

Legislative Council

Wednesday, the 28th August, 1968.

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTION WITHOUT NOTICE

DENTISTRY

School Children in Country Areas

The Hon. G. E. D. BRAND asked the Minister for Health:

- (1) Is it a fact that school children in country areas will, in future, be charged for dental treatment which formerly was provided free?
- (2) If the answer to (1) is "Yes," will the Minister provide reasons for this change in policy?
- (3) Will the Minister review the situation in order that the people in outer areas might be relieved of this added burden?

The Hon. G. C. MacKINNON replied:

- (1) This question is a little bit like, "Will you stop beating your wife?"; because all children in country areas have not been receiving free dental service. It is not true to say they will all not get treatment in the future.
- (2) There is a change in policy which was publicised last year with regard to which a further publicity release will be made next week, because some of the work which was outlined in the proposals of last year has now taken place and we are in a situation of being able to make more statements about it.
- (3) We believe the change in policy will really improve the service; and, for the information of the honourable member I would like to lay on the Table of the House a copy of the statement which was made last year so he will be able to see the normal course of events that is gradually transpiring.

The statement was tabled.

QUESTIONS (8): ON NOTICE

LOCAL GOVERNMENT ASSESSMENT COMMITTEE

Application of Report

- 1. The Hon. R. THOMPSON asked the Minister for Local Government:

In view of the fact that since the Local Government Assessment Committee's report was

issued, some councils which could be adversely affected by the recommendations are finding it difficult to retain key personnel on their staff due to the uncertainty of future security of employment, will the Minister indicate any of the proposals contained in the report that may be implemented in the future in regard to councils in the metropolitan area?

The Hon. L. A. LOGAN replied:

The Department of Local Government is not aware of any councils which have experienced difficulty in retaining key staff personnel since the issue of the Local Government Assessment Committee's report.

No decision has yet been made as to whether, or the extent to which, the proposals contained in the report will be implemented as it is deemed necessary for all concerned to be given time to examine the proposals.

Local authorities have been assured that before any changes are made to municipal boundaries, councils will be afforded every opportunity to present their views in detail.

STANDARD GAUGE RAILWAY

Stopping Places

- 2. The Hon. N. E. BAXTER asked the Minister for Mines:

When the Perth-Sydney passenger train commences operation on the standard gauge line, what towns or sidings will be scheduled stopping places between Northam and Kalgoorlie?

The Hon. A. F. GRIFFITH replied:

Present planning does not provide for any scheduled stops between East Perth and Kalgoorlie. However the train will stop to set down and pick up passengers travelling interstate, as required.

CARAVAN PARKS

Metropolitan Region

- 3. The Hon. F. R. WHITE asked the Minister for Town Planning:

Is the construction of caravan parks permitted within the metropolitan region without—

- (a) being connected to the metropolitan water supply; and
- (b) having access to constructed bituminised gazetted roads?

The Hon. L. A. LOGAN replied:

- (a) Caravans and camp regulations, 1961, made under the provisions of the Health Act, require all caravan parks to have a supply of potable water sufficient to provide not less than 60 gallons for caravan or camp each day. The water supply must be reticulated and a tap must be placed within 35 feet of each caravan or camp.
- (b) Local Government Model By-law (Caravan Parks) No. 2 does not make it necessary for a caravan park to have access to a constructed bituminised gazetted road, although a council is prohibited from registering land as a caravan park unless that land has an entrance road and interior roads of a width of not less than 20 feet and so sealed as to prevent dust arising therefrom.

SPEED LIMIT

Increase

4. The Hon. G. E. D. BRAND asked the Minister for Mines:

As the 65 m.p.h. maximum speed limit for cars is obviously not a success, will the Government introduce legislation to raise the speed limit by 10 miles per hour?

The Hon. A. F. GRIFFITH replied:

There is no proof that the 65 m.p.h. limit is responsible for any increase in the total number of accidents and it is not intended at this stage to increase the limit.

