The purpose of the Bill is therefore obvious, and it has no other object. It is non-controversial and has been received and approved in another place. It was explained throughly in that House, and I need not elaborate on it any further in introducing it to this Assembly.

The organisation concerned is known as the Evan Davies Civic Library, and it has a children's library section attached to it. It is well patronised by young and old.

The amendment in the Bill has been brought about as a result of a decision made at an annual meeting held on the 27th November, 1959. A report was submitted to that meeting pointing out that it was desirable to amend section 11 and to create a new section to be known as section 11A.

In passing, I would point out that the Fremantle City Council was the first local authority to introduce a free lending library to Western Australia. Originally, the library was known as the Literary Institute and was administered by a board of directors. The council entered into negotiations with the directors, the outcome of which was the introduction of a private member's Bill into this House by Sir Frank Gibson for the purpose of taking over the Literary Institute.

In the original Bill a provision was omitted to permit the mayor to be an *ex officio* member of the library committee. The mayor is an *ex officio* member of all other committees; but, inadvertantly, the original legislation failed to provide for his appointment as an *ex officio* member of the library committee. This Bill seeks to rectify that error. I commend it to the House.

On motion by Mr. Perkins (Minister for Transport) debate adjourned.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. WATTS (Stirling—Deputy Premier): I move—

> That the House at its rising adjourn until 3.15 p.m. tomorrow.

This is pursuant to the announcement that was made on behalf of the Premier a day or so ago due to certain matters in connection with the visit of the Governor-General. Mr. Acting Speaker, I have also been requested by the Speaker to intimate that, in consequence of the House not meeting until 3.15 p.m. tomorrow—an hour later than usual—he does not propose to leave the Chair for afternoon tea at 3.45 p.m.

Question put and passed.

House adjourned at 10.8 p.m.

Legislative Council

Thursday, the 29th September, 1960

CONTENTS

The PRESIDENT took the Chair at 3.15 p.m., and read prayers.

QUESTIONS ON NOTICE

1. and 2. *These questions were postponed.*

DRUNKEN DRIVING CHARGES

Convictions and Dismissals

3. The Hon. E. M. HEENAN asked the Minister for Mines:
   (1) How many charges have been laid by the police in the metropolitan area over the past twelve months for what is termed drunken driving?
   (2) How many convictions were obtained?
   (3) How many of the charges were dismissed?

   The Hon. A. F. GRIFFITH replied:
   (1) 233.
   (2) 215.
   (3) 18.

UNWRAPPED BREAD

Control of Delivery

4. The Hon. R. F. HUTCHISON asked the Minister for Mines:
   (1) Is there legislation to control the hand delivery of unwrapped bread by bakers?

(2) If *so*—

(a) what is the current statute;

(b) which department is responsible for the effective administration of the control;

(c) are carters required to use a receptacle of some kind to carry the bread from the delivery vehicle to the home of the customer?

The Hon. A. F. GRIFFITH replied:

(1) No.

(2) Answered by No. (1).

CHEVRON-HILTON HOTEL

Total Valuation and Payment of Taxes

5. The Hon. H. C. STRICKLAND asked the Minister for Mines:

(1) From what date is the Chevron-Hilton Hotel Company liable to pay—

(a) Land tax;

(b) Metropolitan region improvement tax?

(2) What is the total valuation on which the above-mentioned taxes will be assessed?

The Hon. A. F. GRIFFITH replied:

(1) The 1st July, 1961. The company will be liable for land tax and metropolitan region improvement tax in the same manner as any other purchaser of Crown land.

(2) The unimproved value is determined in due course by the Commissioner of Land Tax in accordance with the provisions of the Land Tax Assessment Act.

MOTOR SPIRIT

Source of Supply for Northern Ports

6. The Hon. H. C. STRICKLAND asked the Minister for Mines:

From which refineries is bulk motor spirit being supplied by Shell Oil Co. Ltd. for the ports of—

(a) Darwin;

(b) Geraldton;

(c) Wyndham?

The Hon. A. F. GRIFFITH replied:

(a) Darwin—Bulk motor spirit varies. Recent shipments were obtained from Persian Gulf, Indonesia, and Borneo.

(b) Geraldton—Obtains bulk motor spirit from Kwinana.

(c) Wyndham—Only one shipment so far from Singapore which is a transhipment and storage point, and in turn it draws from refineries in Indonesia, Borneo, and the Persian Gulf.

BILLS (4)—THIRD READING

1. Country High School Hostels Authority Bill.

On motion by The Hon. A. F. Griffith (Minister for Mines), Bill read a third time and returned to the Assembly with amendments and an amendment to the title.

2. Dog Act Amendment Bill.

3. Motor Vehicle (Third Party Insurance) Act Amendment Bill.

On motions by The Hon. L. A. Logan (Minister for Local Government), Bills read a third time and transmitted to the Assembly.

4. Health Act Amendment Bill.

On motion by The Hon. L. A. Logan (Minister for Local Government), Bill read a third time and passed.

ARCHITECTS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [3.24]: I move—

That the Bill be now read a second time.

Western Australia was the first State of the Commonwealth to make provision by statute for the registration of architects, and for the control and regulation of that profession. This was done in 1922. It was only natural that at that time it was considered in the drawing-up of the requirements for registration that the applicant should prove to the satisfaction of the board that he resided in Western Australia. The Architects' Board has made representations to the Government for the removal of this qualification. The only other State retaining this requirement is South Australia.

A person who is not a registered architect in Western Australia may not operate under the title of his profession. With the freer interchange of architectural business between the States, we find that architects from other States who are commissioned to carry out work in this State are unable to accept such commissions for the reason that the Architects' Board is not empowered to register them as architects; and this only because they are not resident in Western Australia.

The board itself feels very strongly about this matter, and is anxious for the removal of this restriction as it is of the opinion that qualified architects residing outside Western Australia should be enabled to operate here when necessary. Registration fees and annual subscriptions are at present set at the maximum permitted under the Act, namely, two guineas per annum and three guineas per annum respectively.

I am advised that the board has no intention of increasing fees forthwith. There has been no change in fees, however, for the past 38 years; and, as in other walks of life, the board is looking to future requirements. It considers it reasonable to make provision for upgrading of fees when considered necessary.

On motion by The Hon. W. F. Willesee, debate adjourned.

HEALTH ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [3.27]: I move—

That the Bill be now read a second time.

There are five main features to this Bill. The first enlarges the power given to local authorities under the Act to carry out house sewerage connections on the deferred-payment principle by way of assistance to pensioners and people in the low-income groups.

As members are aware, when the cost of such work is beyond the purse of the owner, it is competent for him to request the local authority to carry out the work and repay its cost over an extended period. A request has been received from the Local Government Association for an extension of this authority so as to include the provision of baths, basins, sinks, or troughs, together with the pipes and fittings necessary for their functioning. Considering that the approach has been made by the association itself, and the connection of such fittings to the sewer is an essential sanitation requirement, I believe that this measure will be a very real benefit to those unable to meet the cost of the original outlay which quite frequently amounts to a very substantial figure.

The second provision in this Bill is directed towards combating the mosquito menace which exists in districts served by septic tanks. A local authority in such a district desired, sometime ago, to make a supply of insecticides available to householders for this purpose.

There is a section of the Health Act dealing with the control of pests, principally flies and mosquitos, the reference being section 112 subsection (1) (b). The provisions of this subsection are with the passing of time, however, somewhat outmoded, as they empower a local authority to supply "some sufficient disinfectants for use in sanitary conveniences." The application of this section was in respect of the pan system, being the best then generally available. The amendment proposed in this Bill will rectify the position and is, in fact, somewhat overdue.

An eating-house as defined in section 160 of the Health Act excludes premises licensed under the Licensing Act. Because of this the 1959 amendments to the Licensing Act have, in effect, exempted licensed restaurants from Health Act control. The purpose of the Bill is to bring them again under control and inspection by the health inspectors appointed under the Act.

With the advent of outdoor living and the current trend for outdoor or pavement restaurants, there is necessity to give attention to the existing definition of "eating-house." Although this approach to eating and refreshments is becoming increasingly popular, it is considered that the outdoor restaurants would not strictly come within the meaning of the existing definition, and the amendment proposed will rectify the position.

Section 228 of the principal Act sets out the methods of the division of foods and drugs by an inspector intending to prosecute because of deficiencies detected. There is no provision, however, for the manufacturer to be provided with a portion of the doubtful stuff, and yet he quite probably is the person who would be prosecuted. The amendment proposes to rectify this by providing that when an inspector intends to prosecute one other than the vendor, he shall notify the manufacturer in writing within three days of the taking of the sample, so enabling the manufacturer to obtain a portion of the sample.

Section 348 of the principal Act makes provision for the issuing of proclamations by the Governor, but has no provision for revoking or varying such proclamations. It follows that all proclamations issued since 1911 are still binding; and, in the interests of essential reform and progress, it is necessary to introduce into the Act power for the Governor to vary proclamations made from time to time. The Bill makes such provision.

On motion by The Hon. J. D. Teahan, debate adjourned.

NORTHERN DEVELOPMENTS (ORD RIVER) PTY. LTD. AGREEMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [3.44]: I move—

That the Bill be now read a second time.

The Bill will be of particular importance to the North Province members and to other members who are interested in the North. This Bill is being introduced for the purpose of obtaining the approval of Parliament and its ratification of an agreement reached on the 14th June, 1960, between the Government and Northern Developments (Ord River) Pty. Ltd.

This company is a wholly owned subsidiary of Northern Developments Holdings Ltd., which is engaged in the development of the Camballin scheme in the West Kimberleys.

Having decided to undertake the Ord River diversion dam project preparatory to launching out on the ultimate scheme with the assistance, it is hoped, of the Commonwealth Government, the State Government intends to use its best endeavours to ensure that practical farming is carried out under the conditions there existing. The practical experience gained on the spot of farming under irrigation conditions, similar to those proposed on the completion of the scheme, will provide valuable information for those whose duty it is to plan ahead during these important intervening years.

As members are aware, much valuable research information has been gained at the Kimberley Research Station over an extensive period. The application of the research information obtained with the practical economics of working the land as a practical farming proposition, will provide vital and indispensable data in the preparation of the case which will be presented to the Commonwealth Government in three or four years' time when representations are being made regarding the main dam project.

