

Legislative Council

Wednesday, the 25th November, 1959

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ADJOURNMENT—SPECIAL

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QUESTION ON NOTICE

MUNDARING WEIR

Daily Draw and Goldfields Requirements

1. The Hon. F. D. WILLMOTT (for the Hon. J. M. A. Cunningham) asked the Minister for Mines:

- (1) What is the present daily draw from Mundaring to supplement metropolitan or near-metropolitan supplies?
- (2) At what point will this draw cease?
- (3) What is the maximum daily draw permissible for this purpose?
- (4) How is the present draw likely to affect the Goldfields position?
- (5) In view of the fact that the Goldfields have no means of supplementing their supply in an emergency, such as the metropolitan underground basin, and that the very existence of the Goldfields community depends on the continuance of goldmining operations, will the Minister assure members that the practice of supplementing the metropolitan supply will not be permitted to continue past the point of endangering mining operations?

The Hon. A. F. GRIFFITH replied:

- (1) Up to 190,000 gallons per day.
- (2) This will continue throughout the whole year. This is in accordance with an arrangement of some years' standing covering a limited area above Stirling Road, Greenmount.
- (3) Answered by No. (1).
- (4) It is most unlikely that it will have any effect whatever on the Goldfields position.
- (5) Yes.

2. *This question was postponed.*

Sitting suspended from 2.40 to 3.45 p.m.

TRADE ASSOCIATIONS REGISTRATION BILL

First Reading

Bill received from the Assembly; and, on motion by the Hon. A. F. Griffith (Minister for Mines), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [3.46] in moving the second reading said: In the main, this Bill is based on the majority finding some two years ago of the Honorary Royal Commission on restrictive trade practices. Members will recollect that in 1956, in another place, the Hon. A. F. Watts moved,

The PRESIDENT took the Chair at 2.30 p.m., and read prayers.

with success, that a Select Committee be appointed to inquire into the extent to which restrictive trade practices or agreements detrimental to the public interest operated in trade and commerce in Western Australia; and whether and to what extent legislation in this regard was necessary.

The Select Committee, which later became an Honorary Royal Commission, comprised the Hon. A. F. Watts (Chairman), and Messrs. S. E. Heal, S. Lapham, C. W. Court, and C. C. Perkins.

As members know, a considerable amount of evidence was submitted to the commission; many complaints were received, and these were investigated thoroughly. Legislation to curb the use of restrictive trade practices has operated in the United States of America and elsewhere for a considerable time, and of later years has been adopted in countries such as Great Britain, South Africa, Canada, Sweden, etc. The position in Australia is rendered somewhat complicated by the division of constitutional power between the Commonwealth and the States. A State whose legislation is more restrictive than that of other States must see industry by-passing it in favour of a site in a State where the outlook is less restrictive. While the State with more rigid control may lose industries, it cannot prevent the marketing within its boundaries of the products of those industries.

The Commonwealth's powers in this connection are restricted; but because of its right to levy import and excise duties, and because of extra-territorial competition, the Commonwealth Government, through the Tariff Board, is effectively equipped to deal with the activities of any group which might endeavour to exploit the Australian public. The Tariff Board very closely watches the operations of Australian commerce and industry, and has proved a capable shield for the public interest.

The Unfair Trading Act of this State, which became the Monopolies and Restrictive Trade Practices Control Act, is a by-word in other countries, and has proved an efficient deterrent to the establishment of new industries in Western Australia. Prior to the last Legislative Assembly elections, the present Government Parties intimated that, if returned to office, action would be taken to submit to Parliament a measure founded on the majority report of the Honorary Royal Commission.

The Bill proposes that this measure shall come into operation on a date to be proclaimed and that it shall repeal the Monopolies and Restrictive Trade Practices Control Act of 1956-58. While this statute has been successful in diverting industry from the State, very little positive results have accrued from investigations made under its aegis: certainly no more than could have been achieved by negotiation between the Government and the industries concerned.

An adequate definition of "trade association" is provided in the Bill, and this was decided on only after a great deal of careful consideration. Provision is made for the appointment by the Governor of a registrar of trade associations, who, subject to the Minister, would administer the measure. It is proposed in the Bill that its provisions should not affect any State or Commonwealth Act dealing with the orderly marketing of primary products. Apart from such legislation, the Crown is bound by the Bill. Provision is made for every person exercising any power or performing any duty required under the Bill to sign the declaration of secrecy set out in the schedule on the back page of the Bill.

The registrar is required by the Bill to prepare and maintain a register of trade associations and agreements. He is empowered to initiate proceedings in court against persons who flaunt the provisions of the Bill, and to take proceedings in court as provided in the Bill, subject to the directions of the Attorney-General.

Part II of the Bill deals with the registration of agreements and trade associations. The Honorary Royal Commission very carefully examined the several types of agreements entered into by associations. The Bill provides that various particulars of these agreements must be furnished in order to show the policy decided on in particular trades. These have to be submitted within a certain time, and they must include the names of the parties to the agreement and all the terms of the agreement.

There is provision in the Bill for the special registration of any secret formulas, patent rights, etc. It would not be reasonable for these details to be accessible to competitors of the association concerned. Another provision in the Bill provides that the register, other than the special section to which I have just referred, shall be open for inspection at such hours and on payment of whatever fees as may be prescribed. It is not intended that everyone in any industry whatever should be able to examine certain agreements; on the other hand, it is not intended to hide anything. The purpose of the Bill is to bring trade associations and their operations into the light of day, as much as possible.

This would have a double effect. It would encourage the type of association which might be tempted to commence operations, and it would reassure the public that nothing underhanded was taking place. It was noticeable, when the Honorary Royal Commission was taking evidence, that none of the reputable firms or associations raised any objection to the public knowing the manner in which they operated, or what they were seeking to achieve.

Sometimes, on the surface, an agreement may appear to have as its aim the maintaining of profits or the helping of

the members of the association. On closer examination it may be found that the agreement is necessary to ensure stability in the trade, and that supplies are available to the consumer whenever required. Price-cutting is not beneficial to the consumer in the long run, although initially some advantage may be gained for a short time. Price-cutting has resulted in bankruptcies, in the loss of considerable sums of money on the part of some people, and in dislocation of trade generally. In the final analysis, price-cutting could result in competition in the trade concerned being lessened.

The Bill also makes provision for a party to an agreement to seek advice from the registrar as to whether the agreement can be registered. Some trade agreements are borderline cases and it is not desired to crowd the register with agreements which do not come within the ambit of the legislation. For that reason it was considered desirable that discussion should take place between the party concerned and the registrar, to avoid expanding the register unnecessarily. Clause 24 of the Bill specifies those agreements which shall be registered. They include all the agreements which the Honorary Royal Commission considered should come within the ambit of legislation.

Another provision in the Bill deals with the registration of trade associations. These are machinery provisions, which are designed to carry into effect the recommendations of the Honorary Royal Commission. There is another provision which states that a trade association to which this legislation applies, shall be registered in accordance with the provisions of the Act, notwithstanding that it is incorporated under the provisions of any other Act. If the association fails to comply, it will be subjected to a substantial penalty. This is an instance where the Bill departs from the findings of the Honorary Royal Commission. The commission visualised that it would not be necessary for trade associations to register under the Associations Incorporation Act as well as under the provisions of this Bill. On further examination of the legal position, it was considered preferable and easier to permit associations to be registered under the Associations Incorporation Act, and for only those which come within the ambit of the Bill to be registered under its provisions. There is no principle involved. It is really a matter of convenience.

It is also provided in the Bill that applications for registration must be accompanied by the rules of the association concerned. This matter created considerable public controversy. It was suggested that the rules of certain trade associations reacted to the public detriment. The important point at this stage is to bring about the registration of trade associations; because if they are registered the public will be able to examine the rules. The

bringing of these associations into the light of day should have the effect of keeping trade and commerce on an honourable basis, without causing any dislocation or worry to reputable industries.

Provision is made for the registrar to refuse to register any trade association, unless its rules prescribe all the qualifications for membership of the association; the entrance fee, if any, payable by a person to become a member of the association; the annual subscription payable by a member of the association or each class of member, if any; the method by which any levy for money in addition to fees payable by members of the association is to be assessed or the fees are to be varied; the powers of the association, with regard firstly, to the inflicting of penalties on members; secondly, the price of any commodity, and the maintenance, regulation or control of prices; and, thirdly, to the control or the channelling of the supply of goods and services by, to or through the members of the association.

A number of trade associations have such rules. One such is the Proprietary Articles Association, about which some complaints were made to the Honorary Royal Commission. After examining the position, the commission was convinced that it was a very reputable body, which was not acting to the public detriment. One of the association's major objectives is to maintain uniform prices throughout Australia. Western Australia has reason to be grateful to this association, in that many of the goods covered by the national price lines are sold at the same price in far distant country centres of this State, as in Melbourne or Sydney where the goods are manufactured. That is a very desirable object.

On examining the English legislation, it was found that that type of price maintenance is acceptable in that country. Some of the price-cutting which has been carried out in Perth, in respect of national price line articles, might have been avoided if the Proprietary Articles Association had been assured of its position under the Monopolies and Restrictive Trade Practices Control Act. That is one instance in which the Act caused dislocation to industry in this State. That dislocation was minor, compared with some of the very bad effects which that legislation brought about in other directions, but it was one way in which the legislation achieved the opposite effect to what the sponsor of the Act intended. Provision is made in the Bill for members of trade associations to complain to the registrar, should the association penalise them contrary to the rules. This is very largely a machinery clause.

The Honorary Royal Commission made recommendations in its report, regarding collusive tendering. Taken generally, this

is an undesirable practice. On the other hand, circumstances could arise where collusive tendering might appear to have occurred, but, in effect, had not reacted to the public detriment.

The Bill seeks to provide a penalty of £500 for any person who makes or enters into a collusive tendering scheme, or who makes a collusive tender. A "collusive tendering scheme" is defined as a scheme contrary to the public interest, by which the parties to the scheme arrange to restrict competition among themselves in tendering for the sale or purchase of goods or in tendering for the supply or use of services.

If the registrar has reason to believe that any person is involved in collusive tendering, he is required, if he considers it to be in the public interest, to investigate the matter and to exercise, or have exercised, all or any of the powers conferred on him by the Bill. Any person who impedes the registrar or his officers, in the execution of these investigations, is subject by the Bill to a fine of £100. When carrying out an investigation, the registrar is provided by the Bill with the powers of a chairman of a Royal Commission.

If, after investigation, the registrar is satisfied that a collusive tendering scheme is in operation, or that a collusive tender has been made, he shall report in writing to the Minister, who, after consideration of the report, may instruct the registrar to take proceedings against the offenders, or offender, under the Justices Act. The registrar is required to submit a comprehensive annual report to the Minister, and this shall be tabled in Parliament. In his report the registrar will be permitted, if he thinks fit, to refer to the operation in this State of trade associations and their rules, and to submit his conclusions on these operations.

I would conclude my speech by reiterating that this Bill has not been introduced without a great deal of very careful thought as to what legislation of this type could be of the most benefit to Western Australia. The first 18 paragraphs of the recommendations of the Honorary Royal Commission were the unanimous findings of its members. Paragraph 19 was a majority recommendation, and this read:

That the Unfair Trading and Profit Control Act, 1956, be not continued but be replaced by an Act to be known as the Trade Associations Registration Act embodying the foregoing recommendations of this Commission and such other ancillary matters as may be necessary to give effect to such recommendations and which Act shall appoint the Registrar of Trade Associations.

The opinion of the majority of your Commissioners is that the incidence of the restrictive practices to which we

have referred at present is comparatively limited in this State and in these circumstances it is to be expected that legislation such as is proposed will be sufficient—

- (i) to bring such practices under public notice;
- (ii) to restrain their extension; and
- (iii) to enable Parliament say in the next three years to ascertain if these opinions prove correct and if not, to consider amendments to the legislation calculated to produce the desired results.

I move—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North) [4.41]:
I move—

That the debate be adjourned till Saturday, the 26th December.

The Hon. A. F. GRIFFITH: Mr. President, I submit there can be no debate on that motion.

The PRESIDENT: The Minister cannot debate this motion.

The Hon. A. F. GRIFFITH: I wish to move an amendment, Mr. President.

The PRESIDENT: Very well.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.51]: I move an amendment—

That the words "till Saturday, the 26th December" be deleted and the words "till the next sitting of the House" substituted.

Amendment put and a division taken with the following result—

Ayes—15.

Hon. C. R. Abbey	Hon. R. C. Mattlake
Hon. J. Cunningham	Hon. H. L. Roche
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loten	Hon. J. Murray
Hon. G. C. MacKinnon	(Teller.)

Noes—12.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. W. R. Hall

Pair.

Ayes.

Noes.

Hon. A. R. Jones	Hon. F. R. H. Lavery
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Majority for—3.

Amendment thus passed.

Debate adjourned till the next sitting of the House.

ROAD DISTRICTS ACT

Disallowance of Kalgoorlie Commonage By-laws

Debate resumed from the 11th November on the following motion by the Hon. E. M. Heenan:—

That commonage by-laws made by the Kalgoorlie Road Board under the Road Districts Act, 1919-1959, published in the *Government Gazette* on the 16th October, 1959, and laid on the Table of the House on the 27th October, 1959, be, and are hereby, disallowed.

THE HON. L. A. LOGAN (Midland) [4.8]: Members will recall that Mr. Heenan moved for the disallowance of regulations, which were laid on the Table of the House, made by the Kalgoorlie Road Board, dealing with the commonage. Since the introduction of this motion, I have endeavoured to ascertain the position, and at the outset I propose to read a letter from the Kalgoorlie Road Board. It is as follows:—

In 1946—

So it will be seen that this has been going on for quite some time. I think Mr. Hall said that it started about 1946 or 1947. The letter reads—

In 1946 need was realised by local governing bodies and members of Parliament that some remedial measure must be taken to alleviate dust nuisance. A green belt or regeneration committee was formed, when it was proposed to erect a fence round Kalgoorlie and Boulder following approximate boundary of Kalgoorlie and Boulder common, obviously to keep straying stock out. This fence never eventuated and the committee went out of existence until it was revived in 1958.

I am enclosing copies of minutes of meeting of this committee held on the 6th August, 1958, and 2nd October, 1958, respectively.

For a good number of years local dairymen have allowed their cattle to wander unattended on the common and herds have been roaming through the streets creating traffic hazards and quite a few have been hit by motorists. Also one local cattleman has allowed over 400 head of beef cattle to devastate the common on the east side of the towns. I refer to Mr. M. J. Flynn who has ignored repeated warnings to reduce his stock, but it is believed he has made a recent move to sell some of his cattle.

Added to the dairy and beef cattle, one or two large goat herds have greatly contributed to the devastation of herbage.

From time to time cattle and goats have been impounded by this board and poundage fees have been rather

heavy on the dairymen and goat owners but without effect, as the stock has continued to use the common.

This board did not want to see a repetition of Broken Hill's depredation of natural herbage and trees and acted in the interests of the community in general by promulgating a set of by-laws to control grazing.

Mention was made by a local member that the tree-planting programme and kerb to kerb bitumen had the desired effect of reducing the dust nuisance and such did not now exist. To refute this, I am enclosing extracts from recent issues of the local press.

Also of interest is an expression of concern by Mr. A. Moir in the fourth session of Parliament, 1955, and no doubt other members were willing to support the remarks.

Finally, it is emphasised that a real need does exist to make the lot of the local housewife tolerable in the long dry summer, and this board aims to achieve that object.

I would like to quote an extract from the *Kalgoorlie Miner* of the 19th March, 1956, which reads—

Conference of local governing authorities decided to take action re granting of leases adjacent to the town. The Kalgoorlie Mayor, Mr. Moore, said that he had personally surveyed the area in question and was aware of the seriousness of the situation.

I think it was Mr. Hall who said that the dust nuisance had been overcome by bituminising.

The Hon. G. Bennetts: To a certain degree.

The Hon. L. A. LOGAN: Recent headings in the *Kalgoorlie Miner*, dated the 7th October, 1959, were, "Yesterday's Weather was a Housewife's Nightmare." On the 24th October, in the same paper, we have the heading, "Strong Winds Whip Up the Dust in Kalgoorlie and Boulder"; and on the 3rd November, 1959, we have the heading, "Washing Day Housewife's Nightmare."

From that I would assume that the statement made by Mr. Hall cannot be as correct as he imagined it to be. Those extracts are from last month's and the current month's *Kalgoorlie Miner*.

The Hon. G. Bennetts: That was an exceptionally bad storm.

The Hon. W. R. Hall: The Minister would not know anything about the dust in Kalgoorlie.

The Hon. L. A. LOGAN: I would know about as much as the honourable member.

The Hon. G. Bennetts: I have been there for 64 years.

The Hon. L. A. LOGAN: Dust is dust wherever it might be.

The PRESIDENT: Order!

The Hon. L. A. LOGAN: A meeting was convened by the chairman of the Kalgoorlie Road Board on the 6th August, 1958, and if members would take notice of the names of the people mentioned they would realise that many of them are erstwhile citizens of the Kalgoorlie area. They are as follows:—

Messrs. R. G. Moore (Kalgoorlie Municipal Council), A. A. Gillespie (B.M.C.), F. F. Esple (Chamber of Mines), N. H. Johns, A. J. Fletcher, C. P. Daws, J. M. Absolon, E. J. Usher (K.R.B.), P. Choyce (Forestry Department), J. Thompson (Secretary-Organiser, Tree Society of W.A.), Summerville (North Kalgoorlie school), I. Thomas (Lands Department), R. Pollard, K. Flynn, M. Flynn, P. Flynn (Dairy and Cattlemen), F. McKenzie, Dr. Illingworth, H. Kirton, and A. Foxton, and Mesdames Absolon, R. G. Moore, and Thornton.

That seems to me to be a pretty solid lot of citizens. I would like to quote some extracts from that meeting. Mr. P. Choyce, the forestry officer, pointed out that his department was still extremely concerned over the depredation of scrub and shrubs cause by straying stock. He said that the officers of his department were very diligent and it was very evident that this denuding of ground herbage on areas around Kalgoorlie and Boulder was resulting in dieback of a large number of trees due to the sun scorching the surface roots and in the opinion of his department the position was alarming. His department was doing a worthwhile job in reforestation work. Mr Choyce added that he would like to see a local committee formed to control the commons and assured the meeting that full support could be expected from his department.

Mr. Daws (Kalgoorlie Road Board) reported that he had toured the areas with the district forester, and he was alarmed at the depredation caused by roaming stock. Mr. Daws expressed the view that it was vital to the Goldfields to preserve a green belt without persecuting dairymen and cattlemen, but grazing must be controlled.

Mr. R. G. Moore (Mayor of the Kalgoorlie Municipal Council) supported the remarks of previous speakers, and spoke of his council's tree-planting programme. He would favour the regeneration of a green belt.

Mr. A. A. Gillespie (Boulder Municipal Council) pointed out that the retention of a green belt was obviously a very important subject and the main concern of the committee if formed would be to control grazing. That is what these by-laws were for—to control grazing.

At the meeting of the committee which was held on the 2nd October, 1958, Mr. Donovan stressed the point that he was keenly interested in the preservation of a green belt around the towns as he had seen damage done by roaming stock, and he would not like to see the Goldfields relegated to a condition which previously existed at Broken Hill. He pointed out that a concerted effort could save a similar occurrence and scrub cover on the commons could be achieved.

Mr. Pollard, one of the dairymen, conceded the fact that he had in the past been an offender in allowing his cattle to wander on the commons but he had recently taken a lease of an area 10 miles west of Kalgoorlie from which area his cows are brought daily to his dairy for milking.

Mr. Flynn, a cattle man, expressed the view that he could now see that he was one of the main offenders—

The Hon. G. Bennetts: He is, too.

The Hon. L. A. LOGAN: —in allowing his cattle to roam on the common and assured the meeting that it was his intention to get rid of his cattle as soon as possible. That was on the 2nd October, 1958. This is November, 1959, and he still has 350 to 450 cattle running on the common!

The Hon. H. C. Strickland: That is a pastoral property.

The PRESIDENT: Order!

The Hon. L. A. LOGAN: Mr. Daws reported that the Kalgoorlie Road Board had drawn up commonage by-laws, but as yet they were not adopted. It was resolved, on the motion of Messrs. Usher (Kalgoorlie Road Board) and Archer (Water Supply Department) that one delegate from each of the Kalgoorlie and Boulder Councils, together with the local Forestry officer, wait on the Kalgoorlie Road Board to discuss commonage by-laws. It was as a result of that discussion that these by-laws were promulgated and gazetted.

I mentioned that Mr. Moir (member for Boulder) had something to say about this question; and if members look at *Hansard* Vol. 2 of 1955, page 2036, they will see that Mr. Moir had quite a bit to say about the issue.

The Hon. G. Bennetts: What did he have to say?

The Hon. L. A. LOGAN: I do not want to read all of his remarks; I will read his final statement, which is as follows:—

To allow such practices to continue is not reasonable or sensible.

I do not want to read a lot of what he had to say because it will be out of context. However, that was his final remark. I would say, on account of that speech, that Mr. Moir supports some action being

taken to stop the dust nuisance. He supports the regeneration of the area around Kalgoorlie and Boulder.

I have in my possession some photos taken at an inspection which was held over the weekend and attended by approximately 30 people. Those in attendance included Mr. Cunningham and Mr. Teahan from this House and also Mr. Burt, the member for Murchison. Mr. Cunningham was good enough to make a report of his visit and it is my intention to read it. Whether Mr. Teahan will agree with what Mr. Cunningham had to say in the report is up to him. However, I think it is right for me to read this report. It reads as follows:—

In company with some 30 interested people including Hon. J. D. Teahan, M.L.C. and Hon. R. P. S. Burt, M.L.A., I accepted the invitation of the Regeneration Committee of the Kalgoorlie Road Board to make an inspection of various parts of the town areas including the common adjacent to Kalgoorlie and Boulder.

We saw areas with good tree growth, scrub and grasses which had always been fenced to exclude all stock, and in the immediate areas outside the fenced enclosures the result of depastured land, which had had approximately 5-8 years to show signs of regeneration; the process is obviously slow in these conditions, but is none the less evident.

We were shown commonage along the Bulong Road which is still completely open and uncontrolled. Within 2½ miles of the Town Hall we saw vealers and beef cattle wandering unchecked over this area. This cattle I believe belonged to a Mr. Flynn.

The Hon. G. Bennetts: We do not approve of that.

The Hon. L. A. LOGAN: To continue—

This eastern side of town showed definite signs of heavy depasturing. I understand there is stock running unchecked in number sometimes mounting to the figure of 400-500, owned by Mr. Flynn. They roam the whole 24 hours of the day with no supplementary hand feeding.

Thorns Dairy, also in this area is under the greatest disability of all local dairies, as his cows have to share the common gleanings in competition with Flynn's stock. The ground around Thorn's gates is badly cut up.

Mines dumps are a big source of dust nuisance and this is aggravated by the presence of a herd of some 50 to 70 goats, which show a preference for roaming the mining leases and open cuts. The mines do not deny their contribution to the dust nuisance, but are prepared to do anything to introduce some form of vegetation which will grow on these inert dumps.

