exempt from the payment of land tax.

The proposed tax will hit such people hard and will penalise many of the pioneers. Since the group settlement days people have been walking off their properties in the Jandakot area. It was quite common in the days of the Fremantle Road Board for properties to be sold for the nonpayment of rates. Of course, on many occasions there were no buyers. However, people were prepared to move out to those areas and live under adverse conditions being plagued with midges and with their children having to travel great distances to school. After suffering these hardships they will now be extremely hard hit.

Even if the owners of the 171-acre property applied for a subdivision the request would be refused. It is possible to subdivide some areas into 10-acre lots, but the metropolitan region scheme is not operative in the Jandakot area although small pockets have been developed for specific purposes. However, the people to whom I have referred do not have viable propositions and they will be placed in the position of having to find the extra taxes out of the incomes they derive from industry. That is grossly unfair.

Representatives of the Shires of Rockingham, Gosnells, Armadale, Swan, Kwinana, Cockburn, and Wanneroo—with apologies from Kalamunda and Mundaring Shires—were present in Parliament House in the Liberal Party rooms on the 23rd April of this year at 1.00 a.m. I understand Mr Nanovich, Mr Masters, and Mr Pratt were present when those representatives spoke to the Premier. However, they did not get anywhere with their submission which was based on what I have been speaking about. Although the representatives of the Kalamunda and Mundaring Shires were not present at that deputation, they were present at a prior meeting, and they fully supported the views expressed to the Premier. However, the legislation was proceeded with and we now have it before us. It is quite apparent it will be passed.

I trust the Commissioner of State Taxation will give serious consideration to the areas of land I have mentioned, which are not viable as far as earning a living is concerned or even of earning a third of the income for the owners which would enable them to gain any type of exemption.

The Bill meets with my approval as far as the metropolitan region is concerned. In that respect it is a move in the right direction. However, with regard to the areas at Jandakot which I have mentioned, I am at a loss to understand how the people living there will be able to afford to pay the proposed tax in order to retain their land which cannot be subdivided.

Another area of land in Cockburn, of which I am aware, is zoned rural but consists of a disused quarry which has been levelled. It is an area of land on which nobody could possibly grow a blade of grass. I hope the Commissioner of State Taxation will have some regard for the value of that land. Land which cannot be subdivided, and which is not subject to a town planning scheme, should be exempted from land tax because unless a subdivision can proceed the owner of such land cannot dispose of his property.

Another area of land on the western side of the Jandakot Airport belongs to a Mr Hedges Dale. It is quite a large tract of land and some years ago the Cockburn Shire Council approached Mr Hedges Dale and sought permission to extend Benningfield Road through his property. The work was carried out by

the Main Roads Department. The understanding was that when the road was constructed the area would be subject to subdivision. That was five or six years ago, and although Mr Hedges Dale has approached many people in an effort to have his land subdivided he is now faced with a colossal bill every year because of the high rates and land tax he has to pay.

No Government department is prepared to accept that this land will ever be subdivided. All this person can hope is that he will go bankrupt! However, the land will still be subject to State land tax. Nothing can be done with the land; the Town Planning Department will not have a bar of it. Appeals have been made to the Minister and they have been rejected. This person cannot use his land. He permitted the shire to build a roadway through the middle of it. and he received no compensation because he took the word of the then officer that the land would be subdivided as soon as the road was put through.

The Hon. N. McNeill: Does the land you are talking about have a road through it now?

The Hon. R. THOMPSON: Yes, the road has been there for five or six years.

The Hon. N. McNeill: So you are talking about the projection of Benningfield Road?

The Hon. R. THOMPSON: Yes. After I spoke to Mr Dale about this matter, I realised he has a genuine case. The land has been gazetted as a roadway, but I do not know how that was achieved as it is still on his title. I said to this gentleman that if this were my land I would bring in a few truckloads of blue metal and block off the road. This is what the man will have to do eventually in order to get someone to listen to him. He is in a most unenviable position. I feel that this property should be exempt completely from land tax.