Additionally, the information and experience acquired over these years will, it is hoped, provide a pattern upon which first-hand advice will be readily available to farmers in the area when large scale settlement and development take place.

Members with a knowledge of the area will have a full appreciation of the deleterious effect on the dam which could easily occur through erosion on an area of approximately 750,000 acres of land situated in the catchment area. Because of the tremendously heavy nature of the rains during the "Wet" in the Kimberleys, and the nature of the terrain itself, catchment area erosion presents special aspects which require attention, but which are not experienced on catchments serving existing dams in the southern portions of the State. The regeneration of this extensive area is a most important work being undertaken concurrently but nevertheless independently of this farming project.

The decision to construct the diversion dam now was not made lightly. The larger project was estimated to cost in the vicinity of £20,000,000 while the diversion dam project, which is an integral part of the ultimate scheme, is estimated to cost £3,000,000.

It is considered a very sound approach to the matter to go ahead with the smaller dam, store a usable quantity of water, and so put into practical operation the knowledge and experience gained over all these years at the Kimberley Research Station.

The firm of Northern Developments Holdings Ltd. has displayed a practical interest in the North and its potential by its activities and the substantial investment it has made in the Camballin scheme. The company has the backing of a strong organisation with a wealth of knowledge in farming under irrigation conditions; and with marketing experience in the Murrumbidgee area and, later, in the West Kimberleys. Accordingly, it was decided to approach this company with a view to the State entering into an agreement with it to undertake the initial farm project on the Ord.

The decision has the backing of the C.S.I.R.O., its senior representatives considering it desirable to approach an organisation having experience in this type of farming, and also one which was willing to operate as an independent farming project and not as a Government project. Having agreed to the Government's proposals, the company formed a subsidiary for this purpose with the result that we now fortunately have Mr. Keith Gorey bringing his experience from Camballin to bear in the supervision of the Ord scheme.

In the preparation of the contract, three main points were borne in mind: Firstly, an arrangement by which the practical experience and information regarding it would be obtained; secondly, a scheme based on minimum cost; and, thirdly, one which would give sufficient incentive to the company to enter enthusiastically into the arrangement. It is considered that the contract now presented for ratification will meet those requirements.

Needless to say the Government in the framing of the agreement obtained the advice of the Ord River Diversion Project Committee, a committee composed of senior officers of the Departments of Works, Land, Agriculture, and the Treasury, and constituted to consider and co-ordinate all aspects of the diversion scheme. It is understandable that such a committee was brought into being because of the unusual but very real difficulties of organising a project such as this in a remote area on the Ord.

The agreement emphasises priority in production of rice, cotton, safflower, and linseed. A provision is made for other crops and for the development of pastures. The agreement facilitates the close co-operation of the Kimberley Research Station and the Department of Agriculture with the project; and provision is made for the keeping and passing on of information, the right of entry, inspection, consultation, etc., in respect of the area to be farmed, which is to be not less than 2,000 acres.

By this means an assessment will be made of the economics of the scheme, and knowledge will be gained of methods of

farming a variety of crops, and the type of equipment required; and also, bearing in mind that some of this is harsh country as to an economical size for individual holdings. The project will give at first hand full information regarding the capital required to bring an individual holding through to successful farming: and further valuable knowledge will be obtained in experience of living conditions on such comparatively small areas in the North; in the requirements of the area as a whole; and in the matter of maintenance and services essential to the encouragement of settlement.

The diversion dam project has entailed the resumption of approximately 19,200 acres from Pastoral Lease 396/454 held by the Ivanhoe Grazing Company Pty. Ltd., and the farming portion comes within this area. I am informed that this area was unimproved and consequently no compensation was payable nor any provided for under the lease conditions.

It is expected that the Government will be called upon to advance a total of £100,000 over a period of three years, but it is anticipated that a considerable part of this sum will be recouped. However, the final net cost to the State may not be known until the agreement has been implemented and the ultimate results established. It is accordingly not practicable to make a reliable estimate of the eventual cost to the State at this point of time.

The Government is empowered under the agreement to request that certain works be undertaken. The cost of these additional works could affect materially not only the ultimate cost but the results achieved. It is highly likely that as officers and scientists of the departments examine the progress of the scheme in its varying phases, they may consider the desirability of having further experiments carried out in the practical manner on the farm as distinct from the research station work.

There is provision for such experiments to be carried out by the company under the observation of departmental representatives, and were they of a major character, they could involve some readjustment of financial arrangements. It is considered most important that the Government should enjoy the right to have such activities carried out in time and place as it desires, to ensure that the maximum benefit will be gained during this very important period.

The company is obliged under the agreement to prepare and present budgets at regular intervals for submission to the Government for approval. It is required that these will indicate a clear working programme and be backed by financial statements. The company will be obliged to present to the Government audited financial information, including credits to be given to the State, in respect of the following—

(a) the proceeds from sales of plant equipment, machinery and other things purchased or acquired, wholly or in part, with moneys provided by the State;

(b) the total net proceeds from sales of agricultural produce from the pilot farm; and

(c) the amounts due to the State for the hire and use of plant, equipment and machinery, as referred to in clause 5 (g) of the agreement.

While the agreement provides for a developmental period of five years, provision is made for a review of the agreement in respect of the pilot farm early in 1963. This latter provision is considered desirable in view of the many unpredictable factors. Both the Government and the company acknowledge that in the early stages it will be difficult to have and hold specific views in respect of every problem or every circumstance likely to arise. This explains the provision which is incorporated in the agreement to permit renegotiation of the agreement in 1963 to meet the intention and desires of both parties.

In the event of re-negotiation taking place in 1963 and mutual agreement not being reached, the original agreement will run its normal course. That gives the Government complete protection. It is rather hoped, however, that such valuable experience will have been gained by 1963 that there will be a mutual wish for review to the advantage of both the parties. As regards irrigation, there is a State responsibility to construct the main irrigation channel, while the company will be required, as one of its budget items, to construct all subsidiary channels and drains within the farm area and connecting to the main irrigation channel. There is provision for the Government irrigation channel to be kept to the highest practical level in or near the farm area.

Care has been exercised in the matter of supply of irrigation water, the Government being committed to provide a reasonable supply of water under reasonable conditions only in view of many unpredictable factors. Obviously, the amount of water to be made available has been the subject of close investigation and report by competent officers who have a wealth of information and practical experience of irrigation requirements in other parts of the State and basic experience gained on location by the research station management and staff. There is an obligation on the Government to supply at least sufficient water for the working of the following maximum areas during the first three years of the agreement, namely—

200 acres in the 1960-61—wet-season rice.

200 acres 1961—dry.

400 acres 1961-62—wet-season rice.

400 acres 1962—dry.

Up to 600 acres 1962-63—wet-season rice.

600 acres 1963—dry.

Members may be assured that all officers concerned have, during the course of their consultations regarding the amount of water required, taken into account the contractor's requirements for water during the period of the construction of the diversion dam. We must not overlook the fact that the contractor responsible for the construction of the dam will of necessity make fairly heavy demands on water; and of course during this period his needs have been given first priority. Supplies of water will come initially from the Ord River upstream of the diversion dam, and all officers concerned are satisfied there will be sufficient for all requirements.

There is normally a sufficient supply of water upstream from Bandicoot Bar which is regarded as being adequate to meet this farming programme and the dam contractor's requirements also. Concerning my earlier reference to the development of pasture areas, I desire to make it clear that the company is permitted, at its own cost and risk, to breed and run livestock on the farm area, and/or to enter into contracts with third parties for or in relation to the development of lands outside the area of the pilot farm. There is a provision however, that the company shall not allow or suffer any such breeding or running of livestock or any such contract to operate to the detriment of the development of the pilot farm as contemplated by this agreement. This may be regarded as a special incentive; and it is certainly hoped it will encourage the company to come by furnishing further valuable information and experience which may be passed on to later settlers.

We should remember at this point, of course, that the whole of the operations, including the running of stock, must be carried out in co-operation with and under the supervision of the scientists from the research station and the officers of the Department of Agriculture. Rental will be charged for the use of plant, equipment or machinery, covered by the agreement but used for purposes other than the farm project. There will be a particular advantage in this arrangement, as it is hoped that something verging on full-time use of equipment will be more economic than if its use were restricted entirely to the turning of the soil.

It would be useless to send light-duty equipment up there. Consequently the capitalisation on the type of equipment to be used is fairly heavy. It follows that if it were possible to find other uses for the equipment, a fuller use, particularly through the company undertaking work on other projects or other contracts for other parties, could have the effect of enabling more economic use of the plant throughout the year. The proceeds of rentals to be agreed upon as between the Government and the company will be credited to the State under the terms of the agreement.

Conditional upon the company performing its part of the agreement satisfactorily, it may elect, between the fourth and fifth years—or earlier if mutually agreed—to acquire a Crown grant of land comprised within the pilot farm area. Price will be calculated on the basis of £1 per acre plus the economic value of all improvements on the pilot farm at the date of making the request mentioned in the relevant subclause, together with the economic value of all further improvements subsequently effected on the pilot farm with money provided by the State prior to the issue of the Crown grant.

Much thought was given to the compilation of a formula which could be regarded as fair to both parties, and the decision to place a basic price per acre on the land and then apply an economic value in respect of all improvements is in accordance with the advice tendered by Government advisers. Taking the over-all view of the ultimate project in envisaging the development of between 100,000 and 200,000 acres during the course of time, the 2,000 acres set aside for the pilot farm is a very reasonable area. It is considered that the company should be required to develop at least 2,000 acres. Anything less would not be giving the area a fair trial.

It is only reasonable also that the company should have the right to purchase at a price to be agreed or determined, the plant, equipment and machinery, acquired by it, wholly or in part, with moneys provided by the State under this agreement. Any attempt at valuation now of its worth at the end of the agreement would be purely conjecture. It will be available to the company, however, for acquisition at a mutually agreed price or at a price determined by arbitration. In fact some of the machinery and plant may by that time be replacements because of the rugged nature of the work involved.