They already have several arboreta and groves of trees planted to work in with the idea of regeneration of these areas.

In the South East areas of the town site we visited the site of old dairies—eaten out. Unfenced areas regenerating naturally, and fenced areas showing good growth.

Condren's Dairy, where intensive hand feeding of lush green pasture and lucerne grow on a sewage farm is fed daily plus other grains, is reflected in the sleek appearance of the cows. There is almost no evidence of bad cutting up of the area even in close proximity to the yards themselves; they are too well fed to bother with what growth is in evidence.

The worst evidence shown to us was in private paddocks used for holding of sheep in the areas forming a belt along the west of the town site, between the railway stockyards and the abattoirs. Some of these paddocks are so badly affected that not one inch of top soil remains and the ground is bare to the subclay surface; long windrows of sand and dust extend a foot deep for many yards towards the town in the direction of the prevailing winds, and undoubtedly in my mind are the worst contributing factors to the last couple of storms which blew from this direction. Winds from the other prevailing wind direction—easterlies—generally are laden with white dust characteristic of dumps erosion.

In either case, the dust carried on these winds from the edge of town, is added to by graded and cleared areas used for other purposes, i.e., aerodrome, golf courses, playing fields, unsurfaced roads and the gravel shoulders of surface roads, where vehicular traffic keeps the surface ground to a fine powder.

As a result of my observations I would attribute the dust nuisance to five major causes which I have listed in their order of importance.

1. Holding paddocks subject to sheep herding. This is the worst wind erosion in the district. (West.)

2. Mines dumps east of the town site, plentiful evidence of private arboreta and attempts at regeneration. Also large public park over one dump. This disability is unavoidable with the town's existence depending on mining.

3. Vealers and beef cattle roaming unchecked to the number of 500 South-east and east of town site for 24 hours a day with no hand feeding.

4. Dairy cattle, 250 in aggregate, with about 50 of these too well fed to even browse, leaving about 200 browsing for roughage for about 12 hours a day—these are also hand fed.

5. Other areas kept cleared or graded for other purposes such as aerodrome, golf courses, dirt and gravel roads and verges, playing areas, etc.

6. Dairies.

- (a) Condren: Running about 50 head of which 40 to 45 are milking, the balance held on leases away from town. Heavily hand fed on lush green feed and produce. Producing 105 gallons daily.
- (b) Pollard: Running about 80 head of which about 65 are milking. Producing 55 gallons daily.
- (c) Thorn: Running about 100 head of which about 70 are milking. Producing 45-50 gallons daily.

That shows the difference between one man who is feeding his stock and another who is letting them roam the waste land. To continue with the report—

The Board's Committee have a job to do and none can find fault with their aims to assist regeneration of the areas concerned. Nor can their right to control the usage of the common be questioned. The right to charge commonage fees is inherent to all road boards, and it is only when such charges are in conflict with the ideas of users that Parliament is justified in inquiring into all aspects of such dispute.

I do not think I need read any more of that report. I think members will appreciate that the Kalgoorlie Road Board has a problem in regard to the control of this commonage. I also think that members from Kalgoorlie will agree with me on this point, that it is Mr. Flynn's cattle which are mainly running unchecked in large numbers over the commonage and causing considerable damage. Therefore, unless the Kalgoorlie Road Board is given sufficient power to cope with the position, those cattle will continue to run to the detriment of the commonage. After all is said and done, the regulations are not very harsh.

The Hon. G. Bennetts: It is necessary to pay £5 per head.

The Hon. L. A. LOGAN: If the charge were £10 per head it would still be cheap for the grazing cattle. The regulations allow for a maximum of 100 head of cattle at any one time and for a maximum of one sheep for every 50 acres.

The Hon. G. Bennetts: Mr. Heenan said that you cannot put one cow on the commonage without paying for it.

The Hon. L. A. LOGAN: That is not so. Everybody is allowed to have one head of cattle on the commonage without paying for it. By-law No. 2 provides—

Any person may depasture, free of charge, on any common one (1) head of cattle for domestic purposes.

Actually when we go back to the original concept of a common we find it was for just that purpose—a place where people living in a townsite area, could, after milking their cow in the morning, turn it out for the rest of the day. That practice used to be quite usual, but nowadays nobody bothers with a cow; people would rather get their milk out of a tin or bottle.

Commonages have been a source of annoyance and a menace to road boards ever since we have had commonages. When I was on the Northampton Road Board we had trouble in connection with the commonage, because there was always one person who wanted to use it for his own profit; and that is exactly what Flynn is trying to do. The other three men are doing it to a certain extent too, because they are using the commonage in order to make a living; although at the same time it means that they are able to supply milk to the Kalgoorlie area.

We do not want to stop the dairies from operating, and I will go to any extent I can to keep them established in Kalgoorlie. But we must give the road board the opportunity to control the stock. If members think that the amount of £5 is too high for dairy cattle, I suggest that they accept these regulations and later amend them. We have an opportunity to amend regulations, provided both Houses agree. I will be prepared to accept an amendment to reduce the fee for dairy cattle to something like £1. I think that is quite a reasonable offer; and I have not asked the Kalgoorlie Road Board whether it will accept that suggestion. I appreciate that £5 a year per head for dairy cattle is a considerable amount.

I suggest that the members representing the Kalgoorlie district allow the Kalgoorlie Road Board to make by-laws in regard to the control of cattle, sheep, goats and horses, and that members then work out a reasonable amendment in regard to the charges to be paid.

The Hon. J. D. Teahan: Do poundage fees apply to a common?

The Hon. L. A. LOGAN: Poundage fees are only paid when stock are impounded through running where they were not supposed to be running. Despite the heavy poundage fees, it has been proved that these people are prepared to pay them, because they have continued to use the commonage. All that can be done at the moment is to bring them up on a charge of trespass.

THE HON. A. L. LOTON (South) [4.34]: I know nothing about the situation at Kalgoorlie, but I ask the Minister, when he is conferring with the Kalgoorlie Road Board, to get the road board to include in the by-laws a definition of cattle, because under the by-laws "cattle" refers to beef or milk cattle. As most of the trouble appears to be caused by beef cattle, I suggest that the by-laws should apply

to beef cattle. The definition, at this stage, covers everything that has four legs.

If what I suggest were done, most of the trouble would be overcome, because a butcher is causing the greatest amount of trouble as he is using the commonage as a grazing ground for cattle that he is butchering. He can weigh his hand a few times and recover the £5 fee that he has to pay, but the dairyman who is retailing milk has his price fixed by the Milk Board, and he can do nothing about recovering this extra amount.

The Minister said that one or two milkmen had properties away from Kalgoorlie and only brought their cows to Kalgoorlie while they were in milk; so, if he suggested to the road board that the definition should include only beef cattle, I think the difficulty would be overcome.

On motion by the Hon. E. M. Heenan, debate adjourned to a later stage of the sitting.

(Continued on Page 2596)

ROAD CLOSURE BILL

First Reading

Bill received from the Assembly; and, on motion by the Hon. L. A. Logan (Minister for Local Government), read a first time.

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.36] in moving the second reading said: This is the usual Bill that is introduced at this stage of the session to obtain Parliamentary sanction to the proposals contained in the measure.

Closure of Little Street, Albany: This small undeveloped road was provided in a Crown subdivision of lots fronting Suffolk Street, Albany, to give access to the unsubdivided Crown land at the rear of those lots. A subdivision of the adjacent land has been planned in which a new road will be provided through the area northward from Serpentine Road. This will render Little Street unnecessary. The land comprised in the road will be suitable for a residential site of one-quarter acre and will be disposed of under the provisions of the Land Act.

Closure of portion of Seawolf Road, Albany: In surveying Albany Lot 1104 for the purpose of providing an addition to the Albany wool store site, it was considered desirable to incorporate in the lot portion of an undeveloped road shown on the official plans as portion of Seawolf Road. A deviation of Seawolf Road has been provided along the western boundary of Lot 1104 in lieu.

Closure of various roads at Augusta: A town planning scheme for the portion of Augusta townsite south of Osnaburg Street

is being prepared for the Augusta-Margaret River Road Board. The design for the resubdivision of the area provides for the obliteration of certain roads which will be replaced by others in more suitable positions.

The roads and portions of roads which it is desired should be closed include the whole of Green Street which is an undeveloped road along the northern side of Class "A" reserve No. 11534, the cancellation of which is the subject of a clause in the Reserves Bill. The portions to be closed comprise part of Turner Street between Bussell and Bunbury Streets and part of Bussell Street between Turner Street and Albany Terrace.

It is also desired to close an unnamed road between Lots 31 and 38. This is to be replaced by a new road in an improved position. Provision has been made in this clause for the closures to take effect on a date to be fixed by proclamation as it is not desirable that the closures be finalised until all necessary agreements have been executed by the owners of the freehold land which is to be included in the town planning scheme.

Closure of certain roads and right-of-way at Bassendean: When certain land at Bassendean was resumed for railway marshalling yards, no compensation was paid to Cumming Smith & Mt. Lyell Farmers Fertilisers Ltd. for the land resumed from the company because it had been decided to abandon the proposed marshalling yards in favour of another site at Welshpool, and it was decided that the resumed land could be made re-available to the previous owners.

Negotiations between the Public Works Department and the company were made with a view to an exchange being arranged by which the company would receive one composite area on the northern side of its freehold works site and the company would surrender all its rights over land which it did not wish to retain or re-acquire. The whole area involved in the proposals is divided by a proposed extension of Collier Road extending south-westerly from the intersection of Scadden Street and Penzance Street. This new road has been surveyed with a width of 1 chain 50 links, and the portion of Scadden Street between Penzance and Iolanthe Streets will be widened by 50 links along its southern side as also surveyed.

All the land south-east of the Collier Road extension, south of Scadden Street, east of Iolanthe Street and north of the present work site of Cumming Smith & Mt. Lyell Farmers Fertilisers Ltd. has been resumed as Swan Location 6869, containing an area of about 20 acres and 34 perches.

It is proposed that, when all the land comprising this location has been revested in the Crown, the location will be granted to the company by way of exchange for

land resumed or relinquished, subject to any adjustment of values as decided by the Land Purchase Board to which the exchange proposal must be submitted.

The Bassendean Road Board desires to establish a road board depot on the portion of the area north-west of the Collier Road extension. This has been resurveyed as Swan Location 6870, containing about 5 acres 2 roods and 17 perches. When all reversion action has been completed, this will be reserved under the Land Act, 1933, for road board requirements.

The Bill provides for the closure of certain portions of public and private streets and a private right-of-way which will not be required in future. It is necessary that this land be reverted in the Crown in order that it can be embodied in the rearrangement of the area.

Closure of a right-of-way at Bassendean: In a private subdivision of portion of Swan Location Q1, a right-of-way was provided on the southern side of Lots 810 to 827 inclusive. This right-of-way is no longer required and has not been used for the purpose. The area has been zoned for industrial purposes, and most of the contiguous land is being used for those purposes. The land on either side of one section of the right-of-way is owned by Hadfields (W.A.) 1934 Ltd., and the company desires to acquire the land in the intervening right-of-way to consolidate its area.

Another company is also interested in acquiring portion of the land in the right-of-way when it has completed its negotiations to acquire further contiguous land. Applications for the land will be dealt with under the provisions of the Closed Roads Alienation Act, and will be submitted for the Governor's approval when in order. The Bassendean Road Board has approved of the proposal to close the right-of-way and alienate the land.

Closure of portion of Picton Road, Bunbury: For the purpose of avoiding a possible traffic hazard on Forrest Avenue railway crossing, it has been decided to establish a small park on portion of the original roadway known as Picton Road. This road has been widened considerably in this vicinity and the Main Roads Department has constructed a new road on the northern side of the widening. It is desired to prevent persons who may use the old road from entering the main road too close to the railway crossing, and thus creating a traffic hazard. The proposed park reserve has been surveyed to contain an area of 34 perches, and it is necessary to excise the land from the public road.

Closure of portion of a right-of-way at Bunbury: In a private subdivision of freehold land at Bunbury, a right-of-way was provided down the south and south-eastern sides of Lots 7 and 8. This extends from

Forrest Street to Preston Street. At present the right-of-way is appurtenant only to Lots 7 and 8. The owners of the adjoining Lot 9 have no rights-of-way over it.

Lot 9 is being subdivided, and, to square up the subdivision, arrangements have been made with the owners of Lots 7 and 8 to exchange certain portions of their lots for portions of Lot 9 in expectation that the intervening right-of-way can be closed and the land contained therein included in the new lots. It is understood that the house owned by the registered owner of Lot 8 is erected partly on the right-of-way. The Bill provides for the closure of the right-of-way for the vesting of the land in the owners of Lots 7 and 8.

Closure of portion of Margaret Row at Carnarvon: Margaret Row is a dedicated road of varying width along the bank of the Gascoyne River. On portion of the road north of Carnarvon Suburban Lots 9, 11 and 391, an equipped well was established for the Carnarvon water supply.

To protect this water supply it is proposed to close portion of Margaret Row and to include the land therein, in the contiguous water reserve No. 24272. This closure will reduce the width of the road to one chain in this vicinity, which will provide adequate road access for all contiguous holdings. Provision has been made for the retention of a road one chain wide along the western boundary of Gascoyne Location 99 and separating it from the water reserve.

Deviation of Queenslea Drive, Claremont: In January, 1919, a deviation of Queenslea Drive was surveyed and was approved by the Municipality of Claremont. The deviation reduced an awkward angle in the road about three chains from Stirling Highway, and made the northern end of Queenslea Drive approximately at a right-angle to Stirling Highway, thus obliterating an acute angle at the south-western corner of the intersection.

No action was taken by the municipality to have the deviation officially approved and the relevant Certificate of Title to the contiguous land amended to comply with the re-survey. This omission has only recently been noticed. All the contiguous land is registered in the name of the Perth Diocesan Trustees, who are agreeable to the exchange of land involved in the deviation.

The roadway has been reconstructed in the new position, and the contiguous fencing has been re-erected on the new alignment. It is necessary to revert in Her Majesty three small areas of freehold land totalling 12 and 6/10ths perches which are being included in the road. Two small portions of the old road totalling 15 and 6/10ths perches are to be closed and vested in the Perth Diocesan Trustees by way of exchange.

Closure of certain private roads in Harvey Road District: Wellington Location 1 (formerly known as Leschenault Location 1), containing an area of about 103,000 acres, was the subject of a Crown grant issued in 1844 to certain persons in consideration of "location duties" faithfully performed. The land subsequently was held by the West Australian Land Company and was known as the Perren Estate.

Various subdivisions have been made within the location, many prior to the coming into operation of the Transfer of Land Act, 1893, and provision was made for numerous roads, many of which have not been developed and have not been dedicated.

Owing to the difficulty in tracing from the old records, the status and history of these old roads, it is considered advisable to seek Parliamentary approval to the closure of portions of Australind Road, Mysore Road, Assaye Road, and Stanley Road, which the Harvey Road Board considers will not be required for roads in future.

The Bill provides for the closure of the roads, the extinguishment of any rights-of-way over them, and for the revestment of the land in the Crown, with the intention that it may be sold to the holders of the contiguous land under the provisions of the Closed Roads Alienation Act, 1932.

Closure of certain roads near Jerramungup: For the purpose of resubdividing to the best advantage for war service land settlement, an extensive area of Crown land in the vicinity of Jerramungup, which included the old Hassell Estate repurchased by the State, it was found necessary to redesign the road system, involving closure of certain portions of old roads.

Adequate new roads have been provided in the new subdivision and, in some cases, the new roads are only slightly off the original position. To enable the survey plans for the subdivision to be approved, it is necessary to close the unwanted roads and to re-vest the land contained therein in the Crown in order that it can be included in the appropriate contiguous location as now surveyed.

Closure of a certain right-of-way at Kalgoorlie: When Kalgoorlie Lot 324 was granted in fee simple by the Crown in 1898 it comprised one-quarter acre.

A private subdivision of the lot into three lots was made in the year 1900. This also made provision for a small right-of-way from Lionel Street to provide access to the rear of each of the three sub-lots.

Lot 3 was re-vested in the Crown in 1925 after being surrendered by the registered proprietor and was subsequently renumbered as Kalgoorlie Lot 3039. This has been leased on two occasions since 1939 for residential purposes, notwithstanding

that it is considerably below the area required for a building site under the Town Planning and Development Act.

The present lessee of this lot is also the owner of Lot 2 and it is proposed to determine the lease for the purpose of re-subdivision. He and the owner of Lot 1 have made representations to have the right-of-way closed in order that the land contained therein and in their lots can be re-subdivided into two lots to enable them to extend their properties through to the main right-of-way as provided in the original Crown survey of Lot 324.

The ultimate effect of the arrangement will be the same as if Lot 324 had been subdivided into two sub-lots of 21.8 perches and 18.2 perches respectively.

The Bill provides for the closure of the private right-of-way and for the re-vestment of the land in the Crown.

When the resurvey has been completed, the new lots will be made available under the provisions of Section 45A of the Land Act, 1933, to the owners of the present Lots 1 and 2.

Closure of portion of road No. 9825 being a right-of-way at Kalgoorlie: In the year 1937 portion of a public right-of-way, together with portion of a nearby street was closed for the purpose of consolidating the Old Kalgoorlie foundry site.

Because the right-of-way was dead-ended by the closure, a widening of it was provided for turning purposes at its south-eastern extremity; but the adjoining owners did not adhere to the surveyed position of the turning area, and erected fencing and improvements on portion of the road widening.

The encroaching improvements included iron fencing, an iron shed and a septic tank, and it is desired to re-arrange the boundaries of the right-of-way to include the improvements in the contiguous property.

The old foundry site has been subdivided and portions have been sold, but the subdivisional survey cannot be approved and the various portions cannot be transferred to the purchasers until an exchange of land is completed to alter the position of the turning area of the right-of-way. The Bill provides for the closure of portion of the right-of-way in order that an exchange can be made with the holder of the re-subdivided land.

Closure of portion of road in the Merredin Road District: In December, 1958, a strip of land 100 links wide was resumed from the north-eastern side of Avon Location 17036 for the widening of road No. 11373, at the request of the Main Roads Department.

Subsequently, the Commissioner for Main Roads decided not to proceed with the proposed widening and requested that action be taken to return the resumed land to its former owner.

If the closure was effected under the provisions of the Road Districts Act, difficulty would be experienced because of certain interpretations regarding the effect of section 151 of that Act.

To remove any legal doubt it is considered necessary to obtain parliamentary approval to the closure of the road widening and to authorise the return of the whole of the land.

Closure of portion of Fitzgerald Street, Northam: To carry out improvements to the locomotive depot on the south side of Fitzgerald Street, arrangements were made between the Railway Department and the municipality of Northam for the closure of portion of Fitzgerald Street between Burns and Dick Streets to reduce the width of this section to 75 links.

The Railway Department has already completed its project in anticipation of the approval of the closure of the portion of Fitzgerald Street which consists of a strip about 25 links wide tapering to a point at either end.

Section 225 of the Municipal Corporations Act provides that no road shall be set out in a municipal district unless its width is at least one chain. In this particular case, it is proposed to reduce the road from one chain to 75 links.

It is considered that as the railway reserve comprises the frontage to the section where the closure is proposed, the reduction in width will not seriously affect the public use of the road.

Closure of certain roads at North Fremantle: In connection with the provision of urgent additional railway access to the north-west portion of the Fremantle Harbour Trust area from Leighton towards the North Mole, it was necessary to close certain portions of public roads within the North Fremantle municipal district.

The majority of the land comprised in the portions has been incorporated in the new railway formations in anticipation of parliamentary approval to the closures, which have already been gazetted under the provisions of the Traffic Act. The portions of the public roads to be legally closed comprise—

The whole of Leighton Street.

The whole of the Leighton Street railway crossing.

A portion of Napier Road south of Leighton Street, and portion of Ocean Parade between Stirling and Agnes Streets.

In the general plan for this area provision is being made for adequate and improved road access to the area west of the railway in North Fremantle. This will include a new roadway extending northward from the present bitumen roadway within the Fremantle Harbour Trust area south of the extension westerly of the northern alignment of Stirling Street.

Present indications are that the proposed new road along the ocean front will connect up with Marmion Street, Cottesloe, near the cable station, and that provision will be made for access to the new road from Stirling Highway, per medium of a proposed new overhead bridge over the railway, north of Leighton in the vicinity of Boundary road.

These matters are still under consideration but for the present it is essential that the portions of the old roads be legally closed.

Closure of portion of Eldorado Street, Osborne Park: On the northern side of the Osborne Park showgrounds the Perth Road Board acquired an area of freehold land for recreation purposes. This has been leased to the Osborne Park Bowling Club.

An unmade portion of Eldorado Street between Tyler and Park Streets which separate the bowling club site from the showgrounds was closed off at the Tyler Street alignment and has been developed as the main access and vehicle parking area for the bowling club.

It is desired to officially close the portion of the road as a public road and to reserve the land for the purpose of access and vehicle park. It is proposed that the new reserve be vested in the Perth Road Board, with power to lease so that a lease can be given to the Osborne Park Bowling Club.

The proposed closure was gazetted under the provisions of the Road Districts Act, but has not been confirmed because it was found that as the land had been resumed for a road, it would revert on closure to the contiguous locations. This would interfere with the proposal to make a separate reserve for access and vehicle parking. All the contiguous land is under the control of the Perth Road Board and none of it is held privately.

Closure of certain roads in the City of Perth: When the new Causeway was completed and opened for public use, certain portions of the old roads were closed to traffic. To legalise the closure, it is necessary for Parliament to approve and to direct how the land may be utilised. Provision is made in the Bill for the closure of the major portion of Mosey Street, which extends from Hay Street to Adelaide Terrace, through an area which has been incorporated in a bituminised vehicle park used by the Tramway Department and in which Mosey Street has been included.

Riverside Drive, east of Plain Street, has been deviated to a new position further east where a new double-lane highway has been constructed. The old bitumen road surface has been removed and the old position has been grassed and included in the adjacent playing fields.

The City of Perth has requested the closure of the portion of Terrace Road east of Plain Street with the intention that the land therein be included in Class "A" Reserve No. 13375. The council has acquired freehold land on the north side of the road for bowling greens, and it desires that the land in the portion of Terrace Road be included in the bowling area, which has already been graded and grassed. A new road will be provided out of the Council's freehold land on its northern end. The old sections of the original Causeway road require to be legally closed and the land will be included in the appropriate contiguous reserves.

Portion of Great Eastern Highway between Albany Highway and Asquith Street, Victoria Park, was deviated for the Causeway approaches and the portion which has been closed to traffic for some years must be legally closed. All the land on either side of this section was resumed for purposes incidental to the new Causeway, and the land in the old road will be incorporated in any reserve which may be set apart for an appropriate purpose.

