

Legislative Council

Tuesday, the 29th November, 1966

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The **PRESIDENT** (The Hon. L. C. Diver) took the Chair at 2.55 p.m., and read prayers.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Conference Managers' Report

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [2.58 p.m.] : I have to report that the managers appointed by the Council met the managers appointed by the Assembly, and reached the following agreement:—

The managers have agreed to accept the Bill as amended in the Legislative Assembly with the following addition:—

Clause 17.

Page, 15, line 19—Insert the following after the word "to"—
"the Full Court of."

The marginal note to be adjusted to read—

"Right of Appeal."

In effect, this means that a right of appeal is granted, not from the tribunal to a single judge but from the tribunal to the Full Court of Western Australia.

I move—

That the report be adopted.

Question put and passed, and a message accordingly returned to the Assembly.

LAND TAX ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly notifying that it declined to make the requested amendment pressed by the Council now considered.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

The **DEPUTY CHAIRMAN**: The Council's requested amendment which was rejected by the Assembly, pressed by the Council, and again rejected by the Assembly, is as follows:—

No. 2.

Clause 2, page 2, line 19—Add after the passage "cent." the passage—

Excepting where the owner of such land can demonstrate to the Commissioner of Taxation, that he cannot carry out improvement because of circumstances beyond his control due to town planning requirements.

The Hon. A. F. GRIFFITH: I move—
That the requested amendment be no longer pressed.

The Committee is aware that this is the second time I have moved in this manner. Previously the Committee defeated the motion I put which had the reverse effect of not pressing the amendment; we did, in fact, press the amendment.

I can add nothing to the argument that was put forward last week when I said the Government considered the amendment was too wide in its implications, would be difficult, and probably costly to administer—indeed, it could even be more costly than the amount of tax it is hoped to collect under the Bill.

I would like to put this additional thought to the Committee: This tax on land is already provided for in the Act; Parliament, in the appropriate Statute, accepted the principle that a tax of this nature be imposed on land. The Bill seeks to raise more money and to provide a circumstance where the owner of land may be encouraged to develop the land, and if he does not develop it, an additional tax will be imposed at the end of two years.

As members know, we have already accepted an amendment concerning land of up to one-third of an acre. Although we have accepted the principle of the tax, and we are now seeking to add to the tax, we do not seek to add to it in those circumstances which, I repeat, are so wide and so difficult of interpretation that the Government's thinking on the matter is that it could be more costly to administer than the pecuniary amount of the tax it is hoped to collect.

The Treasurer has given an undertaking, which he repeated to me—and he recognises there is a problem—and asked me to convey to the Committee that he will appoint a committee of inquiry early in the new year to consider the whole matter. If we agree that there is a tax already charged, and imposed by Parliament on the owner of a piece of land; and then in respect of the additional tax, say that in certain circumstances the man should not pay the tax, perhaps he should not pay it in the first place.

I pose this as an argument for the Committee not doing something which could make things more difficult; particularly in view of the undertaking given by the Government that an inquiry will be conducted on this matter. I hope the Committee will reconsider the matter, because if we press the amendment the Bill will be lost, and the taxing ability of the Government will also be lost in respect of this sum of money.

The Hon. N. E. BAXTER: I trust the Committee will continue to press the amendment. To a degree the Minister indicated we would interfere with the existing tax which has been on the Statute book for some time.

The Hon. A. F. Griffith: I did not imply any such thing. I was trying to say we are not interfering with this tax.

The Hon. N. E. BAXTER: I thought the Minister said we would interfere with the tax.

The Hon. A. F. Griffith: Oh no!

The Hon. N. E. BAXTER: I must have misunderstood the Minister.

The Hon. A. F. Griffith: You did.

The Hon. N. E. BAXTER: I still cannot go along with the Minister on the matter of costs that will be incurred. This matter could be handled quite satisfactorily if the Government did not dig in its toes. There is no need for us to lose the Bill, because the matter could be considered by a conference and resolved accordingly. It is not a case of people developing their land, but one of people who cannot develop their land. It is unfair on people who are tied because they cannot develop their land.

The Hon. R. THOMPSON: The Legislative Council has made two decisions on this matter and I trust it will continue to press the amendment. This tax is an imposition on people whose land is prejudicially affected by town planning. Why should they pay any additional tax? I do not think they should be paying any tax when they cannot utilise their land in the way they wish to do. I sincerely hope and trust the Legislative Council will continue to press that these people be relieved of the requirement as set out in the Bill.

The Minister says there could be a burden of cost to the department. However,

the owner of the land would have to demonstrate to the Commissioner of Taxation that he cannot carry out improvements. First of all, he would have to go to the Town Planning Department with an objection and ask why he cannot carry out the work; and then he would have to go to the Commissioner of Taxation before he would be relieved of this tax. I cannot agree that it will cost the department a lot of money. However, it will use up a lot of the time of the person who wants to be relieved.

Candidly, I would rather see the Bill defeated than place people in a position where they are being unjustly taxed for something on which they should not be taxed.

The Hon. H. K. WATSON: I cannot agree with Mr. Ron Thompson when he suggests we should continue to press for the amendment. I think there is a limit to the number of messages between the two Houses. I suggest, with one exception, we have exhausted our limit on the question of pressing. I would ask your guidance, Mr. Deputy Chairman (The Hon. F. D. Willmott) on these points. It seems to me the only thing to do is to carry the Minister's motion, but without prejudice to the right of the Committee, then consider a further motion requesting a conference.

The position seems to be clear in Standing Order 240 on page 71. First of all we have to consider this question of whether or not we insist on pressing our amendment and, inasmuch as the Assembly has dealt with it twice, there is no purpose in continuing to press. The Minister's motion seems to be the only logical motion to consider but, without prejudicing the right of the Committee thereafter to request a conference. Subsequently, should the conference prove abortive, the House could decide, at the third reading stage, whether it will or will not give the Bill a third reading.

The Hon. F. J. S. WISE: There is a provision on page 71 of our Standing Orders—Standing Order 240—to cover such a position as this. There is no doubt that two previous decisions have been made by this Committee in support of the amendment; and the one reason given by the Minister for our not continuing to press it is not wholly a valid one. Of course the Government wants the taxation. That is why the Bill was initially introduced, but the Bill as introduced is subject to modification, and modification along lines which would be fair, and not unfair to the community.

The Bill as it is, is unfair to that number of people in the community who are not in a position to do anything with property held, and yet will be subject to the tax. I think the vast numbers of people in the community who are prejudiced by being unable to do anything

with their land because of town planning circumstances should not be subject to this tax. I suggest that the Committee recommend and request a conference.

The Hon. A. F. GRIFFITH: I do not wish to go over the whole matter again, but I think I should remind the Committee how the amendment is worded. It says: Where he cannot carry out improvements because of circumstances beyond his control due to town planning. These words can refer to any single mortal thing. Does it mean improvements by cutting up a 10-acre block into 40 quarter-acre blocks? That is the sort of improvement a person would like to do.

The Hon. R. Thompson: Under town planning, a subdivision is not an improvement.

The Hon. A. F. GRIFFITH: Nevertheless, the amendment is couched in these wide terms. It could be that land is not developed because it is beyond the person's financial ability to do so.

The Hon. N. E. Baxter: Financial ability would not be due to town planning.

The Hon. A. F. GRIFFITH: A man who has a block which is under an interim development order may want to do something with it, and I understand the practice is that he says to the authority, "I want to improve this land," and the authority says, "You cannot." In these circumstances there is an obligation on the authority to buy the land; but maybe the person concerned does not want to sell the land at this time. Maybe he wants to hold it for another five to 10 years. In that case, he wants to obtain the benefit of holding the land for that period. The price he would ask in 10 years would be much more than the authority would pay him now.

If such a person gains the benefit of an increased price after holding the land for a period of five to 10 years, would members suggest he should not be taxed. He cannot have it both ways. I know what the Standing Order says, and I have had a close look at it. The last two lines of Standing Order 240 are the important ones.

If we ask the Legislative Assembly for a conference, we will have to remember, firstly, that the amendment is contrary to the opinion I have expressed on behalf of the Government; and, secondly, such an approach leaves the way open for some compromise.

The Hon. F. J. S. Wise: That is not a bad idea.

The Hon. A. F. GRIFFITH: It might be stated that it is not a bad idea, but once we get into conference the supporters of the amendment at the conference need only to sit and state that they want the amendment, and if it is not granted we know the Bill will be lost.

The Hon. H. K. Watson: No; it comes back for a third reading.

The Hon. A. F. GRIFFITH: If the conference fails to agree, the Bill is lost.

The Hon. H. K. Watson: No, not on a requested amendment.

The Hon. A. F. GRIFFITH: I would like a little guidance on this point, and perhaps Mr. Watson can explain the matter. The Bill has not been read a third time and we have not adopted the title. If we have a conference and we fail to reach an agreement, the conference managers report back to us. What happens then?

The Hon. H. K. Watson: The Bill is read a third time.

The Hon. A. F. GRIFFITH: With the amendment in it or out of it?

The Hon. H. K. WATSON: The Bill would come up for consideration of the third reading, without the amendment, because it was merely requested.

The Hon. F. J. S. Wise: One other amendment has been accepted.

The Hon. H. K. WATSON: Yes. Assume the Bill went to a conference, and the conference did not agree. That is reported accordingly and we then have a Bill before us which contains one amendment, in accordance with requested amendment No. 1. But requested amendment No. 2 forms no part of the Bill. In my humble judgment, we could then go to the third reading stage. That is my understanding of the position.

The Hon. A. R. JONES: I still hold the same opinion as I did the other night. I think the reason we did not do anything about this amendment then was because there was very little time to give it consideration. Now we have the time, I feel the amendment is not a good one. It does leave the situation open to some of the problems mentioned by the Minister. However, the Bill will protect the person who needs protection. Some people need protection, and we have to see that they get it. I feel that to have a conference is the right course to adopt so that we can make this amendment work to the advantage of those who require protection.

The Hon. N. E. BAXTER: The Minister spoke on the matter of improvement. The proposed new subsection to section 5 of the Act refers to the land as being "not so deemed to be improved." In this case, the matter of improvement is the same as what is contained in the Bill and means the development of the property by the building of a house, fencing, sheds, or anything of that nature. But it does not apply to subdivision, and that is where the Minister is wrong. The Minister assumes that if a person applies for a subdivision under this section, he would be able to get out of it. But under the Act, as it now is, and under the clause of the

amending Bill, it is laid "not so deemed to be improved."

The Hon. A. F. GRIFFITH: I am not sure whether I know exactly what Mr. Baxter means. I will not endeavour to thwart the will of the Committee; that is not my right, but if we read Standing Order 329, as has been pointed out to me by the Clerk, it will be seen that the concluding three lines read as follows:—

If no agreement be reached the Bill or other matter referred to the Conference shall be deemed to have been determined.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): This is other matter.

The Hon. A. F. GRIFFITH: Yes, all the words have to be read. I do not profess to be able to interpret these matters, but I do not think it can be read "If no agreement be reached the other matter" and leave out the words "Bill or."

That would mean we could take the Bill with the amendments and say that we have agreed to amendment No. 1, which has been accepted by the Legislative Assembly, but with respect to the other amendment, we disagree, so we will chop that out of our consideration and send the Bill to the other place with amendment No. 1. I do not think we can do that. If we were able to do that it would not be a difficult matter at all. Such procedure would mean that we were not pressing for amendment No. 2. Perhaps someone can put me right on this point.

The Hon. F. J. S. WISE: I think the Minister, in his analysis of the fate of the Bill once it is considered in conference, is correct. However, all is not lost. If the Bill goes to a conference, that is where the opportunity lies for having this point completely elucidated. Since we cannot now, at this stage, send back a further amendment to the Legislative Assembly, let the Bill be discussed in conference so that the issue which is at stake can be clarified.

Mr. Ron Thompson and Mr. Baxter make it clear that there is no intention or desire in their minds to rope in all of those areas which, in some oblique manner, would be influenced by a town planning decision. I think that is the position we have reached. Firstly, we should uphold the decision of the Council and, if the exact wording in the Bill is not clear, let it be clarified to cover the points raised by Mr. Ron Thompson and Mr. Baxter. Therefore, I would strongly urge that the matter go forward from us with a request for a conference.

The Hon. A. F. GRIFFITH: I wanted to clarify my mind on the point, and I think it is clear now; that is, that the interpretation given to us previously is not correct. That interpretation was that we go into conference and discuss amendment No. 2 only, and if we have disagreement on that, find ourselves with the rest

the Bill, and amendment No. 1. I do not think that is the answer; in fact, it is pretty clear to me now it is not.

I have asked the Committee not to press its amendment and I think the best course would be to follow Standing Order 243. Let us take a vote on the question that we do not press the amendment, and then I cannot see why there is anything to stop us putting the last portion of Standing Order 240 into effect with the request not to press, or not to modify, subject to the other conditions.

The Hon. N. E. Baxter: I think you have the cart before the horse, unless the Committee disagrees with your motion.

The Hon. A. F. GRIFFITH: Exactly! Well, who has the cart before the horse?

The Hon. N. E. Baxter: Well, me.

The Hon. A. F. GRIFFITH: Thank you. I hope the Committee will still consider my motion; namely, that the matter be not pressed. If this is decided in the negative we will proceed with the other part of Standing Order 240.

The Hon. F. J. S. WISE: I do not think the Minister is quite correct. If his motion is defeated that does not mean the Bill, at that point, does not go back to the Assembly. It must be returned to the Assembly with some amendment, and if the Minister's motion is defeated that simply defeats that aspect of Standing Order 240. Standing Order 240 has some alternatives, and I think the last one, in this case, is the best.

