

Hon. Sir CHARLES LATHAM: I am sorry Mr. Roche did not submit his amendment, because I do not think it violates the Constitution Act at all.

Hon. H. L. ROCHE: I would like to state the amendment I had in mind to give you, Mr. Chairman, an opportunity of considering it.

The Minister for Agriculture: Why not report progress?

The CHAIRMAN: I think that would be a good plan. It would give us all time to deal with the matter.

Hon. H. L. ROCHE: Very well. I ask the Minister to report progress.

The MINISTER FOR AGRICULTURE: I am quite willing to do that. I do not want to rush this Bill through. Even if Mr. Roche read his amendment now, I would still have to refer it to the land settlement board, and members would want time to study it.

Progress reported.

#### **BILL—FISHERIES ACT AMENDMENT.**

Received from the Assembly and read a first time.

*House adjourned at 4.3 p.m.*

## **Legislative Assembly**

Wednesday, 5th December, 1951.

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The SPEAKER took the Chair at 3.30 p.m., and read prayers.

### **QUESTIONS.**

#### **EDUCATION.**

*As to Concession Fares on Railway Buses.*

Mr. HEARMAN asked the Minister for Education:

Has any decision been made with respect to the granting of concession holiday fares to school children on railway road services in areas where no rail passenger service operates?

The MINISTER replied:

A decision has been made with respect to the granting of concession holiday fares to school children on railway road services operating south of Bunbury; this is in conformity with Cabinet's decision. It is hoped to be able to extend a similar concession before Christmas in respect of road travel in certain other districts.

#### **FREE MILK SCHEME.**

*As to Eastern Goldfields Children.*

Mr. STYANTS asked the Minister for Education:

(1) When will distribution of free milk in schools on the Eastern Goldfields commence?

(2) Will he inform members what progress has been made during the past four months to implement this scheme in the above district?

The MINISTER replied:

(1) and (2) All country schools have been advised through the Parents and Citizens' Federation publication, through the Teachers' Journal, and through the Press that the Education Department will reimburse the cost of milk supplied to children under hygienic conditions laid down by the Public Health Department of Western Australia and set out in the publications mentioned.

The schools which have applied and do not need to purchase equipment have been accepted into the scheme as from the date of application. Those schools which have applied and where equipment is required are awaiting the decision of the Commonwealth Health Department on the purchase of such equipment.

#### **ELECTRICITY SUPPLIES.**

*As to South Fremantle Station, Capacity and Load.*

Hon. J. B. SLEEMAN asked the Minister for Works:

(1) What is the kilowatt capacity of the South Fremantle power house?

(2) What load is on the South Fremantle power house at present between the hours of 6 p.m. and 6 a.m.?

The MINISTER replied:

(1) The installed capacity of "A" section is 50,000 kilowatts.

(2) It is not understood what the question means as the load varies greatly over the period referred to. The maximum loading is approximately 6,000 kilowatts.

### HOSPITALS.

#### *As to Provision for Carnarvon.*

Mr. BUTCHER (without notice) asked the Minister for Health:

(1) Has she seen a recommendation of the State Health Council in this morning's "The West Australian" concerning the Carnarvon Hospital?

(2) Does it mean that the work on the Carnarvon Hospital is to be suspended, or is the contract to be repudiated?

(3) If this is so, will she inform the House as to the Government's future policy concerning this hospital?

The MINISTER replied:

(1) Yes.

(2) and (3) I can assure the hon. member that the work on the Carnarvon Hospital has not been suspended; I believe it is proceeding at the present moment. I do not think the hon. member need have any fear that the work will not be continued and carried out according to the plan of the Government.

### VICTORIAN POLITICS.

#### *As to Action by Young Liberals.*

Hon. A. R. G. HAWKE (without notice) asked the Premier:

For tactical reasons I have not given the Premier prior notice of this question. I would like to ask him whether he has read in this morning's "The West Australian" of the successful move carried through yesterday by the young Liberals in Melbourne in deposing the Leader of the Liberal Party, Mr. Hollway. In view of that fact will he keep both his eyes on the young Liberals in this House?

The PREMIER replied:

Yes. I saw that Mr. Hollway had been replaced in the Leadership of the Liberal Party in the Parliament of Victoria; but I have the utmost confidence in the young Liberals in this House and I do not fear similar action being taken.

### FORESTS.

#### *As to Report of Royal Commission.*

Mr. HOAR (without notice) asked the Minister for Forests:

(1) Has the report of the Royal Commission on Forests been received yet?

(2) If not, what is the reason for the delay?

(3) Will the report be made public before the close of this session?

The MINISTER replied:

(1), (2) and (3) The report referred to will be sent to the Premier, but to the best of my knowledge it has not yet been

received. The Royal Commissioner was here about six weeks ago and he indicated that he would let us have the report in two or three weeks' time, but to date it has not been received.

### LEGISLATIVE COUNCIL.

#### *As to Comment by Visitor.*

Hon. J. B. SLEEMAN (without notice) asked the Premier:

Was his attention drawn to the statement made by Professor K. C. Wheare in yesterday's "The West Australian" in which he stated that he was surprised that the Legislative Council was still here, and which was headed "Changes Wanted in Upper House"? In view of that statement, does the Premier intend to do anything about it?

The PREMIER replied:

I did read the report of Professor Wheare and I have not considered taking any action in the matter.

### RENTS AND TENANCIES EMERGENCY PROVISIONS BILL.

#### *As to Proposed Amendments.*

Hon. J. T. TONKIN (without notice) asked the Attorney General:

(1) Are the amendments which the Hon. C. H. Simpson placed on the notice paper of the Legislative Council to the Rents and Tenancies Emergency Provisions Bill, Government amendments?

(2) If they are, why were not these provisions included in the Bill when it was originally introduced in this Chamber?

The ATTORNEY GENERAL replied:

(1) and (2) Those amendments are to correct certain faults in drafting which the Parliamentary Draftsman informed me he had found in the Bill on further consideration. There are no new principles provided for in the proposed amendments, and I shall be happy to explain any of them to any member who would like to be fully informed on the matter.

### BILL—FISHERIES ACT AMENDMENT.

Read a third time and transmitted to the Council.

### BILL—LIBRARY BOARD OF WESTERN AUSTRALIA.

#### *Council's Message.*

Message from the Council insisting upon its amendment No. 23 to which the Assembly had disagreed now considered.

#### *In Committee.*

Mr. Perkins in the Chair; the Minister for Education in charge of the Bill.

No. 23. Clause 11—Delete.

The MINISTER FOR EDUCATION: This is the only one of a number of amendments made by the Council to which we

disagreed. Clause 11 provided a simple method of delivery to the board of writs or other legal processes and, while I agree with another place that it is unlikely the board would become involved in litigation, I see no reason why the easy method should not be prescribed in the measure, rather than have the normal process of delivery and proof of service required under the court rules. The matter is not of great importance and is not worth a conference. Therefore I move—

That the Assembly no longer disagrees to the Council's amendment.

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

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

### **BILL—MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT.**

Returned from the Council without amendment.

### **BILL—PRICES CONTROL ACT AMENDMENT (No. 2).**

#### *Council's Amendment.*

Amendment made by the Council now considered.

#### *In Committee.*

Mr. Perkins in the Chair; Hon. A. R. G. Hawke in charge of the Bill.

Clause 3. Paragraph (b), page 2—Delete the words "fifteen hundred" in lines 9 and 10 and substitute the words "seven hundred and fifty".

Hon. A. R. G. HAWKE: The maximum fine that might be imposed by a judge for an offence was fixed by this Chamber at £1,500 and the Council has amended the amount to £750, but has not interfered with the maximum fine that magistrates may impose. I still consider that £1,500 would be a far greater deterrent to would-be profiteers than the amended amount, but we may take it for granted that the majority of members in the Council will insist upon its amendment in order to keep the maximum penalty as low as possible. We shall achieve nothing by insisting on our proposal, and, rather than run the risk of losing the Bill, I move—

That the amendment be agreed to.