WOOROLOO HOSPITAL

Closure

5. The Hon. F. R. WHITE asked the Minister for Health:

- (1) Is it proposed to close the Woorooloo Hospital?
- (2) If the answer to (1) is "Yes"—
 - (a) what are the reasons for this action;
 - (b) what is the proposed date of closure;
 - (c) what will be the future use of the existing buildings;
 - (d) is an alternative hospital proposed for the area at some time in the immediate future;
 - (e) has the Mundaring Shire Council been advised of the proposed closure;
 - (f) where will existing patients be accommodated; and

(g) where will future patients be accommodated?

- (3) If the answer to (2) (e) is "No," will the Minister explain why this has not been done?

The Hon. G. C. MacKINNON replied:

- (1) This is under consideration.
- (2) (a) to (d) As indicated, the matter is under consideration and no firm decision has as yet been made. The need to consider closure arises because of problems with regard to patient care, adequate staffing, maintenance, and other expenditure, together with visiting difficulties by relatives and friends.
- (e) No; because no firm decision has as yet been made.
- (f) and (g) See (a) to (d) above.
- (3) As no decision has yet been made.

CARNARVON SCHOOL HOSTEL

Retention of Portable Building

6. The Hon. G. E. D. BRAND asked the Minister for Mines:

Will the Minister arrange for one of the portable buildings now being used as a dormitory at the Carnarvon School Hostel, to remain permanently at this site in order that the building may be used as a recreation centre?

The Hon. A. F. GRIFFITH replied:

This suggestion will be considered when permanent additions are made to the hostel.

"STOP" SIGNS

Stuart Street-Calais Road Intersection

7. The Hon. R. F. CLAUGHTON asked the Minister for Mines:

In view of the number of accidents occurring at the intersection of Stuart Street and Calais Road, Scarborough, would the Minister give an assurance that the investigation by the Main Roads Department, requested by the Perth Shire Council, will be expedited so that "Stop" signs may be erected as early as possible?

The Hon. A. F. GRIFFITH replied:

The Main Roads Department has investigated this intersection and examined statistics related to reported accidents. The number of accidents of the type susceptible to correction by "Stop" signs does not warrant provision of these signs. Nevertheless, this intersection will be kept under observation by the Main Roads Department.

KALGOORLIE EXPRESS*Fitting of Draught Excluders*

8. The Hon. G. E. D. BRAND asked the Minister for Mines:

With reference to a letter received by me from the Minister for Railways dated the 7th June, 1966, relating to modifications to "AZ" sleeping coaches on the Kalgoorlie express, will the Minister ascertain and advise the House how many of these coaches have been fitted with rubber strips to the head of the windows to prevent the excessive draught that occurs in the compartments, particularly during the winter months?

The Hon. A. F. GRIFFITH replied:

Eight of the nine "AZ" carriages in service have been fitted.

BILLS (4): INTRODUCTION AND FIRST READING

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

Bill introduced, on motion by The Hon. L. A. Logan (Minister for Local Government), and read a first time.

2. Metropolitan Region Town Planning Scheme Act Amendment Bill.

Bill introduced, on motion by The Hon. L. A. Logan (Minister for Town Planning), and read a first time.

3. Local Government Act Amendment Bill.

Bill introduced, on motion by The Hon. L. A. Logan (Minister for Local Government), and read a first time.

4. Trustees Act Amendment Bill.

Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Justice), and read a first time.

COAL MINERS' WELFARE ACT AMENDMENT BILL*Third Reading*

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and transmitted to the Assembly.

ILLICIT SALE OF LIQUOR ACT AMENDMENT BILL*Third Reading*

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [4.45 p.m.]: I move—

That the Bill be now read a third time.

THE HON. C. E. GRIFFITHS (South-East Metropolitan) [4.46 p.m.]: During the debate on this Bill, at the second reading stage yesterday, I interjected when the Minister was closing the debate and suggested that if he had listened to my speech he would have heard that I intended to support the Bill, and that I indicated this with a remark with which I prefaced my speech. On reading the report of my speech this morning, I discovered I had neglected to indicate, at the beginning of my speech, that I intended to support the Bill, and I want to withdraw the remark which I made when I interjected. I offer my apologies, and I support the Bill.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

BILLS (2): THIRD READING

1. Cremation Act Amendment Bill.

2. Mental Health Act Amendment Bill.

Bills read a third time, on motions by The Hon. G. C. MacKinnon (Minister for Health), and transmitted to the Assembly.