The Hon. R. THOMPSON: I want it clearly understood that I am not trying to be dogmatic about this. I have pointed out to the Committee on several occasions already that people who should not be paying rates and taxes are paying them. However, in a spirit of compromise I will ask the Committee to press for its amendment so that we can take further steps. It has been said that the wording of this amendment is loose, bad, and all-embracing, but I cannot agree with that. Nevertheless, as has been suggested by Mr. Wise, let us keep an open mind in regard to the wording of the amendment.

If the Committee insists on pressing its amendment we can proceed to ask for a conference, and I think that will be the place where we can tidy up the amendment to suit not only this Chamber, but possibly also those in another place.

The Hon. H. K. WATSON: When I expressed my view a little while ago I was under the impression that Standing Order 239 applied to Bills other than money Bills; but upon reflection I doubt whether it does. It is quite general in its terms, and therefore the opinion expressed by the Minister is correct; that is, if the Bill went to a conference, and the conference disagreed, the Bill would be lost.

The Hon. A. F. GRIFFITH: What concerns me in relation to our procedure is

that if this Chamber receives a Bill which is not a money Bill, and which can be amended, we send the Bill to the Legislative Assembly in its amended form, and we do not ask permission to do anything. When a money Bill is received by the Chamber we cannot amend it, but we can request the Legislative Assembly to amend it; that Assembly being the governing body of the country. If the Legislative Assembly refuses to amend it we can then ask for a conference; on a money Bill, or on a Bill which is not a money Bill.

However, I think managers who go into conference on either a money Bill, or on any other Bill, and arrive at the conclusion they cannot agree, the result is the same. To my mind the Standing Orders on this point require an extremely close study, because the ultimate result of an amendment made by the Council to a Bill which is not a money Bill or an amendment made by the Council to a Bill which is a money Bill, could be the same. Both those Bills can be defeated by following the same procedure.

To my mind if we are adamant in our request to the Assembly that it should review any amendment, and we maintain that attitude, the taxing measures introduced by the Government can be defeated. According to Standing Order 329, all a member has to do is to stand out and say, "I will not have a bar of compromise," and then the Bill and the amendments go overboard. If Mr. Logan returns to this Chamber and says, "I have to report that the managers fail to agree," we are no further forward and the Bill is lost.

The Hon. F. J. S. WISE: Without disclosing what may have happened in past conferences, it is very difficult to pose all the questions that may arise. However I will put forward a hypothetical case. Because a member enters a conference with a mulish mind, it does not necessarily follow he will not change it in conference. One could pose the suggestion that a member receives such a bad handling at the conference he does change his mind; he sees the light. I think that could have happened in the past. It could have happened that a member entered a conference with a threatening attitude, and what I have already suggested could have resulted. I am not saying it has happened.

The Hon. A. F. Griffith: Following your days in the Assembly, can you remember, Mr. Wise, a manager reporting what happened during the conference?

The Hon. F. J. S. WISE: No; it is not done.

The Hon. A. F. Griffith: Well, it has been done.

The Hon. F. J. S. WISE: When I say it is not done—

The Hon. A. F. Griffith: That's right! I interpret your expression correctly.

The Hon. F. J. S. WISE: I will put it another way. One does not do those things. All sorts of things can arise at a conference. I have been in conference with the sun rising and have sat on till late afternoon; but today wiser counsel prevails. I have entered a conference fearful of the result, but today a conference is what it means. If a result cannot be achieved, there is an alternative.

This is such a case. Mr. Ron Thompson thinks the amendment is clear, but he has no objection if there is a need to clarify the point; and that aspect will emerge at the conference of managers.

The Hon. N. E. BAXTER: If the Committee decides to continue to press for the requested amendment, messages will have to go backwards and forwards between this Chamber and another place, and the Government might have to withdraw the Bill. But if the Committee decides to press for its requested amendment and seeks a conference of managers of both Houses there is a good chance of saving the Bill. Mr. Ron Thompson and I, as joint sponsors of the amendment, have indicated that we are prepared to go into conference with the Assembly with an open mind, and if need be to alter the wording of the amendment. It is possible the managers can see a way out to meet the proposal set out in the amendment.

The Hon. A. F. GRIFFITH: The position will have to be clarified, because Standing Order 325 states—

No Conference shall be requested by the Council upon the Subject of any Bill or Motion of which the Assembly is at the time in possession.

Standing Order 246 of the Assembly states—

No Conference shall be requested by the Legislative Assembly upon the subject of any Bill or Motion of which the Legislative Council is at the time in possession.

In this case we are in possession of the measure, because the title has not been agreed to. At what stage do we request a conference?

The Hon. H. K. WATSON: Standing Order 326 indicates the various stages at which a request may be made to the Assembly.

The Hon. F. J. S. WISE: It appears obvious that unless we can clarify what is intended by this Committee—that the amendment has not the wide application of effect as is feared by the Minister—the whole Bill is threatened. The view of members is that some approach be made to the Assembly to clarify what is involved. Although the position as to deadlocks needs more clarification, we should seek a way to transmit a message to the Assembly to indicate that while we continue to press for the requested amendment we recommend that the Assembly request a con-

ference. We should defeat the question before the Chair, and move a motion to convey our views.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): Under Standing Order 321 the Council can request a conference on any matter; and it does not have to relate to a Bill. At this stage the Minister cannot seek a conference on the Bill, but only in respect of amendment No. 2. If members desire a conference on the whole Bill they will have to wait until the Bill has completed its Committee stage.

The Hon. A. F. GRIFFITH: I do not desire to seek a conference with the Assembly; I merely desire the Assembly to agree with the ultimate result. If the view of members is to be the ultimate result then we ought to have the Bill with the first amendment we made and not with the second. To avoid that I suggest we do not press for the second amendment.

The Hon. S. T. J. THOMPSON: In this issue I must vote against the Government. On Friday last I was approached by several landowners who, through no fault of their own, are prevented from doing anything with their land. It is their desire to make use of it. The land is in the green belt.

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

Ayes—10

Hon. C. R. Abbey	Hon. J. G. Hislop
Hon. G. E. D. Brand	Hon. L. A. Logan
Hon. V. J. Ferry	Hon. G. C. MacKinnon
Hon. A. F. Griffith	Hon. N. McNeill
Hon. J. Heitman	Hon. H. R. Robinson

(Teller)

Noes—18

Hon. N. E. Baxter	Hon. T. O. Perry
Hon. J. Dolan	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. S. T. J. Thompson
Hon. E. M. Heenan	Hon. J. M. Thomson
Hon. E. C. House	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. W. F. Willsee
Hon. A. R. Jones	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. R. H. C. Stubbs

(Teller)

Pair

Aye.	No
Hon. C. E. Griffiths	Hon. H. C. Strickland

Question thus negatived.

The Hon. A. F. GRIFFITH: I said a few moments ago that I did not want a conference, and I said why I did not want one; but I feel it is incumbent upon me, as Minister in charge of the Chamber, to take the necessary action to bring about a request for a conference, because the indication is that a great majority of members desire a conference. Therefore I think it would be better for me to take the necessary steps to bring this about than to sit here and have someone else do it. Therefore, I move—

That the Committee recommend to the Council that a conference be requested.

Question put and passed.

[The President resumed the Chair.]

Report

Resolution reported and the report adopted.

Council's Request for Conference

The Hon. A. F. GRIFFITH: I move—

That the Assembly be requested to grant a conference on the requested amendment No. 2 pressed by the Council, and that the managers for the Council be The Hon. N. E. Baxter, The Hon. R. Thompson, and the mover.

Question put and passed, and a message accordingly returned to the Assembly.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Assembly's Further Message

Message from the Assembly received and read notifying that it had agreed to the conference managers' report.

BILLS (2): ASSEMBLY'S MESSAGES

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills:—

1. Western Australian Institute of Technology Bill.
2. Marketable Securities Transfer Bill.

STAMP ACT AMENDMENT BILL (No. 3)

Assembly's Message

Message from the Assembly received and read notifying that The Speaker had ruled that the amendment made by the Council was beyond the powers of the Legislative Council to make and for that reason was not considered by the Legislative Assembly.

The Bill was returned and the concurrence of the Legislative Council desired therein.

Sitting suspended from 3.57 to 4.51 p.m.

Annulment of Proceedings

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.51 p.m.]: I move—

That the proceedings in connection with the Stamp Act Amendment Bill (No. 3) so far as they relate to clause 23, the title, the report of the Committee, and the third reading, be annulled.

In this respect there is precedent for dealing with a situation of this kind. The Standing Orders have been suspended to enable Bills to be dealt with and passed through all stages at the one sitting. It would appear that Mr. Speaker of the Legislative Assembly has ruled the amendment made by this House to be out of order, because I understand he was of the opinion that it should be a requested amendment from the Council, but the message from this House did not seek concurrence in a requested amendment.

I do not propose to argue the merits or demerits of Mr. Speaker's ruling. We have to face the facts, and we should consider the situation as it is at this point of time. By passing the motion which I have just moved the Bill will be returned to the stage where the Chairman of Committees can go into the Chair, and we can deal with clause 23.

THE HON. H. K. WATSON (Metropolitan) [4.54 p.m.]: The House should take time to consider whether it ought to agree to the motion of the Minister. The inference contained in the motion arises from a message received from Mr. Speaker of the Legislative Assembly. I am sure members will be obliged if you, Mr. President, could direct the Clerk to read the message to us to refresh our memories.

The PRESIDENT: I direct the Clerk to so read the message.

The Clerk read the message, which is as follows:—

Message No. 122. Mr. President, the Legislative Assembly acquaints the Legislative Council that with reference to Message No. 108 from the Legislative Council dealing with the "Stamp Act Amendment Bill (No. 3)," the Hon. the Speaker has ruled that the amendment contained therein is beyond the powers of the Legislative Council to make and for that reason was not considered by the Legislative Assembly.

The Bill is therefore returned herewith and the concurrence of the Legislative Council desired therein.

The Hon. H. K. WATSON: It will be observed from page 212 of the *Minutes of the Proceedings* for the 22nd November, 1966, that this House amended the Stamp Act Amendment Bill, which for convenience I will call Stamp Act Amendment Bill (No. 1).

On page 234 of the *Minutes of the Proceedings* for the 25th November, 1966, Message No. 97 was received by you, Mr. President, from Mr. Speaker which read as follows:—

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendment made by the Legislative Council in a Bill for "An Act to amend the Stamp Act, 1921-1965."

That occurred last week, and yet today we received a message from Mr. Speaker implying that the power to amend Stamp Act Amendment Bill (No. 3) is beyond the jurisdiction of the Legislative Council. To my mind that requires consideration of this question: Is Stamp Act Amendment Bill (No. 3) a measure which seeks to impose taxation within the meaning of section 46 of the Constitution Acts Amendment Act? If the answer is in the affirmative then there is much to be said for the view that the powers of this House do not enable it to amend the Bill.

As I have said, a lot can be said for the view that the Stamp Act is an Act which imposes taxation. If that is so, one might inquire how the amendment which we made on Tuesday last was not merely not challenged, but declared by The Speaker to be in order; and yet today we have a message in direct conflict with the view then expressed.

The Hon. A. F. Griffith: Could it not be that the two Bills are different?

The Hon. H. K. WATSON: They are both Bills amending the Stamp Act and in my opinion there is no distinction.

The Hon. A. F. Griffith: Are they both Bills which impose taxation?

The Hon. H. K. WATSON: I would say they are—

The Hon. F. J. S. Wise: They both have an effect on revenue.

The Hon. H. K. WATSON:—and they were both designed to increase the revenue by very substantial amounts.

The Hon. A. F. Griffith: The amendment was not.

The Hon. H. K. WATSON: I am talking about the Bill. Now we have this position, as I understand it from my reading of section 46 of the Constitution Acts Amendment Act: If it is a Bill imposing taxation then all that this Council can do is to request an amendment. However, we also have this further point: If it is a Bill imposing taxation, then in accordance with subsection (7) of section 46 of the Constitution Acts Amendment Act, Bills imposing taxation shall deal only with the imposition of tax and any provision therein dealing with any other matter shall be of no effect; and it is for that reason that in respect of most legislation which imposes taxation, two Bills are necessary.

Take, for instance, the Land Tax Act. We have land tax assessment legislation which deals with valuations, description of owner, assessment, returns, payment of tax, and all sorts of things. That Bill is entirely separate from the actual taxing Bill. The land tax legislation imposes the tax. The two Bills are kept separate for this very reason.

Whilst the Council cannot amend the taxing Bills it can amend the assessment Bills. However, in the Stamp Act we have a conglomeration of material. It does not merely include the imposition of the tax, but all the other matters which are generally found in an assessment Bill as distinct from the taxing Bill.

In my submission, if our amendment to the Bill is out of order, or beyond the power of the Council, because the Bill is a taxing Bill, then, by parity of reasoning, 90 per cent. of the Bill is of no avail and should be deleted because it deals with a matter other than the imposition of taxation. I do feel that the House could well debate this question before agreeing to the motion of the Minister.

THE HON. F. J. S. WISE (North) [5.5 p.m.]: I think Mr. Watson has clearly explained the reasons why it would be very difficult to accept the decision conveyed to us in this message, following the decision conveyed to us in an earlier message which endorsed, even after challenge in another place, an amendment moved in this Chamber affecting the Stamp Act.

You will recall, Mr. President, that when I spoke to this subject the other evening I said it appeared to me there were many vital matters associated with the authority of the two Houses, as set out in the Standing Orders and the Constitution Acts Amendment Act, which required earnest examination and consideration.

The first Stamp Act Amendment Bill, as amended, gave the authority to waive taxes in certain instances. In that regard it imposed a charge on revenue because it took from revenue the moneys prescribed in the different categories within the amendment. This Bill, the subject of Message No. 122, and the amendment thereto, take from revenue currently imposed, or continuing to be imposed, the right to levy tax in the same proportion on certain documents per medium of stamp duty. It has the same effect in the ultimate. It prevents money being paid into revenue which is now being paid.