Closure of portion of the intersection of Bulwer and Vincent Streets, Perth: For many years the City of Perth has maintained an attractive small park at the intersection of Bulwer and Vincent Streets, Perth, on land which is actually portion of the original Crown roadway in this vicinity. It is a well-grassed area, planted with trees and shrubs and has a bitumen pathway across its eastern end for pedestrian traffic. Owing to the angle at which Bulwer and Vincent Streets intersect, there is still an extensive area of road widening which has been bituminised and provides ample road surface.

The presence of the small park at the intersection tends to facilitate the flow of traffic and reduce the risk of accident. The park has been surveyed as Perth Lot 802 containing 1 rood 9.9 perches, which does not include the footpath areas which have been grassed down to the concrete kerb around the whole area. The City of Perth wishes to legalise its development of this portion of the roadway as a park, and for this purpose it is necessary to close the portion of the roadway and set it apart as a reserve for a park, which it is proposed shall be vested in the City of Perth.

Closure of portions of Mill Street and Riverside Drive, Perth: In the rearrangement of the road system in connection with the approaches to the Narrows Bridge, provision has been made for the deviation of Riverside Drive to a new position along the river-front on reclaimed land where a new roadway 66-ft. wide has been constructed. A section of Riverside Drive between Mill Street and William

Street is to be included in the vehicle park, and it is necessary to legally close this portion of the road as a public highway.

The portion of Mill Street southwest of the old alignment of Riverside Drive has also been included in the development of the vehicle park and requires to be closed as a public road. It is proposed that the land comprising the road portions when closed together with other contiguous land will be included in Class "A" Reserve No. 23123 which is set apart for the purposes of a vehicle park and gardens and is vested in the City of Perth.

Closure of portion of a public road at South Perth: The proposed Koonawarra school site reserve at South Perth east of Canning Bridge is separated by portion of a public road which is not required for road purposes. It is necessary to close the portion of the road and to revest the land in the Crown, so that it may be included in the proposed school site reserve.

Closure of portion of Woollana Street, South Perth: In 1955, when the district was under the control of the South Perth Road Board, an area of four and two-tenths perches was resumed from Lot 59, as part of a widening of Woollana Street at its intersection with Manning Road. The road board later decided to reduce the size of the widening in order to return the majority of the land resumed from Lot 59.

Subsequently the road district was converted into a municipal district necessitating parliamentary approval to the closure of the portion of the road widening as provided for in this section. An area of 3½ perches will be reincluded in Lot 59 and will be vested in the owner of the contiguous land from which it was resumed.

Closure of portions of Railway Terrace and the Esplanade, Rockingham: The Rockingham Road Board desires to close portion of Railway Terrace at its north-western extremity near the ocean front and also portion of the Esplanade between Val Street and Railway Terrace. The board wishes to have the land comprised in the portions when closed included in the contiguous Class "A" Reserves for recreation, which extends along the waterfront in this vicinity.

The Cruising Yacht Club of Western Australia (Incorporated) has established its clubhouse on portion of Rockingham Lot 23. The small truncation of this lot containing nine-tenths of a perch, which was incorporated in the Esplanade as a road widening, will require to be included in that lot to square up the boundaries. The Town Planning Board when submitting its approval to the proposed closure recommended that any vesting order issued for Class "A" Reserve No. 21487 should not include power to lease as it was important to preserve the public right to use the whole of this reserve.

The portions of the roads to be closed with the exception of the small widening at the corner of Val Street and the Esplanade have been surveyed as Rockingham Lot 650, containing 3 roods 35½ perches, and will by the operation of the section be included in Reserve No. 23153.

Closure of a footway at Swan View: In a private subdivision of freehold land, provision was made for a "footway" between Tunnel Road and Weston Drive at Swan View. The footway varies in width from 15 links at the Weston Drive alignment to 47 and 8/10ths links at Tunnel Road.

Owing to an error in identifying the survey pegs the owner of Lot 51 on the plan has erected a substantial brick house which encroaches about 18 inches on to the adjacent footway. To rectify the error it is proposed to relocate the footway to excise a strip of land 3 ft. wide for ultimate inclusion in Lot 51. The owner of the lot on the opposite side of the footway is prepared to surrender a small portion of his lot 52 for inclusion in the footway.

The Bill provides for the closure of the footway and the reversion of the land for the purpose of being set apart as a reserve for a footway in a slightly amended position, so that the portion of the old footway contiguous to Lot 51 can be made available for inclusion in that lot under the provisions of the Closed Roads Alienation Act, 1932.

Closure of certain roads at Mosman Park: For the purpose of establishing a golf course on the land comprised in Class "A" Reserves 1632 and 1665 at Mosman Park, the road board has requested the closure of certain surveyed but undeveloped roads separating various portions of the new reserves. These roads are portions of Bateman, Beagle, Bird and Hanlin Streets and the whole of Hagan Street.

Provision has been made in the Reserves Bill to cancel the existing Class "A" reserves so that new composite reserves can be created for the respective purposes of recreation and schoolsite as follows:—

- (a) Reserve No. 25466, comprising Mosman Park Lot 589, containing about 67 acres and 30 perches to be set apart for the purpose of recreation and to be vested in the Mosman Park Road Board in trust for that purpose with power to lease so that a lease of an approved portion may be arranged in favour of a proposed new golf club.
- (b) Reserve No. 25467, comprising Mosman Park Lot 590, containing about 9 acres 2 roods and 22 perches to be set apart for the purpose of a schoolsite in lieu of existing Reserve No. 24035 for which portion of Reserve 1665 was excised by the operation of section 3 of the Reserves Act, 1953.

The land in the roads, when closed, will be included in the recreation reserve with the exception of the portion of Hanlin Street which will be included in the schoolsite. I move—

That the Bill be now read a second time.

THE HON. H. C. STRICKLAND (North) [5.5]: This is a formal Bill which is introduced each session. As is customary, copies of the proposed closures have been handed to members for perusal. I notice that clause 24 refers to the closure of portions of two roads at Rockingham, being portion of Railway Terrace and portion of the Esplanade. There is no objection to those closures. The proposal is a very good one and will bring about an improvement in the land around the Rockingham jetty.

There appears to be a mistake in this clause, and the Minister can inquire into this matter and advise us when the debate is resumed. The mistake is in the last line of clause 24. The proposal refers to the inclusion of portions of roads to be closed in Class "A" Reserve No. 21487 which is contiguous. In his speech, the Minister said—

The portions of the roads to be closed, with the exception of the small widening at the corner of Val Street and the Esplanade, have been surveyed as Rockingham Lot 650, containing 3 roods 35½ perches, and will by the operation of the section be included in Reserve No. 23153.

That reserve should be No. 21487.

THE HON. R. THOMPSON (West) [5.9]: I am concerned with clause 17 of the Bill which relates to the Leighton Beach area, where a roadway has been closed for some considerable time owing to the construction of new marshalling yards. I understand from the Minister that there is to be an access road to the beach, extending from the North Mole to the waterfront and entering Stirling Highway in the vicinity of the cable station.

I am concerned with the people who make use of Leighton beach for swimming purposes. In answer to questions asked in this House it was said that the railway line stopped directly on the beach. The residents of Leighton, East Fremantle and South Fremantle use this beach. They travel there by motorcar or bus, but now they have no means of crossing the line to the beach.

I ask the minister to give consideration to whether a footpath could be erected over the railway line so that people using the beach would not have to tramp over the marshalling area. I realise the necessity for the closing of this roadway, but people now have no access to Leighton beach except by crossing the line at a

point adjacent to Bruce Street, North Fremantle, or at the cable station, which is in Mosman Park. Admittedly, the port beach has been built up, but it is very hard to get there. I am concerned with Leighton beach which is used by thousands of people.

On motion by the Hon. W. F. Willesee, debate adjourned to a later stage of the sitting.

RESERVES BILL.

First Reading

Bill received from the Assembly; and, on motion by the Hon. L. A. Logan (Minister for Local Government), read a first time.

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.13], in moving the second reading, said: This Bill is submitted to Parliament towards the end of each session to obtain approval for certain action taken in connection with reserves.

Class "A" Reserve No. 11373 at Albany: This reserve comprising an area of 24 acres and 9 perches was set apart for the purposes of an educational endowment in 1909; and a Crown grant of the land was issued in 1925 to the trustees of the Public Educational Endowment in trust for the purposes of public education. With the approval of the trustees the Albany High School was established on the reserve, the whole of which is now being used for high school purposes.

It is the desire of the trustees and the Education Department that the existing endowment reserve be cancelled and the land be then reserved for the purpose of the Albany High School site. Similar action was taken in 1954 in connection with the Geraldton High School site.

Class "A" Reserve No. 873 at Arthur River: The Main Roads Department has constructed a new bridge over the Arthur River on the Albany Highway and has constructed a new road to the bridge through this reserve, involving the excision of an area of 6 acres from the reserve. In ordinary circumstances the reserve could have been reduced to provide for the road, but as the area of the reserve is only 40 acres, the portion to be excised is more than a one-twentieth part of the total area and cannot, without Parliamentary approval, be excised. The new bridge and approaches will remove a dangerous traffic hazard on the old road.

Class "A" Reserves Nos. 11534 and 24653 at Augusta: Reserve No. 11534 comprising Augusta Lot 16, containing 3 acres 2 roods, was set apart for the purpose of park lands and recreation in the year 1908 and was classified as of Class "A." It has not been developed or used for recreation purposes and the town planning scheme for

the portion of Augusta south of Osnaburg Street provides for the land in the reserve to be used for building purposes because adequate provision is being made for park lands and recreation reserves in another area less suitable for building purposes.

The design for resubdivision provides for a shopping centre in the south-western corner of Lot 16 and the balance will be subdivided into residential sites. It is proposed to implement the town planning scheme in stages, the first of which will comprise the portion of the townsite south of Bussell Street.

As parliamentary approval is required for the cancellation of Class "A" Reserve 11534, it is desired to complete the cancellation so that the subsequent stages of the scheme will not be impeded. Provision has been made in the Road Closure Bill for the closure by proclamation at a later date of certain roads which will be replaced by a more suitable road system and these include Green Street on the northern side of Reserve No. 11534. These remarks also apply to Reserve No. 24653 concerning which provision has been made for the excision from the reserve of the portion comprising Augusta Lot 31 of 2 acres 2 roods 8 perches which is isolated from the remainder of the reserve by a road, the position of which is to be altered in accordance with the design for the re-subdivision of the contiguous land. It is intended that lot 31 be included in the re-subdivision when the town planning scheme has been adopted and approved.

Class "A" Reserve No. 24033 at Beverley: This reserve is situated in the south-eastern corner of Beverley townsite and is set apart for the purpose of public utility. It is divided into several portions by various surveyed roads, some of which have not been constructed. The land north of Hunt Road is low-lying and is not suitable for building purposes; and the Beverley Road Board proposes to develop the north-western portion for recreation purposes.

The area south of Hunt Road is higher ground; and the Department of Native Welfare and the Beverley Road Board have requested that those portions of the reserve south of Hunt Road being Beverley Lots 314 and 315 be made available for a native housing scheme. The road board is endeavouring to acquire an intervening unimproved area of freehold land to consolidate the proposed reserve for native housing. It is necessary to excise Beverley Lots 314 and 315 from the Class "A" reserve.

Reserve No. 11376 at Bridgetown: For the purpose of providing an adequate water supply for the town of Bridgetown, a high-level water tank was established in the most suitable position on high land overlooking the town. This is part of Reserve No. 11376, which is set apart for the purpose of an education endowment.

The trustees of the public education endowment agreed to the land required for the water supply being excised from the reserve, subject to the necessary Parliamentary authority being obtained.

The proposed water supply reserve has been surveyed to contain 4 acres 3 roods and 19 perches, including provision for pipe lines and access. It is necessary to excise the area from the reserve and re-vest it in Her Majesty as of her former estate; so that it can be reserved for water supply purposes and vested in the Minister for Water Supply, Sewerage and Drainage.

Class "A" Reserve No. 9719 at Busselton: This reserve situated on the western side of Queen Street, north of Marine Terrace, Busselton, is set apart for the purpose of recreation and is vested in the Busselton Road Board. For many years about 23 perches has been occupied as part of a tea-rooms site, the balance of which is Crown land not officially reserved. The business was established with the approval of the local authority; and to legalise the matter it has been decided to create a separate reserve for the tea-rooms site.

The Hon. F. J. S. Wise: That has been going on for a long time!

The Hon. L. A. LOGAN: This has been surveyed as Busselton lot 342 containing an area of one-quarter acre. It is necessary to excise from Class "A" Reserve No. 9719 the portion which has been included in Lot 342.

Class "A" Reserve No. 25087 at Cloverdale: In 1957, arrangements were made between the Town Planning Board and the State Housing Commission for the surrender of two freehold lots for the purpose of a reserve for recreation for the use of the public and the holders of the various lots on the subdivisional plans. The two lots Nos. 634 and 635 were transferred to the Crown and were renumbered as Swan Location 6562, containing 3 roods 23 and 2/10ths perches. This was set apart as a Class "A" Reserve No. 25087 for the purpose of recreation.

Although the reserve had not been vested in the local authority, the Belmont Park Road Board authorised the erection on portion of the reserve of a building for the use of the Belmay group of the Boy Scouts' Association. It is understood that the building was erected before official approval was sought from the Minister for Lands. To complicate the matter, the building was erected only partly on the reserve, the main portion being placed on the adjoining freehold land.

The owner is prepared to exchange its lot for portion of the reserve; but in order to complete any exchange proposal it is necessary to cancel the Class "A" reserve with the intention that, after the exchange has been effected and the various areas resurveyed, new reserves will be created for recreation and boy scout purposes.

Class "A" Reserve No. 15513 at Denmark: As the result of pressing representations by the Denmark Road Board, provision was made for the establishment of a section of 18 residential sites out of and along the north-eastern side of this reserve which is set apart for the purpose of recreation and showground. The proposal involves the excision of a total area of 7 acres 2 roods 18 perches from the reserve of which 4 acres and 25 perches will comprise the new lots. The balance will be used for the widening of Holling Road to give road access to the lots.

The subdivision was surveyed to the Town Planning Board's requirements, and the area which it is proposed to excise will not affect the use of the remaining portion for the purposes of recreation and showground. When the land has been excised it is proposed to make the 18 lots available for sale by public auction subject to conditions requiring the purchaser of each lot to erect thereon a residence to the value of at least £2,500 within two years from the date of sale.

Class "A" Reserve No. 20195 at Geraldton: This reserve comprises Geraldton Lot 1142 of about 66 acres. It is set apart for the purposes of park and recreation and is situated on the south side of Eliot Street between Crowther and Holland Streets and extends down to the beach front. On the northern side of Eliot Street considerable building operations have been carried out for the State Housing Commission, and it has been necessary to provide drainage facilities for this housing project.

A drainage sump has been established within the reserve in a position now surveyed as Geraldton Lot 1716 containing 36 perches. This lot has a one-chain frontage to the south side of Eliot Street in a position between the southern ends of Gregory and Fitzgerald Streets. It is proposed to set the lot apart as a separate reserve for drainage purposes.

Class "A" Reserve No. 22576 at Kalamunda: This reserve of about 12½ acres, is situated on the eastern side of the old railway reserves at Kalamunda, south of the Mundaring Weir road. It was set apart for the purpose of public park and preservation of natural flora in 1946, and was placed under the control of the Darling Range Road Board.

The road board has requested that an area containing one acre, one rood, 36.3 perches, be excised and set apart as a separate reserve for the purposes of picnic ground and parking. The proposed new reserve will be opposite the post office, telephone exchange, hotel, bank, and other business premises, and would greatly alleviate the growing parking congestion associated with the business section of the town. It would be vested in or placed under the control of the Darling Range Road Board.

Certain road extensions have been surveyed through the reserve, and it is necessary to excise these from the reserve. Section 31 of the Land Act provides for the survey and declaration of any necessary roads or streets through or over any reserve, and authorises the amendment of the reserves, except in cases where the area of the reserve is being reduced by more than a one-twentieth part. In this particular case the area required for road purposes is one acre and 17 and 9/10ths perches, and exceeds one-twentieth of the total area of the reserve, which is 12½ acres. Therefore, parliamentary approval is required to the excision of the excess area from the reserve.

Class "A" Reserve No. 1720, King's Park, Perth: By the authority of section 22 of the Reserves Act, portion of the King's Park reserve containing two roads was vested in the King's Park Board with power to lease for any term not exceeding 21 years for the purpose of tea-rooms site.

The Hon. F. J. S. Wise: Not enough for a swimming pool.

The Hon. L. A. LOGAN: I would not mind if there was. To continue: Further similar authority was given by section 13 of the Reserves Act, in regard to an adjacent portion containing one rood, 14 and 4/10ths perches. Subsequently, an extensive tea-rooms building has been erected on the two lots, and has become a very well patronised amenity within the park. Certain necessary additions to the tea-rooms buildings to provide further toilet facilities, offices, and storeroom, require encroachment on another portion of the reserve, which has been surveyed to contain 19 and 1/10th perches.

The new lot comprises a strip of land 10 feet wide on the northern side of the tea-rooms site and 15 feet wide on the eastern side, and will increase the total area of the site to three roods 33½ perches.

By the operation of the King's Park and University Land Exchange Act, an isolated portion of King's Park reserve was granted in fee simple to the University of Western Australia in exchange for portion of Swan location 3087, which was held by the University in fee simple. The portion surrendered to the Crown was renumbered as Swan location 4883, containing 1 acre, 1 rood, 1 perch, and was included in the King's Park reserve.

The portion granted to the University by way of exchange was surveyed as Swan Location 3732 containing 1 acre 2 roods 18 perches which has since been incorporated in a re-subdivision with the adjoining Swan Location 3088 which provides three University college sites.

A similar subdivision was made of Swan Location 3087 situated west of Winthrop Avenue, but, because of a reduction in the

available land owing to the widening of Stirling Highway, it was necessary to erect the University women's college buildings close to the eastern boundary of the site, leaving no room for gardens on the Winthrop Avenue side unless the University can obtain the adjoining Swan Location 4883 which it previously surrendered to the Crown and which is at present portion of the King's Park reserve.

Similar difficulties may be experienced on the eastern side of Winthrop Avenue when the University college site on that site is allotted for the purpose. At the present time it is occupied by the University Hostel.

It is proposed that the two isolated portions of the King's Park reserve comprising Perth Suburban Lot 490 and Swan Location 4883 be excised from Reserve No. 1720 and that, after providing for certain necessary widenings of Winthrop Avenue, the balance of the land will be reserved for University purposes and may be granted in fee simple to the University of Western Australia to be held in trust for the purpose of the reserve subject to the expressed condition that no buildings or obstructions be erected on the land and that it shall be developed and maintained as garden areas.

Winthrop Avenue is to be developed as a main access road between Thomas Street and Stirling Highway in lieu of portion of University Avenue between Aberdare Road and Monash Avenue which Parliament, in the Road Closure Act of 1956, agreed could be closed by proclamation at a later date when the new roadway had been constructed in Winthrop Avenue.

The University of Western Australia recently transferred to the Crown the portion of Swan Location 3088 comprising an area of 1 acre and 12.8 perches for the widening of Stirling Highway on the north side between Hampden Road and Winthrop Avenue.

Reserve No. 24624 at Kwinana: In January, 1957, this reserve of about one acre, was set apart for the purpose of a beacon site and was vested in the Fremantle Harbour Trust. Only a small portion of the reserve is required for the actual beacon site but the additional area is necessary to protect the beacon from interference.

The adjoining reserve No. 24902 which is reserved for public utility is to be used for industrial purposes and has been mentioned in the Industrial Development (Kwinana Area) Act Amendment Act, which was assented to on the 23rd September, 1959. This Act provides for the land referred to therein to be made available for the purposes of the Industrial Development (Kwinana Area) Act, 1952; as if it had been set apart for those purposes prior to the 31st December, 1953, which was the date on which the authority to acquire land under that Act expired.

It is proposed to make a site available for "Tube Mills." The main portion of the site will comprise portion of present Reserve No. 24902 which can be readily amended by the Governor in Executive Council to excise the portion involved. An amendment of the original proposal now provides for the northern portion of Reserve No. 24624 to be included in the tube mills site and the Bill provides for the excision of the portion from the reserve and for it to be dealt with in similar manner as provided for in relation to the major portion of the tube mills site.

Class "A" Reserves Nos. 1632 and 1665 at Mosman Park: These reserves are set apart for the purpose of recreation and are vested in the Mosman Park Road Board. The road board desires to develop them as a golf course and has requested that the intervening surveyed roads through the reserves be closed. A provision for this purpose has been included in the Road Closure Bill.

By the operation of section 3 of the Reserves Act, portion of Reserve No. 1665 was excised for the purpose of a school site. This was set apart in September, 1954, as Reserve No. 24035 to comprise Mosman Park Lots 40, 41, and 582 containing a total area of 11 acres 3 roods 7 perches. The school site has not been used and it is proposed to amend its position so that the major portion of the school site may be included in the proposed golf course.

With the object of consolidating the recreation reserves, it is considered desirable that Reserves Nos. 1632 and 1665 be cancelled so that the various small lots may be consolidated into one composite lot which has been surveyed as Mosman Park Lot 589 which will include the land in the various portions of the roads dealt with under the Road Closure Bill.

A new reserve No. 25466 is proposed to be set apart for the purpose of recreation and will comprise Mosman Park Lot 589, containing about 17 acres and 30 perches, to be classified as of "A" Class and vested in the Mosman Park Road Board in trust for the purpose of recreation with power to lease an approved portion of the reserve for a golf course, which will not include the portion of the reserve fronting Blackwall Reach and having a depth of two chains from the river front.

The new school site has been surveyed to contain 9 acres 2 roods and 22 perches and will be set apart as Reserve No. 25467. It will include portions of Reserves Nos. 1665, 24035 and 1635, all of which are to be cancelled. The intervening portion of Hanlin Street when closed will also be included in the school site. It is understood that a golf club is being established with the object of leasing from the Mosman Park Road Board the major portion

of the proposed new recreation reserve No. 25466 and that the club will undertake the development of the golf course.

Reserve A.12086 at Northampton: This reserve is set apart for the purpose of a public education endowment and is held in trust for that purpose by the trustees of the public education endowment. Included in the reserve are Northampton Lots 76 to 82 inclusive, containing nearly an acre each, which have a frontage to the North-West coastal highway.

The land is regarded as being especially suitable for residential purposes, and the Northampton Road Board suggested that consideration be given to the re-subdivision of the land into residential sites to overcome a shortage in the town. This portion of the endowment reserve has been non-revenue producing for some years. The Director of Education does not consider it will be required for any educational purpose in the foreseeable future.

The Trustees of the Public Education Endowment seek parliamentary authority to subdivide the land and dispose of it for residential purposes freed and discharged of all trusts. Similar authority was given in the Reserves Act of 1949, when other lots were excised from the same reserve and subsequently sold to the State Housing Commission.

It is intended to seek the Town Planning Board's assistance to design the re-subdivision of the land before issuing instructions for the survey. The proceeds of the sale of lots will be invested by the trustees of the Public Education Endowment in approved securities such as Commonwealth or State Electricity Commission loans.

