

THE DEPUTY PRESIDENT (the Hon. W. R. Hall): Before putting the question for the adjournment, I desire to thank the Minister for Mines for the kind reference he has made concerning the carrying out of my duties as Deputy President. I also want to thank the Deputy Chairmen of Committees, members, and officers of the Legislative Council for their kind co-operation and consideration extended to me during the period concerned.

Question put and passed.

House adjourned at 5.43 p.m.

Legislative Assembly

Thursday, the 17th September, 1959

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The **SPEAKER** took the Chair at 2.15 p.m., and read prayers.

QUESTIONS ON NOTICE

WATER FROM HENTY BROOK

Availability to Burekup Farmers

1. Mr. I. W. MANNING asked the Minister for Works:
 - (1) Is he aware that several farmers at Burekup who are pumping their domestic water supply from Henty Brook upstream from the South-West Highway are being denied their riparian rights by being levied with an annual charge under the Rights in Water and Irrigation Act?
 - (2) Does he know that Henty Brook has adequately supplied the domestic needs of these farms since pumping commenced in 1917?
 - (3) Is he also aware that Henty Brook has always been generally regarded as a permanent stream and was only reduced to pools during a particularly dry summer?
 - (4) Which office in the department directed that these particular farmers be denied irrigation supply although their irrigation rates have been accepted by the department?
 - (5) Will he consider his previous decision and waive these illegal charges?

Mr. WILD replied:

- (1) Because the Brook was not perennial in all years until irrigation commenced, the settlers could not have riparian rights during later summer months. As departmental works now contribute to summer flow, annual charges are raised.
- (2) The department does not agree that this is so.

- (3) See answer to No. (1).
- (4) Two farmers have refused to pay the outstanding pumping charges for domestic water. The clerk in charge at Harvey, on the verbal advice of the accountant, told one of them in writing that, unless these charges were paid, no irrigation supplies would be made available for the coming season. However, water will be given for whatever services are paid for.
- (5) I am not aware of any illegal charges, but will have the position re-examined.

LAND RESUMPTIONS

Mt. Yokine-Wanneroo Districts

2. Mr. HEAL asked the Premier:

Seeing that the value placed on the land resumed in the Mt. Yokine-Wanneroo districts by him as Minister for Works in the McLarty-Watts Government was proven false by the court judgment in the legal proceedings taken by the Estates Development Company v. the Minister for Works, will he have all lands resumed in the Mt. Yokine-Wanneroo districts and not yet paid for returned to the rightful owners or paid for at present-day market values?

Mr. BRAND replied:

It is not agreed that this court award falsified the departmental valuations, as the Land Resumption Officer, with departmental approval had, in prior negotiations with the claimant, suggested settlement at almost precisely the sum awarded by the court.

ROTTNEST ISLAND

Leasing of Land

3. Mr. W. HEGNEY asked the Minister for Lands:

Following his replies to question No. 4 on the 15th September, will he undertake to submit any proposals for leasing of any land at Rottnest for purposes mentioned to Parliament for ratification or otherwise?

Mr. BOVELL replied:

It is customary for the Rottnest Island Board to consider such proposals. As the procedure has proved satisfactory, it is proposed to continue the existing arrangements.

GOVERNMENT PRINTING OFFICE

Tenders for Government Requirements

4. Mr. HAWKE asked the Premier:

- (1) How many different sets of tenders or quotes have been called by the present Government for printing requirements?
- (2) Has the Government Printing Office been permitted to tender or quote on each occasion?
- (3) On how many occasions has the tender or quote of the Government Printing Office been the lowest?
- (4) Has there been any occasion when the lowest tender or quote has been submitted by the Government Printing Office, and not accepted?
- (5) If the answer to No. (4) is "Yes," will he please give details?

Mr. BRAND replied:

- (1) This information is not available and could not be supplied without reference to all departments and instrumentalities.
- (2) It is Government policy to permit the Government Printer to quote for printing requirements.
- (3) Of quotes submitted by the Government Printer, and these would not necessarily cover the whole field of Government printing requirements, only one has not been the lowest.
- (4) No.
- (5) Answered by No. (4).

5. *This question was postponed.*

GERALDTON SLIPWAY

Size and Completion

6. Mr. SEWELL asked the Minister for Works:

- (1) When is it expected that the proposed extensions to the slipway at Geraldton will be completed?
- (2) Will the slip cater for the larger size fishing craft now operating in the Geraldton waters?

Mr. WILD replied:

- (1) The slipway under construction at Geraldton, which is independent of the existing 50-ton slipway, should be completed in January 1960.
- (2) No. The new slipway will be restricted to vessels up to 30 feet in length, and up to seven tons displacement weight.

FRUIT FLY*Efficiency of Ethylene-di-bromide Fumigation*

7. Mr. OWEN asked the Minister for Agriculture:

- (1) Has fumigation with ethylene-di-bromide proved effective in rendering fruit from fruit fly infested districts sterile and safe for transport to the clean districts in the southern parts of the State?
- (2) If this method of fumigation has been approved, will facilities for its use be set up at the Metropolitan Markets by either the Agricultural Department or the Metropolitan Market Trust?
- (3) If the answer to No. (2) is in the negative, will any other interested party be permitted to install suitable fumigation chambers at the markets or on convenient premises nearby, where fumigation can be carried out under departmental supervision?

Mr. NALDER replied:

- (1) Yes.
- (2) The provision of facilities for the fumigation under supervision of fruit intended for transport to clean areas is at present under consideration.
- (3) Answered by No. (2).

8. *This question was postponed.*

ACCOMMODATION OF NATIVES*Position at Country Hotels*

9. Mr. BICKERTON asked the Minister for Native Welfare:

- (1) If he was proceeding from Perth to Port Hedland via the Coastal Highway, how many hotels would he pass after leaving Midland Junction, at which he could expect to obtain at least overnight accommodation, normal trading applying?
- (2) How many of these hotels would accommodate him if he were accompanied by—
 - (a) a native;
 - (b) a native possessing citizenship rights?
- (3) How many of these hotels would accommodate—
 - (a) a native travelling alone;
 - (b) a native with citizenship rights travelling alone?
- (4) Of the hotels that would provide accommodation under (a) and (b) of No. (2) and (a) and (b) of No. (3), how many are—
 - (a) above the 26th parallel;
 - (b) below the 26th parallel?

- (5) If he returned to Perth via the inland highway, what would the position be applying the same questions to this route as outlined in Nos. (1), (2), (3), and (4) above?

Mr. PERKINS replied:

- (1) to (5) I do not know, but I expect to visit the districts mentioned as soon as possible and I will investigate the position then.

DIAMOND DRILLING*Subsidy from Mines Department*

10. Mr. BURT asked the Minister representing the Minister for Mines:

- (1) Is it the Mines Department's intention to subsidise companies, syndicates or individuals who request assistance to diamond drill any prospects considered warranted by the department?
- (2) What would be the basis on which such subsidy would be granted?

Mr. ROSS HUTCHINSON replied:

- (1) Yes—any proposition submitted in the terms of No. (2) hereunder to the department will be very carefully considered.
- (2) £ for £. Should successful drilling result in the establishment of a producing mine, the department's outlay to be repaid from mineral won. Also, if owner, following successful drilling, disposes of property, department's outlay to be repaid immediately.

11. *This question was postponed.*

COMMISSIONER OF RAILWAYS*Transfer of Leave Entitlements*

12. Mr. JAMIESON asked the Minister for Railways:

- (1) Did the Government take over any leave responsibilities in respect of the new Commissioner for Railways from the Tasmanian Government?
- (2) What accumulated leave is now due to the commissioner?

Mr. COURT replied:

- (1) Yes. One term of long-service leave (three months). The commissioner had more than 10 years' service with the Government of Tasmania in respect of which he has been given credit for a period not exceeding 10 years, representing one term of long-service leave. The Government of Tasmania has applied a similar arrangement to officers of the Western Australian Government Railways who have accepted positions with the Tasmanian Transport Commission.

Their service with the Western Australian Government Railways has been credited towards long-service leave entitlement whilst employed by the Tasmanian Transport Commission.

- (2) Three months as in No. (1) above.

WATER SHORTAGE

Position at Marble Bar

13. Mr. BICKERTON asked the Minister for Works:

With regard to the reported water shortage at Marble Bar:

- (1) What restrictions apply at present?
- (2) What steps are being taken to overcome the shortage?
- (3) How long will it take to equip the new bore and pipe the water to the town supply?
- (4) Does he consider this new supply sufficient to overcome the water restrictions?
- (5) If not, will further boring be carried out to obtain additional supplies?