A further point relates to rights to process and market agricultural products for the first 15,000 acres brought into cultivation of the area of 19,200 acres resumed. I feel all members will concur in that processing and marketing of the products is a most important part of the project. Northern Developments Holdings Ltd. had considerable experience with processing and marketing, and this is a further point in favour of the Government's choice of a pioneering company for the North. The appropriate provision regarding handling of produce and marketing reads as follows:—

> The State agrees with the company not within five years from the date hereof to dispose of or grant any rights to the processing and marketing of

agricultural products from any portion of the first 15,000 acres brought into cultivation of the area referred to in clause 2 hereof without first giving to the company notice in writing with full particulars of the proposals for such distribution or grant, and the company shall thereupon have an option to be exercised within three months of the receipt of the notice of taking and acquiring such rights upon the same terms and conditions as are set out in such notice.

It will be noted that the company has no basic right to the processing and marketing of products on its own terms. It has the right only of first refusal of any proposal upon the terms and conditions served by notice on them.

It is fair and reasonable to give the company, which will be carrying out pioneering work on behalf of the State, the opportunity to consider whether it would desire the rights of processing and marketing in respect of the first 15,000 acres developed upon the terms and conditions which the Government would, in effect, be prepared to grant to a *bona fide* processer and marketer. Should the conditions served by notice on the company be not attractive to it, it would of course have no rights whatever in the matter after a period of three months. On the other hand, if the company is prepared to undertake the processing and marketing on the terms laid down by the Government in its notice, it will be entitled to say so.

Were the Government to call tenders, it would need to be made clear in the tender papers that the Government had this obligation under the agreement to give the company the first right of refusal on those terms. No doubt the Government, after conferring with its advisers on the matter, would determine the best proposition for processing and marketing and put the proposition to the company under the terms of the agreement. Most likely there will be more than one person or party interested in processing and marketing; and it is basic to the whole concept of the scheme that this should be done in the area. In other words, if we are going to encourage successfully a greater producing population in the area, produce must be grown on a closer settlement basis for processing there. It is desired to build up the potential of the area, and give stability to the townships of Kununurra, Wyndham, and others, which will develop as the scheme proceeds to fruition.

The right of the company to participate as a water consumer for 10 years, following upon the first three years of the agreement, is based on the usual terms applicable in any irrigation district. Recognition, however, will be given to the company's pioneering acumen during the first three years, which places a special responsibility on the Government to endeavour to maintain the supply agreed upon during the developmental period. The company, however, will receive no special protection in the matter of irrigation water after that time beyond the normal right to participate as a consumer in any scheme that is completed by the Government. This approach is considered a fair one and acceptable to the company, though it would have preferred to enjoy some special provision or assurance of greater protection in the matter of water over the first ten years.

The scheme, though starting in a small way, could well have momentous results and be a forerunner to major development on the Ord in the provision of closer settlement, in particular. The scheme itself is complementary to the pastoral industry which is acknowledged generally as being the industry which must remain the strongest economic unit in the Kimberleys during the foreseeable future. Unquestionably, the introduction of agriculture, even in a small way, should have a beneficial effect on the pastoral industry.

All concerned are confident that if the scheme is carefully managed it will succeed, and be a forerunner or a pattern for other larger schemes envisaged, and will eventually, by its impact, result in the up-grading of the pastoral industry. All the priority crops produce by-products, important foods for the pastoral industry, and this in itself is a very important factor in encouraging pastoralists to take action on their own stations to improve pasture management and animal husbandry, for it is hoped they will soon see that having such foods readily available in the area instead of having to pay high freights will advantage the area beyond all earlier hopes.

As I emphasised previously, the extensive areas of the North will be for many long years to come the backbone of the Western Australian pastoral industry, and this industry has nothing to lose but much to gain through a successful agricultural venture in its midst.

Before concluding, I would like to say a word of praise for the management and staff of the Kimberley Research Station. They have striven over a very great number of years to obtain the information basic to the success of this venture. There must have been many a time when these faithful servants could have been prompted easily to have lost heart and wondered when, if ever, the results of their labours would be put into practical application. I have no doubt that they will be looking forward eagerly to the opportunity of observing the experiment which is now to be carried out on a programme, no doubt, based to a large extent on the wealth of knowledge achieved season after season at the station. They, no doubt, would like to have seen the larger scheme go ahead. They should be

happy, I think, in the thought that should success attend our efforts in the smaller undertaking, we will have a much stronger case to place before the Commonwealth authorities when the time comes to make a concerted effort to achieve full recognition of the practicability and desirability of the scheme on a national basis.

On motion by The Hon. H. C. Strickland, debate adjourned till Wednesday, the 12th October.

NOXIOUS WEEDS ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [3.59]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to facilitate urgent action being taken by the Agriculture Protection Board where time is a major factor in combating noxious weeds.

Section 22 of the principal Act empowers the board to direct the destruction of primary noxious weeds and to specify the manner of their destruction in instances where it is satisfied that reasonable efforts are not being made to destroy such weeds. The system has been working satisfactorily, particularly in respect of weeds of a perennial nature and where there is cause to serve notice on individuals singly. However, with the spread of caltrop and carnation throughout whole districts involving numerous landholders and household blocks, it has been found that time is the most important factor.

As members—particularly those representing farming communities—will be aware, the caltrop weed matures within a few weeks of germination. It follows that if a notice is given and not complied with, there could be little opportunity for the board to undertake control measures before seeds had been produced. There is no problem in notifying an individual owner, but, under the circumstances previously described, it is evident the time is very limited in which to serve individual notices to a large group of farmers and householders, much less to carry out a thorough inspection and institute board control measures.

It is considered that by the inclusion of a new subsection (2a) to section 22 of the principal Act, a time-saving factor will be found in the provision for the local authority in which the private land is situated to be given at least seven days' notice of the board's intention to take action.

This will be followed up by publication in the *Government Gazette* and newspapers circulating generally in the district of a notice giving landowners fourteen days to commence action against specified primary noxious weeds in the manner directed by the notice. There is a similar provision in the Vermin Act and the Plant Diseases Act in respect of fruit-fly control.

Though a direct order such as is proposed may not be palatable to all, it is unfortunate that in the case of noxious weeds control the majority have to suffer for the neglect of the minority. So much remains to be done in the control of noxious weeds that stronger measures are required, and these cannot be effective without the full and complete co-operation of each and every individual concerned.

The need for this Bill really arose when a considerable number of city blocks were involved in a general eradication programme, and difficulty was experienced in locating owners and serving notices within the limited time. The provisions in the Bill will apply only where there is an eradication programme covering a particular district and numerous properties. In the case of individual properties, the owner will be notified as in the past.

On motion by The Hon. A. R. Jones, debate adjourned.

LOCAL GOVERNMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.3]: I move—

That the Bill be now read a second time.

Because of the numerous amendments which were made to a previous Local Government Bill in this House, I have gone to some trouble to endeavour to cover most of the phases of those amendments in order that members will have knowledge of what has happened to them during the course of the Committee stages.

This Bill has been before the House in various shapes and forms since it was first introduced into Parliament in 1948 and therefore really needs very little introduction or explanation. The idea of a single Act to cover both road boards and municipalities was first put forward as long ago as 1926, when the Metropolitan Local Government Association urged that there should be a single Act.

A committee was set up in 1947; and, in 1948 this committee, which consisted of a majority of representatives of local authorities, presented to the Minister a Bill which was duly introduced and read for the first time in December, 1948, and brought before the Assembly for its second reading in June, 1949.

There was considerable criticism of that Bill, and it was withdrawn and referred to a Royal Commission which was composed of representatives of local authorities with a departmental officer as chairman. The Royal Commission heard representations from interested persons and submitted recommendations for an amendment or alteration of the 1948 Bill.

The Bill was redrafted and submitted to Parliament again in 1953, when there was again considerable criticism. It was once more before Parliament in 1954, 1956, 1957, and 1958. In 1957 it passed through both Houses, but because of a disagreement between the Houses and amendments made in this Chamber, the Bill went to a conference of managers which was unable to reach agreement. It was again introduced in 1958, but mainly because of criticism from an Eastern States barrister who was visiting this State—Mr. Gifford, who was brought over to give the main address during "Local Government Week", and who was asked by the local authorities for advice on the Bill—it was again withdrawn; and, in 1959, it was redrafted by a committee consisting of representatives of the Local Government Association, the Road Board Association and the City of Perth, assisted by a departmental officer. The committee included Mr. Laurence Gadsden, now Sir Laurence Gadsden; the then chairman of the Road Board Association, Mr. Ben Fellows; and Mr. Alf Spencer representing the City of Perth. The Bill as produced by that committee is substantially the Bill which I now introduce. In only one or two matters has there been any departure from the recommendations of that committee.

A perusal of the Bill will indicate that although it is very different from the one brought before this House in 1957, it is not very different from the Bill as amended in this Chamber. Members will recall that considerable alteration took place when the measure was before this House, and it will be found that most of those amendments have been incorporated in the measure now before you.

Where the amendments made in this Chamber have not been incorporated, it will be found on examination that there is a good reason for this, and it will also be found that numerous other amendments became necessary as consequential amendments upon the acceptance of the principle laid down in amendments inserted by this Chamber.

The Bill seeks to replace the existing Road Districts Act and the Municipal Corporations Act with a Local Government Act to cover all types of local authorities.

Under the Bill, the existing cities and municipalities will become known as cities and towns respectively, and the existing road boards will become known as shire councils; and they will all be regarded as municipalities. When this measure was first before the House, I was one of those who criticised the use of the term "shire." But I have to admit that following considerable research, not only in Australia but as far away as England, I, as well as the committee, came to the conclusion that there was no better word to be used.

The major items which caused contention when the Bill was last before this Chamber could be summarised as falling into four major groups, namely:—

(a) The franchise.

(b) The method of electing the mayor or president.

(c) The compulsory use of unimproved values as a system of rating.

(d) Compulsory Government audit.

The Bill does not now provide for adult suffrage as it did when last before Parliament, but for the continuation of the property franchise and the system of plural voting which has served this State so well during the past.