The Hon. N. McNeill: Have you yourself made any representations about this land?

The Hon. R. THOMPSON: Yes I have, and I must say that the State Commissioner of Taxation was most helpful. However, he does not control subdivisions; he can only look after the affairs of his department. Unless the Town Planning Department commences to talk to the people concerned and to take into account the various area situations when considering subdivisions, people such as this man must go bankrupt eventually. I know that Mr Dale cannot face the large municipal rates and land tax which will be levied on this land.

Although I have no criticism of the general contents of this Bill, I would like to point out that some individuals may be disadvantaged by it. The Minister pointed out, quite rightly, as did the Treasurer in another place, that we cannot write everything into a Bill. I realise this is complex legislation, and I trust that sufficient discretion will be allowed to the Commissioner of Taxation so that he may take into consideration matters such as I have raised during this debate.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [3.34 p.m.]: The part of this Bill which worries me particularly is one which I will deal with mostly during the Committee stage, although I will mention it now. I am concerned about the position of the university. Mr President, as a member of the Senate of the University of Western Australia, I am aware of the problems associated with financing the university's expansion and maintenance. Also, now that the Federal Government has accepted almost complete responsibility in this field, I am concerned with the need for the University of Western Australia to be able to expect income from the endowment lands which it holds in order that along with other matters the standard of buildings is maintained.

We are very proud of our Western Australian institutions in the education field. In fact, probably Western Australia leads the rest of Australia in most areas of education. We want to maintain that standard. Because there is so much need in other areas of Australia. we do not want to expand at the risk of losing some of the quality we have achieved in the very distinctive buildings on the campus of the university. I will speak about this matter later in the Committee stage.

We support the second reading of this Bill because as a whole we see it as a much needed alteration in the method of assessing land tax. However, despite the flexibility which will be given to the commissioner—the commissioner is able to defer tax and to do other things which will make for justice—nevertheless he is bound within the confines of the legislation. Therefore. we ought to be very careful in considering all the possibilities that can ensue.

Another matter I wish to talk about is the undoubted aim of the legislation to improve the efficiency and the economics of collecting the tax. It was quite staggering to hear the Minister say that the cost of collecting land tax is in the vicinity of 9c in the dollar. This appears to me to be an astronomical percentage. Apparently one of the aims of the Bill is to see that the collection cost is minimised so that a larger portion of the money collected will be used for the purpose for which it was intended. This aim of the Bill is to be lauded.

Quite often we put all our eggs in the one basket and we hope that a change in legislation or a change in an administration system will cure all the ills. So I hope that the Minister intends to follow this up and to seek the advice of the commissioner and his staff to see whether or not the legislation is working in the

way that it is hoped it will. If it is not working as intended, I hope the Minister will look to other ways to make it fulfil the quite ambitious hopes he expressed in his second reading speech.

I would like to mention another praiseworthy part of the Bill—the single scale of taxation. I might say perhaps that there seems to be an anomaly in the thinking behind the Bill in that there is in fact a double standard. The Minister went to great lengths in his second reading speech to explain how important it is that there should be a single tax; that is, people should not be punished for not developing their land because all sorts of things can happen in the way of demolitions or hold ups. However, when we come to the provision about the imposition of land tax on the university and other bodies, we find that if they are employing the land—that is, the land is being developed or there is some other income from it—they will pay 50 per cent only of the tax, whereas, if the land is not being developed, the full tax will have to be paid. This seems to be a double standard.

The Hon. N. McNeill: Depending on their intentions for that land.

The Hon. GRACE VAUGHAN: Yes, but how is that reasoning equated with the statement made in the second reading speech that land tax would be reduced to a single tax? I thought that the legislation was getting away from the concept of improved and unimproved land.

In regard to land for primary production, there does not appear to be any qualification built into the Bill which will allow for the case where land classified as being for primary production is sold; no back taxes will be paid. People who use their land for primary production are seen as being quite innocent, whereas other people are seen as hanging on to land, waiting for the price to go up, and will have to pay back taxes.