Mr. WILD replied:

- (1) Water is available between 7 a.m. and 8 a.m. and 4 p.m. and 5 p.m.
- (2) A new bore approximately one mile from the town is to be equipped.
- (3) Water should be available in the town from this new bore by the 30th September, 1959.
- (4) It is considered that this additional supply will enable present restrictions to be lifted.
- (5) Further boring is proposed to locate additional supplies.

USED-CAR DEALERS

Fidelity Guarantee

14. Mr. CORNELL asked the Minister for Police:

Further to questions asked by me yesterday, without notice, regarding the type of guarantee required to support a used-car dealer's license, and his reply that the matter of a surety in a form other than an insurance policy was being considered, will he ensure that the Police Traffic Branch will allow the matter to remain in abeyance pending a decision on the form of the surety by the Treasurer?

Mr. PERKINS replied:

I am having the matter investigated.

QUESTIONS WITHOUT NOTICE

SITTINGS OF THE HOUSE

Adjournment During Visit of Overseas Parliamentarians

1. Mr. JAMIESON asked the Premier: Yesterday I asked the Deputy Premier a question relating to sitting days next week. He indicated we would not be sitting on Thursday and said he would clarify the position concerning Wednesday. Could the Premier give us any information on it now?

Mr. BRAND replied:

It was my intention, following the reply of the Deputy Premier, to inform the House that the Government, after consultation with the Leader of the Opposition, has decided that we should adjourn after Tuesday's sitting and be in recess for Wednesday and Thursday.

BORE WATER

Gallons Used in Metropolitan Area

2. Mr. NIMMO asked the Minister for Works:

Can he give the House an idea as to how much bore water we are using in the metropolitan area at the present time?

Mr. WILD replied:

I understand that approximately 9,000,000 gallons daily is now being injected into the system.

UNEMPLOYMENT

Comparative Figures for 1958 and 1959

3. Mr. O'CONNOR asked the Premier: Will he inform the House of the unemployment position as at the 31st August, 1959, and also give us the comparative figures as at the 31st August, 1958?

Mr. BRAND replied:

The member for North Perth gave me some notice of this question.

Mr. Graham: You mean you gave him.

Mr. BRAND: There is nothing wrong with that.

Mr. Graham: It is just a little more accurate.

Mr. BRAND: I would point out that this was the practice of the previous Government.

Mr. Graham: Wrong.

Mr. BRAND: In the case of recipients on the benefit side as at the end of August, 1958, there were 3,219, showing a fall against the previous

month of that year of 230. In August, 1959, there were 2,993 recipients of benefits, showing a fall for the previous month of that year of 418. The number of applicants as at the end of August, 1958, was 6,497, showing a fall of 314 against the previous month; while in 1959 there were 5,724 applicants at the end of August, showing a fall of 658.

State With Highest Percentage

4. Mr. TONKIN asked the Premier:

Which State has the highest percentage of unemployment at the present time, and which State had the highest percentage of unemployment at August last year?

Mr. BRAND replied:

I cannot answer the question, but I will gladly get the information.

BILLS (3)—FIRST READING

1. Town Planning and Development Act Amendment (No. 2).

Introduced by Mr. Perkins (Minister for Transport).

2. Juries Act Amendment.

3. Hire Purchase.

Introduced by Mr. Watts (Attorney-General).

STATE HOTELS (DISPOSAL) BILL

In Committee

Resumed from the 15th September. The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Ross Hutchinson (Chief Secretary) in charge of the Bill.

Clause 3: Power to sell or lease State Hotels mentioned in Schedule:

The CHAIRMAN: Progress was reported after the Chief Secretary had moved that the words—

unless the local authority within whose district any particular State Hotel is situated, advises the Minister for State Hotels that the local community is not interested in buying or leasing such State Hotel otherwise.

be inserted after the word "Act" in line 5 of the following amendment (as amended) moved by Mr. Moir:—

Page 2—Add at the end of subclause (1) the following proviso:—

Provided the Governor shall sell or lease any of the hotels only to a community company until the expiration of nine months from the coming into operation of this Act and if within that period a community company makes an offer to purchase or lease an hotel at a

satisfactory price, or on satisfactory terms, the Governor shall accept that offer.

A community company means a company formed by residents within the district and registered under the Companies Act, 1943-1954, whose aims and objects shall be to purchase or lease, operate and maintain an hotel within the district for the benefit of that district. Any profits accruing from such undertaking shall be used to provide and/or maintain any public amenities within that district.

Mr. ROSS HUTCHINSON: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. ROSS HUTCHINSON: As will be remembered, the Leader of the Opposition did not like the way the amendment which I have just withdrawn was framed. I have had a further amendment drafted by the Crown Law Department, which I desire to submit to the Committee. I move—

That the amendment be amended by inserting after the word "offer" in line 10 the following proviso:—

Provided further that if at any time within the period of nine months the road board of the district within which the hotel is situated advises the Minister by notice in writing that in the opinion of the board it is not desired to operate the hotel for the benefit of the district, the Governor may at any time after the receipt by the Minister of the notice sell or lease such hotel under and in accordance with the provisions of this Act to any person he thinks fit.

Although the drafting of this amendment is better than that of the one I moved previously, it contains the same idea, which is to obviate the necessity for holding up the sale of the whole six hotels en bloc for a period of nine months. As I explained the other evening, it is quite conceivable that a number of these hotels will not be purchased by the local communities, and it will be a pity if the Government has to forgo negotiations in regard to their purchase by private enterprise.

I think I previously indicated that there is some degree of urgency in regard to trying to rid ourselves of the State hotels with a view to using the money that will be derived from the sale for the purpose of establishing a tourist fund. Members will notice that the amendment stipulates a period of nine months. I will give a guarantee that no immediate attempt will be made by myself or the Government to persuade any road board to arrive at a

quick decision in regard to this matter. It should be readily understood by the Opposition that this amendment is purely for the purpose of rationalising the approach to the sale of these hotels.

Mr. MOIR: I do not like the amendment. The Minister has not advanced any legitimate reason to justify our accepting it. In the first place, what would the local authority have to do with the matter? The local authority might not be interested in the question of a local community conducting a hotel. It is not within the function of a road board to set up a local committee. Despite the assurance given by the Minister, what is to prevent a local authority from writing in during the first week?

Mr. Ross Hutchinson: I have just given you my assurance.

Mr. MOIR: The amendment leaves the matter entirely to the board, although in the district there might be people, other than the road board members, sounding out public opinion. The bulk of the people in a district might hold an entirely different opinion from that of the board.

This amendment is solely designed to overcome the amendment which was accepted the other evening and which would allow a nine-months' period instead of the period of 18 months which I suggested, or the term of 12 months which was suggested by the member for Moore. The Minister—or the Premier, to make it more authoritative—offered a period of six months. The amendment before us will not even allow six months. It appears that the Minister's desire is to kill the nine months' provision that we inserted in the measure.

Mr. Ross Hutchinson: That is not so; that is not fair.

Mr. EVANS: I am not in favour of the amendment, because it aims to further amend clause 3 of the Bill. The amendment, I believe, seeks to kill the amendment accepted—against the wishes of the Government—by the Committee the other night. Last year I was at Leonora, which is about two miles from Gwalia, and I expressed surprise to the publican at the price of beer in Leonora. He said that were it not for the presence of the State hotel at Gwalia, the price of beer would not be 1s. 1d., but 1s. 4d. or 1s. 5d. The publicans at Leonora have not closed, so they must be at least making a living by selling beer at 1s. 1d. That man later became an aspirant for the Leonora Road Board; but I do not know whether he was successful.

Mr. Burt: How do you account for the fact that beer is only 1s. 2d. at Wiluna, which is about 200 miles north of Leonora?

Mr. EVANS: I am not concerned with accounting for that fact, but with the position at Leonora and Gwalia. Under

this amendment, a local authority could be persuaded by such a person as the one I have just mentioned, that a State hotel should pass into the hands of private enterprise; he could do that for the purpose of increasing the price of the commodity at his own hotel. That person could hold a lot of sway at the road board meetings; and the road board could be completely out of touch with public opinion. The Government could even make representations to the road board which could express the opinion that no-one seemed to be interested. This amendment would, if passed, kill the amendment we agreed to the night before last.

Mr. LEWIS: We have already provided for a period of nine months in which people in a community can organise themselves to the point where they can negotiate for the purchase of the hotel in their district. I can appreciate the Minister's viewpoint; namely, that the Government might wait nine months and then be told that there never was any local interest in purchasing the hotel; and that, during the period, the Government might have missed an opportunity of disposing of the hotel to someone else. I can also appreciate that it would be possible to ask a local authority, "Is the local community interested in purchasing the State hotel?" But not all local authorities are domiciled where the State hotel is. We have a State hotel at Bolgart; but the local authority is situated at Calingiri, some miles away.

