

The CHAIRMAN: The Council's amendment is as follows:—

Clause 14—After the word "shall" in line 5, page 8, insert the word "not."

The MINISTER FOR TRANSPORT: I move—

That the amendment be agreed to. This is to correct a clerical error which was detected in this Chamber prior to the Bill going to the Legislative Council. It relates to the procedure for the removal of a member of the trust if he is regarded as unsatisfactory. Members will recall that he is suspended from office and at the expiration of a certain period he is removed from office unless a resolution of each House is passed to the contrary. As it is at present, the wording of the Bill is both contrary and ridiculous.

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

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

#### ADJOURNMENT—SPECIAL.

THE MINISTER FOR WORKS (Hon. J. T. Tonkin—Melville): I move—

That the House at its rising adjourn till 2.30 p.m. today (Thursday).

*House adjourned at 12.10 p.m.*

## Legislative Council

Thursday, 28th November, 1957.

### CONTENTS.

	Page.
Questions : New gaol, commencement and leasing of land for market gardening	3730
Cattle testing, herds in wholerail areas	3721
Fremantle cargo, delivery to Welshpool transit sheds	3721
Municipal elections, order of names on ballot paper	3721
North-West development, Commonwealth assistance	3721
School Bus Contracts Select Committee, consideration of report	2719
Motion : Volunteer fire brigades, to disallow accounting and guard regulations	3721
Bills : Motor Vehicle (Third Party Insurance) Act Amendment, 1r., 2r.	3732
Land Tax Assessment Act Amendment, 2r., Com.	3734
Com., recom., reports, 3r.	3757
Town Planning and Development (Metropolitan Region), 2r.	3743
Child Welfare Act Amendment (No. 1), 1r.	3750
Town Planning and Development Act Amendment, (No. 1) 2r.	3750
Road Closure, 2r., remaining stages	3751
State Government Insurance Office Act Amendment, 2r., defeated	3754
Companies Act Amendment, Assembly's message	3757
Unfair Trading and Profit Control Act Amendment, Com., remaining stages	3763
East Carey Park Land Vesting, 2r., remaining stages	3771
Long Service Leave, Assembly's message	3771
Western Australia (Sales-Promotion Labels), 2r., remaining stages	3771
Parliamentary Superannuation Act Amendment, 2r., remaining stages	3774
Parliamentary Permanent Officers, 2r. rejected	3775

The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

### QUESTIONS.

#### NEW GAOL.

*Commencement and Leasing of Land for Market Gardening.*

Hon. F. R. H. LAVERY asked the Chief Secretary:

(1) Has any decision been made as to when the proposed new gaol will be commenced?

(2) Is it proposed to defer this matter for some years?

(3) Will the Lands Department be given authority to lease portions of this land for market gardening?

(4) Is the Government aware that a number of people are interested in this valuable land for gardening purposes?

The CHIEF SECRETARY replied:

(1) No.

(2) No definite date can be given. It will depend on future prison needs and availability of funds.

(3) This will be considered.

(4) This has been indicated in a deputation to me recently.

#### CATTLE TESTING.

##### *Herds in Wholemilk Areas.*

Hon. J. G. HISLOP asked the Chief Secretary:

(1) Is it a fact that the tuberculin testing of herds is limited to a whole-milk area?

(2) (a) What methods are used to prevent the entry of untested cattle into a wholemilk area?

(b) Is the Department of Agriculture notified in each instance?

(c) If so, are the cattle immediately tested?

(3) (a) If the answer to No. (1) is in the affirmative, is the cream from outside a wholemilk area sold in any quantity to the public?

(b) If so, is the cream pasteurised?

(4) Is the supervision of dairies outside a wholemilk area as strict as within it?

The CHIEF SECRETARY replied:

(1) It is limited to cattle kept by dairy-men licensed by the Milk Board, but tests are undertaken in addition on request.

(2) (a) All dairy farms in a wholemilk area are not licensed for the production of wholemilk, but under the regulations of the Milk Act it is an obligation on the licensed producer to have newly purchased cattle tested immediately prior to introduction to an already tested herd. In any case newly purchased cattle would be tested at the next routine test.

(b) No.

(c) Answered by (b).

(3) (a) No.

(b) Answered by (a).

(4) The supervision of dairies not licensed by the Milk Board is carried out by the officers of the Department of Agriculture, who apply the model by-laws under the Health Act. It is not possible to compare the degree of strictness of Milk Board and departmental officers.

#### FREMANTLE CARGO.

##### *Delivery to Welshpool Transit Sheds.*

Hon F. R. H. LAVERY asked the Chief Secretary:

(1) Has the Government reached a decision whether Professor Stephenson's recommendations re the bulk discharge of ships at Fremantle into rail trucks for delivery to Welshpool transit sheds for sorting before delivery to consignees, is to be adopted?

The CHIEF SECRETARY replied:

No.

#### MUNICIPAL ELECTIONS.

##### *Order of Names on Ballot Paper.*

Hon. J. D. TEAHAN asked the Chief Secretary:

(1) At municipal elections is it competent for a council to arrange for candidates to draw for positions on the ballot paper, instead of following the usual procedure of alphabetical order?

(2) If the answer is "yes," can a council arrange to have a draw one year and the following year adopt alphabetical order, at will?

(3) If the answer to No. (2) is "yes," does he consider this to be a fair mode of procedure?

The CHIEF SECRETARY replied:

The Municipal Corporations Act does not prescribe the order in which candidates' names shall appear on the ballot paper.

#### NORTH-WEST DEVELOPMENT.

##### *Commonwealth Assistance.*

Hon. F. J. S. WISE (without notice) asked the Chief Secretary:

Has the Government received word from the Prime Minister that the Commonwealth Government is to grant £2,500,000 to Western Australia over the next five years for the development of the North-West above the 20th parallel; and, if so, are any details available?

The CHIEF SECRETARY replied:

Yes; I am aware that communications along the lines suggested have been received, but there are no details yet, so far as I know.

#### MOTION—VOLUNTEER FIRE BRIGADES.

##### *To Disallow Accounting and Guard Regulations.*

Hon. A. F. GRIFFITH: Before proceeding with notice of motion No. 1, I would like to ask whether, as both motions

appearing in my name on the notice paper affect the same matter. I could address myself to the two of them at the same time.

The PRESIDENT: Yes, you may incorporate the two in the one speech.

Hon. A. F. GRIFFITH: Shall I move them both together?

The PRESIDENT: It will be necessary to do that.

HON. A. F. GRIFFITH (Suburban) [2.25]: I move—

That regulations made under the Fire Brigades Act, 1942-1951, as published in the "Government Gazette" on the 20th November, 1957, and laid on the Table of the House on the 26th November, 1957, be and are hereby disallowed; and that Regulations Nos. 12, 13, 14, 15 and 16 made under the Health Act, 1911-1956, as published in the "Government Gazette" on the 20th November, 1957, and laid on the Table of the House on the 26th November, 1957, be and are hereby disallowed.

I want to make it quite clear that I am well aware of the functions performed by the volunteer fire brigade corps in the State of Western Australia, generally. I have some members of this body in the district I represent and I point out that none of the remarks I shall make is intended to affect or damage in any way this organisation, but rather shall I be endeavouring to sort out and put to the House the case, which in the ultimate, should be resolved more satisfactorily than it is at present.

The story concerning these regulations is quite a long one, and at this late stage of the session I do not propose to weary the House by going through a long preamble of the facts and figures. I am distressed to think that at such a late stage—three days before the end of the session—the Government, having had six months to deal with this state of affairs should, through the Chief Secretary, lay regulations on the Table of the House thus giving a period, as I have mentioned, of only three days in which to do anything in connection with them.

Members will appreciate that if no action is taken, then the regulations as gazetted will become law and will remain as they are for all time, unless amended by some Government, as no opportunity arises by which they can be dealt with by way of revision, disallowance or amendment. In these circumstances I am hoping that the Chief Secretary will regard this matter as being of such importance that he will agree to the disallowance of these regulations conditionally upon the understanding that, if further time is given to the volunteer fire brigade representatives and the representatives of the motion picture industry to come together to arrive at

a more amicable arrangement, a fresh set of regulations can be brought down that would have a far better effect on the parties.

Many recommendations have been made to the Government from time to time, dating back as far as 1952. The most recent, I think, was when Mr. Court, M.L.A., as a private member, took a deputation to the Minister for Health. Also the president of the Motion Picture Exhibitors' Association, Mr. Hart, was over here at the time, and he had dealings with the Government. Some time ago, on action by Sir Charles Latham, certain regulations under the Health Act were disallowed by Parliament. The matter had to be brought to a head also, some time ago, in connection with the engagement of volunteer firemen in certain theatres, and it reached a stage where a law case was held. In the lower court the magistrate held for the volunteer firemen, in connection with that litigation; but in the Full Court, the judges set aside the judgment given by the magistrate in the lower court.

It will be seen, therefore, that there has been a great deal of confusion in regard to this matter. We are all aware of the work performed by the volunteer firemen, and we know that the upkeep of the brigades of which these men are members is dependent upon certain factions. I understand that the insurance companies pay five-ninths of the cost, and the local authorities two-ninths, and that the remaining two-ninths is obtained from some other source—

The Chief Secretary: From the Government.

Hon. A. F. GRIFFITH: The real question at issue here is that there should be a change of attitude on the part of the Government. The volunteer fireman gives his time voluntarily, in order to attend a picture theatre or a theatre within the meaning of the Health Act. He receives no recompense for the service he provides, and the money necessary for the upkeep of his brigade is obtained in the way I have mentioned.

Surely the Government—I do not mean the present Government, necessarily, but any Government now, in the past or in the future—should appreciate, perhaps more than is the case, the value of the work of volunteer firemen, and should recompense the brigades to an extent where they would not be obliged to go cap in hand in order to receive the finance necessary for the work they do.

The regulations that have been laid on the Table of this House are one set laid under the Fire Brigades Act, which provides that regulations made under Part 6 of the Health Act can be carried into effect; and others laid under the Health Act, which are the ones that give application to those laid under the Fire Brigades

Act. In Part IB, Section 1 of these regulations, which deals with interpretations, we read—

In this part of these regulations, unless the context otherwise requires "theatre" means a place in which stage performances are held. "Cinema hall" means any premises in which 35 mm. films are exhibited and includes premises where arc lights or similar lights are used for projecting cinematograph pictures or stills.

That is a very wide regulation. So far does it go, that to my mind it covers every form of picture theatre—whether a country theatre, a city theatre, an open-air theatre, or a drive-in theatre. I know there are certain exemptions which can be granted under the Act; but some time ago the Press published an article on this matter, pointing out the archaic attitude that was being adopted in regard to firemen so far as theatres were concerned.

The Press statement to which I refer made reference to some very elderly gentleman—80 years of age—who was a fireman in a city theatre, and who had to be wakened frequently and helped out of the jostling crowds after the performance was over, in order that he might go home. I think we are drawing a fairly long bow when such a state of affairs is allowed to exist.

Surely the whole matter should be placed on a more equitable basis! In regard to drive-in theatres or open-air theatres, surely no one would suggest that in these modern times it is necessary for a fireman to be in attendance! I am assured by the Motion Picture Exhibitors' Association that their attitude towards the volunteer firemen is that they would do nothing to damage their prestige and they would like to see to it that the volunteer firemen are recompensed, by making available certain shows during the year, the takings from which would go to the Volunteer Fire Brigades Board.

Another point is that surely the old horse-and-buggy days, when a man had to precede a motor-vehicle and wave a red flag owing to the dangers that surrounded its passage, are gone! It appears to me that the aviation companies are prepared to accept a far greater risk in connection with motion picture film than is anyone else at present.

I do not know whether members are aware of it, but the aviation companies regard the non-inflammable type of film at present used as not being a danger, and the amount of it that they are prepared to carry is far in excess of the amount of the old-type film which they were formerly prepared to carry. The non-inflammable film, of course, is now used in the bio-boxes. I repeat that a more sensible attitude should be adopted in relation to these regulations.

One of the regulations says that at the completion of a performance the fireman has to open all the exits of the theatre.

Is it possible for one fireman to open all the exits of a theatre in order that the people might get out? Of course not! The Motion Picture Exhibitors' Association has assured me that they desire to and do co-operate in the training of their own staff. They see to it that the staff they employ are well-trained and well-informed in order that panic might not prevail should anything untoward take place.

In theatres in Western Australia smoking is prohibited under the health regulations. I hope that that will prevail. I have been fortunate in being able to attend theatres overseas; and whilst doing so, I noticed that smoking by patrons was not prohibited. From my point of view, the effect of that was not conducive to health and the practice constituted a far greater fire hazard than exists with the conditions which prevail in Western Australia.

Hon. G. Bennetts: That applies not only in overseas theatres, but also in the theatres in Queensland.

Hon. A. F. GRIFFITH: That is so. The regulations in that State do not prohibit theatre patrons from smoking. In viewing this matter as a whole, I appeal to the Minister to give favourable consideration to the passing of this motion in view of the limited time available to us to study fully these regulations. The position is that, in the last week, three days before the close of the session, the Minister laid upon the Table of the House these regulations gazetted under the Fire Brigades Act. I submit that we have no other alternative, in the circumstances, but to put forward a motion of this kind to disallow the regulations in order that the interested parties may be granted some opportunity to arrive at a more acceptable arrangement than that offered by the regulations.

Therefore, the Minister would be well advised to agree to this motion on the understanding that the parties would be given such an opportunity to arrive at a more equitable arrangement and so that subsequently a new set of regulations could be drafted accordingly. If that were done, everybody would be much happier than at present. Members of the Motion Picture Exhibitors' Association are opposed to the regulations because they are more far-reaching than those that applied in the past. I have received a communication from the association which governs the volunteer fire brigades, and its members are very unhappy that I have moved this motion. Surely to goodness, therefore, both parties can come to some arrangement if they are given an opportunity to confer on the regulations that have been tabled!

I have moved to disallow only Regulations 12 to 16 under the Health Act because they are the regulations which affect the actual fire guards. The remaining regulations relating to fire-extinguishing appliances, mechanical fire extinguishers, fire buckets, etc., are not objected to in any way. It is agreed that such fire-fighting equipment should be the subject of regulations. However, the members of the Motion Picture Exhibitors' Association consider that the Minister should adopt a more sympathetic outlook in regard to the framing of these regulations, and the volunteer firemen adopt a similar view. I hope the Minister will agree that, in the circumstances, we should give the parties concerned in this case an opportunity to get together; because if he does not do so, I will be greatly disappointed.

The Chief Secretary: You will be disappointed all right! There is no doubt about that!

Hon. A. F. GRIFFITH: If an argument cannot be put forward and appeal made to the Chief Secretary to disallow these regulations, it is a sorry state of affairs. If the Chief Secretary is going to be pig-headed and will not listen to reason, I will indeed be disappointed.

Hon. L. C. Diver: Are you quite serious?

Hon. A. F. GRIFFITH: Yes. Does not the hon. member recognise a serious man when he sees one? I resent the remark made by the hon. member. I resent very much that Mr. Diver cannot believe that I am serious when I am putting forward a case which is so full of merit. Surely to goodness he would know if I were joking!

Hon. L. C. Diver: You always have a poker face.

Hon. A. F. GRIFFITH: The hon. member is being cynical, probably because the close of the session is near; and it ill becomes the hon. member. Regardless of the opinion expressed by Mr. Diver that I have a poker face, I assure the House that this is a genuine appeal to the Minister to give the interested parties another look at this proposition. Surely if such a request were granted it would not do anybody any harm. I am alarmed at the Chief Secretary saying, "You will get no consideration from me."

The Chief Secretary: Who said that? That is your usual style!

Hon. A. F. GRIFFITH: It meant—

The Chief Secretary: What was meant and what was said are two different things.

Hon. A. F. GRIFFITH: As I understand it, the interjection meant that the Chief Secretary is not going to do as I hope; namely, grant the interested parties more time to study these regulations and give them an opportunity to confer.

HON. G. C. MacKINNON (South-West) [2.47]: There are two unique organisations in Australia; the Surf Life Saving Association and the Volunteer Fire Brigades Association. Both of these bodies carry out duties for the benefit of the public, and yet their activities have a sporting background. The work of the Surf Life Saving Association and that of the volunteer fire brigades follows much the same pattern. Both organisations hold trials and competitions which are conducted in a sporting atmosphere and in a competitive manner. At the same time their members serve an extremely useful function in the community by performing duties which are aimed at saving lives. The members of the volunteer fire brigades add to and increase the strength of the ordinary established fire brigades.

Over the years it has become the practice of the volunteer fire brigades to conduct their fire brigade championships on a zone basis, a State basis, and an interstate basis. Members of the various brigades travel from one centre to another in order to compete in these championships, and such travelling costs money. A fair percentage of the finance required for these trips has been made available as a result of the work done by members of the voluntary fire brigades in picture theatres. A small percentage of the payment received for this work is retained by the fireman and the balance is paid into his brigade funds. With that money the brigades meet their commitments for travelling either intrastate or interstate.

Over recent years the value of the surf life-saving clubs, which for many years past have battled against severe financial difficulties in this State, has been recognised to a much greater degree; and they have been given much more assistance. The activities of the surf life-saving clubs tend to be more spectacular than the work of the volunteer fire brigades, and there is no permanent life-saving organisation as there is in the Fire Brigades Board. The work of the volunteer fire fighters tends to become lost because it is subsidiary to the work of the main fire brigade.

Hon. A. F. Griffith: It would be a good idea if there were two bodies.

Hon. G. C. MacKINNON: There are two bodies, and they work under completely separate administrations; but, of course, each has its own representative on the board. They do co-operate very closely. Their value is not as spectacularly apparent as the value of the surf life-saving clubs, and for that reason they have not received the same assistance as the latter.

The importance of the sporting and competitive side of the activities of volunteer fire brigades is fundamental; for without it there would be much less attraction to the young men to join volunteer fire brigades, and there would be a much smaller reserve of manpower on which to

call during an emergency. It is therefore important that all the existing facilities should be retained so as to enable the volunteer fire fighters to take an active part in their competitions.

We then come to the point where funds have to be provided to enable them to carry on the sporting side of their activities. The sports and competitions are so designed that they better fit the participants for the work of fire fighting. Many members must have seen these competitions where the competitors run out the hoses, connect the couplings, draw out the hose from the reel, and turn on the water so that it flows through the hoses, and so on. These activities fit them for the work they are engaged in. There are other activities in which they participate, such as scaling the tower. These teach the men the rudiments of fire fighting, and at the same time keep them in a state of physical fitness.

It seems that the lackadaisical manner in which the volunteer fire brigades are expected to rely entirely on one section of industry in this State for their extra funds is unreasonable. The responsibility of the theatres for providing the extra money required does not stand up to examination.

In the early days the theatres were made of wood and other highly inflammable material. Out-moded projectors, the light of which was and still is obtained from carbon arcs, were, of course, very dangerous as they produced great heat. That, in addition to the use of highly inflammable films, necessitated the attendance of a volunteer fireman when films were shown. As a result of many accidents experienced in the early days of film projection, this industry has developed with the attendance of a fireman during screenings. This practice has persisted and has been challenged by Mr. Griffith.

Today the situation is vastly different. The projectors are better constructed; the boxes in which they are used are infinitely better built; different materials are used in the construction of the buildings around the projection boxes; and in practically all cases the film itself is non-inflammable. We have progressed so far that the theatres of today have generally been designed for that purpose, having a much greater number of exits through which the audience can disperse should an accident occur. For that reason we can agree to this motion by Mr. Griffith.

What particularly amazes me is that the regulations were not introduced earlier; since before the commencement of this session of Parliament, the volunteer fire brigades—in the South-West corner of the State, at any rate—were very perturbed, as indeed were many of the people who had taken an interest in volunteer fire brigades. Many of the volunteer fire fighters are fully aware of the unfairness in loading expenses on to film exhibitors,

but they are still desirous of retaining this peculiarly Australian body of volunteer fire brigades. The movement has been copied in other parts of the world, but originated in Australia. It is an organisation of which we can be very proud.

As I said, before the commencement of this session they were very worried about the situation; and it is amazing to find the regulations being brought down at such a late stage. For the various reasons I have outlined, I consider that a far more realistic approach should be made to this question, and some steps should be taken to put the volunteer fire brigades on a much sounder basis by ensuring that they will be able to continue to operate in the very fine manner in which they have operated in the past.

**HON. G. BENNETTS** (South-East) [2.58]: I cannot support the two previous speakers. I have a different outlook on this matter from that of Mr. Griffith and Mr. MacKinnon. It is true, as Mr. MacKinnon said, that volunteer fire brigades are very worthy organisations.

**Hon. A. F. Griffith**: I also said that.

**Hon. G. BENNETTS**: Yes; the hon. member did mention it. If the regulations were disallowed, volunteer fire brigades, would be deprived of some of their income. In remote areas of the State they perform an outstanding service. We all agree that they do a better job in fire fighting than the permanent fire brigades. I do not know much about the conditions in the metropolitan area in this regard. I am referring to country districts where the volunteer fire brigades are depended upon to fight all fires. Mr. MacKinnon said that the picture theatres today are all built of brick. That may be the case in the metropolitan area.

**Hon. G. C. MacKinnon**: By way of explanation, I did not say they were all of brick. I said there had been a change in materials used in the construction, and that the boxes themselves were generally made of fireproof material. It does not matter very greatly, but I wished to correct a wrong impression held by the hon. member.

**Hon. G. BENNETTS**: In the country areas they are not so much fireproof as down here, because we have many theatre buildings of weatherboard and asbestos, iron and asbestos, and material of that type. The volunteer firemen, attending at theatres in country centres also act in other capacities.

There is a lot of vandalism at picture theatres: and I know that in certain places these firemen have played the part of policemen in counteracting that vandalism and also in protecting little girls from unwelcome attention. They are on the look-out for that sort of thing, and do a really good job.

Mr. Griffith said that it could not be expected that all the doors in a theatre should be open. Actually what occurs is that, before the programme begins, the fireman goes to the doors to see that they open easily and that there would be no obstruction in the event of a fire. I have seen people in theatres come in with lighted cigarettes.

Hon. Sir Charles Latham: That is not done in Perth. It must have been on the Goldfields.

Hon. G. BENNETTS: I have seen it happen in the metropolitan area. I have seen the people concerned lean down and draw on the cigarette. It is not done by most people, but by a certain class who take a pleasure in breaking the law. This is very dangerous, because people wearing thin dresses could easily have them catch alight. Firemen do a good job in policing such offences and their services should be retained. I do not think that the money being paid to them is great. Anyway, the big picture combines are getting plenty.

Hon. G. C. MacKinnon: What about the small men in the country?

Hon. G. BENNETTS: They are doing all right. I do not think that the small picture proprietor has much trouble either. I hope the regulations will not be withdrawn.

HON. G. E. JEFFERY (Suburban) [3.3]: As one who has a great affection for his family and a sincere wish to spend Christmas with them, I will not take up a great deal of time in opposing the motion. Every speaker has given lip-service to the sterling work done by the volunteer fire organisations. For over 20 years I have lived in one town which has had a volunteer fire brigade second to none. I refer to Bassendean. There are four volunteer fire organisations in my electorate which have a splendid record. They are situated at Manning, Midland Junction, Guildford and Bassendean; and whatever the film proprietors say, the residents are grateful for the protection they have had from these organisations, which has been of first-class order. The same would apply to the protection of the picture theatres.

It has been said there is a difference between the suburban picture proprietor and the one in the country. I think the essential difference is that at the best the suburban theatre will have one show per day—in the evening—and perhaps one matinee on a Saturday and another during the week. So the proposition that the film exhibitors one day hope to be able to employ firemen full-time—people that they will select themselves—does not ring true.

I think that would be uneconomic; and that ultimately, if a permanent fireman were employed by a proprietor, he would

be a bill-poster during the day, and a recipient of tickets at the door at night, and would have other duties, such as throwing out delinquents who disturbed the enjoyment of other people.

I make no excuses for the elaborate fire precautions that are taken in this State. We should be proud of these people. The point as to whether a building is constructed of concrete or stone, or of some other material that will not burn, is only one side of the question. The other has to do with the clothes that people wear, particularly in the summer months. In this respect the fire risk is great, and the greatest risk is that which would come from a panic amongst people in the event of a fire. In the circumstances, the services of these firemen are most important.

In the elaborate city theatres, every precaution is taken to eliminate or reduce the risk of fire. I suggest that members try to park their cars in front of one of those buildings one evening and see what would happen to them. The work done by the volunteer firemen is very commendable, and the fee they earn goes to their organisations' funds, some of it being used to assist country brigades to attend the annual demonstrations. I have heard that the Albany organisation earns from £400 to £500 a year as a result of its protection of local theatres.

Hon. G. Bennetts: The public pays.

Hon. G. E. JEFFERY: That should not come into it. All that should concern members is whether the work that is being performed is worth the amount of money being expended. I mean: Are theatre proprietors getting efficiency from the volunteer firemen? I suggest that they are getting full value for their money, and I see no reason for a disturbance of the status quo. I oppose the motion.

HON. SIR CHARLES LATHAM (Central) [3.7]: I do not know anything about these regulations.

The Chief Secretary: Therefore you will make a good speech!

Hon. Sir CHARLES LATHAM: I will. I generally do. My objection is that Parliament has been in session since early in July and the Health Department must have known that these regulations were considered to be necessary. Yet it waits until the last two days of the session before laying them on the Table. If members will turn to Section 36 of the Interpretation Act they will find it says—

When by any Act it is provided that regulations may or shall be made . . . any regulations made . . .

(c) shall subject to subsection (2) hereof, take effect and have the force of law from the date of each publication, or from a later date fixed by the order making such regulation.

These regulations were gazetted on the 20th November and were tabled on the 26th November—two days ago. That is my objection. The section continues—

- (d) shall be laid before each House of Parliament within six sitting days of such House next following such publication.

That was done. It was exactly the sixth day; so the department took all the time available. In fact, it took from the time that Parliament last went into recess until now to table these regulations. I object to civil servants treating Parliament in that manner. The section continues—

Notwithstanding any provision in any Act to the contrary, if either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within 14 sitting days of such House after such regulation has been laid before it, or if any such regulation is not laid before both Houses of Parliament in accordance with the requirements of subdivision (d) of subsection (1) of this section such regulation shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity, of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said 14 sitting days, or some of them, do not occur in the same session of Parliament or during the same Parliament as that in which the regulation is laid before such House.

My intention was to move that this debate be adjourned until the next session of Parliament. In the meantime, if the regulations remain in operation it will be to the disadvantage of the people they operate against, if they operate against anyone. I am not so concerned about that as I am about the attitude of the Public Service in treating Parliament in this way. I oppose the regulations on those grounds alone.

The Chief Secretary: You would not consider them on their merits or demerits?

Hon. Sir CHARLES LATHAM: I have not been given a chance; that is my objection. Surely members should be able to enlighten themselves if there is any doubt. And there evidently is some doubt, or Mr. Griffith would not have moved his motion. Probably these are the same regulations that were disallowed some eight or nine years ago. I know they were disallowed after I came here, because I took an active interest in them. Evidently, since then, things went along quietly until somebody woke up. That is what makes me cross.

The Chief Secretary: It's easy to see you don't know what you're talking about.

Hon. Sir CHARLES LATHAM: Why? The Chief Secretary: I'll tell you.