However, the franchise has been modified to some extent, and also has been extended as far as is justifiable. Whereas under the existing Road Districts Act, the owner of land is automatically enrolled as an elector and may be displaced by an application from an occupier, whilst the Municipal Corporations Act provides for the automatic enrolment of the occupier in preference to the owner, the present measure provides for the enrolment of both owners and occupiers, thus resolving a dilemma raised in the amendments made in this Chamber which failed to choose between owner and occupier. Occupiers will be enrolled automatically under the Bill as far as the Clerk of the Council is able to do so, but they may apply to have their names included if they are omitted.

A further provision has been made that where a person both owns and occupies land, the spouse of that person may be enrolled as the occupier on application; so that in respect of that land also, there will be both an owner and an occupier enrolled, thus preserving consistency. In such cases, however, it is provided that the valuation is to be halved.

Another provision is that where Government employees occupy houses belonging to the Government, they will be entitled to be enrolled as electors if the Government is paying to the local authority an *ex gratia* payment at least equal to the rates which would be charged on the land if it were, in fact, ratable.

Members will realise that this represents a considerable extension of the existing franchise. A further modification is a provision that no matter how many corporations a person may represent, he cannot vote in a representative capacity as well as a personal capacity if this means that he will exercise more than four votes for the election of a mayor or president, or more than two votes in any ward in which he is entitled to vote at an election for a councillor.

Members will recall that under the present system an individual could, if he represented so many corporations, have somewhere in the region of 200 votes; and one individual could have a vast influence upon

any particular election in his area. That individual is now limited to four votes.

The plural voting system set out in the existing legislation was based on money values considerably greater than those of today. The Bill has recognised this fact by increasing values necessary to have more than one vote, and I feel sure that if this is viewed objectively, members will agree that it is reasonable for the change to be made in order to keep in line with the changing value of money.

When the measure was last before this Chamber, it provided for the full preferential system of voting; and, in another place, there were certain criticisms of the effect of that system in cases where more than one vacancy was to be filled at a time. Therefore, the opportunity has been taken to amend the preferential voting system in the Bill so that where there is more than one vacancy to be filled, the procedure will be followed of eliminating the candidates with the lowest number of votes and distributing their preferences until there are left remaining only sufficient candidates to fill the vacancies; and these will then be declared elected. Therefore, there will not be the old senate system of the distribution of the votes of the first candidate elected, which was the feature considered objectionable in another place.

The question of whether the mayor or president is to be elected by the electors as a whole, or by the members of the council from among themselves has been resolved by providing that existing municipalities will continue to elect the mayor or lord mayor by the electors at large; and existing road boards which will become shires will continue to elect their president from among the members. But provision is also made for a change of that system so that the mayor may be elected by the councillors from among themselves, or the president of a shire may be elected by the electors at large. This should meet all objections and allow the existing system for each type of authority to be continued until the real need of a change is felt.

The question of which type of valuation to use has been determined in a similar fashion. Under existing legislation, municipalities use annual values but may change to unimproved values with the approval of the Governor, whilst road boards, conversely, use unimproved values, and may change to annual values with the Governor's consent.

The Bill, therefore, provides for existing municipalities to continue on annual values unless either the ratepayers, or the Minister, authorise a change to unimproved values; whilst the shires will operate on unimproved values unless their ratepayers, or the Minister, authorise a change to annual values. This gives a reasonable degree of home rule, and should be acceptable to the protagonists of either type of rating.

In order to clear away any misconceptions concerning the method of making valuations, I wish to point out that the Bill provides that a local authority using unimproved values, may adopt the valuations made by the Taxation Department, or may have a special valuation made by that department; or, alternatively, it may have a valuation made by a valuer appointed by the council.

If on annual valuations, the council may have a valuation made by a valuer, or may adopt the valuations of the water supply authority. The valuer appointed must not be a member of the council and he must be a properly qualified valuer.

The provisions in the old legislation, under which the council could make its own valuations, have been omitted, and this is not a new departure so far as the Local Government Bill is concerned. The Bill introduced in 1948 had a similar provision, and the amendments made in this Chamber in 1957 did not vary that intention in any way, providing simply that the council could have a valuation made by a qualified valuer.

The old system under which road boards adopted taxation valuations, either in full or subject to a deduction of a certain percentage, or, as was done in some cases, plus a certain percentage, or as was attempted in one or two cases, taxation valuations subject to a sliding scale of reductions giving greater concessions to the more valuable land, cannot be arranged under the Bill.

Actions of this type taken in the past have always been of most doubtful legality, and it appears that valuations made on any of these bases would have been declared invalid if legal action had been taken. Proper valuations are considered to be indispensible because they form the basis of just rating of the various properties and therefore the system of valuations made only by properly qualified valuers is regarded as the proper course to follow.

The other main question—that of compulsory Government audit—has likewise been dealt with. Under the Road Districts Act, the books of account are audited by audit inspectors appointed by the Minister; whilst, in the case of municipalities, there are two auditors elected by the ratepayers for a term of two years. The amendments made in this Chamber proposed to restore the system of elective auditors for the existing municipalities.

The Bill has recognised the view of the committee that it is not desirable that an auditor should have to submit to election and have his personal popularity, or his support a determining factor in whether or not he secures office. It has therefore provided for a system similar to that

operating quite successfully in South Australia and New South Wales, under which the auditor or auditors will be appointed by the council itself, so far as existing municipalities are concerned, whilst the original provisions for the audit of shires by departmenal inspectors will continue.

Provision has been made for the right of a shire to have private auditors appointed by the council, or for a city or town to have the system of Government audit applied to them. Admittedly, there is a slight difference in the proposal here, as compared with that in use in the two Eastern States mentioned, in that in those States a special certificate of qualification as a local government auditor is necessary before an appointment can be obtained; and that certificate can be cancelled if an auditor is found to be inefficient or unsatisfactory.

In the provisions made in the Bill, there is nothing of this type, all that is required being that the auditor is a properly qualified accountant and registered as an auditor under the Companies Act. However, the Bill sets out the duties of the auditor, and I do not think it is likely that any council would refuse to reappoint an auditor simply because he had carried out the duties cast upon him. In another place, suggestions have been made that it is improper for the members of the council to appoint the man who is to check their actions if they verge on illegality.

The Hon. H. K. Watson: More than one Minister of the Crown has lost his office because of doing his duty.

The Hon. L. A. LOGAN: However, I do not think that this will be found in practice to present any real difficulties. If I should be wrong, then when the time arises a remedy can be found.

Numerous other small changes have been made in the Bill since it was last before this House, but many of these are of small consequence, being more in the nature of drafting refinements to meet objections and criticisms from outside sources. The committee dealing with the Bill found that many of these criticisms were of little consequence, but that there were a number of minor matters which needed adjustment.

One important change has been made in that whereas under the 1957 Bill the right to veto loans was held by the electors, the Bill now provides that loans must be dealt with not by the ordinary electors, but by the ratepayers. Under the existing legislation, the Road Districts Act reserves the right of veto of loans to owners of ratable land who reside in the district; whereas in municipalities all owners of land have the right to vote on loan polls.

The Bill provides that all ratepayers will have the right to vote on the loan poll; and a ratepayer is defined in the Act as the person from whom rates under the Act are recoverable. The Bill also provides that the owner is the person liable to pay the rates, and therefore all owners, irrespective of whether they live in the district or beyond it, will have the right to vote at a loan poll, whereas ordinary occupiers will not.

This should meet objections which have been made in certain districts, for example, Brookton, that it is unfair to restrict loan poll voting to resident owners; and it will also prevent loans being authorised by the vote of occupiers who may be less stable so far as their period of residence in a district is concerned.

In the great majority of cases, the owner is also the occupier, and will not be affected by the change. I think that it has become necessary to reconsider the restriction of the voting to resident owners in the case of road districts, in any event, because it has become a burdensome job to prepare a special roll in large road districts in the metropolitan area.

Among changes which will be noticed is the date of the election which, in accordance with one amendment made in this Chamber in 1957, has now been fixed on the fourth Saturday in May. Another is that the requirements for city status have been varied to ensure that cities will be separate districts and not simply dormitory districts, as at present.

Another important provision in respect of cities and towns is that the ward membership may, at the request of the council, be altered so that there may not necessarily be three members for each ward. This will give greater flexibility to deal with ward representation.

This Chamber made certain amendments to the provisions relative to the constitution of municipalities, the alteration of ward boundaries, amalgamations, etc., including, among other things, the necessity of having a referendum in each district to be affected. That recommendation was not acceptable to the committee, but the power of the Governor to act without petition in certain cases, or to act on a unilateral petition in other cases, has been reinstated with a provision that the Governor may appoint a local government boundaries commission of three persons to deal with requests for boundary alterations where there is not agreement between the local authorities concerned. This is thought to be a far better proposition than to have a referendum fought out on emotional aspects, rather than the study of cold facts.

Another provision of a somewhat similar nature is that for the appointment of an advisory committee to advise the Minister on building by-laws. It is commonly known that for some years a committee has been engaged in preparing uniform by-laws for use in the metropolitan area and other parts of the State, and the work of this committee, although so far rendered abortive because of the fact that the

by-laws as promulgated were disallowed, or withdrawn because they had some legal complications, has nevertheless proved to be so valuable that it is desired that it be continued.

Since I have been Minister, I have used this committee on numerous occasions. I have always found its members willing and anxious to give assistance and advice at any time I required it.

The Bill at present provides only for the right to make model by-laws and not to make uniform by-laws which can be applied to a district irrespective of whether or not it wishes them. However, so far as building by-laws are concerned, it is now the general opinion that uniformity is desirable, particularly in the metropolitan area, and perhaps in some of the other major towns in the State. Although the Bill does not provide for uniform by-laws, the Local Government Association has now recommended—and that was only at last week's meeting—that provision should be made for the right to make uniform building by-laws which could be applied by the Governor to all or any part of the metropolitan area, and could also be applied to any other district if the Government considers this desirable.

I am therefore giving this matter consideration and will probably move an amendment at the appropriate time to make it possible for uniform by-laws to be made so that uniformity may be achieved at least in the metropolitan area; and of course those by-laws could either be accepted by other local authorities and applied to them as uniform by-laws, or could be accepted as a useful model and adopted as by-laws. In other words, the by-laws could be used as either uniform by-laws or model by-laws.

The opportunity has been taken to incorporate in the Bill the provisions of the Reserve Funds (Local Authorities) Act of 1950. The reason for this is that the Act in question was passed after the Local Government Bill was first drafted, and it is considered desirable that its provisions should be included in the Act so that the local authorities will have the need to refer only to the one measure.