The organising of a local community company could well be done on a quiet basis so that before any public meetings were held, some time would elapse; and it is possible that the ward members for the district would be ignorant of any proposal to form a company. I would like a minimum period in which a local authority can be expected to give an opinion. Therefore, I move—

That the amendment on the amendment be amended by inserting after the word "of" in line 2 the words "not less than three months or more than".

I think that would achieve what the Minister has set out to achieve, and would safeguard the interests of a proposed local community company. It would be impossible for it to negotiate within three months; but at least a start could be made, and the local authority would have an idea by that time that the community was interested in purchasing the hotel, and would be able to advise the Minister.

Mr. ROSS HUTCHINSON: I agree to the amendment. I gave the Committee an assurance that there would be no undue haste in endeavouring to bring about the sale of the hotels. However, if my

assurance means so little, and it appears necessary to write it into the Bill, I agree to the amendment.

Mr. NORTON: To my way of thinking, this further amendment does not in any way overcome the objections which we have to the main proposal. The crux of the Chief Secretary's amendment lies in the words "that in the opinion of the board it is not desired to operate the hotel for the benefit of the district." Why should the board say what the people of the district shall do? The board may represent a small minority of the people who reside in the district concerned, and four members might be in favour of a community hotel and five might be opposed to the idea. Thus the proposal would not be agreed to by a majority of the board. As the further amendment moved by the member for Moore does not overcome our objections, I oppose it.

Mr. BICKERTON: I agree with the member for Gascoyne. All the say in regard to this proposal seems to rest with the road board. As the member for Moore pointed out, there are cases where members of a road board do not reside in a town where there may be a State hotel. They may not be interested in that particular type of amenity, and it may be that they could not care less whether the hotel was operated by the local community or not.

Mr. Ross Hutchinson: The place mentioned is represented.

Mr. BICKERTON: It could be represented by one individual. The fact that a decision on the matter will rest entirely with the road board seems to me to defeat the object and intention of the Committee in agreeing to the original amendment the other evening. While the Minister may not be intentionally trying to kill the amendment as originally moved by the member for Boulder, I think that will be the result if the present proposal is agreed to.

Mr. Ross Hutchinson: Can't you visualise that the communities in a number of these places will have no desire to purchase the hotels?

Mr. BICKERTON: I can visualise that in certain circumstances they might not be interested in purchasing the hotel. But why should the road board have to make a decision whether they shall or shall not purchase it? Officers from the Minister's own department who have access to these areas would have as much opportunity of determining that as the road board. A road board could also go the other way; and, whether the community wanted to purchase the hotel or not, it could inform the Minister that the district was not interested in the proposal. I intend to oppose the amendment.

The CHAIRMAN: I draw members' attention to the fact that the practice has recently cropped up of members just standing in their seats when they desire to address the Chamber. I ask members to call "Mr. Chairman."

Mr. HAWKE: Mr. Chairman, I have been trying mentally to digest this amendment on the amendment. I do not think it makes sense.

Mr. Watts: I think you are being a little difficult this time.

Mr. HAWKE: Let us see if we can reason together in a friendly co-operative sort of way; and see what happens. If the amendment of the member for Moore were to be agreed to, it would mean that the road board would have to advise the Minister within the first three months or after nine months. If the word "the" was not there, and the letter "a" was used, I would be inclined to agree with the Attorney-General.

It is an important fact that the word "the" is there. The period is the nine months, but the Minister's amendment refers to "the" period. Legally, that relates back to the proviso in the Bill, which is a period of nine months. If the amendment moved by the member for Moore were accepted, it seems to me that if the word "the" remains, it would be competent for a road board to advise the Minister within the first three months; or, alternatively, after the nine months' period.

Mr. Ross Hutchinson: You say it would be all right if "a" were there instead of "the"?

Mr. HAWKE: I do.

Mr. Ross Hutchinson: I would have no objection to that.

Mr. HAWKE: I am not moving that as an amendment, I am merely suggesting that if those words are placed in the amendment it will be a little confusing and could lead to misinterpretation. The principle in the Minister's amendment is bad. I am sure the Attorney-General knows of some road boards where the members are not very progressive in their outlook. After all is said and done, the proposal accepted at the previous meeting of the Committee was the proposal to give the local community—not the road board—an opportunity to purchase the State hotel.

Only a proportion of the people in the district have a vote to elect the members of the road board. When the board is elected, it does not directly represent all the people in the community. I would be more inclined to leave the decision in the hands of a local progress association, because anyone in the community is eligible to become a member of the progress association.

Mr. Watts: There can be only five or, at the most, six road boards concerned in the Bill.

Mr. HAWKE: That is true; but it does not make the principle any better. If the Committee favoured the Minister's amendment, I would like to see an amendment passed to provide for a period of six months. In other words, if we are going to leave the decision to the road boards, make it legal for them to take the action which the Minister proposes, but only after six months. That would leave it in the hands of the local community, irrespective of whether the people are ratepayers of the road board district, to make a decision on the taking over of the State hotel. If nothing were done after that period, the local road board could exercise the power suggested in the Minister's amendment.

Mr. Watts: I think you might still be wrong. It is not less than three, nor more than nine months. They can have the full nine months if they want to.

Mr. HAWKE: I know that. But a road board, within three months or less than three months, could advise the Minister in writing that the local community did not want to take over the State hotel.

Mr. Watts: I cannot imagine any road board being so irresponsible as to do that without finding out all the facts.

Mr. HAWKE: It might not be a question of irresponsibility. It might be a question of the members not being sufficiently in touch with the circumscribed local area. I oppose the principle that members of the local road board should be the people to decide and not the local community; that is, instead of 500 deciding, it will be left to six people to decide.

Mr. Ross Hutchinson: Before you move any amendment, could I reply to your remarks?

Mr. HAWKE: I cannot move an amendment yet, because the amendment by the member for Moore is before the one I foreshadow. My suggested amendment would be to insert, after the word "months" in line 2, the words "but in any event, not before six months of that period has expired."

Mr. ROSS HUTCHINSON: I am absolutely amazed that the debate should come down to quibbles of this sort. I could understand the attitude of the Opposition if it were a question of principle. and I could understand members on the other side if they passed the amendment. But I cannot understand them when they are merely wasting time. Surely it is obvious to the unbiased observer what the Opposition is trying to do! In the first argument advanced by the Leader of the Opposition he mentioned the definite article "the" before the word "period" and considered that the indefinite article "a" should be substituted; but I submit that the definite article relates to the subject immediately following.

In order to reach some decision, I desire to be as co-operative as I can on the second amendment. There should be no deliberate hold-up on this measure. I will give an assurance that if, after the period of three months, a road board should indicate to me in writing that the local community has no desire to purchase the State hotel and, concurrently, or afterwards, should I discover that any section of the community has expressed such a desire, I will not go forward with any negotiation with private enterprise. I cannot be fairer than that. Any reasonable person should be prepared to accept the amendment as it is now.

Mr. Hawke: Can you explain what it means?

Mr. ROSS HUTCHINSON: Is it not apparent to the Leader of the Opposition?

Mr. Hawke: Has it been discussed by Crown Law?

Mr. ROSS HUTCHINSON: No.

Mr. Hawke: It does not mean what you say.

Mr. ROSS HUTCHINSON: I do not think there is any need for any quibble about this at all.

Mr. Hawke: What does it mean?

Mr. ROSS HUTCHINSON: It means what it says.

Mr. Hawke: What a Minister!

Mr. ROSS HUTCHINSON: The Leader of the Opposition is very childish in speaking in that manner.

Mr. Hawke: That is piffle.

Mr. ROSS HUTCHINSON: He indulges in so much piffle himself that he does not understand commonsense when he hears it.

Mr. Hawke: You cannot tell us what is the meaning of the amendment.

Mr. ROSS HUTCHINSON: I am amazed there should be this prevarication over the amendment.

Mr. Rowberry: I take exception to the use of the word, "prevaricate". It means lying. I ask for a withdrawal.

The CHAIRMAN: That is not unparliamentary language. The Minister will proceed.

Mr. Bickerton: Does not the wording mean that action has to be taken not less than three months nor more than nine months—

Mr. ROSS HUTCHINSON: There is no need to misconstrue the amendment on the amendment.

Mr. W. HEGNEY: I support the amendment that was moved by the member for Boulder. In his contribution the other evening the member for Moore contended that 12 months should be the period in which the local community should be given to enter into negotiations.

The CHAIRMAN: The question before the Chair at present is that certain words, after the word "of" in the second line of the amendment to the amendment moved by the Chief Secretary, be inserted.

Mr. W. HEGNEY: I am entitled to show how inconsistent and unfair that period would be to local communities. The proviso in the amendment to the amendment is not a separate amendment. It is an addition to the amendment of the member for Boulder. If the amendment to the amendment of the member for Boulder is agreed to, the proviso will read as follows:—

Provided the Governor shall sell or lease any of the hotels only to a community company until the expiration of nine months from the coming into operation of this Act and if within that period a community company makes an offer to purchase or lease an hotel at a satisfactory price, or on satisfactory terms, the Governor shall accept that offer.