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

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

### **BILL—TRUSTEES ACT AMENDMENT.**

#### *Council's Amendments.*

Schedule of four amendments made by the Council now considered.

#### *In Committee.*

Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

No. 1. Clause 3, page 2—Insert after the word "amended" in line 1 the following:—

(a) by inserting after the word "Australia" in paragraph (d) the words "or any incorporated building society now or hereafter carrying on business in Western Australia, and certified by notice in the 'Gazette,' signed by the Treasurer, as a society in the shares of which trustees may invest";

(b) by deleting the word "preference" in paragraph (f).

The ATTORNEY GENERAL: Section 5 sets out the investments in which trust funds may be invested. The amendment would enable trustees to lend money to such building societies as had the approval of the Treasurer. It is well known that building societies are very worthy institutions, and I can see no great objection to the amendment. I move—

That the amendment be agreed to.

Hon. E. NULSEN: The Minister has given a fair explanation of the position. The security is good because the society must be approved by the Treasurer. Another aspect is that if building society shares mature a 3 per cent. bonus is paid on them but, if they are withdrawn before the full time, the bonus is lost. Building societies are good securities.

The ATTORNEY GENERAL: I did not give an explanation of paragraph (b) of the amendment, which is to strike out the word "preference" in paragraph (f) of Section 5. Trustee investments have been difficult to find, and, with the varying value of money, trustees are anxious to retain, as far as possible, the real value of the assets they hold. The amendment will enable them to invest money in shares or stock of a company that is on a sound basis.

Mr. Marshall: Do not you think preference shares are superior to ordinary shares?

The ATTORNEY GENERAL: No, not today. Preference shares merely provide a fixed dividend, whereas ordinary shares go up as the asset of the company appreciates. At present, the value of preference shares is coming down whereas those of ordinary shares is rising. I am not referring to participating preference shares.

Mr. BRADY: I am not happy about the amendment. At one stage, the member for Nedlands said he was going to move a similar amendment, and I intended to oppose it. We should not encourage trustees of estates to invest in ordinary shares of any company. We should not

go beyond preference shares. Public companies will be anxious to have the Treasurer recommend them and I think a few companies that are not sound would receive his recommendation, so that ultimately the beneficiaries of trust estates would suffer. There is sufficient scope under the Act for investments.

A number of public companies that might be sound today will have difficulty in carrying on and declaring dividends for preference shareholders, let alone ordinary shareholders. I am not opposed to investment in building societies, although such investment is not, in my opinion, the best because a mushroom company could start and the Treasurer might have difficulty in saying that the shares of one building society could be a trustee investment, and not those of another. While I intend reluctantly to support the proposal to give the Treasurer the right to recommend building society shares, I am not prepared to agree to the other proposal to permit investments in ordinary company shares rather than in preference shares. The investment in preference shares is a big safeguard for a trustee or administrator of any estate.

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

No. 2. Clause 3, page 2—Insert before the word "by" in line 2 the letter "c" in brackets, thus, "(c)".

The ATTORNEY GENERAL: This is a consequential amendment and merely alters the numbering of the paragraphs. I move—

That the amendment be agreed to.

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

No. 3. Clause 3, page 2—Delete the word "paragraph" in line 2 and substitute the word "paragraphs".

The ATTORNEY GENERAL: This is similar to the previous amendment and I move—

That the amendment be agreed to.

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

No. 4. Clause 3, page 2—Insert a new paragraph after paragraph (h) to stand as paragraph (i) as follows—

- (i) in the shares of any incorporated building society now or hereafter carrying on business in Western Australia, and certified by notice in the "Gazette," signed by the Treasurer, as a society in the shares of which trustees may invest.

The ATTORNEY GENERAL: This provision is to enable a trustee to invest in the shares of any incorporated building society and the full provisions are set out in the Council's amendment. The remarks I made earlier apply equally to this amendment. Trustees should be per-

mitted to invest money in building society shares when such societies have received the approval of the Treasurer.

Mr. Marshall: There is no reference to the deletion of the word "preference" here.

The ATTORNEY GENERAL: No, these are building society shares. I move—

That the amendment be agreed to.

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

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

## BILL—HOSPITAL BENEFITS AGREEMENT.

### Second Reading.

**THE MINISTER FOR HEALTH** (Hon. Dame A. F. G. Cardell-Oliver—Subiaco) [4.5] in moving the second reading said: In introducing this Bill, I wish to apologise to members for the late hour of its presentation, but as I proceed they will understand the reasons for it. The Bill is a short one and if passed will enable the State to enter into an agreement with the Commonwealth Government upon the basis of a Commonwealth Act, which differs from the Act that gave rise to the State's Hospital Benefits Act of 1945. The purpose of the Bill is described in detail in the preamble.

As members are aware, the Commonwealth Minister for Health has succeeded in securing the passing through the Federal House of an Act which provides for hospital benefits upon a basis different from that which has existed in the past. The Act provides for the issue of regulations to cover the details of the Commonwealth's provision. I have made available to every member a copy of the Commonwealth's Bill and the speech made by the Hon. Sir Earle Page, the Commonwealth Minister for Health, in introducing it, together with a copy of the Western Australian Hospital Benefits Acts of 1945 and 1948, and also a memorandum prepared by the Under Secretary for Health. While the State Hospital Benefits Act remains as it is, the State cannot enter into an agreement with the Commonwealth in any terms differing from the provisions of that Act.

The Commonwealth Act provides for the temporary continuance of the existing agreement between the Commonwealth and State, but has given notice of the termination of the agreement at the earliest possible date—that will be about the beginning of August, 1952; I think July is the actual date. At that date, at the latest, the present Hospital Benefits Scheme will expire. The purpose of this Bill is to permit the Premier, on behalf of the State, to enter into an agreement with the Commonwealth in the terms of

its new law and the regulations thereunder, upon the best terms which the State can secure for its people.

It must be understood that the Commonwealth is in the supreme position, as it provides the funds for the provision of hospital benefits. If we do not like every item in the scheme submitted by the Commonwealth we have a perfect right to refuse to accept it; but the State would then be left in the position of finding the whole cost of hospitals without the benefit of any Commonwealth assistance. I think it cannot be doubted that any such refusal would be viewed with misgiving by the Grants Commission and would, in any case, be foolish.

The main provision, which members will have observed already in the documents I have supplied to them, is that the Commonwealth will provide an amount of 8s. per day for all patients; but, where a patient is insured with a friendly society, and that friendly society pays the hospital an amount of 6s. per day in respect of the patient, the Commonwealth subsidy of 8s. will be increased to 12s. per day. There would thus be payable, in respect of each day in hospital, a minimum of 18s.

The question of increased revenue for hospitals is a matter of the greatest importance to the Treasurer. The net cost of hospital treatment, which at the time the Hospital Benefits Act was passed amounted to £468,750, has risen so that last financial year the net cost was £1,392,047, and it is estimated this year to reach £1,692,047. Hospital maintenance costs rose from an average of 20s. 9.05d. in 1946-47 to 41s. 1.57d. per day in 1950-51. During the current year there is no doubt whatever that the cost will be higher. The development of the friendly societies' scheme on any broad basis, and including any large proportion of patients, will be a very valuable contribution to the finances of the hospitals, and will cost subscribers amounts ranging from 3d. per week for a single man at £2 2s. per week benefit, to a family benefit of £3 3s. per week for 1s. per week contribution. The Commonwealth expects to bring the new scheme into operation on the 1st January, 1952. Hence the importance of the Bill!

The draft agreement will not be available before the termination of this session of Parliament, and the alternatives are the passage of this Bill with the resultant financial benefit which should accrue, or, on the other hand, a continuance under the old legislation until it expires prior to the next session of Parliament, or the holding of a special session of Parliament to pass an amending Bill. The present proposal is considered to be the most convenient and most satisfactory under the awkward time factor which exists in this case. There is no necessity for me to say anything

further on the Bill. Members have many details of it before them. I would like to add, however, that I appeal to members to pass the Bill through the Committee stage as soon as possible. I move—

That the Bill be now read a second time.