Hon. Sir CHARLES LATHAM: I will be glad to hear the Minister. I have had only a hurried look at the regulations, because I did not know anything about the matter until last night, and the Chief Secretary kept us very busy till after midnight. The regulations cover five pages of a special issue of the "Government Gazette" which I have in my hand. This is not a copy of the ordinary "Gazette," which is published on a Friday. So somebody must have woke up suddenly, and said, "If we don't get the regulations published today it will be too late. We had better get out a special issue of the 'Gazette'." I should say that the Government Printer would not have been very pleased at having to rush through these regulations for presentation to Parliament before the time lapsed, especially when he is busy with parliamentary work.

The Minister should be behind me in my objections. If I were on that side of the House and he were over here, he would have the same cause for complaint. Regulations become the laws of the State and should not be treated lightly. I ask the House to join me in opposing these particular regulations, though not on the ground that they are not justified. I would like an opportunity to see whether they are justified or not; and I have not had that opportunity, and will not have it, if the Government carries out its decision to close the session tomorrow, or on Saturday or Sunday morning.

The Minister for Railways: It will be next week the way we are going.

Hon. Sir Charles Latham: This could easily be got over if the Minister would say, "All right; we will hold up the regulations."

The Chief Secretary: I have not had a chance to get up and say anything.

Hon. Sir CHARLES LATHAM: I have not kept the House long. I am not in the habit of making long speeches. My objection is that these regulations seem to have been put before Parliament deliberately in the dying hours of the session.

The Minister for Railways: Have you never submitted regulations at the last stage?

Hon. Sir CHARLES LATHAM: No. I would not agree to do that.

The Minister for Railways: Not as a Minister?

Hon. Sir CHARLES LATHAM: No.

The Minister for Railways: I will check on that.

Hon. Sir CHARLES LATHAM: To punish the Minister, I will ask him to go back through the records as far as 1932 or 1933. I certainly had a Cabinet meeting at midnight on one occasion to decide a



certain matter which was very urgent; but I have never had regulations tabled so late. There is no need for it. These regulations could quite easily have been tabled a fortnight after the House met or at any time between then and now. But the authorities knew that objection might be taken to them. Do not let us be stupid. Let us know whether the regulations are justified or not.

I am prepared to accept the responsibility of looking at the position in the motion picture industry especially the open-air shows. I have been to one of them and there are motorcars everywhere. I do not really know how a fire brigade man would have very much opportunity of dealing with a fire in those places. So let us assert ourselves and tell the public servants of this State that they cannot treat Parliament in this way!

The Chief Secretary: Do you want only to assert yourself?

Hon. Sir CHARLES LATHAM: If they want their regulations to be passed they must submit them at a reasonable time, and not leave it to the last hours of the session. On those grounds I support the motion.

HON. R. C. MATTISKE (Metropolitan) [3.16]: It would appear from the debate that the primary purpose of the regulations is to provide compulsory employment for a certain section of the community, because I think it has been amply demonstrated by various speakers that the fire hazard is an extremely small one. The boxes from which the films are exhibited are built in such a way as to comply with very stringent building regulations; and the film is non-inflammable, and is regarded so lightly by aviation companies that they transport it from place to place without taking any particular precautions. Also, these films are being used in crowded schools and other places where there is just the same element of fire risk. Because the fire hazard is so small, I think we should disallow the regulations.

I repeat, it appears that the primary purpose of these regulations is to saddle the motion picture industry with another cost; and the industry can do only one thing with that cost—pass it on to the public. The section of the public which makes the greatest use and gets the greatest enjoyment out of motion pictures is a section which can ill afford to have costs rising continuously. So I sincerely hope that the House will agree to the motion.

HON. A. R. JONES (Midland) [3.18]: I do not desire to take up much time in speaking to this motion; but after listening to Mr. Mattiske, I think we should protect the public. What he says about the places from where films are projected, and the type of films, is probably correct; but over the past months picture houses

throughout the city and the rest of the metropolitan area have been left unattended; the proprietors have become negligent in regard to keeping the exit signs properly illuminated, and the containers throughout the theatres in such a way that they are ready for immediate use. From that point of view alone I think we should support the regulations.

If it is found, by the time Parliament reassembles next year, that certain anomalies exist, amendments can be made if necessary. In the meantime I think we should protect the public; because, in my opinion, they have not been protected over the last six to eight months.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [3.20]: I shall, first of all, give the official replies and then later on make one or two comments of my own.

Hon. J. G. Hislop: Do not make them too long.

The CHIEF SECRETARY: I have been waiting now for an hour and five minutes to make a five-minute speech. I would, firstly, like to give the official reply from the health point of view, and I would like Sir Charles Latham to take particular notice of this reply.

Hon. Sir Charles Latham: I am always very attentive when you are speaking.

The CHIEF SECRETARY: The special hazards and extreme consequences of fires in public buildings are recognized throughout the world. There are some terrible tragedies on record. Fortunately, these seldom occur, because of enlightened laws which require suitable precautions to be taken. Death and injury following a fire in a theatre are rarely the direct result of the fire. Rather are they caused by the panic into which the audience is thrown at being confronted by an emergency in unfamiliar surroundings.

Regulations require emergency lighting and specially designed exits which allow the crowd to get clear of the building as quickly as possible. These precautions are of little use unless a trained person is in attendance to operate the emergency equipment and organise fire-fighting measures.

The PRESIDENT: Order! One hour having elapsed after the time fixed for the meeting of the House, it is necessary for an extension of time to be granted. [Resolved: That motions be continued.]

The CHIEF SECRETARY: Since 1916 regulations under the Health Act of this State have required a skilled fireman to be employed during performances. We have not suffered any tragedies, but we have had fires. The precautions which are required under our laws have been effective. Mr. Mattiske ought to have a look at that, because he said that we are putting a new burden on the picture proprietors.

He is so far in the dark that he does not know that these regulations have been in existence since 1916.

Hon. A. F. Griffith: Don't get excited or you will cause a fire.

The CHIEF SECRETARY: That is one of my failings; I always get too excited. Technological progress, both in fire fighting and in the motion picture industry, have brought changes which required to be recognised in the regulations.

New regulations were therefore published in the "Government Gazette" on the 20th November, 1957. The new regulations are largely based on the current British code, but also make allowance for local industrial conditions and remove certain factors which gave rise to complaint from some sections of the motion picture industry. They do not, however, concede the point made by certain interests in the industry who show a careless disregard for public safety and seek to dispense with the services of firemen or fire guards, whose duty it is to ensure that proper precautions are observed; that equipment is in order; and that, in the event of fire, the public are quickly moved from the danger area.

The regulations require a fire guard to be employed, and prescribe certain duties to be performed by him. A person employed as a fire guard must have a certificate of competency granted by the Commissioner of Public Health. This will usually be granted on the recommendation of a responsible fire brigade officer who will test the applicant in elementary fire fighting and his knowledge of equipment. In remote areas alternative arrangements will be made.

There is nothing extraordinary in the regulations; nor do they throw a serious financial burden on the industry. In several areas of the State volunteer fire brigades are operating and these do a great public service. For many years it has been customary for these volunteer brigades to roster their members for theatre duty. These are trained men and therefore are very suitable to undertake this task. The regulations reasonably continue in force this arrangement. Previously, certain aspects of the services provided by certain volunteer firemen were criticised by some theatre managements. For instance, it was stated that some were only 17 years of age, and for this reason too young to perform the duties required of them. The new regulations exclude persons under 21 years of age from undertaking the duties of fire guards.

Complementary regulations made under the Fire Brigade Act require the captain of the volunteer brigade to roster his members so as to maintain the service. The employment of volunteer brigade members is not novel. It has operated in this State for many years, and is practised in Victoria.

I am sure Mr. Griffith does not want to delete all the fire brigade regulations, because certain of them deal with superannuation. If his motion is successful, the whole lot will go out. I want Sir Charles Latham also to consider that. I shall now give the answer from the fire brigade point of view. Paragraphs 1-7 as set out in the amendment to the Fire Brigades Act regulations refer to the board's superannuation fund, and simply change the accounting year from the 30th September to the 30th June, and it is assumed it is not intended that these regulations shall be disallowed.

Amendment of Fire Brigades Act regulations (paragraph 8) does not introduce anything new. Regulations gazetted in 1943 provided that the owner or occupier of the premises shall pay volunteer firemen and stated the fee. That is what I want Sir Charles Latham to consider. Those regulations were gazetted in 1943.

Hon. Sir Charles Latham: They were disallowed.

The CHIEF SECRETARY. No. In 1944, these regulations were amended to provide for a fee as prescribed in the Federal Theatrical Employees' Award. A recent Full Court decision pointed to defects in this regulation; also the award has been amended to render the regulation ineffective. The new regulations 221-225 remedy legal defects and the fee stated is not in excess of that previously paid.

In a recent court case, when regulations were tested, counsel for the theatre interests emphasised he did not contest the need for a fireman but argued on the grounds of "uncertainty." The court upheld the "uncertainty" argument in that while Section 34 (v) of the Fire Brigades Act enabled the Governor to make regulations for the attendance of volunteer firemen at theatres, and for the owner or occupier to pay for such attendances, that section of the Act did not of itself make the owner or occupier liable. It was necessary for a regulation to be made.

It was on a technicality that the High Court ruled it out. I would now like to answer Sir Charles Latham, Mr. Griffith and any other members who might have mentioned that these regulations were brought in in the dying hours of the session.

Hon. Sir Charles Latham: That is true.

The CHIEF SECRETARY: There is nothing against that, because throughout the years since I have been in Parliament, irrespective of what Government has been in power, while Parliament has been sitting the Government has been entitled to table regulations.

Hon. Sir Charles Latham: Of course it has.

The CHIEF SECRETARY: In this particular instance all that is being done is to make a small alteration; and if Mr. Griffith

wants to know the difference between what was in operation before, and what is proposed now, it would take him five minutes to find out. The regulations are practically identical with those which have been in operation since 1943, except that we are tightening up so that no one under 21 years of age or over 60 years of age can act as a fireman. That is the only difference. I have given the official attitude; and now I should like to make one or two comments of my own.

It is rather remarkable—in fact, it is astounding to me—the attitude that some members adopt. The procedure followed in this instance has been the same as that which has operated ever since I have been here. Sir Charles Latham has been a member of various Governments, and he was quite content to agree to these regulations. Mr. Griffith has been a member of Parliament for a number of years, both in this Chamber and in another place, and he has been quite prepared to agree to regulations which permitted a man under 21 years to act as a fireman. He quoted the case of a man 80 years of age acting as a fireman. But he accepted that practice.

Hon. A. F. Griffith: You are getting excited!

The CHIEF SECRETARY: He made no protest in any shape or form. But because we introduce regulations that are almost identical—except for the fact that we improve the position about which he complained—he wants the regulations disallowed. I feel that the hon. member has allowed himself to be used as a catspaw by the motion picture interests. For years these people have been trying to have the firemen's services dispensed with. They have introduced deputations galore. On two or three occasions they have been to see me in connection with it; and I daresay they also took the matter up with the previous Government, of which Sir Charles was a member. For years they have been trying to get rid of firemen from theatres.

It is only by luck that a challenge in the court on a technical point made it possible for new regulations to be introduced. It was not sought to institute something new but to continue a practice that has come down to us through the years.

Hon. Sir Charles Latham: When was the court decision?

The CHIEF SECRETARY: A few months ago.

Hon. Sir Charles Latham: So they had all that time to prepare the regulations.

The CHIEF SECRETARY: I do not know about that aspect.

Hon. Sir Charles Latham: I think you are the Minister in charge.

The CHIEF SECRETARY: My portfolio controls the fire brigade, but I have nothing to do with the health angle. The laws appertaining to the fire brigades are the lesser ones but they dovetail with the health laws. When the matter was disallowed, I requested the officers of the fire brigade to ask their members throughout the State to continue giving this service even if they did not get paid for it. I would not say that it has been done everywhere—evidently it has not, from the remarks made by Mr. Jones. I make no apologies at all for the regulations being brought in now, because Parliament will continue to sit as long as this House wants it to sit.

Hon. Sir Charles Latham: Of course it will; we will see to that!

The CHIEF SECRETARY: That being so, it will give consideration to all matters that are brought before it. It is up to members to decide how long Parliament sits.

Hon. Sir Charles Latham: The Government is in control and the Government should decide.

The CHIEF SECRETARY: The members themselves are in control, and it is up to them to see that such matters are discussed and determine how long Parliament will remain in session. The alteration in the regulations is a minor one; except, of course, in so far as it relates to the improvement from the point of view of an old person being on the job. A comparison between the two regulations would take only five minutes, and no objection could be sustained from that point of view.

#### *Personal Explanation.*

Hon. Sir Charles Latham: By way of personal explanation, Mr. President, I wish to point out that I do not take any objection to the contents of the regulations, but to the fact that the department had all the time between the moment the decision was made by the High Court, and now, to frame these regulations and lay them on the Table of the House. They have been laid on the Table of the House when the session is coming to an end, and members were not given an opportunity to see whether they were justified or not.

#### *Debate Resumed.*

HON. J. G. HISLOP (Metropolitan) [3.34]: With deference to my colleague, I still do not propose to support his motion, because I do not think that we should perpetuate a wrong that has been done. This is something which is most desirable, and which has been going on for some time. I must say that I have always felt happy and secure in the knowledge, when attending a theatre—be it a live show or a picture show—that there was someone

competent in attendance to handle a fire should one break out. In recent years picture theatres have been erected in Perth which, in my opinion, have provided very poor means of egress. I do not know how those concerned are able to get past the building by-laws in this connection; but I do know what would happen if anything resembling a fire were experienced. It would not be necessary for a fire to break out for there to be complete panic—it would only need someone to shout the word “fire.” I oppose the motion.

**HON. A. F. GRIFFITH** (Suburban)—in reply [3.36]: It seems obvious from the tenor of the debate how members propose to vote. In reply, however, I would like to refer to some of the matters that have been brought up, particularly some of the points raised by the Chief Secretary. First of all, I would like to thank him for pointing out the relevant section in relation to superannuation. I had no desire at all to bring about anything like that. I wished purely and simply to bring about an effect concerning the unsatisfactory situation which now exists.

Members should bear in mind that on two or three different occasions this year I have moved to set aside various regulations. I have prefaced my remarks by saying to the Chief Secretary, in most cases, that if a satisfactory conclusion could be arrived at in connection with these regulations, I would have pleasure in withdrawing the motions relating to them.

Accordingly, in the case of the traffic regulations dealing with the question of backing in and out of city premises, 36 objections were dealt with satisfactorily; and at the end of the time, I asked that the motion be discharged from the notice paper. I did so because those regulations were laid on the Table of the House in plenty of time for action to be taken on them. In connection with the uniform general building by-laws, I gave a similar undertaking; and on the motion of the Chief Secretary himself these items were discharged from the notice paper, firstly because some of them had been dealt with; and secondly, because another place had disallowed the by-laws.

I have taken note of Mr. Jeffery's remark concerning lip-service; and although Mr. Diver cannot recognise a genuine case, I did say that I had the greatest admiration for the volunteer fire brigades; and I still have. But in view of the fact that these regulations have been laid on the Table of the House three days before the end of the session, thus not permitting the parties to get together and reach agreement on them, I have no option but to follow this course.

The Chief Secretary: They have been trying to get together for years.

**HON. A. F. GRIFFITH:** The Chief Secretary referred to the judgment of the Supreme Court, dated the 18th July, 1957, which is six months ago—I mean five months ago!

The Chief Secretary: Why don't you come down a bit more?

**HON. A. F. GRIFFITH:** I will let the Chief Secretary calculate.

The Chief Secretary: The 18th of December would make five months.

**HON. A. F. GRIFFITH:** The Chief Secretary is a good calculator! Surely in the time between there has been ample opportunity to bring down these regulations with a view to giving Parliament a chance to discuss them. I had to anticipate the motion when the Chief Secretary gave notice that he would lay the papers on the Table of the House, because they were in the “Government Gazette” six days before they were brought to this Chamber. Accordingly, after the Chief Secretary gave notice, I had to bob up and give notice of my intention to move to disallow these regulations.

The Minister for Railways: What is the date?

**HON. A. F. GRIFFITH:** The date is the 20th November. Because I realised that the two sets of regulations under the two Acts were part and parcel of the same thing, I asked permission to delay one so that they could be discussed together. That is the extent of the accusation that is laid. The motion picture people realise that they will be asked to foot the whole impost in this matter. I made an appeal to the Government to have more cognisance of the importance of fire brigades and to realise that there is greater risk of an outbreak of fire in a busy dance hall than there is in an open-air or closed theatre where smoking is not permitted.

The Chief Secretary: They were gazetted on the 20th November and action was not taken until the 30th November.

**HON. A. F. GRIFFITH:** I realise that the “Government Gazette” does not come out until Friday; but perhaps the Chief Secretary can tell me why he did not take advantage of the remaining four months to bring these regulations before Parliament to enable some arrangement to be entered into. The position was that the matter was challenged in the court and these new regulations were necessary.

The Chief Secretary: I gave you an opportunity to move in the matter.

**HON. A. F. GRIFFITH:** The Chief Secretary gave me no more opportunity than I took. If these regulations had been brought down earlier, then they could have been treated in the same way; and I would have happily said to the Minister, “Let them stay at the bottom of the notice paper so that the parties can meet and

arrive at some arrangement." But if that is not fair, how can we expect to get fair treatment from the Chief Secretary? I would now like to read a letter that was handed to me, and which caused me considerable confusion of mind. It is from the chief officer of the Fire Brigades Board of W.A.

#### *Point of Order.*

The Chief Secretary: On a point of order, Mr. President, I would like to draw your attention to the fact that the hon. member is replying to the debate, and is introducing fresh matter which I will not have an opportunity to answer.

Hon. A. F. Griffith: I have no desire to introduce fresh matter, because I know that the Standing Orders do not permit me to do so. I merely want to read this letter to the House and the Chief Secretary will hear it, together with the other members. It will give him another reason for my confusion of mind in this matter.

The Chief Secretary. I would have liked to hear it at the right time.

The President: The hon. member may proceed.

#### *Debate Resumed.*

Hon. A. F. GRIFFITH: The letter came from the Chief Secretary's Department, and he had the opportunity of viewing it before I did. It is on the following lines:—

I acknowledge receipt of your application for the appointment of auxiliary fireman to the Plaza Theatre. I am unaware that you desired to employ a fireman at the Plaza Theatre. The Fire Brigades Board has already been in close contact with the theatre, and since four auxiliary firemen have already been registered in connection with the appointment, I regret I am unable to approve.

It is signed by Mr. Gardiner, the chief officer. I am told that the four men concerned left the organisation and it was desired to appoint a new member and the board said "No."

The Chief Secretary: What date is that?

Hon. A. F. GRIFFITH: It was dated the 4th January, 1957. What an extraordinary state of affairs! The very thing these people are accused of not doing, they are not allowed to do, because the chief officer says he cannot see his way clear to appoint these men because four men have been appointed already.

The PRESIDENT: I don't think the hon. member had better pursue that line.

Hon. A. F. GRIFFITH: There was reason at this stage to ask for a little time to have this matter further looked into. Beyond that point there is no intention or desire to harm anyone whatsoever. All that is required from the Chief Secretary is a

more reasonable attitude. The Government should say to this body that it recognises the work being done, and that it is prepared to do something about it financially.

In its benevolence, this Government is able to give away thousands of pounds to organisations of one kind or another; and surely this organisation deserves a grant from the Government, rather than that the whole of the impost should be borne by one particular section of the community. The tenor of this debate is quite obvious; but it is not without reason, even at this late stage, to expect the Chief Secretary to agree to meet these parties with a view to arriving at an amicable arrangement.

The PRESIDENT: I have allowed this debate to cover both motions. The first is to disallow regulations made under the Fire Brigades Act and the second to disallow certain regulations made under the Health Act. It will be necessary to vote on each motion separately.

Questions put and negatived.

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

##### *First Reading.*

Received from the Assembly and read a first time.

##### *Second Reading.*

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [3.47] in moving the second reading said: The amendments in this Bill have been requested by the Motor Vehicle Insurance Trust and it is not considered that any one of them is of a controversial nature.

The first proposal deals with Section 3P(6) of the principal Act. Section 3P provides for the establishment of the "Motor Vehicle Insurance Fund" to which is credited all contributions from the participating insurers; insurance premiums; and other moneys received by the Motor Vehicle Insurance Trust. From the fund is paid the trust's administrative and general expenses and all expenses relating to claims. Section 3P provides that a separate ledger account shall be kept for the fund each financial year. Subsection (6) lays down that any deficit in the account at the end of the year shall become the liability of the participating insurers, and may be recovered by the trust from these insurers at any time decided by the trust.

The trust may not desire to call on an insurer to pay his proportion of the deficit for some years. In such a case it is possible that the trust's claim could fall under the provisions of the Limitation Act. The object of the proposal in the Bill is to ensure that, in such cases, the Limitation Act shall not prejudice the trust's claim.

The object of the second amendment is to delete Subsection (3) of Section 7 of the Act and substitute another subsection, which actually does not alter the verbiage of the provision to any great extent.

At present the subsection obliges the plaintiff in the case of a hit-run accident to make due search and inquiry into the identity of the vehicle concerned in the accident and as soon as possible after he knows that the vehicle cannot be identified to advise the trust of his claim. This does not however stipulate when the plaintiff shall make the due search and inquiry. The present provision would not prevent him from delaying such action until, for instance, 12 or 18 months after the date of the accident.

It is obvious that any notice of claim, to be of any value to the trust, must be given in sufficient time to permit the trust to place its full resources in action so that it can ascertain whether the claim is genuine that the vehicle cannot be identified. The Bill seeks to make it incumbent on the plaintiff to carry out the necessary inquiries and to submit to the trust a written notice of his claim as soon as practicable after the occurrence of the accident. It is considered that this is actually the intention of the present provision of the Act and the amendment will make sure of this.

The purpose of another proposal in the Bill is to enable local authorities to issue a third party policy to vehicles that do not have to be licensed under the Traffic Act, or which are not included in the definition under that Act of "motor-vehicle."

Subsection (2) of Section 3R of the principal Act sets out that only a local authority shall issue any policies of insurance on behalf of the trust, whose duty it shall be to cause the policies to be issued. Subsection 8 of Section 4 provides that no licence shall be issued under the Traffic Act unless the necessary third party policy is taken out. There is therefore no power for the trust or for local authorities to issue a third party policy except on the issue of a licence for the relevant motor-vehicle.

Cases have arisen where owners of motor-vehicles, which do not have to be licensed under the Traffic Act have wished to obtain third party cover. Section 3 of the principal Act includes in the definition of motor-vehicle a provision that the vehicle be used on roads, and it excludes any farm tractor which is not used on public roads. The Bill seeks to give local authorities the power to issue a third party policy in a case where the vehicle is not required to be licensed under the Traffic Act, or is not included in the definition in the principal Act of motor-vehicle.

The next amendment proposes to bring the principal Act into conformity with an amendment made last session to the Traffic Act, to ensure that if an owner fails to relicence and re-insure his vehicle within the 15 days of grace after the date of expiry, he shall pay the full licence fee and insurance premium as from the date of expiry of the previous license, but shall only receive personal insurance protection as from the actual date of payment. However, any person, other than himself, injured in this interim period would be covered by the Act. Such a person would be protected fully under Section 8 (1) of the principal Act. However under Section 8(3) the trust can apply to the court for recovery from the uninsured owner driver of any moneys the trust had been called on to pay in respect of an accident which occurred between the date of expiry of the old third party policy and the actual date of the taking out of the new policy.

The last amendment seeks to enable the trust to have the question of liability for any claim determined by the court after the expiration of six months from the date of the accident, and without waiting for the claimant's full recovery from the accident. Many claims are not brought to court until years have passed since the accident. In some cases five years have elapsed and members can appreciate that within such a period witnesses disappear, or are difficult to trace, and, more particularly, forget facts, which in most cases, remain fresh in the memory for only a comparatively short time after an accident.

As an example, it would be difficult for a witness of an accident, 18 months after the occurrence, to recollect whether the driver of the vehicle concerned blew his horn 15ft. or 30ft. away from the intersection, or gave a hand signal for 70ft. or 100ft. In all cases exact recollection is always an important factor to the trust or the claimant, and the possibility of exact recollection can be destroyed by time. On many occasions witnesses have said they really could not remember what happened or had only a hazy recollection of the accident.

On many occasions the trust has been in the embarrassing position of having no defendant, as the claimants have been so long in bringing their claims to trial that the insured person has left the State or cannot be traced, and thus the trust's witness is lost.

A further point is that in many cases the injured persons do not attempt to recover or return to work, while they are anticipating they will be paid in full for all time lost. If, however, liability has been ascertained and they find they will not receive the full amount of their claim the incentive to return to work is increased greatly.

A further example is where a claimant may consider his claim indisputable, only to discover, years later, after he has incurred large medical expenses and loss of wages, that the court dismisses his claim. Any early hearing of the claim would have given the opportunity to cut his losses.

I would emphasise that the object of the amendment is to ascertain liability only, within a period of six months. Once the court had determined liability the case would be adjourned pending the claimant's recovery and his being in a position to have his damages assessed. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

*Sitting suspended from 3.55 to 4.13 p.m.*

# **BILL—LAND TAX ASSESSMENT ACT AMENDMENT.**

## *Second Reading.*

Debate resumed from the 21st November.

**HON. F. J. S. WISE (North)** [4.14]: In discussing the Bill, it is important to give some sort of a review of the reasons why States are forced into the position of exploring every possible avenue and taking every opportunity to raise revenue from whatever sources are available to them. For there is no easy way at all open to the States to raise revenues. All the easy ways are explored and exploited by the Commonwealth Government. It is unfortunate that rarely do we hear, in a State Parliament, from those who support the Commonwealth Government, any voice raised in support of the State case for more revenue, and it is indeed a very rare occurrence to find a State representative in the Federal Parliament making any comment on the burden being imposed upon the States by the methods now adopted by the Commonwealth in the raising of taxes and the distribution of the revenue therefrom.

The attitude of some of our Federal members is very hard to understand and it seems very often that they become anti-State shortly after they arrive at the Federal capital. They seem to ally themselves with the attitude of the Commonwealth Government, which treats the States almost as aliens. That is a most unfortunate attitude; and it is an unfortunate and difficult trend for any State Government to overcome, because the reduction of the States to a condition of penury has been a very slow but very sure process from the initiation of the control of the finances of the Commonwealth by Commonwealth Governments, such control, in the main, first being instituted and granted for wartime reasons.

I think there is a definite threat to this great federation, the Australian nation—a nation of federated States, in that it has ceased, for all practical purposes, to be a partnership of States. All the criticism and complaint made in the two Houses of Parliament of Western Australia with regard to taxation, is almost invariably levelled at the State Government; and I suggest that that attitude is not only unfair, but also insensate and devoid of reason, because the States—and particularly this State—have few fields, if any, further to explore in this regard and yet have to meet the very heavy responsibility of developing a State which is difficult of development, widely scattered in its population and with the greatest undeveloped areas in the Commonwealth.

With all these heavy responsibilities, I repeat, the prospects of the State in the fields of taxation are extremely narrow; and it is pertinent to observe and quite true to say that not one of the States, however rich in natural resources it may be, can see its way clear today to plan its future assured, through the revenues raised within it, that it can steer a course to a safe objective in the development of that State. The causes of this set of circumstances are easy to find. While the difficulty of doing anything internally remains, we find still greater and continuing resistance from the Commonwealth towards coming to the aid of the States.

Commonwealth income from all sources, using the last decade as a starting point, reveals some remarkable figures. That income in 1946-47, after the war and after the burden of war expenditure had ended—at all events as far as being active participants in the war was concerned—was £373,000,000. Ten years later, in 1956-57, £1,095,000,000 was received by the Commonwealth from all sources; and indeed there has been such a sharp increase in the last two years that further inquiry should be made as to the validity of the power of the Commonwealth in so monopolising the field of taxation and being so little concerned in the distribution of its collections; because the last two years have shown an increase of £165,000,000 in Commonwealth revenue.