That proviso will stand even if the amendment moved by the member for Moore to the Chief Secretary's amendment is agreed to. The amendment on the amendment moved by the Chief Secretary, if agreed to, will add a further proviso as follows:—

Provided further that if at any time within the period of not less than three months or more than nine months the road board of the district within which the hotel is situated advises the Minister by notice in writing that in the opinion of the board it is not desired to operate the hotel for the benefit of the district, the Governor may at any time after the receipt by the Minister of the notice sell or lease such hotel under and in accordance with the provisions of this Act to any person he thinks fit.

The period of three months is to be related to the first part of the amendment; and, with respect to the member for Moore, his proposal to insert the period of three months will undermine what has been agreed to by the Committee.

The other evening very lengthy debate on this question took place. The Minister was prepared to agree to the period of six months, as did the Premier. There was no mention of road boards or local organisations being contacted.

Mr. Brand: You would not accept my offer.

Mr. W. HEGNEY: The Premier made the suggestion of six months, and the Minister agreed to it. The member for Moore moved to extend the period to 12 months, and eventually nine months was agreed upon. When the period of nine months was decided on, there was no suggestion of discussions with local authorities.

The Minister has given us an assurance that, if within that period the local community makes an offer, there will be no negotiations with private enterprise for a certain time. His assurance referred to the road board in the district wherein the State hotel is situated. I can conceive of residents being interested in the acquisition of a State hotel, living within the boundaries of more than one road board.

A local community may be taking steps in a quiet manner for the acquisition of a State hotel, and the road board concerned may not know anything about the action being taken by the people. Should the Minister then receive an offer for the purchase of the State hotel in question, he would take steps to contact the road board; and the road board, not being aware of the steps being taken by the local community, would inform the Minister that there was no interest by the local community.

Although in my view the requisite period is 18 months, I am not opposed to the period of nine months decided on by this Committee. Why should there be any haste to dispose of State hotels which have been in operation for many years? A few more months will not make any difference, and the longer period available to local communities to decide on the acquisition of the State hotel will be beneficial.

This is not a matter on which the Opposition is quibbling, as claimed by the Minister. It is a matter of importance to the State, and members are entitled to debate the clauses in a responsible manner. We cannot take much notice of the assurance given by the Minister, although it was given in good faith. He assured us there would be no negotiations with private companies, even if he received information from the road board concerned that the local community was not interested, until a certain period of time had elapsed.

The Minister may not hold the same portfolio. He may be elevated to a higher post in Cabinet and his assurance could be forgotten by the incoming Minister. We all know that the sale of any asset of the State becomes subject to Cabinet decision, and probably tenders will be called. I suggest that the Minister will have to submit any offer for the purchase of a State hotel to Cabinet for decision. As one member on this side interjected to the Minister, "You will do as you are told." The Minister will be bound to carry out the decision of Cabinet. I hope the member for Moore will not persist with his amendment, and that the period of nine months will be accepted.

Mr. MOIR: I am very concerned about the attitude of the Minister. I thought that after the lengthy debate the other evening, he would have accepted the decision of this Committee graciously. That decision was that if local communities intended to form community companies

for the purchase of State hotels, a period of nine months was to be given to them. Now we have before us the proposal of the Minister, and that of the member for Moore. Local communities are to be given too short a period in which they may form community companies for acquiring State hotels.

There is more merit in the proposal of the Leader of the Opposition that they be given at least six months within which to make an offer. If we are desirous of giving local communities a reasonable period of time to decide whether or not to take over State hotels, even the period of nine months agreed on previously is not long enough. This is especially so as far as plans for the provision of funds for the Tourist Bureau are concerned.

A point that has been completely overlooked by this Committee is that the picture painted by the Minister of the condition of these hotels—that they are dilapidated and run down, a viewpoint shared by the Minister for Police—does not indicate that a very big price will be obtained from their sale. Also, very few—if any—of these hotels will be sold for cash. Terms will probably be arranged. However, should one or two be sold outright to private individuals, if we are to believe the Chief Secretary and the Minister for Police, the tourist fund is not going to benefit very much because of the low price which will be secured.

In regard to the Gwalia Hotel, I do not think we can expect to secure a very good price, because of the precarious situation at the mine. If the mine closes down, there will certainly not be room for four hotels in the district. As a matter of fact, with even only one hotel there, the proprietor would find it very hard to earn a living.

The CHAIRMAN: I must draw the honourable member's attention to the fact that the question before the Committee is whether certain words shall be inserted. This is not a debate on the whole amendment.

Mr. MOIR: I was only answering arguments submitted in regard to this amendment on the amendment. The Chief Secretary said that the sale of these hotels would be delayed. However, I will not say anything further on the question. I disagree entirely with the principle contained in the amendment that the local authorities shall express an opinion as to whether they desire to take over the hotel; and if they do not want to, the Minister will then be able to dispose of the hotels to any other interested purchaser.

In the Leonora road district, for instance, there are two towns—Leonora and Gwalia. The members of that road board might not wish to give an opinion at all as to whether or not they want to operate the hotel. On the other hand, they may make a decision within a few days, one month,

three months, or nine months. If they decided in favour of running the hotel, it might be at complete variance with the wishes of the people who would be interested in the purchase of the hotel. I appreciate the desire of the member for Moore in wanting no undue delay. At the same time, I want to see that local communities are given a fair chance of deciding whether or not they want to participate in the ownership of these hotels.

Mr. LEWIS: In my opinion we are arguing a little at cross-purposes. The other evening we were discussing the time that should elapse before any local community would be in a position to make an offer. Now, the question is the time that should elapse before a local community can intimate its intention to do something. Those are two distinct matters.

In view of the assurance that we have from the Minister that he would not only take notice of an opinion or advice rendered by a local authority but that he would also take into consideration any direct advice from an association or any other concern, I am satisfied, and ask leave to withdraw my amendment on the amendment.

Amendment on Mr. Hutchinson's amendment on the amendment, by leave, withdrawn.

Mr. HAWKE: I now intend to move the amendment I foreshadowed earlier, which is to add words to line 2 of the amendment on the amendment moved by the Chief Secretary. I move—

That the amendment on the amendment be amended by inserting after the word "months" in line 2 the words "but in any event not before six months of that period has expired."

The acceptance of this amendment by the Committee would ensure that a road board could not take away from a local community, before six of the nine months had elapsed, the right to organise a co-operative company and to make an offer to the Minister for the purchase of a State hotel. I think it was agreed in the debate the other evening that a period of six months was not sufficient for a local community to organise itself on a practical basis to a position where it could make a firm offer, but that the best part of nine months would be required. We have agreed to that. The Minister feels that nine months would be too long a period to elapse in a district where the local community did not make much effort, or did not push ahead to decide either to make an offer or otherwise. I am not arguing about that at the moment. A road board should not have the right within a lesser period of six months after the coming into operation of the Act, to write to the Minister to indicate it wanted to make an offer.

We pointed out the other evening that it would take quite a long time for a community to reach the stage where it would

be able to make an offer under this proposed law. There would have to be meetings, and a decision would have to be made to form a company. That, in itself, would take some weeks and, I should think, the best part of three months. It would take some time to form a company, and then the offer would have to be made officially to the Minister. As I said earlier, too, the members of the road board do not represent the whole of any local community. They represent only a portion of it; and a minority portion, too, in the direct sense of the word.

Mr. ROSS HUTCHINSON: It is obvious that the Opposition is not prepared to accept any assurances that if a reasonable proposition is forthcoming during any period of this time from a local progress association or local authority, or suchlike, negotiations with a private enterprise would be halted until the matter was settled by the local community. This quibbling about time merely stops the Government from being able to do something where there is no necessity for delay.

I have tried to point out—apparently without effect—that a number of these hotels will not be desired by the communities concerned; but if there is any real desire shown on the part of the local people, the position will be explored.

Sitting suspended from 3.45 to 4.5 p.m.

Mr. ROSS HUTCHINSON: For the reasons which I stated prior to the suspension, Mr. Chairman, I oppose the amendment.

Amendment on Mr. Hutchinson's amendment on the amendment moved by Mr. Moir put, and a division taken with the following result:—

Ayes—21.

Mr. Andrew	Mr. Lawrence
Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Evans	Mr. Nulsen
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. W. Hegney	Mr. May
Mr. Jamieson	

(Teller.)

Noes—24.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Burt	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. Oldfield
Mr. Grayden	Mr. O'Neill
Mr. Guthrie	Mr. Owen
Dr. Henn	Mr. Perkins
Mr. Hutchinson	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. Mann	Mr. I. W. Manning

(Teller.)