The Bills in their ultimate effect are entirely parallel, and without casting any reflection at all on the decision of the Speaker, I say that if the first decision was right, there is no alternative but to say this one must be wrong. I do not think we will get anywhere if we carry the motion as presented. It goes far deeper than that.

On the merits of the case a Committee of this Council decided by a majority that this Bill should be amended in conformity with the Speaker's first decision—that an amendment of that kind by this Council was acceptable. And that is the way we did it. Consequently we did not send the amendment as a requested amendment, but as an amendment made by this Council.

Both decisions cannot be right, so I agree with the suggestion of Mr. Watson that this matter requires more than a cursory examination—not necessarily at this point—to decide what is right and what is wrong in regard to the authority of both Houses. That is a matter for a very earnest examination during the recess. What we must decide now is whether this ruling is to be accepted in silence, without any comment. I do not think it should be.

Points of Order

The Hon. H. K. WATSON: On a point of order, Mr. President, I would ask for your ruling whether this Bill is imposing taxation within the meaning of section 46 of the Constitution Acts Amendment Act, and, particularly, subsection (7). If so, what provisions of the Bill should be

excluded therefrom as dealing with any other matter which, under subsection (7) is declared to be of no effect?

The Hon. A. F. GRIFFITH: On a further point of order I ask you, Mr. President, whether it is competent for you to rule in such a case? The Legislative Assembly—not The Speaker—has returned to us an amendment which that Chamber says, according to its Standing Orders, is not in order. We are faced with one of two situations: We can have no regard for this message from the Legislative Assembly, and then the Bill will die; or we can attempt to get ourselves back to the situation where we can, in fact, rectify—if that is the will of the Council—the mistake which the Assembly says we have made. I take it that Mr. Watson was in the House—no probably he was not—but, in 1923—

The Hon. F. J. S. Wise: He was not even thinking of secession then.

The Hon. A. F. GRIFFITH: —there was an identical situation. A Stamp Act Amendment Bill came back to this House and the Minister for Education, who was the Minister in this House in charge of the Bill, moved the same motion I have just moved in order to get the Bill back to a stage where it could be discussed.

My question to you is this: Is it competent at this point of time for you to rule whether some debate we had on a Bill three or four days ago, when we dealt with it to the third reading stage, was, or was not, in order? That surely is for us to decide when we get back to the point where we can discuss it. I submit, with respect, that this is not a point on which you are competent to rule in the manner Mr. Watson suggests.

The PRESIDENT: I am now faced with the necessity to give a ruling on two points of order—one by Mr. Watson, and the other by the Leader of the House. I propose to leave the Chair until the ringing of the bells.

Sitting suspended from 5.13 to 7.30 p.m.

President's Ruling

The PRESIDENT: Prior to the tea suspension I was asked for a ruling. My ruling is as follows:—

On the two points of order which have been raised, firstly by The Hon. H. K. Watson, and secondly by the Minister for Mines, I am of the opinion that it would be indiscreet for me to challenge the decision of the Legislative Assembly which is conveyed to this House in Message No. 122. This message indicates that for the reason given, the Legislative Assembly is unable to consider the amendment in the form in which it is presented. Therefore, if it is the desire of this House to proceed with the Bill, it should be returned to the Committee stage for further con-

sideration. Having come to this conclusion I feel I should give no further ruling on the points raised by Hon. H. K. Watson.

Debate (on annulment motion) Resumed

The Hon. A. F. GRIFFITH: Mr. President, there is a motion before the Chair.

The PRESIDENT: I am sorry. The Minister for Mines has moved—

That the proceedings in connection with the Stamp Act Amendment Bill (No. 3) so far as they relate to clause 23, the title, the report of the Committee, and the third reading be annulled.

Question put.

The PRESIDENT: To be carried, this motion requires an absolute majority. I have counted the House and there being an absolute majority present and no dissentient voice, I declare the motion carried with the concurrence of an absolute majority.

Question thus passed.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 23: The Second Schedule amended—

The CHAIRMAN: The question is: That the clause stand as printed.

The Hon. A. F. GRIFFITH: I take it we are now at the stage where consideration of clause 23 is before the Committee without the amendment moved by Mr. Watson.

The CHAIRMAN: That is quite correct. The question is: That clause 23 stand as printed.

The Hon. H. K. WATSON: I desire to move an amendment, or, alternatively, request an amendment in accordance with your ruling, Mr. Chairman, whether the Bill before us is one imposing taxation. If it is a Bill imposing taxation, I will move my amendment by way of request. If it is a Bill not imposing taxation, I will move my amendment as a straightout amendment to the clause. Furthermore, if the Bill is ruled by you to be a Bill imposing taxation, I will ask your ruling on the question raised under section 46 (9) of the Constitution Acts Amendment Act as to how much of the Bill is irrelevant under subsection (7) of section 46 of that Act.

The CHAIRMAN: In response to Mr. Watson's request for a ruling, and in view of what has transpired in another place, I will not rule whether this is a taxing measure, but would suggest to the honourable member that the best way for him to proceed is to move his amendment as a requested amendment.

The Hon. H. K. WATSON: I move—

That the Assembly be requested to make the following amendment:—

Page 14, line 5—Delete the word "and," and insert a new paragraph (f) as follows—

(f) by inserting after the word "DEBENTURE" in the item, "MORTGAGE (legal or equitable), BOND, DEBENTURE, COVENANT, WARRANT OF ATTORNEY to confess and enter up judgment and FOREIGN SECURITY of any kind," the words, "(not being an unsecured deposit note, or unsecured note); and."

The Hon. A. F. GRIFFITH: I am now prepared to debate the amendment moved by Mr. Watson on its merits—particularly in view of your ruling, Mr. Chairman—irrespective of whether the amendment is moved as a requested amendment or otherwise. We now have a requested amendment before the Chair. I would have been quite happy to debate the issue on another points in respect of an amendment to a taxing measure.

For as long as I can remember Bills to amend the Stamp Act, have been before this Chamber. This Act seeks to impose taxation in a conglomerate fashion—to use Mr. Watson's expression—and the assessing and taxing authority have been contained in the one piece of legislation. There are many precedents for this. For example, there are the Licensing Act, the Administration Act, the Death Duties (Taxing) Act, and so on. Such legislation has passed through this Chamber unchallenged for a long time, and I would mention that the same situation applies to Bills seeking to amend Stamp Acts in other States. Having said that, I do not think the matter is, in fact, before you at the moment, Mr. Chairman.

I think we need to have before us, naturally, a copy of the Bill and a copy of the Stamp Act to realise exactly what the amendment will do to the relevant section in the Act. Under the existing provisions of the Stamp Act the issuing of any debenture, debenture stock, unsecured deposit note, or an unsecured note attracts duty at the rate of 25c for every \$200 or the face value thereof.

The Hon. H. K. Watson: What part of the Stamp Act says that?

The Hon. A. F. GRIFFITH: Is the honourable member going to base the argument on the part of the Act which contains that provision, or will he let me finish what I was about to say?

The Hon. H. K. Watson: You made the statement and I wanted to find the section.

The Hon. A. F. GRIFFITH: When I have finished the argument I will en-

deavour to clear it up. The duty is payable by the company issuing these instruments. If Mr. Watson is successful in putting into the Bill the words, "not being an unsecured deposit note, or unsecured note," it will mean any unsecured deposit note, or any unsecured note would not attract stamp duty.

The Hon. H. K. Watson: On issue.

The Hon. A. F. GRIFFITH: Yes, on issue. It is the company which will issue an unsecured note in the first place. I will not name any particular company, except to ask members who voted for this amendment the other evening to appreciate the context of the amendment for which they did vote. I think some of them thought a saving of stamp duty might be effected if the words were inserted in a different place from that in which they are to be placed. The company which issues the unsecured note at present will pay the stamp duty. If this amendment is passed the company issuing the unsecured note will not pay stamp duty.

Mr. Watson requests that because we are seeking to amend the Stamp Act in relation to the special duty on the transfer of marketable securities, unsecured notes should be exempt. I remind members the only reason why this Bill is before us is the presence of the Marketable Securities Transfer Bill, which was before another place. Had it not been for that Bill the Stamp Act Amendment Bill (No. 3) would not be before us.

This is a measure which all the States will have to pass to bring about uniform legislation on marketable securities. Furthermore, if this Bill is defeated then the Marketable Securities Transfer Bill will not be worth the paper it is written on.

The duty on the transfer of mortgages, debentures, or debenture stock is payable by the parties to the transfer in equal shares. If a person bought some shares for another, then on that transaction the two would pay 50 per cent. of the duty between them. Mr. Watson claims that because of this payment, the new issue of unsecured notes should be exempt.

In practice, when a person deposits a sum of money with a company, the company issues a receipt and pays the ordinary duty applicable thereto. At some stage of the transaction the person who deposits money in instalments might decide to deposit some of it on fixed deposit. The company would issue a certificate of fixed deposit, and that would attract stamp duty of 25c on every \$200. However, under the amendment before us the issue of unsecured notes would not attract stamp duty. The ordinary person will not be exempt, and the only party to benefit will be the company that makes the new issue of unsecured notes. If a company pays duty on mortgages and debenture stocks then it should pay the

same duty on unsecured notes. Exemption should not be granted in a few isolated cases.

Page 77 of the Stamp Act deals with the issue of instruments on new issue, whether they be debentures or unsecured notes, and duty is payable by the company issuing the instrument. This is a long-standing provision and has really nothing to do with the Bill before us. Had it not been for the desire to introduce the uniform marketable securities transfer legislation this amendment to the Stamp Act would not be before us in its present form. The stamp duty on transfers is payable in the manner suggested and the Bill does not seek to change the position at all.

The duty on transfers is being increased from 10c to 80c. Mr. Watson's argument is based on the fact that the Treasury will get increased duty and it ought to forgo the duty on new issue. Of course, duty would still be payable by the company on the issue of mortgages, debentures, and debenture stock. A person might deposit a sum of money with a company or a bank for a long period, and the company or bank would issue a certificate on fixed deposits. The bank would pay the duty of 25c for every \$200 in respect of such a transaction.

The Hon. H. K. Watson: How long have the banks been paying that duty?

The Hon. A. F. GRIFFITH: I said the banks would pay.

The Hon. H. K. Watson: I thought you said the banks are paying.

The Hon. A. F. GRIFFITH: The honourable member knows the contents of this Bill, and that its provisions will apply when it is passed.

The Hon. H. K. Watson: They apply today.

The Hon. A. F. GRIFFITH: The honourable member asked how long the banks have been paying this duty, and I am just wondering the reason for an inquiry of that nature. In these circumstances members might have misunderstood the position when they voted on the amendment previously. Some thought the transaction in respect of an exchange of debenture stock would benefit the two parties concerned, but that is not the case. The only party to benefit would be the party making the new issue.

The Hon. H. K. WATSON: This matter was explained fully the other evening, and I am satisfied this Committee did know what it was voting on. The Minister said that under the Stamp Act when a mortgage is given, or a debenture is issued—he went on to add, or a fixed deposit is taken, or an unsecured note is issued—it shall be dutiable.

If we look at page 77 of the Stamp Act we will find what is the dutiable item. It is: Mortgage (legal or equitable), bond, debenture, covenant, warrant of attorney to confess and enter up judgment, and

foreign security of any kind. There is no reference to fixed deposit receipts, or to unsecured notes.

It is true that for many years the word "debenture" has been certainly understood by the commercial community and accepted by the Stamp Office, as not to include fixed deposit receipts or unsecured notes. It was only within the last year or so that the Treasurer—taking advantage of an unexpected and rather peculiar interpretation of the word "debenture"—claimed that it included mortgages, fixed deposit receipts, and unsecured notes. In ordinary parlance, and in the commercial world, the term "unsecured deposit receipt" is understood. I do not mind whether it is called a deposit receipt or a deposit note. It so happens that in reference to fixed deposit receipts the Companies Act does use the term "fixed deposit notes or unsecured deposit notes," but the term "deposit receipt" is not incorrect. The commercial world regards a fixed deposit receipt or an unsecured note as a debenture, but under the Companies Act it is an offence to describe a fixed deposit receipt or an unsecured note as a debenture.

The Hon. E. M. Heenan: Is it not intended to be some form of security?

The Hon. H. K. WATSON: A fixed deposit receipt is given to a person who deposits money with a company.

The Hon. V. J. Ferry: It is not transferable.

The Hon. H. K. WATSON: No, let me give two illustrations. A person applies for shares in a company and lodges \$1,000. The company issues a receipt as follows:—

Received from John Brown the sum of \$1,000 being application allotment money for purchase of shares.

That is a receipt and is simply subject to receipt duty. Similarly, if a person gives the same company \$1,000 on fixed deposit, the company writes out a receipt as follows:—

Received from John Brown the sum of \$1,000 being fixed deposit repayable on the 1st December, 1968, bearing interest at 6 per cent. per annum.

The Hon. A. F. Griffith: What stamp duty does that attract?

The Hon. H. K. WATSON: Until a couple of years ago that attracted nothing but ordinary stamp duty.

The Hon. A. F. Griffith: And now?

The Hon. H. K. WATSON: During the last two years or so that has attracted ordinary stamp duty plus 25c for every \$200. That has all been done without any alteration to the Act as it has stood since 1882.