**HON. A. H. PANTON** (Leederville) [4.13]: As the Minister has said, the Bill is a short one and to the people of Western Australia is most important, although it contains an authority only for the Premier or some representative of the Government to negotiate an agreement between this State and the Commonwealth Government in accordance with the legislation recently passed by the Commonwealth Parliament. I have had an opportunity of reading the speech by Sir Earle Page when he introduced the Bill to the Commonwealth Parliament, and also the debate that followed. In 1944-45 I attended a conference of Ministers for Health and we were then hopeful of implementing a free hospital scheme, and it is regretted that we are now entering into what is obviously a contributory scheme which is to operate throughout the whole of the Commonwealth and will apply to everyone with the exception of a few indigent people.

The first agreement came into operation in 1944-45, when the Commonwealth Government agreed to pay to hospitals that contained a public ward or those that had public beds the sum of 6s. per day for each bed. A patient in a private hospital personally enjoyed the benefit of the 6s. a day contributed by the Commonwealth. That agreement was amended in 1948 to provide for a payment of 8s. per day and that is the amount that applies today. A patient in a private hospital today is entitled to a reduction of 8s. per day from his account, but a patient in a public ward or in a large public hospital does not receive the benefit because it is paid direct to the hospital itself.

It might be interesting to members to know the origin of the scheme. In 1944-45 Western Australia had the reputation of collecting the highest amount from patients in hospitals as compared with other States of Australia. That was 5s. 2d. per day. Victoria collected the lowest amount which was 4s. 9d. per day. Although at that time the cost to maintain a bed in the then Perth Hospital was 15s. 9d. per day, our average collection of fees was 5s. 2d. per day, so that the State showed a profit of 10d. per bed because at that time it was receiving from the Commonwealth 6s. per day for each bed. Since then costs have risen considerably, and the 8s. per day per bed contributed by the Commonwealth has become a mere bagatelle when compared with the cost per day of maintaining a bed in a hospital.

As already pointed out by the Minister, I think that the cost is £2 1s. 6d. per bed per day in Western Australia. The comparative cost in 1944-45 was 17s. 6d., so it can easily be seen that a considerable increase has occurred. That increase is due largely to the fact that administration costs in hospitals in the North-West and other outback centres are excessive. The agreement made in 1948 is still in operation and, as mentioned by the Minister, will not expire until it is cancelled on notification from the Prime Minister. He has already given notice, some weeks ago, that the Commonwealth proposes to withdraw from the agreement in July, 1952. When it expires on that date there will be no agreement whatsoever between the States and the Commonwealth in regard to what the Commonwealth will pay, if anything, to the hospitals in the various States.

In the meantime, the friendly societies and hospital benefits organisations have organised a scheme under which they are hoping to assist, to a large extent, persons who are forced to enter hospital. If the scheme put forward by Sir Earle Page is passed by both Houses of the Commonwealth Parliament and comes into operation, the outcome of it will be that any financial member of a friendly society or of a hospital benefits organisation will be entitled to the payment of 6s. per day if he is admitted to hospital. The Commonwealth Government will contribute 8s. per day and, provided the patient is a financial member of either a friendly society or a hospital benefits body, that Government will contribute another 4s. per day, which makes a total of 18s. per day. That may sound to be a large increase on what is now being paid, but it must not be forgotten that the operation of what we know as the means test will be put into effect again.

Prior to the scheme commenced in 1944-45, every person who entered a public hospital, particularly the then Perth Hospital, had to submit himself to an extremely strict interrogation as to his financial means, and a decision was then made as to whether he would be admitted. If he did become a patient of the hospital he still had to pay a fee according to his means and, as I have mentioned, this State's average collection per bed per patient was 5s. 10d. per day. But with the new scheme passed by both Houses of the Commonwealth Parliament, there will be no free hospital scheme at all, such as we have had since 1944, when any person could go into a public hospital or a public ward and get free hospital and nursing attention. With the introduction of this scheme, all that has gone by the board. It is going to be a contributory scheme, although the contributions might sound small; they start off with 3d. per week for a single man and vary with some organisations which may have an elaborate scheme.

I would like to warn members, however, that there is a catch in it, and that is, that although a person may be a financial member—and anyone who has any sense will be—he has got to go into a hospital. I think there are something like 600 or 700 beds short in the Royal Perth Hospital, and what operates there operates to a degree in every hospital in Australia. So it is not only a question of paying for hospital treatment, but it also means that a person has to go into hospital finally when he takes ill.

I am rather sorry that this Bill has had to be introduced. As presented by the Minister for Health, it is only giving authority to the Government to make a new agreement, if it is possible for it to do so; it does not affect one iota the Act passed by the Commonwealth Government. We are further giving whoever represents the Government a blank cheque to go to the Eastern States to discuss this matter with the Commonwealth authorities, because there is nothing in the Act which lays down anything else but the financial arrangements—that is the amount to be paid in. In all my experience of Parliament, I have never seen a Bill which allows so much to be done by regulation; the whole thing is to be done by regulation. As long as members understand that we are going to send the Premier or his representative to the Eastern States to negotiate a new agreement, which will be carried out by regulation somewhere about next July, we will know where we stand.

I only hope that the Premier or his representative has better luck than the Minister for Agriculture had when he negotiated his recent agreement! But we certainly cannot get less than 18s. a day; that is laid down in the Commonwealth Act. Whether we can negotiate for anything better is, of course, in the lap of the gods. Reading the debate and Sir Earle Page's speech, I have grave doubts as to whether we will get any better treatment than what is laid down in that Act. So we have to look forward to a new agreement based on a contributory scheme, provided we are members of some contributory organisation; without that of course, we would not get the 12s. a day from the Commonwealth.

Accordingly I have no option but to give the Minister or the Premier the right to go over—or send someone over—to negotiate the agreement, because after the end of July next year we will have no agreement and will not be entitled to anything whatever; and our hospitals will not be entitled to anything whatever. Under this scheme those people who go into private hospitals—and there are many of them: I have been in one myself for a deep-seated hernia operation and that was not done for a song—will receive 18s. a day, whereas under the present scheme I only got a deduction of 8s. a day.

I propose to support the Bill because, as I said earlier, it only gives the Premier the right to go over to the Eastern States to negotiate a new agreement. I am not quite sure whether the Premier, after having negotiated the agreement, will have to bring it to this House to be ratified, but perhaps the Minister for Health could let us know whether this is so or not. I have not been able to find that information anywhere, either in the opinion of the Crown Law Department or from what the Minister has said, or from any debate. So it looks as if we will have nothing to say in the matter when the agreement is negotiated, because it will be implemented by regulation. I do not think that matters very much, because if a Government has a majority in the House nothing can be done about it.

I only hope that whoever goes over to the Eastern States—whether it be the Premier or anyone else—will come back with a first-class agreement which will be worthy of Western Australia and that hospitalisation in this State will at least be in a better position than it is today. An average of £2 per day is a lot of money, but we have to agree that Western Australia is a very large State and the cost of conducting hospitals from the tip of the North-West to the southernmost part of the State is a costly business. I knew of times, of course, when it was not so costly. I commend this Bill to the House because there is nothing in it but to send a representative to the Eastern States to negotiate an agreement.

**MR. GRAHAM** (East Perth) [4.28]: This Bill contains another instalment of burdens that are being placed on the people by the Menzies Government. In several respects it is without question a blank cheque, because from my reading of the Bill it indicates that when it is passed, the Premier, without any reference to Parliament, is empowered to enter into and finalise an agreement. Therefore, we are faced unfortunately with the position, owing to certain factors, of having to pass this measure on trust. It is a most regrettable feature of the Commonwealth legislation that there is contained in it nothing whatsoever that is specific.