In regard to social security provisions, I could not quite follow the point made by the Minister in his second reading speech; he referred to the fact that eventually, everybody will receive a pension and therefore there will not be any land tax paid. This argument presumes that all land is going to be held by people over the age of 60.

The Hon. N. McNeill: Surely you understood the reference I made.

The Hon. GRACE VAUGHAN: That was what the Minister said in his second reading speech—that eventually, everybody would be exempt. I agree that, at some stage of their lives, people would be exempt from paying land tax, but it seemed to me to be an odd sort of reason for not providing an exemption for people on social security.

The Hon. N. McNeill: I rather think it is more of an odd interpretation.

The Hon. GRACE VAUGHAN: Perhaps we differ on the interpretation of the words. However, I cannot see there is any excuse for not exempting social security pensioners. While I agree this is a quite revolutionary Bill which obviously will overcome many problems in the way of collection costs, and the policing of the provisions of the old Act, the provision relating to the lodging of returns seems to be a fairly demanding one. In fact, its intention is to overcome the problem of having almost a land titles office within the Taxation Department.

Surely there could be co-operation between the Land Titles Office and the Taxation Department to overcome this problem. This would obviate the necessity for extra paperwork every year which, as the Minister pointed out, in many cases would not be necessary but nevertheless would be required.

The Hon. N. McNeill: I do not think a tick in a little box represents a tremendous amount of paperwork.

The Hon. GRACE VAUGHAN: No, but it does involve posting the forms out and returning them, and somebody to physically handle the returns. From my arithmetic, about 32 000 people already submit returns, so we are referring to only about 18 000 people to be investigated through the system of checking to be set up.

Another important and praiseworthy aspect of the Bill relates to the "present owner" provision of the current legislation. This Bill will provide new owners with an assurance that they will not be landed with taxes incurred by the previous owner.

In the past, dealings with the various Governments of this State and the University of Western Australia have been amicable, and I would hate to see that situation disturbed. However, I believe this legislation has come as a bit of a thunderbolt to the university, particularly as in the past almost invariably it has been consulted when any legislation affecting it is about to come before the Parliament. In this instance, the university was not consulted, and it is a little worried that the good relationships which have been built up over the years may be affected.

The imposition of the tax provided for in this Bill will wipe out the income the university has received in the past from the endowment lands. The university has come to this conclusion after making calculations based on the present valuation of the land; but if the valuation is increased, it will cost the university a great deal more. It is estimated that this provision will cost the university about $200 000 in the year beginning the 1st July, 1978, which is a great deal of money —money which in the past has gone to

the university for a public purpose. I believe that is an important point to remember.

Neither the university nor the Perth City Council can be seen as holding this sort of land for the purpose of profit, in the sense of making things easier for themselves. It has always been the aim of the university—as it is the aim of the Perth City Council, which is not taxed on its endowment lands—to spend any income from that land for the public purpose for which the land was endowed to the university by the people of Western Australia; namely, the provision of the best possible tertiary education.

In the past, the attitude of the university has been evident in that it has freely given away land; I instance the large tract given to the Murdoch University, and the area of about 30 acres to the secondary teachers' college and the Perth Medical Centre. Its attitude to the land has been that it is holding it in trust for the people of Western Australia for the specific purpose for which it was originally given a commission over the land. Virtually, it has represented the people in this respect.

Sitting suspended from 3.47 to 4.05 p.m.

The Hon. GRACE VAUGHAN: I do not have very much more to say about this Bill because, in the main, I have only praise for it. Therefore, I do not want to waste the time of the House praising the Minister's Bill.

The Hon. N. McNeill: You would not be wasting time in praising the Bill in this manner.

The Hon. GRACE VAUGHAN: I spoke previously about the social security clauses. I shall read what the Minister said concerning this in his second reading speech.

The Hon. N. McNeill: Can you tell me which page you are reading from?