In 1963 I had occasion to discuss this question with the Stamp Office and I found that as far back as 1957 this question had been raised—whether the word "debenture," although never intended to include a fixed deposit receipt, or un-

secured note, did, as a matter of strict legal technicality, include such a document. As far back as 1957 the Stamp Office agreed that the banks and stock firms and so on, which issued fixed deposit receipts, simply had to put a stamp on; in other words, it was never intended that they should come within the meaning of the word "debenture." During the last couple of years, because of financial stringency, or scraping of the barrel in the Treasury, the Treasury has insisted on duty being paid—not merely stamp duty, but also the duty which is ordinarily payable on a mortgage or debenture; that is, 25c for every \$200.

All my amendment does is to make it clear that this technical inclusion of fixed deposit receipts or unsecured notes is to be treated as it was for the greater part of the life of this Act; that is, as not being a debenture within the meaning of the Act.

Upon transfer, shares were subject to duty of 80c for every \$200, but for mortgages and debentures, although they were taxed upon issue at 25c for every \$200, the transfer duty was only 10c for every \$200. Under this Bill the transfer duty is being increased from 10c to 80c for every \$200. My proposition is this: In just the same way as it is now being made clear for purposes of transfer that fixed deposit receipts and unsecured notes shall not be treated as debentures, so for the purpose of issue in the first place, unsecured notes and fixed deposit receipts shall not be treated as debentures. That is the whole essence of my proposition.

The stamp duty on transfers would be increased from 10c to 80c and would be reduced from 25c to nil on issue. The reduction I have just mentioned will be largely offset by the new receipt duty of 20c. If my amendment is not carried, fixed deposit receipts will carry receipt duty for every \$200 plus mortgage duty of 25c for every \$200 when the receipt is issued.

I would remind members that under this Bill an entirely new system of collecting stamp duty on marketable securities will be adopted. There need be no worry about losing money on this because, overall, the State will derive a huge advantage. Whether the Treasury has made any calculations on this I do not know, but it really means that whereas in the past the State has in the main received little or no stamp duty on transfers of shares with most of the Australian companies, because in the main the share registers are in the Eastern States and the shares are on Eastern States' registers, now the State will get half the duty on every sale effected in Western Australia, regardless of where the share register of the company may be. Therefore it means we give half the duty we normally collect on some of our local companies, but we collect half the duty on all transactions

for all the great Eastern States' companies. Therefore I say this will be a bonanza for the Treasury and I see no reason why an anomaly which has existed, but which was overcome by practical application for 60 years, should not be rectified. The Treasury has freely admitted for 60 or 70 years it was not entitled to this, but it has changed its mind in the last couple of years.

The Hon. A. F. GRIFFITH: I think Mr. Watson will agree that had it not been for the Marketable Securities Transfer Bill, this amendment to the Stamp Act would not be here. Is that not right?

The Hon. H. K. Watson: Yes, I will agree with that.

The Hon. A. F. GRIFFITH: The following is portion of paragraph (f) on page 14 of the Bill:—

MORTGAGE (legal or equitable),
BOND, DEBENTURE, COVENANT,
WARRANT OF ATTORNEY to confess and enter up judgment and
FOREIGN SECURITY of any kind,"
the words, "not being a marketable security."

Would Mr. Watson agree that without his amendment those items will attract the same duty as is now provided for in the schedule?

The Hon. H. K. Watson: On issue?

The Hon. A. F. GRIFFITH: Yes.

The Hon. H. K. Watson: Yes, having regard for the enforcement of the—

The Hon. A. F. GRIFFITH: Having regard for nothing as far as the argument I am trying to pursue is concerned. If we agree to the honourable member's amendment, we will include the words "not being an unsecured deposit note or unsecured note." That would mean those things that are already in the schedule will be taxable on new issue, but in respect of an unsecured note or unsecured deposit note, there will be no stamp duty payable on original issue. Is it not likely that the people who are not obliged to pay any stamp duty on an unsecured note or on an unsecured deposit note will transact their business in that way? Is it not likely they will take advantage of the situation, because the amendment does not seek to exempt a bond, a debenture, a mortgage, and the rest of it?

The Hon. E. M. Heenan: Of course the customer would probably insist.

The Hon. A. F. GRIFFITH: The customer does not get any benefit out of this at all.

The Hon. E. M. Heenan: No, but he could ask for a bond or a debenture instead of an unsecured note.

The Hon. A. F. GRIFFITH: If he did that it would only give rise to the point. If he asks for a bond or a debenture he will pay tax on it.

The Hon. E. M. Heenan: The company does.

The Hon. A. F. GRIFFITH: Yes; but if he is satisfied to accept an unsecured note, the company does not pay any tax. In his speech Mr. Watson said—

In the last clause in the Bill it will be noticed that the Treasury has an amendment to this particular item, except it is paragraph (3) of this item which refers to the transfer or assignment of any mortgage, bond, debenture, Government or foreign security. In that paragraph the Treasury proposes to insert the words, "not being a marketable security."

Of course it does, because this is a transfer. I repeat, we are not amending the first section of the schedule at all. It is only in connection with the transfer that the schedule is being amended.

The Hon. H. K. Watson: That is my complaint.

The Hon. A. F. GRIFFITH: And we are seeking to amend that so the duty on transfers will be paid. I return to the example of two people exchanging a marketable security: They will pay tax on the transfer. I think what really happened in this case was that the Treasury found out somebody was not paying the duty and that somebody was asked to pay the duty. Is not that the situation? I put it to the Committee that it is the situation. Apparently somebody was not paying the duty on these unsecured notes and the Treasury said, "If you are not paying duty on these, you are committing a breach of the Stamp Act, because you should be paying duty."

The amendment which Mr. Watson seeks to include would have the effect of precluding them from paying duty. I suggest that that is not fair. It is not the objective of the Bill and the honourable member is taking advantage of the fact that this Bill relating to marketable securities—which all the Parliaments of Australia are passing, have passed, or intend to pass to give uniformity to the transfer of marketable securities—is now before the Chamber. I suggest that that is purely and simply the explanation.

I have reason to believe there were at least some members who thought benefits would accrue to the people who are receiving transfers of debentures or shares. I am sure there are some members who thought benefit would be derived by these people. This is not the case. These people will not be relieved of anything; they will still pay the 80c in the \$2 and they will share the payment of that tax between them.

I ask the Committee to bear this in mind. If a firm decides to issue an unsecured note, then duty should be paid. This has been the case in the past and should still be the case in the future.

The Hon. H. K. WATSON: In a rather sinister manner, the Minister suggests that some firms which ought to have been paying duty on fixed deposit receipts were not paying it. I thought I made it very clear the other night that the position is there were several firms which were issuing receipts for fixed deposits and which were not paying duty; because as far back as 1957 they were told by the Treasury that they need not pay the duty as they had not been brought within the scope of the Act. As I said the other night, there was more than one firm around the town which was simply astonished to be told, in view of the position that had existed in recent years, that the Treasury had changed its mind and they were now dutiable.

As I said the other night, surely any person issuing a receipt for a fixed deposit would not dream he was issuing a debenture or mortgage.

The Hon. A. F. Griffith: Who will get the benefit of it?

The Hon. H. K. WATSON: That is another point. The Minister has emphasised the company will pay, and that the depositor will not get the benefit. However, I suggest the same argument is used in connection with the stamp duty on a fire insurance policy. The stamp duty on a fire insurance policy is payable by the company, but the company passes it on to the individual.

To give a further illustration, stamp duty on a broker's contract note is payable by the broker, but he passes it on to his client. Not infrequently in these cases, it is found that the stamp duty is charged to the depositor.

There is one further thought I would like to leave with the Minister, and that is in reference to the position as it has been expressed to me since I moved my amendment on Friday last. It has been intimated to me that I have gone only two-thirds of the way towards tidying up page 77 of the Stamp Act and the proposal in connection with marketable securities.

This is how that criticism has been explained to me by responsible citizens and by responsible associations: The Stamp Act Amendment Bill (No. 3), as introduced by the Government, inserted after the word "security" in paragraph 3, the words "not being a marketable security." Really, as a matter of common sense in equity and uniformity, such words also ought to have been inserted in the main heading. However, the Legislative Council's amendment did not go that far. It simply inserted in the main heading, after the word "debenture" the words, "Not being an unsecured deposit, receipt, or unsecured not."

In other words, inasmuch as the Government is now excluding deposit receipts and unsecured debentures from the mortgage section so far as transfers are con-

cerned then, according to ordinary common sense, the Government ought to exclude them also from the issue provisions, if it is dealing in marketable securities.

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

Ayes—10

Hon. J. Dolan	Hon. J. M. Thomson
Hon. R. F. Hutchison	Hon. H. K. Watson
Hon. A. R. Jones	Hon. W. F. Willesee
Hon. F. R. H. Lavery	Hon. F. J. S. Wise
Hon. R. Thompson	Hon. R. H. C. Stubbs

(Teller)

Noes—15

Hon. C. R. Abbey	Hon. L. A. Logan
Hon. G. E. D. Brand	Hon. G. C. MacKinnon
Hon. V. J. Ferry	Hon. N. McNeill
Hon. A. F. Griffith	Hon. T. O. Perry
Hon. E. M. Heenan	Hon. S. T. J. Thompson
Hon. J. Heltman	Hon. F. D. Willmott
Hon. J. G. Hislop	Hon. H. R. Robinson
Hon. E. C. House	

(Teller)

Pair

Aye	No
Hon. H. C. Strickland	Hon. C. E. Griffiths

Amendment thus negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

Sitting suspended from 8.27 to 11.8 p.m.

LAND TAX ACT AMENDMENT BILL

Assembly's Further Message

Message from the Assembly received and read notifying that with reference to Message No. 111 from the Legislative Council dealing with the Land Tax Act Amendment Bill, the Speaker had ruled that the powers of the Legislative Council under subsection (4) of section 46 of the Constitution Acts Amendment Act, 1899, were exhausted when the Legislative Assembly continued to decline to make the amendment requested. Therefore the Legislative Assembly could not consider Legislative Council's Message No. 111.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [11.9 p.m.]: For what it is worth—and I shall qualify these words in a few minutes—we should have some discussion on the message from the Assembly. When I said "for what it is worth," I was of the opinion that the discussion would not be of much value to us, because Mr. Speaker has ruled that in his opinion we have exhausted our powers.

I have had a close look at section 46 (4) of the Constitution Acts Amendment Act, and I can see what Mr. Speaker meant when he said that we have exhausted our powers. Whether or not we have done so makes no difference to the fact that he

thinks we have; therefore it is hardly competent for us to do much about the situation.

Dealing with the matter in reverse, if the Legislative Assembly receives a message to the effect that, in respect of a Bill transmitted to this House, in your opinion, Mr. President, backed up by the vote of this House the Bill is out of order, then that is the end of it.

The Standing Orders need clarification, because we find ourselves at the stage that in respect of Bills which this House can amend we can ask for a conference; in respect of Bills we cannot amend we can also ask for a conference; but in this case, instead of asking for a conference, we insisted on the amendment. If my motion had been agreed to then our amendment would not have been pressed. We cannot send messages backwards and forwards indefinitely between the two Houses, and I think on this occasion we have reached the end.

Since the Bill is at the Committee stage, the title has not yet been agreed to, and the third reading has not been dealt with, the only course for us to adopt is to deal with the rest of the Committee stage and the third reading stage, in relation to the point which we made quite clear to the Assembly on two occasions. I move—

That Message No. 123 of the Legislative Assembly be dealt with in Committee.

Question put and passed.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

The Hon. H. K. WATSON: I move—

That the Chairman do now leave the Chair.

Motion put and a division called for. Bells rung and the Committee divided.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): Before the tellers tell, I give my vote with the Noes.

Division resulted as follows:—

Ayes—12

Hon. N. E. Baxter	Hon. R. Thompson
Hon. J. Dolan	Hon. S. T. J. Thompson
Hon. E. M. Heenan	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. F. R. H. Lavery	Hon. F. J. S. Wise
Hon. T. O. Perry	Hon. R. H. C. Stubbs

(Teller)

Noes—13

Hon. C. R. Abbey	Hon. L. A. Logan
Hon. G. E. D. Braud	Hon. G. C. MacKinnon
Hon. V. J. Ferry	Hon. N. McNeill
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. Heitman	Hon. F. D. Willmott
Hon. J. G. Hlalop	Hon. H. R. Robinson
Hon. E. C. House	

(Teller)

Pairs

Ayes	Noes
Hon. H. C. Strickland	Hon. C. E. Griffiths
Hon. J. J. Garrigan	Hon. A. R. Jones

Motion thus negatived.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): The question is that clause 2 stand as amended by the Legislative Assembly.

The Hon. A. F. GRIFFITH: I am glad the Committee defeated the motion because, as far as we are concerned, we must bring this matter to a satisfactory conclusion. One issue we must consider is what we can do in respect of the message we have received, and the other issue we must consider is the Bill itself. If the Committee does not want the Bill, there is a way of dealing with the situation. I do not want my words to be regarded as an invitation to deal with the matter in that way.

I think we ought to satisfy ourselves that there is nothing more we can do in relation to the Legislative Assembly. Considering our Standing Orders and the Standing Orders of the Legislative Assembly, I regard it as useless to keep on sending this Bill back and forth with the request that we press for the amendment. We have reached the end of that and obviously that is the Speaker's interpretation. There must be some end to a situation like this or we could go on *ad infinitum*.

Consequently we should now discuss the merit of the amendment that has been moved and in relation to the situation in which the Legislative Assembly has placed us, and ask ourselves what we have. We have a Bill in connection with which one amendment has been acceded to by the Assembly and the other amendment has been rejected.

I have made it clear that from my point of view as the Minister in charge of the Bill I want the Bill; and I have made it clear that the Government wants it with the amendment with which it has agreed but without the amendment it has rejected. We still have to pass this clause, the title, and the third reading before the other Chamber can deal with it. I would like to hear other members on the point, but that is the way I see it.