Cancellation of Class "A" Reserve No. 23124 at Perth: In the general plan for the use of the land between William Street and the Narrows Bridge an extensive area has been developed as a vehicle park, which at present comprises the whole of Class "A" Reserve No. 23123, portion of Class "A" Reserve No. 23124, the whole of Reserve No. 23162 and other contiguous reclaimed land. Provision has been made in the Road Closure Bill to close portions of Mill Street and of the old position of Riverside Drive which have been included in the vehicle park.

Portion of Reserve No. 23124 has been used for road widening at the corner of William Street and Mounts Bay Road. It is proposed to consolidate the vehicle park by amending Class "A" Reserve No. 23123 to comprise all the land used for this purpose. It is first necessary to cancel Class "A" Reserve No. 23124 to make available the land required for the road widening and to provide for a separate reserve for the portion occupied by the Sydney Anderson service station which has been surveyed as Perth Lot 803. Reserve No. 23123 is already set apart for

the purposes of vehicle park and gardens and is vested in the City of Perth in trust for those purposes; and the council is in favour of one composite reserve.

Excision of portion of Reserve No. 423 Perth Esplanade: In the general reorganisation of the road system in connection with approaches to the Narrows Bridge it has been found necessary to widen the intersection of William Street and the Esplanade, involving a further truncation of the north-western corner of the Esplanade Reserve No. 423. An area of 19½ perches has been surveyed out of the reserve for the purpose of dedicating the land as a road widening on which the construction work has been completed.

The reserve has been held in fee simple by the City of Perth in trust for the purposes of a recreation ground, and it is necessary to amend the reserve to excise the portion required for the road widening so that the relative certificate of title can be amended and so that the road widening can be dedicated as part of the public highway under the Municipal Corporations Act, 1906.

Class "A" Reserve 22365, Wauhop Park, Preston Point—East Fremantle: This reserve is set apart for the purpose of park and recreation and is vested in the mayor and councillors of East Fremantle in trust for those purposes. The Metropolitan Water Supply, Sewerage and Drainage Department has established an ejector station in the south-western corner of Swan Location 4881 which is part of Reserve No. 22365.

The site for the ejector station contains an area of 16 perches and is a square block having a frontage of one chain to Preston Point Road. It is necessary to excise the small area from Reserve 22365 with the intention that it be set apart as a separate reserve for an ejector station site and vested in the Minister for Water Supply, Sewerage and Drainage.

The East Fremantle Municipality is in complete agreement with the proposed amendment of the reserve and the establishment of the ejector station.

Amendment of Class "A" Reserves 1575 and 3234 at Southern Cross: Spica Street, Southern Cross, is mainly a road two chains wide, portion of which along the south-western boundaries of Class "A" Reserves 1575 and 3234 was closed in 1950 when the land comprised in the closed portion was included in the contiguous reserves. Notwithstanding the closure, a constructed road through the reserves has been maintained by the Yilgarn Road Board and has been in continual public use.

The road board has requested that a road one chain wide be provided out of and along the south-western sides of the two reserves as surveyed and shown on Lands and Surveys original plan No. 7144,

which provides for a substantial widening at the intersection of the proposed new road and Canopus Street. It is necessary to excise from these two Class "A" reserves the land required for the reopening of this portion of Spica Street which will give legal access to a new lot which the Yilgarn Road Board has made available to the Country Women's Association and on which a rest room has been erected. The survey of the rest room site cannot be approved until the portion of Spica Street has been reopened as a public road; and provision is made in the Bill for the dedication of the land as portion of Spica Street.

Class "A" Reserve No. 14792 at Stirling Range: This reserve comprises an area of about 270,000 acres and was set apart in June, 1913, for the purpose of a national park. It was placed under the control of the State Gardens Board in November, 1948, and was later vested in the National Parks Board in March, 1957. The vesting order gave power to lease any portion of the reserve for any term not exceeding 21 years. Any such lease would need to be for a purpose such as a tea-rooms site, which would provide an amenity for the use of the public visiting the park and would be consistent with the purpose of the reserve.

In February, 1912, prior to the permanent reservation of this land, a special lease for grazing purposes was granted over an area of 3,000 acres to Mr. Montrose Cooper. The northern portion of this lease was included in the reserve. The lease continued until December, 1950, when the southern portion was made available for selection and was surveyed as Plantagenet Location 5680. It was granted to and is still held by Mr. N. A. Cooper, a son of the previous lessee.

Mr. N. A. Cooper applied for and was granted in 1951 a special lease for grazing purposes over the remaining portion of the old lease held by his father, which was then part of the National Park Reserve, and he has continued in occupation of this portion of the reserve on which improvements to the value of £592 have been effected by the lessee or his father. As neither the Crown nor the National Parks Board is legally entitled to lease portion of this national park reserve for grazing or agricultural purposes, it is considered desirable that the portion comprising about 845 acres should be excised from the reserve with the intention that it be made available for selection or leasing under the provisions of the Land Act. If the land is ultimately granted to Mr. Cooper it will connect up his existing holdings, Locations 2501 and 2502, with his other holdings, Locations 2584 and 5680.

Class "A" Reserve No. 7804 at Swanbourne: This reserve of a total area of 31 acres 1 rood 36 perches, was set apart

for the purpose of a park in 1901, and together with the adjacent recreation Reserve No. A.19349, has been developed as a general recreation area known as Allen Park.

Both reserves are vested in the Nedlands Road Board, the predecessor of the present City of Nedlands, by vesting order dated the 17th September, 1936, in trust for the purpose of park and recreation, with power to lease, with the consent of the Governor, the whole or any portion of the reserves for any term not exceeding 21 years.

Portion of Reserve No. A.7804 fronting Clement Street, near the corner of Kirkwood Road, has been developed as a tennis club site and has been occupied for many years by a tennis club now incorporated under the name of Allen Park Tennis Club Incorporated. The City of Nedlands executed a lease in favour of the tennis club for a term of 10½ years from the 1st July, 1956, of the portion of the reserve occupied by the club, but because it is not legal to lease portion of a park for recreation purposes, it is proposed that the purpose of the reserve be altered to park and recreation.

Reserve No. 17406 near Yealering: This reserve of 6 acres 1 perch, was set apart in 1920 for the purposes of hall site and recreation after the land had been surrendered to the Crown by the executors of the will of Joseph Nalder who had died while on active service with the Australian Military Forces in October, 1917. Before the war he had developed portion of his property as a football ground and had verbally expressed his intention of making it available for a recreation reserve.

The residents of the district wished to erect a memorial to Joseph Nalder and, with the consent of the beneficiaries under his will, the executors made the necessary land available for a hall site and recreation reserve. A Crown grant of the land in the reserve was issued in June 1921 to Messrs. Alfred William Townsend, George Alfred Hickmott and Albert Leonard Barber as trustees of the Nalder Memorial Hall which was erected on the reserve. Of the three trustees Mr. Hickmott is deceased; Mr. Townsend is now residing at Narrogin and has agreed to the reserve being controlled by the Pingelly Road Board; Mr. Barber, who is aged and in ill-health and now resident at Mount Hawthorn, is incapable of continuing as a trustee and a resignation was submitted on his behalf.

The Pingelly Road Board is of the opinion that the reserve is no longer required as the majority of the local functions and sporting activities are centralised at Yealering and the hall building is in no demand and is falling into disrepair.

The road board desires to sell the building either *in situ* or for removal purposes. If the building either with or without the

land is sold, the proceeds would need to be used for some public purpose approved at a meeting of residents of the area, especially as the improvements were erected and maintained by public subscription, as no Government advance was made for the purpose. When the land has been re-vested the question of disposal of the land and improvements will be investigated fully, and a recommendation submitted to the Governor in Executive Council.

Class "A" Reserves Nos. 22240 and 22241 at Perth: The land comprised in these reserves was previously portion of the Government Domain Class "A" Reserve No. 1149 from which it was excised by the operation of the Reserves (Government Domain) Act, 1940, which directed that the land be set apart as Class "A" Reserves for the respective purposes of Public Buildings (Departmental Offices) and a public road.

Reserve No. 22240 which now comprises an area of 6 acres 3 roods 18 perches was classified as of Class "A" and set apart for the purpose of public buildings (departmental offices) by proclamation published in the *Government Gazette* of the 21st March, 1941, and, in the same *Gazette* Reserve No. 22241 was set apart for the purpose of a public road and also classified as of Class "A."

Neither reserve has been utilised for its purpose, but portions of both have been developed as a vehicle park and were included in an area leased for that purpose under the provisions of section 32 of the Land Act, 1933, the current lease being registered in the name of Thomas Francis Guerin and extending for a period expiring on the 6th May, 1960, the rental being £2,630 per annum.

The Commonwealth of Australia has made representations to the State with a view to acquiring for the purpose of a public buildings site (Taxation Department) the whole of the land in Reserve No. 22241 and the contiguous portion of Reserve No. 22240, comprising a strip of land one chain wide extending from Saint George's Terrace to Terrace Drive, which would have a total area of 1 acre 2 roods 38.4 perches for the strip two chains wide.

It is proposed also to excise from Reserve No. 22240 a strip of land 1 chain 70 links wide on the western side of the proposed Taxation Department site, extending from St. George's Terrace to Terrace Drive and comprising an area of 1 acre 1 rood 36.6 perches, which may be disposed of under the provisions of the Land Act, 1933, for such purpose and subject to such terms and conditions as the Governor may approve.

Valuation of the two sites has yet to be completed and the conditions of the sale of the areas have not been decided, but these are matters that can be approved by the Governor in Executive Council, if Parliament approves of the use of the land

for purposes other than those for which it was excised from the Government Domain. It is intended that the proceeds of any sale of the land shall not be credited to Consolidated Revenue but shall be devoted solely for the purpose of the erection of new public offices on the site referred to as the Observatory site.

Portion of Police Reserve No. 1212 at Cottesloe (old Claremont Police Station site): The old Claremont Police Station buildings which are situated at the corner of Stirling Highway and Parry Street in the Cottesloe municipal district, are no longer required for police purposes, because of the establishment of a new police station more centrally situated on the south side of Stirling Highway east of the Bay View Terrace intersection.

When the previous Government was in office, the Minister for Police and the Minister for Works entered into an agreement to make the old police buildings available to the Federation of Western Australian Police and Citizens Boys' Clubs (Incorporated) free of trust, with the idea that the federation could dispose of the property so that the proceeds could be applied to the erection of new club premises on another site not yet available.

In ordinary circumstances, it is usual when Crown land is available and is not required for a more important public purpose, to reserve the land for the purpose of police boys' club sites and to vest the reserves in the Federation of Western Australian Police and Citizens Boys' Clubs (Incorporated) in trust for the purpose of club sites and to issue a Crown grant for the reserves to be held in trust.

In this particular case, the portion of the reserve has substantial buildings on the land which are the property of the State. There is no provision in the Land Act whereby the Governor may give away the assets of the State and it is considered that parliamentary approval must be obtained to legalise the proposed gift. The premises as they now stand are not regarded as suitable for use as a police boys' club and even with considerable alterations the building could not be converted to a satisfactory club building.

The reserve comprises a total area of 2 acres and 17 perches. The portion on which the police buildings exist contains an area of about 1 rood and 10 perches and is substantially fenced off from the remainder of the reserve. The land in this locality is very valuable and the sale of the buildings should realise a considerable amount. Verbal information has been received from the Cottesloe Municipality that it is understood that the Federation of Western Australian Police Boys' Clubs (Incorporated) were contemplating a sale of the property to an oil company for an automotive service station site and

the Town Clerk stated that the council had received several objections from nearby ratepayers to such a project.

The Town Clerk verbally stated that the Municipality of Cottesloe was opposed to the proposed sale and would prefer that the reserve be left intact. He emphasised that under no consideration would the council approve of the site being used for an automotive service station; and he explained that business areas within the municipal district had been defined under the council's town planning by-laws, and this reserve did not come within one of those areas.

If the property is to be sold with the object of replacing the present improvements, the council would not be opposed to the erection of flats on the land, which is in keeping with the council's policy concerning the use of land having a frontage to Stirling Highway which is not available for business purposes. This clause provides for authority to be given to the Governor to grant, free of trust, to the Federation of Police and Citizens Boys' Clubs (Incorporated) the fenced portion of Reserve No. 1212 with improvements *in situ*, but on the conditions that the land will not be used for a business site. I move—

That the Bill be now read a second time.

The PRESIDENT: Before I put the question I would point out that in years gone by both the Reserves Bill and the Road Closure Bill were accompanied by lithos of some form or other, to give members an opportunity to determine the localities in question. Members have certain responsibilities in this matter and I think the old custom should be continued as far as possible.

The Hon. L. A. Logan: The lithos in question are available, and the Leader of the Opposition has a copy of them.

THE HON. H. C. STRICKLAND (North) [5.50]: In supporting the second reading of this Bill I would like to refer to the remarks made by you, Mr. President. Because of the late hour in which the Road Closure Bill and the Reserves Bill enter Parliament each year, it is customary for the Leader of the Opposition in both Houses to be supplied with a file containing a full description of each proposed closure or cancellation of a reserve, with lithos attached to that file.

The object of that is to facilitate the passage of both measures. The Leader of the Opposition naturally informs the House of the information conveyed in the Bills, and it is customary that somebody adjourns the debate until a later stage of the sitting, in order that members may have ample opportunity to look through the files, examine the lithos, and the intentions of the Bills with reference to the areas in which they are interested.

THE HON. E. M. DAVIES (West) [5.51]: As already explained by the Leader of the Opposition, this Bill, unfortunately, comes to Parliament in the dying hours of the session. That, of course, is not the fault of any particular Government; but I feel the time has arrived when the Lands Department, or whichever department is responsible for bringing down this measure, should be criticised for the dilatory manner in which it deals with certain questions that are subjects of negotiation between the local authority and the department.

I make an emphatic protest at the action of the department, and for the way it has treated the officers of the Fremantle City Council. My remarks go back to 1954 when the Fremantle City Council made certain lands available to the Crown on the condition that there was a *quid pro quo*, to which the department agreed. But although negotiations have taken place since the year I mentioned, and although I have raised the question here both in the Address-in-reply debate and in the debate on the Supply Bills, and even though I have taken the matter up with the preceding Premier and also with the present Premier—and they have done their best to bring my request before the department and have asked that the matter be expedited—there has been no improvement in the position.

Only recently a letter was received from the department informing the Fremantle City Council that certain land was made available to that body as a *quid pro quo* on certain conditions. On the 17th November the Town Clerk of the Fremantle City Council replied to that letter informing the department that the council was prepared to accept the land mentioned in the letter on the conditions set out. The lands to which I am referring in the main are the sites known as the Old Base Flats in South Terrace, Fremantle, which were to be made available to the council for parking purposes.

The other areas of land involved are those in Solomon Street, Fremantle, land in Knutsford Street, and land adjacent to William Street. The council has been negotiating with the department since 1954, and accordingly I am surprised that when the Reserves Bill was introduced this year no mention was made of this aspect. This means that another 12 months will elapse before that land can be handed over to the local authority for land which is made available to the Crown as a *quid pro quo*. It was agreed that some land would be made available to the council as a *quid pro quo* with a free title so that it could be used to expand recreation and youth facilities. There was another piece of land bounded by Stephen Street, Amherst Street, Fothergill Street and Edward Street, on which the S.E.C. placed a 64KB unit.

We are not raising any objection to that because it is usual for a substation to be built in a residential area. But

the council was told in the first place that the land would be made available, and the next thing we knew it was taken over by the S.E.C. An area of 40 acres, at Hilton Park, has also been made available to the Crown for hospital purposes when required. We were supposed to receive land as a *quid pro quo*, but nothing has been done about it.

I rise on behalf of the local authority to make an emphatic protest against the action of the Lands Department in not expediting this matter as it promised to do; and I do so in view of the fact that it has been in existence since 1954. One is compelled to support the second reading of these Bills, otherwise certain people would be placed at considerable disadvantage. I take this opportunity, however, to express my opinion and that of the Fremantle City Council; and I would ask the Minister to convey to his colleague, the Minister for Lands, my views and ask him to look into this question with a view to seeing whether it is possible for the Lands Department to expedite these matters in order that they might be finalised.

On motion by the Hon. F. J. S. Wise, debate adjourned to a later stage of the sitting.

STAMP ACT AMENDMENT BILL

Assembly's Message

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

BOOKMAKERS BETTING TAX ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th November.

THE HON. F. J. S. WISE (North) [5.59]: This Bill sets the rate of tax and makes the tax which is levied on the bookmakers' turnover. The measure imposes a tax in three separate steps from £50,000 to £150,000, the tax rising from 2½ per cent. on turnover up to £50,000, to 3½ per cent. where the turnover exceeds £150,000.

In lieu of that graduated scale, if it could so be called, debate ensued on another Bill and amendments were accepted for another Bill which indicated a much more gradual rising in the steps proposed. The money was to be taxed at each step at a prescribed rate from 2 per cent. at £25,000 to 4½ per cent. when it reached £225,000, and from there onwards.

The proposal in this Bill, as has been stated in regard to another Bill, is exceedingly harsh on the bookmakers in the lower ranges of turnover that are prescribed. Sufficient evidence was produced in this Chamber by several speakers to show it is doubtful whether many of those on the lower ranges of turnover can survive if these rates are to be applied.

If that is to be the case—and I have no reason to doubt that that is so—unless the Minister is prepared to vary the rates provided for in this Bill we will quickly return in part to the unpleasant days of several years ago. If the Minister is to be obdurate on these figures, there will be serious repercussions as far as those in the lower brackets are concerned. The proposal in the Bill is to make a flat rate of 3½ per cent. on the high range turnovers.

In the proposal of which I have given notice, and which was debated in full, those in the top brackets would pay 4½ per cent.; which, as indicated by interjection yesterday when asked by the Minister, would work out on the very highest, which is a very difficult bracket to cater for, at about 3.81 per cent.

If this proposal is agreed to the Government may—perhaps will—because of the number of people in the lower ranges get more revenue than from the proposal I have set out in my proposed amendment. Indeed, I think the Minister suggested that it would be about £100,000 when he made a statement yesterday.

The Hon. A. F. Griffith: It will be lower by that amount.

The Hon. F. J. S. WISE: The proposals in the Bill will collect £100,000 more than will the proposals I have on the notice paper by way of an amendment, if they are approved.

My figures would give a lesser return in turnover tax than would be the case under this Bill in respect of the top figure taxed at 4½ per cent. My concern is very keen for those people for whom a case was made out by Mr. Willesee, Mr. Jones, Mr. Mattiske and other speakers, who showed there would be great difficulties for the people who are represented in these lower brackets; and particularly up to and including the proposed turnover of £150,000.

This proposal puts the £150,000 people on the maximum rate; and all above £150,000 on the maximum rate. The proposal in the Bill is, in my opinion, not fair or equitable. I am aware that since last evening the Government and the Minister have given considerable consideration to this matter. I am aware of that; it is not guesswork. I am also aware that several members have been consulted, conferred with or had something else done to them for them to reconsider their attitude on these proposals.

The Hon. G. Bennetts: Would you say the screws were put on?

The Hon. F. J. S. WISE: No; I want to be fair about this, because I hope the Minister and those associated with him will be able to justify any proposed alteration from the figures which this Council, in Committee, accepted by a majority last evening. This leads me to the point that if this Bill were carried as it is and not amended in any

form, in my view it would be an offence against a vote that was taken in Committee by such a majority last evening.

In those circumstances recommissions should be very carefully safeguarded if we are going to reverse entirely the type of view which the Committee previously and vigorously affirmed. Naturally, we are at a disadvantage in not knowing what the thoughts of the Minister are. When he was about to rise to close the debate, it would have been more difficult for us to attempt to elicit from him what was in his mind on the points I am stating.

The Hon. A. F. Griffith: I only rose because it seemed that no one else was going to. I have never made any attempt to deprive anyone his right to speak.

The Hon. F. J. S. WISE: I did not indicate anything of that kind. Of course the Minister has not. I have never known the Minister to refuse consideration of matters; so I hope he does not continue to be so sensitive.

The Hon. A. F. Griffith: I am not sensitive.

The Hon. F. J. S. WISE: This is something on which we are entitled to have the fullest information; indeed, much fuller than we had in explanation of the Bill when it was introduced. However, that is not an unusual feature in the introduction of Bills these days. The explanation usually comes after the criticism.

The Hon. J. G. Hislop: Remember past days!

The Hon. F. J. S. WISE: We must not live in the past, I suggest to Dr. Hislop.

The Hon. A. F. Griffith: I hope you remember that when the Government changes.

The PRESIDENT: Order!

The Hon. F. J. S. WISE: All I am seeking on this matter is an assurance that those for whom the continuation of this legislation means the continuation of the ability to tax will be able to retain their taxable capacity, because, as I have stated more than once, I believe this is a field of taxation which is a valid one for the Government to explore and use for its revenues.

The objective of the Government—and it was undoubtedly the objective when the legislation was first introduced—is to prevent the continuance of unsavoury circumstances which previously obtained; and to ensure revenue to the Crown from the taxing of a regulated form of business which has been developed since the passing of that law.

I have heard all sorts of suggestions that my amendments may be more than criticised. I do not mind that. I do not mind if an amendment of the kind that I have proposed is the sort of amendment acceptable to this House, rather than have this steep, even from the bottom, rise in the rates to be imposed. In my view, we are

starting too high both in volume of turnover and in rate of tax; and we are stopping too soon.

I would far rather take three-quarters per cent. from the bottom and place it on the top. If the proposal makes that lower grade too slow, or the tax rate too low, surely, we are entitled to know, before we reach the Committee stage, whether the Government in any way will vary this proposal. So much has been said in criticism of the four proposed sections in the grades they represent; and when there was not sufficient defence yesterday to convince this House, members accepted another proposal to be related to this Bill to amend the Betting Control Act. I could talk for a long while around that circle, but would not get anywhere, because I am like the Minister for Local Government when he said the other evening, "I haven't a clue." I have not a clue as to what the Government proposes to do; but I will be very receptive to any proposal which is fair and equitable, and which will place a lower rate of turnover tax on the lower turnovers and a higher rate on the few at the top. This turnover tax is one which the Government validly should collect, but it is a tax within that validity which the Government should collect equitably.

Sitting suspended from 6.15 to 7.30 p.m.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines—in reply) [7.30]: Because of the circumstances that arose last night in the Committee stage of the Betting Control Act Amendment Bill, I thought it undesirable to continue then with the measure that is now before the House.

The **PRESIDENT**: That is No. 3.

The **HON. A. F. GRIFFITH**: That is right. Last night, the Council agreed to certain amendments, that were put forward by Mr. Wise, to the Betting Control Act Amendment Bill. It is, of course, competent for the Legislative Council to amend a Bill of this nature, but, as Mr. Wise indicated to us before the tea suspension, the effect of the amendments which were made to the Betting Control Act Amendment Bill last night cannot be put into effect unless the same amendments are made to the Bill we are now discussing—a Bill to amend the Bookmakers Betting Tax Act.