Pair.

Aye.	No.
Mr. Kelly	Mr. Cornell

Majority against—3.

Amendment thus negatived.

Mr. TOMS: I move—

That the amendment on the amendment be amended by adding after the word "board" in line 3, the words "or a local community committee."

That would allow the local authority to delegate its powers to a local committee to investigate the proposition and deal with the Minister.

Mr. ROSS HUTCHINSON: This amendment would not fit in with the phraseology used to describe this group or company. Therefore, I must oppose it.

Mr. NORTON: I agree that the wording proposed would not make the position clear; and if the amendment is negatived or withdrawn, I propose to move that after the word "desired" in line 6 the words "by the community" be inserted. If that were agreed to, it would behove the road board to speak on behalf of the community and not only for itself.

Mr. TOMS: I do not think any real point will be gained by putting the words further down. The Chief Secretary said he was not prepared to accept the amendment. In the country districts, local governing bodies quite often agree to delegate their authority to the community. It would be better for a committee to be formed within the community to deal with such matters. The local authority concerned may not desire to accept the responsibility, and I hope the Committee will agree to my amendment.

Amendment on Mr. Hutchinson's amendment on the amendment moved by Mr. Moir put and negatived.

Mr. MOIR: I oppose the Minister's amendment on the amendment. It is designed to destroy the amendment accepted by the Committee the other night that a nine-month period be given to any body of people in the district that desired to set up a community company to purchase an hotel. The members of the road board must advise the Minister in writing that in the opinion of the board it was not desired to operate the hotel. It could be read to mean that the people did not desire to operate the hotel; whereas, in fact, it would be the road board that did not so desire. We should permit the people of a community to form a company if they so desire to purchase one of these hotels.

Mr. NORTON: As the amendment stands, the board has the right to say to the Minister that the community or district does not desire an hotel to be operated by that community; whereas, in fact, the community might so desire. Even if the community did so desire the road board could vote against it, and the work of the people would have gone for naught. The people must decide whether they should run the hotel or not; the onus

should be on them. I am against the whole proviso; and I propose to add, later, certain words after the word "desired" to indicate that it is desired by the community.

Mr. HAWKE: The Minister has not indicated his view in connection with the foreshadowed amendment of the member for Gascoyne. If the amendment he proposes to move were accepted by the Committee, it would mean that the community concerned would have the say; and the road board would not be able to act off its own bat, as it were, and decide whether it was or was not desirable for the hotel concerned to be taken over.

Mr. Ross Hutchinson: If the member for Gascoyne drafts his amendment as foreshadowed, I will agree to it.

Mr. HAWKE: It might be better if the words "local community concerned" were included in the amendment to be moved by the member for Gascoyne.

Mr. NORTON: I move—

That the amendment on the amendment be amended by inserting after the word "desired" in line 6 the words "by the local community concerned."

Amendment on Mr. Hutchinson's amendment on the amendment moved by Mr. Moir put and passed.

Amendment on Mr. Moir's amendment (as amended) put and a division taken with the following result:—

Ayes—24.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Burt	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommellin	Mr. Oldfield
Mr. Grayden	Mr. O'Neill
Mr. Guthrie	Mr. Owen
Dr. Henn	Mr. Perkins
Mr. Hutchinson	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. Mann	Mr. I. W. Manning

(Teller.)

Noes—22.

Mr. Andrew	Mr. Jamieson
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Nulsen
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May

(Teller.)

No.	Pair	Aye.
Mr. Cornell		Mr. Kelly

Majority for—2.

Amendment on the amendment (as amended) thus passed.

Procedure in Committee

The CHAIRMAN: Early this afternoon I mentioned the fact that I was going to insist that members desiring to speak should call "Mr. Chairman." Now that

everybody is here I would like to mention it again. There has been some laxity about this in the past, and accordingly I would ask members to call the Chairman when they stand.

Mr. W. Hegney: Suppose the Speaker is in the Chair?

Mr. Brand: Let him work that one out himself.

Point of Order

Mr. TONKIN: I say, with respect, Mr. Chairman, and in order to assist you and assist us relative to the advice you previously tendered members of the Committee, that if members stand and do not call you, you should refuse to see them or you will defeat the purpose you desire. If you call upon members who do not call the Chairman you are defeating the purpose you are seeking.

The CHAIRMAN: I will watch that position carefully and give everybody the opportunity he desires.

Committee Resumed

Mr. ROSS HUTCHINSON: I move—

That the amendment be amended by adding after the word "objects" in line 18 the words "amongst other things."

I do this because, as members will notice if they read this particular definition, the aims and objects at present appear to be very restricted in that they are confined to the purchase, lease, operation, and maintenance of a hotel. They do not include the possibility of the community company engaging in the building of tennis courts, running a tennis club, assisting a bowling green, and such things. Nor is the community company enabled, if it so desires, to make any dividend available to shareholders. I hope the amendment will be acceptable to the member for Boulder and the other members of the Opposition.

Mr. MOIR: I think that the amendment proposed by the Chief Secretary will be of assistance, and I am quite happy about it.

Mr. HAWKE: I want to make a suggestion to the Chief Secretary which I hope he may be able to see his way clear to accept. My suggestion is that after the word "whose" in line 14, the word "main" be inserted.

Mr. Watts: Why is that?

Mr. Brand: To waste time.

Mr. HAWKE: It is nothing of the kind; and I am surprised that the Premier should be so petulant and silly about it. He has not yet heard why I would like to move this amendment. If I move it, I would not be surprised to find him voting for it.

Mr. Brand: You might, too.

Mr. HAWKE: The Chief Secretary is proposing to add the words "amongst other things". I think my proposal is quite a sensible arrangement and meets the position which the Chief Secretary is trying to reach. The objection I have to the amendment he has moved is that a company could be formed to do lots of things which would be major to the actual business of owning or leasing and running a hotel. I think quite a lot of difficulty would be experienced on that basis.

Whereas a community company is concerned with the main object of owning or leasing a hotel and running it for the benefit of the community, it could still do the other things which the Chief Secretary talked about. I hope the Chief Secretary will see that I am trying to help. The amendment is reasonable and there is no time-wasting objective behind it.

Mr. WATTS: The Leader of the Opposition seems to view the amendment moved by the Chief Secretary with some degree of suspicion. I would inform the Leader of the Opposition that this amendment has been moved for the express purpose of making it possible for a community company that wants to do things a community company is supposed to do, to be registered. If it were going to be confined, as the original amendment proposed, to the aims and objectives of purchasing or leasing and operating and maintaining a hotel, it would not be able to do things in regard to amenities and local public-spiritedness, to which reference has been made. It is a well-known fact that in any memorandum of association of a company there is no power to do more than what is contemplated at the time. Occasion will arise when it wants to do something and it will find that it has not the power. Either the company is forced to take steps to amend the memorandum of association or alternatively, to abandon its idea.

Therefore, when the matter of the disputed proviso was brought to the notice of the Parliamentary Draftsman, he considered it was necessary to insert an amendment to enable the company to provide that the running of hotels should be its objective, amongst other things; things it was expected to do if it were a community company. I cannot see why the Leader of the Opposition should have any need to worry. The company itself will ultimately determine what powers are to be in its memorandum and what powers are going to be exercised.

I think the Leader of the Opposition knows well enough that in these times the practice has grown up in respect of every company, broadly speaking, no matter how small it might be, in its infancy to have a memorandum of association which contains power to do all sorts of things. The final determination as to whether they shall be done rests with the management

of the company. I would suggest that in the ordinary way, no memorandum of association would be drawn today which did not contain these very wide powers.

The situation was, in regard to the member for Boulder's amendment, that he was going to insist that unless this company had only an objective of purchasing or leasing hotels, it could not be a community company. He did not mean that at all; and we are making it quite clear that the ordinary application of the Companies Act will hold if it is a company, without the slightest question ever arising. The Parliamentary Draftsman advised that it could arise with the amendment as it was. I hope the amendment will be accepted in its present form.

Amendment on the amendment (as amended) put and passed.

Mr. ROSS HUTCHINSON: I move—

That the amendment be amended by deleting the words "Any profits accruing from such undertaking shall be used to provide and/or maintain any public amenities within that district" in lines 22 to 26, and substituting the words "and whose profits are used amongst other things to provide or maintain, or both, any public amenities within that district."

Mr. MOIR: I suggest to the Minister that he insert the word "mainly" in the fourth line of his amendment.

The CHAIRMAN: Order! The question is that certain words be deleted. The honourable member can deal with the matter he seeks to bring forward when the Minister moves to include other words.

Mr. MOIR: I want to get an expression of opinion on this matter in order to determine whether I shall oppose his amendment to delete words.

Mr. Hawke: We might simplify the question by moving to insert the word, "mainly" after the word "used" in the second last line.