As the member for Leederville has pointed out, there is practically nothing else in that Act but the power to make regulations to decide which sort or types of hospitals will be embraced in the scheme. A power to make regulations to determine which persons shall benefit and under what conditions, a power to make regulations to determine the amount of benefit, and a power to make regulations to lay down conditions generally pertaining to the scheme. The experience has been that since Sir Earle Page has been Minister for Health in the Commonwealth Government, his views and plans change almost daily. Accordingly, while we may

talk of a sum of 4s. per day as an additional hospital benefit being granted, we do so without any degree of certainty, because the amount may be 2s., 1s. or nothing at all.

**Hon. A. H. Panton**: He would have to get the Act amended to do that.

**Mr. GRAHAM**: The Act does not contain any figure; that is to be determined and then set out by regulation. If Sir Earle Page decided next week that 2s. per day was sufficient, he would only need to draft a regulation to that effect. This is a most unsatisfactory state of affairs and I do not know what members of the Commonwealth Parliament were doing to permit such a piece of legislation to pass.

Unfortunately, we are confronted with the position that in August next the present arrangement will cease and, after that month, persons who find themselves in hospital will receive no benefit at all, though, by passing this legislation, there may be a prospect of their getting something. I consider that the proposal is most unfair. There is a benefit of 8s. per day which is to continue, and a further 4s. is to be paid provided the person concerned contributes to some private organisation.

The Bankers' Health Society, the Friendly Societies' Health Services and the Hospitals Benefit Fund are the three principal organisations functioning in this State, and people who are unable to afford the commitment of belonging to one of those organisations will not only lose the benefit payable by the organisation, but will also suffer a double penalty in the form of receiving 4s. per day less by way of assistance from the Commonwealth. Therefore, people who can afford to meet their hospital accounts will be placed in an advantageous position, because it will be no hardship for them to contribute to one of these organisations and, apart from the benefit for which they subscribe, they will have the advantage of being able to draw additional money from the public revenue.

Surely it would have been better, either to impose an additional tax, or to devote a portion of the income tax to a fund out of which the proposed benefits could be met! Under such a method, a person would contribute to the scheme in accordance with his ability to pay, whereas under this scheme, irrespective of whether a person's income is £10 or £100 a week, he will pay exactly the same amount—in the vicinity of 3s. 6d. a week—to get the comprehensive cover from one of the organisations to which I have referred. It is possible that quite a number of families would be unable to meet that commitment and thus would be doubly penalised. In other words, this proposal represents a bonus by the Commonwealth Government to people in a favourable financial position.

It is a most regrettable fact that those who might contribute to the funds of one of these organisations will still have no guarantee that hospital accommodation will be made available. It is a remarkable state of affairs that, while people will not be compelled to contribute to the funds of one of these organisations, there will be an inducement for all who can afford it so to contribute, but there is no guarantee that when a contributor requires this service, it will be made available to him. That is due to the tremendous shortage of hospital accommodation.

I see no alternative to agreeing to the Bill before us, even though it embodies proposals contained in a Federal enactment, which is so vague, which might mean anything, and which conceivably could mean nothing at all. As there is no alternative, we needs must agree to the Bill and trust that Sir Earle Page will not reduce the amount that has been mentioned, but I hope he will find it possible substantially to increase the basic 8s. which it is intended the Commonwealth shall continue to pay.

While it is laid down in the Federal enactment that a person, to benefit, must belong to one of the medical service schemes for which a benefit of at least 6s. per day is payable, the schemes operating in this State in fact provide for a larger amount. The Friendly Societies' Health Services will pay a beneficiary under its scheme 8s. per day; the Hospitals Benefit Scheme will pay its members 9s. per day, and the Bankers' Health Scheme will pay 8s. per day. It will be seen, therefore, that there are benefits in addition to the minimum stipulated in the Commonwealth Act.

Another aspect has just occurred to me upon which I should like to touch briefly. If a contributor, through neglect, misadventure or other circumstances, falls into arrears with his contributions to the organisation, notwithstanding that he may have been contributing at the rate of 3s. 6d. a week over a period of years and even though he may have been unfinancial for only a very short period, he will automatically be denied the 8s. or 10s. from the health service organisation and also the 4s. from the Commonwealth Government. That is grossly unfair. It is something like kicking a man when he is down, because the circumstances contributing to the non-payment of subscriptions may have a very direct bearing on the fact that an individual is taken to hospital. In view of the fact that there is no alternative, however—

Mr. Marshall: Yes, there is. Vote it out.

Mr. GRAHAM: —It is with considerable reluctance that I agree to the proposition. The member for Murchison suggests that the State could look after the matter, but if we break away from the Commonwealth scheme a considerable burden will be imposed on the people. It does not require

me to go into the details of that, when, as will be seen from the report of the Under Secretary for Health, Mr. Stitfold, a number of alternative propositions have been submitted, the most logical of which and the most likely to be adopted is that of imposing some form of means test, which would probably result in the overwhelming percentage of people of Western Australia, when stricken with illness, having to pay 100 per cent. of their hospital account. Anybody who suggested a proposition like that would be regarded with the greatest disfavour by the public.

I am afraid we are in a cleft stick. We have to accept a proposition on the blind; and I can only hope and trust that something more reasonable in the way of legislation, and certainly a more practicable proposition, will be submitted in the Commonwealth Parliament before long. I am wondering, in view of the fact that this matter is of such extreme importance, whether we should agree to allow the Premier the right proposed in the Bill to enter into an agreement with the Commonwealth and to enter into it absolutely, without any reference to Parliament; or whether, perhaps, we should not amend that provision. I realise that it is most unusual for Parliament to deal with legislation in August of any year; but this is of such importance that if something has to be finalised before that time there surely would not be any great disservice rendered to the State if we met a month or two earlier and perhaps finished the session a little earlier.

Mr. Bovell: We might be with you there!

Mr. GRAHAM: I am a little diffident, and I feel that other members are probably so, too, in the matter of allowing the Premier—and this is no personal reflection on him—or any individual to have absolute discretion in the matter of binding this State, perhaps irrevocably. We do not know the terms and conditions of the agreement—or I do not—and Parliament should be given an opportunity to review the position before the State is finally bound.

HON. E. NULSEN (Eyre) [4.44]: I am sorry there was any need to bring down this Bill, but I have no alternative but to support it. I feel that the Commonwealth Government has let us down, because hospitalisation in this State, and especially in the country, is very important. I cannot see how even 25 per cent. of the patients in this State will be in a position to pay £2 2s. per day; yet, unless they make some contribution to a friendly society, they will be responsible for the whole of the fees of the hospital in which they have been treated. Furthermore, in different organisations, there is an age limit. I think it is 60 years.

Hon. A. H. Panton: It is 65, is it not?

Hon. E. NULSEN: Is it?

Hon. A. H. Panton: I am not too sure.



Hon. E. NULSEN: I do not know either. I have not had a look at this legislation, but I was well acquainted with the previous legislation.

Mr. Graham: There is another point. Under the Friendly Societies Health Services scheme one has to pass a medical examination before being accepted.

Hon. E. NULSEN: Yes. It is necessary for a person to pass a medical examination before he can become a member of a friendly society.

The Premier: Is that so?

Hon. E. NULSEN: That will be the case except for those who are already members. That applies to the age limit, too.

Mr. Sewell: He must be under 55.

Hon. E. NULSEN: I do not mind placing the matter in the hands of our Premier because I feel sure he will do the best he possibly can, and so will the person who acts in his place.

Mr. Marshall: After last night, I am very doubtful about it.

The Premier: You made the mistake there; I did not.

Hon. E. NULSEN: On the other hand I feel that the Commonwealth Minister for Health has been rather harsh. It would have involved only a very small amount, compared with what is being spent by the Commonwealth, to keep the whole scheme going. It has worked very well and has been very helpful to the people of this country. A sum of £1,000,000 or £1,250,000 or £1,500,000 is a very small contribution to the health of the people of this State. I am not blaming the State Government for what has occurred, because I know it was only too anxious to have the old scheme continued.