The amendments that the honourable member made to the previous Bill will, when the Committee stage is reached, have to be included in this measure to bring it into conformity with the previous Bill; and this will bring about a set of circumstances different from that which the Government desires in connection with the levying of this tax. The honourable member's amendment will start the tax at 2 per cent. and continue it up to 4½ per cent. By so doing, he will take the tax to a point

beyond the 3½ per cent. stated in the Bill; and I venture to suggest that that will conflict with section 46 of the Constitution Acts Amendment Act, and that it will not be valid for the Legislative Council to proceed with the Bill.

In accordance with the Constitution Acts Amendment Act, the Legislative Council cannot proceed with a Bill where the message asks that the tax be increased. When this Bill gets into Committee, it will be necessary for me to ask the Chairman of Committees for a ruling on that point. But Mr. Wise said he did not know what was in the mind of the Government, and he did not know what I would suggest when I replied to the debate. Of course this is the opportunity I must take to advise the Council of the Government's intentions in respect not only to the Bill before us but the one that we dealt with in Committee last night.

Bearing in mind that provided the Chairman rules that this amendment cannot be proceeded with beyond the point of 3½ per cent.; and I think in accordance with section 46 of the Constitution Acts Amendment Act he must rule that way—

The **HON. F. J. S. WISE**: It is quite debatable.

The **HON. A. F. GRIFFITH**: That is right; particularly in the mind of the honourable member.

The **HON. F. J. S. WISE**: The question has not been raised.

The **HON. A. F. GRIFFITH**: I am raising it now. I have to raise this point because I have to foreshadow the situation. Because I believe it is not competent for the Legislative Council to request an amendment which will increase the rate beyond 3½ per cent., we will find ourselves in the position where we will have to drop the last three provisions of the amendments made by Mr. Wise, so that we will then start at 2 per cent. and finish at 3 per cent. The effect of this would be disastrous so far as the Government's Bill is concerned.

Even if we accepted a sliding scale as suggested by Mr. Wise, from 2 per cent. to 4½ per cent., it would cost the Government about £90,000 in comparison with the tax which the Government seeks to levy in accordance with the Bill I am now discussing and the one that we dealt with last night.

The proposition that the Government will put forward is simply this: The Government is prepared to make this a sliding scale tax on the basis of 2½ per cent. on the first £25,000 of turnover; 2½ per cent. on the next £25,000 of turnover; 3½ per cent. on the next £25,000 of turnover; 3½ per cent. on amounts from £75,000 to £100,000; 4½ per cent. on amounts up to £125,000; and 4½ per cent. on amounts up to £150,000; and then to revert to a flat basis of 3½ per cent. on turnover in excess of £150,000.

This would simply mean that the man on the lowest scale, with a turnover of £25,000, would pay 2½ per cent. tax on his turnover. The man with a turnover between £25,000 and £50,000 would pay 2¾ per cent.; and so on, increasing to 4½ per cent. from which point the rate would revert to 3½ per cent.

The Hon. G. C. MacKinnon: That is not 3½ per cent. on the total?

The Hon. A. F. GRIFFITH: No. It starts at 2½ per cent. and increases on a sliding scale. If members examine this question they will see that the overall tax will be on the basis of 3½ per cent. But it will give a sliding scale of tax, and it will set a tax, not upon the basis of the turnover for the previous year, but upon the current assessment.

It is considered by the Government that this is a fair proposition. In order to bring about this situation—again I have to express my own opinion upon what I consider is the legal situation in respect to the powers of the Council—because the tax would rise to 4½ per cent., I think it would not be competent for the Legislative Council to effect the amendments I have outlined; they would have to be effected in the Legislative Assembly. But, so far as the Government is concerned, the Bill will leave this Chamber on the basis that items Nos. 1 to 7 of the amendments moved by Mr. Wise to the Bill last night will be retained. On recommitment of the Bill, I will have to move to delete items Nos. 8, 9 and 10. In the same way, the amendments to the Bill now before the House will go to the Legislative Assembly so that it can deal with items Nos. 1 to 7 which provide for the sliding scale of 2½ per cent. to 4½ per cent., reverting in the last half to 3½ per cent.; because, in my opinion, the Legislative Council has not the power to request the amendment. The amendment, therefore, will have to be made by the Legislative Assembly.

The Bill, upon being returned from the Legislative Assembly to this Chamber, with the amendments made, would then, I trust, be accepted by the Legislative Council, so that the measure, in respect to the part we are discussing at the moment, would become law. I say that would be a fair compromise. It would enable the book-maker with a small turnover of £25,000 to pay 2½ per cent., which, after all, is only ½ per cent. above what he now pays; and when he got to £50,000 he would pay 2¾ per cent. in accordance with the basis I have mentioned.

The Hon. F. J. S. Wise: At first glance this will go much higher than my proposition and much higher than yours. Can you give us the average figure?

The Hon. A. F. GRIFFITH: It does not go any higher than the amendments that were in the Bill when it was presented.

As a matter of fact, the compilation of the figures on the amendments I now suggest will return to the Treasury in respect of this tax a sum of £8,000 less.

The Hon. F. J. S. Wise: Can you give us the figures at the different grades?

The Hon. A. F. GRIFFITH: Yes. On £25,000 the nominal rate would be 2½ per cent., and the effective rate on the first £25,000 would be 2½ per cent. At present, the amount in accordance with Mr. Wise's suggestion is 2¾ per cent.

The Hon. F. J. S. Wise: It is 2 per cent.

The Hon. A. F. GRIFFITH: Yes, 2 per cent. Perhaps it would be better if I disregarded the honourable member's figures for the time being. On £50,000 the nominal rate would be 2½ per cent., and the effective rate would be 2½ per cent. That is because the basis is 2½ per cent. on the first £25,000 and 2¾ per cent. on the second £25,000, and the mean of 2½ per cent. and 2¾ per cent. is 2½ per cent. On £75,000 the nominal rate would be 3½ per cent., and the effective rate would be 2¾ per cent. On £100,000 the nominal rate would be 2¾ per cent., and the effective rate would be 3 per cent. On £125,000 the nominal rate would be 4½ per cent., and the effective rate would be 3½ per cent. On £150,000 it would be 3½ per cent., and on all turnover in excess of £150,000 it is estimated—

The Hon. F. J. S. Wise: Can you give us the effective rate at £175,000?

The Hon. A. F. GRIFFITH: Yes, it would be 3½ per cent., because it would virtually stop climbing at £150,000 and revert to 3½ per cent. on all turnover over £150,000. That, according to the estimation of the Treasury, would return £8,000 less than the proposals in the Bill before the Committee agreed to the amendments last night. But it would not have the same impact upon the tax as Mr. Wise's proposition, because I think his figures would mean a decrease in the amount recoverable by the Treasury of something in the vicinity of £90,000.

I think everybody should be satisfied with this basis. There are other parts of the Betting Control Act Amendment Bill to which further consideration will have to be given by the Committee on recommitment in view of the Government's intention to move in this respect. One of these would have to be a reconsideration of the amendments to clause 3, to which the Committee agreed last night. Further consideration would also have to be given to clause 4 because, if members will recollect, last night the Committee took out paragraphs (c) and (d) which dealt with the basis upon which the proportion of

the tax should be paid to the racing and trotting clubs. Proposed new section 16B reads—

The Commissioner shall as soon as possible after the end of each racing year ascertain the proportions of the total amount of off-course turnover for that racing year respectively applicable to—

- (a) Races of ridden horses held in the State;
- (b) Races of driven horses held in the State;
- (c) Races of ridden horses held elsewhere than in the State;
- (d) Races of driven horses held elsewhere than in the State.

Members will recollect that when dealing with this Bill in Committee we deleted the last two paragraphs because Mr. Wise suggested to the Committee that by their removal a greater sum would go to Consolidated Revenue, and a lesser sum would be apportioned to the racing and trotting clubs. Actually, the opposite will be the effect. Although Mr. Wise's amendments were well intentioned, the Treasury officials have advised me that the removal of these two paragraphs will have an effect opposite to that suggested by Mr. Wise.

Let us take the paragraphs (a), (b), (c) and (d) as representing ten units each, which would mean a total of 40. If the Bill were allowed to remain as it was, each of the items listed would represent a quarter of the total, which would mean that a quarter of the sum would go to the racing clubs and a quarter would go to the trotting clubs. But by the removal of paragraphs (c) and (d), 50 per cent. will go to the racing clubs and 50 per cent. will go to the trotting clubs, and there will be nothing left for Consolidated Revenue.

The Hon. L. C. Diver: That is what I said last night.

The Hon. A. F. GRIFFITH: The honourable member mentioned that to me last night, but I did not appreciate it. I appreciate it now because the situation has been explained to me by the Treasury officials. If the Committee is prepared to write those two paragraphs back into the Bill, the effect will be that the racing clubs, which are to receive 33 per cent., will receive £87,000.

The Hon. F. J. S. Wise: Shouldn't you discuss this on recommittal rather than now?

The Hon. A. F. GRIFFITH: I could discuss it on recommittal, but the whole thing is all bound up together, and I thought it better to explain it now. A little while ago I was told that I was not giving enough information, and now, because I am trying to be meticulous, I am asked to give the information later.

The Hon. F. J. S. Wise: No. They affect another Bill. Why not stick to this Bill?

The Hon. A. F. GRIFFITH: Because this Bill travels through the whole lot.

The Hon. F. J. S. Wise: No.

The Hon. A. F. GRIFFITH: Does the honourable member want me to stick purely and simply to the tax?

The Hon. F. J. S. Wise: I want you to give us more information on these gradient figures.

The Hon. A. F. GRIFFITH: We will have to come back to a recommittal on that point at a later time.

The Hon. F. J. S. Wise: That is all right.

The Hon. A. F. GRIFFITH: What other information does the honourable member want?

The Hon. H. C. Strickland: I understood you to mention the first time a figure of $4\frac{1}{2}$ per cent.

The Hon. A. F. GRIFFITH: I did.

The Hon. H. C. Strickland: For £150,000 and over is it $3\frac{1}{2}$ per cent.?

The Hon. A. F. GRIFFITH: I will go through the figures very quickly once more.

The Hon. H. C. Strickland: Do it slowly.

The Hon. A. F. GRIFFITH: Up to £25,000 it is $2\frac{1}{2}$ per cent., and from £25,000 to £50,000 it is $2\frac{1}{2}$ per cent.

The Hon. H. C. Strickland: Nominal.

The Hon. A. F. GRIFFITH: Yes. Do you want the effective rates as well?

The Hon. H. C. Strickland: Yes.

The Hon. A. F. GRIFFITH: The first one would be a nominal rate of $2\frac{1}{2}$ per cent., and an effective rate of $2\frac{1}{2}$ per cent. That is the first tax assessed. On £50,000 the nominal rate would be $2\frac{1}{2}$ per cent. and the effective rate would be $2\frac{1}{2}$ per cent.; on £75,000 it would be $3\frac{1}{2}$ per cent. nominal and $2\frac{1}{2}$ per cent. effective; on £100,000 it would be $3\frac{1}{2}$ per cent. nominal and 3 per cent. effective; on £125,000 it would be $4\frac{1}{2}$ per cent. nominal and $3\frac{1}{2}$ per cent. effective.

The Hon. H. K. Watson: Do you propose that the $4\frac{1}{2}$ per cent. shall remain in your final proposal?

The Hon. A. F. GRIFFITH: No. On £150,000 it would be $4\frac{1}{2}$ per cent. nominal and $3\frac{1}{2}$ per cent. effective.

The Hon. H. C. Strickland: You gave us $3\frac{1}{2}$ effective.

The Hon. F. J. S. Wise: You have gone up on your rates.

The Hon. A. F. GRIFFITH: If I have misled the honourable member I am sorry, because I did not intend to do so. Those are the figures I thought I gave a short time ago, and I am sorry if they have been misinterpreted.

The PRESIDENT: I think this could be better discussed in Committee, but I will allow the Minister to proceed.

The Hon. A. F. GRIFFITH: I would appreciate it very much if you would, Mr. President, because I think that the whole future of the Bill depends on the understanding that members have in respect to what will happen in the Committee stage. The rate would be $3\frac{1}{2}$ per cent. on all turnover in excess of £150,000.

The Hon. G. C. MacKinnon: Once you reach £150,000 you apply the average rate from then on.

The Hon. A. F. GRIFFITH: That is so. I repeat, the Treasury officials estimate that these proposals will return approximately £8,000 less than those which were in the Bill, and still are in the taxing Bill, where the rates started at 2½ per cent. and went up to $3\frac{1}{2}$ per cent. Using the proposals put forward by Mr. Wise, the rate would start off at 2 per cent., and would go up to an effective rate of nearly 4 per cent. Across the floor of the Chamber last night I asked the honourable member for his assessment of the situation, and he said that the effective rate would be about 3.9 per cent. on the last scale.

The effect of these amendments would be to allow the tax to remain exactly where it is, with no increase at all on the £25,000 turnover. I would remind Mr. Wise that his own leader, Mr. Hawke, prior to the election indicated that if his Government were returned it would make some increase in the tax. The Parties who now comprise the Government also made a statement in that regard. The rate of nearly 4 per cent. would have a crippling result on the higher group.

If it is competent for the Legislative Council to request these amendments—and in my humble opinion I do not think it is competent for the Legislative Council to do that—I think this basis is a fair and equitable one. I do not desire to make any further comments on the Betting Control Act at the moment, but if you will allow me, Mr. President, I will answer any further questions, if possible, that may be put to me now. The Government considers that this basis is a fair and equitable one.

The Hon. F. J. S. Wise: Will you concede that you are one quarter per cent. up on the £25,000 to £50,000 group?

The Hon. A. F. GRIFFITH: What if I do concede it? We have adopted a new sliding scale, so I do not think there is any point in saying whether or not I concede it.

The Hon. F. J. S. Wise: If you started at 2 per cent. I think you would be on a fair basis.

The Hon. A. F. GRIFFITH: The proposals in the Bill are that at £50,000 turnover the tax will be $2\frac{1}{2}$ per cent., on

£100,000 it will be 3 per cent., and on £101,000 it rises to $3\frac{1}{4}$ per cent., and on £150,000 it will be $3\frac{1}{2}$ per cent.

Whether or not they have any relativity does not affect the issue, because the proposition I put forward is a new basis. It is different from the one in the Bill; it is in keeping with the idea of a sliding scale. Members who addressed themselves to this measure indicated their desire for a sliding scale of tax, and for the imposition on the bookmaker in the lower category of turnover to be less than that proposed in the Bill.

If members do not want me to refer to any other matter in the Bill, I propose to conclude my speech. The best method to deal with the measure is to discuss the various rates in the Committee stage, and to ask the Chairman to outline the position as regards any request to the Assembly for an amendment to the tax.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. W. R. Hall) in the Chair; the Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 1 put and passed.

Clause 2—Section 2 amended:

The Hon. H. C. STRICKLAND: I listened to the explanation of the Minister. It is difficult, in the short time available to us, to check on the accuracy of the figures given by him. The Minister should have passed on written copies of those figures to members so that the proposition he is putting forward might be studied.

Normally when a member proposes comprehensive amendments to a measure, the Minister in charge asks him to place them on the notice paper in order that the department concerned may study the effect of them. Here, within a period of half an hour during the debate on this measure, the Minister spent less than 10 minutes in explaining the effect of the alterations in the scale of tax to be imposed on the various categories of turnover. At this late stage in the session the amendments should have been placed before us in written form. Any amendment must be in the form of a request to another place; even when such a request is made to another place it will have to be in a form which can be easily understood by the members there.

The Minister should postpone the Committee stage of this Bill to enable members to study the amendments. Within the short space of time since the proposals have been placed before us, members have

had little opportunity to give due consideration to them. I ask that progress be reported and that the amendments be placed on the notice paper.

The Hon. A. F. GRIFFITH: It is not my desire to inconvenience members through any action of mine. In view of the pressure of business at this stage of the session, I did not get to bed till 4.30 a.m. today and I was up by 7.30 a.m., and at the office by 8.45 a.m. Yesterday the debate on these taxing measures was continued, and amendments were placed on the notice paper. There was an addendum to the notice paper; and a further list of amendments was handed to me by Mr. Wise prior to the House meeting.

The Hon. H. C. Strickland: You had something in writing. We have not in this case.

The Hon. A. F. GRIFFITH: I have to wait until the Bill is before the House before I can tell members about it. The amendments proposed by Mr. Wise are on the notice paper. They propose a sliding scale of tax from 2 per cent. upwards. It is the Government's desire to adopt the suggestion of a sliding scale, but instead of starting at 2 per cent. as proposed by Mr. Wise, the Government is agreeable to the scale starting at 2½ per cent.

If more time is required for the consideration of this matter I am prepared to agree to progress being reported. It is no use suggesting that I could have acted in a manner different from the way I have acted in respect to this measure. I have not had time to consider all the debate which took place last night in respect of these taxing measures. The Government's proposition is that a sliding scale of tax be adopted.

The Hon. F. J. S. Wise: At three-quarter per cent. higher.

The Hon. A. F. GRIFFITH: Whether or not it is higher does not matter. The idea of a sliding scale has been accepted by the Government.

The Hon. F. J. S. Wise: Your proposal now before us is higher than the original proposal put forward by you.

The Hon. A. F. GRIFFITH: It seems that the honourable member is able to understand the proposition in the time available to him.

The Hon. H. C. STRICKLAND: The Minister should have adopted the course which other Ministers here have adopted. When they have proposed amendments to legislation, such amendments have been placed on the notice paper, and the legislation has not been dealt with until the amendments have appeared.

The Hon. F. J. S. WISE: There is a story which applies to the proposition before us. A native assisted his master in the gathering of ducks as they were shot. In their journey they shot a crow and a duck. The master said to the native, "Will you have the crow and I the duck; or will I have

the duck and you have the crow?" The native replied, "Will you say that slow? Seems to me I get the crow every time."

The comparison lies in two ways in direct association with the proposition of the Minister. It seems that more than one sort of person is to get the crow; but in addition, we have to insist on the Minister saying it slowly. On the figures he gave we find that he most assuredly went above the original figure of the Bill. I tried to pin him down to that but he would not explain the matter.

The Hon. H. K. Watson: You took him on a journey and he went with you in respect of the sliding scale.

The Hon. F. J. S. WISE: He jumped the rails. He stopped at the £150,000 turnover category. He proposed in respect of a turnover of over £150,000 that a flat rate of 3½ per cent. be imposed; that is identical with the provision in the Bill. In respect of turnover exceeding £100,000 and not exceeding £125,000 he has a nominal rate of 4½ per cent. and an actual rate of 3½ per cent.

The Hon. A. F. Griffith: What is the rate in the Bill?

The Hon. F. J. S. WISE: At £150,000 it is 3½ per cent.; in the proposal it is 3½ per cent.

The Hon. A. F. Griffith: The effective rate is 3½ per cent.

The Hon. F. J. S. WISE: It is 3½ per cent. That is the point I am getting at. In respect of that category he is at least one quarter per cent. higher than the proposition in the Bill.

The Hon. G. C. MacKinnon: It was your desire that that category should be up to that rate.

The Hon. F. J. S. WISE: That is not the proposition.

The Hon. G. C. MacKinnon: Why did you desire that it should be increased at that point?

The Hon. F. J. S. WISE: The honourable member is talking at cross-purposes, because that is not my proposal. I would have no objection to the proposal of the Minister, but I think it would be fair and equitable if the Minister started at one quarter per cent. lower all the way through. There is no need for any hurried calculation to be made, because in Committee we can discuss these matters more than once. I would like to be given the calculation of the difference of the lowering by a quarter per cent. of the range up to £150,000.

The Hon. A. F. Griffith: Are you speaking now of the nominal rate or the effective rate?

The Hon. F. J. S. WISE: The effective rate. The same thing would apply if the nominal rate were reduced by one quarter per cent. I think the Minister would find that the loss would not be very substantial. He should start at 2 per cent. and finish,

if he likes, at his present top range. But what is happening with this is that the top range is coming down disproportionately to the ratio of the increase on the lower rungs.

The Hon. L. A. Logan: Under your figures, not ours.

The Hon. A. F. Griffith: We come down from 2½ per cent. to 2¼ per cent.

The Hon. F. J. S. WISE: I know. But last night this Chamber debated that principle and decided very strongly against the proposal in the Bill as it affected the Betting Control Act Amendment Bill, and decided that the low rate should be 2 per cent.

The Hon. G. C. MacKinnon: We didn't.

The Hon. H. K. Watson: We agreed to the principle.

The Hon. F. J. S. WISE: We approved the principle on the rates as mentioned by me on the notice paper, but no matter how it may be continually circumscribed, the difference is that this has gone up from the base by one quarter per cent. and has finished at a rate to give the Government an almost identical amount to that which is proposed in the Bill.

The Hon. A. F. Griffith: On a different basis.

The Hon. F. J. S. WISE: Yes.

The Hon. A. F. Griffith: I do not deny that. It is £8,000 less, in fact.

The Hon. F. J. S. WISE: I took the figures down as the Minister quoted them but other members may not have done the same, and in all fairness I think we should have progress reported so that a further amendment might be placed on the notice paper for tomorrow, whereupon we can immediately proceed with it.

I am pleased that the principle of the graduated scale between the smaller components has been accepted by the Government. I regret very much the increase which has occurred in the scale provided in the amendments of which notice was previously given. However, we must concede that none of us is in a position to review these matters carefully because half-an-hour ago, or a little more, we knew nothing about these proposals.

The Hon. J. G. Hislop: What do you want?

The Hon. F. J. S. WISE: I want these bookmakers on the lower rung to pay a lesser amount. By starting at 2¼ per cent. instead of 2 per cent. in the lower group, the burden is going to be very large on some of the people with the numbers of transactions within that group.

The Hon. J. G. Hislop: You realise the loss might be £50,000 or £80,000?

The Hon. F. J. S. WISE: I do not think it would be. I hope Dr. Hislop will realise that I am not wishing to be unfair or nasty in this matter. I desire to have it established on the basis of equity in regard to the distribution of the tax. I desire that it should be borne by those who can bear it and that it should be levied on a basis that is fair. I do not desire that any group should be forced out of business because it has a burden which is too great. I also do not desire such people to be forced into the back lanes. I hope that the matter can be left until tomorrow when we could deal with it expeditiously after having been supplied with the information I request.

The Hon. G. C. MacKinnon: The proposal submitted by Mr. Wise that we should delay this matter is based mainly on the premise that we have had insufficient time to study the situation. It is apparent that the honourable member is asking for time so that he also may consider it.

During the last few years in which Mr. Wise has been in this Chamber, we have all been struck by his extreme thoroughness, particularly in a matter of this nature. By no stretch of imagination could any of us conceive of the possibility of Mr. Wise, out of the blue, arriving at the figures which he has quoted in his amendment. I believe that he would have investigated the possibility of all those ranges within 1¼ per cent. or 1½ per cent. in order to ascertain the figures he has given.

In view of the thorough investigation which we know he would carry out, and the care with which he would do it, we know that he must be fully aware of the impact of the figures the Minister has suggested. As I say, Mr. Wise is not the type of man to quote a figure lightly.