The Hon. R. THOMPSON: We have now taken three votes in all and have stated that this Chamber desires the amendment rejected by another place. There seems little use in our having any say in legislation in this Chamber. I do not think I need go into that. As the Minister has stated, this Bill could go back and forth. As far as I am concerned I am prepared to stay here until Christmas Eve to ensure that it does go back and forth.

The Hon. J. Dolan: Which year?

The Hon. R. THOMPSON: Any year. I want to ensure that when this Chamber makes a decision, we stick by it and do not allow ourselves to be brushed off. I cannot see why the Legislative Assembly has not agreed to meet the managers appointed by this Chamber. I said I would enter this matter in a spirit of conciliation,

but the Assembly is not prepared to do that.

The Hon. A. F. Griffith: That is not basically correct. The Speaker has ruled it out of order.

The Hon. R. THOMPSON: Irrespective of that, this is still a House of Parliament. I do not wish to reflect on the Chamber, but the message is a reflection on Parliament rather than on this Chamber.

Both Mr. Baxter and I know of many people who have been prejudicially affected over a number of years and now they will be doubly penalised because of the Town Planning Department and the Metropolitan Region Planning Authority. This is not justice. I personally hope Parliament does not conclude tonight because if it does not I will personally take all members of the Chamber to see the land I have in mind. Four years ago the member who preceded me in this Chamber tried to gain access to a property which had been completely cut off by the proposed controlled-access roads in the Fremantle City Council's boundaries. I would not know what his rates and taxes are but they would be a large amount. Under this legislation the amount will be doubled.

I do not want the Bill to be defeated, but I would rather that happen than have these landowners suffer through no fault of their own, and I would therefore have to vote against the Bill on the third reading because this is not justice.

The Hon. F. J. S. WISE: I hope you are comfortable, Mr. Deputy Chairman (The Hon. F. D. Willmott) because you are not to be permitted to leave your Chair. I am wondering whether you would like me to send to you the cushion you use in your normal seat, because you could be required to stay where you are now for a long period and I would like to contribute to your comfort.

A decision was made on this Bill in this Chamber and the proposal was agreed to by a substantial majority. This Chamber emphatically declares that we should continue to consider those people who will be aggrieved by the unjust imposition under this Bill. If we now vary our decision, it would in my view be a wrong move.

After all, Mr. Speaker has given two different rulings on the same subject within 24 hours. This, in itself, must confound our confusion further should we attempt in Committee to debate an issue relating to the rights of both Houses, and our ability to do certain things within our Standing Orders. This is not the place for that debate. That debate would really command a very wide issue, or set of issues.

Members will recall that when we were discussing some aspects of this the other evening I made the suggestion that, since it is now not clear what are said to be the rights of both Chambers in the hand-

ling of legislation and, in particular, money Bills, very serious action must be taken to clarify the matter. We cannot clarify it by debating the motion before us, nor can it be clarified at any stage unless it is examined by a committee consisting of selected members from both Chambers.

I suggest to our Minister, who is the Leader of the House, that he recommends to the Premier that, when Parliament is in recess, the Premier invite three members from each House to examine this whole subject. Are we to have a continuance of the farcical situation that now obtains in connection with this Bill, and is it to continue year by year? Or, are we to have it clarified by the closest examination of practices in this country and elsewhere? Are we to have a limitation of what is acknowledged at the moment to be the rights of both Houses? Or, is this House to have no greater authority than it has ever been recognised as having? Or, are we to have a set of circumstances such as that which obtains in the Commonwealth sphere, and this House would then at least have the authority of the Senate? Which is it, and what is it?

However, it cannot be done here tonight. There will need to be much more examination than the opportunity tonight will permit, because there are many authorities to be consulted. I strongly urge that the Leader of this House suggest to the Premier that such a committee be invited to examine the whole matter. I suggest, too, that some members would be grateful to be occupied in the recess on such an important subject. It will become such a farce if the matter proceeds as it is, because the merits and the rights of both Houses will disappear with the disappearance of one of the Houses.

In spite of Dale Carnegie, I intend to speak on the Appropriation Bill on matters relative to the finances of the State in which, unfortunately, very few people at this end take any interest. Until we resolve what this House may do with money Bills; until we resolve what it may do with Bills that offend or do not offend Standing Orders, or section 46 of the Constitution Acts Amendment Act, we do not know where we are headed. For my part, on every occasion when this question is put to the vote, I will support the amendment proposed in this House as being the only right and just approach to this matter.

The Hon. N. E. BAXTER: In addition to what other members have had to say on this matter, I say we should consider the Bill and the proposed amendment in perspective, and in relation to their being dealt with in both Houses of Parliament. In common with other members, I have said that this is an ill-conceived Bill which has been produced before Parliament more or less in the

dying hours of the session. A Bill of this nature, at normal times, would warrant the move for the appointment of a Select Committee to inquire into the measure, but what chance had we of moving for this when the Bill was introduced, or during discussion in Committee? We had not the slightest chance to move for the appointment of a Select Committee.

The Hon. A. F. Griffith: Why not?

The Hon. N. E. BAXTER: Yet, we were told after this Bill was introduced that the Treasurer was prepared to appoint an interdepartmental committee to inquire into the Bill, and indeed into other matters—not just this Bill alone. This would mean a long protracted hearing.

In the meantime, time would be going by and the people who would be penalised under this Bill would continue to be penalised until that committee had made its findings. We do not know what the findings of an interdepartmental committee would be. I consider this a very poor way of bringing legislation forward, particularly legislation of this nature.

In relation to what has happened on this measure and, in spite of the fact that this is a money Bill to which a requested amendment was moved and agreed to by a considerable majority, I consider the rights of the Legislative Council have been offended. We have been treated in such a way that we are placed in the unenviable position of having to sit on this Bill and of almost not knowing what to do with it, because the Treasurer of this State has dug his toes in—and I do not think anybody could deny that—and has absolutely refused any compromise at all on the matter. That is what it amounts to.

I consider that, because he must realise the Bill contains provisions which are absolutely unfair to many people who own property in the regional area, in the first place he could have moved for a conference between the two Houses. In my opinion, that is the way to settle these matters—they are not settled by digging in toes and refusing to compromise. On that basis, I consider the Committee could not go back on the three votes it has taken by now reversing the decision.

The Hon. E. C. HOUSE: I do not favour landholders who have large tracts of land which they hold only for capital gain, and I consider that every effort should be made to put a tax on them in order to see that they do have to release this land at some stage, anyway. On the other hand, I am not prepared to see people penalised when they need protection, because virtually they have no option but to hold on to this land as they cannot do anything with it.

If I understand the Minister's appraisal of the return of this measure, it all hinges on the two words "request" and "pressed." In other words, had the Cham-

ber requested and not pressed the amendment, then some consideration would have been given to a conference of managers. Because this Bill is so important, I think we should request and not press the amendment.

It is a very untidy Bill. I thought it was only fair to indicate to the Minister that when this does go to a vote, and if no request is made for a conference of managers to discuss it, I will vote against the suggestion, because it is quite obvious that there will be some people who should be penalised and others who should be protected. If we let it go through as it is, then we will not be happy about it. I think we will have to indicate this by throwing the Bill out and having it redrafted.

After all these years, it will not matter if the tax is not imposed for another 12 months. Therefore, for the reasons I have given, I think it is only fair to indicate to the Minister how I will vote in the circumstances I have outlined and give him the reasons why I will vote in this way.

The Hon. A. F. GRIFFITH: First of all, I would like to indicate to Mr. House that it is perfectly all right for him to do as he has suggested. He has made himself clear upon the point. However, I find myself at variance with the remarks made by Mr. Baxter. He endeavoured to shift the blame to the Premier when he said the Premier was digging his toes in. That is not the subject matter which is under discussion, and Mr. Baxter knows that well and truly. The matter under discussion is that the Speaker of the Legislative Assembly has ruled that, in his opinion, the Legislative Council has gone as far as it can go. That is the real matter under discussion, and I think we should keep it in proper perspective.

In relation to what Mr. Baxter said on the question of a Select Committee, of course he knows full well that if the Bill had been referred to a Select Committee—and it would be competent for that to take place—then the deliberations of the Select Committee would have been going on and the Bill would not have become law. The impact about which he spoke in respect of the taxpayer would not have resulted because the Bill would not have been law.

I return to the point that there is a land tax imposed now. This Bill before the Committee seeks to increase the amount of land tax. However, I now find myself in the position of not caring so much about the fate of the Bill. Perhaps that is an overstatement, because, of course, I care about its fate, but I find myself caring more about the attitude between the two Houses. On this point, I think perhaps one of two things has happened: Either the Legislative Council failed to interpret Standing Orders correctly, or the Speaker of the Legislative Assembly failed to interpret them correctly.

However, in the meantime, I agree with Mr. Wise when he says that the matter cannot be sorted out tonight. That is not possible; and in the meantime we have to face up to the situation as it is. The way I see the position, the solution of this matter is not difficult. I see it purely and simply in the light that if we want the Bill to be passed this session, then according to the message from the Legislative Assembly it must be agreed to as it was drafted, together with the amendment in relation to the exemption of a third of an acre—full stop! If we do not want the Bill, then the only thing to do is to vote against it at the third reading stage.

However, there is a problem: We have to get you, Mr. Deputy Chairman (The Hon. F. D. Willmott), out of the Chair in a respectable manner. This can be achieved when the Committee comes to the point where the title of the Bill is put and the report is made to the President.

From there on it is a matter for the Council to vote on the question. We have made two requests to the Assembly and both have been refused. Do we press again? It will be a question of this House sending a message to the Assembly and their sending it back; we cannot keep that up. If this were a Bill the Council could amend we would simply amend it and send it back, and if the Assembly disagreed we would ask for a conference; and if the Assembly did not want a conference, we would let the Bill lie. There must be some difference between requested amendments and amendments as of right, otherwise they would not be provided for in the Standing Orders. I do not think we could do any good by sending this matter back to the Assembly.

The Hon. R. THOMPSON: I have been pretty easy all the way through on this matter. I invite the Minister for Town Planning to tell me I am wrong; I invite him to enter into the debate.

The Hon. L. A. Logan: It is not my Bill.

The Hon. R. THOMPSON: I know that. How long will it be before action is taken on some of this land which has been tied up for six years? It might be 15 or 20 years before these matters are resolved. The Kwinana Freeway is likely to be completed in 15 or 20 years' time, and that is when the controlled-access roads will be constructed; and all this land will be tied up during that time.

Mr. Lavery can bear me out when I say that since 1957 there have been 15 changes of plans on the roadways in the region to which I refer. Rather than impose a tax on these people who want to use their land, I suggest the Town Planning Department, the Main Roads Department, and the region planning authority resolve some of the mistakes they have

made. That is the crux of the matter. That is where the trouble starts and ends.

I am not opposed to increasing land tax; I would increase the tax if I could be certain some of the big companies could be drawn in, because it is they who are making it so difficult for the young people of the State to build homes.

The Hon. F. R. H. Lavery: Particularly south of the river.

The Hon. R. THOMPSON: The Town Planning Department must accept its full share of blame, because it is making it impossible for the people to develop their land. It is all very well to say there are 3,000 blocks of land south of the river, but many of them are subject to the requirements of the Town Planning Department. I know I am completely right in this; and I invite the Minister for Town Planning to show me where I am wrong.

The Hon. H. K. WATSON: So far as I am aware neither this Chamber nor our President has ever presumed to tell the Legislative Assembly, or Mr. Speaker, what the powers and duties of that House are. Yet twice within the space of a couple of hours we have had messages from the Speaker telling us quite plainly what, in his opinion, are the powers of this Chamber.

I would remind the Minister that he is not merely the Leader of the Government in this House, but he is also the Leader of the House and, as such, we may reasonably expect him to see that nothing derogatory to the powers of this Chamber takes place. Yet we find on the first message there is no protest from the Minister; he humbly proceeded to agree to the opinion expressed by the Speaker.

On this occasion there has been a half-hearted protest by him. Had the Assembly refused to grant the request for a conference there could have been no complaint, because it would have been constitutional. But when we are gratuitously informed that the conference is declined, not on the merits of our request, but because we exceeded our powers, it is time for us to voice a definite protest; and it is for that reason I moved that you do leave the Chair, Mr. Deputy Chairman (The Hon. F. D. Willmott). I do not propose to discuss the Bill any further, and before very much longer I will again move that you do leave the Chair.

The Hon. A. F. GRIFFITH: Mr. Watson has insinuated I am not doing my duty. If my explanation to the Committee was humble, there is nothing wrong with that. I said there was no basis of communication between the Houses on this point. Mr. Watson said he moved that the Chairman do leave the Chair because he was not prepared to discuss the Bill. I suggest he did so to ensure that the Bill would not get any further. I am sure that was his objective—to defeat the Bill.

The Hon. F. R. H. Lavery: Is not that a reflection on a member of the Committee?

The Hon. A. F. GRIFFITH: What does the honourable member think Mr. Watson did to me? We must either accept the Bill with a single amendment or we must reject it, and that is the basis on which we should make up our minds.

The Hon. W. F. WILLESEE: Like the Minister I feel we have gone about as far as we can go. The whole issue is whether we should decide the attitude taken by the Assembly is such that it does not care what happens to the Bill; and that we should accept its lead and vote the Bill out. That is what I intend to do. I base my reasoning on the attitude of the Assembly.

We were prepared to meet in conference on the understanding that we would try to write into the Bill a clearer meaning of the proposed amendment. This was rejected out of hand, and the Leader of the House has done all he can in that regard. I intend to vote against the Bill.

The Hon. N. E. BAXTER: I said that the Treasurer had dug his toes in, and the Minister implied that I was wrong.

The Hon. A. F. Griffith: I did not imply it; I said it.