I have no alternative but to support the measure, but I do so reluctantly. The Commonwealth Parliament has let the people of Australia down in regard to health. It has had much to say about the matter, but it intends to make everyone pay a very big contribution to hospitalisation, and some people who are not in a position to do so will be called upon to pay or else owe the amount to the hospital. I support the Bill, but hope that when the Premier or his agent goes East he will be able to obtain an agreement that will be of help to the people of this State.

MR. MARSHALL (Murchison) [4.49]: There seems to be some misunderstanding as to what we are doing. The Bill is here. This is it.

Mr. Graham: What do you mean by "it"?

Mr. MARSHALL: The Bill we must agree to when we pass this proposal. We are asked now to pass this Bill, not to give the Minister or the Government power to come to an agreement. We give them power to make an agreement, and it embodies the Bill.

Hon. A. H. Panton: That is the basis of the agreement.

Mr. MARSHALL: It is not; it is the Bill, and Sir Earle Page spoke in support of it. It must have gone through both Houses of the Commonwealth Parliament because there is reference to its passage in both the Senate and the House of Representatives. The Bill is to make regulations to do certain things. We are asked to sanction the Government coming to an arrangement with the Commonwealth Government to make this law. Having done that, we will be finished.

Mr. Graham: Tell us the amount of benefit in the Bill that you are talking about.

Mr. MARSHALL: I protest about this sort of thing. I never saw this until I came here this afternoon.

Mr. Styants: Neither did any of us.

Mr. MARSHALL: We are to give the Commonwealth Government power to make regulations over which we will have no control. It is bad enough to give the State Government power to make regulations that will be laid on the Table of this House, and to which we can object if we do not like them, but here we are to give the Commonwealth Government power to make regulations to do certain things. They may provide for the payment of hospital benefits—compulsory insurance, of course. We are already paying—for hospital benefits—a State tax which the Commonwealth confiscated.

Hon. A. H. Panton: It pays it back.

Mr. MARSHALL: Of course, but how much? We are to give the Commonwealth Government power to make regulations to force people to contribute.

Mr. Graham: Not to force them to contribute.

Mr. MARSHALL: I do not know whether it is to force them to, or not, but this reads—

The regulations may provide for the payment of hospital benefits in respect of persons who—

- (a) are residents of Australia, as defined by the regulations, or the spouses, children or prescribed dependants of residents as so defined;
- (b) are temporarily absent from Australia; and
- (c) are patients in hospitals, as defined by the regulations, outside Australia.

Mr. Graham: That is to pay hospital benefits, not impose levies.

Mr. MARSHALL: I do not know why we find members eager to support legislation of this sort.

Mr. Graham: I do not think you understand the Bill.

Mr. MARSHALL: I do not care what is in the Bill. The member for East Perth cannot tell me what it contains, because it is all regulations.

Mr. Graham: That is what I said.

Mr. MARSHALL: What does the hon. member know about the Bill? At one moment members say they do not care much about the Bill and will support it reluctantly, but the next they support it.

Hon. J. B. Sleeman: Put it on one side and give us more time to examine it.

Mr. MARSHALL: That is a proposal.

Hon. J. B. Sleeman: This is not the only Bill that has been brought down in this way.

Mr. MARSHALL: The whole of the agreement is to support laws made by regulation. Nothing specific is mentioned in the Bill.

Mr. Graham: What is the alternative to accepting the Bill?

Mr. MARSHALL: For the State to assume the responsibility, as Sir Earle Page tried to imply in his speech.

The Minister for Education: What would you use for money?

The Premier: How are you going to keep the hospitals open?

Mr. MARSHALL: What is the difficulty in keeping them open?

The Premier: Shortage of money.

Mr. MARSHALL: Is this not wonderful, in a wealthy country like Australia? We are going to permit the Commonwealth Government, gradually but surely, to swallow the States because there is a shortage of money created by that Government which is the sovereign authority for the coining of legal tender money and for the issuing of credits. We are going to permit it to starve us of money and so make us subservient to its dictation.

The Premier: If you do not agree, you will be in a bad way.

Mr. MARSHALL: We get to a sad and sorry plight in regard to these things. There is centralisation of power and authority, and then Menzies talks about stifling communism. The centralising of power and authority is the essence of communism. I take strong exception to a proposition like this being put in front of me without time being given to go into it. All I know about it I have learned from the references to it in the daily Press. The Bill robs us of our sovereignty and hands it to the Commonwealth Government.

Mr. Graham: It does not.

Mr. MARSHALL: It gives the Commonwealth Government power to do these things by regulation.

Mr. Graham: Power to pay part of your hospital bill; that is all it does.

Mr. MARSHALL: I am pleased to know the member for East Perth favours it.

Mr. Graham: Of course I do.

Mr. MARSHALL: I do not. I like to know where I am going. I do not trust the Commonwealth Government. I like to know what is being done for the people of Western Australia, and I like to have a say in it. This sort of legislation, giving power to a Government far removed from us, does not appeal to me. The Minister ought to allow this to lie here for a day or two so that we can have a look at it and see what it means. I am tired, anyway, of government by regulation in the State.

I am not particularly concerned about the shortage of money, and the Treasurer, for my part, will have to find it as he does for other purposes. The sooner the crisis arrives the better because it has to come sooner or later. We cannot go on like this much longer. We have propped up the financial system for years now with the sacrifices of the community. One would think money was a divine gift sent to us from Heaven instead of being a man-made factor to serve the people. Money has become our master, and we are now subservient to the dictates of financial interests. They have usurped the power of government.

Mr. Grayden: Why do you not buy a printing press?

Mr. MARSHALL: We are going to get some more of this University muck, are we, that we have had since I was an infant? I want to know whether the Government will be prepared to let us have a good look at the proposal. It is unfair of the Government to thrust legislation of this kind upon members without giving them time to examine it. Perhaps the member for Leederville understands such agreements, having been Minister for Health in the past, but I take exception to giving the Commonwealth Government power to make regulations with which to rule the roost. I protest strongly against it.

MR. STYANTS (Kalgoorlie) [5.1]: Following the usual pattern, towards the end of this session we have been inundated with most important legislation during the last two or three weeks, but I think this is the absolute limit, when we are not given sufficient time adequately to study and deal with the Bill. We are asked to pass this measure without knowing what is in it. With the exception of the member for Leederville, I think the first we knew of this Bill was when we arrived here this afternoon and found certain voluminous documents placed before us for perusal. We have not had opportunity to examine those documents.

In the case of most legislation we are at least given the opportunity of knowing what it contains, but as yet we know

nothing of the provisions of this Bill apart from the rough outline that we gathered from the Press two or three weeks ago with regard to the scheme put before the Commonwealth Parliament by Sir Earle Page. I presume that is what is contained in these documents, but apparently this is one of those matters where, due to the financial relationship that has existed between the States and the Commonwealth since the States lost their powers of taxation, we have no option but to agree. In such matters the Commonwealth passes legislation and then informs the States that they had better agree, or else! That seems to be the position here. From the little I was able to glean from the Minister's speech it appears that the Bill will reintroduce the objectionable features of the means test.

Mr. Read: That is in operation now.

Mr. STYANTS: Then it is only to a limited extent.

The Minister for Health: It operates at the Royal Perth Hospital and at Fremantle.

Mr. STYANTS: I know a man whose wage is £14 per week and who recently went into the Royal Perth Hospital. The only questions they asked him were what his religion was and whether he was married. They never inquired about his financial position, so if the means test is in operation it is certainly not applied to the extent that obtained prior to the Commonwealth scheme being started in 1945. If the Bill is agreed to what will become of the indigent person who cannot afford to join a friendly society?

The Premier: He has always been cared for and must be cared for in the future.

Mr. STYANTS: That brings us to another objectionable feature; that of making people disclose their financial position when they enter hospital and expose all the intimate details of their affairs to the hospital authorities. When such a person is discharged from hospital, the hospital authorities decide that though he cannot pay the full amount he should pay something, and they immediately adopt harassing tactics. Under this proposal, just as under the previous one, the person of limited means who is honest and desires to pay his hospital account will be harassed until it is paid, while the person who is better off but not so honest will defy the authorities and eventually get out of paying.