A similar action has been taken in respect of the Pensioners (Rates Exemption) Act, these provisions now being incorporated in this Bill. The verbiage used is exactly the same as that in the Pensioners (Rates Exemption) Act.

A further provision has been made that a local authority may operate on special overdraft for certain matters under the Health Act, such as the installation of septic tanks, sewerage connections, etc., and also for any other work approved by the Governor. This is in line with an amendment to the Municipal Corporations Act which was passed last session. If my memory serves me rightly, it was introduced by Mr. Davies.

Provision has also been made for the right to make by-laws for the control of motels and the control of television masts, etc., thus again incorporating in the Bill provisions which have been passed through the Legislature since the Bill was first before us. The same applies to a provision giving the local authority power to make by-laws requiring the removal of refuse, rubbish, or any other material from land where it is considered that the existence of that material prejudicially affects values of land or the health, comfort, and convenience of the residents. This provision was, of course, accepted last year in amending legislation.

The provisions concerning hawkers have been included as they were amended when this Chamber last gave consideration to this question, with one important alteration. The amendment inserted in this Chamber forbade a local authority to grant a hawker's license unless the hawker could produce a character reference from two reputable inhabitants of the State. This has been considered to be far too vague; and it has been thought it might involve the local authorities in unpleasant repercussions if they had to determine that the two persons were not, in their opinion, reputable inhabitants. Therefore the Bill now provides for a certificate of character signed by two justices of the peace.

The definition of hawker is the same as that inserted in this Chamber; and although it sounds somewhat archaic in its language, it is actually the same as that contained in the Hawkers and Pedlars Act with the exception of the final exclusion from the definition which has had one word altered—the word "retailers" now replaces the word "shops" which was inserted by the amendments made in this Chamber. Some objections have been made to me on this subject and I am having the position examined. It is quite possible that a minor amendment may be necessary; if so this will be moved at a later stage. The whole definition will be given consideration in any case.

The word "shop" was altered to "retailer" on the advice of the Parliamentary Draftsman who thought the word "shop" was rather loose, and that the word "retailer" would be much better. It has now been found, by those whom it was intended to cover, that the definition of "retailer" leaves the position wide open again. That is why we will have to have another look at it.

Among the by-law making powers there has been included, in respect of quarries and excavations, an additional power for the by-laws to require the operator to pay a sum into a restoration fund to be used to restore the ground after its use as a quarry has been completed. This is designed to ensure that if the amenities of

a district are prejudicially affected for the benefit of the State, the operator will make a contribution towards rectifying that position when his work has come to an end.

The Hon. A. L. Loton: This will cost A.B.M. some amount.

The Hon. L. A. LOGAN: When the measure was last before us a number of amendments were made concerning the power of a local authority to control by by-law the operation of brickyards, and also for the power of the local authority to operate brickyards and sell bricks. The Bill still provides the same powers, but in the case of the operation of brickyards this has been amended so that it will apply to the sale of bricks only outside the metropolitan area; and quite frankly it is designed to meet cases where private enterprise is not prepared to open a brickyard and the local authority is of opinion that it is desirable that bricks should be available in the district at a lower cost than they can be secured if they must be imported from great distances.

The power to control brickworks by by-laws is not new and the Municipal Corporations Act has always contained it. I feel sure that there will be no attempt by local authorities to unduly hamper the activities of brickmakers, and in this connection I would point out that any by-law must first receive the approval of the Minister and Executive Council and then must be tabled in both Houses of Parliament where it may be disallowed or amended. It would appear, therefore, that there is ample protection. I might add that where a local authority refuses a permit to manufacture bricks, the manufacturers have a right of appeal to the court. So I think members will appreciate that the position is fully covered.

It will be noted that there have been some alterations in the Bill in regard to the qualification of members and their right to speak on matters in which they are interested. One of the major amendments made by the committee is that requiring that members should not be unfinancial and that they must have paid the rates for which they are personally liable. That provision is included because one gentleman became a member of a road board last year while he owed six months' rates. In the interests of local government it was thought that such a thing should not continue.

Members will not in future be prevented from speaking on by-laws or town planning schemes if they apply to the whole district or to at least one-third of the district. This amendment was considered necessary in view of the fact that in at least one local authority there was a suggestion that members of the council holding land in an area which was to be made the subject of a limited town planning scheme were not permitted to speak or vote on the subject.

It will be noted that the Bill now provides that the clerk of the council is to be the returning officer. This was the provision in the 1948 Bill; and although it was the subject of objection at that time the committee has decided that the provision is the proper one and that the officer concerned should carry out the duties of returning officer. It will be noted that specific fees are set down for electoral officers, and it may be objected that it is quite possible for presiding officers and poll clerks who work long hours to be paid a higher fee than the returning officer himself; and to counter this it is pointed out that the fee is an addition to the salary of the clerk and therefore there is justification for a differentiation. In any case, the same provision was accepted in respect of the Road Districts Act as recently as last session.

It will also be noted that provision has been made along the lines of the New South Wales legislation for a right of appeal in the case of officers dismissed by a council, but this has been limited in the Bill to the principal officers of the council and not extended to all employees. It is considered that substantial justice can be expected by ordinary employees by appeal to the council against dismissal by a senior officer, and that it is only the senior officers who require the protection of an inquiry before they can be dismissed. It will be further noted that provision has been made that in certain cases the gratuity limitations may be exceeded with the approval of the Minister, this being designed to meet special cases which may arise under which a person is considered by the council to be worthy of more consideration than the Act at the present time provides, and if the Minister agrees with the council a payment could then be made.

Provision has also been made for councils to install parking meters in streets, with the restriction that, in the metropolitan area, this must be approved by the Minister administering the Traffic Act. A further provision has been included that, in the case of subdivisions of land, the subdivider must either appoint an engineer to supervise the construction of the roads in his subdivision or, alternatively, pay a sum to the council to cover the additional supervision which it is called upon to do where he is having the roads built by a private contractor. As an alternative, of course, he may have the roads built by the council itself. These provisions have been inserted because a number of metropolitan authorities have found that when private contractors build roads in subdivisions, it is necessary for considerable supervision to be exercised to ensure not only that the subdivider himself is protected but also that the standard of road is such that it will not rapidly become a source of expenditure to the council in early maintenance because of defective construction.

The provisions relative to private streets were greatly amended in this Chamber and those amendments were not accepted by the committee. One amendment has been made, however, which may meet the objections raised in this Chamber; that being that once a private street of adequate size has been formed and constructed and surfaced at the expense of the adjoining owners, it becomes a public street and future responsibility for maintenance is upon the council.

The opportunity has been taken to include in the Bill the power parallel to that at present in the Cattle Trespass, Fencing and Impounding Act authorising the making of by-laws to declare what is a sufficient fence for the purpose of the impounding provisions. Although this power has been in the Cattle Trespass, Fencing and Impounding Act it seems to have escaped the notice of local authorities, and therefore has been incorporated here. It is likely that the Cattle Trespass, Fencing and Impounding Act which will be considerably amended by the impounding provisions in this Act may later be repealed entirely and a new fencing Act introduced to deal with the fencing aspects only. This provision in the Bill will not run counter to that if it should come to pass.

I might mention here that the question of obtaining some definition of a fence between two town blocks is a very difficult one, particularly if members consider that under the Act dealing with fences, fences must be sufficient to keep out big stock. The person who runs a 2 ft. fence with cyclone wire in between and claims half the cost from his neighbour, does not have a leg to stand on. Accordingly, some amendment is necessary to make this matter conform to present-day conditions.

A new provision which has been incorporated is a power for local authorities to permit landowners to construct overhead bridges across streets, subways under streets, or conveyors over streets for certain purposes with the consent of the council and of the Minister. Occasions have arisen where a sawmill, for instance, could not dispose of sawdust on its own land on the mill site but could, if it were permitted to pass the sawdust through a conveyor over a road, dispose of that sawdust very adequately on land on the opposite side; and this provision, which is hedged around with the necessary safeguards, is to provide for that type of thing as well as to permit owners of land to provide means of access across streets to buildings owned by them, subject to similar safeguards. Members will realise that this type of structure is not uncommon in other parts of the world and tends to reduce the number of pedestrians crossing the street through traffic.

The opportunity has been taken to include in the rating section the power to make an exemption from rating of part of a piece of land where only portion of the land is used, for instance, for a charitable purpose. This provision was accepted in both the Road Districts Act and the Municipal Corporations Act in the last session and therefore will be fresh in the memory of members.

Members will recall that one of the amendments made in this Chamber dealt with the accounting system of local authorities; and whereas the original Bill required the books to be kept in a form prescribed by the Minister, an amendment was made in this Chamber to allow each council itself to determine the type of books and system of accounting to be used. The Bill does not accept that amendment and reverts to the idea of the Minister prescribing the type of books and accounting so that there will be some uniformity and comparability as between local authorities, features which could not be obtained if the 146 local authorities each had a different system. It is considered that a minimum standard should be set and a minimum form of statement of accounts prescribed, but the Bill now provides that the local authorities may keep such additional records as they wish and may likewise prepare such additional statements as they wish. It is thought that in the interests of the local authorities themselves they should be able to compare the results of their local authority with those of other local authorities; and therefore as in other States and countries uniformity in the accounting set-up is desirable. I feel sure that the provisions now made are acceptable to local authorities.

A further provision has been made for the keeping of a register of orders made in respect of substandard dwellings or other buildings made the subject of an order from the council. This arose from suggestions that the Act should provide that a person was not entitled to sell land the subject of an order; and as an alternative it was suggested to local authorities concerned, and accepted by them, that the council should keep a register of orders which would be available for perusal by persons wishing to buy land, who could then ascertain whether there was any condemnation order or any other type of order or charge on the land, and might save innocent persons from being led astray by sellers of land and buildings who had failed to disclose the whole of the facts.

Quite recently, I understand, a person purchased a house and subsequently found it was condemned as unfit for habitation. That particular person was in no position to carry out the improvements necessary to restore the building to a condition where it could be accepted as fit for habitation. The road board concerned has permitted the purchaser to reside in the house whilst the improvements are carried out on a long-term policy, and I feel sure that

this example of leniency by a local authority illustrates the need in the interests of all concerned for such a register to be kept.