The Hon. N. E. BAXTER: We requested an amendment and received a message from another place saying it would not accept the amendment. We discussed the matter further and voted to press for the amendment, which was refused by the other place. We again agreed to press for the requested amendment, and followed this up with a request for a conference. The Treasurer is the sponsor of the Bill; he is in charge of it, and also in charge of another place. Surely when the Bill went down in the first instance with the requested amendment, the Treasurer would have got the Government members to vote with him.

Therefore, he was not prepared to accept the requested amendment. That occurred twice. I still maintain the Treasurer dug his toes in. It would have been quite usual on the second occasion to ask for a conference on this Bill and not forward it back to us and place us in a position of asking for a conference and then to be told that our request for a conference was ruled out of order because we had exhausted our rights in relation to our approach to the Bill.

The Hon. A. F. GRIFFITH: I do not think it is worth bandying this backwards and forwards, but Mr. Baxter must know he is wrong.

The Hon. N. E. Baxter: I do not.

The Hon. A. F. GRIFFITH: Then I am sorry. In the circumstances it is this Chamber that asks for the conference. I remind the honourable member that when the Council made it clear it wanted to

request a conference, I was the one who moved for it. However, I have been told I did not do anything.

The Hon. N. E. Baxter: I did not say that at all.

The Hon. A. F. GRIFFITH: Then somebody else did. I was the one to move for it because I thought it was proper in the circumstances for me to do so.

The Hon. N. E. Baxter: I thought so, too.

The Hon. A. F. GRIFFITH: We asked for a conference and before the matter was considered in Committee in the Assembly the Speaker ruled the request out of order. If the matter had gone to the Assembly for consideration in Committee, as to whether the request for a conference would be agreed to, and the Assembly in Committee said, "No," that would have been the end of the Bill and it would have been the Assembly's responsibility to lay it aside; but the Speaker has sent the Bill back saying we have exhausted our rights under the Standing Orders. I think the question before the Committee must be in relation to amendment No. 2.

The Hon. F. J. S. Wise: The motion as put by the Deputy Chairman (The Hon. F. D. Willmott) is that the clause stand as amended.

The Hon. A. F. GRIFFITH: A vote on the situation should clear the matter up.

The Hon. F. J. S. WISE: Let us be clear as to what we are doing. You, Mr. Deputy Chairman (The Hon. F. D. Willmott), put the motion that the clause stand as amended which, I take it, refers to the one-third of an acre amendment.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): That is correct.

The Hon. F. J. S. WISE: It has no reference to the requested amendment.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): None whatever.

The Hon. F. J. S. WISE: So the requested amendment is not before us at all, and unless we press for further consideration, the requested amendment does not enter into the vote in this Chamber.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): That is correct.

The Hon. F. J. S. WISE: So the next question is that you report to the House after passing the title.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): That is right.

The Hon. F. J. S. WISE: So all that remains for us to do is to make a decision on this Bill on the third reading, or that you do not leave the Chair. We have warned you that you cannot get out of it, so I hope you have made yourself comfortable. We have carried a motion that you cannot leave the Chair. You have to stay there. I suggest to the Committee that the best way to attend to this is to

defeat the motion now before us and I think we will have the complete answer to justice *versus* injustice.

The Hon. A. F. GRIFFITH: If we defeat the motion now before us, that means clause 2 does not stand as printed?

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): That is right.

Clause, as amended by the Legislative Assembly, put and a division taken with the following result:—

Ayes—10

Hon. C. R. Abbey	Hon. J. G. Hislop
Hon. G. E. D. Brand	Hon. L. A. Logan
Hon. V. J. Ferry	Hon. G. C. MacKinnon
Hon. A. F. Griffith	Hon. N. McNeill
Hon. J. Heltman	Hon. H. R. Robinson

(Teller)

Noes—14

Hon. N. E. Baxter	Hon. R. Thompson
Hon. J. Dolan	Hon. S. T. J. Thompson
Hon. E. M. Heenan	Hon. J. M. Thomson
Hon. E. C. House	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. F. R. H. Lavery	Hon. F. J. S. Wise
Hon. T. O. Perry	Hon. R. H. C. Stubbs

(Teller)

Pairs

Ayes	Noes
Hon. C. E. Griffiths	Hon. H. C. Strickland
Hon. A. R. Jones	Hon. J. J. Garrigan

Clause thus negatived.

Title—

The Hon. A. F. GRIFFITH: The Bill is now a lot shorter than before and contains one clause. I think the best thing would be to adopt the title and report the Bill to the House after which we can take a vote on the third reading. The best way to conclude the matter is to defeat the Bill on the third reading.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [12.10 a.m.]: I move—

That the Bill be now read a third time.

Question put and negatived.

Bill defeated.

APPROPRIATION BILL

Receipt and First Reading

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

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [12.12 a.m.]: I move—

That the Bill be now read a second time.

This Bill has, as its main purpose, the appropriation of the amounts required for the services of the current financial year, which are detailed in the Estimates of Expenditure from the Consolidated Re-

venue Fund and the General Loan Fund. The Bill makes provision also for the grant of Supply to complete requirements for the current financial year.

Supply is granted in total amounts from the Consolidated Revenue Fund and the General Loan Fund. In this Bill, provision is made to appropriate these sums under the respective heads of expenditure previously mentioned. These amounts are additional to those made available through passing the two Supply Bills earlier in the session.

In addition, the Bill ratifies the amounts spent during 1965-66 in excess of the Estimates for that year. Details of these excesses are set out in the relevant schedules to the Bill.

Under section 41 of the Forests Act, 1918-1964, it is necessary for a scheme of expenditure from the Forests Improvement and Reforestation Fund to be submitted annually for the approval of Parliament and this Bill makes provision for the appropriation of moneys for the current financial year in accordance with the scheme of expenditure already laid on the Table of the House.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [12.14 a.m.]: This Bill, whilst very important, and entailing a large expenditure, is one we expect at this time of the session. In view of the fact there may be speakers who wish to say something on various aspects, I do not intend to delay the passage of the Bill.

It was only during last week we passed the Loan Bill; and during the session we have had other opportunities to discuss a wide range of subjects. The same opportunity applies to this Bill. So far as I am concerned I support the measure.

THE HON. F. J. S. WISE (North) [12.15 a.m.]: I think it might be unwise to carry out an earlier suggestion—almost a threat—I made, and make a speech on the finances of the State. I have one prepared and in my hand. However, I do draw the attention of the House to the fact that within the next few minutes this House will pass, without discussion and without much interest being displayed, the sums of \$173,258,000; \$55,470,000; \$5,079,223; and \$2,748,354.37. One could be pardoned for moving for the vote to be reduced by 37c.

The Hon. A. F. Griffith: That would be drastic.

The Hon. F. J. S. WISE: It would be drastic; it would hold up the situation for a long time. I entreat members, whether or not they are interested in financial matters, to have a look at the Estimates of Revenue and Expenditure as presented in another place. I hope to stay in this Chamber long enough to induce members to carry a motion earlier

in the session, or at the same time as the Budget is introduced in another place, to permit discussion in this Chamber on financial matters. Otherwise, I cannot see that we serve any purpose in government. I support the Bill.

THE HON. R. F. HUTCHISON (North-East Metropolitan) [12.17 a.m.]: At this late hour I do not think anybody is ready to discuss at any length a Bill as important as this is. I see that the Legislative Council expenditure is \$54,000. I wonder what value or use this Council has? One thing we could do for Parliament in this House is to see that not so much time of so many members of Parliament is taken up at this late hour and at this late date.

I came into this House with the idea and the purpose of doing something for Western Australia. My purpose was to ask for the abolition of the Legislative Council but I was denied even a hearing. I am now speaking to the last Bill of the session and I think tonight we have seen a display of tactics which would make anyone wish he were home, and wonder of what use he was to the legislature of Western Australia.

After saying those few words, I suppose I should state that I shall have more to say on this matter next session. I support the Bill.

THE HON. F. R. H. LAVERY (South Metropolitan) [12.19 a.m.]: I have two or three matters on which I wish to speak, and as I spent several hours walking around and waiting for the opportunity, I will not be at all apologetic if I take a few minutes more than I expected to take.

I agree with Mr. Wise that Bills of this nature are dealt with in detail by the Legislative Assembly and then almost facetiously presented to us on the last day and in the last minutes of the session. We are expected just to sit and allow the Minister to introduce the Bill, listen to one or two minor remarks, and finish at that point.

The time has been reached when the public of Western Australia should be told in no uncertain manner that the Government is not, in effect, allowing the Legislative Council the privilege of discussing matters of such magnitude as are contained in this Bill.

Earlier in the session the matter of Standing Orders was brought to our attention. As there has been a change in the franchise for this Chamber, a number of the Standing Orders must, of necessity, be revised within a short time. I agree with Mr. Wise again that the Premier may give consideration to an inquiry into Standing Orders, and it would be a request which was well founded. One of the changes

which should be made is that when a Bill of this nature reaches this Chamber it can be debated in the normal way.

For a long time, I have been frustrated at having to sit here knowing that irrespective of what we might say, or what we might propose, it is very seldom that we see any notice taken of it by the Government; that applies not only to this Government, but to all Governments.

The time has been reached when Ministers should tell their departmental heads that if legislation is not ready by the end of September, it will have to wait until the following year.

This State has reached a stage where the Civil Service is efficient and consists of highly trained men. A terrific load is placed on the draftsman and his staff to produce Bills, and surely his job should be almost finished by the end of September so that only matters of vital importance, and of necessity, should be handled after that time. That is a suggestion to which consideration should be given. As I heard my leader say the other night, in nearly four months of the session we received 60 Bills; and from Tuesday of last week we were expected to handle something like another 30.

I saw this same situation in the autumn session of the Federal Parliament last year. In three days I saw 31 Bills go before the Federal Parliament. The time has been reached when the rank and file member of Parliament has very little say and the executive of Parliament seems to have the only right. To put it another way, I feel Parliament is having its rights whittled away. In answer to a question I asked during my first speech this year, I learned that 137 papers had been laid on the Table of the House. We are being ruled by regulations.

On behalf of the W.A. Ballet Company, I want to thank the Treasurer for the generous donation of £750 he made this year to that organisation. A great number of young people are being trained by it and if the Treasurer can increase that figure to £1,500 this coming ballet season, the money will be well received and faithfully applied.

Another matter I wish to mention—and I will close on this—is in regard to the Police Force. I have mentioned this before during the session and I still believe it: the Police Force is understaffed. Now the Police Force is working a 40-hour week, and because there have been a great number of resignations and retirements, and because so much time is taken up with reports, the policemen themselves are not very happy with the situation. The Government will have to give the Minister more staff.

There has been a spate of correspondence in the Press in the last few days regarding an incident which occurred at the Fre-mantle traffic branch. A person took his

car there for inspection, but was sent away to have certain work done to it. That person took the same car to Perth and had it licensed without the work being done. I know the Minister made a statement to the Press that a mistake had been made.

Quite a lot of my work is done in a building alongside the Traffic Office in Fremantle, and I pay tribute to the staff of the Fremantle traffic office for the efficient way they handle the large number of vehicles which pass through their hands. I emphasise that at least one more examiner is required at that station to cope with the vehicles handled. The officer whom I previously mentioned did make a mistake, and he has not denied that. However, because of the publicity which was given to that mistake I feel I should assure members in this House that the traffic department in Fremantle is most efficiently run under Sergeant Sherry. The staff are most anxious to get through as much inspection work as they possibly can.

Also a great number of vehicles are coming off the boats these days and they place an additional burden on the police traffic branch at Fremantle. The R.A.C. has its service branch working from that station also.

Having made those remarks, I support the Bill.

THE HON. E. C. HOUSE (South) [12.30 a.m.]: Seeing we are now in the dying hours of the session, first of all I take this opportunity to apologise to Mr. Willesee as the leader of his party in this House for any remarks I made during the debate on the Motor Vehicle (Third Party Insurance) Act Amendment Bill on Friday last. There was no foundation for the inferences that were drawn, because I was not seriously thinking along those lines. Indeed, I was rather surprised when I did make the remarks. I can understand Mr. Willesee's concern. His rebuke was timely and I hope he will accept my apologies.

At the same time I take the opportunity to congratulate him on his leadership of the party to which he belongs in his first year of office. His capacity for hard work is most evident and his appraisal of the Bills presented to the House has shown he is completely unbiased and that he has very good judgment.

There are one or two matters which are causing me concern, the first relating to the ballot system used for the conscripting of national servicemen. With this ballot birthday dates only are drawn and any person whose birthday falls on the day shown on the marble is automatically listed for call-up.

This means that the parents of twin boys who reach the age which renders them eligible to be included in the ballot

could have both their sons listed for call-up and they would, of course, both be conscripted into national service. This is a very unfair weighting of the scales against parents of twins in that there is the possibility of both their sons being sent away for service overseas. It may be suggested that one of them apply for exemption, but if this were done it would place the other twin in a very awkward position because he would feel a very keen sense of guilt if the one who was called up happened to be killed in action. Therefore the only alternative is that both should serve. This is an aspect of national service training that should be investigated because, with only 10 per cent. of the 20-year-olds being called up throughout the Commonwealth in any one year, it would not be too great a concession to make an exception when twins are listed for service.

A case was brought to my notice only recently. A man bought his twin sons a farm only two years ago, but they decided that they would both do their national service training, and the father had to sell the farm. One of them could have sought exemption, but it would have placed too much responsibility on the son who remained behind. This is an important aspect of national service training which I do not think has occurred to many people.

Another point I want to raise concerns the observance of the requirement of a conditional purchase farm. In one case a farm was acquired by a father and son on a fifty-fifty basis, but because of ill health the father had to leave the farm. The son enlisted in the Air Force for a six-year term at the age of 17 and has already served three years of that term. The Lands Department is insisting that the residential clause in the agreement must be complied with. All the other conditions relating to clearing, fencing, cropping, and pastoral improvement have been fulfilled, and could even be ahead of schedule. The only condition that has been breached is the residential clause and the boy will have to obtain his discharge from voluntary service in the Air Force in order to comply with that clause.