From the Minister's introductory remarks I understand that those who can afford to join a friendly society will be adding a considerable return to the hospitals for treatment, compared with what they have been receiving, but I suppose that, in spite of the fact that the Government will be getting 18s. per day for each patient under this scheme instead of 8s., the person of moderate means will be harassed and forced to pay the difference

between 18s. and the £2 per day which the Minister said was the cost of upkeep of each hospital bed.

The Minister for Health: That will not be so.

Mr. STYANTS: If the Minister gives an assurance that the Government will be satisfied with the 18s. and with the hospital tax, that may be all right. Though most people are not aware of the fact, because it has been incorporated in the taxation manipulation of the Commonwealth, the hospital tax still operates and brings in about £500,000 per year.

Mr. J. Hegney: The 18s. will be offset against the £2.

Mr. STYANTS: Yes, so in addition to receiving about £500,000 per year from the hospital tax, plus 18s. per bed per day, in comparison with the 8s. per day that it now gets, the State Government will hold the person of moderate means responsible for the difference between 18s. per day and the actual cost of treatment received. I think a lot of trouble will arise under the provisions of this Bill, but apparently we have no option but to agree to it. It is unusual to authorise someone to negotiate with the Commonwealth Government in regard to legislation and, by the making of regulations, put that legislation into operation without the approval of Parliament. I understand that this legislation was passed by the Commonwealth Parliament only recently.

The Minister for Health: Only a day or so ago. We are lucky to have it here before the close of the session.

Mr. STYANTS: As we have no option I do not raise objection to passing the Bill. The Commonwealth has wielded the financial whip ever since the taxing powers of the State were taken from it. We must agree or become financially worse off than we are at present.

**THE MINISTER FOR HEALTH** (Hon. Dame A. F. G. Cardell-Oliver—Sublaco—in reply) [5.10]: I wish to reply briefly to the debate, but would remind members that I did apologise for bringing the Bill forward at this late stage of the session.

Mr. Styants: I do not think it is your fault at all.

**THE MINISTER FOR HEALTH:** I went to a great deal of trouble to get the information that has been placed before members; I did this so that they would have some idea of the proposals. The information arrived here last night and I thought it better to distribute copies today so that members would be conversant with the provisions of the proposed scheme. I apologise for being so late but I could not do anything more. It was impossible for me to let members know about it any earlier because the Act was passed in the Senate only a little while ago, and it took a good deal of work to provide all the information that I have given to members.

I thank those members who have supported the measure and I agree with them that, to a certain extent, we are pressed in this matter, but we must agree to it. The member for Murchison, during the course of the debate, got on to his favourite subject of finance. This year hospital treatment will cost £1,692,000, and it is amazing to realise that in 1945 that treatment cost only £400,000. Another aspect which members must realise is that we still get the 8s. There is no need for a person to pay 3d. a week if he does not want to; he can still get the 8s. and go into a hospital.

The member for East Perth touched on a most important question as to whether we have hospitalisation or not. As the member for Leederville said, that is the snag. However, we are hoping to get a scheme and in this connection we have hopes of persuading Sir Earle Page—who is on his way to this State—to agree to a proposal that will provide sufficient money for us to start a domiciliary service. But that is in the air at the moment. I must say again that I am sorry this measure has come before members so late in the session, but it was not through any fault of mine.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Mr. Perkins in the Chair; the Minister for Health in charge of the Bill.

Clause 1—agreed to.

Clause 2:

Mr. GRAHAM: I think at this stage the Minister should allow us to report progress, because it is my desire to move an amendment to make provision for Parliament to ratify the agreement. I intend now to give the Minister some information which will enable her to think about this proposition. I have a prospectus of the hospital benefits fund in front of me and it states that application must be made before the 65th birthday; that, therefore, is limited in scope. So far as the Friendly Societies' Health Scheme Service is concerned, the persons eligible for membership are all members—that is all present members—irrespective of age who are members of affiliated friendly societies prior to the 31st December, 1951, and all members of friendly societies who, after the 31st December, 1951, and being under the age of 55 years, submit in support of their applications for membership of health service satisfactory declarations of good health. So it will be seen that in the case of the hospital benefits fund—which has a membership of about 90,000 I understand—no person over the age of 65 is eligible for membership and a person over that age could not draw the proposed extra benefit of 4s. In the case of friendly societies, applicants must be under the age of 55,

and accordingly anybody over that age will be denied an opportunity to get the extra 4s.

The Premier: Provision must be made for such people in the agreement that is drawn up. You could not exclude the hundreds of thousands of people in that category in the Commonwealth.

Mr. GRAHAM: That may be so but, as I understand the Commonwealth legislation, it is necessary to belong to one of these approved organisations before one is eligible to draw the additional 4s.

The Premier: I do not think any Government would agree to an agreement which excluded such people.

Mr. GRAHAM: The friendly societies' health plan and hospital benefits fund scheme have been drawn up only within recent weeks.

Mr. J. Hegney: What is the contribution under the friendly societies?

Mr. GRAHAM: I do not know what it is for hospital benefits alone, but it is 1s. a week for the hospital benefits fund.

Mr. J. Hegney: I am interested in the friendly societies.

Mr. Styants: It varies; they have five different rates.

Mr. GRAHAM: Yes. I think this requires further thorough investigation to see that we do not reach the position where persons over a certain age, or persons whose health is not satisfactory, are unable to get this additional benefit, because they are denied, owing to the constitution of these organisations, from becoming members. I raise the point so that the Minister can look into the matter and, if we continue the discussion tomorrow afternoon, she can give us some information and I can draw up some amendments to cover the position and provide for Parliament having the final say or nay.

The ATTORNEY GENERAL: I agree with the member for East Perth to this extent: In a scheme such as this everyone must be fully protected. I also know that some of these friendly societies prevent certain types of people from becoming members. Some time ago an approach was made to me by the State Insurance Office in regard to these schemes, because it was considered that possibly the Government might think it desirable that that organisation should conduct insurance of this nature. That is something to which the Government has not given any consideration. However, I can assure members that everyone will be given an opportunity to benefit from the scheme. A somewhat similar position arose with certain industrial diseases, and private insurance companies were not prepared to put into effect the provisions of the Workers' Compensation Act, but they were carried into effect.

Hon. A. R. G. Hawke: By an instalment of socialism!

The ATTORNEY GENERAL: I would not say by socialism, but by wise administrative action. We do not want to see the Bill defeated at this late stage, and I assure members that, if passed, it will be wisely administered.

Mr. Marshall: Would you adopt the same attitude if it were a Labour Government in the Commonwealth arena? You would be well up against it then.

The ATTORNEY GENERAL: I would adopt the attitude that everyone should enjoy the benefit of the Commonwealth scheme. I do not think the member for East Perth need have any fears. We should not delay the passage of the Bill. Due provision will be made for the type of member mentioned by the hon. member, but to incorporate such a provision in this measure would only lead to confusion.

Hon. A. R. G. HAWKE: I think the request of the member for East Perth is reasonable in the circumstances. The Government brought the Bill before the House only today and we have already put it through the second reading stage and are now in Committee. Surely the Attorney General will not object to reporting progress until tomorrow.

The Attorney General: No, I will agree to report progress.

Progress reported.

#### **BILL—BUILDING OPERATIONS AND BUILDING MATERIALS CONTROL ACT AMENDMENT AND CONTINUANCE.**

##### *Council's Message.*

Message from the Council received and read notifying that it insisted on its amendment now considered.

##### *In Committee.*

Mr. Perkins in the Chair; the Minister for Housing in charge of the Bill.

The CHAIRMAN: The amendment on which the Council has insisted is as follows:—

Clause 4. Page 2—Delete the words "or imprisonment for a term not exceeding two years, or both fine and imprisonment" in lines 19 to 21.

The MINISTER FOR HOUSING: On Friday last I moved to disagree with the Council's amendment. Apparently those in another place desire to get us into the tactical position of sitting in conference and thus having an opportunity of throwing the whole Bill out. I therefore move—

That the Assembly no longer continues to disagree to the amendment made by the Council.