I propose when the Bill is in Committee to move several amendments, one being to the provision which prohibits canvassing within 50 yards of a polling booth at a municipal election. In view of the fact that last year the State Electoral Act was amended to substitute 20 feet as the distance instead of 50 yards, I consider that the provision in the Bill should also be altered to coincide. The penalty in the Bill is at present £50 but has been £20 since 1906. Objection to the penalty was made in another place and therefore I propose submitting an amendment for the consideration of this Chamber under which the penalty may be reduced to £20 if the House considers that desirable. I cannot, however, fail to point out that in view of the change of distance to secure uniformity, it may be desirable that uniformity should continue also in respect of the penalty and that if £50 is correct under the Electoral Act it should be correct under this Bill. Whilst, conversely, if £20 is correct under this Bill it may indicate that the Electoral Act requires amendment.

Another amendment which I propose moving at the appropriate time is one dealing with the ceiling heights of buildings. The present legislation and uniform by-laws made under it prescribe a minimum ceiling height of 9 ft. in respect of habitable rooms, and this Bill also provides for a similar height limitation. However, research at the Commonwealth Experimental Laboratories in Ryde, New South Wales, has indicated that there is really no need for ceilings to be as high as 9 ft. in order to secure health and comfort; and in fact, in New South Wales, Victoria, Queensland and Tasmania, 8 ft. is now the accepted standard, whilst in South Australia the limit is now 8 ft. 6 ins.

I have had this question carefully examined by the technical subcommittee on the Building By-laws, and it recommends that we fall into line with the other States and fix a minimum of 8 ft. This does not, of course, mean that all ceilings must be 8 ft., and a person may have a ceiling as high as he wishes. Recognising the fact that our summer climate is somewhat warmer than in some of the other States, provision will be made that if the ceiling height is altered to 8 ft. by-laws on the subject will insist that where the roof is of low pitch there must be insulated material above the ceiling or below the roof of the uppermost floor in order to prevent the heat penetrating to the room.

My attention has been drawn to a peculiar position which has arisen in a metropolitan road board election where there are two vacancies occurring in the same ward but for membership over different periods, and one person has nominated for both vacancies and will contest them. I think members will know what I am getting at. This means that if he should be successful in both elections he will then have to resign one of the seats which he has won thereby causing the board additional expenditure and the ratepayers additional trouble in the holding of a further election. The Bill at present provides that a person may not nominate for more than one vacancy at any election, but in fact this amounts to two separate elections. I am having the position examined, therefore, and will probably move for an amendment to make it clear that this case cannot happen in the future and that a person cannot nominate for two vacancies, the filling of which is the purpose of elections held on the one day by the local authority concerned.

Another amendment which I propose to move in committee is to correct an error which has occurred in the printing or preparation of the draft for printing, in that the words "where there are more than two candidates to fill a vacancy" have unfortunately been inserted at the commencement of the first subclause of the clause dealing with ballot papers, whereas this should have appeared as a preface to the second subclause. The reason for the amendment will be obvious when it is brought forward.

I regret that I have had to speak at such length on this Bill but thought it advisable in order to clear up any misconceptions. I now commend the Bill to members of this House and would reiterate that it has the support of the local authorities who certainly desire that it be passed into law during this session.

I want to pay a tribute to Sir Laurence Gadsdon, Mr. Ben Fellowes (then Chairman of the Road Board Association), Councillor A. Spencer of the Perth City Council, and also to departmental officers. The three first-mentioned gentlemen approached me a fortnight after I assumed my present portfolio with a unanimous request that I recommend the Government to invite Mr. Gifford to rewrite the Local Government Bill.

On examining what Mr. Gifford had to say about the Local Government Bill while he was on his sojourn in Western Australia, I came to the conclusion that it was not advisable to accede to their request, although I did submit to Cabinet the request made by the various organisations represented by those gentlemen. I also made a recommendation to the Government that those three organisations be asked to do the job, and Cabinet agreed with my recommendation.

It then fell to the lot of the three gentlemen, who approached me with the request, to carry out the job themselves. They were quite happy to do that. The

only expenditure incurred was the travelling expenses of Mr. Fellowes from Mt. Barker to Perth. The amount of time spent by them in Perth covered 8 to 10 meetings, and nearly every meeting took a full day. So, they did the job for the honour and glory of local government.

I pay a tribute to those gentlemen for the work they undertook. They went through the Bill, clause by clause, and considered every amendment made by the Legislative Council. They considered the effect of those amendments on local government. They also took into consideration all the comments made by Mr. Gifford. As a result of their deliberation, plus one or two amendments I made, this Bill is being presented.

The Hon. F. J. S. Wise: You will never get perfection in the eyes of all.

The Hon. L. A. LOGAN: That is correct. I suggest this Bill is not perfect now; I know it will not suit everybody. I make this plea: After all the time that has been spent in deliberating this and similar measures, let us place it on the statute book. Every year there is a session of Parliament—that is not too long to wait to introduce amendments if some provision is found to be wrong. If there are desirable alterations to the Bill, and if members seek to move amendments, I am prepared to accept them if they are worth while.

The Hon. R. F. Hutchison: What about the franchise?

The Hon. L. A. LOGAN: I am prepared to accept worthwhile amendments. If they are worthwhile it would be justifiable to accept them; but if they are of a minor nature they do not matter very much. There is no great hurry to put the Bill through. Members will have plenty of time to consider its ramifications. If they want any information, I shall be only too happy to give it.

On motion by The Hon. J. D. Teahan, debate adjourned.

CRIMINAL CODE AMENDMENT BILL

Second Reading

Debate resumed from the 28th September.

THE HON. E. M. HEENAN (North-East) [4.50]: The Bill proposes to amend sections 333 and 343 of the Criminal Code, and to add a new section to be known as section 343A. The sections which the Bill proposes to amend have not been amended since the Criminal Code was first enacted many years ago.

This state of affairs is evidence of the fact that up to now, fortunately, the crime of kidnapping has not figured prominently in the category of crimes which are perpetrated in our society. However, as the Minister pointed out, the recent tragic case of a child who was kidnapped in Sydney and subsequently murdered has brought before all States in Australia the need for revising our laws in respect of this crime of kidnapping. It is earnestly hoped that the amendments now proposed will act as a convincing deterrent and will make it clear that kidnapping is a crime which will not be tolerated in our community.

The nature of the penalties proposed in the Bill is, in my opinion, fully justified. They are a true expression of what the general community feels should be meted out in such cases. The additional provisions relating to the publication of reports concerning alleged kidnappings also appear to be fully justified. The role played by the Press in the New South Wales case is open to grave criticism; and the provisions in this Bill should have the effect of avoiding such a state of affairs ever occurring in this State.

It should be remembered that this Bill is confined to cases of kidnapping. If, after a kidnapping, a criminal embarks on the further crime of murder, then other more drastic provisions of the Criminal Code will apply. I give the Bill my full support.

Question put and passed.

Bill read a second time.

In Committee

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 28th September.

THE HON. H. K. WATSON (Metropolitan) [4.56]: Last year Parliament passed a Bill setting up an authority to formulate and administer a town planning scheme for the metropolitan region. For some reason, which was never clear to me, the Act was declared to expire on the 30th June, 1962. The Bill before us proposes to remove that time limitation, so that the Act can be continued without any limitation. In that respect I support the Bill.

Part 3 of the parent Act charges the authority with formulating the metropolitan regional scheme; and by part 4 the local authorities are required to formulate town planning schemes in accordance with the regional scheme. Part 5 of the parent Act adopts the provisions of the Town Planning Act relating to compensations, betterment, and acquisition.

It is as well to remember in that connection that section 11 (2) of the Town Planning Act provides that where a town

planning scheme increases the value of a person's property, one-half of that increase in value shall be recoverable by the authority from the owner. It is well to remember that point when we hear arguments that persons who are to benefit by a town planning scheme ought to be taxed. A perusal of the provisions I have just mentioned seems to indicate pretty clearly that the owner will be taxed to the extent of one-half of the increase in value of his property arising from the town planning scheme.

Part 6 of the parent Act deals with finance, and provides for Treasury control of the authority. It gives the usual borrowing powers to the authority; it authorises the authority to raise loans with the approval and with the guarantee of the Treasurer; it further provides that the Treasurer may, from the public funds, put the authority into accounts by way of advances. In a word, the financial provisions to which I have just referred are the usual financial provisions found in any Act relating to a Government instrumentality.

The Act as I see it is quite complete up to there; and if it stopped there the town planning authority could function efficiently and completely in precisely the same way as any other Government instrumentality such as the Public Works Department or the country hostel authority. As a matter of fact, the provisions here and those for the country hostel authority and other organisations such as the State Electricity Commission, the Fremantle Harbour Trust, and so on, are virtually identical. With the approval of the Treasurer, the authority would borrow money, acquire property and do its work; and the interest on the money it borrows, like the interest on the £20,000,000 loan expenditure which is made each year and which the Government borrows each year for all its manifold purposes, would and ought to be a charge upon and paid out of Consolidated Revenue which now runs to the order of £69,000,000 a year.

To illustrate what I have just said, I ask members to refer to page 18 of the financial tables which have been circulated and which summarise the classification of the loan assets of Western Australia. If we look at the summary at the bottom of page 18, we will observe that our total loan indebtedness up to the 30th June, 1960, was £246,000,000. That was made up of loans which had been expended on assets. The loans that are fully productive amount to £21,000,000; partly productive, £104,000,000; and totally unproductive, £112,000,000. In other words, we find that the State, over the period, has spent £112,000,000 which is totally unproductive. That expenditure of £112,000,000 involves an annual interest charge of £4,000,000 which is, of course, a charge on Consolidated Revenue.

We find that over the years where the money has been spent on roads, bridges, building a museum, or in assisting industries, or any of the dozens of items listed on page 18, the interest has been recovered from Consolidated Revenue. As I mentioned, we have a tidy sum of £4,000,000 being paid out each year on an unproductive amount of £112,000,000.