As a result of the debate that has taken place in regard to this proposal, the notice we have had of it, and the fact that any effect this amendment might have would be very small, I believe that members here will be fully able to understand the proposals the Minister has outlined. I am sure also in my own mind that Mr. Wise has investigated a far greater range than his recent remarks would lead us to believe.

The Hon. A. F. GRIFFITH: I did not hurry through the figures which I gave. As a matter of fact, I quoted them twice, and members who were interested wrote them down as I did so. I want members to consider the fact that the difference between 2 per cent. and 2¼ per cent. on the first £25,000 of turnover would yield the princely sum of £62 10s. That is what we are cavilling at.

The Hon. F. J. S. Wise: No, we are not.

The Hon. A. F. GRIFFITH: Perhaps I should withdraw the word "cavilling."

The Hon. F. J. S. Wise: It is the impact of the extra quarter per cent. at those higher levels.

The Hon. A. F. GRIFFITH: The situation is that if the Government agreed to start at 2 per cent. and rise from that point, the loss to the Treasury would be £45,000.

The Hon. F. J. S. Wise: That is the figure I was seeking.

The Hon. A. F. GRIFFITH: But the bookmaker on a turnover of £25,000 would pay the princely sum of £62 in addition in one year. Is that such a dreadful thing? He has been paying 2 per cent., which was imposed by the Government of which the honourable member was a Minister.

The Hon. H. C. Strickland: It closed some of them up, too.

The Hon. A. F. GRIFFITH: Mr. Diver suggested the other night that the Government should withdraw all licenses and see what would happen when applications were again called.

The Hon. G. C. MacKinnon: That is a darn good suggestion, too.

The Hon. A. F. GRIFFITH: As I said, it would mean an imposition of another £62 10s. I make this offer: If that figure worries members of the Opposition and they do not think my explanation is sufficient, I am quite prepared to adjourn the house for a time. I have at my disposal someone who will discuss the propositions with any member who would care to do so. It is appreciated that it is not competent for me to go any further than that, but members are well aware of what I am referring to.

The Hon. H. C. Strickland: You will not put them on the notice paper?

The Hon. A. F. GRIFFITH: The honourable member knows that today is Wednesday, and it is the Government's intention that this session should finish by Friday; and in those circumstances, if the amendment were put on the notice paper, it would not allow sufficient time for the Bill to be returned to the Legislative Assembly, where a further amendment might be desired. We would have the same position arise as arose this morning when we adjourned about 4 o'clock after arguing for about five hours on a Bill. I am simply advocating a different percentage in the scale of tax. If members wish it, we could suspend the sitting for a short time in order to clarify the matter.

The Hon. H. K. WATSON: Last night when debating the accompanying measure, I supported the principle propounded by Mr. Wise in preference to that contained in the Bill, under which a man with a turnover of £51,000 would find that the whole of

it came within the £50,000 to £100,000 group. I repeat that I supported Mr Wise's proposal for a sliding scale, with a smooth graduation. The amendments proposed to be made to this measure were before us; and I asked what figure Mr. Wise's proposal would produce overall. I supported his proposition on the understanding that it would produce £90,000 more than the Government's proposal. That was my understanding, having asked the question twice.

The Hon. F. J. S. Wise: *Hansard* will show that I said it would produce £90,000 less.

The Hon. H. K. WATSON: We were discussing a matter of £100,000; and I said that one figure would practically offset the other, and I chided the Minister for refusing to accept the proposal which would produce another £100,000 for Consolidated Revenue. Now the Minister has a proposal which I think will produce a figure in close proximity to that mentioned by Mr. Wise. In the limited time available to us we can do little more than examine the over-all position; but now we are told that Mr. Wise's proposal would produce £90,000 less, and not more. If progress is to be reported, I think the Committee should first dispose of the question of whether Mr. Wise's amendments are in order.

The Hon. C. H. SIMPSON: I think the principle put forward by Mr. Wise has been accepted by the Committee, and the same applies to the different ratings in the various categories. The Bill contains four categories from which it was calculated to produce a certain amount of revenue which the Government requires. Mr. Wise has suggested a series of 10 graduations, which I understood would ease the burden on those with the smaller turnover and increase it in the higher categories, thus producing the required revenue; but the Treasury officials, who have access to the bookmakers' returns to the Betting Board, say a different scale of rating is necessary to provide the revenue which the Government wants.

We must keep in mind the right of a Government to raise whatever revenue it needs. The Bills suggested a rate of 2½ per cent. on the lowest category of turnover, and Mr. Wise's amendment suggested 2 per cent.; while the Minister now proposes 2½ per cent.; and I think we should accept the Minister's proposal.

The Hon. H. C. STRICKLAND: The Minister complained that we were cavilling at a mere £62 in regard to the turnover group up to £25,000, in relation to a difference of ¼ per cent. I repeat that between 20 and 30 licensed bookmakers handed in their licenses from that group in 1957, because they could not make ends meet on that turnover. A difference of ¼ per cent. means a lot to the people in the £25,000 turnover group, who handle

only £500 a week. When the board originally licensed the shops, I understand it considered that £1,000 per week turnover was the minimum figure from an economic point of view.

I am defending the licensed off-course bookmaker only as one who provides a facility for people in isolated places who want to bet. In view of the fact that the Government, under the investment tax measure, wants to make these bookmakers a tax-collecting agency, I think it should pay them a commission rather than impose any further burden on them. The Minister should keep in mind the facility provided in isolated places by the licensed bookmakers. I do not think there are more than four licensed bookmakers in my province, and the nearest point of that province to the W.A. Turf Club course is about 500 miles away, whilst the furthest point is 1,500 miles from it. If we are to take away every facility and amenity from the northern half of the State, who is expected to live there?

People like to have a bet no matter where they are. On Melbourne Cup day, everybody in Perth stops round about 1 p.m. to listen to the broadcast of the cup. If people are to be denied an opportunity to bet because the Government is desirous of taxing bookmakers out of existence, I suggest that the Government should give the matter further consideration.

The Hon. L. A. LOGAN: I think some members are shedding crocodile tears over the bookmakers who have a small turnover. Up till now all of them have been paying 2 per cent. on their turnover. Members opposite are quite agreeable to the bookmakers who have a high turnover paying 3½ per cent. tax, but they still maintain that the men on the small turnover cannot pay 2½ per cent.

The Hon. H. C. Strickland: You know your experience at Northampton.

The Hon. L. A. LOGAN: I know, and the bookmakers there can pay 2½ per cent. Also, it is not £62 that is involved, unless the turnover exceeds £25,000. It would mean only £30 to some of these bookmakers. If the bookmakers in the large turnover group can afford to pay 3½ per cent. and members on the other side of the Chamber have said that they can—

The Hon. H. C. Strickland: I did not say they could.

The Hon. L. A. LOGAN: Mr. Wise did. If that be the case, surely the man with the small turnover can afford to pay 2½ per cent.

The Hon. A. F. GRIFFITH: Is Mr. Wise proposing to move the amendments he has on the notice paper?

The Hon. F. J. S. Wise: I was hoping I could do that tomorrow.

The Hon. A. F. GRIFFITH: I have made an offer and I will make it again. If there is any difficulty in regard to the compilation of the tax, I am prepared to adjourn the Committee for a short time to enable information to be obtained from those who are in the best position to supply it.

The Hon. F. J. S. Wise: You are objecting to the Committee reporting progress until tomorrow when I can move my amendments?

The Hon. A. F. GRIFFITH: Yes, but only because the end of the session is approaching.

The Hon. H. C. Strickland: You have all next month if you wish.

The Hon. A. F. GRIFFITH: Yes. I can recall what happened last year with the previous Government towards the close of the session.

The Hon. F. J. S. WISE: Obviously I cannot allow the motion to be carried without at least attempting to move my amendment because the Minister will not agree to report progress. Instead, he has suggested that a conference of some indefinite nature be held outside the Chamber with a Treasury officer.

The Hon. A. F. Griffith: I have made the offer twice.

The Hon. F. J. S. WISE: It has already been foreshadowed that if I move my amendment there will be no debate on it because the Minister will ask for your ruling, Mr. Chairman, on whether it is in order according to the provisions of section 46 of the Constitution Acts Amendment Act. That section has been used for many purposes with strange results, because the decision is not necessarily based on argument or opinion.

The Hon. A. F. Griffith: That is what we found the other night when the ruling went in your favour.

The Hon. F. J. S. WISE: We often find that to be the case, but I never grizzle when the decision goes against me.

The Hon. J. G. Hislop: Not much!

The Hon. F. J. S. WISE: The honourable member should speak for himself.

The CHAIRMAN: Order!

The Hon. F. J. S. WISE: Dr. Hislop asked for that. Once I move the amendment, the important thing is that it may close the debate, because it will depend on an interpretation of section 46 of the Constitution Acts Amendment Act. It will depend on an interpretation of the burden to be imposed on the people. The Minister cannot move his own amendments in this Chamber for the same reason, because even by making a request amendment to be moved in another place he will be increasing the burden on the people. But who are the people? In the *Oxford*

Dictionary, which is the one we always look to for guidance, appears the following definition:—

People. Persons composing community, race, nation. Persons in general. A body of enfranchised or qualified citizens.

Therefore it means all of them; it is not only a few on whom the burden will be imposed. *Chambers 20th Century Dictionary* states that people are persons generally; the men, women and children of a country or nation.

I state that definition realising that if I move to disagree with your ruling I could not win because the numbers would be against me.

The Hon. A. F. Griffith: How do you know what the Chairman's ruling is going to be?

The Hon. F. J. S. WISE: I do not know, but if words in the Constitution Acts Amendment Act mean anything, and if the effect of an amendment is to impose a burden on the people—even if such a burden is sought to be imposed by request amendments—it is not competent for any member of this Chamber to move such an amendment. Therefore, I am one who believes there is no merit in moving to disagree with the ruling of the Chairman or the President unless there is some point which is more than arguable, and one which could induce a majority irrespective of Party, to vote one way or another. However, on this issue, we will not get that sort of vote.

If a request for an amendment is made, I could not succeed with it. Without in any way anticipating the decision of the Chairman; and in the event of there being an opportunity for my amendment to be inserted in the Bill, I shall move it.

The Hon. A. F. Griffith: Before the honourable member does so, I would like him to resume his seat and I will say something to him.

The Hon. F. J. S. WISE: Very well.

The Hon. A. F. GRIFFITH: I approached this question in a spirit of compromise. I suggested to the honourable member that I did not think it would be competent for him to proceed with the amendment he has on the notice paper because it seeks to increase the amount of tax that is intended to be levied by the Bill and therefore it would be out of order. I then suggested that if the proposition I put forward was acceptable—and it should be borne in mind that it involves the tax being imposed on a sliding scale—members should allow it to leave this Chamber knowing that it was acceptable to the Government and the Opposition; and, because the Government had discussed it, it would agree to it in the Legislative Assembly and send it back to this Chamber for consideration. That is the spirit of compromise I showed at, roughly, 7.30 p.m.

The Hon. H. C. Strickland: The Minister should say "ultimatum."

The Hon. A. F. GRIFFITH: I have reviewed the question and, whereas I think the amendment proposed to be moved by the honourable member would be outside the scope of section 46 of the Constitution, I do not think mine would be, because the effective rate of tax that is sought to be imposed by my amendment, would not exceed $3\frac{1}{2}$ per cent. Therefore, it would not increase the charge upon the people which is sought to be made by the Bill.

If Mr. Wise is prepared to accept the proposition which the Government has put forward—and which we think is a reasonable one—I will move the amendment the honourable member has on the notice paper—on condition, of course, that I will reduce the scale to that which I have mentioned—and we can send it to another place as a request amendment so that consideration can be given to it. The alternative is that I would be obliged to proceed with the Bill as it is; and if that is done the imposition of a $2\frac{1}{2}$ per cent. tax instead of $2\frac{1}{2}$ per cent. will not be laid at my door. As I am desirous of seeing this legislation placed on the statute book, I request the honourable member to allow the Committee to proceed along those lines.

If I do not ask for a ruling on section 46 of the Constitution, and the honourable member does not challenge the procedure, the amount of tax that will be imposed will be reasonable. It can be accepted by members of the Committee that the imposition of the effective tax would not exceed $3\frac{1}{2}$ per cent., and, therefore, it is permissible to send from here to another place a request amendment.

The Hon. F. J. S. WISE: The Minister is asking me to agree to something which he would not agree to himself. In his comments there has been mention that his rate will rise to $4\frac{1}{2}$ per cent.

The Hon. A. F. Griffith: Not the effective rate.

The Hon. F. J. S. WISE: My rate of tax, in the high turnover bracket, is not effective, either, but it will be ruled out of order on the top figure that I mentioned. If the Minister's amendment is agreed to, we would impose a rate of $4\frac{1}{2}$ per cent., but if my amendment is agreed to, it would be $3\frac{1}{2}$ per cent. That is, of course, on the high turnovers.

The Hon. A. F. Griffith: Don't you think that it is the effective rate that has to be considered?

The Hon. F. J. S. WISE: I do; but the Minister mentioned a certain figure. I regret it is necessary to examine this in anticipation of your ruling, Mr. Chairman. You may think that we are out of order in anticipating your ruling.

The CHAIRMAN: Standing Orders provide that members shall not anticipate legislation.

The Hon. A. F. Griffith: Neither I, nor the honourable member, has asked for a ruling.

The Hon. F. J. S. WISE: The best way for me to do this is to move my amendment hoping the Committee will accept it. I move an amendment—

Page 2 line 11—Delete all words after the figures "1954" and substitute the following:—

- (i) On so much of that turnover as does not exceed twenty-five thousand pounds, at the rate of two per centum;
- (ii) on so much of that turnover as exceeds twenty-five thousand pounds but does not exceed fifty-thousand pounds, at the rate of two and one-quarter per centum;
- (iii) on so much of that turnover as exceeds fifty thousand pounds, but does not exceed seventy-five thousand pounds, at the rate of two and one-half per centum;
- (iv) on so much of that turnover as exceeds seventy-five thousand pounds but does not exceed one hundred thousand pounds, at the rate of two and three-quarter per centum;
- (v) on so much of that turnover as exceeds one hundred thousand pounds but does not exceed one hundred and twenty-five thousand pounds, at the rate of three per centum;
- (vi) on so much of that turnover as exceeds one hundred and twenty-five thousand pounds but does not exceed one hundred and fifty thousand pounds, at the rate of three and one-quarter per centum;
- (vii) on so much of that turnover as exceeds one hundred and fifty thousand pounds but does not exceed one hundred and seventy-five thousand pounds, at the rate of three and one-half per centum;
- (viii) on so much of that turnover as exceeds one hundred and seventy-five thousand pounds but does not exceed two hundred thousand pounds, at the rate of three and three-quarters per centum;
- (ix) on so much of that turnover as exceeds two hundred thousand pounds but does not exceed two hundred and twenty-five thousand pounds, at the rate of four per centum;

- (x) on so much of that turnover as exceeds two hundred and twenty-five thousand pounds, at the rate of four and one-quarter per centum.

The Hon. A. F. GRIFFITH: Still with the idea in mind that the Government shall alter this tax when it reaches the Assembly, I am prepared to accept the amendment after moving a further amendment to it. I move—

That the amendment be amended by striking out the words, "but does not exceed one hundred and seventy-five thousand pounds" in subparagraph (vii).

This merely gives effect to what I foreshadowed would be done by the Treasurer in the Legislative Assembly. If it is agreed to in another place it will mean 4½ per cent. up to £150,000 turnover, reverting to a flat 3½ per cent. on any amount above that.

The Hon. H. C. STRICKLAND: I must protest at the Minister not supplying us with a copy of his amendment. This is not in keeping with the spirit of co-operation to which he referred two months ago. It has always been demanded by the Minister that members supply copies of their amendments at least to the Chair. Parliament was called together much earlier than usual and yet we have legislation like this brought down at this time in the session. I wish to record my protest at the Minister not supplying a copy of his amendment to the Opposition and the Chairman. I do not say I will not support the Minister's amendment.

The Hon. F. J. S. WISE: I take it the Minister agrees to subparagraphs (i) to (vi) of my amendment. I understand he wishes to strike out the words, "but does not exceed one hundred and seventy-five thousand pounds" in subparagraph (vii). If the Committee agrees to that, the Bill can then proceed with my request amendment to be dealt with by the Assembly. It indicates that we endorse a graduated scale and submit it for the Assembly's consideration. If that is the position, I accept the amendment moved by the Minister.

The Hon. W. F. WILLESEE: Bearing in mind that my criticism of the Bill was that there was no graduated scale, I think the proposal put forward by the Minister should be accepted. We have gone about as far as we can go.

The Hon. A. F. GRIFFITH: I thank Mr. Wise. The amendment will go to the Assembly, and if the Government is able to give effect to its intentions then the measure will be returned here with the rates of percentage tax imposed in the various sections at a different figure from that which now appears in the amendment.

Amendment on the amendment put and passed.

The Hon. A. F. GRIFFITH: I move—

That the amendment be further amended by striking out subparagraphs (viii), (ix) and (x).

Amendment on the amendment put and passed.

Amendment, as amended, put and passed.

Bill reported with amendments, and a message accordingly returned to the Assembly requesting that the amendments be made, leave being given to sit again on receipt of a message from the Assembly.

BETTING CONTROL ACT AMENDMENT BILL

Recommittal

On motion by the Hon. A. F. Griffith (Minister for Mines), Bill recommitted for the further consideration of clauses 3 and 4.

In Committee

The Chairman of Committees (the Hon. W. R. Hall) in the chair; the Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 3—Section 14 amended:

The Hon. A. F. GRIFFITH: I move an amendment—

That the words "but does not exceed one hundred and seventy-five thousand pounds" in subparagraph (vii) of the amendment inserted by previous Committee, be deleted.

In view of the acceptance by the Committee of the request for amendments on the Bookmakers' Betting Tax Act, it is necessary for the Committee to put, in the same order and condition, the amendments that were moved by Mr. Wise and agreed to last night.

Amendment put and passed.

The Hon. A. F. GRIFFITH: I move an amendment—

That subparagraphs (viii), (ix) and (x) in the amendment inserted by a previous Committee, be deleted.

The Hon. F. J. S. WISE: I have no alternative but to accept the proposal. This Bill will go back to the Assembly without any additional tax above that provided in my original requested amendment in the Bill that we have just dealt with—above 3½ per cent. It was obvious that I was fighting a losing battle, and I could not succeed with my amendment unless I agreed to this procedure. It was obvious that the only amendment that had been requested which would have been allowed was the Government's own amendment. This is now in the hands of the Legislative Assembly. The difference is that instead of the Government's proposal being in this Bill when it returns, the proposals which I finally move and which were endorsed in this Committee yesterday are included in

the Bill. I have no alternative but to amend the Bill as amended last evening and to agree to the deletion of the three paragraphs.

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

Clause 4—Sections 16A, 16B and 16C added:

The Hon. A. F. GRIFFITH: This was the clause upon which I was attempting to speak on the previous Bill when replying to the second reading debate, but it was not desired that I continue with my explanation at that point of time. The Committee will remember that last night, upon the motion of Mr. Wise, we deleted sub-clauses (c) and (d), which appear on page 5 of the Bill. The purpose the honourable member had in mind when he moved the amendment, and the explanation he gave—which was accepted by the Committee in good faith—was that it would bring about a state of affairs under which Consolidated Revenue would receive a greater sum of money. Mr. Wise suggested that it was not fair and equitable that the tax on Eastern States races should go to other than Consolidated Revenue.

The Treasurer has pointed out to me that the reverse is the effect and that the whole of the money will go into Consolidated Revenue.

The Hon. H. K. Watson: None will go into Consolidated Revenue.

The Hon. A. F. GRIFFITH: Thank you. None will go into Consolidated Revenue; the whole of the money will be distributed to the clubs. I do not know what the honourable member would like me to do, but I invite him to make some comment; and if he would like to move to replace the provisions he may do so.

The Hon. F. J. S. WISE: I was strongly opposed to the proposal that the Turf Club should benefit from the turnover on Eastern States racing. In moving for the deletion of paragraphs (c) and (d) I removed the medium for the assessment of the turnover tax, and the levying of any other tax. I admit that was not my intention. My intention was that that portion of the tax should not be paid to either the Trotting Association or the Turf Club. That can only be achieved if the words that I took out of the Bill in lines 25 to 29 on page 5 still come out of the Bill. Otherwise, we will distribute the collections within those proportions in accordance with paragraphs (a), (b), (c) and (d). Since I have no desire to distribute these sums, other than to the Treasury, provided the Minister will agree that my subsequent amendment shall stand, I will move to reinsert paragraphs (c) and (d).

The Hon. A. F. GRIFFITH: I appreciate the position in which the honourable member finds himself. I have discussed

this matter with the Treasurer. If we reinsert (c) and (d) and leave the subsequent amendment, the situation will be that the racing clubs will get £87,000; the trotting clubs will get £58,000; and the balance of the £264,000, namely, £118,000, will go to Consolidated Revenue.

Under the other proposal, if the percentage ratio of distribution were allowed to be put into the Bill, of the £118,000, approximately £65,000 would remain in Consolidated Revenue and the balance, namely, £53,000, would go to the racing clubs in the proportions laid down in the Bill. The Treasurer feels it would be better to have legislative authority to pay these proportions to the Turf Club and to the Trotting Club rather than have one terrific argument between the clubs about the proportions.

Mr. Wise has asked me to sort of undertake to accept what is already in proposed new section 16C in respect to the amendment. I suggest to him that I cannot undertake to accept that, because I want to see how the Committee feels with regard to the Treasurer's point of view.

The Hon. A. L. LOTON: I hope Mr. Wise will agree to the reinsertion of paragraphs (c) and (d), and that he will insist on the deletion of the words in lines 25 to 29 on page 5 of the Bill. He must do this to achieve what he set out to achieve originally; namely, to make the money collected available to the trotting and racing clubs; and the money collected on racing outside the State, payable to Consolidated Revenue. I feel certain that the honourable member has not changed his mind on this matter.

The Hon. H. K. WATSON: I suggest to Mr. Wise that regardless of the attitude on the second point—in regard to proposed new section 16C—it is essential in order that he should achieve what he wants to achieve, to move for the reinsertion of paragraphs (c) and (d).

The Hon. F. J. S. WISE: From the remarks of the last two speakers, it is obvious why I did not move for the reinsertion of paragraphs (c) and (d); because I was not going to be led up the garden path.

The Hon. A. F. GRIFFITH: By whom?

The Hon. F. J. S. WISE: When the Minister would not give a clear-cut assurance that he would allow the paragraph at the end of subsection (1) of proposed new section 16C, obviously I would not move for the reinsertion of the other paragraphs. With that part in, the *status quo* of the Bill as printed would have remained and the Turf Club would have got the distribution which I am trying to avoid.

The Hon. A. L. Loton: You would have got the crow then.

The Hon. F. J. S. WISE: I would; but I was not going to be caught.

The Hon. A. F. GRIFFITH: Who was going to catch you?