Hon. J. T. TONKIN: In the circumstances, I believe that the course followed by the Minister is the sensible one, having

regard to the length of time left to complete the session, the volume of business before us, and the possibility of the Bill being lost. The insistence of the Legislative Council on its amendment is but another indication of how much members of that House are out of touch with the realities of the situation. I saw a comment by one member of another place who said that no vote of his would assist towards putting a man in gaol because he used materials without a permit to build a house. Apparently it does not matter if he uses the materials at the expense of other people who are urgently in need of them. I cannot follow that line of reasoning at all.

It has been amply demonstrated that in some cases fines are not a sufficient deterrent to people of means, because they are quite prepared to flout the law to achieve their objective. They are not only breaking the law but are imposing hardship on others because they are using materials unlawfully. I would go to any length to prevent that, and the wealthier a man is the worse the offence he commits, because he is taking advantage of his wealth to break the law, without any punishment to himself. If a wealthy man is fined £300 or £400, it is like snipping a button off his shirt. Why, some of them make thousands of pounds overnight by property deals, into which they enter because of inside information they had obtained. So the fines that would be imposed in the court would be no deterrent whatever, and experience has proved that. These people are to be allowed to go on and do that sort of thing.

When the Minister introduced the amending Bill he showed clearly what he thought of the position, and made it obvious that he regarded power to give imprisonment as a necessary corrective to current practices. He is in the best position to know to what extent these breaches of the law are occurring and how difficult it is to prevent their recurrence. But there are gentlemen in another place who would not imprison people for building houses. I presume, if they come by material in an unlawful manner and build houses for themselves two or three times as large as the Housing Commission thinks they should, we should not put them in gaol for that.

If however, a lumper walks off the wharf with a few yards of calico wrapped around him he can be put in gaol. But there is to be no gaol for wealthy people who build houses five or six squares in excess of what they should. I confess I cannot follow the reasoning. The purpose of these provisions was not to punish people for building houses, not to punish them for taking material they should not have taken, but to stop them doing it in the first place in the interests of other people who ought to be getting the material.

Mr. Graham: It may not be houses they are building, either.

Hon. J. T. TONKIN: That is quite right. They might be using the material to build large brick fences when they have no right to do it. Apparently they are to be allowed to do this because they have money with which to pay their fines; but they must not be put in gaol.

Hon. A. R. G. Hawke: It would interfere with social progress.

Hon. J. T. TONKIN: If a poor man breaks the law in this regard, and cannot find the money to pay the heavy fine that is imposed on him, he will go to gaol. So there will be gaol in some cases for people who build houses, and the Legislative Council will agree to that because they would be poor people. But another place will see that no rich people go to gaol. It is decidedly wrong, and if circumstances were different I would say that we ought to stick out to the absolute last and fight the Legislative Council every inch of the way on this matter; but I agree that in existing conditions the force of circumstances is too great for us. We have to take the sensible view and not bump our heads against a wall with no possibility of achieving anything. Sooner or later we must make a stand.

Hon. J. B. Sleeman: Let it be sooner.

Hon. J. T. TONKIN: The sooner the better. We should make a stand so that the will of the popular Chamber will prevail against that of a Chamber elected on a restricted franchise of archaic provisions. We boast about democracy, but there is very little democracy in a set-up that permits the will of a minority elected on a restricted franchise to prevail as it does session after session. It irks me considerably to have to agree to the adoption of the course proposed. I trust that legislation will not be introduced here in the belief beforehand that we must trim according to the requirements of another place. We should set ourselves out to follow the course that we ourselves chart as being the proper one. If we are prepared to do that, we might get somewhere.

To give in to another place on this matter is but an invitation to members there to keep on trying the same course of action, knowing that each success makes it easier to continue. In future we must adopt a more determined stand. On this occasion there is a real danger of the Bill's being lost if we insist upon our point of view. Some people would be prepared to break the law when only fines may be imposed but, if the Bill were lost, they would not hesitate to use their influence to get the bulk of the materials offering, which would be used for the erection of hotels and lucrative businesses while very little would be available for homes. That is a situation I wish to avoid, but it is one that the Legislative Council would welcome. Of course, the

members there are in the box seat at present; but it should be possible to take steps that would wipe them out altogether unless they were prepared to take a reasonable attitude with regard to the decisions of this place, reached by members who can truly claim to be representative of the people, whereas those in another place represent a very small minority of the people, and in some cases a minority of them make the decisions.

Hon. J. B. SLEEMAN: I am rather surprised at the Minister adopting the attitude he has, because if the Bill he originally introduced had been submitted to them, I think the old gentlemen would have died of stage-fright. It provided for indictable offences with up to five years' imprisonment and a fine of £1,000. A few members on this side managed to break that down by about half. But now we are not going to show any resistance to the Council. The member for Melville says that members of the Legislative Council are in the box seat and sooner or later we will have to take a stand against them. I have been here for a number of years and I have heard that almost every year. It is said that the time has arrived when we should take a stand, but we never take it. My motto is, "Do it now." Let us take the stand now.

Mr. Oldfield: You are getting what you wanted in the first instance.

Hon. J. B. SLEEMAN: Let the hon. member get up and have a go himself. He does not know what I wanted. Let him get up and tell us what he thinks about the Bill and about the Legislative Council. Is he going to let members of another place run the show, or are we to run it? Let him tell us whether he thinks Professor Weare was right when, in passing through Perth the other day, he said he was surprised that the Legislative Council was still in existence. And he is not a Labour man.

The CHAIRMAN: Order!

Hon. J. B. SLEEMAN: I hope, Mr. Chairman, that you will stop the youth from Maylands interjecting. I think we should call the Legislative Council's bluff. I do not think members there would be game to throw this Bill out. If we give way now, we will be confronted with the same thing in connection with the rent Bill. They will not be game to throw the rent Bill out. They may amend it; but they are not game to defeat it—not the part dealing with rents. And I do not think they would be game to throw out this measure. Let us send this Bill back the way we want it and not talk about doing something sooner or later.

Let us have a fight; and, if need be, we will see what we can do next session about having a referendum, and whether we can get the Imperial Government to help us against these people who have run the

show too long. I hope the recommendations of the Minister and the member for Melville will not be taken into consideration. I know the Minister thinks we should fight, but he believes the Council is game enough to throw out the Bill, but I do not think so.

Mr. J. HEGNEY: I protest against the action of the Minister in agreeing to accept the amendment. This afternoon, two amendments came from another place in connection with other Bills, and we accepted them. It appears that when it comes to a final analysis, this Assembly is incompetent with respect to legislation and that in another place the reactionary elements are supreme. Provision is made for imprisonment up to two years, or a fine or both. This penalty is the maximum and not the minimum, so a magistrate could make an example of a glaring case by imposing imprisonment. I do not know how long we have to put up with the attitude of another place, members of which are elected on a restricted franchise, but are the deciding factor in regard to legislation. The more we capitulate, the more we will be asked to capitulate. We should take a stand now and have an open go. The Minister was prepared to accept the Council's amendment, but the Committee decided against him, and now it has been sent back to us again. We should continue to disagree, and I shall vote accordingly.

Mr. STYANTS: This is another glaring example of our wonderful democratic system by which a small majority of representatives in another Chamber, elected by a handful of people, can effectively dictate to the representatives of the whole of the people of the State. We boast of our democratic system, but people from countries that we regard as being backward and whose parliamentary systems we would not describe as democratic, are astonished at the state of affairs here. I believe the Minister was sincere in his attempt to provide greater penalties for the purpose of preventing wealthy people committing flagrant breaches of the Act, but the sum total of his efforts will be that we shall have less penalties than previously. The Bill proposes to delete Section 32 of the Act which provides fairly stiff penalties, and we will find that the penalties that will remain will be much less than the present ones.

