Legislative Council

Tuesday, the 18th September, 1962

CONTENTS

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

QUESTIONS ON NOTICE

WAR SERVICE LAND SETTLEMENT

Understandard Properties.

1. The Hon. G. C. MacKINNON asked the Minister for Local Government:

   Referring to the speech made by the Minister for Lands on the 6th November, 1957, moving that the Government give early effect to the recommendations of the Honorary Royal Commission on War Service Land Settlement, when he expressed concern at that part of the report dealing with understandard properties and summarised the reasons as follows:—

   > Poor standard of bulldozing and clearing; insufficient pasture establishment—standard area agreed on by the authorities not developed; bad supervision and administration; lack of water and bad dams; and bad fencing,

   will the Minister advise on the following:—

   (1) On properties where this has occurred, is the additional work necessary to bring the properties up to standard regarded as a part of the planned works?

   (2) Is the date of the completion of the work necessary to bring the properties up to standard regarded as the date of the completion of the planned works?

   (3) Are the extra costs involved regarded as a part of the costs of development of the property?

   (4) If the answer to No. (3) is "No," how are they treated?

The Hon. L. A. LOGAN replied:

(1) Yes.

(2) Not necessarily.

(3) Yes, but the costs involved are not necessarily passed on to the lessee.

(4) Answered by No. (3).

Income and Expenditure

2. The Hon. G. C. MacKINNON asked the Minister for Local Government:

   Referring to the report of the Honorary Royal Commission on War Service Land Settlement, 1957, which deplored the absence of a detailed statement of expenditure in the case of the option freehold price, will the Minister advise—

   (1) Is it considered that the settler is entitled to a detailed statement of expenditure?

   (2) If the answer to No. (1) is "Yes," are these available?

   (3) Are the conditions of the Act as laid down in clause 5 (5) being honoured?

   (4) What is the estimated income of a farm in the Kojonup district with 1,000 acres of cleared land?

   (5) Is it considered that the net proceeds of the farms so far valued are sufficient to meet all commitments and obtain a reasonable standard of living?

   (6) What is regarded as a reasonable standard of living?

   (7) What is the estimated price of wool on which valuations are based?

The Hon. L. A. LOGAN replied:

(1) No. Detailed costs are not supplied in the case of option to freehold.

(2) Answered by No. (1).

(3) Yes. Clause 5 (5) of the conditions only refers to leasehold valuations.

(4) to (7) These questions have no application to the option freehold price. To elucidate that, the preamble at the top of the question deals with the statement made in the Honorary Royal Commission's report which concerns solely single-unit farms. The questions are somewhat out of context with the commissioner's report, which contained the following:—

> The Commission has found it difficult to interpret the increased option price on some of the single-unit farms and deplores the absence of a detailed statement of expenditure to warrant such increase.

If the honourable member were to rephrase his questions accordingly, it might be better.

3. *This question was postponed.*

BILLS (5): THIRD READING

1. Stamp Act Amendment Bill.

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

2. Child Welfare Act Amendment Bill.

3. Guardianship of Infants Act Amendment Bill.

   Bills read a third time, on motions by The Hon. L. A. Logan (Minister for Child Welfare), and passed.

4. Justices Act Amendment Bill.

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

5. Interstate Maintenance Recovery Act Amendment Bill.

   Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Child Welfare), and passed.

PAINTERS' REGISTRATION ACT AMENDMENT BILL

Recommittal

Bill recommitted, on motion by The Hon. A. F. Griffith (Minister for Mines), for the further consideration of clause 3.

In Committee, etc.

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 7 amended—

The Hon. A. F. GRIFFITH: I apologise to the Committee for having the Bill recommitted. The reason is that when we were considering it last week I asked you, Mr. Chairman, to direct the Clerk to alter the word "manufacturers" to the word "manufactures"; and I misread the next amendment which I took to mean the insertion of the word "incorporated," and the Committee directed that that also be dealt with by the Clerk as a typographical error. It has since been pointed out to me that that was not the correct procedure; so to put it in the correct form, I move an amendment—

> Page 3, lines 1 to 3—Delete paragraph (c), as corrected by a previous Committee, and substitute the following paragraph:—
>
> (c) by deleting the word "Incorporated" in line three of subsection (2).

The CHAIRMAN (The Hon. W. R. Hall): This clause was corrected before, I might inform members.

Amendment put and passed.

Clause, as amended, put and passed.

Bill again reported, with an amendment.

POLICE ACT AMENDMENT BILL

Third Reading

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

HEALTH ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 12th September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

> That the Bill be now read a second time.

THE HON. J. G. HISLOP (Metropolitan) [4.47 p.m.]: In the initial clauses of the Bill there is very little about which we could complain, and there is a good deal that we could praise because it has considerable merit in regard to protecting the health of the public and doing justice to certain people who are now treated rather unjustly in certain ways.

The first question I wish to deal with is that of the sterilisation of water and the care and maintenance of swimming pools. It is a debatable problem whether private pools should be as well cared for and maintained as public pools; with the exception, of course, that the transfer of organisms such as those responsible for the common cold and various other contagious and infectious diseases is an important matter. It is not nearly as serious among the members of a family as it is in

respect of people who do not normally come into contact with each other, but who do make such contact, particularly in swimming pools. It is therefore gratifying to realise that the Minister intends, through the department, to keep an eye on the maintenance of private swimming pools.

The question of their maintenance must arise if they are permitted to be used for evening parties with the idea of raising funds for charitable organisations because, in my opinion, they then become public pools. Later the Minister might give us some guidance as to whether it is necessary to maintain a much closer inspection of private pools.

I do not think anyone will complain about the fact that the individual who sells a manufactured substance in a closed and sealed container, and has no control over the contents of the container, should be liberated from the possibility of being charged with the offence of selling something which is not up to standard. There is no question that the manufacturer of the article—the person who prepares it and packs it in sealed bottles or other containers —is, surely, the person responsible; and even in that case I think that there must be a great deal of tolerance observed, because I believe that is a simple thing to arrange.

When one is selling such a commodity as milk, in bottles which are returned for cleaning, no matter how expensive and how efficient the apparatus might be, there will always be an odd bottle that will pass by. The human error must also be taken into account. This clause reminds us of an idea which has been propounded in this Chamber more than once, and that is the sale of milk in cartons.

Apparently the cartons which are being prepared at the moment are unsuitable for use in refrigerators, and the housewives do not appreciate the three-cornered type of carton. Even when they go into the country districts, I believe they are thought to be difficult to handle. I believe it should be possible to arrange for cartons to be made in bottle form which could be kept in a refrigerator without any difficulty. This would get over the problem; and a new container would be used every time the product was sold.

Another interesting feature of the Bill is that we come back again to the necessity for a human being to submit himself to examination. Considerable changes have taken place in the House since the introduction of the compulsory X-ray examinations and a Bill which gave to the State the right to demand that people submit themselves to certain treatment if they had tuberculosis in an active form.

I can well remember the debate here because in those days I took a very active part in objecting to compulsory treatment. Even at that time, whilst I agreed with compulsory examination I did not agree that an individual should have to submit to any actual treatment. It has long been proved that I was correct in that respect, because treatment of tuberculosis has changed rapidly. When the Bill was introduced, surgery of the chest was one of the main avenues of treatment of the incidence of tubercular lung. Now, of course, that has been completely superseded by modern medical treatment. The whole question of tuberculosis is a completely different picture.

Therefore, I again look at compulsion with an eye firmly fixed on the question whether we are doing some injustice to the individual. But here there is no mention of anything of that nature, except the fact that the individual suspected of being a carrier of an infectious disease should submit himself to such a test as will prove whether he is a carrier; and there is no objection to that at all.

The fact that the Minister said that an individual should submit a specimen of faeces would rather suggest that the Bill is limited to such diseases as typhoid and infective hepatitis which can be conveyed in a similar manner, usually by excreta. But the Bill rather widens this matter and submits that the individual should provide the specimens required; and this will include specimens in respect of such diseases as diptheria.

I believe it is absolutely necessary for the sake of many people that these carriers should be apprehended. I would go into the field of objection if it were suggested that we should compel the typhoid carrier to have treatment; because in many cases it is believed that the gall bladder is the part of the body which retains the typhoid germs, and treatment would mean surgery to remove the gall bladder. In the same way, when it comes to carriers of diphtheria, it nearly always means tonsillectomy, which again means having the tonsils removed.

This Bill does not suggest anything of that nature. It deals with controlling the carrier by demanding that he submit to an examination and provide specimens when necessary. This will help to some extent, because even in the case of diphtheria the operation of tonsillectomy can be avoided. It is not so easy with typhoid, but I would suggest that success will be achieved.

The final clause I shall speak on is the question of transfusions. The religious body which usually opposes blood transfusions has sent to me a book entitled *Blood, Medicine and the Law of God.* I have read through the book; and I would like to say from the outset that I respect the religion of any body of people. I think that a person has every right to decide how he shall tread the path to the infinite.

The whole problem that comes up here is whether the individuals who believe they are right should have the right to reject modern treatment for their children who are not able to decide for themselves. I think we are in a difficult position if we decide that we, as parents, have the right to decide whether our children shall live or die when they are in grave danger. I personally would not like to be in the position of having to deny my child modern treatment because of my religious beliefs; and I find it very hard to correlate the two facts.

It is of interest that in the opening paragraphs of the book this group of people make great play on statements which are taken from quotations from the Old Testament. Their belief seems to be based on the fact that the blood is the soul of the flesh and that the blood must be poured out on to the ground, after which the flesh of an animal may be eaten. I am not going to query this in the slightest, because they are entitled to their beliefs. But I would like to say this: Over the centuries many attempts have been made to decide wherein the soul of the human being lies, and on many occasions areas of the brain have been said to be the site of the soul. However, this religion has certain objections to that statement.

I would like to state that on inquiry from one of my colleagues, who has for many years been giving blood transfusions and who has been replacing blood in newborn babes, I learned that in the fifteen years that this procedure has been carried out in Western Australia there has not been one fatality due to incompatibility of blood. Therefore, the very small percentage of deaths which has resulted from blood transfusion is evidence against the belief that blood transfusion is harmful; and the fact that in all that period not one case of blood transfusion has gone wrong as a result of incompatibility illustrates the very great care that is taken by medical practitioners.

There is another interesting feature in this booklet I am referring to; it is a statement that hepatitis can be transmitted by the transfusion of blood. I doubt whether there has been one case of this type in Western Australia, and I also doubt very much whether there is any real evidence of such a case having occurred in Australia. I remember in the very early days of the last World War when a trained nurse of the U.S.A. army stationed at Hollywood developed this illness, and its introduction was caused by the injection of a vaccine. Apparently the syringe was already infected with the virus of hepatitis. The difference between hepatitis which is contracted by the human being through the handling of excreta or through contact with infected individuals is a very different form of illness from hepatitis which follows from an injection with a syringe. The latter form is much more serious.

For some years after the war, one noticed from the American medical journals that various attempts were made to produce the perfect sterilisation of a syringe, but in latter years one has not noticed reports of similar attempts, so apparently that type of infection has been controlled. However, in Australia I do not think there has been more than the one case of this illness, which I have referred to. So the risk of infection through the use of a syringe is very slight indeed, and probably there is no possibility of its happening again in this country.

I have dealt briefly with a number of facts in this booklet, which I read to ascertain the views held by other people. I give them credit for having undertaken a considerable amount of study of this problem, but in this community we all realise that blood, if of the correct type and given at the correct time, could be the means of saving life. People are entitled to their belief that it would be very harmful spiritually for a child to receive a blood transfusion and then to die; and in considering this Bill we must give respect to the views of those people, but I do not think there is any risk in this country of some of the disabilities which they visualise happening. However, we are still left with their religious opposition to blood transfusion. I refer to clause 6 on page 4 which states—

> (c) the medical practitioner who performs the blood transfusion on the child—
>
> (i) has had previous experience in performing blood transfusions; and

I wonder whether the use of the word "previous" is sufficient. I have discussed this provision with a number of my colleagues who often give blood transfusions. Since the advent of the Medical School in this State, and even before that time, the resident doctors of the hospitals have received training in blood transfusion; so the younger medical practitioners are all well versed in the grouping of blood. This is a simple procedure, but it requires knowledge in the giving of the blood and of the grouping of blood. These two factors are essential. Even blood which comes from the blood bank might be of a different quality and different group to that required. Then again the blood must be checked before it is given. After all that has been done, the medical practitioner gives the blood to the patient.

Some older members of the medical profession, like myself, have not received any medical training in blood transfusion. In my speciality I would not use blood transfusion, and if I were called in on a case which required blood transfusion I would call in an expert. With a medical practitioner living in the country it is a different matter and he might be forced to give a blood transfusion even though he had not received any special training.

I consider it would be better to use the word "reasonable" instead of the word "previous", because earlier on in the same provision the word "reasonable" is used when it refers to reasonable and proper treatment. A medical practitioner might have had previous experience of blood transfusion, but such experience might be very limited. I ask the Minister to look into this matter so as to give protection to both the patient and the doctor.