The Hon. GRACE VAUGHAN: Page 43, the last paragraph. He said—

> In addition to this, there is another reason why this concession should be removed. With the existing and projected gradual elimination of the means test, everyone will eventually qualify for a social security pension. This would mean that under the existing provision, all land, with the exception of that in corporate ownership, would be automatically exempt from tax.

That does not make sense to me, but it just adds to what I said previously about social security tax exemption. I shall say more about the imposition of this tax and the consequences of it on the University's financial position in the Committee stage. I want to press further the sort of double-standard concept to which I alluded previously concerning what the Minister said early in his speech as to why it would seem to be a much more sensible and efficient way of assessing tax to put it on a single scale unimproved. He said—

> The original objective of a higher rate for unimproved land has largely been self-defeating. It was intended to force quicker development. All it has done has been to add a further cost to land coming onto the market. Experience shows that there are other more effective practical ways of expediting development.

In the clauses dealing with exemptions we find that there will be two styles of tax, one being full taxation and one being 50 per cent, depending on whether the body claiming exemption has improved the land. It seems to me that there is a conflict of philosophy here. If we are saying that we are not achieving the purposes of taxing land on which there must be no development and from which there is no income, this would apply also to those bodies claiming exemption.

The Hon. N. McNeill: You are talking about two scales of tax as distinct from one scale of tax. The rates were different.

The Hon. GRACE VAUGHAN: The objective was to force development or sale. One either develops or sells or it will be uneconomic. If the University sells it will have to load that tax onto the community probably before it wanted to do so because it may want to sell the land when it is most propitious to do so for carrying out the purpose of tertiary education, which is its commission from the Western Australian community. In any case, whenever it sells it will have to load that tax onto the sale price which will be part of a vicious circle to push up the price of land, which the Government would not be happy to see.

The Hon. N. McNeill: In other words, it would be entering the field of land development?

The Hon. GRACE VAUGHAN: It would have to because it would not be economical for it to hang onto the land when it was being taxed so heavily, particularly if it does not even get the concession of 50 per cent of the tax which it would get if the land were improved.

I can perhaps speak about specific areas in the Committee stage. I know it is very difficult for all concerned to cope with a mammoth Bill such as this in one go because there seems to be almost enough material for three or four Bills. I support many aspects of this Bill but I am disappointed with the one concerning the university.

THE HON. G. E. MASTERS (West) [4.10 p.m.]: I should like to make some brief comments on this Bill. First of all, like other members of this House, I welcome the Bill. It is the fulfilment of yet another of our election promises and it seems to me to benefit a large number of people. Of course, some concern has been

expressed from such areas as Mundaring and Kalamunda, districts I represent in this Parliament. A number of meetings have been held to discuss these problems. I am pleased to say that in the main they have been resolved.

In Kalamunda, Mundaring, and the Swan district there are blocks much larger than the five acres or 2.02 hectares about which we are talking and whose owners will be slightly disadvantaged. Local authorities have expressed their concern and on some occasions have approached me. I then made submissions to the Premier. The interpretation of the commissioner's discretion seems to overcome their worries. The comments were based on land owners such as hobby farmers who would be holding areas of land in excess of five acres.

Also there are genuine primary producers in the orcharding areas who have been largely affected by the collapse in the fruit industry and by the economic situation. Of course there are larger farmers, with areas up to 1 000 acres, who even now are not able to meet the one-third requirement in the Bill, but the discretionary powers which have been explained in detail by the Premier overcome these problems.

My final comment is that the paper before us states that as these tests and inspections of past records are not exhaustive, the commissioner will be prepared to hear other reasons why the discretionary powers should be used. There is another paragraph which says there will be the opportunity of an appeal to the Minister if there is any disagreement on the ruling of the Commissioner of Taxation.

All in all, I think the Bill will overcome the fears of many local authorities in my area and I hope will get their full support.

THE HON. V. J. FERRY (South-West) [4.15 p.m.]: This Bill is a particularly important piece of legislation and I thoroughly support it. I commend the Government for having introduced it and for attending to a number of items concerning land tax which needed adjustment or implementation.