Mr. HUTCHINSON: I find it difficult to understand just what this would mean. I do not think there is any necessity for what the Leader of the Opposition has suggested. The Committee agreed to the previous amendment to enable the community to do those things which it wanted to do and those things are enumerated a little later. The words "mainly to provide" might constitute a barrier to the desires of the community; and those words might be meaningless. I have an idea that what the Leader of the Opposition suggests would mean nothing; or, even worse, that it could complicate things further. The Opposition would be well advised to accept the advice of the Crown Law Department in this regard.

Mr. GRAHAM: I would like the Minister to give us some idea of what was in the mind of the Crown Law Department when it used the words "amongst other things."

Mr. Watts: Surely it is obvious that you could not spend all your profits on maintaining public amenities within the district. You have to spend the profits on other things as well.

Mr. GRAHAM: Such as?

Mr. Watts: As the original draft was made out, all the profits had to be spent on public amenities. So you could not even, I imagine, pay salaries and wages to persons doing work outside the ordinary work performed at a hotel: the work done by accountants and the like. They have to be paid out of profits.

Mr. Hawke: There are no profits until those people are paid.

Mr. Guthrie: Money might be wanted for general reserves.

Mr. Watts: Or to amortise the debt on the hotel.

Mr. Ross Hutchinson: Why the fear?

Mr. Watts: You have to make arrangements for some other things.

Mr. Hawke: I quite agree.

Mr. GRAHAM: I am a little more satisfied now. At first glance it appeared that so long as the community company made some token contribution to the amenities in the district, it would satisfy the requirements of the amendment. If the amendment goes no further than to enable these community companies to spend money on improvements and maintenance—

Mr. Watts: And on debt reduction.

Mr. GRAHAM: — and to provide beer gardens and car parks, which pertain to the principal business of a hotel, it is all right with me. I am, however, wondering whether it will open the gate to some other activities.

Amendment on the amendment (as amended) put and passed.

Amendment (moved by Mr. Moir), as amended, put and passed; the clause, as amended, agreed to.

Clauses 4 to 8 put and passed.

Schedule:

Mr. HAWKE: I move an amendment—Delete the following:—

Gwalia—Leonora (Gwalia)—Reserve No. 8669 (State Hotel)—Lots 473, 474, and 602 (1 acre 0 roods 23 perches).

There is every justification for the amendment. Reference has already been made to the hotel; and the history of the

Gwalia district has been explained. Gwalia is a goldmining area where the goldminers have had many ups and downs; and it has only survived because of the large-scale Government financial assistance that has been made available over the years.

If the hotel is to give the service to the community which it should give, it should be run by the State. I doubt whether the local community would be financially strong enough to take the hotel over as a community concern. If the hotel remains in the schedule, we will find that it will be sold to private enterprise, and the service it now gives—because it is a State hotel—could deteriorate, particularly if the goldmine at Gwalia did not maintain its present strength. The standard of the hotel could go down because of the profit question. If the profit became small, the person or company that purchased the hotel would have to cut his service.

This hotel is well run, and it is located in a remote part of the State where conditions are tough. I am convinced that private enterprise would not give the standard of service which is given now by virtue of the fact that the hotel is owned and operated by the State.

Mr. EVANS: I strongly support the amendment. I understand that the fears expressed by the Leader of the Opposition are shared and understood by the people at Gwalia. I believe a petition against the sale of the hotel has been given to the Premier. The hotel building is one of the best, if not the best, on the North-Eastern Goldfields. The people at Gwalia treat the hotel as something of their own; it is more like a club. The miners regard the hotel not so much as a hotel, but as a place where they can not only refresh themselves, but where they can meet their friends, and discuss football and other activities with them. The atmosphere there is reminiscent of a club rather than of a hotel. The hotel-keepers at Leonora would like to see this hotel sold. I urge the Minister to give the Gwalia Hotel a reprieve even though, when all the other State hotels have been sold, he may have to give the matter further consideration. I make a strong appeal to him in this regard.

Mr. MOIR: I also urge the Minister to agree to the amendment, because in my opinion the Gwalia Hotel plays an important part in the stability of the mine at that town. I have pointed out previously that the mine has had a checkered career in recent years, and the Government has granted £225,000 to the mine management to assist it. Probably had that assistance not been granted the mine would be only a salvage proposition today.

One of the big problems at Gwalia is to encourage the labour force to stay in the centre. As one can imagine, there are not many amenities in the town; and in the summertime the climate is very harsh. Although there are many married men

living there with their families there are a large number of single men employed on the mines. Many of these people are New Australians and they appreciate the club atmosphere at the Gwalia Hotel. I am afraid that if the management of the hotel passed into private hands—as it could easily do because by the very nature of the community there would be difficulty in taking it over as a community project—the present atmosphere would to an extent be lost, with the possibility of a resultant loss in the work force.

If the work force at Gwalia was reduced there would be a resultant loss in throughput at the treatment plant, and that could have disastrous consequences. At present the mine is working on a close margin; and although the prospects look brighter than they have for some time, I am of the opinion that any diminution in the work force could have a serious effect.

It may sound as though we are overstressing this point; but members who have been there, and who know the district, will realise the position. The people in Gwalia are in the habit of patronising the hotel and a most congenial atmosphere is to be found there. So I ask the Minister to give the amendment his earnest consideration.

Mr. NULSEN: I, too, think it would be a mistake to put the Gwalia Hotel up for sale at the present time. To replace that hotel today would cost at least £75,000, and with the present position of the goldmining industry the hotel, if it were to be sold, would probably be sold at a very low figure. As has been said, the hotel is really a club for the workers in the district, and I am sure that it is the means of keeping many workers there, because they have less chance of becoming discontented if they have somewhere to go and mix with their fellow workers in a congenial atmosphere.

If the mine at Gwalia closed down, it would be a great loss to the State, and would affect the employment of a great number of men. In my opinion it would be a great mistake to sell the hotel today, because the price received for it would be so much lower than its real value. I am certain that I would not buy it under present conditions. But we have to look to the future and hope that there will be a revival in the goldmining industry, and that they will strike it rich at this mine, as they have done at Norseman.

The Gwalia Hotel is one of the best of the back-country hotels in this State and I do not think it would do any harm if the Minister agreed to the amendment and allowed the management of the hotel to continue as it has done in the past.

Mr. BURT: I think I have been cajoled into this ride on the beer wagon, as several references have been made to the Gwalia Hotel, which is in my electorate. I cannot see any reason why, if the management of the Gwalia Hotel were to pass into the hands of private enterprise, it

would make any difference to the atmosphere that now prevails at the hotel. As members are no doubt aware, this is the only State hotel in the mining districts of Western Australia, and how it came to be a State hotel I do not know.

The other evening the member for Kalgoorlie said that private enterprise was not game to tackle the project; but I know of many mining towns where private enterprise has had the courage to build hotels; and, when the mines in those towns have closed down, private enterprise has taken its loss in the spirit it usually does.

I instance the Big Bell Hotel, which was built in 1937 at a cost of £35,000; and, although it was probably the best hotel outside of the metropolitan area, it was sold lock, stock, and barrel in 1955 for £3,500.

I quite agree with the member for Boulder and other members who have remarked on the way the Gwalia Hotel is conducted; and the club atmosphere is well and truly in evidence. But if the management of that hotel were to pass to private enterprise, I think there would be an improvement in that atmosphere. The manager and his wife do a most efficient job. I think it would probably be impossible to dispose of such a hotel when the future of the goldmine is somewhat uncertain. But there is every possibility of the hotel being leased by private enterprise, and I could not imagine anyone more suited to take it over than the present manager and his wife.

It has not been pointed out so far in the debate, but the managers of State hotels are at a disadvantage as compared with the managers of private enterprise hotels. The manager of the Gwalia Hotel has to write to the department in Perth before he can make the slightest alteration or improvement in the running of the hotel; and if he wishes to buy a different brand of wine or tobacco, he has to write to Perth for permission. If he is approached for a donation to any local organisations, as country publicans frequently are, he has to pay the money out of his own pocket or write to Perth for permission. That sort of thing would not go on under private enterprise. I do not think the people of Gwalia would suffer in any way if the hotel were leased to private enterprise.

Mr. Moir: Don't you think the prices would go up?

Mr. BURT: The price of beer might be increased by a penny a schooner; but the price at present is below that of any other hotel on the Goldfields. They have that advantage. However, I have always said that beer and bureaucracy do not mix, and for that reason I strongly oppose the amendment.