If a doctor who had previously given one or two blood transfusions was unfortunate to strike trouble in a case, the question of whether he should have given the blood transfusion might be queried by a court. By adopting the word "reasonable" the medical officer would be required to have had reasonable experience in blood transfusion. I make the suggestion so that both parties can be protected. If blood transfusion becomes compulsory under certain circumstances, then we should take every possible step to ensure that no risk is entailed.

Within a few years, when the younger medical practitioners have replaced the older members of the profession, there will be no risk on the part of those giving blood transfusions. I doubt very much whether any member of the medical profession, even with reasonable experience in blood transfusion, would attempt to adopt this method except as a life-saving measure.

The Hon. H. K. Watson: What would be the position if the medical practitioner had no experience of blood transfusion?

The Hon. J. G. HISLOP: If the medical practitioner believed the patient would die if not given a blood transfusion, he would take the chance of giving a transfusion and get the patient away as quickly as possible. He might consider taking the risk if the patient's life was in danger.

The Minister in another place said when he introduced the Bill that he had looked at similar provisions to those in clause 6 in the other States, and he was quite satisfied that the phraseology which he used was the best he could find. If he believes that, I would not persist in attempting to alter the wording, but I would ask him to consider whether the use of the word "reasonable" might not be more satisfactory. I have much pleasure in supporting the second reading.

THE HON. G. BENNETTS (South-East) [5.10 p.m.]: I support the Bill. There is one feature which strikes me as commendable, and that is in connection with the maintenance of swimming pools. For many years on the goldfields there was a swimming pool conducted by the municipal council of which I was a member. Over a period of years the people in that district experienced trouble with eye, ear, and mouth complaints which were caused by the impure water in that pool. These complaints arose because the pool was established in a dry area and had to serve a large population.

If the water in the pool had been changed regularly less difficulty would have been experienced, but with the large crowds using the pool in the hot weather the water became a menace to health. The position got out of hand at one time. At that period I was about to visit the Eastern States, and the late Dr. Byrne who arrived in the district put up the proposition that I should investigate the methods used to treat the water used in the Eastern States. I was then the secretary of the Commonwealth ambulance division, and this doctor used to instruct its members in first aid. He suggested that after my return from the Eastern States where I would inspect the chlorination plants in the swimming pools I should bring the matter before the municipal council to advocate a change in the treatment of the water in the pool in my electorate. A sum of money had been set aside for repaving that swimming pool, and I was able to have the matter delayed until after I had returned from the Eastern States.

I noticed a very excellent set-up in one swimming pool in New South Wales—that in Sandringham. The system used in that pool could be copied by some pools which are located near the river in the metropolitan area. The method used is to direct a constant stream of water from the river in and out of the pool; and such a method would not involve very great expenditure.

In the case of swimming pools to which are attached treatment plants, we find that various treatments of the water are different. We have been given to understand that if the water is properly filtered and treated, no germ will live in it for more than three seconds; that is provided the water is filtered and treated continuously. It was pointed out that the only virus which could cause complaints of the ear, such as an abscess, was the virus from the common boil. If a person swam near someone who had a discharge from an ordinary boil there would be a chance of that person being infected. This information was given by those who put in the chlorination plant.

When I returned from my trip I was the prime advocate and mover for the establishment of the first Olympic swimming pool in this State; that is, the Kalgoorlie Olympic pool. It has proved to be a great asset to this State, and since its establishment many other swimming pools have been built in country districts.

I am a little concerned about the small private swimming pools built in the backyards of properties used mainly by children because they could cause complaints of the eyes, ears, and mouth. If the use of

a particular pool were confined to members of a family it might be all right, but one never knows what disease might be carried by a visitor using that pool.

Goldfields members will recall that a few years ago we had what is called a gidgie swamp in Kalgoorlie. Motorboats as well as other small craft, were taken on to the swamp. It was something which had never been known before in the history of the goldfields.

The Hon. J. G. Hislop: It was silly.

The Hon. G. BENNETTS: Large crowds used that swamp, which had become usable because of heavy rains. After a few weeks the water became contaminated and a large number of people were affected. This goes to show that we must have a certain amount of supervision over pools which are used by a number of people.

The most important part of a pool is the foot bath. The feet are the carriers of diseases which occur at public pools. The public should be made to use the foot bath and also the shower. People using private pools are constantly in and out of the pools; they walk about on the grass and on gravel, and germs are carried into the pool. Considerable trouble is caused, particularly if the water is not changed. Supervision over such pools would be an advantage to those who use them and to those who own them.

I know of a person who is providing a wading pool in his yard for his children. I have seen the pool and there does not appear to be any outlet for the water. I suppose this particular pool would hold about 100 gallons of water. Presumably the water will have to be removed by means of a bucket. Because this is a lengthy operation, it might be put off from one week to another and it will not be long before the pool is contaminated; and the children who use it could possibly contract a disease.

We have had quite a lot of trouble in Kalgoorlie over a period with regard to the retailing of sausages and certain meats. Certain aspects of this trading do not stand up to the Health Act.

The Hon. J. G. Hislop: I can never make a sausage stand up.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. G. BENNETTS: Certain retailers were prosecuted, but the manufacturers concerned were allowed to go free. I think the onus should be on the person who manufactures the goods and not on the middle man who retails them to the public.

Regarding blood transfusions, I do not believe in compulsion. However, we had a lot of trouble over a child who died because its parents would not permit a blood transfusion. Religion plays a very important part in the lives of people. I call to mind a person who is now in the Eastern States. The family belonged to a particular religious group; the child took sick, and the parents would not allow a doctor near the home. They could not be persuaded to have a doctor attend to the child, and the child died. The incident seriously affected the mother who had to enter a mental home. The father has since died, and the mother is at present suffering from mental strain in the Eastern States.

Many people are against blood transfusions; and although children may be suffering, their parents will not allow them to be treated by a doctor. There is a good deal of mental strain in these matters and I think it is time some provision to deal with them was included in the law. I support the Bill.

THE HON. J. D. TEAHAN (North-East) [5.21 p.m.]: There are two clauses in the Bill to which I would like to refer. One has been referred to by previous speakers; namely, control over swimming pools. I think that control is badly needed, and some of us may wonder why it has not existed before. I am also wondering why the provisions are not intended to cover private pools. Perhaps later on the Minister will give a reason for that. Possibly the reason is that the Government does not desire to interfere with the liberty of individuals; or perhaps too much policing would be involved.

It might be said that private individuals who establish swimming pools do so with the intention of ensuring that the water is changed regularly and that the pools are kept in a hygienic condition. However, properties change and tenants change, and it is possible that the next owner of a pool may be careless and the pool simply stagnates.

There is a clause in the Bill which empowers local governing bodies to establish homes for the aged. Such bodies already have power to care for the aged in various ways, and they do a very good job. The local authority at Cue endeavoured to do something for the aged. Although its actions were very creditable, the endeavour was not a success. The provision of the Bill will overcome that deficiency.

In every community there are a number of aged people who are not sufficiently sick to require medical care, but who, at the same time, are not strong enough or able to prepare their own meals, or to undertake their household duties. These are the ones who need care. A clause in the Bill provides local government bodies with powers to establish homes for such people. I have in mind a number of people who are struggling along in their homes; they are uncared for and improperly fed. They do not receive the nourishment which persons of their age need.

There is a home for aged people established in the goldfields area, and it is run by a citizen's committee. This home caters for approximately 16 men and 16 women—people who cannot look after themselves, but who are not ill. The committee does a splendid job in running this home.

If local governing bodies decide to establish a home for the aged they could not have a better pattern than the one I have in mind at Kalgoorlie. I have an idea, however, that such bodies will say to us, "You are giving us the power, but we wish you would tell us where we will get the money." I hope some way is found for loans or advances to be made to local governing bodies, because they do such a worth-while job. I propose to support the Bill.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs.

BILLS (4): RECEIPT AND FIRST READING

1. Mental Health Bill.
2. Public Trustee Act Amendment Bill.
3. Criminal Code Amendment Bill.
4. Prisons Act Amendment Bill.

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

MONEY LENDERS ACT AMENDMENT BILL

Second Reading

THE HON. H. K. WATSON (Metropolitan) [5.28 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill may be readily gathered by reading its actual provisions. In order to appreciate the reason for the Bill it is first necessary to refer to the provisions of the Money Lenders Act.

That Act was very properly designed to protect individuals from rapacious moneylenders. It was basically enacted to protect borrowers who were individuals, and it was never really intended to apply to borrowings by a company from the general public or otherwise. Much less was it intended to permit any company to use it as an instrument of fraud upon individuals or others who deposited money with companies, or made loans to them in any other form. But that is what has happened in recent years as a result of some unexpected decisions by the courts. In racing parlance that Act quite unexpectedly gave borrowing companies the right to welch—that is to say, the right to refuse to pay their just debts, principal as well as interest.

In 1959 this Parliament rectified that position—

The Hon. A. F. Griffith: Only partially.

The Hon. H. K. WATSON: —but only so far as it concerned any money borrowed by a company after the 14th December, 1959. In respect of money which was borrowed by a company before the 14th December, 1959, and which is still owing, this Bill does not remove that right of repudiation; but it proposes to enable any company, which may be so disposed, legally to agree with its creditors, and to inform its creditors, that it will not be seeking to take advantage of any unexpected curiosity in the Money Lenders Act, but that it will be meeting its just debts and that it will be repaying, as they fall due, loans which have been made to it.

In respect of members of the public and others who make loans to companies by way of deposit, or by way of taking up secured or unsecured notes, or otherwise, the Bill will also have the effect of freeing such persons from the possibility of becoming liable to fines for unknowingly and unintentionally committing breaches of the Money Lenders Act.

The anomalous position which this Bill seeks to remove arises primarily from the provisions of section 9 of the principal Act. That section requires that with every loan made by a moneylender he shall, before the money is lent, deliver to the borrower a memorandum containing the specified particulars of the loan, and obtain from the borrower a receipt therefor; and the moneylender who fails to do that is liable to be prosecuted and fined. The memorandum stipulated by section 9 must show—

(1) The date on which the loan is to be made;

(2) the amount of the loan;

(3) the rate of interest to be charged and how it is to be paid;

(4) when the principal is due for repayment;

(5) the nature of the security, if any.

When the borrower is an individual, that obligation is only fair and reasonable; but when the borrower is a company, and particularly when the company is borrowing from the public by way of issuing debentures or registered secured notes, or registered unsecured notes, or by way of accepting deposits, the requirements of section 9, in my opinion, can only be described as absurd, or plain silly. When a company so borrows it is the borrower—the borrowing company itself—which dictates the rate of interest it will pay, what security (if any) it will offer, when the loan shall be repaid, and all the other conditions. The borrowing company itself determines all these things; and having so determined, it sets out all the information

in its prospectus and in the trust deed which it executes, or on the notes which it issues.

That circumstance surely illustrates very clearly why loans made to a company should in no way be governed by the Money Lenders Act. This Bill, as I have already said, does not go that far. It does not automatically take loans to companies out of the Act; it does no more than permit a borrowing company to announce or agree that the Act shall not apply to transactions whereby a company borrows money.

The Hon. A. F. Griffith: What is the position where the directors are held personally responsible by way of a guarantee, as a collateral, for the borrowing?

The Hon. H. K. WATSON: I do not think that would affect the general position that I am putting forward. The problem I have been discussing is of importance in every case where the person investing with the company, or lending money to the company, is a person who carries on business as a moneylender. But its application is very much wider than that, because the definition of "moneylender," for the purposes of the Money Lenders Act, includes any person who obtains interest of over 12½ per cent. per annum on any loan. It would seem, therefore, that any person who at any time, and no matter how long ago, has happened to make a single loan at interest in excess of 12½ per cent. per annum is, within the meaning of the Act, a moneylender for life. Therefore he must in respect of that loan, and thereafter in respect of any loan he makes, and whatever the rate of that loan may be, comply with the requirements of section 9 or be liable to a fine for breaching that section.

A moneylender within the meaning of the Act is at present liable to a fine of £250 if he omits to issue the memorandum under section 9 in respect of every loan he makes, even though the interest be only 5 per cent. per annum, and whether the loan be to an individual or to a company. In respect of loans made before December, 1959, such omission, as the Minister interjected a little earlier, would also preclude the taking of any action for the recovery of the loan.

The Hon. A. F. Griffith: I wonder whether this Bill will frighten the man who was relieved in 1959?

The Hon. H. K. WATSON: I will explain later on that this Bill need frighten nobody.

The Hon. A. F. Griffith: He will be pleased.

The Hon. H. K. WATSON: From another angle the present position—and it is a very curious position—is this: If a mining company or an oil prospecting company, or any other company offered, either privately to its shareholders or generally to the public, debentures or notes, or any security of that nature, at 13 per cent. per annum, every applicant for such debentures or notes would appear to be liable to prosecution and a fine of £250 if he did not give the company the memorandum required by section 9 of our Money Lenders Act—and goodness knows how he could reasonably be expected to comply.

As regards the true copy of the document of security which, by section 9, has to be given by the investor to the company, whether the rate of interest be 13 per cent. or 5 per cent., presumably the investor who is deemed to be a moneylender is obliged to read the relevant prospectus as issued by the borrowing company, or borrowing institution, and from that prospectus find out whether he may inspect the trust deed as prepared and executed by the borrowing company, proceed thence and copy it out, have it signed both by the investor and the company, then deliver such copy to that company and get the company's receipt for it. If that is required of an investor, how silly can the law become? Yet it seems that is what the law expects of a moneylender who subscribes to a debenture issued by B.H.P., or any other company, and apparently also even when he subscribes to an S.E.C. loan.