Foremost is the fact that residents will be exempt from tax on up to 2.02 hectares, or five acres, which is the way I more naturally understand areas. However, the Bill contains many other provisions.

I am particularly pleased that the Government continues to see fit to exempt rural land from land tax assessment. This is of prime importance to Western Australia, particularly in view of its vast agricultural areas. I am aware, of course, that the committee of inquiry into rates and taxes attached to land valuations in 1975 produced a voluminous report containing a number of recommendations, including some relating to the taxing of land. In fact, reference is made in that report to taxing of rural land. I have no doubt the committee had good reason for that inclusion.

I am aware of the fact that the report is still being studied at all levels, and this is as it should be. A committee should proffer information and come up with thoughts and courses of action which people and bodies at all levels can study. Eventually some of the accepted courses will undoubtedly find their way into our legal system or Statutes and become part of our community.

As I said, I am particularly pleased that the Government continues to hold firm to the view that rural properties should not be subjected to land tax assessment. We realise that a number of people engaged in some rural industries today would be capable of meeting any assessment made against their particular properties. However, this certainly does not apply right across the board to all agricultural or rural industries. Certainly in the south-west part of the State, the area which I have the privilege to represent, any number of property owners or farmers are in sorry financial straits mainly because of the economic conditions and marketing problems of today.

Therefore, it is absolutely essential that these people should not be burdened by the impost of land tax on their properties when, in many cases, they are battling to exist and maintain their viability. In this respect I wish to refer to the recent announcement from Federal sources that some of these people will be eligible for assistance to augment their existence, thus assisting them to remain on their properties. I commend that Government for this proposal.

The Bill before us also refers to forestry concessions. I have no desire to enter any argument or make any comment on recent public utterances about forestry. However, it is of interest to me that the Bill retains a rebate of tax on certain land reserved for forestry purposes. This is a valid and just provision. People engaged in forestry activities in a private capacity should be approved of as bona fide forestry operators. Of course, before they can obtain any concession by way of rebate they must, under the legislation, prove they have practised forestry conservation and improvement on the land for at least five years. This appears to be a reasonable proposition.

In addition it is necessary for the land used for forestry purposes to contain not less than 40 per cent of trees suitable for commercial production.

I commend those conditions. I believe that if a concession is to be granted it must be granted on a genuine and bona fide basis. Consequently, the provisions meet with my concurrence. I am pleased, as one who represents the south-west area where a number of private forestry undertakings are being implemented and where

some have been operating for a number of years, that this concession is available. I believe that forestry as a renewable natural resource deserves this kind of concession. In Western Australia we have limitations by way of forestry production, both hardwoods and softwoods, and I have no doubt that as time goes on we will rely more and more heavily upon our timber production. Therefore, it is appropriate that not only a Government engaged in this activity through the agency of its Forests Department, but also private operators should be encouraged to participate because in this way we have a better balance in our forestry activities and timber industry and more opportunities for employment and the like.

I am particularly pleased that the Bill contains a provision to allow the Commissioner of Taxation to do a number of things, not the least of which is to use discretion in exempting land from the impost of land tax. Quite obviously with a subject such as land tax all sorts of anomalies can occur and it is exceedingly difficult—I venture to suggest it is well nigh impossible—to spell out every contingency in words. Therefore it is a very valid improvement in the Bill to include a provision to allow the commissioner at his discretion, after he has weighed up all the facts of a proposition, to declare certain land exempt from tax.

In addition, I think in clause 38, provision is made for the commissioner to grant deferment of land assessment for a good and valid reason. If a person is unable to pay the tax, for a good reason, provision is made for its deferment. That is a sensible provision because we are dealing with matters which affect people and when doing this there is no hard and fast rule which can be applied. Therefore it is humane and right that such a provision should be included.

I have pleasure in supporting the Bill.

Debate adjourned, on motion by the Hon. D. J. Wordsworth.

LAND TAX BILL

Second Reading

Order of the Day read for the resumption of the debate from the 11th May.