MOTOR VEHICLE (THIRD PARTY INSURANCE SURCHARGE) ACT AMENDMENT BILL*Second Reading*

Debate resumed from the 21st August.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [4.49 p.m.]: This is quite a small Bill, and deals, in the main, with proposals to add to the exemptions which already exist within the Act. The principal Act came before Parliament in 1962 and received anything but an easy passage through this House.

At that time, the exemptions granted under the parent legislation were not many in number, and they were very deserving of the consideration which they received. However, the additional surcharge of £1 per vehicle was considered by some members of the House, including the then leader of our party in this House (The Hon. F. J. S. Wise) to be most severe and hard on motorists. In explanation of the reasons for providing for that surcharge, I will quote from the introductory remarks of the Minister for Mines, which are reported on page 2285 of vol. 3 of *Hansard* under date the 1st November, 1962. The Minister for Mines said—

The Government is very conscious of the need to take every possible step to reduce the incidence of accidents on our roads. Positive action is being continually taken to improve the road system; and, over recent years, the proceeds of both the motor vehicle license fees and the drivers' licenses have been allocated for this purpose.

Road safety and traffic control is receiving constant attention. In these activities the police play a major part. In this year's Budget, provision has been made to increase the strength of the force, primarily for the supervision of traffic.

Improved traffic control requires additional finance for the Police Department. The estimated annual cost of traffic control and supervision in the metropolitan area alone is £480,000, of which only the sum of £120,000 is recovered from road funds, leaving an impact on the Consolidated Revenue Fund of £360,000. From my remarks, it will be clear to members that traffic operations impose a substantial burden on State finances, and therefore action must be taken to help the Consolidated Revenue Fund to meet the costs involved.

This Bill provides that, with every third party insurance policy issued, except in the case of those specifically exempted, a levy of £1 per annum will be made. In those instances where policies are issued for periods of less than one year, a proportionate amount is to be paid. The levy, which is to operate from the 1st January, 1962, is expected to yield £100,000 in 1962-63.

Provision is made to exempt vehicles used solely for interstate trade, commerce or intercourse to avoid any conflict with the Commonwealth Constitution. There is a large number of vehicles which have no motive power, but are drawn behind powered vehicles known as "prime movers". In this class are caravans and trailers. As the surcharge will be levied on the prime mover, caravans and trailers have been exempted.

Another class of vehicle for which provision is made for exemption is described as a tractor (other than a prime mover type) in the Traffic Act. This class covers a wide range of industrial vehicles, such as farm tractors, road making plant, cranes, and the like. Generally, these vehicles are not designed to be used on the roads, and may be broadly described as "off road vehicles." Occasionally they have to use the roads, either by virtue of their purpose—such as road-making and maintenance machinery—or for mobility from one place to another, and, in consequence, are subject to the provisions of the Motor Vehicle (Third Party Insurance) Act of 1943, and, if not specifically exempted, would be subject to the surcharge. Provision is also made to exempt motorised wheel chairs, which are designed for the use of incapacitated and crippled persons.

In introducing this Bill, I would emphasise that this surcharge is payable into the Consolidated Revenue Fund, and in no way increases the income of the Motor Vehicle Insurance Trust. Its purpose is to reduce, in some measure, the burden placed on the Consolidated Revenue Fund by motor vehicle accidents and the cost of traffic supervision and control, and to remove the financial effects of the adjustment for relative severity of taxation imposed by the Commonwealth Grants Commission on account of the third party surcharge levied in Victoria. I would like to add that this is another one of those measures which must in a way be considered collectively as part of the expenditure of the State.

At page 2346 of the same volume of *Hansard*, The Hon. F. J. S. Wise, who did not like the measure at all, had this to say—

I do not like this Bill at all. I think its correct title should be "A Bill for an Act to impose a further tax of £1 per annum on all motorists." It would then truly depict its intention.