I know of a moneylender who was minded to invest a substantial sum in the last loan floated by the State Electricity Commission, all the terms of which were, of course, dictated by the S.E.C. itself, and perhaps in conjunction with the Loan Council. Naturally in such a case the moneylender was not prepared—and certainly he should not be required—to go through the rigmarole prescribed by section 9 of the Money Lenders Act. He saw no reason why he should not simply fill in and sign an application form like anybody else. But he was advised that unless he formally went through the rigmarole prescribed by section 9 he could be liable to a fine of £250 for breaching the Money Lenders Act. So the S.E.C. missed out on what would have been a substantial contribution to its loan. This Bill will enable that hindrance to be removed.

The leading hire purchase companies are amongst the largest borrowers from the general public. One of the popular classes of debentures and notes which they offer to investors, is for a fixed term of from four to 20 years at 6 per cent. compound interest. An investor subscribing for such a series does not receive any interest until the loan matures, but when that occurs he collects his principal plus interest for the whole period at 6 per cent. per annum compound. An investor who happens to be a moneylender within the meaning of the Act will doubtless be astonished to know that if he subscribes

for any such debenture or note he is liable to a further fine of £250. This is because section 10 of the Act says very clearly that it is illegal for a moneylender to make a loan at compound interest.

Of course, what the draftsman really had in mind with this section 10 was simply to preclude a moneylender from making a loan to some helpless man or woman at a racketeering rate of interest compounded on a monthly balance—or something of that sort. The section clearly was never intended to apply to commercial borrowings by a company of the nature which I have just indicated. But the words of section 10 are quite general and very definite.

However appropriate the provisions of the Money Lenders Act may have been for conditions prevailing in 1912, or even in 1937, it is today in many respects, in my opinion, quite unsuitable and even ridiculous. The whole Act is long overdue for a complete overhaul and revision; and I understand this is receiving the attention of the Government.

This Bill simply deals with one anomaly which urgently requires rectification. The measure compels no-one to do anything—and this answers the Minister's earlier query made by way of interjection—it prohibits no-one from doing anything; and it in no way alters or changes the existing contractual relations between any parties. If it is enacted, the Bill will conveniently provide means whereby companies borrowing money, and persons lending money to companies and bodies corporate may, subject to the Companies Act, do so freely and in a businesslike way and without doubt—and without needlessly and unjustly exposing investors who lend money to companies to the rigors of some of the more absurd provisions of the Money Lenders Act.

Debate adjourned, on motion by The Hon. A. F. Griffith (Minister for Justice).

PHARMACY AND POISONS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 12th September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. J. G. HISLOP (Metropolitan) [5.48 p.m.]: I wonder how many times this Chamber has been faced with a *fait accompli*! I can remember quite a few occasions on which agreements have been made and we have had very little alternative but to add our signatures. I think we must regard this Bill in somewhat the same light. The reasons given for the introduction of the measure are that all through the British world, and practically all through the British-speaking world, a decision has been reached to raise the standard of education for pharmaceutical chemists; and we are told that if the Bill is not passed, our pharmacists will suffer as a result of a lack of reciprocity.

It has also been suggested that this increased education should be provided because of the increasing complexity of modern drugs. Before I in any way criticise the measure, let me say straight away that amongst my greatest friends in this part of the world are many pharmaceutical chemists. My father was a most respected member of that profession; and there were, in the early days here, many pharmacists who learned their pharmacy under my father's guidance. I have always been interested in the profession for the reason that I, too, did at least the major portion of my apprenticeship as a pharmaceutical chemist before going on to the field of medicine. Accordingly I have a great respect for this profession and also, naturally, a great affection for it.

I would like to say that I am always in favour of higher education; though I think I should qualify that by saying that I am in favour of higher qualifications provided they are necessary for the individual case. I do not believe for one moment that we should insist that an individual needs higher education when it is possible he may not use it in his particular avocation. Those are the bases on which I would like to have a look at this measure.

A similar Bill was introduced in Great Britain; I understand it has also been fostered to a large extent in the United States; and consideration is being given to it outside Australia, as well as within two States of the Commonwealth. We are faced with the position in the form of a *fait accompli*, that if we do not pass this measure, or a substantive measure of this kind, our students will not be able to practise in other parts of Australia or, possibly, in other parts of the world.

Therefore I must be very serious about this matter; particularly if one is to oppose this Bill in any way, because it will possibly deprive our students of certain rights as a result of a lack of reciprocity. On the other hand I think one must look at it from the point of view of the remarks I made in the first place. Is the education necessary, and can it be used afterwards in the particular avocation?

For many years the pharmacist has been trained as an apprentice, and that apprenticeship is for a period of four years—I think it used to be three years at one stage. That system has provided for the community some very highly respected citizens, well qualified in their jobs as pharmacists. But now apparently this training is insufficient and a greater degree of training in various subjects is essential for the pharmacist.

We might look at some of the other reasons given for the introduction of the measure, one of which is that the complexity of modern drugs makes it essential for the pharmacist to have a greater knowledge of pharmacology. This may be so. But I think one must face the fact that the new drugs that are being brought out —many of them classed as synthetic drugs and ethical drugs—are the result of research by industrial chemists and scientists of a very high order.

In the main these are dispensed by the pharmacist either in a closed packet, or bought in bulk and given to the purchaser as pills or tablets, or in other modern forms such as capsules and the like. The chemist does not in any way know the contents of the drug which he sells to the people. But he feels that he needs a great deal more knowledge of what those drugs consist of, and possibly what their action is.

He also feels that he should be in a better position, possibly, to discuss with the profession these new synthetic processes; and accordingly the increased knowledge is essential to him. On the other hand, however, one must look at it from the public point of view, which is that the pharmacist will not be able to influence the purchasing public as to whether these drugs are in order for them to take; because they will have been ordered to supply them by a practising member of the medical profession. The pharmacist will not be in a position, as I will explain later, to voice an opinion as to the value of these drugs, as would a member of the medical profession. Therefore the question must crop up in somebody's mind, as it has in mine, as to why the provisions in the Bill should be necessary.

Increased teaching will, I understand, be on the basis of mathematics of a statistical character. There will also be chemistry and pharmacology; and eventually the pharmacist will move on to physiology. Accordingly, therefore, the knowledge of the pharmacist will be expanded. When this knowledge has been attained, it can only be preserved and maintained by his undertaking considerable postgraduate pharmacological education.

It means he will have to be in a position in which he can expand and gather information given to him by journals which are related purely to pharmacology; to industrial chemistry; to the production of drugs; and to the effect of those drugs on human beings. To my mind this will be information for his use alone; because he will not be able to prescribe these ethical productions to the patients without the intervention of a medical man.

I rather feel, therefore, that we come to the point at which I would like to know how this education is to be maintained. Postgraduate education is a very expensive business, as we know, in our own medical field. I have some very considerable knowledge of postgraduate education, in which I have spent a number of years. If this increased education is to be of use to the pharmacist, then I feel we must, of necessity, build a very considerable postgraduate committee or organisation.

One wonders, however, if this information is only to be given to these people as a means of education which they will not be able to transfer to anyone else, how long will that education be maintained. I feel we are only going about half way towards making the pharmacologist a really trained person. It seems to me that we are taking him to a certain point, and that when we reach that point his education ceases.

I have discussed this matter with quite a number of my pharmaceutical colleagues, and some of them are greatly in favour of the Bill. I have asked them to give me reasons why they are in favour of the Bill, and nearly always I am met with the short reply, "It is essential." But I cannot get the essentiality I would like to receive. I feel it has been accepted as a move towards a field of higher education in the profession. Thus, the whole question has to be viewed as to whether the Bill is going to do for the pharmacists what they desire.

I agree there are a number of pharmacists, known as detailists, who move on from their pharmacy to take on this job. They visit doctors and give them information about new drugs. This information is supplied to these detailists by the manufacturers who, at times, hold interstate conferences and supply a good deal of literature and samples to those persons who visit the doctors.

If the pharmacist believes he is going to be the person who will take the place of the detailist, I question it considerably, because he would not be able to supply to the profession any more information on the use of a new drug than does the detailist now. Nobody—pharmacist, detailist, or doctor—at the introduction of a new drug can be quite happy about what that drug is going to do. It is only by reading the reports from the major hospitals of the world that one can form an opinion. These reports come to us quite quickly and are nearly always in Australia by the time the drug is introduced. Tests on the drug are carried out in the big hospitals of London and various organisations in America and other countries of the world, and the results form the basis of these reports which are available to the profession.

It is on these reports that the profession judges the use of a particular drug. In some cases it is quite a long time after the use of a drug that one begins to see the side effects which one desires should not be manifest in the patient. The giving of information in regard to new drugs is

always going to be a problem unless those new drugs are held for a considerable time in a central organisation—something which I understand the Commonwealth is contemplating. However, while we receive reports from the big hospital centres where these drugs are used, that will be the method by which we will decide how to use them. Therefore, I cannot see that the pharmacist will come to the point of being the person who will inform the profession on the use of new drugs.

Because of this I query the question of raising the education of a pharmacist to this point. Perhaps it should be taken further. Apparently we cannot lay it aside, because the real claim is that we would lose reciprocity. However, the question arises in my mind whether reciprocity is such an urgent matter as one might consider it to be. I have no way of guessing the number of our trained pharmacists who move from State to State or country to country, but I do not think it is a very large one. It would be interesting to know just what percentage of our pharmacists do move about Australia. If it is a large proportion, then we have no alternative but to agree to this higher form of education.

The Hon. A. L. Loton: Would it take 2,000 hours to do this prescribed course?

The Hon. J. G. HISLOP: The course is three years at the technical school and one year as an apprentice. If one looks at some of our other professions, one will find there are several grades. One can become an articled clerk and eventually be entitled to practise law. One can go to the University and get a degree. The same can be done with accountancy. One can obtain an accountant's qualification; but if one desires to become a chartered accountant one must go to the University.

Some of my colleagues in the profession to whom I have been talking are of the opinion that this education might well be postgraduate. They are of the opinion that an individual can be trained to carry out his occupation as pharmacist perfectly well to the satisfaction of the public and the profession; and in order that he be highly skilled in pharmacology he can then study for a period at the technical school and so maintain a standard of education which they feel is so desirable.

The Hon. G. C. MacKinnon: That would cover the problem of reciprocity, wouldn't it?

The Hon. J. G. HISLOP: I should think so, because that higher education would be taken by those men who were prepared to travel to various places. We all started off in medicine with a basic degree, and there is reciprocity all over Australia in regard to that basic degree. Then, some of us decided to go into special fields for which we had to obtain higher qualifications before those special fields became open to us. Having acquired those qualifications, we had reciprocity throughout Australia on that level. I think the same thing could quite easily be contemplated here.

I doubt very much whether we are entitled to ask people—whether they be boys or girls—who want to do pharmacology to become so skilled, if we cannot find a real outlet for their education. If we have a higher grade of person who wishes to become a trained pharmacologist and who desires to specialise not only in pharmacology but in chemistry of an industrial character, and in the functions, both nervous and circulatory, of the human body so that he can become a detailist to the profession, then I would agree that his education would be well worth while.

I believe, too, that education to a higher degree than is contemplated in this measure is necessary if Australia is ever going to reach the stage where it manufactures its own drugs. In the main, what drugs that have been manufactured in Australia have been more or less copies of other drugs or have been alterations to drugs made in overseas factories. I do not believe this education will bring the pharmacists up to the standard which will enable them to become useful to the profession and those people who take part in the higher field of chemistry producing synthetic drugs.

I am told that a number of good students have been lost to pharmacists in recent times because it is not possible to find apprenticeships for them. I would hope that the profession of pharmacy had something like the Hippocratic oath, as does the medical profession. Under this oath the burden is on the shoulders of those engaged in the profession to teach those who are going to follow. The gift of those who go before is transferred on in perpetuity.

I understand that some chemists today do not desire to take on apprentices. Whether this is because their businesses are too small or whether it is difficult to train these apprentices, I do not know. I cannot investigate that matter. However, I understand that apprenticeships cannot be found for individuals who want to do pharmacy. Therefore, the alternative is to ask them to do a higher form of education—attend technical school for a period of three years and then do a full year afterwards as an apprentice with a pharmacist.

One of the difficulties I see about this matter is that it is estimated that only about 25 per cent. of these students will obtain Commonwealth scholarships. That represents only a very small number of those who will be applying. About 75 per cent. of the students are estimated to be

not eligible for Commonwealth scholarships. I base that estimate on the words of the Minister who introduced the Bill in another place.

If these pharmacists have to attend the University or be full-time technical college students, they will have to rely upon their families to keep them during that period of three years. In the fourth year they will receive £15 per week; and as soon as they are qualified they will receive, even as *locum tenens* in a chemists shop, between £30 and £35 per week. However, a family will need to be of good substance to maintain a person for a period of three years; and are there enough families in the community that will be able to do that?