As I have mentioned, the States have few fields still to explore. The Commonwealth has all the easy ways. It has all the opportunities in indirect taxation. It has taxes, great and small, noticeable and unnoticed; and the magnitude of its collections is something that I wish particularly, this afternoon, to emphasise. Taken on a per capita basis, Western Australia collects £9 0s. 4d. from all sources of taxation available to it and the average of all the Australian States, for their internal taxation collections, per capital, is £11 2s. 5d. Continuing to use the per capita figures as a basis, we find enormous collections by the Commonwealth in all States from the residents of those States. I am

concerned that rarely do we hear a voice raised in our Federal sphere in support of the States and rarely do we hear any criticism within the State Parliaments other than criticism of State Governments, in regard to taxation.

In order to examine some of the per capita figures, I will quote from the March quarter figures distributed by the Department of Information. In customs duties the per capita contribution for all the Australian States averaged £9 7s. 10d., or 7s. 6d. above the total collections of the Western Australian Government from all its taxing sources. Excise duties averaged £18 1s. 3d. per head and sales tax, the one that passes unnoticed as a rule, averaged £11 16s. 2d. Payroll tax, perhaps the worst of them all, is now reduced to £4 17s. 9d. per head. In addition the Commonwealth collections from all States from probate and succession duties averaged £1 1s. 9d. In the succession duties, an avenue which the State must exploit, we find the Commonwealth collecting nearly 50 per cent. from that source; although it is one of the few remaining avenues left to the State.

If we make a comparison in regard to excise, of the amounts collected by the Commonwealth, at 18 1s. 3d. per head and the collection by the State from its liquor tax, at 14s. 3d. per head, we see just what the position is. Those figures, being up to date and excluding entirely income tax figures, clearly show that from some of the sources which at one time were available to the States, little revenue is now available, because the Commonwealth has invaded the field and the States have no chance of such field being returned to them and have little opportunity of raising, within their own resources, any substantial sum in addition to their present revenues.

It is interesting to observe that of the £620,000,000 collected this year in income tax—as to the end of June last—Western Australia contributed £33,000,000 and received back £13,706 million. That will be found in the answer to a series of questions asked by me early this year. It is found in the answers given by the Treasury. All States, from that £620,000,000, received in the last financial year £174,000,000.

In the most recent report of the Commonwealth Grants Commission—the 24th report—which deals with the claims for the financial year ended the 30th June last, we find that the Commonwealth taxation revenue, which has grown from £207,000,000 in 1946-47 to £620,000,000 in 1956-57 gives this advantage to the Commonwealth, that while in 1946-47 it retained £160,000,000, this financial year it retained £470,000,000, all of which was collected from the same taxpayers as the State Governments have to burden with further taxation because of insufficient reimbursement, in the main. It is therefore

easy to understand that, whilst the Commonwealth Government is prepared to use a formula wholly unfair to the States, the States have very little opportunity indeed of convincing the Commonwealth of their great needs; and I suggest that Section 96 of the Constitution is being applied in a way that it was never intended to be.

Hon. C. H. Simpson: How does Section 96 apply?

Hon. F. J. S. WISE: In this way: This year, all the States of Australia, affected by special grants under Section 96, will receive £19,500,000. If the States of Australia had fair treatment by the Commonwealth from taxation reimbursement we would receive more than £19,500,000 from that source and Section 96 would be used in the manner of other years, namely, not to adjust the States' disabilities—because of insufficient revenues in comparison with the standard States—to the tune of £19,500,000, but perhaps to the tune of £2,000,000 or £3,000,000.

So there is every need and great urgency to review the situation State by State, because of the almost bankrupt position of several States. An interesting table in the latest report issued by the Commonwealth Grants Commission is the one showing State taxation reviewed as a whole and on a per capita basis. Western Australia has the lowest figure of them all. Western Australia's revenue, per capita, in 1955-56, was £9 0s. 4d., the average for Australia being £11 2s. 5d. In New South Wales it is £11 0s. 2d.

Hon. F. D. Willmott: Which State has the highest figure?

Hon. F. J. S. WISE: Queensland, with £11 19s. 9d. I correct that; it is Tasmania, with £12 4s. 4d. Victoria, despite all its resources, is not far behind with a figure of £11 14s. per head. So with the total taxation revenue in Western Australia being slightly over £6,000,000, in a total budget this year of about £56,000,000, one can readily see what a serious burden is placed on the State Treasurer in his endeavour to do justice to the State by preparing for its development and progress in all directions.

I suggest, too, that the amount which I have indicated—namely, £13,000,000—which is coming back to Western Australia from our total tax collection from income tax, is almost offensive. I recall that, when raising this subject last year, I was almost chided by Mr. Watson for not continuing with my attitude of ten years ago. My attitude at that time was that, at all costs, the State's taxation rights should be returned to it. I make no apology for my attitude at the moment; because although it was kind of Mr. Watson to say that the case I presented ten years ago was a good case—

Hon. H. K. Watson: It was.



Hon. F. J. S. WISE: —we have had no response from the Commonwealth from the arguments then adduced and presented. Therefore, in justice to this State we must seek somehow to obtain a better allocation than that which the States do receive—namely, £174,000,000 from a collection of £620,000,000 obtained from within the States. Can any member justify that?

Hon. H. K. Watson: No.

Hon. F. J. S. WISE: If we review the position for the last two decades, it is almost startling. The responsibility of having to finance a war gave to the Commonwealth Government a greater opportunity to exercise added control over the Australian purse. In 1938, the year before war broke out, the total Commonwealth revenue from income tax collection was £9,398,000, but last year it retained the figure I have just mentioned. The total of the States' revenue in that year was £61,000,000, the revenue obtained by the Commonwealth having jumped to £620,000,000. The States' reimbursements, from the largesse or pocket money given to them by the Commonwealth Government, have gone to £174,000,000, but, 20 years ago, the figure was £61,000,000.

Therefore, it ill becomes any Commonwealth member to suggest that this or any other State is receiving generous treatment from the Commonwealth, although the Commonwealth does make that claim. I suggest that there is not one State that is receiving fair treatment from the Commonwealth. Perhaps the worst feature of all is that the Commonwealth Government, financing as it does many public works from revenue, has forced the State into this position: that it cannot raise all its requirements for public works on the loan market because the public cannot find the money for every purpose if they are over-taxed in the Commonwealth sphere; and, when the Commonwealth indulges in the usury of advancing £100,000,000 to the State for public works and of charging interest upon that sum, that is the most iniquitous thing in Australia's history.

Hon. F. R. H. Lavery: And every Premier in the Commonwealth is of the same opinion.

Hon. F. J. S. WISE: Every Premier in Australia, no matter what his beliefs are, has been unable to convince the Commonwealth Treasurer of the need for a collection of taxation within the States and at the same time giving to the States a reasonable amount of money from the Commonwealth revenue which has been built up by moneys collected within the States. In the 24th report of the Commonwealth Grants Commission it is interesting to note the strictures that have been levelled against the Grants Commission by Commonwealth treasury officers.

Those officers are very concerned that the Grants Commission is wrongly interpreting certain of its functions and duties when considering the State's claims. However, it is very fortunate indeed that the Commonwealth Grants Commission is still able to steer a course within the charter of its appointment and to say, "Although it is only £3,000,000 we were able to give the State 20 years ago, we think today, because of its disabilities, because of the comparison with the standard States, we must make that £19,500,000."

My point in stating that is that Section 96 of the Constitution was never intended to be interpreted to mean that such a percentage of State revenue should be wrested from the Commonwealth because of a generous interpretation of the State's needs by three very able gentlemen. If the Commonwealth Government could adopt a better and more generous attitude towards the needs of the States—which I repeat have responsibilities far greater than the Commonwealth by servicing the people within the States—we would have greater consciousness of and an awakening to the responsibilities of the States and an improvement in the financial relationship—if not citizenship relationship—between the Commonwealth and the States. I repeat that the drift of the States towards bankruptcy cannot continue for much longer.

This land tax, like any other tax which a State Treasurer is forced to introduce—and I have shown the Western Australian total per capita collections from all internal taxation is £9 0s. 4d.—does not give any State Treasurer much heart, no matter what his policy may be. He has the onerous responsibility of adding to the taxation burden already imposed on the people by the Commonwealth Government.

In the Premier's office in this building there is on the wall a cartoon taken from the "Sydney Morning Herald" of 1945. In my opinion, that cartoon should be exhibited in the Federal members' room. It is the original, because I wrote to the "Sydney Morning Herald" for it. It is framed and it depicts a sheep tied down by each of its four feet to tent pegs. It has been shorn and the cartoon shows the late Hon. J. B. Chifley carrying off the fleece and turning around to the onlookers—the six State Premiers—and saying, "There you are gentlemen; you can have what is left."

That was how the "Sydney Morning Herald," at that time, interpreted the attitude of the Commonwealth Government towards the States. However, that position has been so intensified and so worsened that the collections made by the Commonwealth Government have jumped from £373,000,000 to £1,095,000,000 and the amount retained by it, obtained from income tax alone, has jumped to £470,000,000.

I have mentioned other forms of taxation which are practically unnoticed but quite insidious. Some of them have taken from each unit within our population a sum three times greater than the total tax collected by the States. So I suggest that although the taking of such action has been avoided by the State Treasurer for as long as possible, the Treasurer and his Government have no alternative but to present this land tax and other taxes for approval by Parliament.

Hon. H. K. Watson: You are now straining at the gnat and swallowing the elephant.

Hon. F. J. S. WISE: According to the interpretation of the Grants Commission this is the lowest-taxed State. If members were to study the loadings and the weighted figures for this State it would be seen that because of the low taxation that is imposed the Grants Commission has reminded the State of the fields in which its taxation is the lowest in the whole Commonwealth.

Hon. A. R. Jones: What are some examples of the low taxation?

Hon. F. J. S. WISE: Motor vehicle taxation is one instance. The Grants Commission has drawn attention to the land tax.

Hon. H. K. Watson: Not the rate of current land tax, but the 1955 rate.

Hon. F. J. S. WISE: That is so. The Grants Commission in its report draws attention to the taxation imposed by the State last year. It points out that this State has the opportunity of making greater collections from many avenues that are available. It mentions stamp duties. It mentions motor-vehicle taxes, lottery taxes, probate and succession duties. I suggest that if this very difficult subject could be shorn of politics there would be approbation and not criticism of the steps taken by the State Governments in endeavouring to treat lightly their citizens, because of the burden of Commonwealth taxation.

In this House the States have been accused of being hungry for taxation. That has been said within the last fortnight, but I suggest that is not a fair approach at all. Provided the burden of taxation in any sphere imposed by the State Treasurer is reasonable, in the light of the needs of the State, and compares favourably with the same sort of taxation imposed in comparable States, we should assist the Treasurer in achieving what he desires for the benefit of the people by the imposition of this tax.

The Treasurer is unwilling to impose greater taxation on the people of the State. I suggest that a tax such as the one contemplated under this Bill could remain static, and many other forms of taxation not increased, if the £174,000,000 doled out by the Commonwealth Government to the six States from income tax sources were

to be doubled. But if the additional £10,000,000 needed came to this State via that medium, then Section 96 could in my view properly be applied. Until that attitude is adopted by the Federal Treasurer; both Houses of this Parliament should be prepared to divorce these discussions from political consideration; and to admit that all Commonwealth Governments appear to reimburse the States in an unsatisfactory manner; and every effort should be made by us to get justice for the States. I can see no alternative at all at this stage but to support the Bill as it is printed. I support the second reading.

HON. A. R. JONES (Midland) (4.50): We all admit that the Government of this State is under an obligation to the people to develop it, and that the Government must have the money necessary for that development. We have just heard from Mr. Wise that he was concerned that members of this House and of another place had not made many comments on the attitude of the Commonwealth Government and on the lack of financial assistance given to the States. I would point out that on many occasions throughout the year some members at least have suggested that this State did not receive sufficient reimbursements from the Commonwealth Government for developmental work.

I would remind the hon. member that some three years ago a member of another place and I, after a trip to the Northern Territory and to the North-West of this State, moved motions in our respective Houses calling upon the Federal Government for financial assistance for development. The motion was carried by both Houses, and a committee was formed to put before the Federal Government suggestions for development of the area in question. That was nearly three years ago, but it is only now that the Commonwealth Government has made money available as a result of that move.

To suggest that members of Parliament do not make sufficient requests to the Commonwealth Government for finance is perhaps incorrect. I do, however, agree with Mr. Wise that we could make more noise; and with his suggestion that politics should be divorced from the consideration of these matters. I agree that members of the Country, Liberal and Labour Parties should get together solidly in advocacy of more financial assistance from the Commonwealth.

In regard to the question of land tax, I cannot change my attitude from the one I held last year, for the main reason that a tax on land is an impost which should be avoided. It amounts to a further tax on the income of a person who in the past has been taxed at the source. To make myself perfectly clear, if I earned an income for five or 10 years, during which

time I paid income tax; and if I was able to put aside some savings and acquire some property, it would not be at all fair if I were to be further taxed by the State on that land. To my mind an anomaly exists in that respect.

If I may make a comparison, land tax is similar to a tax on the tools of tradesmen, whether they be plumbers, carpenters or bricklayers. If a tradesman possesses £100-worth of tools, it would be tantamount to saying to him, "Your wherewithal to earn your living is worth £100. We are going to tax you at the rate of 20 per cent. per annum on that amount." In my opinion, exactly the same method is used in regard to the taxation of land, particularly in respect of land owned by people who derive a livelihood from their properties—whether they be business premises, stores, factories, farms or pastoral land.

No argument can be advanced to make me change my mind in this respect; for whatever property a person may have acquired, the property has been worked by him to the point of production. It serves the Commonwealth and the State, and already tax is being paid on the profits from that property. The property has only been brought into that condition because of the good management of the owner. Therefore, the State Government is not justified in imposing a further tax on it.

One other aspect is that taxes such as this are imposed upon one section of the community; yet every one of us is already taxed by the Commonwealth Government. Whether we earn an income £5 or £10 a week, or £5,000 or £50,000 a year; whether we be private individuals receiving wages; whether we be in businesses on our own account; or whether we be shareholders, we all pay taxes. It seems that those who contribute the least receive the greatest benefit.

In the incidence of taxation imposed by the State, it seems that only those persons who possess property have to pay any tax. People who have no property pay no land tax. If it is right for the State Government to contend that it must have money to develop the State and to supply the needs of the citizens, it is also right that the Government should collect the money from all the people.

The unfairness of imposing a tax on land can be shown by this illustration: Two persons may have grown up together, and after leaving school they may work alongside one another in an industry. The first may be thrifty and, in the course of the years, acquire land or a house; while the other may drift along in life and acquire no property at all, although he has the same opportunity. When a tax on land is imposed, the latter is not affected, but the former has to pay.

It does not seem fair that the Government should tax a person who has made something of his life, and who has acquired a stake in the country; while the person who is carefree, who has spent his money without thought, and who has not acquired a stake in the country, should be able to escape paying this tax. This is my main objection to the imposition of a land tax by the State.

Hon. A. F. Griffith: That applies to tax on all types of land.

Hon. A. R. JONES: That is so—whether the property be a factory, residence, farm, or station land. One other point which riles me is that there is a lack of co-ordination between the State and Commonwealth in regard to the spending of the taxes. Every one of us is taxed a certain amount for social services contribution. There comes a time when some people in this country become unemployed; they are then paid unemployment relief. The amount used to be £4 7s. 6d. a week for a married man before it was changed by the last budget.

I know of instances where persons have received unemployment relief for quite some time. They make application to the Social Services Department for a job; and if one cannot be found, they are put on relief. They do not even have to go to the department to collect the payments. These are sent to them every fortnight. They are not expected to do a hand's turn of work for those payments.

I do not think there are many men and women in this country who want a hand-out from the Social Services Department without doing something in return. It should be arranged that persons receiving unemployment relief do some work in return for the payment. I believe those very people would be happier in doing that work.

There does not seem to be any tie-up at all. This money is collected through a Commonwealth instrumentality and distributed to any person in the State who has the qualification of being out of employment, and nothing is asked of him in return for the money. Yet this State, together with others, is crying out for development. Surely if men are unemployed and there is no work for them in the locality in which they live, they could be given an opportunity to go somewhere else in the State and undertake developmental work whereby they would earn the money they received. It seems to me that this is a direction in which there should be greater co-ordination between the Commonwealth and the States.

I can see no justification for a tax on improved land. I would support any Government in the imposition of a greater tax on unimproved land; for too often do we see people purchase land or obtain grants of land which is held for as long as 50 years unimproved—some of it quite close to the city and railway lines which

the Minister has told us do not pay. If the land was developed right up to the side of those lines, it is possible that the railways would pay.

Many acres of unimproved land are held by people who do nothing to improve it and nobody derives any benefit from it. It is held in the hope that as the State is developed by the goodwill and hard work of others, the holders of such land will obtain a rake-off. There are people who are in need of land and who are prepared to develop it, and we should give them every encouragement to do so, and not inflict land tax upon them but upon those who are not prepared to develop the land they hold.

I would raise the tax on unimproved land 10 times, sufficient to cover the amount it is expected to derive from the general and iniquitous land tax which has been in operation and which it is proposed to continue. When I speak of unimproved land, I realise that the matter would have to be gone into thoroughly by the Lands Department. A property would have to be taken as a whole; and if portion of it was improved, it could be considered to come under the designation of being improved land. Conditions could be laid down similar to those obtaining under conditional purchase whereby a certain amount of improvement must be undertaken each year. But a person who holds land for 50 years, or even for only five years, and does nothing with it, should be taxed as heavily as possible so that he would be induced either to improve it or to sell it to someone else who would do so. Until we view land tax in that light, I am afraid I cannot support a Bill of this kind, and I shall strenuously oppose it at every opportunity.

**THE CHIEF SECRETARY** (Hon. G. Fraser—West—in reply) [5.41: I thank members who have taken part in the debate, which has been very interesting. I do not intend to hold up the passage of the Bill, because I am anxious for it to go through. But there are one or two comments I wish to make.

I cannot understand the attitude of Mr. Jones, who opposes a tax of this description and yet at various times during the session has, with others, asked for concessions to be granted to people in different parts of the State. How can Governments finance such concessions except by taxes of this kind? A worse attitude was adopted by Mr. Griffith. He was purely window-dressing. That is why I interjected and said that an election must be approaching.

Hon. A. F. Griffith: Mr. President, I resent the insinuation behind the Chief Secretary's remarks and request a withdrawal.

**The CHIEF SECRETARY:** If the hon. member is offended, all right. But he did not wait until I had finished what I had to say, or he would not have asked for a withdrawal.

**The PRESIDENT:** The hon. member has asked for a withdrawal.

**The CHIEF SECRETARY:** All right. I withdraw.

**The PRESIDENT:** Thank you.

**The CHIEF SECRETARY:** I was going to say that Governments here and everywhere have been told that in the last year before an election they engage in window-dressing. Is there anything wrong with that?

Hon. Sir Charles Latham: You are now talking of Governments and not of an individual.

Hon. G. C. MacKinnon: You were accusing one member.

**The CHIEF SECRETARY:** Members opposite can say that we are the greatest lot of window dressers in this State. They think it is right to say that. This afternoon Mr. Griffith criticised the Government and said it should do something for a particular body—the volunteer fire brigades.

Hon. Sir Charles Latham: What about the Bill?

**The CHIEF SECRETARY:** Where is the money to come from, if not from taxes of this sort? So I say that, like Governments—perhaps I had better not repeat it or I will have to withdraw again. Shall I say—

Hon. A. F. Griffith: Say it another way and get away with it!

**The CHIEF SECRETARY:**—that usually when people are up for election they window-dress. The hon. member made quite an irresponsible speech when he suggested that we gave £300,000 or £400,000 away. Those may not have been his exact words; he could have used others.

Hon. A. F. Griffith: You think he used them; but he didn't, of course.

**The CHIEF SECRETARY:** If my ears deceived me, forgive me.

Hon. A. F. Griffith: Consult Hansard.

**The CHIEF SECRETARY:** So we find that while members want certain concessions granted, every effort made by the Government to obtain some income to do some good in the State is met with complaints.

Hon. A. R. Jones: You only get it from one class of people.

**The CHIEF SECRETARY:** Every time we want to raise finance to do something for the people there are complaints. But as Mr. Wise showed us, the people who

complain never protest to the quarter which takes quite a lot of money from them.

Hon. L. A. Logan: We do protest, and very strongly too.

The CHIEF SECRETARY: Then you do it silently.

Hon. Sir Charles Latham: Did you support Labour Governments when they were in power in the Federal sphere?

The CHIEF SECRETARY: My reference is to every Federal Government, irrespective of its political colour.

Hon. Sir Charles Latham: That's all right; don't pick us out!

The CHIEF SECRETARY: Every Federal Government has been to blame for the niggardly fashion in which it has treated the States. Whether they have been Labour Governments or Liberal Governments or Governments of any other kind, they have all done the same. But although complaints are not made against the Federal Government, when we endeavour to obtain money we meet with all the hostility it is possible to encounter.

I would like to make a comparison between this State and the other States as to the taxation per capita. The figures are as follows:—

State	Amount £ s. d.
New South Wales	11 0 2
Victoria	11 14 0
Queensland	11 19 9
South Australia	9 13 6
Tasmania	12 4 4
Western Australia	9 0 4

Yet we find members wanting to deprive the Government of revenue in a State whose per capita taxation is lower than that of any other State.

Hon. Sir Charles Latham: You know that it is determined by the value of land and ours is much lower than that of the other States.

The CHIEF SECRETARY: Exactly the same attitude is adopted towards other taxes. The same opposition is raised against taxes on cheques, and so on. I quoted those figures to show how little substance there is in the opposition.

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

Ayes	19
Noes	8
Majority for	11

#### Ayes.

Hon. G. Bennetts	Hon. R. C. Mattiske
Hon. G. Fraser	Hon. J. Murray
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. A. F. Griffith	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. H. K. Watson
Hon. E. M. Heenan	Hon. W. F. Willsee
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. Javery	Hon. E. M. Davira
Hon. G. MacKinnon	

(Teller.)

#### Noes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. J. Cunningham

(Teller.)

#### Pair.

Aye.	No.
Hon. R. F. Hutchison	Hon. C. H. Simpson

Question thus passed.

Bill read a second time.

#### In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Commencement:

Hon. H. K. WATSON: I would like to suggest that this clause be deferred until after the consideration of the other clauses.

The CHAIRMAN: The Chief Secretary is in charge of the Bill.

On motion by the Chief Secretary, clause postponed.

Clause 3—agreed to.

Clause 4—Section 9 amended:

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

That after the word "amended" in line 13, page 2, the following paragraph be added:—

(a) by inserting before subsection

(2) the following subsection:—

(1) Every owner of improved land (being improved land on which the value of improvements thereon or thereto amounts to not less than the unimproved value of the land) shall, in respect of such land, be entitled to a rebate of one-quarter of the tax levied on the unimproved value thereof as assessed under the provisions of this Act.

It is an easy matter for the Chief Secretary at this stage to get up and accuse somebody of kite flying, and of preaching political propaganda, and so on. He does not recognise a genuine case when he sees one, because he is not a good judge.

The CHAIRMAN: Order! The hon. member will tie up his remarks with the amendment before the Chair.

Hon. A. F. GRIFFITH: For years and years land tax in this State has been subject to a reduction of 50 per cent. on improved land, even when the taxing rate was three times less than it is at present. I think it is only reasonable that those who pay land tax should have some rebate, and so I ask the Committee to accept the amendment because it grants a rebate of 25 per cent. The figures which the Chief Secretary gave were not quite accurate and

I have endeavoured to assess the result of the rebate on the figures supplied by the Government in replies to questions I asked.

However, the figures I received from the Taxation Department are the only figures upon which I can base an assessment of this nature; and I assess it in the vicinity of £280,000, which is not nearly as much as would be lost by the Government if the Bill were lost. This iniquitous tax would not have gone on the statute book last year with my vote, and it is not too late at this stage to give the taxpayers a 25 per cent. rebate for improvements on the basis set out.

The CHIEF SECRETARY: The taxation already levied in this State is not sufficient to cover the costs of government today. In view of that, it is not possible for us to give a rebate of 25 per cent. on any one section of the tax.

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

Ayes	15
Noes	11
Majority for	4

Ayes.

Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. N. E. Baxter
Hon. G. C. MacKinnon	(Teller.)

Noes.

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

Pair.

Aye.	No.
Hon. C. H. Simpson	Hon. R. F. Hutchison

Amendment thus passed.

Hon. H. K. WATSON: I move an amendment—

That paragraph (a) in lines 14 to 24, page 2, be struck out.

Last year the Committee removed the definition of unimproved land which had previously existed in the Act, and the substance of paragraph (a) is that land in the metropolitan area shall be deemed not to be improved unless the improvements are at least one-third of the unimproved value of the land. Having regard to the very small difference today in the taxing Act between improved and unimproved land, I suggest that the Act as it stands at the moment should not be disturbed; and I can best illustrate my point by giving an example.

Take, for instance, a block of land on the corner of St. George's Terrace and King-st., and let us assume that its unimproved value is £60,000. The proposal in paragraph (a) is that it shall be deemed

to be unimproved unless improvements to the extent of not less than £20,000 are made. It so happens that substantial improvements have already been made to that land. However, they probably do not amount to £20,000—I should say something under £10,000 would be near the mark. But according to anyone's common-sense that block of land is improved, and I see no reason why it should carry an extra penny because the improvements do not amount to one-third of the unimproved value. Years ago the improvements on that block, and many other city blocks, would have probably been equal to the value of the land; but because of the theoretical value of the land, it is not deemed to be improved today.

Similarly a young fellow could have a block of land; and even though he had a fence around it, it would be deemed to be unimproved because it was not improved to the extent of one-third of the value of the land.

The CHIEF SECRETARY: I have an official reply which the hon. member would probably appreciate more than a personal reply.

Hon. H. K. Watson: Not necessarily.

The CHIEF SECRETARY: The intention of paragraphs (a) and (b) of Clause 4 is simply to remove an anomaly which was left due to the alteration in the basis of taxation brought about by the 1956 legislation. Prior to that legislation property-owners were taxed at a stipulated rate in the £ and received the benefit of a rebate of part of the tax if their land was improved. The system introduced by the legislation last session was to impose a stipulated tax in the £ plus a surcharge of 1d. if the land was unimproved.

Legislation in existence prior to the passing of the 1956 statute laid down the conditions for determining whether land was improved within the meaning of the Act. These conditions applied firstly to land used for primary industry purposes, and secondly to all other land. The former was deemed to be improved if improvements had been effected to the value of £1 per acre, or one-third of the unimproved value of the land, whichever was the lesser, or to the amount prescribed by the Land Act.

On the other hand, all other land was deemed to be improved if improvements had been effected to a value of not less than one-third of the unimproved value of the land up to a limit of £50 per foot of frontage. The anomaly left by the enacting of the 1956 legislation was to remove the distinction between primary industry land and all other land. As a result of this anomaly, land-owners in municipalities can now claim to be taxed at the improved value basis, provided their improvements are to a value of £1 per acre. This is obviously unreasonable as improvements

to the value of £1 an acre in the municipalities mean virtually no improvement at all.