He concluded his speech by saying—

It is obvious I do not like the Bill, and I intend to vote against it.

The Hon. R. Thompson: And how right was he?

The Hon. W. F. WILLESEE: Subsequently the measure became law; and, subject to an amendment, has operated from that time until now—and somewhat to my surprise—we have what I would term a validating measure, which indicates that certain exemptions have been granted during the life of the legislation which were not agreed to when the parent Act was introduced.

I believe this is completely contrary to the spirit and intention of the legislation because Parliament did not agree to those exemptions. When introducing the measure the Minister clearly indicated that the money which would be obtained from the surcharge was needed to ensure police supervision at traffic accidents, in the main; and, secondly, to assist the Consolidated Revenue Fund.

In my view the exemptions which were granted at the time were granted for specific reasons, but the further exemptions which have been permitted without authority have meant a serious loss of revenue to the State; and I believe this is an aspect to which Parliament must give consideration. It is a surprise to me to find that certain exemptions have been granted without the authority of the Act. It is proposed by the Bill before us to include in the exemptions—

a motor vehicle in respect of which a vehicle license issued under Part 11A of the Traffic Act, 1919, is in force.

Motor vehicles licensed under that part are overseas motor vehicles used temporarily in Australia. Part 11A of the Traffic Act states—

This part applies to any motor vehicle which is imported for temporary use in the Commonwealth from any country outside the Commonwealth; and landed in this State direct from that country; or brought to this State from any other State or a Territory of the Commonwealth.

That is the first class of motor vehicle the exemption for which it is proposed to ratify.

Having regard for the purpose of introducing the Bill originally, and having regard for the fact that the burden of this legislation has fallen heavily upon individual motorists throughout the State, I see no reason why we should support a proposal that vehicles from overseas, however they might be brought to Australia, and for whatever purpose or service, should be exempt from the payment of a small surcharge. It could not be argued that we should exempt this class of vehicle because of the sum of money involved; because a wealthy nation would not worry about having to find the money for a surcharge for one or even 10 vehicles. However, if all the vehicles in that field were subjected to the surcharge a considerable sum of money could be involved and, as a result, the State has lost that much income over the years since the legislation was introduced.

When he introduced the legislation the Minister said that the money obtained from the surcharge would be used for police supervision at traffic accidents, and in this regard let me say that vehicles used by members of the diplomatic service can become involved in accidents just as easily as vehicles used by private individuals.

A further exemption is provided for a motor vehicle in respect of which a vehicle license limited to private use, issued under part II of the Traffic Act, 1919, to the Governor, is in force, and also a motor vehicle in respect of which a vehicle license issued under part II of the Traffic Act, 1919, to a person engaged in a full-time capacity as an accredited diplomatic representative, consul, or consular officer of a country is in force.

There again there is no reason to extend the provisions of the legislation to these people. Without implying any slight there is no reason to assume that the owner of a vehicle in these particular categories who is involved in an accident should not receive the same treatment as any other person. Having regard to the principle of the original legislation, I feel that should be the case, and these people should pay for the additional service.

In the case of the official issue I would like to read the section of the Act to show how all-embracing it is. By comparison the preceding instances I have quoted fade into insignificance, because the Bill exempts a motor vehicle that belongs to the Crown or a local authority in respect of which a vehicle license issued under subsection (3) of section 11 of the Traffic Act, 1919, is in force. Section 11, subsection (3) of the Traffic Act, states—

A local authority shall issue a vehicle license without requiring the payment of a license fee where the vehicle—

- (a) belongs to the Crown;
- (b) belongs to a local authority;
- (c) belongs to the Western Australian Fire Brigades Board, or any other fire brigade, if the vehicle is used exclusively for purposes connected with the prevention and extinguishing of fires;
- (d) is used exclusively as an ambulance;
- (e) is owned and used by a minister of religion, but this exemption applies to only one vehicle where the minister owns more than one vehicle;
- (f) is not a tractor referred to in subsection (6) of this section and is owned by a person who carries on the business of farming or grazing, etc.