I am told that scholarships can be obtained and awards given in this profession. However, my reading of literature sent to me leads me to the belief that this is after they have obtained their qualifications. I am told that at the present moment we have a number of pharmacy scholarships for graduates to further their studies and research. Two of these scholarships are worth £2,500 and six are valued at £250. But, as yet, we have no scholarships for the undergraduates who will be called upon to do this three-year course. I am told that the introduction of this measure will not in any way alter the cost of drugs to the public.

The Hon. G. Bennetts: That is one good thing.

The Hon. J. G. HISLOP: That is something only time can tell; because, whilst an apprentice—as was said in another place—today attends three half days a week at the technical college, more than one chemist has told me that the apprentice only spends 20 hours a week in the pharmacy. Therefore, one can see that there are a lot of things to be considered in regard to this measure.

Feeling as I do about the measure and the need for further education so that pharmacists will qualify to a high degree, I cannot see how anyone can possibly vote against this Bill; but I would plead that once this measure is passed the pharmacists do not stop there but look for a field that will use the qualifications which are going to be demanded of the undergraduates on their graduation.

Debate adjourned, on motion by The Hon. L. A. Logan (Minister for Local Government).

Sitting suspended from 6.15 to 7.30 p.m.

CONSTITUTION ACTS AMENDMENT BILL

Second Reading

THE HON. E. M. HEENAN (North-East) [7.32 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend section 15 of the principal Act, and members will find the relevant section on page 124 of *The Standing Orders*. This Bill is identical with one I introduced last year. Briefly, it proposes to add another qualification to those enumerated in section 15 of the principal Act by making provision for the enrolment of the spouse of any person already entitled to enrolment for the Legislative Council.

I would point out before I go any further that there is a proviso that the spouse can only claim enrolment in the province where he or she resides.

The Constitution Acts Amendment Act was passed in 1899, and I have here the volume of the 1899 Statutes in which it is contained. I would point out that the original Act of 1899 sets out the self-same list of qualifications for enrolment on the Legislative Council rolls as pertains today. It has not been added to or subtracted from. In 1911 the Act was amended in a small way by providing that the property qualification, which was originally £100, be reduced to £50, as it now stands, and that the household qualification be reduced from £25 to £17, as it now stands. So the position is that an Act which was passed way back in 1899, providing qualifications for the enrolment of persons on the Legislative Council rolls, is more or less the same as originally.

I think it would be true to say that legislation based on ownership of property in 1899 can hardly be regarded as suitable to the outlook of 1962. I am fortified in that view because in this present session we have amended the Statute of Frauds, which was passed in 1677, in order to bring it up to the requirements of present-day circumstances. In recent years considerable amendments have been made to the Companies Act which was passed way back in 1893; and before us this session we have a measure which proposes to bring that important piece of legislation up to date. Only tonight Mr. Watson referred to the Money Lenders Act and the necessity of amending it to bring it up to date with present-day requirements.

Members will note on the notice paper a Bill which seeks to amend the law relating to trustees. This law, originally having been passed about 60 years ago, now, by common consent of all who have had experience of it, needs amending and modifying to bring it up to what it should be in this year of 1962. No doubt that is the function of Parliament; and I hope to be able to submit sufficient argument to convince this Chamber that the time has now arrived when we should make a serious effort to amend section 16 of the Constitutions Acts Amendment Act.

We have some new members in this House and it might be appropriate for me to tell them, and to remind other members, that in 1944 this House appointed a Select

Committee to inquire into this very question. I forget all the members who comprised that committee, but I recall that two of them were the late Mr. Baxter and the late Sir Harold Seddon. That Committtee proposed certain amendments after having conducted an exhaustive inquiry and listened to evidence placed before it. Among the recommendations made by that committee was the amendment which I now propose. That was way back in 1944, and a Bill was introduced to carry the recommendations of the committee into effect.

I am not going to weary the House, but I do wish to quote from *Hansard* of the 14th December, 1944, from page 2553. The late Mr. Baxter said, regarding the Bill to which I have referred—

> At present both husband and wife are entitled to be enrolled under the household qualification and this has led to abuse creeping in. The committee's proposal, we believe, will overcome that difficulty. It is only reasonable that both should be enrolled and that the position should be made clear.

On page 2558 of the same *Hansard*, the late Sir Harold Seddon had the following to say:—

> I think we can very well implement the recommendations of the committee and see how they operate before we go any further.

I repeat that in this Bill I am only confining myself to one of the recommendations which the all-party committee recommended way back in 1944. But we have now reached 1962, and nothing has been achieved; we still have the same list of qualifications which was originally inserted in 1899.

Because I have misplaced a certain document, it looks as if I will have to proceed without quoting some very interesting figures which I obtained from the Electoral Office. I was going to quote to the House figures proving conclusively that the Legislative Council enrolment for Western Australia is less than 44 per cent. of the Legislative Assembly enrolment. I had the exact figures for a number of districts and electorates; but the over-all position is that in Western Australia the people on the Legislative Council rolls form only 44 per cent. of those who are on the Legislative Assembly rolls.

To me that seems a bad state of affairs. In my own province, and in the South-East Province, the figures are less than 50 per cent. in spite of intense campaigns and efforts on the part of the contestants on either side to effect as many enrolments as possible. So it seems that no matter how hard we try; no matter what efforts we make; no matter what expense we incur, it is impossible to enrol more than one half of the adult population on the Legislative Council rolls.

Over the years the Press—*The West Australian*, the *Daily News*, *The Sunday Times*, and other papers have from time to time advocated the need for and the justice of making some liberalisation of this restricted franchise.

Not many years ago when Sir Ross McLarty was Premier and Mr. Arthur Watts was Deputy Premier, they went before the country and announced in their policy speech that they would broaden the franchise on this point; and to the best of my recollection and belief they had in their minds such an amendment as I now propose. Various public organisations over the years also have advocated change.

So there we have it. We have done nothing since 1899 in spite of the fact that in 1944 a Select Committee recommended that something be done. The Press of this State unanimously advocated some broadening of the franchise; a former Liberal Premier and his deputy (the Leader of the Country Party) promised the people of this State that they would carry out some liberalisation of the franchise, yet we come to the year 1962 and nothing has been done.

I repeat that we are making efforts which I applaud to bring various other outmoded pieces of legislation up to date, and I seriously submit to this House that we should not depart from that laudable object on this occasion.

My Bill proposes the very minimum. It proposes, in a general way, to extend the franchise to wives and mothers; and I think that would be a very good thing for our country. Wives and mothers form a section of our community whose influence in voting, as in other spheres, would be all to the good. The Bill would, in my humble opinion, be a great improvement: it would save everyone untold trouble and expense; it would simplify the qualifications; it would make most of the present qualifications redundant. If the Bill is passed, every man and his wife living in a house in Western Australia will be entitled to vote.

Members are aware of the fact that the contesting of a Legislative Council election is a most costly business. I do not think many will refute my claim that those of us who contest such elections have to spend up to £1,000; and a lot of that is spent on going up and down streets and into houses trying to explain to people that they are entitled to be on the roll. At the present time there is a vague idea in the minds of the majority of people that, in order to be on the roll, they have to be wealthy property owners. I do not think that statement is any exaggeration.

For the life of me I cannot see why this proposition should be opposed by members in this House, because it would save them untold effort and expense; it would enable them to concentrate on making speeches and trying to impress

upon people that they stand for the right policy. As a result of my amendment, much of the work now carried out would be obviated, and a lot of the money now spent in enrolling people would be saved. So I claim these 10 points in favour of the Bill—

1. The Bill will, in effect, extend the franchise to the wives of those electors who are householders or who own property.
2. It will undoubtedly have the effect of simplifying the qualifications which at the present time are not understood by a large section of the community.

Here I intervene to say that that is not only my opinion; it is expressed in the findings of the Select Committee which this House appointed in 1944 and is to be found in the volume of *Hansard* from which I have just quoted. To continue—

3. It will enable a most worthy section of the community—the wives and mothers—to claim enrolment.
4. It will carry into effect recommendations which were made by a Select Committee as far back as 1944.
5. It will broaden the franchise of the qualifications which have remained unaltered since 1899.
6. It will carry into effect an undertaking which was given to the public of Western Australia by the leaders of the McLarty-Watts Government in their policy speech some years ago.
7. It will facilitate enrolment and save all concerned considerable trouble and expense.
8. It will create more interest in Legislative Council elections.
9. It will meet the wishes of the community as expressed by the Press and by numerous public organisa- over the years.
10. It will make the Legislative Council a more representative institution than it now is or ever has been.

I claim that if this measure is adopted no person will gain an advantage over another. In that respect I cannot visualise any valid reason for any member to oppose it.

I think there is merit in my claim that if we can get more than 44 per cent. of the people in Western Australia on the Legislative Council rolls it will be a step in the right direction. Surely in these days we are taking a step forward if people as citizens take their responsibilities seriously, and also take a serious interest in the government of their State and their country. As I have said on previous occasions, it seems to me that if the parliamentary system is to survive, it must be as representative of the people as possible.

When we have the situation that only 44 per cent. of the population is entitled to be enrolled on the Legislative Council rolls, and only about half of that number exercise their vote, no one can tell me that such a state of affairs should continue. The position is that only 44 per cent. of the adult population of Western Australia is on the Legislative Council rolls; and statistics have shown that of that 44 per cent. only 50 per cent. vote. So, in effect, the members of this Chamber represent only about 20 per cent. of the adult population of the State. That is a state of affairs which, in the year 1962, we should seek to alter and improve.

I regret that I have mislaid the interesting figures which I obtained from the Electoral Department. However, I will ensure that the members of this House will have the opportunity of becoming acquainted with them because I hope to locate them later and pass them on to any member who is interested and intends to take part in the debate on this Bill. The measure proposes to amend the Constitution and will thus require a constitutional majority for it to pass.

In the past, various arguments have been advanced from time to time opposing measures such as this one. Some members have said that they will never support a Bill of this nature that is brought from the Legislative Assembly; they consider it should emanate from this Chamber. Out of respect for those members, I have decided to introduce the Bill in this House. In actual fact, I suppose, it is our affair, and I therefore hope that no one will use that argument on this occasion. Some, no doubt, will try to ridicule the Bill by saying, "This is a hardy annual. We had it before us last year and voted against it and can see no reason to change our minds in 1962." I do not think that is a valid argument. I ask members to bear in mind that we have not changed the qualifications for a Legislative Council voter since 1899. Many people in Western Australia are therefore in favour of some improvements to the franchise.

To my mind this Bill is a most reasonable proposition. It proposes to extend the opportunity to vote to people who, technically speaking, do not have any property votes; but surely, is it not a fact that wives have as much real interest in the property acquired by their husbands, as the husbands themselves have? The house may be in the husband's name, but nine times out of ten the wife has contributed a great deal towards his acquiring it. A farm is probably in the husband's name, but very few farmers would claim that their wives have no moral interest in the properties they have built up over the years. Those

are factors we have to respect and take into account, and for those reasons I submit the Bill for the earnest consideration of the House.

Finally, I trust that, in keeping with the attitude we are currently adopting by pruning our legislation and bringing it up to date, we will not exclude something from this outmoded legislation.

Adjournment of Debate

THE HON. A. F. GRIFFITH (Suburban—Minister for Justice) [8.7 p.m.]: I move—

That the debate be adjourned.

Question put and passed.

The Hon. F. R. H. LAVERY: Mr. President, you did not get a seconder for the motion.

The PRESIDENT (The Hon. L. C. Diver): You did not rise to your feet, Mr. Lavery.

The Hon. F. R. H. LAVERY: Yes; I stood up in order to obtain the adjournment of the debate.

COMPANIES ACT AMENDMENT BILL

In Committee

Resumed from the 12th September. The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

New clause 3—

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Progress was reported after The Hon. W. F. Willesee had moved to insert after clause 2 a new clause to stand as clause 3 as follows:—

> 3. Section two of the principal Act is amended by adding after the word "proclamation" in line two the passage—
>
> , such proclamation to be withheld until a joint proclamation date is agreed upon with the States of South Australia and Tasmania.

The Hon. A. F. GRIFFITH: I think it would be true that last Wednesday evening, the 12th September, an extremely disturbing debate was engendered in this Chamber by Mr. Willesee. Before I go any further, I would like it to be known that whilst my speeches were opposed deliberately and vehemently, I appreciate the assistance the Chamber afforded me by suggesting that I ask the Committee to report progress. I was unwilling at the time to agree to such a suggestion because I was convinced that I should pursue the thought I had in mind. I think all members will agree that when anyone feels so convinced about a matter one can be forgiven for pursuing it as far as possible in order to endeavour to persuade at least the majority of members that the opinion one holds is the correct one.

I believe that Mr. Willesee put forward his amendment with every good intent. I believe that when he moved it he and those members who spoke in support of his amendment had in mind that it might prevent the States which had not passed the uniform companies legislation—particularly South Australia—from gaining an advantage over Western Australia. Accordingly, one could commend the honourable member for moving his amendment, although I did say at the time that he had changed his mind from the ideas he held when he first spoke on the Bill. On that occasion I attempted to persuade the Committee that the intention of the honourable member, well-meaning as it may have been, was misguided; but I was not successful.