This is entirely contrary to all the propaganda that has been published about young people not being prepared to volunteer for service in the armed forces and therefore it is necessary to conscript them. Here we have a case in reverse; that of a boy who has volunteered for service in the Air Force and is desirous of doing his bit, and where a farm is being improved for him in readiness for the time he is discharged. Now the boy is required to obtain his early discharge from the Air Force in order to comply with one of the conditions laid down under the conditional purchase agreement.

That is completely wrong and makes a mockery of all the statements we have

heard about young people being reluctant to volunteer for service in the armed forces, and the dire necessity to call up young men for such service.

I have a great deal more to say on various subjects, but as the hour is late I feel it would be better to leave the discussion on them until the debate on the Address-in-Reply next session, or on one of the Supply Bills. In brief, however, if I might make some mention of it, this subject relates to expenditure on defence, and on Air Force expenditure in particular. At the moment the Commonwealth Government is purchasing very expensive fighters and bombers. Some of them are the most expensive in the world and some of them are probably the best in the world. As we are so closely allied to the United States of America, in the event of war again breaking out, or in the event of any extension of the hostilities that are now in progress, it seems only reasonable that we would have all our aerodromes equipped with American planes, American mechanics, and ground staff, American materials and spare parts, and everything else that goes with the equipping of a fighter or bomber squadron.

I suggest a far better system would be to enter into a lend-lease agreement. It could be said that this is a Commonwealth matter, but nevertheless it is our money the Commonwealth is spending and therefore there is no reason why we should not have some say in regard to the expenditure of it. Many fighters and bombers could be obtained on lend-lease, which would be far less costly than purchasing aircraft for cash. This would assist in the training of our pilots and mechanics who would be urgently required if there were any further extension of hostilities. Further, we would also have available additional mechanics to service the aircraft, together with all the necessary materials, spare parts, and so on. I repeat that it would be a far better system than the one which we now employ.

The remarks I have made apply also to the Navy. There are hundreds and hundreds of ships in the United States of America which are in mothballs, and this includes aircraft carriers. The remarks I have made concerning the Air Force could similarly be applied to the Navy. This proposal would save the taxpayers hundreds of thousands of pounds, and the money could be put to some other purpose. This is an extremely serious matter and I think we should be permitted to discuss it on a State level, because our money is involved.

During the world war the lend-lease system worked quite satisfactorily and it had a great deal of merit. With those few remarks, I support the Bill.

THE HON. J. G. HISLOP (Metropolitan) [12.40 a.m.]: I will not delay the House for long, but I have one or two subjects to discuss which I have wanted

to mention for some time. First of all: my mind is restless, because ever since the Constitution of this House has been altered to allow for the adult franchise, the power of the Council has been whittled away more and more, and it would almost appear that each House has become a replica of the other. In the main, the Council, to some extent, has become the echo of another place.

I am wondering whether some method cannot be found to alter the present system and to enter into some arrangement whereby the members of this House could render greater service to the State and to the Commonwealth. When I study any regulations which are laid on the Table of this House, I am reminded that in the South Australian Parliament there is a committee made up of members from each House who inquire into these regulations before they are laid on the Table of each House. In this Parliament I am sure some members never get the chance to study regulations which are tabled.

In South Australia the committee has no actual power over the regulations except that, after making a thorough review of them as they are introduced, the committee can advise members of Parliament, if necessary, that any particular regulation is not sound and should be disallowed. I think a committee of this nature should be formed in this State to render greater service to the community. It is possible some 10 or 12 years have passed since I first asked for the formation of such a committee and I have since learned that no Government is likely to appoint one.

It is also vital we should have some knowledge of what is being spent; that we, as a Parliament, should have a good idea of the purpose for which the expenditure is made, and when large sums of money—a figure of \$250,000 could be fixed—are to be spent, such expenditure should first be considered by a committee comprising members from both Houses of Parliament. If this were done we would be performing a service for the public which has not been rendered before.

Lately, I have mentioned in this House, in regard to certain buildings around the city, that I doubted whether they would have been erected had there been in existence a committee such as I have suggested. The formation of such a committee would not take from the Ministry or the Government any authority it might have, but it would allow the committee to act as an adviser to the Ministry and I am certain the relationship between the two Houses and the Ministry would be better than we have known it to be in the past.

I would agree also to the formation of such a committee, because obviously a thorough investigation of our Standing Orders is required. In the last few weeks

we have had all the evidence we require that such an investigation must be carried out by someone. I believe that, during the recess, if these committees were formed and they carried out their duties in a proper manner there would be a continuing interest in the activities of Parliament. In my own mind I have not come to a conclusion in regard to what would be the ultimate end of these suggestions, or the details surrounding the formation of such committee, but I believe the suggestions should be given consideration, and I would like other members to give some thought to them in the interim between now and the start of the next session in July or August next. I think that some of us could get together with the idea of establishing a committee such as that which I have suggested with a view to presenting our ideas to the Ministry.

We cannot continue for very long in the way we have been going in the last couple of years. I do not think it was wrong for me to move in Parliament a motion that universal suffrage should be adopted for this House. It does seem to have taken a grip of this Parliament, but whether we will be regarded in the same light in the future will have to be determined by future events.

The Hon. R. F. Hutchison: We are not a House of review.

The Hon. J. G. HISLOP: Let us see what we can do to improve the position. I am sure the public do not wish to see this House abolished, because it can do a tremendous lot for the people. When I first came into this House it was a House of review. I saw Liberal members opposing Liberal members, and Labor members would discuss matters in a different manner from the set pattern of today. In my view we should revert to a House of review. If that could be done we would further enhance this House in the eyes of the people. We have no real right to say that because something is put forward by the Opposition it should be opposed. That is a very poor way to consider matters of importance to the State.

I make no bones in saying this: I cannot see any real reason why we in this House should have divided on party lines on the motion moved by Mr. Ron Thompson in relation to the resumption of land; and no harm would have been done in accepting the suggestion of Mr. Heenan to inquire into third party insurance.

The Hon. R. F. Hutchison: You will soon make a good socialist.

The Hon. J. G. HISLOP: The honourable member has been a socialist for a long time. I want to see whether this House cannot function as an advisory body, and not as a House of repetition. We should try to get together in an effort to achieve that objective, and if we succeed most of the people will welcome the result.

THE HON. N. E. BAXTER (Central) [12.51 a.m.]: It is not very often that I have allowed the opportunity during the debate on an Appropriation Bill to pass without making some contribution. I did intend to speak at some length on various subjects on this occasion, but on account of the lateness of the hour and the long sitting we have had, I intend to deal with only one subject—the expenditure of a Government department. It is a rather unwise expenditure, even though the amount involved is not great. It does illustrate the attitude of the Government to expenditure.

I refer to the 39th Annual Report of the Main Roads Department for the year ended the 30th June, 1966. It is a beautifully prepared document with a coloured picture on the front. It is printed on very good quality paper, and among the inside pages are panoramic views and photographs. The report is exceptionally good, and in the concluding pages appear several maps of Western Australia, of the main roads, of the secondary roads, of the bituminised roads, and of the non-sealed roads. The expenditure for the printing of this report is quite heavy.

The Hon. F. R. H. Lavery: This report is sent to the other States and to other parts of the world.

The Hon. N. E. BAXTER: I do not know how many copies are supplied by the department, but it must be a substantial number. I have here also the report of the Library Board of Western Australia, and this document is quite comprehensive. It contains a few photographs. Then there is the report of the State Government Insurance Office for the year ended the 30th June. This is a Government business concern, and again the report contains many photographs. One would think that this Government instrumentality would prepare a more elaborate report than it has prepared for circulation.

I turn to the report of the Commissioner of Native Welfare, also for the year ended the 30th June, 1966. In it we see the prints of the typewritten contents, and this is actually prepared by the department at a low cost. This is also a report which has been tabled in Parliament.

I do not know whether the Main Roads Department thinks it is a business concern. In deciding to put out such an attractive report. It does not attract business to the State, but it certainly handles a huge volume of money. I do not think it was necessary for that department to prepare such an expensive and elaborate report, because all that members of Parliament require is the information contained in the printed portion, setting out the receipts and expenditure. The preparation of elaborate reports is a tendency in some departments and not in others.

The amount involved in preparing the report of the Main Roads Department could probably be justified by the amount

of money it handles, but it still indicates a wasteful expenditure. This subject has been discussed when taxation measures were debated. I agree with the remarks of other members that the sooner the Government departments are made to realise that they have to look closely into their expenditure and costs the better for the State. With proper conservation of its expenditure this State could become a non-claimant State, but while the Government adopts the attitude it is adopting Western Australia will be a long way from becoming a non-claimant State.

Expenditure could be saved in many directions. We could adopt the set-up which is adopted by the Commonwealth and other States, by appointing a public accounts committee and a public works committee. Apparently such a move is not welcomed, because whenever a member or a party has put forward that suggestion the Government of the day has rejected it. The day will surely come when these committees will have to be appointed to safeguard the finances of Western Australia. Until such time as this step is taken, Western Australia will not receive very much sympathy from the Commonwealth Government or the Grants Commission which allocates the special grants to the States.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) (12.58 a.m.): I desire to reply briefly to the debate and to thank members for their contributions. I cannot see what the finances, the hopes and the aspirations of this State in relation to becoming a non-claimant State have to do with the Main Roads Department report.

The Hon. N. E. Baxter: You did not listen very carefully.

The Hon. A. F. GRIFFITH: On the one hand we receive complaints that the Government does not supply sufficient information, but when the departments prepare attractive and comprehensive reports for the public a complaint is made that the cost is too great. The Government just cannot win.

The Appropriation Bill cannot be presented in the Legislative Council until the Estimates have been debated and passed in the Legislative Assembly, and naturally it is the last Bill to be presented in each session. Members have sufficient opportunity to speak on any topic during the debate on the two Supply Bills, the Loan Bill, the Appropriation Bill, and the Address-in-Reply.

I say without any apology that to a considerable extent I agree with the remarks of Mr. Wise. I say advisedly that there is any amount of scope available to members for studying State finances and State problems, and for obtaining a better understanding of Commonwealth-State finances. There is any amount of opportunity for members to study the Bills

which are introduced, and the regulations which are tabled. The stack of documents on the Table of the House includes not only regulations but the reports to which Mr. Baxter made reference. The reports are submitted to Parliament once a year, so there is any amount of opportunity for us to make a deep study of all matters.

I do not think it is a bit of use making excuses about the fact that we do not do it. This is entirely a matter for ourselves; and the amount of time we spend on this, or the lack of time, is also a matter for ourselves. I think we would all agree with this.

The Hon. F. R. H. Lavery: My remark was that the information contained in this Bill was of vital importance.

The Hon. A. F. GRIFFITH: I am not taking the honourable member or anyone else to task. I am trying to get us to face up to the situation that it is in our power to do all this. We all get paid a salary for our work as members of Parliament representing the people. Our principal function is not only to represent the people in our electorates, but also to take care and time to study the Bills and the affairs of Parliament and the affairs of State. Consequently, I cannot see there is much sense in suggesting that what we do not do ourselves we should get a committee to do, and get it to give us a report.

A member interjected.

The Hon. A. F. GRIFFITH: They do have these public accounts committees and, my word, what a lot of difficulties they get into! But if we are to pettifog about the quality of an annual report what sort of pettifogging will we get when we consider these matters?

The Hon. J. Dolan: You would probably have to load the willing workers too, if you wanted the job well done.

The Hon. A. F. GRIFFITH: I say seriously—and I join with Mr. Wise in this matter—that it is the responsibility of everyone in this House to acquaint himself with Bills and to take part in the debates.

The Hon. F. R. H. Lavery: Don't you think Dr. Hislop's suggestion is a good one, then?

The Hon. A. F. GRIFFITH: Not entirely. I do not think it is a good one as an alternative for what we are not doing ourselves.

The Hon. F. R. H. Lavery: The information contained in the Bill is something we do not get.

The Hon. J. G. Hislop: You are dodging the issue.

The Hon. A. F. GRIFFITH: I am not dodging the issue.

The PRESIDENT: Order!

The Hon. A. F. GRIFFITH: Since adult franchise was introduced for this House, the Standing Orders have not been

changed. The responsibilities of the House are the same. We ran into some trouble tonight, for the first time in my experience. I do not think anyone else can remember a similar occurrence. However, I do not think we are entitled to say that because we ran into difficulties tonight, and because there was a little bit of acrimony flying about the place, we have failed. I get back to what I said before: If we failed, we have failed ourselves, and it is our job to face up to this responsibility and not blame the Standing Orders and circumstances for it. I say these things without any hesitation or apology to anyone, and include myself in the situation.

In relation to whether discussion should take place here on the Estimates, I did have something to say about this when Mr. Wise raised the matter previously. It is competent for us to do this, but if we did it along the line the Senate employs, we would have to amend our Standing Orders to some extent. However, in respect of Standing Orders, we have a Standing Orders Committee. Is that committee standing still or doing its job? I suggest that if members of the committee have been listening to what has been occurring tonight, they should take upon themselves the task of looking into the matter.

The Hon. W. F. Willesee: As a matter of fact, they received a voluntary report of seven pages by a group of our people before the session started.

The Hon. A. F. GRIFFITH: I am pleased to know that. I think it would be good if the committee were to do its job. That is the reason it was appointed. It should investigate to ascertain whether some of these problems could be ironed out and should suggest to the House amendments which would improve the situation under the Standing Orders. It is a long time since we debated any amendments to our Standing Orders. If I remember correctly, the last occasion was when the late W. R. Hall was alive; I think it was as long ago as that.