The Hon. F. J. S. WISE: I would like the Minister to repeat the figures of what both clubs would get under the provisions of paragraphs (a) (b) (c) and (d) with the words in proposed new section 16C cut out.

The Hon. A. F. GRIFFITH: I was not trying to catch the honourable member at all. I wanted to explain what the Treasurer thought about the situation. The figures that the honourable member asked for are: £88,000 will go to the racing clubs; £58,000 will go to the trotting clubs; and £118,000 will go to Consolidated Revenue.

The Hon. F. J. S. WISE: I move an amendment—

Page 5—Reinsert paragraphs (c) and (d) in lines 1 to 4.

Amendment put and passed.

The Hon. A. F. GRIFFITH: I ask the Committee to give consideration to the request made by the Premier in respect to the distribution of this money. I have not led anyone astray on this. The Premier feels it would be better to have this matter on a legislative basis rather than to have the two bodies battling against each other, as no doubt they would, in regard to their proportions of the money. I move an amendment—

Page 5—Reinsert after the word "section" in line 25 all words down to the word "section" in line 29.

Amendment put and negatived.

The Hon. A. F. GRIFFITH: The Committee, on the voices, has indicated its opinion. The words, "the sum of" in lines 32 and 33 are redundant. I move an amendment—

Page 5, lines 32 and 33—Delete the words "the sum of."

Amendment put and passed.

The Hon. A. F. GRIFFITH: Members will recall that in connection with subparagraph (1) on page 6 an amendment was moved which brought about the situation where the country clubs would be given, as the Bill now stands, 30 per cent. of the amount of tax, and 70 per cent. would go to the racing clubs in the metropolitan area. I ask the Committee to give further consideration to this matter. The situation is that if the amendment we agreed to last night is persisted with, country racing clubs will find themselves in the position of having money they will not be able to spend.

The Hon. L. A. Logan: Or put to effective use.

The Hon. A. F. GRIFFITH: That is so. I said last night that some of the country racing clubs had indicated their extreme pleasure at the percentages of 85 to 15. It is interesting to note that no move was made to alter the percentages

in respect to the trotting association. The percentage is still 85 to 15 and not 70 to 30. I cannot see, when one appreciates the extensive increase that the country racing clubs will receive on the 85 to 15 basis, that there is any good reason why it should be increased further to 70 to 30.

The Hon. H. C. Strickland: Last night you didn't tell me the figures for Marble Bar.

The Hon. A. F. GRIFFITH: It now gets the princely sum of £21, and it would go up to £158, which is about seven times as much as it now receives.

The Hon. H. C. Strickland: What is wrong with £300?

The Hon. A. F. GRIFFITH: I suppose there is nothing wrong with £3,000, but it is a matter of keeping the whole thing in perspective. If the amendment is not agreed to it will cost the clubs in the metropolitan area about £13,000. I move an amendment—

Page 6, line 9—Delete the word "seventy," inserted by a previous Committee, and substitute the word "eighty-five."

The Hon. W. F. WILLESEE: Much of the money involved emanates from the country, and 30 per cent. of it would barely be adequate compensation. If we generate better racing conditions in the country, more horses will be raced there and, in the ultimate, there will be a tendency to have better racing in the metropolitan area. Also, there will be a tendency for those living on the outer perimeter of the metropolitan area to race their horses more frequently, and in greater numbers, in the country than they do now.

The £13,000 which is the difference between the two rates is not a lot when it is spread over a large number of country clubs. Some reference was made to the fact that the figures for the Trotting Association were not altered. The Trotting Association has a fairly close liaison with the country trotting clubs, and has races in the city for country horses. It assists country owners by providing passages to and from the city for country horses, on occasions. My view is that the amendment I moved successfully last night was a reasonable one.

The Hon. R. THOMPSON: I supported the amendment moved by Mr. Willesee last night because country stakes are low, and the amendment would provide the country clubs with more money, and this, in turn, would be a greater incentive for people in the city with horses to travel to the country for race meetings. It would be a good opportunity for them to get their horses into condition and, if the stakes were reasonable, it would be some compensation for the distances they would have to travel. It is not uncommon to see stakes of £50 or less at country race

meetings, and as it costs such a lot of money to keep and train horses these days, it is no incentive for people to race them in the country.

If Mr. Willesee's amendment, which was agreed to last night, is still supported, many farmers who carry blood stock on their properties will have some incentive to train their horses and prepare them for racing. Over the years many horses have come from the Murchison, Geraldton, and Kalgoorlie districts. I hope the Minister's amendment will not be agreed to.

The Hon. A. L. LOTON: Last night I supported Mr. Willesee's amendment; but now I am wondering whether the Committee, in trying to be generous to the country clubs, and trying to help them, may not be doing something that will have an adverse effect upon them. The Turf Club in some cases provides stewards and handicappers for country clubs, and if it finds that these clubs are to receive an extra £13,000 the Turf Club is likely to tell them to find their own handicappers and stewards; and whether the money will be well spent is another matter. I should like to hear other members' views on this point.

The Hon. A. F. GRIFFITH: I would emphasise to members that by reason of the amendments made to the Bill, Consolidated Revenue will get the sum of £118,000, and we have taken away from the turf club £53,000. If he does not want to do so, the Treasurer does not have to allocate one shilling of that money to the racing clubs. I think it would be fair, reasonable, and equitable to revert to the 85-15 percentage.

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

Ayes—13.

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. L. C. Diver	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. H. K. Watson
Hon. J. G. Hilsop	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray
Hon. G. C. MacKinnon	(Teller.)

Noes—11.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. D. Teahan
Hon. A. L. Loton	(Teller.)

Pair.

Aye.

No.

Hon. A. R. Jones

Hon. R. F. Hutchison

Majority for—2.

Amendment thus passed.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 6, line 23—Delete the word "thirty," inserted by a previous Committee, and substitute the word "fifteen."

Amendment put and passed.

The Hon. A. F. GRIFFITH: There is a consequential amendment necessary, similar to the one just agreed to. I move an amendment—

Page 6, lines 38 and 39—Delete the words "the sum of."

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

Bill again reported with further amendments, and the report adopted.

Third Reading

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

Sitting suspended from 10.8 to 10.37 p.m.

BILLS (3)—FIRST READING

1. Factories and Shops Act Amendment Bill.

2. Workers' Compensation Act Amendment Bill.

Received from the Assembly; and, on motions by the Hon. L. A. Logan (Minister for Local Government), read a first time.

3. Constitution Acts Amendment Bill (No. 3).

Received from the Assembly; and, on motion by the Hon. A. F. Griffith (Minister for Mines), read a first time.

BETTING INVESTMENT TAX BILL

Second Reading

Debate resumed from the 17th November.

THE HON. H. C. STRICKLAND (North) [10.40]: This Bill proposes to impose a tax on off-course bettors; and, as I said during the debate on the second reading on another of these measures, I oppose the Bill because it seeks to superimpose a further burden on those who already provide, off course, the money to carry on racing. The Minister will probably say that we have already passed legislation dealing with the £286,000 which the Government hopes to collect under this Bill.

The Hon. A. F. Griffith: It is £264,000.

The Hon. H. C. STRICKLAND: My estimate could be as close as that of the Treasurer, because no-one knows what will be the volume of betting in the financial year following the introduction of this tax. I believe the Treasurer's estimate of £264,000 is based on the volume of betting in the 1958-59 financial year. I submit that, if the desired sum is not collected under this measure, there is nothing to prevent the Treasurer from distributing the same amount, on the same basis, from Consolidated Revenue, and from money collected from the off-course bettor. According to the Treasurer's figures the off-course bettor already provides more than £500,000; and from three of the four

measures either recently before this Chamber or still before it, the Treasurer proposes to collect another £509,000.

The total to be gathered from the off-course bettors in a full year—according to the Treasurer's figures is estimated at £1,053,000. Of that amount it is proposed to distribute to the clubs £286,000 and to pay into Consolidated Revenue £756,000. It appears to me that that is a case of two for the racing fraternity and three for the Government. We have heard a great deal of the parlous condition of the racing industry, as the Minister calls it, and we have heard much of the necessity to impose these taxes to assist this industry.

However, by a study of the three measures we are now dealing with; namely, that designed to impose the turnover tax, the Bill for a further increase in the stamp tax and the measure to impose an investment tax, we find that the total the Treasury has estimated it will collect is £509,000. Of that amount it is proposed to pay £209,000 to the clubs, and £300,000 will be retained by the Government. The Government has seized the opportunity to open up another avenue by which it will tax a large section of the public on the excuse that it will be paying £200,000 to the racing clubs. But, whilst it is doing that, the Government will be getting £300,000 for itself.

The Hon. G. Bennetts: Hungry for money!

The Hon. H. C. STRICKLAND: I do not think the honourable member has adequately described the action of the Government. I think it is anxious to display its true colours by imposing the burden of taxation on those who can least afford it. The imposition of the investment tax would lead one to believe that that is the intention of the Government, because that tax is expected to return £264,000 in the first 12 months. The turnover tax, which will be imposed on the bookmakers, is expected to return £190,000 in the first 12 months; and the increases to be obtained by the imposition of further stamp duty are expected to be £54,000. Those are the figures that have been quoted by the Treasurer, and they indicate that the Government is going to make sure of imposing the tax on those who can least afford to pay; namely, the off-course bettors and, in particular, those who make only small bets.

The Bill proposes to impose two rates of tax. On every bet up to £1, the tax will be 3d., and on every bet ranging from 21s. to an unlimited amount, the tax will be 6d. Therefore, the man who will be betting in hundreds or, in racing parlance in ponies and in monkeys—I believe a pony is £25 and a monkey is £50—will pay only 6d., but the man who can afford to invest only £1 broken up into, say, four bets of 5s. each will pay 3d. on every bet, or, a total of one shilling in the £1.

The Government, therefore, intends to squeeze as much as it can from the better who invests his money by way of a small bet; and he comprises the larger section of the community. I propose to test that provision in Committee. I intend to move that paragraph (a) be deleted, which would mean that a tax of 3d. would not be imposed on a bet of 2s. 6d., 5s., 10s., or any other bet up to £1. What effect would that amendment have on the £264,000 that the Government anticipates collecting from this tax?

The Hon. A. F. Griffith: I can tell you now. It would be £28,000.

The Hon. H. C. STRICKLAND: If that is all that is involved, the Government would not miss it. The Minister should be prepared to forgo that amount and impose a tax of 6d. only on those bets exceeding £1. If the Government has any sympathy for the small bettors it will agree to my proposed amendment to delete paragraph (a).

The Hon. A. F. Griffith: You propose to delete paragraph (a)?

The Hon. H. C. STRICKLAND: I am sorry the Minister has not been listening to me, but I have been accusing his Government of imposing a tax on those who can least afford to pay it, and when the Bill goes into Committee I propose to move an amendment to delete paragraph (a) which will exempt the small bettors from the payment of the tax.

The Hon. A. F. Griffith: That would cost the Government £236,000. I am sorry I gave you an incorrect figure previously.

The Hon. H. C. STRICKLAND: Now we are getting somewhere. That bears out what I have said. The Government intends to squeeze as much as it can from those who can least afford to pay. Of the total of £264,000 to be obtained from this tax in the first 12 months, £236,000 is to be obtained from the small bettors.

The Hon. L. A. Logan: The majority of the bettors.

The Hon. H. C. STRICKLAND: Never mind about the majority! That amount will be obtained from the small bettors. I know the Minister has no sympathy for the small bettors.

The Hon. L. A. Logan: None at all! I cannot afford to bet.

The Hon. H. C. STRICKLAND: I am merely trying to make it clear that that is the Minister's attitude towards the small bettors. The Press would do a great favour to a majority of the bettors and the racing public to whom it sells a large number of its newspapers, by telling those people exactly what they will be contributing towards the total amount of £264,000. It has been said that the bookmakers may pay the tax. The Betting Control Act Amendment Bill, to which this

measure relates, makes clear what will happen. Subsection (3) of proposed new Section 16A reads as follows:—

A bookmaker who at or in registered premises makes a bet with a person, whether the amount of money as consideration for the bet is paid or promised to the bookmaker, shall collect from the person placing the bet the amount of investment tax payable in respect of that bet.

That is a great obligation to place on bookmakers, apart from holding them responsible for the payment of their existing taxation. They now pay to the Betting Control Board a license fee to operate; they pay a tax on their turnover and, in the future, they will pay increased tax on each ticket they write. Now they are expected to collect the tax that will be paid by the bettors. To each bettor who invests any amount up to £1 the bookmaker will be required to point out that another 3d. will have to be added before the bet can be accepted, and from the bettor who makes a wager of £1 or more he will have to extract 6d. for each bet.

Admittedly, the money that he will collect from those who bet in amounts of £1 or over will not amount to much. It will represent only £28,000 a year. If the bookmakers paid the investment tax in respect of bets up to £1, the cost to them would be £236,000 a year.

This Government is following in the footsteps of the Commonwealth Government. The latter has, in effect, instructed employers to collect income tax from the employees in this country. The State Government is taking its cue from the Commonwealth Government and is saying to the off-course bookmakers, "You are to be our agents, and you will collect the investment tax from the bettors."

This Government is punishing those people who do not belong to its political Parties, or those who are not its supporters. I am also opposed to the tax, because it is absolutely unfair to tax the person who is unable to patronise a race-course for the reason that he cannot afford to attend the course.

Perhaps I might be accused by the Minister for Local Government of shedding crocodile tears. He accused me in that manner previously. I guarantee the tear-drops that fall from my eyes are not as big as those which fell from his when he was referring to the wealthy farmers of this State losing their railway services. The tears shed by him were crocodile tears; because those farmers today would not have those discontinued rail services restored at any price.

There are many people in this State who find it impossible to attend the race-courses, such as those living in the bush and in isolated areas, people working on Saturdays on essential services, and people

participating in sport. Because they have a liking to speculate a little on the races they are to be penalised. That is another reason why I must oppose the iniquitous tax proposed in the Bill.

The most important aspect for members to consider is that the Government has placed great emphasis upon the amount which will be collected from the off-course punters. It emphasised the fact that the money so collected would be distributed between the racing clubs.

The Hon. H. K. Watson: Not all of it.

The Hon. H. C. STRICKLAND: Not all, but a good deal of it.

The Hon. A. F. Griffith: It is all less £181,000.

The Hon. H. C. STRICKLAND: That makes no difference. There will still be £1,000,000 going into the Treasury from the taxes imposed on off-course bettors. That is an increase of over 100 per cent. in the revenue from this source—an increase from £500,000 to £1,000,000.

The Government maintains that unless this measure is passed the Government will not be able to make the proposed allocations to the racing clubs. According to the figures given by the Treasurer, he will be able to allocate the proposed amount, and more, because out of the additional £509,000 which these measures are anticipated to return, the racing clubs are to receive £200,000 and the Government £300,000.

The Hon. A. F. Griffith: That figure has now been reduced by £53,000.

The Hon. H. C. STRICKLAND: The Government still has enough revenue from this source to make up the difference to the racing clubs. It could take £50,000 from the revenue from off-course betting and pay that amount to the racing clubs. I am sure the Marble Bar Race Club will not mind the Government knocking off some portion of its allocation to make up the allocation to the Turf Club! The Minister chided us and said that one-quarter per cent. meant £62,000—

The Hon. A. F. Griffith: It was not £62,000. It was £62 10s. 6d.

The PRESIDENT: The Leader of the Opposition has the floor. I hope members will not interject.

The Hon. H. C. STRICKLAND: The excuse which the Minister offers in defence of this Bill is absolutely groundless. If it is defeated the Government will still be able to derive £245,000 under the other two taxing measures. Even if no more bets were made in the next year, as compared with the present year, the Government would not lose anything at all by forgetting about the tax under the measure before us. The Government should not squeeze £230,000 from the bettors who wager in amounts from 2s 6d. to 5s. The

Government should forget about this category of bettor. The Government should not tax him 3d. every time he makes a bet of 2s. 6d. or 5s. The next thing we know, the Government will be taking meat from blind magpies!

Those who desire a little pleasure from betting in a small way should not be taxed so severely. Let the Government give the racing clubs a bigger share of the revenue derived from off-course betting. I oppose the Bill.

THE HON. J. J. GARRIGAN (South-East) [11.9]: I support the remarks made by the Leader of the Opposition. I do not intend to go into a resume of the figures already referred to because the Minister has outlined them very well. I represent a vast majority of the people in this State who find it practically impossible to attend the racecourses. They are to be penalised because distance prevents them from patronising racecourses in the metropolitan area.

The pensioner and the basic wage earner are as much entitled to have a bet as the large punter who frequents the metropolitan racecourses. The people living beyond the metropolitan area and those in isolated centres are to be penalised by being taxed 3d. for every bet they make, up to £1. That is an imposition of almost 10 per cent. on their outlay.

When this Bill is discussed in the Committee stage, members should oppose it in every way possible. It is unfair that people living in centres stretching from Wyndham to Esperance shall be penalised when they make a bet. I hope members will give this Bill the fate it deserves. I am quite certain that it was never intended to deprive people living in the outback of having a bet.

THE HON. G. BENNETTS (South-East) [11.10]: I am amazed at the action taken by the Government to scrounge this tax from the small bettors. The one who bets in 2s. 6d. and 5s. denominations is the one who will be penalised. On most occasions when bets of these amounts are made the investment tax will have to be paid by the bookmaker. I am sure that the bookmaker will have a difficult task in trying to collect the tax of 3d. whenever a bet of 2s. 6d. or 5s. is made.

Another aspect to consider is that the Government is turning the off-course bookmakers into tax collectors. This action by the Government will be the greatest contribution to its defeat at the next elections. I am sure that whenever a small punter is called upon to pay this investment tax, the fact will be impressed on his mind that the Government is imposing a tax on the worker.

It is amazing to see the Government taxing the people in so many ways. When the Labor Government was in office there

was a great uproar every time a taxation measure was introduced; but during every sitting this week a taxing measure of some sort or other has been introduced by the present Government.

In respect of big bets, it would be a simple matter for the bookmakers to collect the tax, because most of these are credit bets. When the accounts are submitted, the amount of the tax can be recovered. But when money is paid over the counter it is difficult for the bookmaker to collect the tax of 3d. or 6d., as the case may be.

Some bookmakers may pay this tax themselves because they are in fear of losing the patronage of the small punters. If they do not, they may find other off-course bookmakers being prepared to pay the tax as a means of attracting custom. If every off-course bookmaker were to insist on punters paying the investment tax, the position might be different. I can see abuse arising out of the imposition of this tax. I hope the Bill will be defeated in the Committee stage.

There was a chance of defeating the measure yesterday when the Government supporters were at sixes and sevens. This evening, however, they appear to have been whipped into conformity.

THE HON. J. D. TEAHAN (North-East) [11.15]: The people living in my province, in centres like Leonora, Gwalia, Mount Magnet or Meekatharra, are provided with very little entertainment on Saturdays. It is not possible for one to attend an A-grade cricket match or an A-grade football match; neither is there any yachting, boating or surfing. The only form of enjoyment is to invest in a small way with the local registered bookmaker on races held in Perth or in the Eastern States.

In the places I have mentioned, nine-tenths of the population would be working men who would make small bets of 2s. 6d., 5s., and up to £1. Those are the people who will have to pay this tax of 3d. I appeal to the Minister to be thoughtful when reviewing this tax in the Committee stage as it is really imposing a penalty on those people who have little other enjoyment—the people who live away from the course. Having recorded that protest, I intend to vote against the measure.

THE HON. E. M. HEENAN (North-East) [11.16]: I wish to make a few comments, without reiterating what has already been said by my colleagues. I notice this tax is estimated to produce approximately £225,000; and that is an enormous amount of money to take away from the people who bet. It indicates the utter futility of betting and hoping to win at the same time.

As my colleagues from the Goldfields have pointed out, this tax is going to weigh pretty heavily on the small man—the small man who bets in sums of 2s. 6d., 5s., and

amounts in that category. As I travel around, I notice particularly on the Goldfields that the majority of people who patronise the betting shops appear to be pensioners. In the towns mentioned by Mr. Teahan, one is surprised at the large number of pensioners who comprise the population in each centre.

The Hon. G. C. MacKinnon: I thought according to your publicity the pensioners did not get enough to live on let alone to bet on.

The Hon. F. R. H. Lavery: Who is making this speech?

The Hon. E. M. HEENAN: The pensioners in these places do not live on bread alone. In places like Meekatharra, Wiluna and Gwalia a bet in a small way on Saturday afternoon probably means as much to them and to their well-being and happiness as loaves of bread and fishes. We are not just using a sentimental argument in favour of these people. I think there is considerable merit in the proposition of our leader that bettors in the small category should be released from payment of the tax.

If we could not agree on £1, perhaps the Minister could agree to substitute the figure of, say, 10s. That would represent considerable relief to a lot of Goldfields people who bet in small amounts of 1s., 2s., and so on. If they are going to pay 3d. on each bet, it is readily understandable that the payment will represent a fair amount in their case. I hope, therefore, that the Minister will give some consideration to these arguments in the hope that Mr. Strickland's amendment may receive sympathetic consideration.

THE HON. H. K. WATSON (Metropolitan) [11.21]: I think the suggestion just made by Mr. Heenan and by some of the speakers who preceded him entirely misses the point. The facts as I understand them in respect of S.P. betting are that at least 90 per cent. of all the bets which are made are under £1. The average bet of all the bets made during the year in all the shops is 18s. 8d. Therefore, surely it becomes obvious that if we are going to talk of relieving the bettor who has bets of £1 and under, there will be no tax at all.

The Hon. G. Bennetts: That would be a good thing.

The Hon. L. A. Logan: That is why I used the word "majority."

The Hon. H. K. WATSON: With this bewildering array of tax Bills before us, I agree that henceforth when the punter and the bookie meet, it will be a case of taxes in front of them, taxes to the right of them, taxes to the left of them, and taxes volleyed and thundered all round them. This is a tax on S.P. bettors; and, in the main, they consist of small bettors. We should bear this in mind that, like

the drinker who contributes his fair share to Commonwealth excise, and like the smoker who contributes his fair share to Commonwealth excise, the infliction is self-imposed. One does not have to drink; one does not have to smoke; and one does not have to gamble. However, if one desires a flutter, one pays the price in the same way as the person who has a smoke or has a drink.

To my mind, there is one weakness in the Bill: It is the question of administration. I feel that in regard to any tax that is levied upon any section of the people, simplicity of imposition is a very desirable feature; and for quite a while I have contemplated—even though I have committed the unpardonable sin of not putting the amendment on the notice paper—moving an amendment to provide for a flat tax of 3d. on all bets. I did feel, at first, it would certainly be a great convenience for both the Treasury officers and for the bookmakers. They would only require one ticket and one book. Henceforth they will have to have two tickets and two books; and I can imagine quite a lot of confusion when, five minutes before a race is run, people mill about at a counter three or four deep, and the clerks behind the counter have to decide whether they will require a pink ticket or a blue ticket, a threepenny book or a sixpenny book.

The Hon. G. C. MacKinnon: They have queues.