Mr. EVANS: As I mentioned when I previously spoke on this matter, the people of Gwalia desire to retain their State hotel, and they will not be too happy with the

remarks of the member for Murchison. He is opposing that which they desire; namely, the retention of their hotel. At present the Government has a great deal of money tied up in the Sons of Gwalia goldmine by way of loan; and as the Gwalia State Hotel is the only one in that community, the Government can be compared to the bookmaker, because it will not only have its loan money returned but also will get additional revenue through its own State hotel. These arguments must have some influence on the Minister, and I appeal to him to give the Gwalia hotel at least some reprieve and remove it from the schedule.

Mr. ROSS HUTCHINSON: I oppose the deletion of the Gwalia Hotel from the schedule. It is part and parcel of the State Hotels organisation. Sufficient reasons have been advanced during the second reading debate and in Committee without my submitting further arguments in favour of the State hotels being disposed of by the Government.

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

Ayes—22.

Mr. Andrew
Mr. Bickerton
Mr. Brady
Mr. Evans
Mr. Fletcher
Mr. Graham
Mr. Hall
Mr. Hawke
Mr. Heal
Mr. J. Hegney
Mr. W. Hegney

Mr. Jamleson
Mr. Lawrence
Mr. Molr
Mr. Norton
Mr. Nulsen
Mr. Rhatigan
Mr. Rowberry
Mr. Sewell
Mr. Toms
Mr. Tonkin
Mr. May

(Teller.)

Noes—24.

Mr. Bovell
Mr. Brand
Mr. Burt
Mr. Court
Mr. Craig
Mr. Crommellin
Mr. Grayden
Mr. Guthrie
Dr. Henn
Mr. Hutchinson
Mr. Lewis
Mr. Mann

Mr. W. A. Manning
Sir Ross McLarty
Mr. Nalder
Mr. Nimmo
Mr. O'Connor
Mr. Oldfield
Mr. O'Neill
Mr. Owen
Mr. Perkins
Mr. Watts
Mr. Wild
Mr. I. W. Manning

(Teller.)

Pair.

Aye.
Mr. Kelly

No.
Mr. Cornell

Majority against—2.

Amendment thus negatived.

Point of Order

Mr. EVANS: On a point of order, Mr. Chairman. The member for Mt. Lawley was standing when the division was taken and Standing Orders provide that an honourable member shall be in his seat.

The CHAIRMAN: The vote by the member for Mt. Lawley has been counted.

Committee Resumed

Schedule put and passed

Title put and passed.

Bill reported with amendments.

BILLS (2)—RETURNED

1. Nurses Registration Act Amendment.
With an amendment.
2. Main Roads Act (Funds Appropriation) Act Amendment.
Without amendment.

**NATIONAL FITNESS ACT
AMENDMENT BILL**

Second Reading.

Debate resumed from the 15th September.

MR. W. HEGNEY (Mt. Hawthorn) [5.26]: I have studied the amendments submitted by the Attorney-General in this Bill, and I am satisfied they are not contentious. He said there were four simple points to consider. In regard to the first amendment, it has been the custom for the Minister for Education to have the Director of Education appointed as Deputy Chairman of the National Fitness Council so that when the Minister is unable to attend a meeting, the Director of Education acts in his place. The Bill seeks to provide that when both the Minister and the Director are unable to be present at a council meeting, the council shall elect one of its members to act as chairman.

Another amendment is designed to clear up any doubt about the Minister being able to acquire property and so forth. A further provision relates to a practice that has fallen into disuse. It deals with the appointment of co-ordinating committees under the Act. I know it has been the practice for the National Fitness Council to appoint sub-committees such as the associated clubs committee, the camp hostel committee, and so forth. Those sub-committees elect their own chairman and submit concise reports to the full council.

The other amendment is purely a machinery provision. I have much pleasure in supporting the second reading of the Bill, and take this opportunity of congratulating the Attorney-General on his concise introduction of the measure.

MR. HEAL (West Perth) [5.29]: As a member of the National Fitness Council, I feel I should say something on the four amendments contained in this Bill. I have spoken to the councillors and the director of the National Fitness Council, and they are quite happy with the measure.

One provision that the member for Mt. Hawthorn did not mention was the appointment of members to the council for a period of five years only. At present, once a councillor is appointed he remains in office until he dies. Under the amendment, however, a councillor will be appointed for five years, commencing from

the 1st July, 1959. This is a more satisfactory arrangement because on odd occasions, when a member of a committee desires to relinquish his duties, he is loth to do so because he is not appointed for any set term, and the appointment of a successor may prove to be difficult. This amendment, however, will enable any councillor to retire from office at the end of five years should he feel reluctant to carry on.

The other point referred to by the member for Mt. Hawthorn was that the Minister will have the power to nominate a councillor to take over as acting chairman. If that is not included in the legislation, it will be left to the council to nominate some person to act as chairman when a meeting is called. If the Minister appoints a certain councillor, he will be able to indicate any points he desires to bring forward.

Another amendment seeks to disband the co-ordinating committee. I am informed that that committee has never functioned since the passing of the Act. As the previous speaker mentioned, the chairman of each sub-committee gives a full report to the council, and the council can then adopt the report.

The final amendment in the Bill gives the necessary power to the council, with the written consent of the Minister, to acquire, hold, lease, and alienate any land to give effect to the objects of the Act. The objectives contained in the Bill are commendable and I know the House will accept them. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee

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

FILLED MILK BILL

Council's Amendments

Schedule of 7 amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

No. 1.

Clause 5, page 3, lines 14 and 15—Delete the words, "be deemed by the Minister to."

No. 2.

Clause 5, page 3, lines 22 and 23—Delete the words, "be deemed by the Minister to."

No. 3.

Clause 5, page 3, line 31—Delete the passage, "(b) and (c) or (d) and (e)" and substitute the passage, "(b), (c), (d) or (e)."

No. 4.

Clause 5, page 3, line 34—Add after the word "person" the words "for appointment to the Committee."

No. 5.

Clause 5, page 3, line 34—Delete the words, "a panel" and substitute the following, "to submit to him a panel of names of persons suitable for appointment to the Committee."

No. 6.

Clause 5, page 3, line 35—Delete the words, "for appointment to the Committee."

No. 7.

Clause 5, page 3, line 38—Add after the word "member" the words, "who shall be deemed to represent that body."

Mr. NALDER: The amendments moved by the Legislative Council are in order, and I am prepared to agree to them. They only alter the English in the clauses. I move—

That the amendments be agreed to.

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

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

FIRE BRIGADES ACT AMENDMENT BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Ross Hutchinson (Chief Secretary) in charge of the Bill.

The CHAIRMAN: The Council's amendment is as follows:—

Clause 5—Delete.

Mr. ROSS HUTCHINSON: I regret that I have to disagree with the amendment made by the Council for the deletion of clause 5. The deletion of this clause, combined with the acceptance of clause 6, will bring about an intolerable situation. Clause 5 seeks to empower the Fire Brigades Board to authorise the installation of certain types of fire prevention appliances and apparatus. Clause 6 provides for the deletion of section 35 (n) of the principal Act which relates to the making of regulations for prescribing the various apparatus and appliances. If the amendment is agreed to the board will be unable to carry out its aims and objects for the prevention of loss of property through fires.

I obtained an opinion from the Crown Law Department, and it appears that when the Legislative Council deleted clause 5, clause 6 was passed. The latter entirely

repealed paragraph (n) of section 35. Consequently the regulation-making power which was in existence relating to fire-fighting appliances was repealed, so that at present the board has no authority, expressed under the Act or regulation-making power, to deal with the situation. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

Resolution reported and the report adopted.

A committee consisting of Mr. Watts, Mr. Hall, and Mr. Hutchinson drew up reasons for not agreeing to the Council's amendment.

Reasons adopted and a message accordingly returned to the Council.

LAND TAX ASSESSMENT ACT AMENDMENT BILL

Second Reading

MR. BRAND (Greenough—Treasurer) [5.50] in moving the second reading said: This is a very small Bill.

Mr. Nulsen: It is, in fact, a very little Bill.

Mr. BRAND: It is submitted as a result of advice from the Crown Law Department. Because of the change in title of legislation in the Commonwealth, it is considered that the position should be clarified in regard to our State legislation, for which purpose statutory changes must be made.

Section 10 of the parent Act specifies the lands and classes of lands which are exempted from assessment for land tax. Paragraph (f) of subsection (1) of that section sets out the following exemptions:—

Land held by—

- (i) any pensioner under the Commonwealth Invalid and Old Age Pensions Act, 1908-1943;
- (ii) any person in receipt of a widow's pension under the Commonwealth Widows' Pensions Act, 1942-1943;
- (iii) any member of the Forces within the meaning of the Commonwealth Australian Soldiers' Repatriation Act, 1920-1943, who is in receipt of a service pension under Division 5 of Part III of that Act;
- (iv) any widow of a member of the Forces within the meaning of the Commonwealth Repatriation Act, 1920-1956, or of that Act as amended at any time, or by a widowed mother of an unmarried member: (with a proviso added).