I now express my gratitude to the Committee for the time it has given me not only to pursue the arguments I advanced on that particular evening, but also to obtain information which I will convey to the Committee. I sincerely hope that it will have the effect of either influencing Mr. Willesee to withdraw his motion or the members of the Committee to vote against it.

Bearing in mind that the emphasis of this argument was on the fact that South Australia would have an advantage over this State if this Bill were passed, I would like to point out that if South Australia did not enact the uniform companies legislation, it would be that State's misfortune; because, in my opinion, the uniform Companies Act passed last year is a very good piece of legislation and has been adopted by three of the States and the Australian Capital Territory. Apart from being a uniform enactment it is an up-to-date measure which imposes very necessary restraints on certain individuals and requires a much greater degree of disclosure from all companies in relation to their affairs. The people of this State are entitled to expect at the earliest possible moment, the protection which the new laws afford.

The position in South Australia has no bearing whatsoever on the position in Western Australia. It is a fallacy to say that South Australia will reap the benefit from its default in failing to introduce this legislation. The question as to whether or not it will default has yet to be decided, but that question should have no effect on any action of Western Australia. I shall have something more to say on this matter later on.

The move to defer the commencement date of the uniform Act in this State to a common date with the States of South Australia and Tasmania can have a Kathleen Mavourneen effect, because it may be for days or it may be for ever. On

that aspect I shall have more to say as I proceed. Why should the benefits which this Act confers be deferred until the Legislature of another State sees fit to pass these good laws?

It is quite certain that any State which does not pass the uniform Act can, under the uniform Act, become the subject of sanctions by those States which do enact the measure; and those sanctions would be to the extreme discomfit of the business community affected. This discomfort would arise in relation to the lodgment of balance sheets in the States which had enacted the uniform Bill. It will have a two-way effect in relation to these balance sheets. In the case of a company incorporated in Western Australia or South Australia—assuming that neither State brings the uniform Act into operation—where such a company, Western Australian or South Australian, has a subsidiary incorporated in one of the uniform States, that subsidiary company will not be able to claim exempt proprietary company status, because the State of incorporation of its holding company will not be a proclaimed State for the purposes of section 348, subsection (5).

Further, if a Western Australian or South Australian company carries on business as a foreign company in any uniform State, it will be obliged by the laws of that uniform State to file its balance sheet in that place, because it could not qualify for exemption since it would not be an exempt proprietary company in its State of incorporation.

It is not realistic to say that South Australia will attract companies to carry on business there merely because its fees on incorporation are substantially lower than the fees charged on incorporation in any uniform State. If a concern had real intent to commence business in a State it would disregard the differences in fees payable as between States. The fees to be charged under the uniform Bill have, in fact, been charged and paid in Queensland, New South Wales, the Australian Capital Territory, and Victoria since the 1st July, 1960.

If low company fees are going to attract companies to incorporate in South Australia then one would expect that fact to have exercised some influence on company registrations in South Australia since the 1st July, 1960. When we examine the figures we find that has not been the effect; in fact, the result has been the reverse. For the year ended the 30th June, 1960, there were 1,200 companies registered in South Australia; for the year ended the 30th June, 1961, there were 1,100 companies so registered; and for the year ended the 30th June, 1962, there were 1,000 companies registered in South Australia. So, rather than an incline in the number of registrations, there was a decline according to the information I have just given.

The number of company registrations decreased, notwithstanding the fact that South Australia had comparatively low fees for incorporation, while in the States which have adopted the uniform legislation, fees were charged in accordance with the uniform scale. It could be said that while the decrease in the number of the South Australian registrations might well be due to other factors, it has been established already, with reasonable certainty, that South Australia has not in the last three years, since the uniform fees have been charged by the other States, reaped a harvest of new company registrations because of its lower fees.

Members may recall the turn this debate took the other evening. In an effort to persuade the Committee to change its mind on the amendment moved by Mr. Willesee, I want to relate briefly what took place up to the point when his amendment received considerable support. I refer in particular to the remarks made by Mr. Watson when he moved an amendment to clause 17. He said—

> The Minister has said he has found extreme difficulty in understanding what the latter part of the amendment means. It means that if the accounts are to be produced, and if the annual general meeting for the year ending the 30th June, 1962, is to be held in a manner as if this Act has not come into operation, it is merely another way of saying this: If this Act does not come into operation, the Act which has been in existence since 1943 would be the one according to which any company would hold its annual general meeting and produce its accounts for that annual general meeting. Nothing could be simpler than that.

I now refer to the words used by Mr. Watson further on when he said—

> Assuming the proclamation date to be the 1st October, in all other matters such as the raising of money and the accepting of deposits a company must fully comply with the conditions. Similarly in respect of fees, any company registered after the 1st October will have to pay the higher fees, and any company lodging documents after that date will also have to pay higher fees.
>
> The new Act will operate from the 1st October, with very minor differences in relation to the preparation of accounts and the holding of annual general meetings in respect of the year ending the 30th June, 1962.
>
> Last year the Minister was successful in getting the Bill passed without amendment, and it appears that on this occasion, with the exception of the amendment which I moved, the same will apply. I will remind members that the contents of this Bill have

only been made known to us for a little more than a month, and it has not yet been passed.

At that point of time the Committee was of opinion that by agreeing to the amendment moved by Mr. Watson what would take effect, apart from the provisions in the Bill before us and the Act passed in 1961, were the matters mentioned by him in the quotation I have read.

The Hon. H. K. Watson: On the assumption that you read the first few words.

The Hon. A. F. GRIFFITH: On the assumption that I read the first few words. But at that time I had no knowledge of the amendment to be moved by Mr. Willesee. That honourable member came to me afterwards and handed me a typed copy of his amendment, because it was not on the notice paper. At that point of time, in the words of Mr. Watson, we were not entitled to foreshadow anything, because he said—

The Hon. H. K. Watson: Commence with the word "assuming".

The Hon. A. F. GRIFFITH: He said, "and it appears that on this occasion, with the exception of the amendment which I moved, the same will apply." I do not blame the honourable member for grasping at an opportunity to support a matter in which he believes—one put up by another member. However, I do think it was a change of mind when the position arose. The suggestion that perhaps time would give me an opportunity to make further investigations resulted in a telephone call I made to Sir Thomas Playford, the Premier of South Australia. I told him I was experiencing trouble in getting the Bill to amend the Companies Act through the Legislative Council.

The Hon. H. K. Watson: He probably said that your trouble was not anything compared with his trouble.

The Hon. A. F. GRIFFITH: Let me say what I heard from Sir Thomas Playford.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): The Minister must address the Chair.

The Hon. A. F. GRIFFITH: Sir Thomas Playford said, "Yes: I heard you were having trouble because it came over the air". I told him the situation and about the amendment moved by Mr. Willesee, not necessarily using his name. I said that at least some members of the Legislative Council at that time—the majority of them as far as I could see—were of the opinion that South Australia was not going to go on; and, as a result, some benefit would accrue to South Australia and some detrimental effect would take place so far as Western Australia was concerned.

Sir Thomas told me I could inform the Legislative Council that he intended to proceed with his Bill. He had introduced it into the Legislative Assembly and he did not think it would encounter any problems. However, he thought there might be one or two small amendments, which would not affect uniformity. He had his Budget before the House at the present time, and he said that when that was finished he proposed taking the Bill up again in the Legislative Assembly.

I questioned him about fees, and he said that his fees would be the same as ours. In other words, they would be uniform with the rest of the States. I thanked him for that very much and consequently forgot to ask him the important question as to when he intended to proclaim his Bill when passed. I asked him when he expected to complete it and he said he hoped it would be by the end of October.

I asked the Registrar of Companies in this State to communicate with the Registrar of Companies in South Australia, and this Mr. Macfarlane did. The information we got back was that it was South Australia's intention to proclaim the Bill on the 1st July, 1963. That was the date they had been talking about. I then phoned the Attorney-General of Tasmania, Mr. Fagan, and told him the difficulty that was being encountered in our House, and he said, "Yes; I heard it over the air". His remark was quite spontaneous. The information regarding our difficulties has apparently gone around Australia.

The Hon. F. R. H. Lavery: A very important House—the Legislative Council.

The Hon. F. J. S. Wise: Something new for the Council to be in the news.

The Hon. A. F. GRIFFITH: I do not know about that. Mr. Fagan told me that the uniform Bill in Tasmania had passed the Legislative Assembly without amendment, and that it was going up for consideration by the Legislative Council. He hoped to be able to use the date the 1st January, 1963. I thanked him for this information and also asked him whether he would object if I told the Legislative Council in my State the situation that existed in Tasmania, and he said he would not object.

I am sure members will see the predicament we would find ourselves in if we agreed to the amendment moved by Mr. Willesee. Surely it is more important now to give further consideration to this matter. Surely I demonstrated that if South Australia or Tasmania did not enact this legislation the ill effects that some members might think would occur to Western Australia would not, in fact, occur. Now I have been able to repeat the assurances I have had from the responsible Ministers in each State, it can be seen

that the dates vary, the 1st January being the date in one case and the 1st July in the other. If we agree not to proclaim our Bill until a joint proclamation date is agreed upon with the States of South Australia and Tasmania, then we will put Western Australia back another year.

The Hon. L. A. Logan: We will not get a joint date.

The Hon. A. F. GRIFFITH: I would not say that we would not get a date suitable to all; but I would ask why we in Western Australia should have to tie our legislation to what is going to be done in South Australia. New South Wales, the leading industrial State in Australia, has not done so; neither has Victoria, Queensland, nor the Australian Capital Territory. They have all proceeded individually, as I hope we will.

I cannot do any more. However, I do ask that members give Mr. Willesee's proposal further thought. I would even go so far as to say that I would like to hear from the honourable member on the points I have made. Perhaps on the information I have been able to give him he may, upon reflection, consider it unnecessary to persist with his amendment. Of course, that is entirely a matter for himself. I will satisfy myself at the moment with the explanation I have given, and ask members to be sure to consider the matter further.

The Hon. H. K. WATSON: Yesterday morning, while walking along the Terrace, I met a prominent business man who had that day returned from the Eastern States. He asked me the position regarding the postponement of the proclamation of this Bill. I said, "How did you hear about it?" He said, "I heard it quoted over the air in Melbourne." It would seem that although we have grown accustomed to the situation that this State is never heard of in the Eastern States unless there is a murder or an earthquake, we have made history with this debate; last Thursday the debate did, to this extent, make history. The Minister in his closing remarks really contradicted himself and answered his own question. He said, "Why should we postpone the proclamation of this Bill? Why should we have uniformity with the Eastern States?"

The Hon. A. F. Griffith: I did not say that at all.

The Hon. H. K. WATSON: That was the tenor of the Minister's remarks.

The Hon. A. F. Griffith: That is the interpretation which it suits you to put on it.

The Hon. H. K. WATSON: No; that was the wording. There was the plea that this Bill should go through without alteration because we had to have uniformity with the Eastern States. If uniform legislation has one characteristic, be it uniform legislation for divorce, for companies, or for anything else, surely that characteristic is that the legislation comes into operation on the same day.

The Minister then asked, "Why should the Bill be deferred?" He gave us a resume of his conversation with Sir Thomas Playford as one reason why it should not be deferred. I had advice from Adelaide on Thursday morning which suggested that notwithstanding Sir Thomas Playford's optimism, the Legislative Council in South Australia is proposing to deal with this Bill, not on the basis that "we cannot alter this clause because it is uniform with the rest of Australia, or that clause because it is uniform with the rest of Australia," but on a realistic basis; and it will be amended in quite a few respects.

The Minister then puts this question to the Committee: "Why should the people of Western Australia be denied the protection of this Bill?" In some respects that reminds me of Mr. Khrushchev's explanation of some of his exploits when he moved into various countries in order to protect them.

The Hon. A. F. Griffith: Thank you very much for that example!

The Hon. H. K. WATSON: Let us consider for a moment what is the protection in this Bill. There is an extraordinarily heavy increase in the fees; the Bill proposes severe treatment to proprietary companies—and they constitute 90 per cent. of the companies in this State— and the Bill has needless pin-pricks That is the protection we are going to get. I think we want to be protected from those things, not have them forced upon us in the name of protection.

The Hon. A. F. Griffith: Are we debating the merits of the Act or the merits of the amendment?

The Hon. H. K. WATSON: The merits of the amendment are wrapped up in the merits of the Act, and the Minister was not slow, in debating the merits of the amendment now before the Committee, to refer to a discussion on an amendment which I moved on an entirely different matter.

The Hon. A. F. Griffith: That is the longest bow I have ever heard drawn.

The Hon. H. K. WATSON: Even if Mr. Willesee does withdraw his amendment or even if that amendment is defeated by the Chamber, I would still make a very earnest appeal to the Minister and to the Government to refrain from proclaiming this Bill willy-nilly on the 1st October; I would still make a plea to them to exercise due consideration and reserve before that proclamation is issued.

The Hon. A. F. Griffith: Despite the fact that you told me the other night that if I accepted your amendment we could still proclaim the Bill on the 1st October.

The Hon. H. K. WATSON: I said nothing of the kind.

The Hon. A. F. Griffith: It is in your own words.