On that normal basis it would be equally possible, in my opinion, for this regional town planning authority to function. I see no reason at all why, in the exercise of what is essentially a Government activity, money which is required to be borrowed or spent ought not to be borrowed or spent or serviced in the manner which is traditional in Government finance.

If for accounting purposes it were desired to segregate the borrowings of the regional authority and the amount necessary to service the interest on those borrowings from the borrowings on other Government activities, then it would be a simple matter to do the same as was done under section 2 of the Vermin Act Amendment Act (No. 2) of 1956. That Act, members may recall, provided that out of the land tax collections pursuant to the Land Tax Assessment Act, £100,000 per annum or any greater amount approved by the Treasurer should be paid into the account of the vermin authority. It seems to me that if it were desired to keep the authority's finances in a separate, watertight compartment, such as is the case with the vermin authority, all that would be required would be either a provision in this Act or in the Land Tax Assessment Act to the effect that out of the land tax collections there should be paid to the Metropolitan Region Planning Authority the sum of £100,000 per year or any greater amount approved by the Treasurer.

Of course, it will be remembered that since 1956, owners of property in the metropolitan area have been subjected to a very onerous land tax—a land tax which rises as high as 7d. in the pound for improved land and 8d. in the pound for unimproved land. This tax produces approximately £1,200,000 per annum. Therefore, it can be seen that it would be a matter not only of practical politics, but of simple arithmetic to provide that out of the land tax of over £1,000,000 which is paid by property owners, most of whom are in the metropolitan area, £100,000 or such greater amount as the Treasurer approved should be paid into this metropolitan regional scheme.

So, as I say, reading the Act as I have discussed it up to this stage, there is no reason why it ought not to function and why the scheme ought not to be put into effect. But the Act does not stop there, although it ought to.

Towards the end of the Act, under the heading "Administration, Penalties"—and the word "penalties" does seem rather

appropriate when we read the section which follows—section 41 provides that apart from all the other methods of obtaining finance, there shall be paid into the fund a metropolitan regional improvement tax at such rate as is imposed by the taxing Act. As we know, the supplementary taxing Act provides for a tax of a halfpenny in the pound on the unimproved value.

The provisions of section 41 are rather curious. They provide that for the purposes of the Act the provisions of the Land Tax Assessment Act relating to land tax and land, so far as they can be made applicable with all necessary modifications or adaptions, apply to the metropolitan region improvement tax and land situate within the metropolitan region. That land, of course, includes land which is owned by churches, apart from the actual church site—all church property except the church site is liable to land tax; and so is all land owned by non-profit making clubs and associations such as the R.S.L. and the Boy Scouts. We find that those organisations, in addition to ordinary John Citizen, are paying the land tax and the metropolitan regional tax. We find then, the following extraordinary subsection in section 41:—

> The following lands are also exempted from the provisions of this section—
>
> > improved land within the meaning of subsection (2) of section nine of the Land Tax Assessment Act, 1907, used solely or principally for the purpose of agricultural, pastoral, horticultural, apicultural, viticultural, grazing, pig-raising or poultry-farming business.

In other words, all the improved land kept for the above purposes is to be exempt from the regional tax. When we remember that improved land is land on which an amount of £1 per acre has been spent, we will realise that virtually all land kept or used for the above purposes comes within the exemption. Why the exemption has been granted, I do not know; nor can I appreciate any valid reason for such an exception.

I say that if the ordinary citizen is to be taxed and in theory is to derive some special or local benefit from town planning; and if the non-profit organisations are to be taxed, I do not see why another class of business people whose lands are certainly not going to decrease in value, should be exempt from the tax. On the other hand, having regard to the experience of New South Wales, Victoria, and South Australia, where the metropolitan areas have been greatly extended during the past 20 years, it does seem that if anyone stands to make a really substantial profit out of his property in the years to come, occasioned either through town planning or through general progress and development, I would say it will be the owner of broad acres within the metropolitan area.

I feel that the tax is wrong from the beginning; it is doubly wrong when it seeks to discriminate between the owners of one class and those of another. I would be prepared to relieve any charitable, religious, or non-profit making organisation of this tax; and, indeed, of land tax. But the representations which I made last year, and also in 1956, did not meet with the approval of this House.

When this proposition was first introduced into this Chamber in 1957 by our late friend and colleague, the Hon. Gilbert Fraser, who was then the Chief Secretary, I did not support the measure. After listening to the very able address delivered yesterday by Mr. Wise—and with which I wholeheartedly agree—

The Hon. L. A. Logan: He agreed with the measure in 1957.

The Hon. H. K. WATSON: —I can only express regret that, with the same forcefulness, he did not elaborate the objections to this clause in 1957. I feel that had the objectionable features of the Bill been then attacked by him we might, in the subsequent years, have had some hope of having them eliminated. But the measure was introduced again last year in precisely the same form as that in which it was introduced in 1957.

My approach to a Bill may be regarded by some people as peculiar, but it is this: A bad Bill does not become a good Bill because it is introduced by a Government of a certain political colour; and if a Bill is a good one, it is still good regardless of the political colour of the Government which introduced it. My approach to this Bill is the same as my approach was to the measure introduced last year and to the one introduced in 1957. I opposed this proposition last year, but I was not successful in prevailing upon the House to kill it; and I regard the proposition as unjust. The best I could do last year was to induce members to limit the tax—the tax in the separate Bill—to the three years ending the 30th June, 1962.

The year that has passed brought to light some rather interesting information and, in my opinion, some rather startling facts. When the Minister was piloting the parent Act through the House last year, he said he expected to raise £140,000 from the tax. As a fact, during the year just ended, £212,000 was raised; and it is reasonable to assume that £212,000 does not represent the total sum due in respect to that year; because, whilst that amount is the sum actually collected, it is reasonable to assume that quite a number of assessments were not issued by the time this statement was prepared, and that the tax involved in other assessments had not been

paid. So it could well be that £220,000 or £230,000 represents the annual amount of the tax.

In my submission, that result justifies and proves the logic and correctness of the efforts of Mr. Wise and myself, and other members, when last year we endeavoured to have the tax reduced from a halfpenny in the pound to a farthing in the pound. Yet we find that tax is being paid by the people I have mentioned; and we are asked to believe that the justification for it is that the persons paying the tax will derive some special benefit from the scheme—not from the general development of the State, but from this particular scheme.

I must confess I find that hard to appreciate. Take the owners of factories in East Perth whose businesses are condemned to eviction by reason of this scheme and as a result of the proposal to put the railway station at East Perth. Those persons are greatly disturbed; they are faced with the prospect of having to re-establish themselves at 1960 prices. Yet they are being taxed in the meantime. Until such time as their land is taken over, they have to pay the tax on the assumption that they are deriving some benefit from this scheme, whereas, in fact, they not only are not deriving some benefit, but are being greatly inconvenienced. In some cases they are being inconvenienced to the extent of being unable to see how they will be able to carry on when they are evicted from their present factory premises in East Perth. I have no doubt there are other owners who are similarly situated.

I come back to the point that even if there were any merit in the proposal that those who benefit by the scheme ought to contribute to it, the answer is already contained in the Act, because it provides that if a person benefits from the scheme he shall pay to the authority one half of the increase in the value of his land. I now come to the report by the finance committee of the Metropolitan Region Planning Authority. The report, in paragraph 1 states—

> The committee examined the following questions:
>
> (a) What is the likely total expenditure to be met from the Metropolitan Improvement Fund?
>
> (b) Should the Authority as a matter of policy proceed by way of expenditure of revenue comprised in the Fund or by way of funding loans?

I would think the answer to the second question is self-evident. I would think that any authority embarking upon the scheme upon which this authority is embarking should not meet the capital expenditure from the tax. The tax, or whatever other revenue the authority derives from like sources, ought in my opinion to be used to service the loan funds which should be borrowed for the authority's purposes. The board arrives at this conclusion in paragraph 12 to which Mr. Wise adverted yesterday—

> The Authority is authorised to raise loans but in practice is not able to do so without Government guarantees of repayment of principal and interest.

That applies to any Government authority. Continuing—

> The Treasury is not prepared to recommend to the Government such guarantees so long as there is no security of corresponding revenue from the Metropolitan Improvement Tax beyond the initial three years duration of the Metropolitan Region Town Planning Scheme Act.

That Act does not give any authority for such a refusal. Therefore I am quite unable to appreciate paragraph 13 of the board's report which concludes by stating that if the authority's functions are to be effectively carried out, the elimination of the provisions of section 46, which limits the duration of the Act to a period ending on the 30th June, 1962, ought to be effected.

To me, the report suggests that the board, no less than the members of this House, is still far from seeing the clear road along which it has to travel. In some respects, I think the board is just as confused as we are. Therefore, it is a matter which merits the consideration of the whole House and to which I think each of us should make a contribution.

I have had a look through the schedule of property purchased by the authority to the 31st August, 1960, and briefly it can be summarised in this way: On the Welshpool industrial area, £10,711 has been spent; that is, for the purchase of land in the Welshpool industrial area. For the purchase of land for the civic and cultural centre, £13,300 has been spent. For the purchase of land for the East Perth complex—I assume that is the East Perth railway station although "complex" is the right word—an amount of £23,738 has been spent; and, in respect of a major highway, £50,000 has been spent in purchasing a block of flats on or about the corner of Mount Street and George Street.

The Hon. A. R. Jones: You are pointing in the wrong direction.

The Hon. H. K. WATSON: That represents a total of £104,823. According to the board's statement of receipts and expenditure, the receipts—

The Hon. L. A. Logan: What about the purchases in the course of negotiation?

The Hon. H. K. WATSON: —are £212,000; and it has made the payment of a total of £104,823 which I have just

mentioned. That leaves the board with roughly £108,000 cash in hand. From a quick look at the statement it appears that there are purchases in course of negotiation at an estimated cost of £33,758.

The Hon. L. A. Logan: It owes the Main Roads Department £90,000 for purchases.

The PRESIDENT: The Minister will be able to make his explanation later.

The Hon. H. K. WATSON: There is also a cryptic note at the bottom of the statement that the board has had vouchers passed by the authority, but not yet passed by the Treasury, amounting to £12,258. With respect to the Minister's interjection; that the authority owes the Main Roads Department £90,000, I would have thought, if that were so, that in a statement of receipts and payments—which this document purports to be—the receipt of £90,000 would be shown. However, there is no record of it in this document.