Subparagraphs (i), (ii), and (iii) were enacted by the amending Act of 1945 (No. 11 of 1945) while subparagraph (iv) was added by the amending Act of 1956 (No. 87 of 1956).

In 1947 the Commonwealth passed the Social Services Consolidation Act which, *inter alia*, repealed both the Invalid and Old Age Pensions Act and the Widows' Pensions Act, and by its provisions provided for the granting of age, invalid, and widows' pensions. In 1954 the citation of the Social Services Consolidation Act, 1947, as amended, became the Social Services Act, 1947-1954.

In 1950 the citation of the Australian Soldiers' Repatriation Act, 1920, as amended, became the Repatriation Act, 1920-1950. The present citation of both these Acts is the Social Services Act, 1947-1958, and the Repatriation Act, 1920-1958, respectively. Although our local Interpretation Act provides, by section 14, that where in any Act reference is made to any other Act, such reference shall be deemed to include a reference to any Act substituted for such other Act, it is thought that those provisions are applicable to State Acts and not necessarily applicable where the Act referred to is a Commonwealth one.

In order, therefore, to apply with certainty the provisions of section 10 (1) of the Land Tax Assessment Act to the persons who now receive their pensions under the present Commonwealth Acts before mentioned, it is desired by this Bill to amend paragraph (f) of the section to substitute for the citations of the Commonwealth Acts now appearing in the paragraph, the present citations of those Acts. I move—

That the Bill be now read a second time.

On motion by Mr. Tonkin, debate adjourned.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMEND- MENT BILL

Second Reading

MR. PERKINS (Roe—Minister for Transport [5.55] in moving the second reading said: This Bill is one which has been considered by the Legislative Council; and members will find that it is somewhat technical. I have here some detailed notes on the measure; and I think the explanation I will give will make clear to members what the implications of this measure are. The first amendment is a very simple one to alter the constitution of the trust so that the General Manager of the State Government Insurance Office will continue in the position, which at present is specified in the Bill as being simply that of representing the State Government Insurance Office as Manager. The position of the

office having been altered since the legislation was last before Parliament, it is necessary to make this small alteration to coincide.

The next amendment is to section 3P which deals with the distribution of funds to members of the trust if the trust ever secures sufficient revenue to allow of a distribution. The proposed amendment to section 3P does not, with one exception, alter the intention of the present section, but it is considered merely clarifies the present section and makes it more workable from a practical and accountancy point of view. For instance, the present section 3P (5) (a) sets out the method the trust must adopt in disposing of a surplus in any year's accounts. Section 3P (5) (c) then authorises the trust to make a distribution in anticipation of a surplus. Section 3P (7) (a) (c) then authorises the trust to invest moneys which come into its hands, and then distribute interest earned between annual accounts. As interest so earned is taken into account before a surplus or deficiency can be ascertained; this subsection should obviously be inserted before the section dealing with distribution of a surplus; and this has been dealt with in the opening paragraph of the proposed amendment, by including the present wording of section 3P (7) (a) (b) after subsection (4) dealing with the composition of the various yearly trading accounts and renumbering them 3P (5) (a) (b).

Again, 3P (5) (c) authorises the trust to make a distribution in anticipation of a surplus; but the paragraph follows the subsection dealing with the distribution of a surplus after all claims have been finalised. It is thought this should precede the latter subsection; and accordingly forms the proposed section 3P (6) and at the same time has clearly defined the circumstances and limits of such distribution of anticipated surplus. The proposed section 3P (7) merely replaces the present section 3P (5) and it will be noted commences with the same wording.

The present section is ambiguous and presents accounting difficulties, particularly where participants withdraw from the trust; and it is thought the proposed amendment more clearly defines the original intention of the present section 3P (5), and at the same time simplifies its operation.

The exception referred to in the opening sentence above is that the dividend referred to in the present section 3P (5) (a) (iv) has been increased from 5 per cent. to 7½ per cent. and the words "per annum" which are obviously incorrect have been deleted. The increase of 2½ per cent. is considered warranted, in an effort to equate the present purchasing power of money to that existing in 1954. It is to be remembered that since the inception of the trust in 1949, no distribution has yet been made

to the participants; but they have always been and still are faced with substantial losses which are not in any way limited. Since the inception of the trust, several participants have withdrawn; and the increase should tend to promote more confidence in the trust by participants; and this is essential to the operation of the trust.

It is stressed that under the proposed amendment the maximum dividend a participant can receive is his proportion—based on his interest in the fund—of 7½ per cent. of the total premiums received by the trust; whereas should a year's trading result in a deficit, participants must accept responsibility for the total amount of the losses; there is no limit to their liability.

The next amendment is an alteration to section 8, which deals with the right of the trust to recover against the owner or driver of an uninsured motor vehicle. Under section 8 as now existing a person who has obtained a judgment against the owner or driver of an uninsured vehicle, cannot claim payment from the trust as the insurer of the vehicle, without first issuing a writ against the trust and obtaining judgment against the trust. This means delay to the claimant and means a further expense in the first instance to the claimant; and subsequently to the trust as the person ultimately liable to pay. There is no reason why once a judgment has been obtained against the owner or driver of an uninsured motor vehicle the trust cannot without the issue of any proceedings pay the claimant as such insurer.

The attached amendment to section 8 is designed to obliterate the necessity for any writ to be issued against the trust by a person who has obtained judgment against the owner or driver of an uninsured motor vehicle; and to allow the trust to pay the amount of such judgment on a claim being received from the judgment creditor. If the trust then for any reason refuses to meet the claim, the judgment creditor may recover such amount from the trust by the appropriate court proceedings.

A further variation in the section is to take cognisance of the fact that as the Act stands at the present time the trust may recover against either the owner or the driver of the uninsured vehicle; and this liability of the owner can exist, whether or not he was aware of the fact that the vehicle was being driven and whether it was being driven with his consent or without that consent. The amendment, therefore, will relieve the owner of responsibility if the vehicle is, in fact, being driven without his knowledge or consent.

The next amendment is in section 11 of the principal Act, which authorises the trust to conduct negotiations and accept

service of summonses, etc. During the course of the last few years, difficulties have arisen in regard to the service of court processes on nominal defendants. Even though liability of the defendant and the trust as his insurer is abundantly clear, the trust has been advised from time to time that no solicitor can accept service of a writ of summons on behalf of any person, unless he has written authority from that person so to do; and it has been thought that section 11 in its present form does not permit the trust or its solicitor to accept service of any writ. The effect of this is that considerable time is spent and money wasted in an endeavour to have a nominal defendant served with the appropriate documents. In brief, the powers conferred on the trust by section 11 were proved to be inadequate.

The object of the amended subsection (1) of section 11 is to give the trust a complete coverage. Unless the Act is amended in this way the trust will have no power to act in the matter until the writ is actually served. The real object of the amendment is to allow the trust to have the conduct of the matter immediately a writ is issued and prior to service. I refer particularly to subsection (1) (d) of the section as amended.

The trust is often placed in an invidious position when a pig-headed defendant, who is clearly liable, refuses to admit his negligence, and the trust then has merely to stand by and see costs thrown away for which they are ultimately liable. Subsection (1) (d) in the proposed amendment allows the trust to admit the driver's negligence in all cases in which there is no personal liability on the defendant i.e. in which the trust by admitting negligence merely makes itself and not the nominal defendant liable.

Subsection (1) (d) (i) empowers the trust to admit the driver's negligence provided there is no claim against the driver in relation to property, and the trust has no right of recovery against him. I move—

That the Bill be now read a second time.

On motion by Mr. Brady, debate adjourned.

SITTINGS OF THE HOUSE

Show Day Adjournment

MR. BRAND (Greenough—Premier): I wish to advise the House that, with the exception of People's Day (Wednesday) we will be sitting during Show Week.

House adjourned at 6.6 p.m.

Legislative Council

Tuesday, the 22nd September, 1959

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The **PRESIDENT** took the Chair at 4.30 p.m., and read prayers.

INDUSTRIAL DEVELOPMENT (KWINANA AREA) ACT AMENDMENT BILL

Third Reading

Bill read a third time and passed.

STATE ELECTRICITY COMMISSION ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 17th September.

THE HON. E. M. DAVIES (West) [4.36]: This Bill seeks to amend the State Electricity Act, 1945-1956. It proposes to amend section 8 to provide for three consumers' representatives, who shall be nominated by the Minister; one to represent the metropolitan area and two to represent the remaining portions of the State. I understand that the member of the commission who at present represents the other parts of the State is a Mr. Lowe; and I believe he has done a very good job.

I am at a loss to understand why it now becomes necessary to appoint another consumers' representative to represent the other parts of the State. I am sure members will agree that the State Electricity Commission has done a good job and has given evidence of very effective administration. If we are now to give additional representation to this section of the