The Hon. H. K. WATSON: The statement the Minister read tonight clearly indicated what I said. The words were, "Assuming the Bill is to be proclaimed on the 1st October"; and I would thank the Minister not to put words into my mouth which were not uttered. My proposition on a different amendment was based on the assumption that the proclamation was going to be made on the 1st October; but at no time did I concede that the proclamation on the 1st October was a fair thing either to Western Australia or to the business community in this State.

We are informed this evening that it is expected Tasmania will bring its Act into operation on the 1st January, and that South Australia will bring its Act into operation on the 1st July next; and if those two States can proceed leisurely I fail to see why the 1st October as the proclamation date should become an obsession with the Minister or really be so important. If the 1st January is good enough for Tasmania and the 1st July next is good enough for South Australia, I cannot for the life of me see why we should have this unseemly behaviour of proclaiming this Bill on the 1st October.

The Hon. A. F. Griffith: It is not an obsession; it is because commerce and industry have known for six months that this was to be the date. People are now asking, "Why the change?"

The Hon. F. R. H. Lavery: Some sections of commerce and industry.

The Hon. H. K. WATSON: Even if this amendment is not carried, I hope the Government will think seriously and furiously before proclaiming this Bill on the 1st October.

The Hon. A. F. GRIFFITH: I wish to make one point: It is not an obsession with me regarding the 1st October—not by any manner of means. The 1st October has no significance to me personally; therefore, how can it be an obsession? The importance of the matter is that on the 7th March, 1962, I told the people of this State that this was the date on which we were going to proclaim the Act. This morning a practising accountant rang the registrar and asked what the situation was going to be. This accountant said he had prepared the accounts of a certain company on the basis of the new Act, and with the amendment on the notice paper he did not know what was going to take place.

I am not in the habit of misquoting members, and if I have done so on this occasion I did not do it on purpose. I propose to read what Mr. Watson had to say—

> The Minister is raising doubts as to what will happen, but I am endeavouring to show what will happen. The new Act will operate from the 1st October, with very minor differences in relation to the preparation of accounts and the holding of annual general meetings in respect of the year ending the 30th June, 1962.

The Hon. H. K. Watson: You are still reading that out of its context.

The Hon. A. F. GRIFFITH: The honourable member did use the word "assuming". He said, "Assuming the proclamation date to be the 1st October, . . ."

The Hon. H. K. Watson: It was all governed by that.

The Hon. A. F. GRIFFITH: The honourable member then goes on to say that the only amendments which would be moved would be the one he moved. I just want to reiterate that this is not an obsession. The only information that has come to me has been through the registrar, who said that a practising accountant had been in touch with him by telephone. Of all the people I know in this State not one has made any representations to me concerning the change of date.

One would have thought that perhaps the Institute of Chartered Accountants would have said something about it. Last year that body wrote about it, but this year not a word has been said. Its members have not protested, and they have not said whether they are in favour of Mr. Watson's attitude or of Mr. Willesee's amendment. I have not heard anything from them; and I suggest, with the greatest respect, that Mr. Watson is not telling members the collective opinions of commerce in this State. As members know, when a collective opinion is to be given, people are not behind the door; they come forward and speak to their members of Parliament, and to Ministers. But, as I said, no approaches have been made to me about it.

The Hon. R. C. MATTISKE: Prior to the debate on this measure last Wednesday night, there were certain doubts in my mind because of the statement made by a Minister in another place, to which, unfortunately, I cannot refer. Suffice it to say that it caused me to make inquiries regarding the measure, because from the statement made it would appear that certain action may or may not be taken in another State or States which could possibly place this State at a disadvantage.

During the debate which ensued in this Chamber further statements were made by the Minister, and also other members, which further increased the doubts I had. Then when Mr. Willesee moved his amendment I suggested to the Minister that he report progress with a view to giving us time to make our own inquiries to find out whether or not there was any substance in the doubts I had; and also to enable the

Minister to find out from those responsible for handling the measures in the other States whether or not there was any fire where there was smoke.

Since progress was reported I have pursued certain inquiries of my own, and I am now of the opinion that the doubts I had were groundless. At the time, I said I was inclined to support Mr. Willesee's amendment, if a vote was to be taken that night; but I pleaded for time to enable us to inquire further into the matter; and I am grateful that that extension of time was granted. I said that because of the doubts I had I did not intend to vote for something to become law without having a further opportunity to discuss it. The doubts I had have been removed, and I feel that no useful purpose would be served by extending the proclamation date. The measure has passed all stages, we have amended it as far as we can, and it now remains only for it to be proclaimed or be thrown out at the third reading.

Those of us who have been fairly closely connected with the measure have said it will be to the ultimate advantage of the State to have uniform company legislation in conjunction with the other States. Therefore, to throw the Bill out at the third reading would, in my opinion, be a wrong move.

So far as the proclamation date is concerned I see little difference between the 1st October or the 1st January. Either date will be before Parliament sits again, in the ordinary course of events, and therefore we will not have an opportunity of dealing further with it. The only point I wish to stress at this juncture is that there must inevitably be a number of matters which will prove to be unworkable and which will require amendment next session.

In any measure of this magnitude and importance that must be the case, and we will thus be given an opportunity further to debate certain of the clauses, and I hope that many of the suggested amendments which have been placed before this Chamber in previous debates will be given careful consideration by the Premier and those responsible for discussing the legislation on an interstate level. In view of those circumstances I agree with the Minister and I hope the amendment will be withdrawn; or, if not, that it will be defeated. I am opposed to it.

The Hon. W. F. WILLESEE: When I first contemplated this Act I had 33 amendments in mind; but judging by the reception of the only amendment that I ultimately put before the Chamber, I am glad I did not persevere with the other 32. Had I done so we would probably have been here until after Xmas and the proclamation date would be as indefinite as ever.

I did not pursue the matter of the amendments any further because of the need for uniformity; and having reached the decision I did, I faced another and more difficult decision in that in the interests of uniformity I should also have to overlook the academic and practical knowledge gained over 40 years by The Hon. H. K. Watson and not consider the amendments he had placed on the notice paper. For those reasons I supported the Minister last year, and I have supported him this year.

When the Minister introduced the amending Bill this year I found that there were not two or three machinery amendments in the Bill but 27 clauses of amendments. Last Wednesday night, in a very different tone of voice to that which he has adopted tonight, the Minister accused me of inconsistency. However, I am inclined to wonder who should wear the cap in that regard.

Also, last Wednesday night the Minister appeared to be indissolubly wedded to a proclamation date of the 1st October, and I should like to quote from his closing remarks when he introduced the Bill. He said it had originally been intended to proclaim the uniform Companies Act on the 1st. October. That now becomes contingent on the passage of this measure and also on a review of the situation which has transpired in all States so as to ensure that this State's legislation is, as near as possible, effective uniform legislation.

Returning to the thoughts I had on Wednesday evening when, on the basis of putting something worthy of consideration before the Chamber, and which drew the fire it did, I rather felt it was much in keeping with that passage from the Bible describing Christ's coming upon the multitude when they were stoning Mary Magdalene, and when He said, "He that is without sin among you, let him first cast a stone."

By direction of our leader, we too have made inquiries on this matter, and I would ask the Committee to take note that when I introduced this new clause I prefaced my remarks by asking the Minister if he would report progress until we could obtain further information. Had my request been agreed to then, four and a half hours of contentious debate would have been avoided and we would have resumed the debate at this point, because the three questions that were put to Sir Thomas Playford were all answered in the affirmative.

The first question was: Is the Bill almost certain to be passed this year? and the answer was "Yes". The second question was: Is it likely to retain its reasonable uniformity? The answer was again "Yes". The third question was: When may it pass in your Legislature? The answer was: "This session". That materially

disposes of the problem I had in mind. I should think that, as a Western Australian member of Parliament, it would be reasonable for me to protect Western Australian business interests, and if there were any disadvantages which might accrue which may not have been realised 12 or 18 months ago and which would be against the business interests of this State, it was reasonable for me to put upon the notice paper the new clause which was favoured by the majority of the members of this Chamber. I wanted to hear the question debated on that issue.

I do not want to labour the point because I think it has gone far beyond its proper proportion. With your permission, Sir, I would ask for leave to withdraw the new clause standing in my name.

New clause, by leave, withdrawn.

Title put and passed.

Bill reported with an amendment.

Recommittal

Bill recommitted, on motion by The Hon. A. F. Griffith (Minister for Justice), for the further consideration of clause 17.

In Committee

The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clause 17: Section 162 amended—

The Hon. A. F. GRIFFITH: I am grateful to members for allowing the recommittal of the Bill for the further consideration of this clause, because in keeping with the debate and the information disclosed to us, and in keeping with the position in which I stand and the position in which Mr. Willesee found himself in conveying to us the information he obtained from South Australia—

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): I would be pleased if the Minister could inform the Committee what he intends to move at this stage. I think he will find that he must move his motion before speaking to it.

The Hon. A. F. GRIFFITH: A previous Committee agreed to an amendment moved by Mr. Watson to clause 17. That amendment appeared in the Minutes of last Wednesday, the 12th September, 1962. I now propose to move that the words which were inserted by the Committee on that occasion be deleted and that the original clause be reinstated.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): I will read the Minister's amendment for the information of the Committee.

Point of Order

The Hon. H. K. WATSON: On a point of order, Mr. Deputy Chairman, I understand that the Bill when before a previous Committee was amended and reported. That being so, I submit that the present proceedings are not in accordance with Standing Orders. A Bill cannot be recommitted for the purpose of withdrawing an amendment inserted by a previous Committee.

The Hon. A. F. Griffith: Mr. Watson has overlooked the fact that the report was not adopted.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Standing Order No. 405 reads as follows:—

> If any objection be taken to the ruling or decision of the President, such an objection shall be taken at once . . . .

On my understanding of the Standing Order the adoption of the report was in proper order, and the motion for the recommittal of the Bill was carried by this Chamber. Therefore the Bill has, in fact, been recommitted in accordance with that Standing Order.

The Hon. A. L. LOTON: I think the procedure is that as the Bill had been amended by Mr. Watson, the motion moved by the Minister should have been that the consideration of the Committee's report be made an order of the day for the next sitting of the House, because the Standing Orders have not been suspended. If that had been observed the point Mr. Watson raised would be in order because the Committee cannot deal with it until the report of the Committee is being adopted.

Deputy Chairman's Ruling

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): My ruling is that the point of order must be raised at the time of the infringment of the Standing Order. If, as Mr. Loton says, the Standing Order was infringed when the President put the motion, then the point should have been taken at that time. It is too late to take it now, and I rule that the proceedings at this stage should continue.

Dissent from Deputy Chairman's Ruling

The Hon. A. L. LOTON: In that case, Sir, I must dissent from your ruling.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Will the honourable member please submit his dissent in writing?

[The President (The Hon. L. C. Diver) Resumed the Chair]

The DEPUTY CHAIRMAN OF COMMITTEES (The Hon. G. C. MacKinnon): Mr. President, whilst the committee was considering a Bill for an Act to amend

the Companies Act, a point of order was raised as to whether we were in order under Standing Order No. 202 in dealing with the Bill at that time. I ruled that under Standing Order No. 405 a point of order must be taken at the time which is appropriate; namely, when the motion is put and carried. As the motion in question was carried, and I was in the Chair—and in fact we were recommitting the Bill—it was too late at that time to raise the point of order on those grounds. Mr. Loton has dissented from my ruling.

The PRESIDENT (The Hon. L. C. Diver): I will leave the Chair until the ringing of the bells to consider the matter.

Sitting suspended from 9.14 to 9.16 p.m.

The PRESIDENT (The Hon. L. C. Diver): Standing Order No. 405 states that the President shall hear debate on the ruling given by the Chairman; therefore, I shall call on members to resume the debate on the dissent from the Deputy Chairman's Ruling.

The Hon. A. L. LOTON: Standing Order No. 202 is very definite on the point I make. It states—

> If a Bill be reported with amendments, a future day shall be fixed for taking the Report into consideration and moving its adoption, and the Bill as reported shall in the meantime be printed; but if no amendments have been made the Report may at once be adopted.

On Wednesday last Mr. Watson moved an amendment and the Committee agreed to it and the amendment was inserted. On Thursday last this Chamber did not debate the Bill.

The Hon. A. F. Griffith: What happened on Wednesday?

The Hon. A. L. LOTON: The Chamber agreed to the amendment moved by Mr. Watson, but we did not debate the Bill on Thursday. Today the Committee stage of the Bill was continued, because on Wednesday last progress on the Bill was reported for the purpose of further consideration. The Committee has given further consideration, and Mr. Willesee withdrew his amendment after it had been debated; but the amendment moved by Mr. Watson still stands. Therefore, when the Deputy Chairman of Committees gave his report that the Committee had considered the Bill and had agreed to same with an amendment, the Minister should have moved for the consideration of the report to be made an order of the day for the next sitting of the House, because we have not yet suspended Standing Orders to enable a Bill to be taken through all its stages at one sitting. I say that we are making haste too quickly and the procedure is out of order, because it contravenes Standing Order No. 202.

The Hon. H. K. WATSON: The point of order arises out of the following sequence of events: the Committee having considered the Bill, the Deputy Chairman of Committees reported to you that the Committee had considered the Bill and had agreed to same with an amendment. The Minister was desirous of having the amendment, with which the Committee had agreed, taken out of the Bill; and for that purpose he—contrary to Standing Order No. 202—had moved for a recommittal of the Bill.