The Hon. H. K. WATSON: They may have to have double queues. I think these are matters which should be seriously taken into account when imposing taxation. I was inclined to the view, in respect of bets over £1—they only constitute 10 per cent. of the total bets—that the revenue involved would not be very great. However, upon making a few calculations, both in respect of this tax and the betting tax which proposes 1½d. on bets under £1 and 3d. on bets over £1—that is under the Stamp Act—I found the amount involved was more considerable than I at first thought. I found that if there were a flat tax of 3d. for this investment tax and a flat rate of 1½d. in regard to the stamp tax, the total amount involved would be to the order of £42,000. That is to say, the Treasury would lose to the extent of £42,000.

Having arrived at that conclusion, I feel there could be some merit in levying the extra 3d. on bets over £1. There is one feature in these Bills for which I commend the Government—I only regret that the Government did not follow the same principle in respect to the Hire-Purchase Bill—that is, the principle of passing it on. When it came to the hire-purchase tax the Government refused to let the merchants pass on the tax; but here the Act provides that the tax shall be passed on; that the bookmaker shall collect from the punter.

The Hon. L. A. Logan: It is imposed on the punter.

The Hon. H. K. WATSON: I am not without hope that the same principle next session may be put into the Hire-Purchase Act. To get back to the point which prompted me to rise, I repeat that it is useless talking of exempting the small bettor from this Bill, because 90 per cent. of the bets on S.P. are under £1 and the average bet for the whole State is 18s. 8d.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines—in reply) [11.28]: When we speak about taxes, I feel a little sorry I was unable to answer a question asked by Mr. John Thomson tonight when he put a question on the notice paper which asked me to indicate the extent of the taxes which have been imposed during the term of the previous Labor Government's office, from 1953 to 1959. I was obliged to ask him to postpone the question because of the trouble to which we will have to go to provide the answer. It is going to take a long time to add up the amount of tax. I hope to be able to give the honourable member the answer on Friday.

The Hon. F. R. H. Lavery: They had six years; you have had six months.

The Hon. H. C. Strickland: Deal with the principle in this one.

The Hon. A. F. GRIFFITH: When speaking on the first Bill, I spoke in detail because you, Mr. President, kindly permitted us to address ourselves to the four Bills when we were dealing with the Betting Control Bill. I explained the purposes the Government had in mind in imposing these taxes. What happened when the Commonwealth Government vacated the field of entertainments tax? It had no sooner vacated the field than we had a Bill presented to us to impose a tax.

The Hon. H. C. Strickland: You are putting it on the punter by this Bill.

The Hon. A. F. GRIFFITH: The Bill that the previous Government brought down imposed an entertainments tax on all sorts of entertainments. When a man goes to the picture theatre he looks at the prices shown outside the box office and he sees so much for entrance and so much for entertainments tax. He pays the total amount to the person in the box office, has the entertainment in the theatre, and the proprietor operates as the agent for the Government in the collection of the tax.

The Hon. F. R. H. Lavery: And the person pays one tax for the whole evening.

The Hon. A. F. GRIFFITH: I am not denying that.

The Hon. F. R. H. Lavery: If a man goes into a betting shop and has eight bets he pays eight lots of tax.

The Hon. A. F. GRIFFITH: The man who goes out to the racecourse tenders his money at the turnstile and so pays an entertainments tax to go to the races.

The Hon. H. C. Strickland: And he sees all the pretty dresses, has nice lawns to walk on, sees the races, and so on.

The Hon. H. K. Watson: He pays only 3d. in betting tax.

The Hon. A. F. GRIFFITH: But he pays an entertainments tax to go on to the course. As we have been told, racing is in a parlous condition; attendances at the course are falling off; and it is the Government's desire to give a greater proportion of tax to the racing clubs so that they can improve conditions in their attempts to bring people back to the racecourses. It is perfectly true, as Mr. Strickland said he would expect me to say, that this Bill, by which a tax of £264,000 will be raised, is the medium which will be used to give the racing clubs the proportion that has been set out. But, at the will of the Committee, it is not nearly the sum that the Government intended; because, as we now know, £118,000 will go into Consolidated Revenue.

The Hon. H. C. Strickland: You can give it away again.

The Hon. A. F. GRIFFITH: It will be a question for the Premier to decide on the distribution of the tax. If a man pays to go into a picture theatre he pays his entertainments tax, and nobody thinks anything about it. If he goes to some other form of entertainment he pays entertainments tax, and probably does not say very much about it either. There is no difference with this legislation.

The Hon. H. C. Strickland: But under this he pays a turnover tax, too.

The Hon. A. F. GRIFFITH: The Government seeks to impose this tax upon the man who has an investment; and, after all, why should not the man who invests his money on racing pay a tax, because he gets the benefit of the racecourses; if it were not for the racecourses he would not be able to bet.

The Hon. H. C. Strickland: But his money pays the lot.

The Hon. A. F. GRIFFITH: He would have to bet on flies crawling up a wall, or something like that. The clubs are there for the purpose of conducting races which give the better the interest that he has in the bets he makes. That is plainly the situation. Just at the time Mr. Strickland asked me about the figures in connection with paragraph (a) and paragraph (b) in the Bill, I happened to be asking the Under Treasurer a question, and I mixed the two figures. If paragraph (a) is deleted it is perfectly true that the Treasury

will lose £208,000; and if subclause (b) is deleted the Treasury will lose £28,000. But do not let us run away with the idea that that is the amount of tax, because it is not. The amount of tax in respect of the 6d. tickets is £56,000, and that sum would be halved if the tax were reduced to 3d. In other words, the Treasury would lose £28,000.

The tax will operate in conjunction with the stamp duty; there will be an incorporation of the two. One ticket, which will be called ticket No. 1 will have a stamp duty of 1½d. and an investment tax of 3d. That ticket will be one colour, and the other ticket, which will be called ticket No. 2, will involve a stamp duty of 3d. and an entertainments tax of 6d. That will be another colour. The operation of it will be quite simple, and I do not think there will be a great amount of confusion and difficulty, such as has been envisaged, in the collection of this tax.

The Hon. H. C. Strickland: Our main objection is to the principle.

The Hon. A. F. GRIFFITH: The principle is merely a point of view. The honourable member suggests that the punter should not pay stamp duty, and that he should not pay a form of entertainments tax.

The Hon. H. C. Strickland: It is an investments tax.

The Hon. A. F. GRIFFITH: We claim that by taxing in this manner the return of £264,000 will enable the Government to make appropriations to the racing and trotting clubs, including the country clubs, in the manner laid down in the previous legislation. There is no doubt that we have accepted the intention. I knew that Mr. Strickland was going to vote against the Bill.

The Hon. H. C. Strickland: I told you so.

The Hon. A. F. GRIFFITH: But the Committee accepted the contention knowing that this Bill was coming forward. This Bill will provide the wherewithal to fulfil the intention of the measure that has been previously passed. It is the desire of the Government that this tax should be imposed; and the legislation in connection with the operation of S.P. bookmakers has approximately 12 months to run. The situation will be carefully watched.

The Hon. H. C. Strickland: It is no good keeping your eyes on it. You want some action.

The Hon. A. F. GRIFFITH: The Treasurer will be obliged to allocate this money among the turf clubs and the trotting association. It will be one operation.

The Hon. H. C. Strickland: Do you remember saying that the Hawke Government should have given more to the racing clubs out of the tax it was collecting?

The Hon. A. F. GRIFFITH: No. What I said at the time was that I considered a more equitable distribution of the tax should be made.

The Hon. H. C. Strickland: From the tax collected?

The Hon. A. F. GRIFFITH: Yes.

The Hon. H. C. Strickland: You will be getting three for every two you are collecting now.

The Hon. A. F. GRIFFITH: At present we are actually getting one for every six, and we propose to get one for every three.

The Hon. H. C. Strickland: You get seven and they get two.

The Hon. A. F. GRIFFITH: I could continue answering these interjections, which you regard as disorderly, Mr. President.

The PRESIDENT: They are very disorderly; but I am tolerant.

The Hon. A. F. GRIFFITH: I hope members will agree to the second reading of the Bill.

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

Ayes—14.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thompson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	Hon. F. D. Willmott

(Teller.)

Noes—12.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. W. R. Hall

(Teller.)

Pair.

Aye.	No.
Hon. H. L. Roche	Hon. R. F. Hutchison

Majority for—2.

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. W. R. Hall) in the Chair; the Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3—Rates of tax:

The Hon. A. L. LOTON: I have had some amendments on the notice paper, but I ask leave to withdraw them.

The CHAIRMAN: There is no need for the honourable member to move them.

The Hon. H. C. STRICKLAND: I move an amendment—

Page 2—Delete paragraph (a) in lines 3 to 6.

The Hon. A. F. GRIFFITH: There is no use arguing about this. It would mean the exclusion of tax to the extent of £236,000.

The Hon. F. R. H. Lavery: You said £208,000.

The Hon. A. F. GRIFFITH: No; I think the honourable member misheard me.

The Hon. H. C. Strickland: They are different from the amounts you gave me earlier.

The Hon. A. F. GRIFFITH: I beg the Committee's pardon. The amount derived from the 6d. tax is £56,000 and that derived from the 3d. tax is £208,000.

The Hon. H. C. STRICKLAND: I have just realised that I cannot move to delete; I must request that the paragraph be deleted.

The CHAIRMAN: I will accept the amendment in that form.

The Hon. F. R. H. LAVERY: This amount of £236,000 is to be taken from all the bettors, so the Minister for Local Government said. An amount of £208,000 is to be collected from bets of under £1, which will impose a further penalty on a section of the people. This Government has been ruthless in its attack on the betting community of this State. It has lashed out with a cat-o'-nine-tails in all directions; and I am sure it is sorry that those under 21 years of age are prohibited from entering betting shops, because they would be another medium of taxation. We notice that the Government is not attempting to tax the big punters; the men in Tattersall's Club or any other clubs; it is the small men who are being taxed. Mr. MacKinnon, who is usually asleep in his seat, jumped up on one occasion and said that the pensioner did not have enough to live on, let alone bet on. If that is his view he should support the amendment.

Amendment put and a division called for.

The CHAIRMAN: Before the tellers tell I give my vote with the ayes.

Division taken with the following result:—

Ayes—12.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. R. Thompson
Hon. W. R. Hall	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. G. E. Jeffery

(Teller.)

Noes—14.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thompson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	Hon. F. D. Willmott

(Teller.)

Majority against—2.

Amendment thus negatived.

Clause put and passed.

Title put and passed.

Bill reported without amendment and the report adopted.

Third Reading

Bill read a third time and passed.

STAMP ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 18th November.

THE HON. F. J. S. WISE (North) [11.58]: I do not think this Bill should pass without some comment. It was referred to with many others during the course of the debate on the proposed amendments to the Betting Control Act; and it, again, is to bring in sums of money to the Treasury by imposing a further tax, a different sort of tax, on off-course bettors on races. It constitutes an increase in stamp duty which is to give the Government a further considerable income from this source.

The Bill contains a tax to be paid by all off-course bookmakers in regard to the varying types of bets to be made. The work entailed, to which I drew attention when the first Bill was being debated, will establish a chaotic set of circumstances when the rush period is on. As one speaker said, the last five minutes before a race is a very busy period. I think this is another tax which should have been on a flat rate; another one which should have been applied so as the amount to be collected would have been sufficient, but would not have been the nuisance type of tax that this one will be.

I have said on more than one occasion during the last day or two that this is a field for valid taxation, but it is not a field for the vexatious type of tax. It would have been better, as other speakers have pointed out, had more mature consideration been given to the levels of taxation imposed in the four taxing Bills which will give to the Government vast sums of money from the people. In the ultimate, it will all be collected from the bettor and will be taxable at several stages through the hands of people who are in this type of business providing, as has been said, an amenity now recognised as being well organised and well controlled.

I well realise we are, more or less—to use vulgar parlance—flogging a dead horse. It is unfortunate that that is the situation. It is a poor sort of proposal that members of this House have had to listen to during the last few days. The four measures were brought before the House in the dying hours of the session. In the past this has

been glibly referred to by the Minister for Mines. I remember that when he sat on the Opposition side of this Chamber, he objected to volumes of Bills being introduced within three or four days of the session closing—and many others supported him in that protest. He also made sure that the window was open for those Bills to go out, because the Opposition Parties at that time had a predominance of numbers in this House. I am referring to such measures as Bills to amend the Workers' Compensation Act, the Traffic Act, Public Service amendments and that sort of thing.

The Hon. F. R. H. Lavery: Native welfare.

The Hon. F. J. S. WISE: So it is an unfortunate circumstance, that at this time, this day, and this hour we should be asked to pass this Bill, which will inevitably pass because the majority has not been able to decide for itself.

Question put and passed.

Bill read a second time.

In Committee

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

Third Reading

Bill read a third time and passed.

FACTORIES AND SHOPS ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [12.6 a.m.] in moving the second reading said: I make no apologies for introducing this measure at this late hour. It comes about because of the acceptance of the increase in the female basic wage to 75 per cent. Because of that increase anomalies have been created in the Factories and Shops Act. Agreement has been reached between the Employers' Federation and the A.L.P. because of these amendments which will alter the percentage schedule of the female basic wage in relation to the male basic wage. Actually it is a decrease in the percentage because of a court direction in 1952 regarding the rise and fall clause. The proposed rates are, 15 to 16 years of age, 35 per cent.; 16 to 17 years 43 per cent.; 17 to 18 years, 52 per cent.; 18 to 19 years, 61 per cent.; 19 to 20 years, 73 per cent.; and 20 to 21 years, 80 per cent.

As I said earlier, agreement has been reached between the A.L.P. and the Employers' Federation. Therefore, as far as I can see, there is no objection to this amendment to the Factories and Shops Act. I move—

That the Bill be now read a second time.

THE HON. H. C. STRICKLAND (North) [12.8 a.m.]: As the Minister has explained, this Bill is the result of a conference held between the Employers' Federation and the Australian Labor Party. It merely makes provision to grant that extra percentage of the basic wage which has been added to the female rate. There is no reason whatsoever to hold up the Bill. Everybody agrees that it is something that should be passed and passed as quickly as possible. 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.

Third Reading

Bill read a third time and passed.

MEMBERS OF PARLIAMENT, REIMBURSEMENT OF EXPENSES, ACT AMENDMENT BILL

First Reading

Bill received from the Assembly; and, on motion by the Hon. A. F. Griffith (Minister for Mines), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [12.12 a.m.] in moving the second reading said: This Bill contains eight clauses and a second schedule. It seeks to increase the amount payable to members of Parliament in respect of reimbursement of expenses account from varying amounts according to the electorate which is represented by a particular member. In the metropolitan area, it is proposed to increase the amount from £200 to £450; and in country areas from £350 to £600. In the North-West the increase will be from £400 to £700. In the second schedule the Bill contains particulars of offices occupied by particular members of Parliament, showing the minimum rate per annum of reimbursement, in addition to the fact that where the member of Parliament is a Minister, the amount will be in addition to the amount of reimbursement to which the Minister will be entitled under the reimbursement of salaries Act.

The second schedule deals first of all with the Premier, who will receive an amount by way of reimbursement of £300. The Deputy Premier will receive £200; the Leader of the Government in the Legislative Council, £200; and a Minister of the Crown, other than the Premier, Deputy Premier, and the Leader of the Government in the Legislative Council, £170.

The Leader of the Opposition in the Legislative Assembly is to receive £150; the Deputy Leader of the Opposition in the Legislative Assembly, £90; the Leader of the Opposition in the Legislative Council, £90; the Deputy Leader of the Opposition in the Legislative Assembly (when there is a recognised third Party in that Assembly), £70; the Leader of any third Party in the Legislative Assembly when such Party is a recognised Party under the Parliamentary Allowances Act, 1911, £90; the President of the Legislative Council, £120; the Speaker of the Legislative Assembly, £120; the Chairman of Committees in the Legislative Assembly, £75; the Chairman of Committees in the Legislative Council, £75; the Government Whip in the Legislative Assembly, £200; and the Opposition Whip in the Legislative Assembly, £150. It is considered that these increases are justified in view of the expenses to which members are put. I move—

That the Bill be now read a second time.

THE HON. H. C. STRICKLAND (North) [12.17 a.m.]: The Minister has explained the Bill thoroughly. It is the outcome of a long and exhaustive examination by the Rights and Privileges Committee, as well as by independent members, and there is no doubt that it is justified. It has 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.

Third Reading

Bill read a third time and passed.

CONSTITUTION ACTS AMENDMENT BILL (No. 3)

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [12.20 a.m.] in moving the second reading said: This Bill seeks to increase the salary of His Excellency the Governor. The Government has given consideration to the fact that His Excellency's salary, which is now £4,750, should be increased in view of the additional expense incurred by the holder of that office. In addition to his salary, the Governor receives an expense allowance in the vicinity of £5,000, with which to keep his household, but it is considered that in the existing circumstances the salary of £4,750 should be increased to £5,250. I move—

That the Bill be now read a second time.

THE HON. H. C. STRICKLAND (North) [12.22 a.m.]: I support the Bill. I read recently that in 1936 the salary of the Governor of this State was £4,000.

The Hon. A. F. Griffith: We had a Lieut.-Governor then.

The Hon. H. C. STRICKLAND: In view of the vastly increased costs of the present day, I believe the Governor should be better remunerated than he is at present. I support the Bill.

THE HON. F. R. H. LAVERY (West) [12.23 a.m.]: I am one of those who have always believed that we should have a Governor and not a Lieut.-Governor. The present holder of the office of Governor has brought great credit to himself and the State. I have for a long time considered that he is underpaid, and I support the Bill.

Question put and passed

Bill read a second time

In Committee

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

Third Reading

Bill read a third time and passed.

WORKERS' COMPENSATION ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [12.26 a.m.]: In moving the second reading said: This Bill seeks to overcome an anomaly created by the raising of the percentage in the female basic wage. Its whole object is to bring the rates of compensation into line again, and I move—

That the Bill be now read a second time.

THE HON. H. C. STRICKLAND (North) [12.27 a.m.]: This measure has the full support of my Party.

Question put and passed.

Bill read a second time.

In Committee

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

Third Reading

Bill read a third time and passed.

TRAFFIC ACT AMENDMENT BILL (No. 4)

Assembly's Message

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

ROAD DISTRICTS ACT

Disallowance of Kalgoorlie Commonage By-laws

Debate resumed from an earlier stage of the sitting on the following motion by the Hon. E. M. Heenan:—

That commonage by-laws made by the Kalgoorlie Road Board under the Road Districts Act 1919-1959, published in the *Government Gazette* on the 16th October, 1959, and laid on the Table of the House on the 27th October, 1959, be, and are hereby, disallowed.

THE HON. E. M. HEENAN (North-East—in reply) [12.31 a.m.]: This motion was moved because, in my opinion, and in the opinion of other Goldfields members in this House, the matter was of some urgency. If no action had been taken, the by-laws would have become operative and nothing further could have been done at this stage. I think it has been established beyond doubt that the enforcement of a by-law prescribing a fee of £5 per head to permit dairy cattle to run on the common would inflict such a burden on the Kalgoorlie dairymen that it would make it impossible for them to carry on. This would mean that, inevitably, the Goldfields would be denied a supply of fresh milk.

I and other Goldfields members were pleased with the moderate approach that was made to the motion by the Minister in his reply. I am sure members were interested in the report compiled over the week-end by Mr. Cunningham and which was read by the Minister to the House. However, the concluding paragraph of that report was not read by the Minister because apparently he did not consider it to be of great importance, but Mr. Cunningham has given me a copy of his report and I think that that paragraph has some bearing on the matter.

The Hon. L. A. Logan: I was not trying to withhold any of it.

The Hon. E. M. HEENAN: I realise that. This is what Mr. Cunningham said in the concluding paragraph of his report which was compiled only a day or so after he made an inspection accompanied by Mr. Teahan, Mr. Burt, road board members and others concerned—

My own suggestion is that the dairies, whilst they must be contributing in some degree to the dust trouble their share is small compared with the others. I think that the charge suggested should stand but that the section headed "Cattle" should carry a subclause "(aa)" registering dairy cows at £1 a head or some such reduced fee.

I want to make it perfectly clear that I heartily applaud the efforts which this regeneration committee is making to assist the regrowth of the bush in and around

Kalgoorlie; and I am sure that other Goldfields members share my view. We have some secondhand knowledge of what happened to Broken Hill years ago as the result of the bush being cut down and eaten out, and how, in recent years, a green belt has been re-established with beneficial results.

This Goldfields committee is to be applauded for its work. I am sure there is not one member from the Goldfields who wants to hinder its laudable efforts. At the same time we have to face up to the fact that the Goldfields community of over 20,000 people has always enjoyed a fresh milk supply of high standard; and, whereas some years ago there were 10 or 12 dairymen producing milk, there are now only three who, between them, produce upwards of 250 gallons daily.

Milk is a very important commodity in any community. Apart from that, we are under an obligation to the people engaged in this industry; and I am sure our efforts have been directed mainly to ensure that the industry will be protected as far as possible and that the men engaged in it will receive reasonable treatment. I do not desire to reiterate what I said in my first speech, but we have to bear in mind that, to date, Kalgoorlie and Boulder have managed quite well without these by-laws. Although one could agree that the time has arrived when something has to be done to prevent goats, cattle and sheep from devastating the bush around Kalgoorlie, these by-laws are somewhat precipitate.

If the motion is carried tonight it will give members of the parties concerned an opportunity to confer with a view to arriving at some sensible solution to the problem. That summarises the whole purpose of our efforts in this matter. It is to gain a breathing space to work out some sensible settlement which will effect the least possible harm to those concerned. I would like to meet the Minister's proposal to make some amendments to the by-laws, but on studying them at this stage it would present a drafting difficulty with which I could not cope.

I do not think a great deal of harm will occur if the by-laws are disallowed at this stage, and a new set submitted in due course after further consideration has been given to the various points of view espoused. I am glad to hear that negotiations of some kind are already proceeding, and I am sure that when a calmer and more co-operative attitude is adopted by both parties involved, a sensible outcome will result. If the new set of by-laws is gazetted within the next month or so I think everything should turn out all right.

In conclusion, it might be interesting to the various members if I read a telegram which I received on Tuesday, the 24th November, from Mr. Matthews who is secretary of the Eastern Districts Council

of the Australian Labor Party. As members know, this council is composed of delegates who represent all the unionists on the Goldfields. This is not considered a political question in that district; but the rank and file support the stand we have taken because Mr. Matthews said in his telegram—

This district council unreservedly supports members' action in disallowance road board by-laws re registration fees cattle using common.

That will show there is a strong degree of public support for some modification of this charge of £5 for any dairy cattle. In the circumstances, I trust members will carry this motion. By doing so, I feel they will be contributing towards a sensible outcome of this affair.

Question put and passed.

STATE ELECTRICITY COMMISSION ACT AMENDMENT BILL (No. 3)

Assembly's Message

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

ADJOURNMENT—SPECIAL

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

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

House adjourned at 12.45 a.m. (Thursday).

Legislative Assembly

Wednesday, the 25th November, 1959

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