For a moment I would like to consider the class of property for which these payments have been made. I am rather surprised to see that the first item enumerated is in the Welshpool industrial area. It is only a few weeks since there was laid on the Table of the House a report informing us that under the Industrial Development Resumption of Land Act, 1945-1958, the State had purchased from the Commonwealth Government the Welshpool industrial area, consisting of 69 acres 24 roods. That is a rather unusual way of describing a land area, but that is how it reads in this document. It was purchased for £160,000 under the authority of the Industrial Development Resumption of Land Act by the Minister concerned, and paid for in the ordinary way. If it was not paid for out of Consolidated Revenue, then it certainly was out of loan the interest on which would be serviced from Consolidated Revenue.

I would have thought any extra amount of land required for the Welshpool industrial area as such would likewise be purchased under that Act and not under the town planning Act. Then we come to the expenditure on the civic and cultural centre. I was of the opinion—and I am sure other members of the House were, too—that the Museum, the Art Gallery, the Public Library, and any other buildings of like nature that already exist, were bought and paid for out of ordinary loan funds, the interest on which is being serviced out of Consolidated Revenue today. I see no reason for a departure from that practice.

Then we come to the East Perth complex. As I understand it, that means nothing more nor less than the scheme which has been envisaged by the Railways Department for probably the past 50 years to establish the running yards and the railway station at East Perth.

The Hon. L. A. Logan: This has nothing to do with the Railways Department.

The Hon. J. G. Hislop: It is more complex than ever.

The Hon. H. K. WATSON: Yes; as Dr. Hislop has interjected, it is more complex than ever! The Minister has said it has nothing to do with the Railways Department, and yet I notice that Brown Street, East Perth, is on the list of resumptions; and being not unacquainted with Brown Street, East Perth, and the railway resumptions planned for that street, although I am prepared to accept the Minister's assurance, it seems to me strange; because, if he looks at the regional plan, he will see that Brown Street, East Perth, is part of the land embraced by the railway resumption plan. Yet it is found that for some years past, the Railways Department has been resuming land. In fact, I recall that about four years ago the Railways Department was on the verge of resuming all that land which is now known as the East Perth complex; that is, Brown Street, and the land in its immediate vicinity.

On another occasion I could tell the House a very good story why the land was not resumed at that time. The fact remains that the Railways Department was on the verge of resuming it for railway operations, in just the same way as during the last couple of years the Railways Department has resumed land at East Perth. Also, in just the same way, during the last few years, the Railways Department has resumed land for the Kewdale marshalling yards; and, in the same way, it has, in the last few years, resumed land for the Bassendean marshalling yards. We find that over the last few years the Railways Department has spent £500,000 on the resumption of land, in just the same way as we have been resuming land ever since Western Australia was Western Australia.

That £500,000 was paid out of loan funds in the ordinary way and it was even charged to the railway accounts, and, through them, to Consolidated Revenue. However, there was no question of forming a special authority and collecting a special tax to meet the cost of all those resumptions. That was done in the ordinary day-to-day run of business. It seems to me that, when one comes to look at the transactions which so far have taken place—apart from the £6,000 in respect of the switch road from the Narrows—the other expenditure is rather questionable.

The Hon. F. J. S. Wise: Even if it is fully justified, do you think that this tax money should be used for the resumptions?

The Hon. H. K. WATSON: No, I do not.

The Hon. L. A. Logan: It was payable under law, because it was payable under an interim development order. They have the right to claim at law.

The Hon. F. J. S. Wise: That is nonsense!

The Hon. H. K. WATSON: The Crown has a right to claim it under an interim development order; and, as it goes back to Her Majesty, it is paid or serviced from Consolidated Revenue. That point is covered by section 39 of the parent Act which it provides that the Treasurer is fully authorised to make grants from the public account to the town planning authority.

Let us assume for a moment that the tax is justified and it is going on. It is going on for three years and there is nothing we can do to overcome that. It does seem to me that, by reason of section 39, the board should not be spending the tax collections on the purchase of a piece of property here and a piece of property there, in much the same way as the boy at the Royal Show who has a couple of pounds in his pocket and does not know what to do with it, goes from one stall to another spending it. In my opinion, the authority should be saving the tax to provide the funds to service the interest on loans. All purchases should be financed from loan, and the tax collections ought to be used to service the loan. In so far as the loan has not yet been raised, that is the whole reason for section 39.

It is for the Treasurer to make temporary advances to the authority. He says, "I will advance you £100,000 and another £100,000. You raise the loan and pay me back." That is the normal run of Government finance. If this authority is to continue, the method of finance ought to be along those lines.

The Hon. L. A. Logan: How do you think the authority has been irresponsible in spending this money?

The Hon. H. K. WATSON: I did not say it had been irresponsible.

The Hon. L. A. Logan: It sounded that way to me.

The Hon. H. K. WATSON: I put this to the Minister: A couple of hundred thousand pounds are coming out of the clear blue sky; and even the Treasury, being what it is, will always find ways and means of utilising this money. I have yet to meet the Treasurer, or anybody else who, if this money were placed in his lap, would not find some means of spending it.

The Hon. G. Baxter: Or investing it.

The Hon. H. K. WATSON: I could do so, if I were in that position.

The Hon. A. L. Loton: If you were the authority.

The Hon. H. K. WATSON: In connection with roads, particularly main roads, the total provision should not come from loan moneys. As Mr. Wise said the other night, Main Roads Department revenue is available, and a very substantial proportion of that revenue has to be spent in the metropolitan area. Speaking from memory, I think the Act provides that two-fifths shall be spent in the country. Therefore the Act impliedly says that three-fifths shall be spent in the metropolitan area.

If I remember rightly, something between £2,000,000 and £3,000,000 of main road collections from the Commonwealth Government was expended on the Narrows Bridge and the Freeway. Some of the major highways which are in contemplation by the town-planning authority should be paid for either wholly or in part out of main roads revenue.

The Hon. L. A. Logan: Of course, that will be so. It is already being done.

The Hon. H. K. WATSON: I am pleased to hear that. However, the financial statement, which is the only one I have had the opportunity of seeing, does not indicate that.

The Hon. L. A. Logan: It is a main roads affair, not an authority affair.

The Hon. H. K. WATSON: That being so, I would have thought that in its report No. 5, the town-planning authority in discussing finance and so on would have made the position much clearer.

The Hon. L. A. Logan: I will get a list.

The Hon. H. K. WATSON: The authority is clear as to how much it is getting from the tax; but it would have helped members if the authority had been more clear as to how much it would receive from main roads revenue and in what circumstances.

The Hon. L. A. Logan: I will get you a list.

The Hon. H. K. WATSON: Thank you. I think I have covered most of my points. In conclusion, I would emphasis the desirability of confining acquisitions to legitimate town-planning acquisitions and not bring in industrial development land or railway land and finance it from this authority. First of all, keep it to legitimate acquisitions which in the opinion of the authority are imperative. The authority should not pay the capital amount out of the tax collected, but use the tax collected to service the debt.

The Hon. L. A. Logan: That would have happened had there been no restriction on the life of the Act.

The Hon. H. K. WATSON: I will give an illustration which is fresh in the minds of members, because we dealt with the matter the other night. Take the country hostels authority; there is no provisions for a tax or anything else, but it has to find the money.

The Hon. L. A. Logan: How much?

The Hon. H. K. WATSON: It has to find £100,000 per annum.

The Hon. L. A. Logan: It is a different matter altogether.

The Hon. H. K. WATSON: I refer the Minister to page 19 of the financial tables.

The Hon. F. J. S. Wise: Do you think there is any risk in any conditions where the Crown is guarantor? Of course there is not!

The Hon. H. K. WATSON: Let me answer the question this way: Take the expenditure.

The Hon. L. A. Logan: It is not a revenue-producing authority.

The Hon. H. K. WATSON: I am going to deal with other matters which are not revenue-producing.

The PRESIDENT: Order! I must ask the Minister to make his comments when answering the debate. That will allow proceedings to go on more smoothly.

The Hon. H. K. WATSON: I think the Minister was trying to be helpful.

The Hon. L. A. Logan: I was, really.

The Hon. H. K. WATSON: I am afraid the Minister has delayed the House a little longer now. Take return No. 11 on page 13 of the financial tables, in connection with the Estimates. We are expending £19,500,000 from loan funds; and of that amount, £4,000,000 is being spent on public buildings which do not bring in a threepenny bit.

So, when the Minister says in respect of the country hostel authority that the amount is only £100,000, I refer him to this table. The principle is the same; and it is the same with respect to the expenditure of that £4,000,000 on public buildings. Take the first item, "Railways, including land resumptions." The amount is £3,000,000. I feel that the members of the proposed authority are still searching for light. It is obvious that the picture is not clear to them as yet.

Then there is this further point, as mentioned by Mr. Davies the other night: The authority will lay down a scheme and then blandly say to the local authorities—the Perth City Council, the Fremantle City Council, and so on—"You go ahead and carry out that scheme. You widen the road and you pay the compensation for the widening of the road."

The Hon. L. A. Logan: Not necessarily.

The Hon. H. K. WATSON: That means the ratepayers of Fremantle or Perth, as the case may be, will be further penalised because the local authority will have to raise a loan to pay for that work; and when the local authority raises a loan it strikes a loan rate, and up go the rates to the property owner.

It is not as though property owners were not being taxed on their properties today. As I have already said, they are paying heavy land tax of up to 7d. in the pound; and that tax is producing £1,200,000 per year. In addition to that, they are paying heavy municipal rates, which may be further increased by town planning. Furthermore—and I need hardly emphasise this fact—they are paying heavy water rates.

There is one more point: If this tax is going to be continued, even for three years, it ought to be rebated from one's ordinary land tax. If it cannot be repealed, then the regional tax which is paid by landowners ought to be rebated from the land tax which they pay. I can see no good reason for making the regional tax permanent, but that is no reason why this particular Bill should not be supported. I support the second reading.

On mtoion by the Hon. A. L. Loton, debate adjourned.

House adjourned at 5.58 p.m.

Legislative Assembly

Thursday, the 29th September, 1960

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The SPEAKER took the Chair at 3.15 p.m., and read prayers.