I submit the only course open to the Minister and to this House is that set out in Standing Order No. 202; namely, that if a Bill is reported with amendments a future date shall be fixed for taking the report into consideration, and for moving its adoption, and the Bill as reported shall in the meantime be printed.

Standing Order No. 192 provides—

> No new clause or amendment shall be proposed which is substantially the same as one already negatived by the Committee or which is inconsistent with one that has been already agreed to by the Committee unless a recommittal of the Bill shall have intervened.

Therefore, on both points, the only course open to this House, is the adoption of the motion that the report submitted by the Deputy Chairman of Committees be made an order of the day for the next sitting of the House.

The Hon. A. F. GRIFFITH: I am an advocate of the correct procedure being adopted in these matters. Perhaps I started off on the wrong foot, because before the Deputy Chairman of Committees put the question to report the Bill to the House I should have attempted to get it recommitted for the purpose of considering one clause. The history of events was related by Mr. Watson, except that he omitted to make reference to Standing Order No. 199, which states—

> When the proceedings upon a Bill have not been concluded in any one sitting, the Chairman shall be directed to report progress and ask leave to sit again.

On Wednesday last the Deputy Chairman reported to you, Mr. President, in the following terms:—

> I have to report that the Committee has considered the Bill, has made progress, and asks leave to sit again.

The question which you put to the House was that the report be adopted, and the House passed the motion that the report be adopted.

The Bill was not brought up on Thursday last, but that had nothing to do with the Standing Orders. It was brought about

by circumstances of which we are all well aware. Standing Order No. 200 states—

> When the Bill shall have been fully considered, the question shall be put, "That this Bill (or this Bill as amended) be reported," which being agreed to, the Chairman shall leave the Chair and report the Bill forthwith.

That was what he did. Standing Order No. 201 states—

> The Chairman shall sign with his name a printed copy of every Bill prior to the consideration of the report, with all amendments printed or fairly written thereon.

Standing Order No. 202 states—

> If a Bill be reported with amendments, a future day shall be fixed for taking the report into consideration and moving its adoption, and the Bill as reported shall in the meantime be printed; but if no amendments have been made the report may at once be adopted.

This set of Standing Orders deals with the completion of a Bill through the Committee stage in more than one sitting. If it does not take more than one sitting the report is adopted.

Standing Order No. 203 states—

> On motion for the adoption of the Report, the Bill may be recommitted either in whole or in part.

I refer members to the question put by the President, which was, "The question is that the report be adopted". That was the point which I took under Standing Order No. 203, that the Bill could be recommitted in whole or in part. I am not saying whether or not the Deputy Chairman of Committees was right. But I would say I think we have done this before on many other occasions.

The Hon. H. K. Watson: When Standing Orders have been suspended.

The Hon. A. F. GRIFFITH: I could not relate a particular case, but I think we have done this before.

The Hon. F. J. S. WISE: I do not think we should be confused in regard to the use of the word "report" within the context of the two or three Standing Orders. The report finally adopted is that the Bill has passed through all stages with or without amendments; but the report to you, Sir, as you will find, is not in capital letters in the Standing Orders—it is the simple report of the Committee to you. The Bill as agreed to in Committee and reported means the complete passage of the Bill through the Committee stage. There should not be any confusion on that point.

The Hon. J. G. HISLOP: We might think for a moment about Standing Order No. 405, because I would like to point out that as soon as I saw the action that had been taken, rather than interrupt the Minister who was on his feet, I walked around to Mr. Watson, whose business I knew it was, and asked him if Standing Orders had been suspended. He said, "No." So when it comes to "this action shall be taken at once," more than one of us had seen what was happening and had formed in our own minds a method of approach to you. Action had been taken by members of the House quite quickly after this incident had occurred. But one cannot stand on one's feet and debate this at once, and the words "at once" can be stretched to the point to raise objection to the Minister making a reply.

President's Ruling

The PRESIDENT (The Hon. L. C. Diver): The first phase I wish to deal with is that the Deputy Chairman of Committees ruled under Standing Order No. 255 that objection had not been taken—

The Hon. G. C. MacKinnon: I am sorry, Sir, my statement was under Standing Order No. 405, where it states that the point of order must be taken at once.

The PRESIDENT (The Hon. L. C. Diver): Under Standing Order No. 405 exception has to be taken at once and put in writing. To that point the Deputy Chairman of Committees was quite in order; but in my opinion and to put the procedure right I agree that we should overrule the Deputy Chairman's ruling on this occasion so that we can comply with Standing Order No. 202 and the House can get back to the stage where the Deputy Chairman of Committees reported the Bill as amended as a motion. Therefore, I make that ruling accordingly so that we shall not get away from the procedure adopted in the past when Standing Orders have not been suspended.

Points of Order

The Hon. A. F. GRIFFITH: It would be a very bad thing to do that, after having agreed that the Deputy Chairman of Committees was, in fact, in order, according to Standing Order No. 405—and that is what I understood you to state. That is the only question before the Council. In case we should infringe Standing Orders in any way, I will not continue with my action at this point of time; but I would humbly and respectfully ask you not to record the overruling of the Deputy Chairman of Committees' ruling, which was on Standing Order No. 405, and not on the processes employed between Standing Orders Nos. 199 and 202.

The PRESIDENT (The Hon. L. C. Diver): Actually there should be no further debate on this subject; but if it will facilitate the business of the House there is no question in my mind that the Deputy Chairman of Committees was definitely right in his ruling and the matter should have been taken at that

stage. Therefore, if he took over at that stage, I would uphold his ruling; and unless the House disagrees, I suggest that we go back to the stage I previously stated in order to conform with our Standing Orders.

The Hon. H. K. WATSON: The question before the House is not one arising under Standing Order No. 405. Your ruling or decision was never called into question.

The PRESIDENT (The Hon. L. C. Diver): I cannot hear the honourable member.

The Hon. H. K. WATSON: I submit that at no time did you make a ruling or decision which was called into question under Standing Order No. 405. The question is not whether the House agrees or disagrees with the ruling you made; it is a question of the House misdirecting itself.

The PRESIDENT (The Hon. L. C. Diver): I cannot agree with the honourable member because the subject matter before the House was that the Deputy Chairman's ruling be disagreed with—and that is what I have now given a ruling on for the House to make a further determination after that has been decided.

[*The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) resumed the Chair.*]

Clause 17: Section 162 amended—

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): We were dealing with clause 17.

The Hon. A. F. GRIFFITH: May I say with respect that I think we have got ourselves well and truly confused. On studying the Standing Orders, I was obviously out of order in the action I asked permission to take.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Agreed!

The Hon. A. F. GRIFFITH: Mr. Loton asked for a ruling on the question, and you ruled that because he did not take the objection at the time I was all right to go on.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): No; I was all right to go on.

The Hon. A. F. GRIFFITH: That means me, too, because as long as you are there, I can be here. The President upheld your ruling.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): For that I am grateful.

The Hon. A. F. GRIFFITH: I am concerned about the words of the President when he said we should overrule your actions at this time. That would be a bad precedent for the Council to set. To put the matter in order I will not proceed with my resolution in the House that the Bill be recommitted at this stage. I will let the processes of Standing Orders Nos. 199 to 202 take place; and tomorrow, when the Bill is before the House for the adoption of the report, I will ask for it to be recommitted.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): I will have to take a moment or two, because if I leave now my report must be that we have considered a Bill under recommittal, made some progress, and ask leave to sit again; and we desire to get back to the stage where the motion for the adoption of the report becomes an order of the day for the next sitting of the House.

The Hon. H. K. WATSON: With respect, I would suggest that the convenient motion would be that you do now report the Bill.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Thank you. I was just looking it up.

Bill reported with an amendment.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 12th September, on the following motion by The Hon. L. A. Logan (Minister for Town Planning):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [9.37 p.m.]: This Bill consists of five clauses, only one of which is very lengthy. This is necessary because it contains new principles, in that provisions in the existing law are to apply beyond the metropolitan area.

The first of the active clauses in this Bill deals with an extension of time for the Interim Development Order. This proposal has been before Parliament on more than one occasion because the final details and the procedures necessary to protect the major provisions of the scheme have not been completed and therefore there is not time between now and the end of the year to allow all matters to be approved if the law remains as it is. Therefore under clause 2 of this Bill an extension is sought to the end of 1963. I think there can be no objection at all to this essential—essential in my view—extension.

There is, in the Bill, provision for a variation of the provisions included in section 7A of the Act which controls the interim development in the metropolitan region in respect of developments affecting the

metropolitan region scheme—and I stress the word "metropolitan." The new proposals contained in clause 3—to be known as section 7B—will extend almost like conditions and authorities to all local governing bodies which resolve to prepare a scheme under this Act. Therefore if this Bill passes in its present form, the conditions applying under section 7A will be extended to confer powers on local governing bodies wherever such local governing bodies prepare schemes and have them approved.

That could obtain from Wyndham to Augusta—anywhere. Wherever out of the metropolitan area a scheme for town planning is proposed, submitted, and approved, the powers and authorities under this new section 7B would apply. Members who are conversant with this Act and who have followed it since its introduction, will find very many valid reasons for objecting to some of the provisions of the existing section 7A, and I hope that we do not take this drastic change too lightly and confer all of these powers which are specified on any scheme defined as a town planning scheme submitted and approved by bodies outside the metropolitan regional area which comes under the regional town planning committee.

The only other clause in the Bill which requires very much comment is the clause which adds to section 20 a new section to be known as section 20A which deals with land revested in the Crown where subdivision takes place. The proposal in this provision is to waive certain fees which is in my view, in all the circumstances, a small enough concession to the citizens involved in those transactions.

This has a relationship to the tremendous powers of the board under section 24 of the town planning legislation. That section was mentioned by the Minister in passing when he introduced the Bill because certain aspects and effects of section 24 have been the subject of litigation. Not merely the persons involved in the litigation, but very many people in this State, have the opinion—whether such opinion be right or wrong—that section 24 in its administration and application acts in a harsh and sometimes unconscionable way against the public.

No doubt you will stop me, Mr. President if I go to any great length on this Bill in analysing section 24 of the parent Act; but it is very obvious that the powers contained therein are enormous, because the board under section 24 has the authority to affix such conditions as it may think fit and which must be carried out before the plan is approved by the board. That is something which I do not wish to develop at this point, but I feel certain that before this session is ended much more will be heard in this Chamber on that subject.

Although this Bill makes no attempt to amend section 24, and although there is some affinity with the new section 20A, I repeat that there will be much said about that aspect at a later stage. All I will say at this point is that I intend to have much to say on the subsequent Bill in connection with compensation and other matters referred to therein. However, as I do not want to repeat myself I will not make those remarks on this Bill. I will simply say that while some of the provisions contained in the present Bill are an obvious need at this time, there are certain aspects which I do not like at all, and I will raise further argument on the relevant clauses when the Bill is in Committee.

Debate adjourned, on motion by The Hon. H. K. Watson.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th September, on the following motion by The Hon. L. A. Logan (Minister for Town Planning):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [9.47 p.m.]: This Bill to amend the Metropolitan Region Town Planning Scheme Act contains some new principles. The first one, which we meet in clause 3, is to vary the period provided for in the parent Act in connection with which objections may be lodged and other procedural matters followed. I think the action proposed in this clause will certainly give the public an opportunity to become better acquainted with what is going on, but I would point out to the Minister that very few people see *Government Gazettes*, and on many occasions it is only by accident that people read public notices in a newspaper. Very often important matters of Government-projected action are considered to be amply advertised by publication in the *Government Gazette* and in the daily newspaper, conveying to the public all that the law requires and considers sufficient advice of certain things about to happen.

As one who is always on the side of the public—believing that the public should have an opportunity of knowing what is going on—I would like to see a greater endeavour made in such matters for persons affected to be personally advised. It is of no use suggesting it would entail considerable work and enquiry, because when matters are brought forward in connection with a concrete plan or scheme, the location and the individuals concerned are intimately known to the department.

The Hon. L. A. Logan: You do realise that you are dealing with the regional scheme?

The Hon. F. J. S. WISE: I am aware of that; but it affects people who have only the *Government Gazette* to guide them in connection with the extension of time, or the time required, or the notice to be given in connection with the scheme.

The Hon. H. K. Watson: It affects them vitally.

The Hon. F. J. S. WISE: It affects some people concerning their all; everything they possess—the savings of a lifetime—may be tied up in one particular investment. However, I think that what is being done to broaden this aspect—to remove from the express words in the Act the time to the end of the completed period for the scheme—will give an added opportunity; and that is what this Bill is about. The opportunity for the public to know is the point I raise very strongly.

The next clause in this Bill; namely, the amendment to section 33 of the Act, must, if applied—as mentioned by the Minister—help administratively. It is understandable that minor alterations will be made in a scheme, such as alignments and attention to roads, and matters which were unforeseen at the time of the scheme. if the proposed alterations meet with the requirements of the law. I know just how costly amendments are in their present form and I am quite prepared to believe that the proposed amendment will facilitate the procedural operations which are involved.