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.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th May.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [4.25 p.m.]: This is an ancillary Bill to the Land Tax Assessment Bill and we do not wish to delay its passage at all.

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.

METROPOLITAN REGION IMPROVEMENT TAX ACT AMENDMENT BILL

Second Reading

Order of the Day read for the resumption of the debate from the 11th May.

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.

CRIMINAL CODE AMENDMENT BILL

Second Reading

Debate resumed from the 11th May.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [4.30 p.m.]: Although we received this as a Bill associated with the Justices Act, I intend to take the opportunity in the Committee stage to deal with what I consider to be an unnecessary provision in the Bill. It relates to the alternatives to imprisonment of a child who is convicted. The alternatives mentioned in section 19 (6a) of the Criminal Code are committal to the Child Welfare Department, to which I have no objection, and detention at the Governor's pleasure. Otherwise, the Bill is simply a machinery measure which is complementary to the Justices Act.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. Clive Griffiths) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 19 amended—

The Hon. GRACE VAUGHAN: This is the clause to which I referred during the second reading debate. In section 19 (6a) of the Criminal Code, one of the alternatives to imprisonment of a child convicted of a punishable offence is—

> ... to be detained in strict custody until the Governor's pleasure is known and, thereafter, in safe custody in such place or places as the Governor may, from time to time, direct;

I am personally opposed to detention at the Governor's pleasure. It is an iniquitous form of punishment which is

referred to by people who have been imprisoned and by the people in the personal helping professions as "the key" or "Kathleen Mavourneen". It is a particularly repulsive type of punishment which I think modern people should be striving to eliminate from the Statutes. It makes for a hopeless kind of position.

There are good people working within the prison system who attempt to turn it into something less iniquitous. Nevertheless it has the potential to be a very barbaric type of punishment. Surely the emphasis nowadays is on rehabilitation, adjustment, and helping a prisoner. This provision puts a prisoner in a position where, because there is not a finite sentence, working towards life after release is inhibited by the lack of knowledge when that release will take place. It could well happen that these people are forgotten. There is an instance where detention at the Governor's pleasure is catered for under the Criminal Code; that is, insanity. I am not referring to that section but I understand at the present time somewhere in the vicinity of 30 people are held under sections 661 and 662, relating to habitual and other criminals so it concerns enough people for us to be worried.

There are many things about the prison system which need to be criticised and reformed—its physical aspects, its staffing, and the insufficient numbers of personal helping profession appointments for our large prison population. I think it is the largest in Australia *per capita*. Therefore, something which is within our immediate ability to reform—we cannot pull down Fremantle Gaol immediately, although there are plans to erect a much more modern and humane building—

The Hon. N. McNeill: Are you talking to the Bill?

The Hon. GRACE VAUGHAN: I am talking about the Governor's pleasure.

The Hon. N. McNeill: Is that in the Bill?

The Hon. GRACE VAUGHAN: It refers to a clause of the Bill.

The Hon. N. E. Baxter: It has nothing to do with this amendment. It is an entirely different thing.

The Hon. GRACE VAUGHAN: I take the opportunity to bring this matter up for consideration because it is very difficult for members of the Opposition to bring such matters forward unless the Act happens to be the subject of an amending Bill which has been introduced by the Government. I take the opportunity to mention it in the hope that the Minister will give it consideration.

The Hon. I. G. MEDCALF: The question raised by the Hon. Grace Vaughan is an interesting one but she might just as well raise the question whether whipping or the death penalty is necessary because she has raised objections to what she describes as a form of punishment which is irrelevant to the Bill.

The purpose of this amendment is to overcome an objection which was raised in a case by Mr Justice Burt. Persons under the age of 18 were referred to him for sentence, having already been convicted in the Children's Court. He could not detain them pending sentence because they had not been referred on indictment. All the clause purports to do is to delete the words "on indictment" so that where there is a technical reason for not having an indictment—which refers to a more serious type of offence—the court will have power to detain persons under 18. The right to detain is an alternative to imprisonment and it is designed for a specific purpose.