The Hon. R. F. Hutchison: I told you we were antiquated, but you would never listen to me.

The Hon. A. F. GRIFFITH: What did you say you were?

The Hon. R. F. Hutchison: I told you we were antiques.

The Hon. A. F. GRIFFITH: The honourable member is, of course, speaking for herself.

The Hon. R. F. Hutchison: No; for everyone in the House.

The Hon. F. J. S. Wise: There is good value in genuine antiques.

The Hon. A. F. GRIFFITH: Yes. Some of them bring extraordinary prices. I am sure you, Mr. President, will return me to the Bill, because I do not see any item in the expenditure concerning antiques.

The Hon. J. Dolan: Oh yes, there is.

The Hon. A. F. GRIFFITH: Not the ones about which we are talking.

The Hon. R. F. Hutchison: I would give them away; it would be easier.

The Hon. A. F. GRIFFITH: I merely make these remarks in respect of the things that have been said. On another motion a little later I will get an opportunity to mention what has occurred during the session, and except for one or two misunderstandings, and particularly those which arose today, the conduct of the session has been quite satisfactory. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

Sitting suspended from 1.12 to 1.24 a.m.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

ADJOURNMENT OF THE HOUSE: SPECIAL

Complimentary Remarks

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [1.23 a.m.]: I move—

That the House at its rising adjourn until a date to be fixed by the President.

Having moved that motion, I think this is the last matter that will come before the House this session, except for the simple motion that the House do now adjourn.

I take this opportunity to express customary complimentary remarks at the closing period of this session. Before doing so, I would like to report to the House that in this session of Parliament we dealt with 103 Bills. Of these 99 were passed and four were not passed. One lapsed; one was discharged, one was ruled out of order, and another was defeated. It is interesting for me to relate to members, I feel, that our own notice paper at any stage of the proceedings during this session did not have more than 19 items on it. That is quite an interesting situation. At no stage did the notice paper have more than 19 items on it at any one time.

It is significant that there was time to attend to the Bills despite the fact, of

course that we always receive some Bills during the closing hours of the session. Nevertheless, there was time to attend to the Bills which were dealt with by the Council expeditiously. A considerable number of measures were amended by this House and sent back to the Legislative Assembly for further consideration. Then we had the small matter of dissension in respect of the President's ruling, but I do not think any good purpose would be served by referring any further to that matter.

On behalf of my colleagues, Mr. Logan and Mr. MacKinnon, I want to convey to you, Mr. President, our thanks, and the thanks of all members of this Chamber, for the manner in which you have continued to occupy the high office of President of this House. We do not always agree with what you do. We do not always find ourselves in complete agreement with you, but we find you extremely fair and that you are always able to maintain good order, discipline, and the decorum the House deserves when in debate, and I express every wish that you may have another successful year in office.

To the Chairman of Committees (Mr. Baxter), and his Deputy Chairmen, I also convey my thanks for the manner in which they have dealt with the Bills which have come under their chairmanship at various times. My thanks go to Mr. Willesee as Leader of the Opposition. This is his first session in this House as Leader of the Opposition and I have found him to be the person I expected him to be; that is, one to whom I could offer confidence and trust, and he has co-operated with the Government in regard to the conduct of the Government's business in this House. He has not always been easy to please, but that is his function as Leader of the Opposition.

To members of the Government parties could I say, good-humouredly, that I offer my thanks for 97.5 per cent. of their support.

The Hon. L. A. Logan: I thought you were going to thank them for their opposition.

The Hon. A. F. GRIFFITH: My colleague has suggested that I should thank them for their opposition on some occasions. I would like to thank the whips for the work they have done. I thank the Government Whip (Mr. Robinson), for the excellent job he has performed and the way he has co-operated with the Opposition Whip in arranging pairs in an amicable fashion. No difficulty has been reported to me in regard to the arrangement for pairs. Any member who has approached me for a pair has always been told by me, "I have enough to concern myself with and if it is all right with the whips for you to obtain a pair, it is all right with me."

We thank Mr. Roberts and his staff, which includes Mr. Ashley and Mr. Hoft. These three officers of the House are always very anxious to help us with the

problems we put to them and in extricating us from the difficulties in which we find ourselves.

I am quite sure the conduct of the business of the House was assisted greatly by Mr. Roberts, Mr. Ashley, Mr. Hoft, and the rest of the officers who carry out their duties as members of the House staff.

The Hon. R. F. Hutchison: We all endorse those remarks.

The Hon. A. F. GRIFFITH: We thank *Hansard*, of course, for the work the reporters do in taking down our speeches and invariably making them read a great deal better than when they are delivered; or *vice versa* as was expressed on one occasion, I think. We thank Mr. Burton, the Controller of the House for his contribution to our welfare. He always keeps us well catered for in respect of the inner man.

I thank the Press for their Press reporting and for their attendance in the gallery. I would particularly like to pay a compliment to the Chief Parliamentary Draftsman and his staff. Drafting is not an easy job by any means, and the parliamentary draftsmen are always easy meat for everybody. As I hear Bills debated and criticised I often think of the amount of work these people do, and the manner in which they perform the tasks they are called upon to undertake. My portfolio as Minister for Justice brings this aspect of their work very much to mind. I thank Mr. Walsh and his assistants for their help. One of his assistants, Mr. Lawson Turnbull, is retiring to take up private practice. I thank them all for the help they have given the Government in presenting the legislation which has been introduced into the Chamber.

I would also like to mention the Secretary to the Ministers (Mr. Whitely), who does an excellent job in the preparation of notes and information. He chases up, with the departments, the answers to any questions that might be raised during the debates on various Bills. My thanks go to him for the work he has done.

I do not think I have missed anybody—I hope I have not. It only remains for me to say that the end of November is the target date we set for the end of the session, to enable members to attend functions and fulfil commitments in their electorates between now and Christmas.

Members who have been here some years will, no doubt, recall the disadvantage attaching to staying here until close on Christmas Eve; it makes it impossible for them to attend to their responsibilities in their electorates.

With the drawing near of the Christmas festivities I would like to convey to you, Sir, and Mrs. Diver, our very best wishes for a happy Christmas and a prosperous New Year. This same wish goes to every member in this Chamber. I hope they all

have a happy Christmas and a prosperous New Year, and that all goes well with them.

Once again I thank members for their co-operation in the conduct of the business of the House. I feel that in retrospect the year has been a satisfactory one. We have had to do some unpleasant things, but at least we have been sufficiently responsible in trying to do these things in the interests of the State. I do not ask all members to concur with this sentiment, because I know I would not gain complete concurrence in a matter of this nature.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [1.35 a.m.]: I think the large number of Bills we have handled in this House is due to the fact that the three Ministers here have introduced their legislation directly in this Chamber. This gives us an opportunity to absorb the legislation which would not be quite the case if it came to us from the Legislative Assembly. It is much easier to cope with legislation when it is handled in this manner.

I wish to express my sincere and humble thanks to my colleagues—and to Mr. Dolan in particular—for doing all that has been asked of them. There is always some member along the line who is capable of handling a subject well, and with great credit; and I express my sincere appreciation to them.

My best wishes and appreciation go to the Minister in charge of the House and his two colleagues. This being my first session of Parliament in the position I hold, I join with the Minister in saying that our personal relations have been very good. We do have our differences of opinion but this, of course, produces better legislation. In common with the Leader of the House I appreciate very much the work done by the whips. Without them there could be chaos.

My congratulations go to the Chairman of Committees and his deputies for a fine job well done. Mr. Roberts, Mr. Ashley, and Mr. Hoft, have, of course, done their jobs as well as they usually do, finishing it off nicely with the little gift booklets we receive at the end of the session.

At this point I would like to express my thanks to Mr. Hoar who has responded magnificently to the work that he has been asked to do. Nothing has been too much for him. My appreciation goes to the attendants in the House, not only for the way in which they look after the members of Parliament, but also for the colour they add while attending to members of the public.

The work of *Hansard*, of course, leaves nothing to be desired. Great credit is due to them for the way in which they report our speeches, and the manner in which they embellish them before presenting

them to us. Mr. Burton and his staff have certainly done a good job, and I am sure we all appreciate this very much. They seem to be able to cope with any situation that might arise, and they always seem to have a little in reserve. I think we all appreciate the activities of the Press, and we realise that the reporters report things as they see them; that is their job.

I wish you and your wife, Mr. President, a very happy Christmas; and I take this opportunity to thank you for the way you have presided over us during the past session. I join with the Leader of the House in saying how much we appreciate the firmness you displayed and the deep knowledge you possess in regard to administration and the various Bills.

I wish all members and their wives a merry Christmas and hope that in the year to come everyone of us will enjoy good health above all else.

THE HON. N. E. BAXTER (Central) [1.42 a.m.]: As Chairman of Committees, I would like to express my appreciation to you, Sir, for your help and co-operation during the year. This goes a long way towards the successful working of the House, particularly when the help and co-operation is received from a President such as yourself.

I would like to express my appreciation to the Leader of the House (The Hon. A. F. Griffith), to the Leader of the Opposition (The Hon. W. F. Willesee), Ministers, and members generally for the manner in which they have co-operated with me and the deputies, in the Committee stage of Bills.

The decorum has been excellent, despite one or two hot moments, but they have been nothing to worry about. My job and that of the deputies has not been hard because of this. I express my appreciation to the three deputies, Mr. Willmott, Mr. Jones, and Mr. Lavery, for their great assistance during the session. They have probably handled the majority of the Bills and have done a good job. I thank those gentlemen for their help.

I would express to our officers, Mr. Roberts, Mr. Ashley, Mr. Hoft, and other members of the staff, my appreciation for their co-operation and help during the session. As I said before, my task would not be an easy one without this genuinely given co-operation. I would like to express my appreciation to the House Controller and his staff, to *Hansard*, and to the Press.

I will conclude by wishing everyone, including yourself, Mr. President, and your good lady, a very merry Christmas and a happy New Year. I also wish everybody good health during the coming year. In that, I include members, and staff of Parliament House generally. I hope they all have a merry Christmas and are blessed with good health. I thank everybody, one and all.

I think Mr. Syd Thompson would like to say a few words on behalf of members of the Country Party.

THE HON. S. T. J. THOMPSON (Lower Central) [1.44 a.m.]: There is little for me to say other than endorse the remarks of the previous speakers. The Minister very thoroughly covered the ground in his list of appreciation. However, we backbenchers have appreciated the tolerance of the Ministers during the session. We have also appreciated the manner in which members of the Opposition have examined Bills and debated them. This is quite educational, particularly for those of us who are not prepared to do the amount of work some members of the Opposition have done in regard to Bills.

To the officers of Parliament we say a very hearty thanks for the help given to us throughout this session; and we particularly say thanks for the little book which, as Mr. Willesee has said, has now become traditional. The Upper House has a great advantage over the Assembly, because I notice no-one in that House seems to have his notebook.

I feel you, Sir, must look back on this year as another well-spent. Despite—

The Hon. L. A. Logan: Interjections.

The Hon. S. T. J. THOMPSON: —the discussions and arguments we have here, we finish up on this present note at the end of each session. Other than extending on behalf of the backbenchers of the Country Party seasonal greetings to all members and to you, Sir, and your good wife, there is little more that I can say.

THE HON. J. G. HISLOP (Metropolitan) [1.47 a.m.]: To you, Mr. President, to the Ministers, and to all of my colleagues and their families, I express the hope that they will have a very happy Christmas. I do not intend to speak for long as the hour is getting on but I would like to offer thanks to the officers of the House who have extended to me such courtesy and provided me with every co-operation I could wish for, not only during the actual session, but also in the preparation of the Bill I presented to the House. I cannot imagine any organisation having staff members who are more efficient than they are; and they readily and agreeably give their knowledge and experience when one is searching for it.

To the rest of the staff, to *Hansard* and, in fact, to everyone who has any position within this household, as it were, I can do no more than say thank you for the courtesy and kindness that has been extended to me in this Chamber and in the Parliament. It makes one feel so humble when individuals are prepared to go so far out of their way to give one assistance. This is an example of real living associated with work; and it results from the co-operation one would not find elsewhere. I wish everyone well.

THE PRESIDENT (The Hon. L. C. Diver) [1.49 a.m.]: To Mr. Griffith, who spoke on behalf of himself and his fellow Ministers, to Mr. Willesee, to Mr. Baxter, who spoke on his own behalf as Chairman of Committees and his co-chairmen, to Mr. Syd Thompson, and members all, I thank you most sincerely for the co-operation you have extended to me during this session. My experience in this House has been wonderful as, time and time again, I have experienced the goodwill of all members. From time to time it is well known that some members become a little agitated, but the moment they leave the Chamber, they invariably apologise; and I think it is all to the good when they realise they have overstepped the mark. They appreciate it without their attention being drawn to the fact. I am grateful to those members for adopting such an attitude.

To those speakers who have wished seasonal greetings to myself and my wife, I thank you, and I will convey those greetings to Mrs. Diver. I would also like to endorse the remarks of testimony of service given by our officers; by the *Hansard* staff; and by Mr. Burton and his staff. It is by their efforts and their endeavours that our Legislative Council functions as a House of Parliament should.

I hope and trust that you will all, with your wives and friends, enjoy the best of health during the next year; and that God will spare us and next year one and all will return to carry on another session in similar tempo to that which we have experienced on this occasion.

The session has been tranquil, as far as parliamentary sessions go, and a lot of legislation has been passed which will leave its mark on this State. With those comments I thank you one and all, and I put the motion which is before the Chair, that the House, at its rising, adjourn until called together by the President.

Question put and passed.

House adjourned at 1.53 a.m. (Wednesday).

Legislative Assembly

Tuesday, the 29th November, 1966

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