There could be any number of vehicles belonging to innumerable local authorities in this State. It would not be a great hardship for any of these authorities to find the annual cheque necessary to have their vehicles paid for in the same manner as is provided for a private individual.

It seems to me completely anomalous that a private citizen who is involved in an accident with a vehicle belonging to a local authority, or the Crown must, in essence, pay for the examination to determine who is at fault and what is involved in the particular situation. That in itself is the basis of my opposition to this legislation.

My greatest surprise was when I read the Minister's remarks to the effect that some of the proposals were submitted because of representations by the Minister for Shipping and Transport in Canberra, and that the legislation is to be made to conform with the provisions of the United Nations Convention on the taxation of road vehicles for private use in international traffic, adopted at Geneva in 1956.

While this may be very nice to read, I doubt its application to this legislation. It may have something to do with registrations under the Traffic Act, but I feel we cannot differentiate in the question of a surcharge on vehicles as it relates to various owners.

The Hon. F. J. S. Wise: Have not these vehicle owners paid the surcharge to date?

The Hon. W. F. WILLESEE: That is the crux of the whole thing. The Minister's final remarks are as follows:—

The remaining paragraphs (g) to (i) were suggested by the Commissioner of Police to legalise the existing practice in exempting vehicles registered by His Excellency the Governor, career consular representatives, local authorities, and the State.

I do not think we gain anything by perpetuating something which is wrong. What has been done since 1962 to the gazettal of this legislation has been wrong; it has not been within the law. Rather than legalise the matter by this Bill it would be better to make these people—who up till now have been getting away with something they should not have got away with—pay the surcharge as does everybody else.

The original people who were not eligible and who are listed will remain as they are. But if we extend the legislation to the field of people listed in the Bill I feel we might well consider removing it from the Statute book altogether, because it constitutes one more crack at the motorist and the individual.

I see no reason for Governments, and local authorities in particular, or the very highly recognised diplomatic service, representing large countries, not paying the small amount of money involved. In these circumstances, I oppose the Bill.

THE HON. F. J. S. WISE (North) [5.7 p.m.]: I listened with interest to my leader in his analysis of the effect of this Bill.

The PRESIDENT: Order! Would Mr. Heitman kindly not stand between the speaker and the Chair.

The Hon. F. J. S. WISE: I wonder whether there should not be some provision to validate the retrospectivity of the non-collection of a surcharge provided in the law.

We have a case where a Bill was introduced some years ago providing for the collection of a surcharge on all vehicles excepting those specified in section 3 of the Motor Vehicle (Third Party Insurance Surcharge) Act.

There have been non-collections from people obliged under that Statute to pay a surcharge. Now we come along with a simple Bill to include in four categories different sorts of people in addition to those who are already exempt under the parent Act.

Are they not liable today for the surcharge for the entire intervening period, from the proclamation of the parent Act until this Bill is proclaimed and becomes an Act? If they are liable, there should be

provision for some retrospectivity in this Bill; because they are not exempt by this measure from dues for which they have been liable for years.

No word of mine or of my leader's can assist in defeating this Bill, the provisions of which in our view are not necessary. I suggest, however, it is very necessary to look at the liability which I feel has been incurred by the people for whom provision is now being made.

Question put and passed.

Bill read a second time.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.9 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 3rd September.

Question put and passed.

House adjourned at 5.10 p.m.

Legislative Assembly

Wednesday, the 28th August, 1968

The **SPEAKER** (Mr. Guthrie) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (36): ON NOTICE

CRAYFISHING

Boat Licenses

1. **Mr. RUNCIMAN** asked the Minister representing the Minister for Fisheries:

- (1) How many crayfish boats were licensed for the years 1965, 1966, 1967, and 1968?
- (2) How many of the above boats have been lost at sea or rendered unfit for the industry?
- (3) Were any of the licenses transferred to other boats?
- (4) If so, how many and to whom?

Mr. ROSS HUTCHINSON replied:

- (1) Maximum number—847 boats. Variation occurs when boats are out of commission or are in course of replacement.
- (2) This information is not available.
- (3) Yes; to authorised replacements for *bona fide* crayfishing boats.
- (4) This information is not available.