I am very concerned, however, with the next clause which deals with the proposal to amend section 36 of the Act. The need for many millions of pounds to be made progressively available for our town planning scheme has been known from the very inception of the scheme. Indeed, many members of this House will recall how vigorously some of us endeavoured to ensure that not one penny of the original tax collected would be spent as capital, but that all of it would be retained to service a debt. Now it is obviously conceded that we were right.

It is obvious in the reading of this splendid report which was recently presented to this House, and on which I will have something to say in a moment, that the difficulties associated with finance will be ever-increasing in a financial sense. I would say that the implementation of the Stephenson-Hepburn Plan will have in the forefront, and lurking in the background, problems associated wth finance for more than one generation. The plan itself will be altered in some minor and, indeed, in some major, ways as it is proceeded with, without serious prejudice to the whole of its desirable objectives.

But the perplexities associated with finance, brought about even in the inner area—the metropolitan region; and I am not discussing that aspect at great length on this Bill—by the switch road itself are colossal. They are of very great consequence, and they will be a continuing worry to the board, and the regional planning authority for a long time. They will be of paramount importance to the property owners affected; and that is the stage that has been reached by the individual.

My concern with this clause is based on several grounds. For example, who can measure the value of the disturbance caused to the individual, or the individual business owner, whether as a resident or as a business man, by the switch road and the inner ring road? The disturbance will be enormous. I would venture to say that in the vicinity of Charles Street and the outer part of this city, not far removed from here, would be business people undergoing mental stress because they know not what to do. They do not know whether to move now, whether to hang on, whether to be prepared to be compensated adequately for disturbance, or whether they will be compensated at all.

While we must applaud the objectives of the Stephenson-Hepburn Report, I think we in this place have a duty to the individual citizen who should not be expected in this generation to suffer the travail and financial concern which will be involved in meeting the circumstances of a scheme such as this, and which will be projected almost into perpetuity.

The Hon. J. G. Hislop: To infinity.

The Hon. F. J. S. WISE: Yes. So this clause, although it is designed to make some arrangement for the disturbance caused, and to make some arrangement for different sorts of compensation, provided the person can prove—and the onus is put on the individual to prove it—that he should be adequately compensated, I suggest it is wholly wrong for the possessions of the individual to be prejudiced by the deferment of payment—and that is what this clause means—because of the necessity to proceed with the scheme for the whole of Western Australia.

I would say that the generation in being at this time should be permitted to enjoy the fruits of their labours in the investments that they have; and no action of the Crown, in my view, should take from them, or attempt to take from them, any part of what represents hard-earned savings, either through this generation or a past generation. It is not right to have the circumstances of the future alleviated by placing the responsibility on the individuals of today.

This amendment, if carried, would severely concern, if not prejudice, the individual as compared with the Crown and the individual of the future, and it should be weighed very much more carefully than appears to have been done in the report —and I am referring to the Metropolitan Region Scheme Report of 1962 upon which this Bill was based. I would not detract for one moment from the great work which those associated with this region planning authority are carrying out, and I would not detract for one moment from the importance of the objectives of the scheme as a whole, which embodies all the needs that can be envisaged at this point for the whole future. However, I am concerned as to whether, in the enthusiasm associated with the importance of this work, the human side is being overlooked. If members will turn to paragraph 183 on page 42 of the report to which I have referred they will find these words—

> Different considerations arise in respect of compensation and reservations. As discussed earlier in this report, the authority believes it essential that legislative provision be made for compensation in respect of reservations to be contained to those areas where a sale at a depressed price has been effected or where consent for development has been withheld.

That is the basis of the clause. The report goes on—

> There is accordingly no time specified in the scheme within which a compensation claim must be lodged in respect of reservations. These may be expected to arise at any time following either a sale at a depressed price or a decision under the scheme to refuse consent for development, and they must be lodged within six months thereafter.

On that basis the onus is on the individual where the department refuses consent because of reservation needs or because of strictures in developmental plans, and they must be depreciative and inconsiderate of the individual's own holdings and interest. I would like members to have a look at paragraph 190 where it states—

> Probably two financial factors which have tended to inhibit the effective implementation of town planning schemes are firstly, the hazard of possible compensation arising from restriction on the development and use of land . . .

I think those words are ill-chosen. It is certainly a hazard to the authority and a hazard to the Crown. However, at times, it is a tragedy to the individual; that is, the hazard of anticipating compensation is a tragedy to the individual. Compensation, of course, must be anticipated. I repeat that surely we cannot expect the individuals of this generation, as such, to be expected to provide, from their own wherewithal—because that is what it amounts to—the means to carry on this scheme progressively for others to enjoy in the far-distant future.

So I think it is a matter for considerable thought that if we are to regard this question as one that presents a hazard in so far as the payment of possible compensation is involved, it is time an outside authority, associated with the board in its objectives, had an earnest and deep look at the question to further measure its anticipated financial commitments in the next few years, and also to measure the State's ability to meet them; which, I submit, could be outside the scope and outside the natural business of the people closely associated with the planning committees. Compensation is a responsibility which must be faced. It must be faced by the board and by the authority, just as the authority forces the individual to face his responsibility under the Statute.

The Hon. J. G. Hislop: Can you tell us how land reserved for public purposes can be sold? Who will want it?

The Hon. F. J. S. WISE: Yes; that will be provided for. I do not know whether the honourable member has had an opportunity to study this report, which is an admirable one from the viewpoint of the gentlemen who are charged with this responsibility. I will not accept the statement that I am adversely criticising it because the only points in it which are of concern to me are, firstly, that we are getting away from the consideration of the individual and the human elements of the citizens of this State, thinking only of the Crown and its responsibilities. Secondly we must go a long way further along the road for someone to show us how or why the compensation is necessary and how it should be paid by the whole of the taxpayers in this State of Western Australia, even though they may be almost wild estimates; almost as wild as the Budgets of Treasurers these days.

The Hon. L. A. Logan: I have a small amendment to move to that compensation clause.

The Hon. F. J. S. WISE: However small it may be, it will be an improvement. The compensation sections in this report will be found in paragraphs 182 onwards; but in paragraphs 195 to 200 members will find mentioned the many millions which it is anticipated will be needed to implement the plans. The words in paragraph 200 express the situation clearly. They are as follows:—

> The second matter indicated above is in a way a side issue of the main problem of spreading out expenditure on land acquisition at a rate commensurate with the available financial

resources. There is no simple or formula answer to the question of when the authority should prohibit development on reserved land and acquire it, and when it is expedient to allow the development to proceed and accept the consequences of eventual increased cost of acquisition.

There again, one can realise that breathed into that paragraph is the consideration by the authority of the problem of implementing this plan from the point of view of the Crown. However, the Crown should not be shy and should not deny the individual all his rights when these matters are considered. I know of a case of a person who was in the employ of this Parliament and who invested all his savings in a small property which is to be affected by the switch road because it is situated on the north side of the line.

This person has relieved himself of this investment because he fears the depreciation will be considerable and, further, that if he is involved in a costly legal challenge he might lose the case. That represents the thinking of many people in both large and small circumstances, and I am most concerned with that aspect.

I do not wish to weary the House on the subject, but if members will mark in their reports paragraph 204 they will find expressed in that paragraph the same sentiment being breathed into the words. Suffice to say that as near as the authority can estimate at this stage, the cost of acquisition for the first stage of the switch road, the second stage of the switch road and the ring highway, the land for regional planning and regional roads, and land for other improvements such as the extension to Fremantle Harbour, will be £8,500,000.

As the work progresses I think it will be found that the requirements within this generation will be more likely to cost between £15,000,000 and £20,000,000. But what of it? Provided the needs are thoroughly examined—as they will be because, I repeat, from the point of view of the Crown there is nothing but fairness in the work of this authority and the Town Planing Board, in association with such people as the financial experts from our own Treasury department—I prefer, on that point, no intervention by units of Parliament itself. Let the work be done within the creditable, responsible, skilled, financial resources to examine the whole of the requirements as outgoings to meet the needs of the department and of the authority in the progressive putting into effect of the Stephenson-Hepburn Plan.

If that were done side by side with the consideration of those estimates, and the Government did not delay the payment of compensation to individuals, but met the reimbursements when the damage was done, I would agree to the proposal in the Bill. The Government should not hold out on people who are injured in some way financially. It should not defer its duty, because the Crown has a duty to the individual. The Crown should not take any opportunity whatsoever to defer payment of compensation in matters of this kind.

The Hon. L. A. Logan: How are you going to pay it?

The Hon. F. J. S. WISE: That is the very question I was hoping I would get the Minister to ask ultimately. That is something on which any Government at this stage of the progress of this plan, which successive Governments have fostered and continued, and on which much work has been done to this point, should provide the answer; that is the answer it should provide to the whole State, and to the taxpayers and individuals who are prejudicially affected, and who are entitled to know; because unless we can answer that, we are going to bring a halt to this scheme very precipitously.

The Hon. L. A. Logan: I mean, what money will be used?

The Hon. F. J. S. WISE: I suggest a very important happening would be to have a complete analysis made of the financial requirements—and this should be made by the highest authority that we can get together, if these figures be right—to show how that amount will be raised. I would venture an opinion that the figures which appear in all the reports we have had so far will, by the time the total amount is needed, exceed this amount by 100 per cent.

The Hon. L. A. Logan: It will mean that the valuations will be going up and not down as you suggested.

The Hon. F. J. S. WISE: That is the sort of thing for which we must plan. But we should not in any circumstances keep our costs down by doing an unfair thing to any single human unit in this community. The committee, in this report, refers to the next several decades of development. When it refers to several decades of development, it must refer to several decades of responsibility; and it must refer to the progressive amounts of money which must be ready; otherwise we will get a halt in the scheme, which will be wholly undesirable. I think the best thing that could happen at this stage would be for a complete examination to be made of the financial structure of the whole scheme.

The Hon. L. A. Logan: Don't you think they have done so in that report?

The Hon. F. J. S. WISE: No. The means of raising money under the region improvement tax, and so on, will very soon prove to be wholly insufficient. I will not admit at all the reasoning in this report in regard to the strictures on the availability of money which is envisaged; or the ability of the market to handle only £500,000 a year for this purpose.

The Hon. L. A. Logan: It is not easy, you know.

The Hon. F. J. S. WISE: Of course it is not easy! But it needs a plan well formulated and well prepared; not merely in the servicing of the department involved, but an opportunity to know the extent of the potential debt.

Members will find the thinking of the committee in regard to compensation on page 6, where the committee refers to the point that it might well be beyond the financial resources of the authority to meet the depreciation of value in the face of its widespread commitments to acquire property reserves. That is a pretty poor lookout if this Bill is passed. It will be a pretty poor lookout for the individual. As I said earlier, I do not want the Minister to get the idea for one moment that I am attempting to detract in any way from the value of the services which these men are giving. What I am saying is that the problem is much wider than the approach that has yet been made in connection with the financial responsibility of the scheme.

I repeat that no citizen should be faced with loss or damage because of expediency, or because of the needs of the Crown, or because of the putting into effect of such a fine scheme as this. The 1955 report, which is referred to commonly as the Stephenson-Hepburn report, highlighted in many cases and in many places, as members will find, the responsibilities essential in the planning, and also those associated with finance.

Part 3 of that report deals with the financial and physical programmes, and it dates back to reports of English committees where these same problems which I have been posing tonight have been met and found very difficult to overcome. Accordingly, I say to our Minister, with much concern, that I do not like the wait-and-see principle contained in the clause to which I have referred—that on the premise that the individual may suffer, should he suffer depreciation on a test made, or something of that sort, we will then consider paying him compensation if he applies for it, and is able to prove his case: particularly when he commences to suffer depreciation and commences to suffer financial loss very frequently as soon as the scheme and its purport is known.

The Hon. L. A. Logan: You just said that this cost would probably be double: therefore, the costs will go up, not down.

The Hon. F. J. S. WISE: That is right; but surely the Minister will not deny that a person is entitled—just as a person who deals in stocks and shares is entitled—to some increment in his land. The Minister would not deny that.

The Hon. L. A. Logan: He has been getting it.

The Hon. F. J. S. WISE: All I am asking is that this Bill be not pressed at too rapid a rate through this House; that the Minister ponder over the thought I have endeavoured to convey—that the greatest responsibility in the implementing of this plan will be the ability to meet the financial commitments associated with it.

The Hon. L. A. Logan: I wish some other members had thought of that in 1959 when I was trying to get finance for this scheme.

The Hon. F. J. S. WISE: I do not know to what the Minister is referring; but I do know that when in 1959, in connection with a certain tax, we found that the tax was going to be used for capital instead of for servicing a debt, we objected to such a thing, and we will continue to object.

The Hon. L. A. Logan: You are wrong in that assumption.

The Hon. F. J. S. WISE: I am afraid that *Hansard* tells the story.

The Hon. L. A. Logan: The Bill tells you what is in it.

The Hon. F. J. S. WISE: And *Hansard* tells the story of the objections and the basis for them. I am certain there will be many other members who will be prompted to speak on this Bill, and as it will not be put to the vote this evening, members may be able, from what I have said, to gather what I think of the measure.

Debate adjourned, on motion by The Hon. N. E. Baxter.

House adjourned at 10.25 p.m.

Legislative Assembly

Tuesday, the 18th September, 1962

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