I cannot understand why members of another place should at this stage object to provision for imprisonment for breaches of the Act, because the legislation has contained such a provision since it was first introduced. Perhaps the Minister might learn from this experience and, when in future he requires amendment and continuance of certain sections of existing legislation, I think he would find it permissible under the Standing Orders to bring down a Bill in the early stages of

the session to provide solely for the continuance provision and then, later in the session, bring down another measure containing the amendments required to the Act. In that way we would be given the opportunity of debating the amendments on their merits, instead of having another place hold over us the big stick of the threat that we might lose the legislation entirely. Knowing that they have the advantage over us, because we do not wish to lose the legislation, I think another place would probably remain adamant in conference. We are in a bad tactical position, but I hope that in future the method I have suggested will be adopted with regard to contentious legislation requiring amendment and continuance.

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

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

### **BILL—TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT.**

#### *Second Reading.*

Debate resumed from the 28th November.

HON. A. R. G. HAWKE (Northam) [5.55]: The Minister for Local Government explained clearly, during his second reading speech, the main provisions in this Bill. They provide for the establishment of a metropolitan town planning authority, and that authority is to be given the responsibility of developing a plan for a radius within 15 miles of the Perth Town Hall; the area can be extended by an Order-in-Council.

The proposed new authority is to be given powers to raise funds by way of rate impositions upon land, by borrowing money and by other methods. The authority is to prepare and complete a plan to cover the area in question within a period of two years or, if further time is required, within the absolute maximum period of three years. There can be no doubt that major planning of the development of our metropolitan area is needed, and even urgently needed. During the war, and especially since the war, we have seen very great development within the metropolitan area; completely new suburbs have sprung up almost overnight in many parts of the metropolitan area. Their growth has been so speedy as to make organised planning, on the best town planning principles, somewhat difficult, although I know that the State Housing Commission has used its best endeavours to have the new suburbs developed on really good town planning principles.

The question which arises in my mind in considering the main proposals in this Bill is why the existing town planning authority has not been able to develop, over the years, a plan which would be acceptable if not to all the local

governing authorities involved, at least to the majority of them as well as both Houses of this Parliament. I know there is a good deal of difference of opinion as to the capabilities and qualifications of our present Town Planning Commissioner. Experts from other States and overseas give him very high commendation. Therefore, it seems to me that the commendation of those high experts must be accepted as proving beyond any shadow of doubt the qualifications of that gentleman. In view of that I would say that the Town Planning Commissioner should have been capable of preparing a suitable plan for the metropolitan area; if he has not already prepared one he would still be capable, provided his health permitted, of preparing such a plan.

We have read in the newspapers from time to time in recent years that a master plan has been prepared and is available. I want to know from the Minister what is wrong with this master plan. If it has been prepared by the Town Planning Commissioner, as we have been led to believe, what is wrong with it? What is the difficulty in the way of having it applied? Is it a plan which is unacceptable, for some reason or other, to the main local governing authorities or, perhaps, to all of them? Has this master plan not even been published, let alone operated, because there is perhaps a serious clash on the contents of the plan as between the Town Planning Commissioner and the local authorities in the metropolitan area?

Mr. Styant: The master plan is on the secret list, is it not?

Hon. A. R. G. HAWKE: I would think that our Town Planning Commissioner would have more technical ability and more all round capacity to develop a plan, if he has not already developed one, suitable for the modern town planning of our metropolitan area, than would any committee of three as proposed to be set up under the Bill. I hazard a guess that the Minister has not one person in mind at present who would be suitable for appointment to this board or metropolitan town planning authority. It is doubtful whether there would be one suitable person in Western Australia apart from the Town Planning Commissioner. Therefore, if the Bill becomes law, the Government would be compelled to bring to Western Australia from other States, and perhaps even from other countries, three persons to constitute this proposed authority. They would require to be paid extremely high salaries. The administration expenses, including salaries of the members of the proposed authority, would be high.

I am sure that the persons proposed to be appointed to the town planning authority, if they were expert in town planning matters, would develop a plan that, by and large, would be the same in principle as the master plan which, we have been told,

has already been developed by our own Town Planning Commissioner. Therefore, it seems to me that this Bill has been brought before Parliament because of an inability on the part of the Town Planning Commissioner himself and on the part of the Government too, presumably, to reach anything like agreement as to the lines our modern town planning should follow.

I know quite well that our Town Planning Commissioner has a temperament which causes him to clash occasionally with various people and especially with local governing authorities, but surely a question of temperament on the part of an expert officer should not be sufficient to prevent a Minister of the Crown from negotiating on the basis of the master plan already prepared by our Town Planning Commissioner in order to reach a large-scale agreement with the local authorities based on the master plan already prepared and already available in the office of the Town Planning Board in Perth.

The Minister for Local Government: What you are referring to now has absolutely nothing to do with the question; I am not taking it into consideration at all.

Hon. A. R. G. HAWKE: I have not suggested in any way that the Minister has taken that into consideration.

The Minister for Local Government: I thought you were.

Hon. A. R. G. HAWKE: I am merely suggesting that it may be a reason why it has not been possible so far to obtain the agreement of the local authorities, or the major local authorities, in the metropolitan area to the master plan which our Town Planning Commissioner has already drawn up, in broad principle, at any rate.

Mr. Totterdell: Are you apologising for the Town Planning Board?

Hon. A. R. G. HAWKE: I am not apologising for anybody; I am trying to obtain from someone the reason why it is necessary, after all these years, to set up a town planning tribunal and to draw up a town planning scheme on modern lines for the Perth metropolitan area—

The Minister for Local Government: I hope you are not leaving out of account the limitations of the present Act.

Hon. A. R. G. HAWKE: No, I am not.

The Minister for Local Government: You appreciate those limitations.

Hon. A. R. G. HAWKE: Yes, I appreciate the limitations. The point upon which I require some explanation is why the existing master plan for town planning in the metropolitan area, as drawn up by our Town Planning Commissioner, is not acceptable and not capable of operation.

The Minister for Local Government: I simply referred to it as a master plan.



Hon. A. R. G. HAWKE: I am not suggesting the Minister did otherwise. But I think I have read in the newspapers from time to time, and we have had ministerial replies to questions in the House in the last two or three years, which have been described as being in existence a master plan for the Perth metropolitan area.

The Minister for Education: Never that phrase.

Hon. A. R. G. HAWKE: I would not split hairs at this stage as to the exact wording of the phrases used, because I must admit that I do not remember every word of those phrases to which I refer. But I would swear on oath the term "master plan" has been used and used by Ministers in the present Government. If there is a master plan available, why in the name of commonsense can it not be used as a basis for negotiation between the Minister and the local governing authorities in the metropolitan area? Why is it necessary to go to all the trouble of introducing a Bill to set up a new and very costly authority, and to create all kinds of complications and expenditure in order to do something which our present Town Planning Commissioner has, in my opinion, the technical ability to do? That is the main point that I am anxious to bring out in my speech on the second reading of this Bill, and it will be necessary for the Minister to give some very solid explanation to me on that particular aspect if he wishes to secure my vote. If the Bill passes the second reading, there are several portions that appear to require close attention and amending in Committee.

On motion by Mr. Griffith, debate adjourned.

*House adjourned at 6.10 p.m.*

## Legislative Council

Thursday, 6th December, 1951.

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

### QUESTIONS.

#### JURORS' FEES.

##### As to Increasing.

Hon. A. L. LOTON (for Hon. G. Bennetts) asked the Minister for Agriculture:

(1) Is he aware that the old rate of 24s. a day is still being paid to persons acting as jurymen in the Goldfields area?

(2) Does he know—

(a) that the lowest rate paid in the mining industry is £2 11s. per day;

(b) that there is much discontent expressed regarding the difference between the two rates?

(3) Will he have inquiries made regarding the rates paid to jurymen, with a view to bringing these rates into line with the wages which they would receive in their ordinary employment?

The MINISTER replied:

(1) Yes. The present rate of jury fees in various places in this State was fixed on the 17th September, 1943. Whilst it is realised that the fee received by a jurymen in many cases is less than his wages, it must not be overlooked that right through the British Empire it is considered