The amendments proposed in Clause 4 of this Bill impose no hardship, as the intention is to carry on the same basis as applied prior to the 1956 legislation. Its deletion at this stage would remove any encouragement to land-owners within municipalities to improve their land, as it would make no distinction in tax payable by owners of improved or unimproved land. The deletion of this clause would mean the loss of considerable revenue to the Government, and consequently cannot be agreed to.

Hon. H. K. WATSON: The Chief Secretary's main reason for urging us to accept the Bill in its present form is that this was long-standing practice till 1956. If the Chief Secretary were prepared to restore into this legislation every other practice in the Act that existed up till 1956, I would be prepared to settle with him.

Amendment put and negatived.

Hon. H. K. WATSON: I do not propose to proceed with my next amendment because it is determined by the one just negatived.

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

That after the word "tax" in line 29, page 2, the following paragraph be added:—

(d) by inserting after subsection (4) the following subsection.

(5) Where an owner has during the financial year next preceding the year of assessment, paid any amount for repairing or painting improvements on his land, the amount of land tax which, but for this subsection, would be payable in respect of such land, shall be rebated by the amount, up to an amount not exceeding one-quarter of such tax, so paid by him for repairs and painting.

It is reasonable to encourage an owner by giving some rebate in respect of expenses incurred in painting and repairs to his property. Pride of ownership deserves such rebate. Painting a house is an expensive matter; and though the rebate will be small, it will prove an incentive to land-owners to carry out such repairs.

Hon. A. R. JONES: The amendment has merit so far as it relates to privately-owned buildings. I think there would be difficulty when it was applied to business concerns or manufacturing properties already covered, inasmuch as any money spent on renovations can be claimed as a tax reduction. I admit that it would encourage private owners to take an interest in their properties.

The CHIEF SECRETARY: One can be generous if one is not losing anything. But the Government needs finance to carry out the administration of this State. We have endeavoured to prevent any rise in railway freights, and that is why we have introduced this and other measures similar to it. If we permitted rebates of 25 per cent. of the cost of the repairs and renovations it would be a drain on Government finances; it would be robbing the Government. I paint my house every three or four years, so members will see how much rebate I would receive.

Hon. G. Bennetts: It would be difficult to police.

The CHIEF SECRETARY: I oppose the amendment.

Hon. H. K. WATSON: The Chief Secretary talks about robbing. It is the people who are being robbed; and all Mr. Griffith asks is, "Do not rob us quite as much as you are robbing us today." The amendment does not provide for a reduction of the total amount spent on repairs and painting, but only an amount up to 25 per cent. of the land tax. If the person concerned is paying £100 land tax, he will be allowed up to £25 for repairs.

Hon. J. D. Teahan: How would it be administered?

Hon. H. K. WATSON: It is necessary to put in a return now to show what improvements have been effected.

The Chief Secretary: You don't put in a return every year.

Hon. H. K. WATSON: When there is a change of property.

The Chief Secretary: How many people change their properties every year?

Hon. H. K. WATSON: Quite a few. I support the amendment.

Hon. A. F. GRIFFITH: Mr. Watson is quite right as to how this will work. As I said before, the amount of this deduction is difficult to assess because we do not know the taxation figures accurately. But the expense would be vouched for, and on that the calculation would be made.

Amendment put and negatived.

Hon. H. K. WATSON: I move an amendment—

That after the word "tax" in line 29, page 2, the following be added to stand as Subclause (2):—

The amendments made by Subsection (1) of this section apply to assessments in respect of the year of assessment ending on the thirtieth day of June one thousand and nine hundred and fifty-eight and in respect of all subsequent years.

That is a standard provision which will be found in any Bill which seeks to amend either the Act dealing with land tax or that dealing with income tax assessment.

The CHIEF SECRETARY: I wish to protest against amendments being handed in at this late hour. This Bill has been on the notice paper for at least a week; yet, in the Committee stage, I am handed amendments like this. I think the amendment limits the measure to June of next year.

Hon. A. F. Griffith: No.

The CHIEF SECRETARY: If that is not what it means, how can I be expected to agree to it?

Hon. Sir Charles Latham: I suggest you report progress for a while.

The CHIEF SECRETARY: Why is Mr. Watson not satisfied to allow it to apply until June, 1958, and let the other years look after themselves?

Hon. H. K. WATSON: Under taxation Acts there are always disputes and the intention of the amendment is to leave no room for doubt as to which assessment year it relates to. Clause 4 provides that the principal Act is amended, firstly to allow for a rebate of 25 per cent. on improved land; and secondly, that improved land is not deemed to be improved unless there are improvements to the extent of one-third thereof. It is necessary to state to which assessments they apply.

My amendment says they apply to the assessments for the current year and all years thereafter. The alternative to this would be for Clause 2 to say, "This Act shall be deemed to have come into operation on the 1st July, 1957." Unless one of those two things is done, the way is being left open for endless litigation as to what year of assessment they apply to. I assure the Chief Secretary that my intention is to be helpful.

Hon. Sir CHARLES LATHAM: I would ask the Chief Secretary to report progress to a later stage of the sitting to give members an opportunity to understand the amendment.

Progress reported till a later stage of the sitting.

(Continued on page 3757.)

## **BILL—TOWN PLANNING AND DEVELOPMENT (METROPOLITAN REGION).**

### *Second Reading.*

**THE MINISTER FOR TOWN PLANNING** (Hon. G. Fraser—West) [5.48] in moving the second reading said: This is one of two related Bills, and is the main one, dealing with the implementation of the Metropolitan Region Plan. It provides for the setting up of a metropolitan region

planning authority to finalise, obtain approval for and to administer a statutory plan for the metropolitan region of Perth and Fremantle.

The Bill is designed to be read in conjunction with the Town Planning and Development Act because the regional plan is, after all, only another town-planning scheme, although a very important one. It is desirable, therefore, that there should be some uniformity in procedure, terminology and other matters that are normally included in town-planning schemes. Because of its importance, however, special provisions have been made in regard to approval of the plan.

A brief history of the events leading up to this Bill may be appreciated by members, who will recall that following Professor Stephenson's appointments as planning consultant for the purpose, the regional plan in its printed form was made available to the public late in 1955. Copies were sent to all members of Parliament and to all local authorities in the region.

At that time, the Government appointed a Town Planning Advisory Committee—composed of members of all political parties and local government representatives—to consider and report on the proposals in the report and plan. This committee sat between August, 1955, and November, 1955, during which time it—

- (a) approved the plan in principle;
- (b) recommended to the Government some of the major proposals;
- (c) supported the proposed public exhibition of the plan;
- (d) gave extensive consideration to draft legislation but finally was only able to recommend interim development legislation at that stage.

Subsequently, some of the major proposals recommended by the advisory committee have been adopted by the Government; well-attended public exhibitions of the plan were held on three occasions; and interim development legislation was introduced and passed at the 1955 parliamentary session.

The committee discussed at some length several of the matters included in this Bill, notably the composition of a regional planning authority and the provision of finance for operating the plan. No conclusion, however, was arrived at. In drafting the Bill, the minutes of the advisory committee, and the discussions which took place, were taken into consideration.

The first metropolitan region interim development order was gazetted in September, 1956, with the object of "holding the position" until such time as a statutory regional plan came into force. It has now been in force for just over a year and is being operated by the Town Planning Board.



During that period, a number of decisions have been made under the order, some of which have necessitated the purchase by the Government of the land included in the application, as required under the Act. All these decisions, together with a considerable amount of other work done, have assisted in bringing a statutory plan nearer to completion. Members will appreciate that it is not often realised how long it takes to reach agreement between all the parties concerned in even a part of quite a minor road proposal.

The time has now come when it is essential not only to appoint an authority to carry the plan to fruition statutorily, but also to give that authority the status and the financial backing, to carry through this important work. I believe all members agree with the fundamental principle of a statutory plan for the metropolitan region, the need for which has been apparent for many years. As a matter of fact, most local authorities have found it almost impossible to finalise a positive plan for their districts without the overall framework of a regional plan as a guide. It can only be expected that there will be opposition to some of the details of a regional plan, but these have been anticipated and ample provision has been made for consideration of the plan and objections to it.

One of the main purposes of a plan and a planning authority for a region is co-ordination and guidance of major development functions to produce the most satisfactory total result. It is no longer adequate for these functions to proceed relatively independently. It is important to differentiate between regional and local functions. There appears to be some feeling that a regional plan will usurp the planning powers of the local authorities, but this is far from the truth. The regional plan lays down the broad pattern of regional development—the major roads and railways; major open spaces and broad zoning requirements on which depend the provision of public supply services; transport facilities, and other things. The local authority has an equally important part to play in laying down the local development pattern, or filling in the framework of the regional plan.

We have now reached the position where, if the immense amount of work which has been put into the advisory plan for the metropolitan region and in the subsequent interim development order is not to be lost, a permanent planning authority with the necessary powers to finalise the plan must be set up. The decision on the composition of an authority was not an easy one and was arrived at only after consideration of the composition, functions and achievements of existing authorities of similar character in Sydney and Melbourne.

Because the Government is heavily involved in development functions which will form a major part of the structure of

the plan it is clear that it must be well represented on the authority. There are 29 local authorities in the metropolitan region, and to give all of them representation would make a most unwieldy authority, which could operate only through sub-committees. As a compromise, it is proposed to call for local government representatives for groups of local authorities, in all cases except the Perth City Council. This is the procedure adopted in Sydney. The composition of the authority is therefore proposed as:—

Six members appointed by the Governor from the—

Main Roads Department,  
Metropolitan Water Supply, Sewerage and Drainage Department,  
Railways Department,  
Public Works Department,  
Lands and Surveys Department,  
and  
Town Planning Board.

Five members from each of the following body or groups:—

Perth City Council;

Group A: Fremantle, East and North Fremantle Municipalities, and Cockburn, Kwinana, Melville and Rockingham Road Boards;

Group B: Claremont, Cottesloe, Nedlands and Subiaco Municipalities, and Mosman Park, Perth, Peppermint Grove and Wanneroo Road Districts;

Group C: South Perth Municipality, and Armadale-Kelmscott, Belmont Park, Canning, Gosnells and Serpentine-Jarrahdale Road Districts;

Group D: Guildford and Midland Junction Municipalities, and Bayswater, Bassendean, Darling Range, Mundaring and Swan Road Districts.

Possibly any permutation of local authorities in this way could be criticised; but it is considered that the proposal in the Bill would provide the most adequate local authority representation that is possible from both the geographical and functional point of view.

The chairman and vice-chairman would be appointed by the Governor from among the members. The term of office would be for three years; and there are the usual provisions for an authority of this nature, including provision for the appointment of deputy members where required, and the payment of fees and expenses. The authority is charged with—

(a) finalising a regional plan having regard to the recommendations in the published report and atlas on

the metropolitan region plan for Perth and Fremantle, and to the interim development order;

- (b) taking over from the Town Planning Board at a date to be fixed the operation of the interim development order until such time as the plan is finalised;
- (c) submitting the plan for approval and administering it after approval, and
- (d) keeping it under review and re-viewing it every five years.

The authority will be required to present an annual report to Parliament. This report, which will cover the financial year, must be submitted within 14 days of the commencement of the session.

It is the intention that the administrative and technical work required by the authority would be carried out as required from within existing Government departments. A secretary, and possibly other administrative staff, would need to be appointed, but the technical work in the town planning field would be done by the Town Planning Department, and the accounting and legal work by the Treasury and the Crown Law departments.

Because of the importance of the plan, it has been arranged that it shall not be approved in quite the same way as is provided by the Town Planning and Development Act for town-planning schemes. The proposed procedure is:—

- (a) The plan when finalised is submitted to the Minister for preliminary approval to advertise.
- (b) Copies of the plan are then deposited at Perth and Fremantle and with each of the local authorities whose area is affected by the plan, and notices are inserted at least three times in the "Gazette," two daily newspapers and one Sunday newspaper advising this fact and inviting inspection and objection. A period of six months is allowed for inspection and objection. In addition, the authority can take further action by exhibition and other means to acquaint the public with the proposals.
- (c) The authority considers all objections and must give the opportunity of a hearing unless it is proposed to allow the objections.
- (d) The plan with or without amendments is submitted to the Minister for approval by the Governor who may also amend it. After this approval it is published in the "Gazette" and becomes law.
- (e) It is laid before both Houses of Parliament, with a written report on all objections, for 24 sitting days, during which it can be revoked by a resolution of either House.

For the information of members, this is very broadly the procedure which has been operating in Melbourne, although we have been rather more liberal in our allowances for objection periods and consideration by Parliament.

Quite clearly the plan, when finally approved, must override local planning schemes if it comes in conflict with them. A further provision of the Bill is that within three years of the plan being approved, all local authorities in the region must either amend their existing town-planning schemes to conform with the plan; or where they have no scheme, they must prepare one. This seems a most necessary and not unduly onerous provision if the development pattern for the region is to be completed.

The compensation provisions of the Bill are the same as those existing under the present Town Planning and Development Act which were recently brought up to date by Parliament. Provision is made, however, for the authority to acquire land as an alternative to paying compensation for injurious affection. This provision is included because in many of the regional proposals such compensation could well amount to the full value of the land.

The authority is given power to purchase land but not to resume land until the plan is approved, and then only as a result of the approved plan. If land is acquired by the authority under an interim development order, or the plan, it may be leased or otherwise used until it is required for the purpose for which it was acquired.

No regional planning authority could possibly be effective without adequate finance to carry out the plan. It is therefore proposed to adopt the suggestion made in the report on the metropolitan region and provide for an additional land tax on properties in the metropolitan region only, but excluding improved agricultural properties. Local authority rates are not considered suitable for this purpose, which is regional in character, and the proposed land tax has the following advantages:—

- (a) It is a tax which affects the average property holder only slightly.
- (b) It is assessed on a uniform basis.
- (c) It is simple to collect as the machinery exists.
- (d) It automatically reflects any increase in values arising from the benefits of the plan and therefore provides a form of "betterment" tax.
- (e) The exclusion of agricultural properties will not only encourage the retention of important market gardening and orcharding properties so necessary for a capital

city, but will assist in maintaining a degree of relatively open country in and adjoining the built-up area.

It is proposed to levy a tax of 1d. in the £, which on present assessments would produce approximately £127,000 per annum. This by itself would probably be insufficient for the authority's purpose, and therefore provision is made for the authority to borrow money from the Government on repayment of principal and interest, and if necessary to raise loans from other sources on Government guarantee.

Proceeds of the proposed tax and any loans and other moneys will be paid into a metropolitan region improvement fund, to be established at the Treasury, and all payments for purchases and compensation by the authority will be paid out of this fund.

To conclude, the usual administrative provisions provide for the making of regulations where necessary and for penalties for disregard of the Act or the plan, when operative, with provision for a recurring offence. The plan, when approved, will bind the Crown.

I must stress that planning is a continuous proceeding. It is important that, having reached the present stage in a regional plan, we do not throw away the opportunity to continue, that is offered. It will be necessary, therefore, to continue the interim development order, probably with some amendments, until such time as a statutory plan can take its place. This provision is made in a subsequent Bill. I move—

That the Bill be now read a second time.

**HON. J. G. HISLOP** (Metropolitan) [6.6]: It is extraordinary that the town planning Bill always comes to us in the last week of the session. Particularly is it extraordinary when we realise that there is a department set up with no other responsibility than that of town planning; and town planning is in its early days. Yet the department cannot produce a plan here and give us more than a day or two to look at it. I do not know what this means. I do not know whether the department desires the legislation to be passed, or whether the measure is brought down just for us to look at and then leave alone.

The Bill contains much which can be criticised, and it has some of the features which were introduced the other night in the plan for the conservation of the river and its foreshores. The preponderance of departmental officers on the Town Planning Board means that it will be practically a Government authority. Long ago the Town Planning Royal Commission agreed that this was essentially the wrong

way to tackle town planning. This is a matter of co-operation between the Government and private citizens.

If we can get the citizens of a city to agree that town planning is essential, they will co-operate. But the Bill provides for a preponderance of departmental officers, and John Citizen has no representation at all. Nor is there anywhere in the whole set-up of town planning where the citizen can offer his services or advice. I consider that town planning, carried out in this way, will be a complete failure. Until we give up the socialistic, governmental approach to the matter we will not achieve what the Government desires or what either House of Parliament wishes.

One of the interesting features of town planning in Melbourne is the interest taken by the ordinary citizen. Ever since I was a small boy growing up in Melbourne, the Metropolitan Water Supply, Sewerage and Drainage Department—and the other metropolitan services which were organised through the local authority—has been an organisation which has had the respect of everyone and received the co-operation of the citizens because they felt it was theirs. This organisation, as far as I can remember it, has acted almost as a semi-Parliament. It has been able to conduct the affairs of the city without major Government interference.

I think that today Melbourne has grown into one of the most beautiful cities, yet even in a city of such proportions as Melbourne, the citizen is taking an active part in the whole system of town planning. The City Development Association must, even within recent years, have done a tremendous amount of work for the good of Melbourne. It is interesting to see the objects of this association. They are—

- (a) to investigate city problems of and problems bearing on the City of Melbourne;
- (b) to recommend what action should be taken;
- (c) to campaign for the necessary action;
- (d) to organise joint action amongst members where such joint action can relieve or solve city problems;
- (e) to support practical city planning;
- (f) to support organisations and individuals where their proposals promote the interests of the City of Melbourne;
- (g) generally to undertake such other activities as may, from time to time, be agreed upon by the Council.

The Minister for Town Planning: That is a private body.

Hon. J. G. HISLOP: Yes.

**The Minister for Town Planning:** There is nothing to stop that body from establishing itself here for the same purpose. In fact, I think it did start to do that.

**Hon. J. G. HISLOP:** It is interesting to look at the membership of this association. It is provided that—

- (a) The members of the association shall be—
  - (i) The signatories to this Constitution and any other persons who in addition to such signatories are hereinafter named as members of the council.
  - (ii) Every person, business firm, company, corporation, association, organisation or body of persons who or which agree to be bound by this Constitution and who or which is admitted to membership by resolution of the council.
- (b) Every person, business firm, company, corporation, association, organisation or body of persons owning or controlling property situate in the City of Melbourne or being a tenant of property situate in the City of Melbourne shall be eligible for membership of the association.
- (c) A register of members shall be kept by the secretary of the association at the office of the association.

They have their own subscription and decide what the cost of each industry and firm shall be in promoting the work of the association.

That is the way Melbourne has developed. It has been developed by the citizens and their elected people in local governing authorities taking over the work and spreading the whole of the interest among themselves until now Melbourne is a city of which its citizens are immensely proud and which is an example to the other cities in Australia. But here we have a Bill to set up an authority which will be controlled by the Government. I cannot believe that this will succeed as it would if an approach were made to the people.

It is not more than a couple of years ago that Mr. Jessup, of Melbourne, came here and gave a most interesting lecture in the civic hall of the City Council. I think he impressed everyone there, including the private citizens and the representative of the Government who, if I remember correctly, was Mr. Tonkin. Those who heard Mr. Jessup accepted the proposition that the City Development Association was an organisation established for the benefit of the community and the city and one of which all could be proud.

We left the room that night with the belief that this matter would be investigated to see whether we could spread

the interest from the departments—decentralise it as it were—to the actual citizens themselves. Therefore I feel that the approach in this Bill to town planning is not likely to succeed. It is not likely to succeed in any way because already the local authorities are not happy with their representation on the board.

They feel they should have a greater number of representatives than they have, because we are going to ask portions of the community to have just one representative. We have areas such as the Perth Road Board joining in with Claremont-Cottesloe, Nedlands, and Subiaco municipalities and the Mosman Park-Peppermint Grove and Wanneroo road districts, so we can see that the Perth Road Board could be in the position of having not even one representative on the board.

There are so many debatable points contained in this measure that I do not see how, in the time available, members can give it sufficient attention. My memory of a regional plan, as suggested in the early days by those who gave evidence to the Royal Commission, and since then, is that a regional plan was an overall plan and the authority designing it had little or nothing to do with the augmentation of the details contained in it; but it appears that the authority here proposed will eventually become the authoritative body in regard not only to the plan, but also to the implementation of the proposals contained therein.

If this plan is weighted against the local authorities, I cannot see how there can be co-operation between them and the Government. The local authorities will have to find a good deal of money for the portions of the plan affecting their own areas. The Minister said that this plan had a rather different method of finalisation—if I may use the word—from other measures, because the plan is to be submitted to the Minister first and then exhibited in Perth, Fremantle and three other places, following which six months is allowed for inspection and the public is given notice.

After all the objections have been either ruled out or allowed, the plan—with or without amendments—is to be submitted to the Minister for approval by the Governor, who may also amend it; so after all the objections have been dealt with the Minister still has power to amend it. At that stage nobody would have any right to object to it, with the exception of Parliament. Why go to the trouble of investigating all the objections? Surely at that stage the plan should be finalised and from then on the Government should not have the right to amend it.

Admittedly the plan comes back to Parliament and is laid before both Houses, with a written report of all objections, for 24 sitting days, during which it can be

revoked by resolution of either House; but then we have the difficulty of the resolutions, and the Government may declare that it has approved of the plan shortly after Parliament rises, which would mean that the work of implementation would be under way for seven months before it could be disallowed and by then it would be far too late for Parliament to try to interfere with the work in progress. It has been suggested to me that we should insert in the Bill a clause to the effect that the Act could only be proclaimed while Parliament is in session, thus giving Parliament the right to object.

Hon. Sir Charles Latham: Would not the Government give notice of intention to proclaim the Act?

Hon. J. G. HISLOP: I do not think that would be necessary, because after approval it is presented to the Minister and is published in the "Government Gazette" and becomes law. Another point of tremendous interest in regard to town planning is the question of the necessary finance. The proposed regional planning authority could not be effective without adequate finance and the Government proposes an additional one half-penny rise in the land tax. Only last year the metropolitan area had an increase of £800,000 in the land tax and now there is proposed this further increase of £127,000. Surely the £800,000 so recently collected should provide sufficient to cover the initial stages of the plan! I feel that the Treasurer could well be asked to supply the finance for the early stages.

We must remember that the proposed tax of £127,000 is regarded as being totally insufficient for the needs of the authority; and so that the plan may progress, the Bill provides for the authority to borrow money from the Government, with provision for the repayment of principal and interest. The authority is to be given permission to buy land and hold it or lease it until such time as it is required for the purpose for which it was acquired. Is it expected that the authority will make capital out of the buying of the land? How is the authority to repay the principal and interest? I think this Bill will bog down on the question of finance.

The measure lays down that the proceeds of the proposed tax and any loans or other moneys will be paid into a metropolitan regional improvement fund, but it regards the one half-penny tax that is proposed as a betterment tax. Long ago the Royal Commission decided that betterment was something that even Great Britain could not handle, so we certainly could not handle it here. It is hoped that as the value of the metropolitan area increases so will the amount of money increase, but it will still not be sufficient and the authority will have to borrow. There is nothing in the Bill to tell us how the authority is to repay the money and the interest.

In suggesting that the Bill could well be postponed until we have sufficient time to examine it thoroughly, I might say that I think the reason for its late introduction was given by the Minister when introducing it; when he said—

The decision on the composition of the authority was not an easy one and was only arrived at after consideration of the functions and achievements of existing authorities of similar character in Sydney and Melbourne.

I do not believe for a moment that there is a similar authority in Melbourne. I have already been asked by local authorities to endeavour to double their representation and only an hour ago I received a request from the Perth Road Board to ensure that it had two representatives on this authority.

Hon. A. F. Griffith: It represents a large portion of the metropolitan area.

Hon. J. G. HISLOP: Of course; but there was the possibility that it would not have any representation. I believe a board of a similar nature to the Melbourne body on which almost every local authority there is represented is necessary. I do not know how we are going to amend the Bill in order to give the local authorities the required representation, unless we are given far more time to consider the measure. We could hold the position by the passing of the subsequent measure, but this Bill is of such major importance to all of us that we should insist on having ample time in which to consider it. It should be brought down early next session; and if necessary, we could refrain from wasting time on the Address-in-reply.

Hon. F. D. Willmott: We virtually did that this session, and nobody suffered.

Hon. J. G. HISLOP: That is so. I repeat that the question of finance under this measure is as yet an unanswered problem. We all feel that the citizens should be given much more say than is proposed in the Bill. The authority should not be composed simply of departmental officers, and I think it is our duty to ensure that the local authorities are fully represented.

Hon. R. C. MATTISKE: I move—

That the debate be adjourned till Tuesday, the 12th August, 1958.

The MINISTER FOR TOWN PLANNING: Would I be in order in speaking to this motion?

The PRESIDENT: No; the Chief Secretary can only vote against it.

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

Ayes	....	....	....	....	6
Noes	....	....	....	....	18
Majority against					12

## Ayes.

Hon. J. G. Hislop	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. J. Murray

(Teller.)

## Noes.

Hon. N. E. Baxter	Hon. G. E. Jeffery
Hon. G. Bennetts	Hon. A. R. Jones
Hon. J. Cunningham	Hon. Sir Chas. Latham
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. W. F. Willesee
Hon. W. R. Hall	Hon. F. J. S. Wise
Hon. E. M. Heenan	Hon. E. M. Davies

(Teller.)

## Pairs.

Ayes.	Noes.
Hon. C. H. Simpson	Hon. R. F. Hutchison
Hon. L. A. Logan	Hon. F. R. H. Lavery

Motion thus negated.

Hon. L. C. DIVER: I move—

That the debate be adjourned until Tuesday next.

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

Ayes	12
Noes	12
A tie	0

## Ayes.

Hon. N. E. Baxter	Hon. G. C. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. H. K. Watson
Hon. A. F. Griffith	Hon. F. D. Willmott
Hon. J. G. Hislop	Hon. J. Murray
Hon. A. R. Jones	
Hon. Sir Chas. Latham	

(Teller.)

## Noes.

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

(Teller.)

## Pairs.

Ayes.	Noes.
Hon. C. H. Simpson	Hon. R. F. Hutchison
Hon. L. A. Logan	Hon. F. R. H. Lavery

The PRESIDENT: The voting being equal, I give my vote with the noes.

Motion thus negated.

HON. H. K. WATSON (Metropolitan) [7.52]: A short while ago the Chief Secretary put on a performance because I moved quite a simple amendment, the purport of which ought to be evident to anyone. The Chief Secretary complained that no notice of the amendment had been given. I would like to point out that we have had this Bill before us for only three hours, and during that time other important legislation has been introduced and considered by this House. Therefore, I do not know how we are expected to give intelligent consideration to—much less discuss or even read the contents of—this Bill within the time allotted to us.

So far as I can gather, the Bill proposes to constitute an authority which, we are informed, is to be similar to that which operates in Victoria. However, so far as I can gather, the composition of the authority proposed is nothing like that

which is established in Victoria. Although the general plan of the scheme is of the utmost importance to every local authority in the metropolitan region, what chance have we of hearing the views of local authorities? What local authorities have had the opportunity to discuss the ramifications and impact of the Bill upon their activities?

Again, we are told that the proposal contained in the Bill will be financed by the imposition of a further land tax which, presumably, is to be a separate land tax. In addition to the existing land tax assessment, apparently the Taxation Department is going to issue an assessment to be called the metropolitan regional improvement tax. From the Treasurer's financial statement for this year I notice that the expenditure on taxation administration has risen from £12,000 to £50,000 a year. I would like the Chief Secretary to give an explanation for that heavy increase in administration costs.

After all is said and done, I am not prepared to accept the view that that amount has increased simply because the land tax has been increased. Surely it takes no more office expenditure to issue a land tax assessment of £30 than it does to issue one for £10. I would like to know how the departmental expenditure has risen from £12,000 to £50,000. But under this system it could quite easily be increased by another £50,000; because it is proposed to have another tax, another set of statistics, and another assessment which may not be issued at the same time as the land tax assessment.