It is ludicrous for a child to be referred by a Children's Court to a superior court for sentence when the judge is unable to detain the child pending reports or for some other special reason.

This amendment has been referred to the Community Welfare Department and has its support. While I appreciate that the Hon. Grace Vaughan has views about detention at the Governor's pleasure, I suggest the matter she has raised is not what we are legislating for. We are simply giving a superior court the right to do what it can already do in most cases, not only those which are in a technical sense on indictment.

The Hon. N. McNEILL: To clear up any misunderstanding, this clause is not complementary to the provisions of the Justices Act. It relates strictly to the Criminal Code. The rest of the Bill is complementary to the amendments proposed to the Justices Act.

Clause put and passed.

Clauses 4 to 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th May.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [4.43 p.m.]: We have no objection to this Bill. It is complementary to the Justices Act and we support it.

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.

FAMILY COURT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th May.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [4.45 p.m.]: This is a very complicated matter and one in respect of which the Crown Law Department seems to have done a very good job. This amending Bill is to clear up some anomalies that have presented themselves since the Act was passed. There were many details that had to be cleared up in such a short time, and I think the department is to be commended on the fact that it has been able to get the court ready to operate on the 1st June.

We have no objection to the Bill, and we do not intend to hold up its passage.

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.

House adjourned at 4.48 p.m.

Legislative Assembly

Thursday, the 13th May, 1976

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

QUESTIONS ON NOTICE

Postponement

THE SPEAKER (Mr Hutchinson): For the information of members I advise that questions will be taken at a convenient time after the afternoon tea suspension.

NATIONAL PARKS AUTHORITY BILL

Third Reading

MR P. V. JONES (Narrogin—Minister for Conservation and the Environment) [2.17 p.m.]: I move—

That the Bill be now read a third time.

In moving the third reading of this Bill I should like to refer to the member for Boulder-Dundas and the argument which he proposed relating to clause 13. I respectfully suggest to him that he considered the clause in isolation rather than the proposed legislation as a whole because, if I may remind members, this clause refers to what the Minister may or may not be required to do upon receipt of management plans which have been prepared by the director and submitted to the proposed authority but which the proposed authority cannot alter. The proposed authority may comment upon them but is then required to transmit them to the Minister. The quesion was asked: What does the Minister do then?

To clarify this point I suggest that clause 8 adequately covers the situation because, by subclause (1) of clause 8, the Minister is given responsibility for the administration of the proposed Act. But subclause (2) of clause 8 quite clearly reposes in the Minister the responsibility for giving directions to the proposed authority. Upon the receipt of plans he is in fact required, should he think it is necessary, to make alterations to the plans. He may not in fact wish to do so, but it is clear, firstly, that he has responsibility for the administration of the proposed Act as a whole and, secondly, by subclause (2) he may give directions to the proposed authority.

Question put and passed.

Bill read a third time and transmitted to the Council.

SUPREME COURT ACT AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [2.21 p.m.]: This Bill has been dealt with in another place and has been transmitted to this House. I move—

That the Bill be now read a second time.

Along with the appointment of an Attorney-General, the Government has retained the portfolio of Justice, to administer certain Statutes and instrumentalities as distinct from those calling for the qualifications of a legal practitioner.

Although section 154 of the Supreme Court Act does not actually preclude the co-existence of an Attorney-General and a Minister for Justice, it prevents the person who fills the latter role from exercising any of the powers of the Attorney-General, except when there is a vacancy in the latter office.

The modern practice in the drafting of the Statutes of this State is to avoid the use of the term "Attorney-General" and to refer instead to the "Minister". However, there are still a number of older Statutes where the term Attorney-General is used to identify the person charged with a certain function or duty.

An interpretation of the Act at present indicates that when the office of the Attorney-General is filled, all of the duties of Attorney-General, whether imposed by Statute or otherwise, will have to be discharged by the person holding that office, without any aid from the Minister for Justice.

As some of the duties which will require the attention of the Attorney-General could well be administered by the Minister