I consider that the Chief Secretary has given us no intimation of all these matters in the speech he has delivered to the House. The Bill provides—

For the purpose of this Act, the provisions of the Land Tax Assessment Act, 1907-1956, relating to land tax and land so far as they can be made applicable and with all necessary modifications or adaptations, apply to the Metropolitan Region Improvement Tax and land situate within the Metropolitan Region.

The Land Tax Assessment Act, among other things, exempts many classes of land—for example, church lands. Those lands are exempted from land tax; and rightly so. However, if any land is to be improved as the result of a town planning scheme, it is a moot point whether any land should be exempted.

Then, too, the argument in favour of this tax is based on the assumption that everyone in the metropolitan area is to benefit from the town-planning scheme. On the contrary, however, there will be many owners who will not benefit from this scheme in any shape or form. I suggest that there are many owners in the city block who will not so benefit. Those city owners who would be very badly hit

by this tax, instead of benefiting from the town planning scheme would suffer extremely from its implementation.

It seems to me that, whilst on the one hand there will be many citizens suffering from injurious affection, on the other hand there will be those who own other land, the value of which will rise to extraordinary heights overnight. On that basis I submit some scheme ought to be devised. In just the same way as the owner who suffers injurious affection is to be compensated, so the owner whose land increases from £1,000 to £20,000 in value should have a bit clipped off him. That is the way this scheme should be financed, rather than to impose a tax on all lands whether the owners win lose or draw under the scheme.

Those are the views I have been able to form by glancing through the introductory speech of the Chief Secretary and by an examination of this long, complicated measure. I register a strong protest at having an important measure like this one thrown at us a few hours before the session is due to end. I am not prepared to accept the excuse that there is a good reason for the delay in bringing down this Bill.

If we look back to last year and the year before, we will find precisely the same set of circumstances in regard to the town-planning legislation. It was in the dying hours of Parliament that the interim development measure was brought down in 1955; and it was in the dying hours of the 1956 session that the continuance Bill was introduced. Having found this circus trick working very well on those occasions, the Chief Secretary in this instance insults the intelligence of the House by doing the same thing in introducing the Bill at this juncture.

I also raise a protest at the refusal of the Government for an adjournment, thus depriving members of the opportunity to discuss the Bill in an intelligent manner. I hope that some members who voted against the adjournment of the debate; who apparently have had more time to study the Bill; and who apparently can enlighten the House on its contents, will take this opportunity to do so.

On motion by Hon. J. Murray, debate adjourned.

#### **BILL—CHILD WELFARE ACT AMENDMENT (No. 1).**

Received from the Assembly and read a first time.

#### **BILL—TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT (No. 1).**

*Second Reading.*

**THE MINISTER FOR TOWN PLANNING** (Hon. G. Fraser—West) [8.5] in moving the second reading said: This Bill

goes hand in glove with the one just discussed. I have not, since I have been Chief Secretary, attempted to rush legislation through this House. I have always agreed to the adjournment of debates when they were requested, and I have not opposed an adjournment in any form. Although this legislation is introduced at this stage, it is no fault of mine. Legislation has been introduced at a late stage ever since there has been a Parliament, and that will continue to be the position.

Hon. J. Murray: Surely not in respect of measures of this nature.

**THE MINISTER FOR TOWN PLANNING:** I take the strongest exception when it is suggested that I attempt to rush through legislation.

Hon. A. F. Griffith: Why the great rush on the 28th November?

Hon. L. A. Logan: Why not come back next week to deal with it?

**THE MINISTER FOR TOWN PLANNING:** I did not say the session will finish tonight or this week. Whether this House will decide to deal with it this week or the next, I am not in a position to say. This is quite a short Bill and follows the measure which I have already explained. The interim development powers provided in the principal Act for the metropolitan region expire on the 31st December, 1957. The powers were purposely made operative from year to year so that Parliament could review them periodically.

The interim development order made under these powers has now been operating for just over one year. It is important that it shall not lapse now when proposals for a regional planning authority have been put forward. It is therefore sought to extend these powers for a further 12 months until the 31st December, 1958, or until a statutory plan comes into being.

The opportunity has also been taken to amend an anomaly that has arisen in the parent Act following recent amendments to the Public Works Act, under which any resumption must now be preceded by a notice of intention to purchase and a period for receipt and consideration of objections.

However, a resumption provided for in an approved town-planning scheme has already gone through a period of advertisement for at least three months, and consideration of objections, and the revised Public Works Act is virtually repeating what has already happened.

This has resulted in some delay to town-planning schemes by local authorities and could have the effect of discouragement. The Bill therefore provides that in respect of a resumption of land authorised in an approved town-planning scheme, Sections 17 and 18A of the Public Works Act, dealing with notices of intention and objections shall not apply.

There is a very definite excuse for the lateness in introducing this Bill. The Town Planning Board has had an exceptionally busy year. For the last six or seven months it has been carrying on without the services of the senior planning officer, for the reason that the Government could not find anyone to fill that vacancy. An effort was made throughout Australia to obtain a replacement, but without success. The department's being short of an officer in that position must necessarily interfere with the flow of work.

Furthermore, during that period many town planning proposals from local authorities were dealt with by the Town Planning Board. Among them was one from the Fremantle Municipality awaiting final approval; another from the Belmont Park road district, which was handled a few weeks ago; and a further one from Moora, besides a number of others.

It will be seen that throughout the year the department has had a busy time, so it has a reasonable excuse for being late in introducing this legislation. I move—

That the Bill be now read a second time.

**HON. J. G. HISLOP** (Metropolitan) [8.8]: There is no doubt that this Bill is very necessary to continue the town-planning legislation until the 31st December, 1958. I have some doubt about the question of resumptions, and I would like the Minister to give me some information on this point when he replies. Apparently it has been the procedure up to the present for resumptions to take place by notice of intention to purchase; but now it is desired that resumptions take place immediately, because of the fact that under the town-planning scheme there is already the need to advertise for at least three months. If the measure is not passed, will the provision requiring advertisement for three months still apply?

The Minister for Town Planning: The Public Works Act will apply until this Bill is passed.

**Hon. J. G. HISLOP**: In that event it is perfectly safe for us to pass this Bill, which will continue the interim development legislation until the 31st December, 1958. That will give Parliament ample time to consider any worth-while proposals before a final overall plan for the city is adopted. Town planning extends over a very large area; therefore we should not do anything in a hurry to hasten the legislation. By passing this Bill we will be given ample time to consider what steps should be taken. I support the second reading.

**HON. A. F. GRIFFITH** (Suburban) [8.11]: I would ask the Minister to explain how this measure will work. The requirements under the Public Works Act is that notice of intention to resume has to be given. I have not had an opportunity to study the Bill very closely. If

that provision is deleted, will the town-planning scheme be affected? In what respect will the Bill which was passed in connection with the Welshpool marshalling yards affect this measure? Under the Public Works Act, 30 days' notice of intention to resume has to be given. I take it that the Welshpool marshalling yards will be embraced by the Belmont Park Road District town plan.

The Minister for Town Planning: I do not think so.

**Hon. A. F. GRIFFITH**: I regret that members have to make up their minds on an important matter like this in a hurry, because the people from whom land is to be resumed are deserving of more consideration.

On motion by Hon. N. E. Baxter, debate adjourned.

## **BILL—ROAD CLOSURE.**

### *Second Reading.*

**THE MINISTER FOR RAILWAYS** (Hon. H. C. Strickland—North) [8.13] in moving the second reading said: This is another formal Bill which is introduced each year relating to the closure of roads and rights-of-way at the request of local authorities generally, or at the request of town planners. The details of the roads and rights-of-way to be closed are as follows:—

Closure of portion of Forrest Avenue, Bunbury: At the request of the Municipality of Bunbury it is desired to close an unnecessarily large widening of Forrest Avenue and to reduce the width of this surveyed road to  $1\frac{1}{2}$  chains. It is proposed that the major portion of the land comprised in the portion to be closed will be included in a proposed reserve for recreation to be vested in the municipality. For the purpose of providing road frontage for the owner of Lot 221 of Leschenault Location 26, an exchange has been arranged whereby the owner will surrender the south-eastern portion of his freehold land for inclusion in the proposed reserve in exchange for the portion of the road which has been surveyed as Wellington Location 4670. The proposed reserve will comprise Wellington Location 4669 which has been surveyed to include the portion of Lot 221 to be surrendered.

Closure of portion of Hill View Terrace, Bentley: In the original subdivision of Canning Location 1275 for the State Housing Commission, as shown on Land Titles Office Plan 6419 and 6420, Hill View Terrace was surveyed with a width of two chains, but owing to contour difficulties it has been found necessary to move the various sections 45 links eastward involving a reduction in the width of Hill View Terrace by 45 links. The road will retain a width of 1 chain, 55 links which will be adequate



for all requirements. The next road to the west of Lawson-st. has been increased to a width of 1 chain, 45 links and will be developed with twin 24ft. roadways with a 12ft. median. Provision has been made for the land in the portion of Hill View Terrace when closed to be vested in the State Housing Commission for inclusion in the re-subdivision as shown on Land Titles Office Plan No. 6901.

**Closure of portion of Station-st., Cannington:** A resurvey of the north-western alignment of Station-st., Cannington, near its intersection with Albany Highway, revealed that the fencing and improvements on Agricultural hallsite reserve No. 7265 and the adjoining property of the Canning Agricultural and Horticultural Society Incorporated have encroached on the surveyed road to the extent of about 18 links at its widest end. The Canning Road Board has acquired land on the opposite side of Station-st. portion of which has been surveyed as a proposed road widening as shown coloured dark brown on Lands and Surveys Diagram No. 64368, and which will enable the road to be maintained with its full width of one chain and will provide for an extra widening at the intersection of Station-st. and Bickley-rd.

**Closure of portion of a certain road at Carnarvon:** In a recent subdivision of Crown land at Carnarvon a road was surveyed along the south-western boundaries of Carnarvon Town Lots 780 and 789 inclusive. The Municipality of Carnarvon requested that the lots in question be included with other land on the opposite side of the road in a proposed reserve for recreation and also that the road be closed to make a composite area for the reserve. There have been no town-planning or departmental objections to the proposal and the closure has been recommended. The new reserve will be created in the usual manner with Executive Council approval when the closure is completed.

**Closure of a certain right-of-way at Cottesloe:** The registered owners of a property with a frontage to George-st., Cottesloe, comprising Lot 93 on Land Titles Office Plan 3177 have requested the closure of the portion of a right-of-way adjoining their northern boundary. The Municipality of Cottesloe has agreed to the proposed closure and the other owners of appurtenant land have consented and have indicated that they are not interested in acquiring any portion of the land contained in the right-of-way. The land is Crown land and the applicants for closure have paid the amount of £100 fixed as its value. They have also consented to enter into an agreement with the Minister for Water Supplies to grant an easement over the land for water supply and sewerage purposes and to ensure that no buildings will be erected over the existing sewerage installations.

**Closure of portion of Wauhop-rd., East Fremantle:** The Commonwealth of Australia requires for the Department of the Army a site for a small crafts' base and has applied for an area near the old Preston Point jetty which is at present mainly part of Class "A" Reserve No. 22365 set apart for recreation. Provision has been made in the Reserves Bill for the excision of the portion of the reserve for inclusion in Swan Location 6320 which has been surveyed to contain one acre 36 and 4/10ths perches which is to be sold to the Commonwealth. The location also includes a small portion of the surveyed road known as Wauhop-rd. and closure of this portion of the road is required. Ample road widening is available on the opposite side of the road at this point.

**Closure of portion of Cliff-st., Fremantle:** The City of Fremantle municipal weighbridge has been established for many years in a position at the intersection of Cliff and Phillimore-sts. on Reserve No. 3778, which has been cancelled recently to permit of dedication of certain widenings of the adjacent streets. The rearrangement involved the resurvey of the weighbridge site to comprise Fremantle Lot 1846 containing an area of 10 and 3/10ths perches, which includes a small portion of Cliff-st. comprising one-half perch. The clause provides for the closure of the small portion of Cliff-st. and authorises its inclusion in Lot 1846 which it is proposed shall be reserved as a weighbridge site and vested in the City of Fremantle.

**Closure of portion of Finnerty-st., Fremantle:** The City of Fremantle has requested a rearrangement of roads and reserves in the vicinity of the proposed new bus depot for the Fremantle Municipal Transport Board. The proposals involve the widening of Vale-st. to one chain which will then provide all necessary road access from the intersection of Finnerty and Skinner-sts. to East-st. It is proposed to close the small portion of Finnerty-st. south of Lot 1368 after allowing for the widening of Vale-st. The land comprised in the portion to be closed together with a small area of Crown land on the opposite side of the existing road is to be added to the bus depot reserve which at present comprises Lot 1368.

**Closure of portion of Marine Terrace, Fremantle:** Owing to a misinterpretation of the boundaries of Public Buildings Reserve No. 1294 along its frontage to Marine Terrace at Fremantle, authority was given to the Fremantle Fishermen's Co-operative Society Limited to erect a building adjacent to the Fish Markets Jetty on land which is legally portion of Marine Terrace. To enable the Governor to approve a lease to the society of the area occupied by the building it is necessary to excise the land from the public road. Clause 10 provides for the closure of the portion of Marine Terrace which has been

occupied by the building for many years. The City of Fremantle has agreed to the proposed closure.

**Closure of certain road widenings in Harvey Road District:** In a private subdivision of portion of Murray Location 837 on Land Titles Office Plan No. 6546, lots 6 and 7 were surveyed with truncated corners on the assumption that a road would separate the two lots. The truncations were dedicated as road widenings under the provisions of Section 157, Sub-section (5) of the Road Districts Act, 1919, but have not been required for the purpose. An alteration to the subdivisional design in this vicinity will provide another road about  $1\frac{1}{2}$  chains further south-east. Clause 11, provides for the vesting of the small truncations comprising  $7/10$ ths of a perch each in the respective owners of the contiguous lots.

**Closure of portion of Falcon-st., Narrogin:** The Medical Department desires to consolidate the various reserves at Narrogin set apart for hospital purposes. Separating Reserves 12105 and 17533 is portion of Falcon-st. which the Municipality of Narrogin has agreed to close with parliamentary authority. It is proposed that the land in the portion of this public road be added to the adjoining hospital reserves after the road has been officially closed.

**Closure of Isadore-st., North Fremantle:** The Shell Oil Co. desires to consolidate its oil depot site at North Fremantle and has requested the closure of Isadore-st. with a view to acquiring the contained land from the Crown. The North Fremantle Municipality has agreed to the closure subject to the company paying to the council an amount of £1,000 for the improvements to Isadore-st. being the value of the existing formation and further that the company will meet the cost of construction of Miriam-st. to give alternative access from Bracks-st. to Ocean Parade at an estimated cost of £750. It is proposed that upon closure of the road, the contained land will be sold to the company for a consideration of £1,890 over and above the amounts payable to the North Fremantle Municipality.

**Closure of certain roads and rights-of-way at Karrinyup in the Perth Road District:** The State Housing Commission acquired a considerable area of freehold land in the Karrinyup area which had been subdivided previously in a manner not now regarded as satisfactory on present day standards. The commission arranged a re-subdivision to a modern design eliminating rights-of-way and involving the obliteration of all existing roads and rights-of-way. To facilitate the re-subdivision it is necessary to close legally all the existing roads and rights-of-way and to vest the contained land in the State Housing Commission so that it will be

the registered owner of all the land the subject of the proposed new subdivisional plans.

If the closures were to be effected under the Road Districts Act, certain technicalities might prevent the vesting of all the contained land in the commission, which is the main object of the proposals. The clause provides for the closure of all the relevant portions of roads and rights-of-way including a reserve one link wide along the southern side of Swan Location 960, the subject of the old subdivision on Plan No. 2719. It is proposed to give to the Registrar of Titles authority to issue to the State Housing Commission as owner of the contiguous land, a new certificate of title for the land comprised in the various roads and rights-of-way and the one-link reserve for which closure is recommended. The new plans have been approved by the local authority and the Town Planning Board.

**Closure of portion of Darling-st., South Perth:** The Municipality of South Perth has requested the closure of a dead-end portion of Darling-st., South Perth, being the part north-east of Brandon-st. The portion comprises a strip of land one chain wide by two chains deep with an area of 32 perches. It is of no value for road purposes as the road cannot be extended through to Banksia Terrace because residences are erected on the Banksia Terrace frontage opposite Darling-st. The Municipality desires to utilise the land for some other public purpose and it is proposed that the land will be reserved and vested in the Municipality of South Perth for some appropriate purpose after the closure has been completed.

**Closure of portion of Henning Crescent, South Perth:** The Municipality of South Perth has requested the closure of the portion of Henning Crescent which separates Class "A" Reserve No. 24330, for recreation and a park, from the Manning school site. The Education Department has no objection to the closure and to the land contained in the road being added to the adjoining Reserve No. 24330, which is vested in the Municipality of South Perth. Provision has been made in the Bill for closure of the portion of the road with the intention that the land will be added to the reserve.

**Closure of portion of road No. 10038 at South Perth:** The State Housing Commission has requested the closure of the remaining portion of road No. 10038 which was previously portion of road No. 123 which was closed by deviation in June, 1939. It was reopened in August, 1940, at the request of the owner of the contiguous land which has since been acquired by the State Housing Commission. The commission proposes to transfer to the Municipality of South Perth certain portions of the contiguous lots for the purpose of a recreation ground and to consolidate the

area it is desired to include in the proposed reserve the land at present comprising the portion of the road for which closure is sought. Clause 17 provides for the closure and for the vesting of the contained land in the State Housing Commission as owner of the contiguous lots 23 and 24 on Land Titles Office Plan No. 3383.

Closure of portions of Hackett Drive at Crawley: In connection with the establishment of a new teachers' training college at Crawley arrangements were made by the Education Department with the University of Western Australia and the National Parks Board of Western Australia to obtain portions of their respective reserves Nos. 17331 and 17375 which are separated by portion of Hackett Drive on which is constructed a bituminised roadway. To consolidate the proposed site for the teachers' training college, it is proposed to deviate Hackett Drive around the south-eastern corner of the college site in the manner surveyed and shown on Lands and Surveys Department original plan No. 6430.

Provision has been made in the Reserves Bill for the excision of portions from Reserves 17331 and 17375 and it is necessary to obtain parliamentary approval to the closure and the date to be fixed by proclamation of the intervening portion of Hackett Drive which it is proposed will be included in Swan Location 5518, containing a total area of 11 acres 3 roods 28 perches which it is proposed shall be set apart as a reserve for the purpose of a site for teachers' training college. One small part of the portion to be closed is abutting the University Reserve No. 17331 and Clause 18 provides for this small area of 3 perches to be included in that reserve.

Further closures of portions of Hackett Drive are provided for in Clause 19 to facilitate the straightening of the road at two points, firstly, just south of the Crawley Tea Rooms; and, secondly, about 20 chains north near the existing tennis courts. Provision has been made in the Reserves Bill for the excision of two small areas from Reserve 17375 to compensate for the portions to be closed and these will be included in the dedicated road. The clause provides that the land comprised in the two portions to be closed be included in the adjoining Class "A" Reserve 17331 which is the main University site.

Closure of portion of a certain road at Subiaco: The Town Planning Board has prepared for the University of Western Australia a plan for the subdivision of its endowment lands at Subiaco which provides for a new road system which will be of great public advantage. To facilitate the subdivision it is essential that portion of an existing surveyed but undeveloped

road be closed and that portion of the contained land be made available to the University for inclusion in the subdivision. Provision has been made for portion of the land to be included in the Jolimont school-site Reserve No. 9759 to square its north-western corner.

It did appear that both these items would be included in the Road Closure Bill or the Reserves Bill. Subsequently it was found necessary to include only one of them. In no way would the other one be prejudiced as a result of not being included in this Bill, because this is not the fit and proper place for it to be brought before Parliament. It is merely a matter of adjustment between Parliament and the local authority concerned. The matter is being considered at the present time. It is of no use promising something which has not yet been finalised.

Copies of the plans, etc., were given to Mr. Simpson last evening, and they are available if any members are interested. As the Bill has passed through another place, and no queries were raised, it seems that it should be acceptable here. If anybody is interested, I have no objection to the debate being adjourned till a later stage. I move—

That the Bill be now read second time.

**HON. SIR CHARLES LATHAM** (Central) [8.34]: I have had an opportunity of examining the Bill fully, and I presume that all of these matters have been submitted to the local authorities concerned. It is the usual routine to get Parliament's authority for closing certain roads, which cannot be closed in any other way. Road boards, subject to the Minister's approval, have authority to close roads; but municipalities have not, and this is the method used.

**THE MINISTER FOR RAILWAYS** (Hon. H. C. Strickland—North—in reply) [8.35]: In some instances the local authorities have requested these closures; but in all instances the local authorities have been consulted.

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.

Bill read a third time and passed.

#### **BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT.**

*Second Reading—Defeated.*

Debate resumed from the previous day.

**THE CHIEF SECRETARY** (Hon. G. Fraser—West—in reply) [8.40]: The debate on this measure was not a lengthy

one; and, apart from one hon. member's remarks there is not much to reply to. Although Mr. Griffith spoke for quite a long time, he dealt not so much with the contents of the Bill as with the latter portion of it; and he gave us a good speech on life assurance, which, of course, is of minor importance so far as this Bill is concerned.

One point he raised during his speech was the demand made to the State Insurance Office for the extra cover. The office advises that it receives requests almost every day, either by letter, telephone, or personal inquiry. It is constantly regretted by persons who insure their motor-vehicles or their employees under the Workers' Compensation Act, that they are unable to obtain insurance cover either for their businesses or their homes. We have a very good example in the school children's insurance scheme which emerged only because of the public demand for it. Today that scheme covers about 80,000 children.

Hon. A. F. Griffith: How do the premium rates for that compare with what they were when it started?

The CHIEF SECRETARY: I have no clue about that at all. I do not know whether there has been an increase or a decrease in the rates. But naturally it must be assumed that when a large scheme of that description is initiated the rates might be too high or too low, and the correct rates can be worked out only in the course of a few years' experience. But I repeat that insurance was initiated only because of public agitation and public demand for it.

Another large organisation, whose activities extend throughout the whole of the farming community, is also negotiating at present for an insurance cover. Because these negotiations are incomplete, I am unable to provide details at this juncture. The hon. member made some comparisons with the amount of workers' compensation business effected. I cannot dispute his figures because I have no others. So for the time being I will accept them.

Hon. A. F. Griffith: They were taken from the Year Book.

The CHIEF SECRETARY: But everything that is printed is not true. I will be generous and accept the hon. member's figures in this case.

Hon. A. F. Griffith: There is no need to be generous.

The CHIEF SECRETARY: I will show the hon. member certain printed words that he quoted which were not true. There are about 105 insurance companies operating today; whereas, in 1939, there were only 90-odd. If we were to get the figures of the various individual companies we would probably find that in a number of cases their businesses would have been

reduced, because the extra 14 or 15 companies must get their business from somewhere.

I would not be so foolish as to think that the whole of the business obtained by the companies was new business; and as a result of the competition and spreading insurance business between 91 companies as against 105, it could quite easily happen that the business of one particular office could go down.

One of the chief reasons for its having gone down is the fact that when the State Insurance Office approaches business people for their workers' compensation insurance at rates which are lower than those already paid, the reply is received that although some financial gain would result from transferring the business to the State Insurance Office, the fact that that office cannot transact all types of insurance business would necessitate the firm having its insurance partly with the State office and partly with some other insurance company; and this is not regarded favourably. Many business houses have said that if the State office could transact all types of business they would be very happy to transfer their business to that office.

In 1948-49 there were 91 companies competing with the State Insurance Office for workers' compensation insurance; and in 1955-56 there were 105 companies. Some criticism was made of the motor vehicle comprehensive insurance handled by the State office and the hon. member has quoted figures from the statistical register, and it is deduced from those figures that the State Insurance Office was operating its motor account at a loss.

I now quote figures from the Auditor General's report, from which it is quite clear that this is not so; and had the hon. member troubled to make the same inquiry he would not have misinformed this House. The motor account has shown a surplus after charging administrative expenses and after allowing for unearned premiums and unsettled claims practically every year since its inception in 1944-45, and more latterly the surpluses have been as follows:—

	£
1953-54	18,126
1954-55	22,055
1955-56	12,472
1956-57	10,480

Mention was also made of the average age of the competing companies and their stability and goodwill based upon their business during the time they have been in existence. While the State office cannot go back 80 or 90 years, it does go back to 1926 and of course has operated in a very restricted manner during the 31 years of its existence. However, despite that, it also has built up goodwill and established stability, its present assets amounting to over £2,500,000.

I cannot understand why members opposite should object to giving the State Insurance Office the right to do business with its own people. If a foreign company came here there would be no protest at all; it would become established quite easily.

Hon. Sir Charles Latham: Does it pay taxation?

The CHIEF SECRETARY: The State office will pay anything that the other companies pay. I find that during recent years several foreign companies have come here and established offices. To mention a few, there are the South African Insurance Co., the Insurance Co. of North America, the Switzerland General Insurance Co., the Scandia Insurance Co. (established in Sweden), and the Helvetia Swiss Insurance Co. The origin of each company is obvious from its name.

The hon. member said that if the probate system were established a big expense would be involved. That is not correct; because agents of the State Insurance Office who would be doing ordinary business with the farmer would also conduct that phase of the business, and there would be no increase in expenditure.

In relation to the investment of funds by competing companies, it is admitted that the life assurance companies have established substantial buildings in the city and that they lend some of their money to local residents as a part of their investment policy. In the case of insurance companies, their only local investment is the buildings they have erected and from which they operate. Most of their investments are directed from their head office, and very little is invested in Western Australia.

The State Government Insurance Office is directing its investments more and more to private industry and to local government. Some figures in support of this statement are as follows:—

	£
Semi-Government loans ....	941,066
Loans to private industry ....	99,074
Loans to local authorities .....	42,366

In addition, the office owns land valued at £48,463; and buildings, £517,843. A further sum of £809,094 is invested in Commonwealth inscribed stock.

Hon. Sir Charles Latham: What are the liabilities?

The CHIEF SECRETARY: I have not the full statement, but the hon. member could obtain the figures if he wanted to. We do not ask that this company be given a monopoly. All we are asking is for it to be permitted to undertake other types of insurance business. We find that foreign companies come in, put up £5,000, open their doors, and are welcomed.

Hon. G. C. MacKinnon: Isn't that a slight exaggeration?

The CHIEF SECRETARY: No protest is made. The Government is not approached and asked to prevent them. Yet we find members here wanting to prevent a State office from doing business with its own people. Why? Members opposite cannot answer that one. They have not been able to do so right through the debate, and it is obvious they have no answer. It is a pretty bad show that a House of Parliament can take action to prevent the establishment of a company which wants to do business with its people.

Hon. F. J. S. Wise: In the interests of the people.

The CHIEF SECRETARY: That is so. Members in this Chamber blocked the Government of the day from establishing the State insurance company at a time when it was necessary to cover those employed in the mining industry. Had it not been for the action taken in those days, it is doubtful whether Mr. Cunningham would have been with us tonight voting against this measure. I am sure he would not have been here if the Government of the day had not set up a State Insurance Office to cover men employed in the mining industry when they were in a parlous state.

Hon. C. H. Simpson: His act would not be political.

The CHIEF SECRETARY: The hon. member has not dealt with the matter on its merits, and he smugly sits there and implies that I am being political; he sits there and tries to deny the insurance company the right to do business with its own people.

Hon. J. Murray: Some people don't like State trading concerns.

The CHIEF SECRETARY: I know that; and because they happen to have the power, they now want to use it to the detriment of the people of this State. On five or six different occasions we have tried to get some measure of justice in this matter; and as a result of the action of members opposite, I think we had a company operating illegally for a time.

Hon. A. F. Griffith: Did you check up about the Farmers' Union?

The CHIEF SECRETARY: I am glad the hon. member mentioned that. In the first place he started off on the wrong foot, and he was not able to get back on to the right one. He accused me of saying that the Farmers' Union had written a letter asking for this provision. I said that as a result of a request from the Farmers' Union for a provision in regard to the payment of probate duty we decided to bring this Bill down.

Hon. A. F. Griffith: That is not all you said.

The CHIEF SECRETARY: It is very easy to make implications and twist things around.

Hon. C. H. Simpson: You should know!  
Hon. A. R. Jones: It may be easy for you, but not for me.

Hon. A. F. Griffith: The Minister has had plenty of practice.

Hon. F. J. S. Wise: You would be a good judge.

The CHIEF SECRETARY: I have often heard people called twisters because they are able to twist things around so well. Reverting to the provision for the payment of probate duty, this resulted from overtures made by the Farmers' Union and others on numerous occasions to the Treasurer on the matter of payment of probate on the estates of farmers and graziers. That is what I said when I introduced the Bill, so I cannot see how Mr. Griffith can level against me the accusation he has. I hope that even at this late stage members will support the Bill. What are they frightened about?

Hon. Sir Charles Latham: They are frightened that it will incur losses like the other State concerns.

The CHIEF SECRETARY: I have read to the hon. member the investments, profits, and everything else; yet he makes an interjection like that. It is just typical of what happens when we try to pass a Bill of this description; members will vote against the Bill on false premises. This institution has been established for 31 years.

Hon. J. G. Hislop: Let us deal with the Bill.

The CHIEF SECRETARY: The hon. member can talk for hours, but I cannot!

Hon. G. C. MacKinnon: Talk to the Bill and you can talk for as long as you like.

The CHIEF SECRETARY: Objection is taken to what I have to say because I am replying to various phases injected into the debate. That is the sort of thing that happens here. Am I not entitled to have my say, just the same as any other member? Have not I sat listening for an hour or an hour and a half to matters not worth two hoots? The subject matter of this Bill is of utmost importance to the people of this State. Several members talked very glibly about the freedom everyone should have, but we will see when the vote is taken what some members' idea of free action is.

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

Ayes	.....	12
Noes	.....	13

Majority against ..... 1

Ayes.	
Hon. G. Bennetts	Hon. E. M. Heenan
Hon. E. M. Davies	Hon. G. E. Jeffery
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. G. Fraser	Hon. W. F. Willesee
Hon. J. J. Gurrigan	Hon. F. J. S. Wise
Hon. W. R. Hall	Hon. J. D. Teahan

(Teller.)

Noes.

Hon. N. E. Baxter	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattlake	Hon. A. F. Griffith
Hon. J. Murray	(Teller.)

Pairs.

Ayes.	Noes.
Hon. R. F. Hutchison	Hon. J. Cunningham
Hon. F. R. H. Lavery	Hon. L. A. Logan

Question thus negatived.

Bill defeated.

## BILL—COMPANIES ACT AMENDMENT.

### Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1 to 5 and 7 to 14 made by the Council, had disagreed to Nos. 6 and 16, and had agreed to No. 15 subject to a further amendment.

## BILL—LAND TAX ASSESSMENT ACT AMENDMENT.

### In Committee.

Resumed from an earlier stage of the sitting.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 4—Section 8 amended (partly considered):

The CHAIRMAN: Progress was reported after Mr. Watson had moved the following amendment—

That the following subclause be added to stand as Subclause (2):—

The amendments made by Subsection (1) of this section apply to assessments in respect of the year of assessment ending on the thirtieth day of June, One thousand and nine hundred and fifty-eight, and in respect of all subsequent years.

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

Ayes	.....	14
Noes	.....	10

Majority for ..... 4

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattlake
Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. J. M. Thomson

(Teller.)

Noes.

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

(Teller.)

Pairs.	
Ayes.	Noes.
Hon. J. Cunningham	Hon. R. F. Hutchison
Hon. L. A. Logan	Hon. F. R. H. Lavery

Amendment thus passed; the clause, as amended, agreed to.

Clause 5—Section 10 amended:

Hon. Sir CHARLES LATHAM: I move an amendment—

That paragraph (b), lines 20 to 22, page 3, be struck out.

This paragraph will take away a concession given to the farming community by the last Parliament when it provided for land tax to be imposed in lieu of the vermin tax. In view of the fact that the Government has closed certain railways, it is my intention to endeavour to provide some compensation. I hope the Committee will agree to the amendment. I do not think it is fair to ask the Treasurer to provide funds for the destruction of vermin. Therefore, I would raise no objection to the introduction of a Bill providing for vermin tax to compensate for the money lost by this amendment, and which last year farmers were relieved from paying. This will not take effect until the Act expires in July.

The CHIEF SECRETARY: I hope the Committee will not agree to this amendment. The Committee has already agreed to give about 25 per cent. back in regard to certain land tax. Now the hon. member wants to finish with the other portion of the tax next July. He has made no mention to this Committee just how much this proposal will cost the Government, yet he blandly moves an amendment like this.

Hon. Sir Charles Latham: It will cost about £100,000.

The CHIEF SECRETARY: The hon. member did not say so when he moved his amendment. The other amount was about £300,000. The hon. member does not want any services in the State! This is the most irresponsible attitude I have seen this Chamber adopt in regard to taxation measures. Members want school buses to go right to the door, but they object to paying for them. They want grants made to volunteer firemen, but in the next breath they seek to take away the revenue of the Government. Members can continue in this way and make the State bankrupt as quickly as they can.

Hon. N. E. BAXTER: I trust the Committee will agree to the amendment, which will bring the land tax position, so far as country people are concerned, to what it was in the measure passed this year. I am speaking particularly from the point of view of the financial treatment the country people have received in the last few years, compared with what those in the city have had. The Minister referred to school bus services. According to the report we have received, they will not be restored. There

is unfair discrimination between the country and the city in regard to education. In the last two years, £2,000,000 has been spent in the city, on high schools, as against £130,000 in the country. The Minister talks about the country paying its fair share of taxation! That is all right when the country receives its fair share of the revenue. There is the discontinuance of outback railway lines.

The Minister for Railways: You did not mention the lines this time last year.

Hon. N. E. BAXTER: Take the loan money! One small and not rich district in my province has contributed more than its quota to the various loans; but although I have battled for years to get a school for the area one has not yet been provided. Again, at the recent opening of the Serpentine pipehead dam my information is that the expenditure was most lavish. It seems that pomp and ceremony is what is wanted. It is no wonder the country people object to a sectional tax like this when there is no return from it. If we support the amendment we might awaken the Government to its responsibility to these people. The Government should arrange its finance on a more equitable basis. It would then get the assistance of the country people.

Hon. A. F. GRIFFITH: If the clause is agreed to, the tax on rural land will cease at the 30th June, 1958; but the tax on all other land—both in the metropolitan area and in the town sites of the country area—will not cease. The purpose of my amendment was to provide some relief to all sections of the community. If the Committee agrees to this amendment the tax will come off rural land at the 30th June, 1958, and there will be a 25 per cent. rebate in respect to townsites land, and metropolitan land, and the Government will finish a lot worse off than previously. That should not be the case.

The iniquitous part of this tax is that it is imposed on the man who is provident enough to provide himself with a piece of land and build a home on it in order to house his family. The fellow who is a wastrel and saving nothing, does not pay any tax at all. I do not think any fair-minded farmer would disagree to paying a tax on his land in the circumstances under which this tax is imposed.

The taxing measure as it stands has a limitation to the year 1960. The Committee has agreed to an overall deduction of 25 per cent., and that will be of benefit to everyone. I suggest that the overall benefit to the community is better than a segregated benefit to a few.

Hon. F. D. WILLMOTT: I must confess that I find myself firmly fixed on the horns of a dilemma. As an agriculturalist representing a province which pays more taxes on agricultural land than any other province in the State, I am very much in sympathy with the idea of removing the

tax on agricultural land. When it was imposed last year, unfortunately we raised steeply the tax on other landholders in the city.

My dilemma now is this: We have an opportunity to remove altogether the tax on agricultural land; but unless we retain the amendment moved by Mr. Griffith, we do nothing to reduce the land tax applying to other holders of land. Much as I dislike a tax on agricultural land, I feel that in fairness to all the taxpayers we should try to give relief to others as well as to agriculturalists.

If we agree to the amendment, I cannot see the Government accepting the Bill at all. It will simply reject the measure, and we will then be as we are at the moment; so I feel I can do nothing but vote against the amendment. I consider it is fairer that all taxpayers should have relief to the extent of 25 per cent. rather than that the tax be removed entirely from the agriculturalist.

If we removed the tax from agricultural land the effect would be about a two-thirds reduction because the moment the land tax is removed from agricultural land, the vermin tax will be reimposed, and this amounts to approximately one-third of the land tax involved. I repeat that the amount of this tax would be reduced by two-thirds but other landholders would get no reduction. Although I object strongly to land tax, and particularly to that on agricultural land, I must oppose the amendment.

Hon. L. C. DIVER: I supported the measure last year because we had to decide between that and an increase in rail freights. As Mr. Wise pointed out, we must bear in mind our position as a claimant State, inasmuch as the Grants Commission expects us to tax our people at a level commensurate with that of the standard States. The standard States have not a rural land tax as severe as that which we agreed to last year to escape the increase in rail freights. The Government has honoured its undertaking not to increase those freights during the year, but I believe that those who oppose this move will have to bear the responsibility for having done so. All I am seeking is a position similar to that existing in the standard States and I hope that some members who have spoken will change their minds.

Hon. A. F. GRIFFITH: I did not hear the debate on this legislation last year as I was absent overseas, but that measure repealed Subsection (1) of Section 9 of the assessment measure and thereby repealed the preferential treatment which had been enjoyed since 1907 by improved land as against unimproved land; and for good measure the rate was increased up to 7d. in the £, with an extra 1d. for unimproved land. Mr. Diver voted for that measure

last year; and, whatever his attitude now, he cannot change the position, because the tax will still be 7d. in the £.

Hon. L. A. LOGAN: Members who oppose this amendment should realise the burden they are placing on rural people. From 1931 until last year there was no land tax on improved agricultural land; but the Government threatened that if last year's measure was not agreed to, it would increase rail freights, and this legislation was agreed to as the lesser of two evils. The Government has not increased rail freights yet; but I would point out that the amount of money raised during the year by the tax on rural land was about £350,000, and if the amendment is not agreed to, and the Commissioner of Railways has his way, there will probably be an increase in rail freights amounting to anything from £1,000,000 to £2,500,000, which will be added to the present burden of £350,000; and that will affect Mr. Willmott's constituents as much as anybody else.

The Government will not now promise not to increase rail freights, and so we might easily finish up having to bear both impositions. If this tax is removed, the vermin tax of about £87,000 will be reinstated and I think country members should consider the matter carefully, as I believe there is certain to be an increase in rail freights which will be added to the £350,000 collected by the land tax.

Hon. Sir CHARLES LATHAM: The farmer's position is totally different from that of the ordinary land-owner, because the land is his means of earning a living and from it he gets his income and pays his tax. What would members say if we suggested taxing the machinery in factories?

Hon. H. K. Watson: The machinery in the factories is comparable to the farmer's harvester.

Hon. Sir CHARLES LATHAM: That is not so. The farmer must work his land to gain an income. Admittedly he gets an income tax deduction for fertiliser used, and so on; but he carries all the babies as regards seasonal conditions and that sort of thing, and if there is a complete drought he may have no income at all. The vermin tax, which is only suspended, will automatically be reinstated if this tax is removed. The Federal Government used to impose a land tax almost equivalent to that imposed today. But it gave a remission of that tax on the understanding that the States would impose it, and all did so with the exception of Western Australia, which fell into line last year.

The factory owner can pass on added cost; but the farmer cannot, as he sells his produce for whatever he can get for it. His margin of profit on his produce today is very small in comparison with the profit on other types of production. I ask the Committee to agree to the amendment as



I think rail freights will be increased in any case. Farmers are not in the happy position of members of the Chamber of Manufactures, who can fix their prices in the light of taxation and other costs.

The Minister for Railways: What about the increase in the price of livestock?

Hon. Sir CHARLES LATHAM: Livestock is all sold under the hammer for whatever the buyers will give.

The Minister for Railways: What forces the price up?

Hon. Sir CHARLES LATHAM: I suppose the other people have so much money that they do not know what to do with it, and they are prepared to pay a higher price for it. They do not fix a price.

The Minister for Railways: Chops at the moment are 1s. each.

Hon. Sir CHARLES LATHAM: Yes; but I would like to know what the profit is on those chops! Do not blame the farmer for that! It is the man between the producer and the consumer who should be asked that. We have no say on what the price shall be. Mr. Willmott probably has no say on how much he will get for his apples.

The Minister for Railways: Apples sell at 1s. each, too.

Hon. Sir CHARLES LATHAM: They are taken to market and the grower asks, "What will you give me for them?" It must not be forgotten that many farmers settled on the land in the early days and there is no doubt that they have earned every penny of what they own today. Their lot should not be worsened. They have increased taxation and increased rail freights to pay, and they also have to pay high charges for water. I submit that the Committee should agree to this amendment.

Hon. F. D. WILLMOTT: Some members have said what it will mean to the farmer if this tax is removed from agricultural land. The farmers who will be hit the most will be those in the South-West Province. In regard to the remarks that I made last year, Sir Charles Latham said that there had been a lot of hot air in statements concerning the manner in which this would affect the farmer. He said that what decided him to give some support to the measure at that time was that on a farm in which he had been interested at one time, the present owner paid £400 in rail freights. He said that if rail freights were to be increased by only 50 per cent. the farmer would be paying only £600. He went on to say that under the taxation to be imposed, a total amount to be paid by that farmer would be only £6 5s. a year. He said that was based on present values and that values did not increase rapidly.

Sir Charles was referring to the amount of £6 5s. which we paid in tax when it was first introduced. The increase in land tax on the farmer was approximately £4 because previously he had been paying about £2 in vermin tax. So, in that instance, he would be paying an increase in taxation of £4. Under the amendment moved by Mr. Griffith his taxation is going to be decreased by 25 per cent., which would reduce the amount paid to £3.

I cannot agree that land tax is going to be a burden on the farmer. The burden that he will have to carry is the increase in rail freights. In the words of Sir Charles, the effect cannot be great. The people who will be affected most will be those in the South-West Province.

Hon. L. C. Diver: So you want it to continue?

Hon. F. D. WILLMOTT: No, I do not; but I want to see some relief granted to other people. When we imposed this land tax on agricultural land we also raised the tax to be imposed on other landholders.

Hon. L. C. Diver: We know about that.

Hon. F. D. WILLMOTT: We have to be fair to them. Although I was not in favour of them, when this Chamber agreed to the land tax provisions last year, agricultural land became subject to land tax; but at the same time the tax on other landholders was increased steeply. We now have no opportunity to do anything for those taxpayers other than to agree to the amendment moved by Mr. Griffith. If we agree to the amendment moved by Sir Charles, it is obvious that the whole Bill will go overboard, and these other people will get no relief. That must be the position. Last year Sir Charles did not think the tax was so heavy, because when I quoted certain land at £40 an acre, he said that that did not matter very much.

Hon. Sir Charles Latham: I didn't say that at all. If you are going to quote me, read what I did say.

Hon. F. D. WILLMOTT: Very well. Sir Charles said this—

Mr. Willmott referred to land at £40 an acre. I can picture that type of place. It would be one where they grow potatoes.

Probably so. But the only place where I know potatoes are grown is in the South-West. There is no other agricultural land that I know of that will carry similar values to that or anything like it. Sir Charles Latham went on to say that potatoes had been bought for up to £50 a ton locally. That is quite true; but today the boot is on the other foot. This year the price of potatoes is very low, but the land tax imposed on potato producers has not been reduced.

Hon. H. K. WATSON: The illustration cited by Mr. Willmott in amplification of the case mentioned by Sir Charles last year, is very pertinent to this discussion. He pointed out that the tax imposed on that particular farm was only £6 a year.

Hon. H. L. Roche: That would be on a farm worth £1,000.

Hon. H. K. WATSON: Yes; that would be on a farm of an unimproved value of £1,000. The tax on a farm of unimproved value of £2,500 would be £15, as against £5 vermin tax.

Hon. N. E. Baxter: What about a farm valued at £15,000?

Hon. H. K. WATSON: We will take them in sequence. On a farm valued at £5,000, the land tax would be £30, as against a vermin tax of £10. I am speaking of unimproved values. A farm with an unimproved value of £5,000 has an improved value of probably £25,000. A farm with an unimproved value of £10,000 is virtually a prime farm in the York district.

Hon. N. E. Baxter: No, it would be nearer £20,000.

Hon. H. K. WATSON: I am speaking of actual figures. On such a farm the tax would be £60. A farmer who has a farm with an unimproved value of £10,000, which is probably worth £50,000, measures his income in thousands of pounds, and in his case the land tax would be only £60. Therefore, what is a fair proposition? Should we give that man alone two-thirds exemption, which is 66½ per cent.; or should we give him, together with other men on the land, a rebate of 25 per cent. if the land is improved to the extent of 100 per cent. of the unimproved value of the land? It seems to me that the proposition for a slight reduction for everybody rather than virtual exemption for a section, has a great deal to commend it.

Hon. F. D. Willmott: Don't forget, too, that this tax will apply after 1960.

Hon. H. K. WATSON: I am coming to that in a moment. I asked several farmers who owned farms ranging from £1,000 unimproved value to £10,000 on improved value, what was a fair thing. I asked them, "Do you want complete exemption for yourself, or do you think everyone should get a rebate of 25 per cent.?" Every one of them said, "Why should we get special treatment? We believe in a fair thing." I know of one man who pays £900 in land tax.

Hon. H. L. Roche: Has he a farming property?

Hon. H. K. WATSON: Yes: I put the same question to that farmer. He said, "I would like total exemption; but, at the same time, it is a fair proposition to give everyone a 25 per cent. rebate." As the provision in the Bill does not propose to tax farm lands for all time, but for only

two years; and in view of the fact that the tax is to be shared by others who own land in the country and in the city, it seems to me that this is a fair proposition.

It is a reasonable proposition because today the land tax is very heavy. Had we rejected the Land Tax Assessment Bill and the associate measure last year we would not be considering the Bill now before us. This is a matter which has to be considered apart from rail freights. The figures supplied by Mr. Logan indicate that this tax has to be so considered. Here a few hundred thousand pounds are involved; whereas regarding the railways, the commissioner speaks of £2,700,000.

To sum up the position, there will be the rare farmer who is paying £900 in land tax, and there are those not so rare paying tax on £10,000 unimproved value. In the main the farmer will fall within the £2,500 unimproved category involving the payment of £15 tax. Many of them will also fall within the bracket mentioned by Sir Charles Latham of having to pay £6 a year. To those paying £6 a year the motion by Mr. Griffith proposes to give a reduction of 25 per cent.

Hon. A. R. JONES: It is only natural that I would support any action which would remove the land tax. In this case the country people should be given all the consideration possible. I would like to refer to the remarks of Mr. Wise who compared the average tax of £9 paid by a Western Australian, as compared with £11 10s. per head paid in the standard States. He said that people in this State were getting off lightly, and the imposition of this land tax was justified. To a degree he was right; but I consider that the people living in the city, who enjoy all the amenities and facilities, should pay £11 10s. per head.

People living in the country are in many cases called on to pay more than the city dwellers, and also more than the amount paid by country residents in Victoria and New South Wales, where telephone and railways cater for the people and good roads are provided by the Government right to their door. Many of the country people in this State have to pay 8s. for a telephone call to the metropolitan area. If they want to travel to Perth in their car they have to pay more for petrol and the tax thereon. In all respects the country dwellers pay greater taxation.

I consider they should be relieved as much as possible from this additional tax. Whilst it has been suggested that it should be paid for two years, I agree with Sir Charles Latham that it should be lifted at the end of this financial year. The country people do not oppose the reimposition of the vermin tax, because farmers and pastoralists receive benefits from that tax. It is possible that £100,000 can be collected under the vermin tax if it is applied at the same rate as when it was last imposed. I

ask all members—both of city and of country constituencies—to be fair-minded enough to relieve the country dwellers of this land tax.

Hon. N. E. BAXTER: I am surprised at the attitude of Mr. Willmott in respect to this matter, particularly as he represents a district which has many farmers who work long hours to make a living out of dairying. These people will suffer under the imposition of the tax. On top of that, I believe they will have to pay higher rail freights.

The Minister for Railways: Dairy farmers don't use the railways.

Hon. F. D. Willmott: All the cream is carted to the butter factory by trucks.

Hon. N. E. BAXTER: That is news to me. At the same time, they have to obtain fertilisers and heavy goods through the railways, and they will have to pay higher freights. I can hardly believe that Mr. Willmott supports the imposition of this tax until 1960. I am sure that when that time comes great difficulty will be experienced in trying to lift the tax. Now there is a possibility of abolishing it, but the longer it remains in force, the more difficult it will be to abolish.

It has been asked why country dwellers should not pay this land tax when the city dwellers are paying it. I would point out that the city dwellers have many facilities such as cheap electricity, good roads and many other amenities that are not available to the country dwellers.

Hon. F. D. Willmott: Why didn't you oppose the measure last year?

Hon. N. E. BAXTER: I opposed it last year, and I still do. Already the country dweller is paying more in many respects than the city dweller. On every cheque the country dweller has to pay 6d. in exchange. I would be doing a disservice to my electors if I did not support the move by Sir Charles Latham to relieve country people of this tax.

Hon. Sir CHARLES LATHAM: I must confess that I was wrong last year in voting in favour of the measure. Looking through the division list, I notice that some members who are now in favour of this measure violently opposed a similar Bill last year. Both Mr. Watson and Mr. Willmott were strong opponents on the last occasion; yet now they are supporting this tax. The people to whom I refer as having to pay £200 on freight for super will have to pay this tax in addition, if the Bill is passed. All I am trying to do is to give them some relief.

Hon. F. D. WILLMOTT: I would remind Sir Charles Latham and Mr. Diver that if they had listened to Mr. Watson and myself last year we would not be debating this measure now. Last year two measures were dealt with—the Land Tax Assessment Bill and the Land Tax Act Amendment

Bill. The former was dealt with first and it brought the farmers of this State under the tax. On that occasion Mr. Watson pleaded with members not to agree to the new scale under the taxing measure. Had they supported him, the farmers today would not be burdened with heavy land tax.

Hon. L. C. DIVER: It would appear that in the standard States, where the political parties enjoy a longer run of office, the agriculturalists are given more consideration than those in Western Australia.

Hon. A. F. Griffith: That you brought about last year.

Hon. L. C. DIVER: This is in line with our attitude last year when we were endeavouring to stave off the day when rail freights would be increased.

Hon. R. C. Mattiske: You are agreeable to their being increased.

Hon. L. C. DIVER: The hon. member knows they will be increased.

Hon. F. D. Willmott: That is what I tried to tell you last year.

Hon. L. C. DIVER: They were not increased and the Government honoured its undertakings. Mr. Willmott is obsessed with the idea that we have to relieve the owners of land other than agricultural land. But we have no justification for doing so. Are we a lot of leeches that we shall say to the standard States, "You shall impose a land tax on your cities in order that Western Australia may be assisted through the Grants Commission, because we are not prepared to tax our towns in a similar manner"? Agricultural land in New South Wales and Victoria is not burdened with this tax.

The hon. member insists that because the tax applies to land in the city and country towns it shall apply to rural lands. We will have the added burden of increased rail freights that the city people will not have. We think the country areas should be relieved of the imposition of land tax when rail freights are increased.

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

Ayes	.....	7
Noes	.....	17
Majority against	.....	10

#### Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. Sir Chas. Latham	(Teller.)

#### Noes.

Hon. G. Bennetts	Hon. C. H. Simpson
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. H. K. Watson
Hon. A. F. Griffith	Hon. W. F. Willesee
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. G. MacKinnon	Hon. E. M. Heenan
Hon. R. C. Mattiske	(Teller.)

## Pairs.

## Noes.

Ayes.	Noes.
Hon. J. Cunningham	Hon. R. F. Hutchison
Hon. L. A. Logan	Hon. F. R. H. Lavery

Amendment thus negatived.

Clause put and passed.

Clause 6, postponed Clause 2, Title—agreed to.

Bill reported with amendments.

*Recommittal.*

On motion by Hon. A. R. Jones, Bill recommitted for the further consideration of Clause 5.

*In Committee.*

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 5—Section 10 amended:

Hon. A. R. JONES: I move an amendment—

That the word "four" in line 22, page 3, be struck out and the word "three" inserted in lieu.

This means that the land tax imposed on improved agricultural land would cease at the end of the financial year for 1959 instead of at the end of the financial year for 1960.

The CHIEF SECRETARY: I hope the Committee will not agree to the alteration. The period of two years was put into the legislation last year, and this is only making it a further two years. I think we should agree to the clause.

Hon. N. E. BAXTER: I trust the Committee will agree to the amendment. Between now and the 30th June, 1959, we can see what impact the increased rail freights will have on the country areas. I think that next year this Chamber will see the wisdom of dropping the tax on rural land.

Hon. H. K. WATSON: I appreciate the point of view expressed by Mr. Jones; yet there seems to be something in the Chief Secretary's suggestion that the exemption is for only two years and this provision extends it for another two years. I would be inclined to leave it as it is and be thankful that it is not four years. After another two years we have complete exemption.

Hon. F. D. WILLMOTT: I am inclined to agree with Mr. Jones for the reason that if the amendment is carried this can be reviewed next year in the light of rail freights. If the increases are heavy, Parliament will have an opportunity to look at the position. I am prepared to support the amendment.

Hon. A. R. JONES: The Government will have 18 months from now during which time it can budget for the future, and depending on what happens during the next 12 months, both to freights and

to the industry, we will be able to make up our minds regarding an extension of the term. We do not know from day to day what will prevail in the industry. We may have a record season next year; but, on the other hand, the price of wool may drop.

Hon. A. F. GRIFFITH: I do not think it does any harm for Parliament to have a look at legislation as frequently as necessary, and I have no hesitation in supporting the amendment.

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

Ayes	....	....	....	14
Noes	....	....	....	10
Majority for				4

## Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. J. G. Hilslop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F. D. Willmott

(Teller.)

## Noes.

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

(Teller.)

## Pairs.

Ayes.	Noes.
Hon. J. Cunningham	Hon. R. F. Hutchison
Hon. L. A. Logan	Hon. F. R. H. Lavery

Amendment thus passed; the clause, as amended, agreed to.

Bill reported with a further amendment and the reports adopted.

*Third Reading.*

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

**BILL—UNFAIR TRADING AND PROFIT CONTROL ACT AMENDMENT.***In Committee.*

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Section 8 amended:

Hon. G. C. MacKINNON: This clause deals with discounts. When I spoke to the second reading I asked the Chief Secretary whether he would explain it; but whether or not he has an explanation I do not know, because he has not given it as yet. The clause is contentious because it cuts right across the accepted methods of trading, and I see no reason why it should be included in the Act. Before going any further I would like to know if the Chief Secretary is prepared to give me an explanation of it.

The Chief Secretary: What is your objection to it?

Hon. G. C. MacKINNON: I thought I had made my objections clear on the second reading. When talking about discriminatory discounts it is hard to know whether that is meant to be between a man who buys in gross lots as distinct from a man who buys in dozen lots.

The Chief Secretary: No; that is quantity.

Hon. G. C. MacKINNON: Does not the Chief Secretary think that he should get up and give us some explanation?

The Chief Secretary: Tell us what you are objecting to.

Hon. G. C. MacKINNON: Let us take the example of an article which is used in further manufacturing processes, but which can be sold in its own right. Let us take rope as an example. That can be manufactured and sold either as rope or to people who manufacture nets, venetian blinds and so on. The person who uses rope as a component part of his finished article pays one price; but, because of the sales organisation which is necessary for a wholesaler or retailer to maintain, he gets an additional discount when he is selling the rope as rope. That enables him to make a profit and to cover his various costs. In that case there is a differential discount which is not necessarily allied to quantities.

I would like to hear the Chief Secretary's explanation of it because I cannot see how it can fail to affect the different discounts which are granted by co-operative stores. One person might buy a pound of butter and, because of certain circumstances, receive a discount; while another person, buying the same article, would not receive any discount. After reading the clause, I cannot see that it would be of any benefit to the consumers of this State. I think it will work to the detriment of many of them.

It has always been the practice for a manufacturer or a producer, if he has a glut, to try to quit his stock by giving a special discount; and there are many manufacturers throughout Australia who are tied either by ownership or contract to the production of the prime goods which are the components of their manufactured articles: Jams, sauces, pickles and the like. If they have a good year and good stock, they have abundant stock to quit. The question is: Will this override Section 92 of the Constitution? We know it will not. It could work to the detriment of the Western Australian manufacturer because he might not be able to quit stocks accumulated in flush seasons at those discounts. I cannot see how it will operate to his benefit. Perhaps the Chief Secretary could explain.

The CHIEF SECRETARY: This matter has received such publicity that I thought there would be more speakers on the subject, and I did not want to exclude anybody. I do not think that this clause would act to the detriment of local manufacturers. It would act to their benefit. This is to prevent Eastern States firms landing goods like jams, etc. here and selling them at a price less than that for which they are sold in the State of manufacture, their idea being to squeeze out the local manufacturer.

Hon. J. G. Hislop: Do you think this clause will stop that?

The CHIEF SECRETARY: I think there is a possibility.

Hon. J. G. Hislop: Won't you find yourself in the Privy Council in no time?

The CHIEF SECRETARY: I do not think so, and I am sure the Privy Council would not countenance undercutting methods. I would now like to refer to a note I have. It refers to secret discounts, and mentions Clause 3(d).

Hon. H. K. Watson: Where is that mentioned in the Bill?

The CHIEF SECRETARY: I did not say it was mentioned in the Bill.

Hon. H. K. Watson: You said Clause 3(d).

The CHIEF SECRETARY: That is right. At the outset the distinction between preferential or secret discounts—which are to be forbidden by the amendment—and quantity discounts should be made clear. Quantity discounts are given to those able to buy a set quantity. Preferential discounts, however, are available only to a select few and are determined by manufacturers or their agents and kept secret. Generally speaking, the recipients of such discounts are not known to the majority of the senior members of the firms concerned. A census taken of 112 traders in the metropolitan area and in some 63 country towns showed a unanimous opposition to such discounts.

In some cases local manufacturers are being squeezed by powerful buying interests to give these discounts. They would gladly be free of them. They are embarrassed in their relationships with non-recipients who service the majority of consumers in the metropolitan area and nearly all consumers in country areas. There appears to be some doubt as to whether small storekeepers can survive the competition of chain stores and supermarkets. Experience in other places has shown that they can survive and fulfil a need to every community. The persons who usually enjoy preferential discounts normally operate on a cash and carry basis. The small storekeeper to whom people are obliged to turn in time of need generally give credit terms and supply personal and

delivery services. Any country member will have recollections of the huge volume of credit made available by storekeepers in the "thirties."

Co-operative stores are not affected by the amendment because it relates only to special discounts, etc., given to competitors of the purchaser. In any event, a simple amendment to the Bill could put co-operative stores beyond doubt. The amendment only relates to discounts, etc., available "at the time of sale"—not at other times.

Hon. G. C. MacKINNON: It may be advisable to mention that the Bill uses the word "discriminate," and perhaps we should stick to that. The Chief Secretary uses the word "secret"—no doubt in the same context. If they were secret discounts, then all the firm would need to do would be to advertise in the paper that it allowed a certain firm such-and-such a discount and it would no longer be a secret discount. That could be checked in any dictionary.

The clause has been referred back to the man who knew what he meant when he wrote it. Very often we have brought in something only to be told that we were not saying what we meant. Mr. Logan on one occasion pointed that out to me very clearly.

The Chief Secretary should get the opinion of two or three solicitors on this. I imagine we are all concerned with the ordinary everyday citizen, because we have to make our ordinary purchases to live as part and parcel of the citizenry of the country. Nothing in this clause will help the ordinary person to live better. If Raynor's or anybody else were in a position to take advantage of flush conditions then they should be in a position to pass on at that moment a preferential discount rate to quit. If they did that at that moment, and the week before to another competitor, they would be the subject of an inquiry; because the man who purchased the week before would feel aggrieved and report the matter to Mr. Wallwork.

The CHAIRMAN: I would point out to the hon. member that he has not yet moved his amendment.

Hon. G. C. MacKINNON: I move an amendment—

That paragraph (d), lines 21 to 38, page 2, be struck out.

Hon. A. F. GRIFFITH: I move—

That the Chairman do now leave the Chair.

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

Ayes	.....	11
Noes	.....	13
Majority against	.....	2

# Ayes.

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

# Noes.

Hon. N. E. Baxter	Hon. H. L. Roche
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. L. C. Diver	Hon. J. D. Teahan
Hon. G. Fraser	Hon. W. F. Willsee
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. E. M. Heenan	Hon. E. M. Davies
Hon. G. E. Jeffery	(Teller.)

# Pairs.

Ayes.	Noes.
Hon. J. Cunningham	Hon. R. F. Hutchison
Hon. Sir Chas. Latham	Hon. F. R. H. Lavery

Motion thus negatived.

Hon. H. K. WATSON: The Chief Secretary told us that Mr. Wallwork and his officers exercised discretion and restraint in this matter; but from what I hear of their activities, they have gone around stirring up trouble over this discount question. The desire to put this further power into the Bill indicates that it has not been within the province of these officers to do this during the past 12 months.

A case has come to my notice of where a country customer of a city manufacturer, which manufacturer allows discounts ranging from 5½ to 7½ per cent., was visited by one of these bright boys and asked what discount he was getting, and he was told he was on the wrong track; that he should be getting 12½ per cent. If things like that can occur with Government officers, no wonder they have made 323 inspections!

Reading the definition of what is proposed to be "unfair trading", this case comes to my mind and strikes me as being a common practice. I know of one company which manufactures a certain article which it sells in single lots, and its discount is 10 per cent. to any agent who places an order. However, there is one company in Perth which is associated with probably 200 to 300 companies throughout the country districts—co-operatives and so on—and it will not handle that particular line unless it gets a discount of 17½ per cent. The manufacturer does not nominate the discount; the agent does. He says he has an order and the manufacturer can have that order if he will give 17½ per cent. There is no secret about it. It would appear from this particular definition that that manufacturer, by doing that, is committing an offence—he is engaging in unfair trading. That seems ridiculous to me; yet it is the only conclusion I can reach after reading the Bill.

Manufacturers would be happy to keep discounts at 10 per cent. because they consider 10 per cent. is the maximum which they should allow and show a reasonable profit. However, if this particular manufacturer does not give the company 17½ per cent., he knows other competitors will; and to keep the wheels of industry turning and his factory going, at little or no

profit on that particular item, he sells it at a discount of 17½ per cent. If we are going to interfere with the conduct of business, we will build up a Government department as big as the Taxation Department. I think this clause either needs to be withdrawn or reprinted.

**Hon. G. C. MacKINNON:** The point brought out by Mr. Watson is that every business must have a right to make the best deal it can. When it reaches the point where it has not made the best deal, the purchasers will go elsewhere, and that business will go by the wayside. The object of the man buying and the man selling is to make the best deal he can.

**Hon. G. Bennetts:** Some want too good a deal. I will tell you about one in a minute.

**Hon. G. C. MacKINNON:** If we take the price charged as a percentage of the wages received, and compare it with the position years ago, we will find that articles are being manufactured more efficiently and of better quality. They are also manufactured more cheaply. Yet the return on the capital invested has not gone up at anything like the same rate as the basic wage. If a manufacturer got 5 per cent. 20 years ago, when the basic wage was £3, he would certainly not get 20 per cent. today with a basic wage over £13.

We know that virtually every firm offers special discounts to employees, and in some cases to the near relatives of employees. If they visit the firm and receive that discount, and a customer standing beside them does not get it, they break the law. How else can the position be interpreted? The illustration I gave in regard to the manufacture of rope is going on all the time and is part and parcel of the trade of our country. There is also the fact that this cannot override Section 92 of the Constitution. I appeal to the Committee to reject this paragraph.

**Hon. C. H. SIMPSON:** I have been reading paragraph (d) and paragraph 9, and they seem comprehensive in their intention to try to secure equal terms of trading as between buyer and seller; and to see that nobody gets an advantage over another in regard to the conditions of buying and selling. I wonder whether there is to be one law for the Government and another for the private individual, who will be subject to penalties for not complying with the provisions of any Act?

The State hotel at Gwalia pays no rent, no liquor taxes, no licence fees, no income tax or road board rates and taxes, yet its competitors in a nearby town bear all those impositions. That is not equality in trading. The same applies to the Government passenger transport services which enjoy many concessions that the private operators do not. I wonder how this measure would affect tenders. The person who tenders the lowest price for anything is in

effect giving a discriminatory price, and that should be borne in mind. I support the amendment.

Amendment put and a division taken with the following result:

Ayes	.....	.....	.....	.....	12
Noes	.....	.....	.....	.....	12
A tie	.....	.....	.....	.....	0

Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. A. F. Griffith

(Teller.)

Noes.

Hon. G. Bennetts	Hon. H. L. Roche
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. E. M. Davies

(Teller.)

Pairs.

Ayes.	Noes.
Hon. J. Cunningham	Hon. R. F. Hutchison
Hon. Sir Chas. Latham	Hon. F. R. H. Lavery

The CHAIRMAN: The voting being equal, the question passes in the negative.

Amendment thus negatived.

**Hon. G. C. MacKINNON:** I move an amendment—

That after the word "quality" in line 38, page 3, the words "if such discrimination is contrary to the interests of consumers of the goods," be added.

The amendment would ensure that the ultimate consumer of the goods was not prejudiced in any way. I understand that discounts are given by many stores to civil servants, and that is not a discrimination contrary to the interests of the consumers. I hope the Committee will accept the amendment.

The CHIEF SECRETARY: I oppose the amendment and ask the Committee not to accept it.

**Hon. G. C. MacKINNON:** I feel that the Chief Secretary should give some reason for rejecting the amendment and not just oppose it in such a cavalier fashion.

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

Ayes	.....	.....	.....	.....	12
Noes	.....	.....	.....	.....	12
A tie	.....	.....	.....	.....	0

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. J. Murray
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F. D. Willmott

(Teller.)

Noes.

Hon. G. Bennetts	Hon. H. L. Roche
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. P. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. E. M. Davies

(Teller.)

Pairs.

Ayes.

Hon. J. Cunningham	Hon. R. F. Hutchison
Hon. Sir Chas. Latham	Hon. F. R. H. Lavery

Noes.

The CHAIRMAN: The voting being equal, the question passes in the negative.

Amendment thus negatived.

Clause put and passed.

Clauses 4 to 21—agreed to.

Clause 22—Section 41 repealed:

Hon. N. E. BAXTER: I move an amendment—

That the word "repealed" in line 18, page 7, be struck out and the following words inserted in lieu:—

amended by deleting the words "thirty-first day of December, one thousand nine hundred and fifty-seven" and substituting the words "thirtieth day of June, one thousand nine hundred and fifty-nine."

This clause will provide that the existing legislation will remain on the statute book for an unlimited period. I consider, however, that it should be reviewed annually. In a question such as this, we do not know what will occur from one year to another; and therefore the operations under this type of legislation should be reviewed regularly. The main reason why I am seeking an extension of this legislation until the 30th June, 1959, is that a Royal Commission sat for approximately 12 months inquiring into restrictive trade practices in this State, and its report has only recently been presented to Parliament.

Consequently, neither the Government, nor the members of this Chamber have had full opportunity to study the recommendations made. My amendment will permit the Government to consider carefully the report of that Royal Commission and to make inquiries into this question generally; and then, at the end of 18 months, if it still considers that this legislation should continue it can introduce a new Bill drafted on the lines of the recommendations set out in the report of the Royal Commission.

In my opinion it is a wise precaution to limit the operation of this measure until the 30th June, 1959, to enable the Government to have full opportunity of reviewing the operations of unfair trading legislation; and, if it considers that the position warrants it, of introducing legislation which may be more suitable at that time.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. Experience in the past year has shown that there is reluctance on the part of aggrieved persons to submit cases owing to the temporary nature of the Act and the possibility of reprisals when the Act lapsed. In some instances requests not to proceed with complaints have been made by the parties concerned.

The commissioner has been considerably hampered by the time limit in arriving at amicable settlements owing to the tendency of the persons concerned to sit on the fence awaiting the outcome of parliamentary debates on the Bill. In other instances, delaying tactics have been adopted in the hope that the Act will expire. Therefore, the Committee should leave the Bill as printed and not agree to the amendment.

Hon. G. C. MACKINNON: It is amazing how the worst possible interpretation is placed upon business in this State. No consideration is given to the fact that an aggrieved person might reconsider his opinion and realise that he was not so aggrieved. This attitude, which is adopted in regard to business generally just staggers me.

Hon. A. F. GRIFFITH: I do not want to see this legislation placed on the statute book at any time. Fundamentally, it gives an authority the right to enter upon a person's property, and the Chief Secretary wants to make this right permanent. This is the sort of thing that happens in Red Russia.

The Chief Secretary: It is being practised in Britain and in many other countries.

Hon. A. F. GRIFFITH: All the amendment is seeking is that Parliament shall have another look at this legislation 18 months hence in order that the position may be reviewed; and yet the Chief Secretary is talking about reprisals.

The Chief Secretary: Of course they would not be made after what we have heard in the last 12 months! Oh no!

Hon. A. F. GRIFFITH: The Chief Secretary wants to crush the businessman as much as he can. This Bill will also permit an officer to enter through the door of a businessman's premises to make sure he is doing nothing wrong. I hope the Committee will agree to the amendment. I cannot understand any Committee, in a country such as ours, allowing legislation such as this to go on the statute book.

Hon. H. L. ROCHE: I hope the Committee will leave the Bill as it is. As the Chief Secretary has said, by interjection, similar legislation is operating in approximately 60 countries. All the major industrial countries have similar legislation to this where tariff protection is given to



their local industry. I believe this legislation is necessary, and that its operation for one year is not sufficient. The Chief Secretary has given good and sufficient reasons why the legislation should continue on the statute book.

Hon. G. BENNETTS: I would like to point out to the Committee what happened in regard to a transaction that was to take place only last week. A friend of mine, who is a commercial traveller, told me that a big city firm was handling a line of men's trousers. This firm reduced the price in order to effect a sale to a departmental store, but this firm told the manufacturer that it would not handle the line unless it was able to make a profit of 50 per cent. This Bill will have the desired effect on firms such as that which are out to grasp excessive profits all the time.

Hon. G. C. MacKINNON: It is all very well for members to say that it is necessary to have this type of legislation on the statute book; but no attempt has been made to justify its continuance. Members opposite should take the opportunity of reading this book which I have in my hand entitled, "The Law of Restrictive Trade Practices and Monopolies." They would gain much valuable information if they did so. The Chief Secretary and Mr. Roche have told us that many other countries have similar legislation to this.

Hon. H. L. Roche: And Queensland.

Hon. G. C. MacKINNON: This legislation and that which the Chief Secretary is referring to, are as different as chalk and cheese. The statement that legislation of this nature operates in other countries is very misleading. I have never heard of the Sherman Act being administered by a commissioner in the United States of America. I challenge the Chief Secretary to give us a resume of the legislation which operates in Canada. In the main, the legislation there and here are entirely different. The first and primary object in the legislation overseas is to protect the public against industry; and when I tried to insert a similar provision in this measure it was just waved aside.

Hon. L. A. LOGAN: It is obvious from the remarks of the Chief Secretary that there is no intention on the part of the Government to take any notice of the recommendations set out in the report of the Royal Commission on restrictive trade practices. In that report it is stated that there is no need for the Bill; and it should be withdrawn, and a new Bill drafted. That is the reason why an amendment has been moved which seeks to limit the operation of this legislation. If the amendment is agreed to, the legislation will continue for 18 months and that will give the Government ample opportunity to study the effects of this legislation on commerce; and then, if it thinks it is

necessary, it can introduce legislation to fit the position or circumstances that exist at that time.

If the legislation is permitted to continue indefinitely, the Government will never take any steps to implement the recommendations made by the Royal Commission. A great deal of work was done by the members of that Royal Commission and much time was spent in carrying out its investigations. The commission recommended that the existing legislation be repealed and new legislation introduced but, unfortunately, the Government has brought forward this measure before a Bill based on the lines of the Royal Commission's recommendations, could be introduced. Now the Government wants the legislation on a permanent basis, implying that it does not intend to implement the recommendations of the Royal Commission.

Hon. N. E. BAXTER: I appeal to the Committee—and in particular my colleagues, Mr. Diver and Mr. Roche—to give this matter very serious consideration for the reason that this type of legislation is foreign to this State. It was introduced only last year; and at the time it was not fully acceptable by all the members who supported it. No doubt, like myself, the sincerely believed that that legislation could be improved upon. I fear that if it is passed as a permanent measure, it will not be improved upon.

In moving the amendment to limit the operation of this legislation to a period of 18 months I have been entirely fair; because within that period the Government could implement the recommendations of the Royal Commission on Restrictive Trade Practices. The period of 18 months will be sufficient to enable legislation to cover restrictive trade practices to be put into operation.

Hon. L. C. DIVER: The Chief Secretary has set forth very clearly the reasons why this should be a permanent measure. Already many firms are able to impede the inquiries of the commissioner because the legislation is of a temporary nature. If the Bill imposes a limit of a further 18 months the position will not be improved because there will be an uncertainty as to its continuance at the end of that time. For that reason, any person who might be prepared to lay a charge would not do so if the legislation was of a temporary nature. I hope that the Government will give serious consideration to redrafting the whole legislation during the next session.

Hon. C. H. Simpson: And make it more severe.

Hon. L. C. DIVER: If in the light of experience that is required to be done, cannot see why members should complain. If the officers administering the Act become so severe, the people will be able to reject the Government at the next election. Surely the people should be the

judges. The opposition to this measure appears to be similar to that which I received when I supported another measure last year. After the legislation had been on the statute book for 12 months, those who opposed me saw merit in it. Is it the case that with the passage of time they are able to see merit in legislation which they at first oppose? I ask the Government to listen to me and, as far as possible, to implement the recommendations of the Honorary Royal Commission on Restrictive Trade Practices. It should not turn out a machine with rubber jaws; it should ensure that the machine can bite.

**Hon. A. F. GRIFFITH:** In one breath Mr. Diver said he hoped the Government would reframe this legislation next year; but in the next he was prepared to agree to this legislation on a permanent basis. Then he said there would be an election in the meantime in which the people could reject the Government if the legislation was unfair or harsh. We have the Honorary Royal Commission on Restrictive Trade Practices recommending the abolition of this legislation; yet Mr. Diver hoped that the Government would reframe it. Surely the logical course to adopt is to bring this legislation up for reconsideration at the expiration of 18 months. In this House we have often heard members contending that there was nothing wrong with Parliament reconsidering legislation periodically.

**Hon. H. L. Roche:** This is the second occasion when this legislation has been considered.

**Hon. A. F. GRIFFITH:** So far as I am concerned it is no better than on the first occasion. I hope the Committee will agree to the period of limitation.

**Hon. N. E. BAXTER:** The Chief Secretary contended that the Government has been impeded in its efforts to administer the Act. I would ask him to examine Section 19 which gives the commissioner very wide powers to obtain all the information desired, either under oath or in writing. A person refusing to supply such information commits an offence and is subject to a heavy penalty.

**The Chief Secretary:** Who said that?

**Hon. N. E. BAXTER:** The hon. member referred to people sitting on the fence and refusing to co-operate. I would point out that the commissioner can force them to co-operate under Section 19. In relation to the limitation of 18 months I have not the same faith in the Government as Mr. Diver has in expecting that it will implement the recommendations of the Honorary Royal Commission on Restrictive Trade Practices. The use of the word "repeal" in the Bill indicates that the Government has not the slightest intention of introducing any other legislation to deal with unfair profit taking, excessive profits or unfair trading.

**Hon. F. D. WILLMOTT:** I move—

That the Chairman do now leave the Chair.

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

Ayes	.....	9
Noes	.....	15

Majority against ..... 6

Ayes.

Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. R. C. Mattiske
Hon. J. Murray	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. H. L. Roche
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. L. C. Diver	Hon. J. M. Thomson
Hon. G. Fraser	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. J. J. Garrigan
Hon. L. A. Logan	(Teller.)

Pairs.

Ayes	Noes.
Hon. J. Cunningham	Hon. R. F. Hutchison
Hon. Sir Chas. Latham	Hon. F. R. H. Lavery

Motion thus negatived.

*Midnight.*

**The CHIEF SECRETARY:** In all the years I have been here I have never seen such a misuse of the Standing Orders as I have seen during the last day or so, and particularly tonight. How stupid members make themselves look!

**The CHAIRMAN:** I inform the Chief Secretary that what he is saying is not relevant to the question before the Chair.

**The CHIEF SECRETARY:** It is relevant to incidents that have occurred in the Committee. Some people cannot take it; they get a few reverses and do their block!

**Hon. A. F. Griffith:** That is a rather vulgar expression.

**Hon. J. G. Hislop:** Has this anything to do with the amendment before the Chair?

**The CHAIRMAN:** I had already drawn the Chief Secretary's attention to that point, and I hoped he would stop.

**Hon. J. G. Hislop:** It is only by-play on the part of the Chief Secretary to get it into Hansard.

**The CHAIRMAN:** I drew the Chief Secretary's attention to the position before the hon. member mentioned it.

**The CHIEF SECRETARY:** Some members can say anything they like, but not the Chief Secretary! There has been a lot of conjecture about the Government putting this permanently on the statute book but not giving consideration to the Honorary Royal Commission's report. Why, the ink is hardly dry on it! The Bill was prepared long before the Honorary Royal Commissioner's report was available. The Government considers this should be

a permanent measure. After the session has ended, and time permits, the Government will consider the report of the Honorary Royal Commission, and if it thinks fit it will take action.

No one has made any comment on what the Royal Commission said about the way some traders are carrying on. Some people hold up their hands in horror to think that the Government should do something to protect people against unfair traders. The Government will consider this phase and, if it thinks fit, will do something in connection with it. I have never seen so much shuffling and trying to hold things over as I did when members thought that the Bill might go out of existence. If the people who protest so much have nothing to hide, they have nothing to fear from this legislation.

Hon. G. C. MacKINNON: We waited a long time for it, but at last we got a little of what we might have expected on the second reading.

The CHAIRMAN: Order! I have heard a few remarks tonight about second reading speeches, and a few members are inclined to make second reading speeches. I draw attention to the fact that there is an amendment before the Chair dealing with the time limit, and I want members to keep to the amendment and allow personalities to go by.

Hon. G. C. MacKINNON: I thank the Chief Secretary for the little bit of information he has given us.

Hon. A. F. GRIFFITH: If we are to take notice of the facts the Chief Secretary has given, then there is every reason to agree with Mr. Baxter's amendment. The Chief Secretary said that the ink on the Honorary Royal Commission's report was not dry, and that the Bill was prepared long before the report came out. The Bill was prepared with the permanent clause in it. The Honorary Royal Commission said, "Scrub this and start all over again." When the Bill was prepared, no consideration was given to the report because it was not available. Surely Mr. Diver and Mr. Roche will not join with the Government on this issue. If they do, they will be acting against the words of the Chief Secretary.

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

Ayes	.....	12
Noes	.....	12
A tie	.....	0

#### Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattlake
Hon. A. F. Griffith	Hon. J. Murray
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. C. H. Simpson

(Teller.)

#### Noes.

Hon. G. Bennetts	Hon. H. L. Roche
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. E. M. Davies

(Teller.)

#### Pairs.

Ayes.	Noes.
Hon. J. Cunningham	Hon. R. F. Hutchison
Hon. Sir Chas. Latham	Hon. F. R. H. Lavery

The CHAIRMAN: The voting being equal, the question is resolved in the negative.

Amendment thus negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

#### Third Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [12.13 a.m.]: I move—

That the Bill be now read a third time.

HON. G. C. MacKINNON (South-West) [12.14 a.m.]: I refrained from making a second reading speech on the last clause of the Bill, but would like to take this opportunity to reply to some of the comments that were made. The Chief Secretary accused those who spoke on the Bill of not bringing specific instances forward. I remind members of the number of times I have asked the Chief Secretary to give us a detailed explanation of the desirability of bringing down this piece of legislation. On more than one occasion I asked him for some instances of the variation in discounts that he mentioned.

It is all very well when one knows that one has two members who will make sure that one has a majority—in this case Mr. Diver and Mr. Roche—to sit and refuse to give any explanations when asked for them. Then on the final clause the Chief Secretary stands up and says that neither I nor any other member said anything about some of the things which were done in business but which should not be done. I think that during my second reading speech I said that in any line of activity, if one investigated the position, one would uncover some activity which was probably not altogether desirable. But one does not take a steamroller to kill gnats.

Most of us did not mention the Royal Commission's report because we did not think it necessary to do so. Now there is only one hope that I can see and that is that what has happened to similar measures in other parts of the world will happen to this legislation. Mr. Roche mentioned that this type of legislation is in existence in 67 countries. They have been made permanent measures in those places but, in the majority of them, after two or three years extreme difficulty has been found in administering the legislation.

It has been found that such legislation hampers industry and clogs up the normal channels of operation. As a result, country after country lets its legislation, dealing with this type of thing, fall by the wayside. If the Chief Secretary likes to investigate further, I am sure that he will find that in most of the 67 countries, although the legislation may be on the statute book, it is not being used. I still oppose the Bill.

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

Ayes	.....	13
Noes	.....	12
Majority for	.....	1

**Ayes.**

Hon. G. Bennetts	Hon. G. E. Jeffery
Hon. E. M. Davies	Hon. H. L. Roche
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. G. Fraser	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. W. R. Hall	Hon. J. D. Teahan
Hon. E. M. Heenan	(Teller.)

**Noes.**

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. J. Murray
	(Teller.)

**Pairs.**

<b>Ayes.</b>	<b>Noes.</b>
Hon. R. F. Hutchison	Hon. J. Cunningham
Hon. F. R. H. Lavery	Hon. Sir Chas. Latham

Question thus passed.

Bill read a third time and *passed*.

# **BILL—EAST CAREY PARK LAND VESTING.**

## *Second Reading.*

Order of the Day read for the resumption of the debate from the previous day.

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.

Bill read a third time and *passed*.

# **BILL—LONG SERVICE LEAVE.**

## *Assembly's Message.*

Message from the Assembly received and read notifying that it had agreed to Amendments Nos. 5, 11 to 18, 23, 25 to 39 made by the Council, and had disagreed to Nos. 1 to 4, 6 to 10, 19 to 22, and 24.

# **BILL—WESTERN AUSTRALIA (SALES-PROMOTION LABELS).**

## *Second Reading.*

Debate resumed from the 26th November.

**HON. G. C. MacKINNON** (South-west) [12.25 a.m.]: This is a very small measure which deals with the labelling and promotion of the sale of Western Australian goods. Actually, the best feature of the Bill, and the most effective part of it, is contained in Clause 3. The rest of the Bill is an effort to promote the sale and consumption of Western Australian goods by virtue of a label. I doubt the efficacy of such a procedure because people will buy goods provided the price and quality are right.

There are some dangers in legislation of this nature; and I would like to point them out to the Government. We could be faced with the position of another State taking some action if it considered that Western Australian labels were opposed to their particular interests. For instance, South Australia might proceed to put maps on its products that might militate against the sale of our goods. Another point which could bear thinking about is that a company becomes known by its label; but in Western Australia it might be desirable—and the object of the Bill is to make it desirable—for a person selling goods to apply for a particular label of a special design.

Hon. H. K. Watson: To Mr. Wallwork or someone else?

Hon. G. C. MacKINNON: No; this is another thing altogether. For some of our products we have secured a growing export trade throughout the islands and there we are faced with language difficulties. The people rely almost entirely on the label used and so we need two labels, one for export and one for home consumption.

I have a suggested amendment to Clause 6, which deals with the advisory committee which will be set up for the purpose of administering the Act. The Minister may call this committee in to give him certain advice, and certain bodies will have representatives on it. The Chamber of Commerce, the Chamber of Manufacturers, the Trades and Industries Promotion Council and the Department of Industrial Development will all be represented. I suggest that the Chamber of Manufacturers and the Chamber of Commerce should have representatives, and the Department of Industrial Development should represent the Government; but the Trades and Industries Promotion Council is not a definite body in the same form as the others. For instance, it has a number of members of Parliament on it.

As Parliament itself always has the opportunity to bring forward amendments to legislation, I feel there is no need to

have further representation on this advisory committee which has as some of its personnel members of Parliament. So the advisory committee could consist rightly of a member of the Chamber of Manufactures, a member of the Chamber of Commerce, and an officer of the Department of Industrial Development. Except for that point I offer no opposition to the Bill.

**HON. J. G. HISLOP** (Metropolitan) [12.31]: One must watch this measure because it might do the opposite to that which is intended. There is no doubt that people will not buy things because they are made in Western Australia if they are inferior to the goods that come from the Eastern States. Housewives will see whether the goods produced here are of good quality as compared with the price; and if they are not, they will not buy them. The fact that one puts a label on a product does not necessarily mean that its contents will be acceptable to the purchaser. The only way to sell Western Australian goods is to see that they are of a high quality and standard.

If we put labels on everything made in Western Australia, and try to export those goods we might do ourselves more harm than good, unless the advisory committee is going to maintain its standard and put labels only on those goods which conform to a high standard. If these labels are to be affixed to everything made in Western Australia with the idea of telling people that they are Western Australian goods, they will not have any effect at all.

There are certain things we must learn in regard to export trade. Firstly, our labels must be attractive. At the moment many of them are not attractive; nor are they well printed when compared with those we see overseas. Until we are prepared to spend more money on research on our labels with a view to making them conform to what is in the package, we will not be able to compete with other countries which pack their goods well and label them attractively.

When I was in Hong Kong recently I was told by a Chinese who had a very large business in that city that he had constant complaints about Australian goods—they were not packed well, and when they arrived they were in poor condition. He also said that the labels were not attractive and were not a true indication of what the package contained. To put a label on a thing and say goods are made in a certain place is not enough; the goods themselves must be maintained at a high standard.

I would like to quote an example in which an attempt was made to do this in Western Australia. While I was in America I always delighted in having for breakfast an article called Boston grapefruit hearts. They were segments of grapefruit in syrup. The segments were

in beautiful condition. The entire pith had been removed, and the segment was so soft that it literally melted in the mouth.

When I got back home I showed Mr. Dickinson of Mumzone's the type of thing I meant, and he attempted to do it with our grapefruit but found it was not possible. The pith was taken off, but the section of the grapefruit was so tough that it was impossible to eat it with any pleasure. Until some research has been carried out into the production of the article there is no use its being placed on the market. This was put on the market; but did not, of course, remain long.

On our return from Japan we brought back some mandarins which were really delightful. The whole pith was removed, and the segments of the mandarin were as soft as those of the grapefruit. But we do not seem to be able to do that sort of thing. I do not know whether it is that we have not got in touch with the people who are able to do these things; but I would say it is futile to try to compete with the world unless the local manufacturers maintain a high standard.

We should be careful not to put labels on Western Australian goods unless they are put on goods which the advisory committee says are up to the required standard, and are the best that can be produced.

**THE MINISTER FOR RAILWAYS** (Hon. H. C. Strickland—North—in reply) [12.37]: As I understand the object of this measure, it is to inspire the people of this State to buy goods made in Western Australia.

Hon. J. G. Hislop: Make them good.

**THE MINISTER FOR RAILWAYS**: It is to help the shoppers of the State to distinguish Western Australian goods when they see them. The object of the advisory committee that has been set up is to sell more Western Australian goods in this State.

Hon. J. Murray: It is not a very good committee.

**THE MINISTER FOR RAILWAYS**: I do not know about that; but its members have put in a lot of work on the job, and they work in conjunction with the Chamber of Commerce, the Chamber of Manufactures, and other organisations. I cannot understand why members have had to wait until the matter has reached Parliament before expressing doubts as to the benefits that will be derived from the measure. Much money has been put into and much time and organisation devoted to the matter.

The people concerned have put their hearts and souls into stimulating the sale of locally made products. The business people in this State will all be pleased to increase their sales of Western

Australian goods. The object of the organisation behind the movement is to inspire some State patriotism in the housewife and the shopper, and make it simple for them to distinguish Western Australian goods.

The committee itself recommended that some type of uniform label be placed on the goods. Those who are prepared to respond to the publicity that has been given will see that they are getting Western Australian goods. I eat a lot of sweets; yet when I go into a shop and ask for something made by Plaistowes, I am not able to get it because it is apt to be a slow-moving line.

This is not the result of a Government move; it was inspired by the advisory committee. It is their wish that something like this be done, and the Government is prepared to get behind it and stimulate the sales of locally made goods. There is nothing wrong with that. One can understand Dr. Hislop's point that we should not put a good label on a bad product. We all agree with that. That would be the worst thing that could happen; because if somebody happened to buy an article which was of inferior quality he would in future be certain that he did not again purchase that article, which would no doubt have a distinguishing label.

But surely the advisory committee would have some control in the matter! It would not permit anybody to use a good label on an inferior article. The advisory committee would know best what should be done.

Hon. J. G. Hislop: Is it going to examine the goods?

The MINISTER FOR RAILWAYS: I do not know about that. Everybody in the trade knows the quality of particular goods.

Hon. J. G. Hislop: The quality is not mentioned in the Bill.

The MINISTER FOR RAILWAYS: I know. But the advisory committee—the composition of which Mr. MacKinnon seeks to amend—is a body comprising a representative of the Chamber of Manufactures, the Chamber of Commerce, the Trade and Industries Promotion Council and an officer of the Department of Industrial Development. If the Chamber of Manufactures and the Chamber of Commerce do not know the qualities of the various products, then nobody else will.

It is disappointing to feel that there is some doubt expressed here, particularly at this stage of things, and after the organisation has been set up. I would ask members to accept the Bill as it is; because, after all, it is here on the recommendations of the publicity and education committee of this council. Mr. Murray said that the membership was no good. However, I am unable to state who the members are.

Hon. J. Murray: I was prompting you, that was all.

The MINISTER FOR RAILWAYS: I have no doubt that membership of the council was open to those who wanted to be on it; and there is no doubt that many are keen. Some of the biggest organisations in the city are associated with this council.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Hon. W. R. Hall in the Chair; the Minister for Railways in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Power for Minister to act on advice of advisory committee, and to delegate authority:

Hon. G. C. MacKINNON: I move an amendment—

That the words "the Trade and Industries Promotion Council" in lines 4 and 5, page 3, be struck out.

In the main, this Council would comprise members of the Chamber of Manufactures, the Chamber of Commerce, and some members of Parliament. As this particular advisory committee is to consist of a representative appointed by the Minister from a panel of three names submitted by the Chamber of Manufactures and the Chamber of Commerce, together with an officer of the Department of Industrial Development, I submit that the Trade and Industries Promotion Council is a body which covers more or less all these activities, and should remain aloof.

It could be that all members on this advisory committee, chosen by the Minister would be members of the Trade and Industries Promotion Council, and I do not think that that is intended by the Government. I think this advisory committee should comprise a representative of the Chamber of Manufactures, a representative of the Chamber of Commerce, and an officer of the Department of Industrial Development.

The MINISTER FOR RAILWAYS: I do not know who the individual members of the Trade and Industries Promotion Council are; but I do know that that body sponsored this Bill; and surely it was hardly fair to omit it from the advisory committee. The clause provides that the Minister will select each representative from a panel of three names; and as the council is behind the whole move, I feel it should be represented. It is an organisation which has worked very hard to promote the sale of Western Australian goods, and I see no reason why we should deny it the privilege, at this stage, of having a representative on the advisory committee.

Hon. G. C. MacKinnon: Every member on this committee could be a member of the Trade and Industries Promotion Council.

The MINISTER FOR RAILWAYS: That could be so. But in his selection, the Minister would be wise. He would be very careful to get the best cross-section of opinion possible.

Hon. G. C. MacKinnon: How many members of Parliament are on this council?

The MINISTER FOR RAILWAYS: I do not know the personnel of the council.

Hon. G. C. MacKinnon: I think Mrs. Hutchison is on it.

The Chief Secretary: She is chairwoman of the women's committee.

The MINISTER FOR RAILWAYS: Mrs. Hutchison asked me to provide her with the names of people in the North-West towns so that literature to further the sale of W.A.-made products could be forwarded to them. I hope the hon. member will not do anything which may insult the council at this particular stage.

Hon. G. C. MacKinnon: I have no desire to insult the council. So far as I know, it is doing a good job. I do not know its full membership; but I understand that the Premier, the Leader of the Opposition, Mrs. Hutchison, and—I think—Mr. Bunning, are members. It would be better if the council were not represented on the various bodies it may decide to set up, as it might find itself in the position of having to do all the work. Once it has produced an idea, I consider it should be handed to the advisory committee as I suggested.

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

Ayes	10
Noes	14

Majority against 4

#### Ayes.

Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. L. A. Logan	Hon. J. M. Thomson
Hon. G. MacKinnon	Hon. H. K. Watson
Hon. R. C. Mattiske	Hon. F. D. Willmott
Hon. J. Murray	Hon. A. F. Griffith

(Teller.)

#### Noes.

Hon. N. E. Baxter	Hon. A. R. Jones
Hon. G. Bennetts	Hon. H. L. Roche
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. L. C. Diver	Hon. J. D. Teahan
Hon. G. Fraser	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. E. M. Heenan

(Teller.)

#### Pairs.

Ayes.	Noes.
Hon. J. Cunningham	Hon. R. F. Hutchison
Hon. Sir Chas. Latham	Hon. F. R. H. Lavery

Amendment thus negatived.

Clause put and passed.

Clauses 7 to 14, Title—agreed to.

Bill reported without amendment and the report adopted.

#### Third Reading.

Bill read a third time and passed.

## BILL—PARLIAMENTARY SUPERANNUATION ACT AMENDMENT.

### Second Reading.

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [1.4 a.m.] in moving the second reading said: This Bill proposes to amend the principal Act in one particular. At present any member of the parliamentary superannuation fund who ceases to be a member of Parliament and becomes entitled immediately to draw superannuation benefits cannot draw those benefits if he becomes employed by the Crown. The benefits, which have attached to them a period of time, may disappear during each year that the person concerned remains in the employ of the Crown; therefore if that person remains employed by the Crown for a sufficiently long period, no benefits from the parliamentary superannuation fund at all can be claimed by him.

In recent years the principle has been advanced that a person who finds himself in this situation should not be deprived of the total benefits in respect of which he has contributed, but should have those rights reserved to him so that they would be available when he ceased to be employed by the Crown.

This Bill aims to give effect to that principle. It lays down that the payments, which would otherwise be payable to that person, shall not be cancelled absolutely by virtue of the fact that he becomes employed by the Crown, but shall be suspended and shall become payable in the normal way should that person at any time in future cease to be employed by the Crown.

There is also a provision in the Bill to make the application of this principle retrospective to the 21st of January, 1949. This retrospective provision has been inserted because there are at least two ex-members of Parliament who are affected by such a situation. One of them is employed by the Crown in this State and the other is a member of the Commonwealth Senate. There may be other ex-members of Parliament affected also. I move—

That the Bill be now read a second time.

**HON. C. H. SIMPSON** (Midland) [1.7 a.m.]: This Bill contains one of the recommendations made by the parliamentary privileges committee, that Clause 4 of the original Bill, which contained this provision, should be deleted, on the ground that where a member of any fund had made a contract with it to receive certain benefits, when he became due for entitlement whatever he had contracted to get should be paid to him. In the Civil Service of this State where an officer has retired on a pension, if he is re-engaged for any service his pension is deducted from the salary he receives, often with anomalous

results. During the war when the services were short of competent men, certain railway men in higher brackets returned to the service to do work they were well qualified to perform.

The result was that they could have got jobs in the commercial world at much higher net salaries than they received from giving service to the country from patriotic motives. The retrospectivity is a different question. I support the Bill.

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.

Bill read a third time and passed.

## **BILL—PARLIAMENTARY PERMANENT OFFICERS.**

*Second Reading—Rejected.*

Debate resumed from the 26th November.

**HON F. D. WILLMOTT** (South-West) [1.11 a.m.]: The more I examine this Bill, the more I find myself at a loss to understand why it was ever introduced. I fail to see why we should seek to alter a system which has proved satisfactory ever since self-Government was inaugurated in Western Australia about 1890. The system that has operated until now in this Parliament has proved to be extremely satisfactory; and a similar system is used in other Parliaments in the Commonwealth of British Nations, including the Mother of Parliaments, the House of Commons.

Therefore, I repeat that I fail to understand why we should be asked now to alter the existing system. I have no knowledge of any violent discord between members and the parliamentary officers which would justify the introduction of this Bill. In many ways officers of Parliament differ from Public Service employees. I do not think they can be regarded in the same light. Parliamentary officers, of course, are the servants of Parliament, and are not classed as employees in the same way as civil servants are. This Bill only highlights the fact that the work performed by parliamentary officers and the conditions under which they perform their duties are entirely different from the work and conditions of members of the Public Service. Clause 8 of the Bill reads as follows:—

(1) The provisions prescribed by or under the Public Service Act, 1904 in relation—

to annual leave of absence for recreation;

to leave of absence in case of illness or other pressing necessity; and

to long service leave;

apply, subject to the provisions of this Act and regulations, if any, made under the provisions of this Act, as if repeated *mutatis mutandis*, in this Act but

as if reference in that Act to the Minister and to the Permanent Head of a Department, were references to the appropriate authority;

as if no provision were made in that Act for remuneration for, or for leave in lieu of remuneration for, overtime work.

By that clause it is apparently recognised that the hours which are peculiar to officers of Parliament cannot be regarded as overtime in the same way as are excessive hours worked by civil servants. That, in itself, points to the fact that the work performed by officers of Parliament is quite different from that carried out by any civil servant.

Another provision which should be considered very carefully by the members of this House before we give it our assent is that relating to compulsory retirement at the age of 65. My remarks in this connection apply particularly to the members of the Hansard Staff. I am sure that all members know that considerable difficulty is experienced in endeavouring to obtain suitable and highly competent shorthand writers to make up a Hansard staff. The ordinary everyday run of shorthand writers are not suitable for Hansard work, and it requires some two or three years' experience for a shorthand writer to become even a mediocre Hansard reporter. That has been found to be the case by experience in the past.

We know that the members of our Hansard staff here could, if they so desired—and they have had the opportunity in the not far distant past—transfer themselves to the Commonwealth Hansard staff and draw something like £300 a year more than they do while working for this Parliament. So I ask members to consider why the reporters on the Hansard staff prefer to remain here rather than accept work in the Commonwealth sphere which would bring them in an extra £300 a year.

In the main, the reason is this: That up until now there was no retiring age set for any member of the Hansard staff or any parliamentary officer. For that reason, several members of the Hansard staff of Western Australia prefer to remain here because they consider that as they would not be compulsorily retired at 65 years it would be in their interests to remain in this State on a salary less



than that which they would draw if they became members of the Commonwealth Hansard staff.

Hon. G. Bennetts: That is the case, is it?

Hon. F. D. WILLMOTT: That is the position, most definitely. If any member of this House can refute that statement, I would like to hear him do so; but I am quite sure that it cannot be refuted. There is another factor which is linked with the provision for compulsory retirement of parliamentary officers at 65 years, and that is superannuation benefits. As members no doubt are aware, many of the men who are employed by Parliament at present—particularly the members of the Hansard staff—did not have an opportunity, in the early days of their employment, to pay into a superannuation fund, because it is well known that between 1905 and 1939 no superannuation fund was in existence in this State for Government employees.

Prior to that year all members of the Civil Service came under the provisions of the 1871 Act, which Act provided for the payment of pensions. Therefore, between 1905 and 1939 civil servants or other employees of the Government had no opportunity to become contributors to any superannuation fund. That meant there was a tendency to accumulate long-service leave because by doing so it meant that some of those earlier employees were inclined to supply themselves with a retiring allowance. It might be argued that they could have come into the superannuation scheme from 1939 onwards. That is so; but to have purchased a sufficient number of units of superannuation at that date for the older staff would have meant far too much money having to be paid in to provide them with a reasonable superannuation when they retired at the age of 65.

So that has been one of the reasons for the tendency to perhaps accumulate long-service leave. If it was desired that that should not be done, it is not necessary that it should be done under this Bill, because the Hansard staff up till now—indeed, at this moment—are controlled by the Joint Printing Committee. I think it has been the experience right through the history of this Parliament that the relationship between the various committees which happen to be in charge of the particular staffs and the officers in control of other sections has always been quite amicable; and up till now problems have been resolved to everybody's satisfaction. This question of long-service leave should be dealt with rather sympathetically, because of the peculiar circumstances which surround the employment of the officers of Parliament.

The argument might be advanced that this Bill will help to control any accumulated long-service leave. But I do not

know that that would necessarily be so; because it is not only here, in Parliament, that long-service leave has a tendency to accumulate—and that was clearly demonstrated recently by a reply which the Premier gave to a question—but it is also the case in the Public Service. The Premier was asked the following question:—

What are the names of those senior public servants on long-service leave entitled to in excess of three months, giving in each instance the respective period of leave due?

The Premier in reply gave a list of some 26 names and listed the long-service leave that had accumulated. In some cases that amounted to 12 months; in others to nine months; and in some to three months. There were varying periods.

So there is a tendency elsewhere for long-service leave to accumulate. In the particular case of the officers of Parliament—the Hansard staff and other officers—it might sound quite easy for long-service leave or any other leave to be taken when the House is not sitting. But that is not necessarily so; because members know that there are some years when the Hansard staff and other officers are involved in a considerable amount of work as a result of Royal Commissions and select committees which have been converted into Royal Commissions because they have not completed their investigations.

So it is difficult to forecast in any year what the position is going to be so far as the officers of Parliament are concerned. Even though the House may not be sitting, these officers are still involved in quite a lot of work which it is not possible to forecast with any degree of accuracy.

Decision in these matters could well be left, as they have been in the past, in the hands of the Joint Printing Committee. Another thing that this Bill proposes—and to my mind this is the fundamental provision in the measure—is to completely disregard Section 35 of the Constitution Act in two ways: First in regard to the fixing of the salaries of officers of the Legislative Council and of the Legislative Assembly; and, secondly, in regard to the removal from office of the Clerk, either of this House or of the Legislative Assembly. That, to my mind, is the worst feature of this Bill. I see no reason whatever why that protection should be taken away from the officers concerned.

I have done a fair bit of research on this particular phase; and I find that that provision applies in the Commonwealth Parliament and in every State Parliament of Australia. It also applies in many other Parliaments in the British Commonwealth. Some of those I call to mind are the Parliament of the Union of South Africa and the Legislative Assembly in Malta. They all contain a provision that the Clerk of the House cannot be removed without the

agreement of the members of the House as a whole. That is the type of protection that is accorded to those officers; and the junior officers have also looked upon it as a measure of protection to themselves.

I do not want any remarks I make to be considered as applying to any particular officer either in this House or in another place, who happens to be in charge of proceedings at present. It is not possible, however, to forecast who will occupy the position of President in this House or that of Speaker in another place in the years to come. To remove that provision and leave it entirely in the hands of the President of this House, or of the Speaker in another place, as to whether the Clerk of the House should be removed or not, could be extremely dangerous if the power were placed in the hands of a tyrant. Who is to say that at some future time that position might not fall into the hands of a tyrant. We cannot give a guarantee that that will not be the case.

The Chief Secretary: He would soon be brought back to the field.

Hon. F. D. WILLMOTT: I agree that he would soon be brought back to the field. But think of the disunity and the disruption which that would cause in the amicable work of Parliament which has applied to the best of my knowledge up to now, before they were brought back to the field. That protection has always been regarded by the junior officers as being also their protection, because an unscrupulous person holding the high office and wanting to get rid of a junior officer, could easily do so.

The junior officers are under the control of the chief clerk; and by bringing pressure to bear on the chief clerk, an unscrupulous person could remove the junior clerk from office. There would be nothing to stop that. Knowing that he was completely in the hands of the President or the Speaker, the chief clerk would be placed in the position where it would be difficult for him not to agree to what had been asked of him. That is a most objectionable feature in the Bill. It should not be allowed to be put into practice.

As I said before, I do not want these remarks to be construed as aiming at yourself, Sir, or at the Speaker of the Legislative Assembly. I do not mean them to apply that way. That is a position which could conceivably occur at some future date. This Bill proposes to disregard the Constitution Act. Surely if we are not in agreement with what is in that Act, we should amend the Constitution and not circumvent its provisions in a Bill of this nature. It is quite frankly a back-door way of getting around the Constitution Act; and I take a dim view of that.

Hon. L. A. Logan: You think the back door might be closed.

Hon. A. F. Griffith: After the horse has bolted.

Hon. F. D. WILLMOTT: That would be too late. This Bill virtually places complete power in the President of this House and in the Speaker of another place. Even the Public Service Commissioner can only act after consultation with the appropriate authority, that being the President or the Speaker. So it virtually puts complete powers in the hands of the President or the Speaker; and I do not think that is desirable. It would be far better to leave some power at least in the hands of the members of this House and another place.

To emphasise that I would ask members to examine Clause 10 of the Bill which says—

A determination made under this Act is final, is not subject to any appeal, and has effect according to its tenor.

This simply means there would be no appeal whatever from the decision of a President or a Speaker. Either could dismiss the Clerk of the House; either could create another position or do away with a position. There would be no appeal.

Hon. A. F. Griffith: People have a better go than that under the unfair profits legislation.

Hon. F. D. WILLMOTT: At present they have a court of appeal; namely, this House. The chief clerk can only be removed by the decision of this House. In checking through what prevails in the various Parliaments of the British Commonwealth, I find that the method of appointment of the chief clerk varies in minor degrees, but the method of removal seldom varies. As far as I have been able to ascertain it has always been by the vote of the House. This provision in the Bill, to my mind, condemns it. I have no hesitation in saying that. The final clause in the Bill States—

The Governor, on the recommendation of the appropriate authority may make such regulations as he thinks necessary or convenient for any of the purposes of effectually carrying out the provisions of this Act.

That puts the making of regulations completely in the hands of the President or the Speaker. Again that is not in the best interests of this Parliament.

In my view this Parliament has managed its affairs very well by retaining the control over the officers. It would be very well advised to retain that control and not to give it away. I am not the only member who thinks in that manner; the Hon. A. F. Watts, Leader of the Country Party, has expressed himself in no uncertain terms on this measure. I have no hesitation in asking members to reject this Bill. I do not think it is in the best interests of Parliament generally that this legislation should be allowed to exist. I oppose the second reading.

**HON. C. H. SIMPSON** (Midland) [1.38 a.m.]: I have listened with a great deal of interest to the hon. member who preceded me, and I entirely agree with him that the system under which we work at present—which is a tradition of this Parliament derived from the Mother of Parliaments, the House of Commons, and of many Assemblies of a similar character throughout the world—should be preserved.

I rise specially to point out that between the officers of Parliament particularly and the members who come into the House from time to time there has quite naturally developed a close association. I submit that that is something which cannot be governed entirely by rules and regulations, whether they be administered under the set-up proposed in the Bill or in a more formal way by the Public Service Commissioner.

The traditions of Parliament, the way in which Parliament is run, and the extraordinary hours that the staff are called upon to work from time to time, do build up into a series of special associations between members and the officers of Parliament, who I think are deserving of special consideration and should not of necessity conform to the ordinary rules that apply to civil servants who, for the most part, work set hours on set days and are not called upon to perform the special duties that officers of Parliament are expected to do; besides which they perform these duties so courteously.

They tender deference to all with whom they come in contact and perform their duties efficiently. I think most members can remember with gratitude the duties they perform for each one of us. From time to time they advise us on points of parliamentary procedure, and are surely philosophers, guides and friends to so many of us. Therefore, I for one would recommend that we keep to the system which has proved itself an efficient one; one which I can see no need to alter. I oppose the Bill.

**HON. J. MURRAY** (South-West) [1.42 a.m.]: I move an amendment—

That the word "now" be struck out and the words "this day six months" added.

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

Ayes	13
Noes	12

Majority for .. 1

Ayes.

Hon. N. E. Baxter	Hon. H. L. Roche
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. J. Murray
Hon. R. C. Mattiske	

(Teller.)

Noes.

Hon. G. Bennetts	Hon. A. R. Jones
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. W. F. Willsee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. E. M. Davies

(Teller.)

Ayes.

Noes.

Pairst.

Hon. J. Cunningham	Hon. R. F. Hutchison
Hon. Sir Chas. Latham	Hon. F. R. H. Lavery

Amendment thus passed.

Bill rejected.

House adjourned at 1.47 a.m. (Friday).

## Legislative Assembly

Thursday, 28th November, 1957.

### CONTENTS.

Assent to Bills	Page 3779
Questions: Talc deposits, tale and iron content, Three Springs district	3779
Betting Control Board, availability of late pre-race information, etc.	3779
Forests, land acquired and rates formerly paid on areas	3780
Education, (a) inadequacy of regulations re corporal punishment	3780
(b) classrooms and students, Carey Park school	3780
(c) septic tank facilities at schools	3780
Leprosy, successful use of vaccine	3781
Railways, (a) responsibility for consignments	3781
(b) standard gauge, governmental discussions	3781
(c) insurance against damage caused by fires	3782
Accidents, motor-vehicle and agricultural machinery	3782
Observatory, site at Geraldton	3782
Housing, (a) adequacy in Albany	3782
(b) amount available for new building societies	3782
Electricity supplies, (a) extension to Roleystone	3782
(b) accuracy of reply	3783
(c) departmental erection of poles	3783
(d) reason for form of reply	3783
(e) extension to Southern River-rd., Gosnells	3783
North-West, (a) grant from Commonwealth	3783
(b) further representations re other areas	3784
(c) influence of all-party committee on Commonwealth	3784
Railways Royal Commission, release of evidence covered by interim report No. (3)	3784