

all that we will be doing is asking the nursing and medical professions to carry industry's burden. Does the honourable member want that? If we do not do that, then the injured workers must go to the Government hospitals and their serious injuries be treated by the State and again at the charity of the medical profession which does its work in an honorary capacity at these hospitals. Does industry want that? There is no longer any justification whatever for the £100 limit.

I shall not read any more at this stage; but I read that to justify the amendment I have moved. Injured workers are entitled to amounts greater than those set out in the first schedule.

I am wondering why the Minister has not increased the amount for medical expenses and hospital expenses on a *pro rata* basis. When the amount for medical expenses was first fixed, medical fees were much lower than they are today, and hospital fees were certainly nowhere near as high as they are today. My point is that a worker who is seriously injured in industry should be entitled to have all liability in regard to medical and hospital treatment taken from him.

The Minister said that there would be only a few cases per 1,000 where the medical and hospital expenses would be exceeded. That may be so; but if any cases occur they should be covered. Surely it cannot be said that the Workers' Compensation Board would grant increases over and above the figures set out in the first schedule unless it was satisfied that such increases were justifiable. The Minister might say that my amendment is not in the right place, and that it should be in the first schedule.

The CHAIRMAN (Mr. Roberts): Order! The honourable member's time has expired.

Progress reported, and leave granted to sit again.

BILLS (6)—RETURNED

1. Optometrists Act Amendment Bill.
Bill returned from the Council with amendments.
2. Country Areas Water Supply Act Amendment Bill.
3. Education Act Amendment Bill.
4. Government Employees (Promotions Appeal Board) Act Amendment Bill.
5. Public Service Appeal Board Act Amendment Bill.
6. Milk Act Amendment Bill.
Bills returned from the Council without amendment.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier)
I move—

That the House at its rising adjourn until 11 a.m. tomorrow.

Question put and passed.

House adjourned at 6.15 p.m.

Legislative Council

Friday, the 18th November, 1960

CONTENTS

	Page
MOTION—	
Builders' Registration Act : Inquiry by Select Committee	2900
BILLS—	
Acts Amendment (Superannuation and Pensions) Bill—	
2r.	2896
Com. ; report ; 3r.	2900
Metropolitan Water Supply, Sewerage and Drainage Act Amendment Bill : 2r.	2890
Reserves Bill : 2r. ; Com. ; report ; 3r.	2890
Road Closure Bill : 2r. ; Com. ; report ; 3r.	2889
Simultaneous Deaths Bill—	
2r.	2895
Com. ; report ; 3r.	2896
Veterinary Surgeons' Bill : Assembly's message	2890

The PRESIDENT took the Chair at 2.30 p.m., and read prayers.

ROAD CLOSURE BILL

Second Reading

Order of the Day read for the resumption of the debate from the 17th November.

Question put and passed.

Bill read a second time.

In Committee

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

Third Reading

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

VETERINARY SURGEONS BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

RESERVES BILL

Second Reading

Order of the Day read for the resumption of the debate from the 17th November.

Question put and passed.

Bill read a second time.

In Committee

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

Third Reading

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

METROPOLITAN WATER SUPPLY, SEWERAGE AND DRAINAGE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th November.

THE HON. E. M. DAVIES (West) [2.45]: It is some little time since this Bill was introduced; and during his speech the Minister stated that the Government had promised during the election campaign that an investigation would be made into the possibility of adopting a "pay-as-you-use" water system. An investigation was made by a committee and a report submitted to the Government last September. It is rather remarkable that although the report has been in the Government's hands since last September, it still has not been tabled.

The Minister mentioned that the Crown Law Department was requested to express an opinion on the system of rating as applied in recent years, and that the department considered the method adopted was *ultra vires* the Act. It seems strange that although the same system has been in force for a considerable time, this opinion has not been submitted before now. Surely if the method were *ultra vires* the Act someone would have challenged it long before now. Furthermore, as the Crown Law Department is the legal authority of the Crown in this State, surely if some of the methods adopted by the State were *ultra vires* the Act, an official would have drawn the attention of the powers that be to the fact.

The Hon. A. F. Griffith: What are you suggesting?

The Hon. E. M. DAVIES: I have not finished commenting yet. I am suggesting, if the Minister desires to know, that the opinion of the Crown Law Department is

not accepted by the majority of people and could be challenged by other legal people.

The whole point seems that the previous Government adopted one basis for residential properties and another for business properties; and that is one of the reasons the Government has asked the Crown Law Department to examine the regulation, as it were, and make a report upon it. According to the Minister's speech this has been done and the department's opinion is that the regulation is *ultra vires* the Act.

The present Government endeavoured to introduce a system whereby the rates could be struck on the basis of taking a certain percentage, if I may say that; and it applied first of all to businesses. For example, on a property that had a rental value of £2 a week, which would be accepted in round figures as an annual rental value of £100, the Government reduced the amount by £20 for repairs and insurance; and the Act also mentions rates and taxes. Rates and taxes would not be the same for all properties, so the Government decided that a round figure of £20 should be applied, thus bringing the net annual value down to £80. It then took 75 per cent. of the £80 and rated on that figure. This brought the business valuation down to £45; and the 60 per cent. on the £80 for residential or domestic properties brought their value down to £36. We find that when the Government came into office it added, by regulation, 25 per cent. to the domestic valuation and so brought it up to the same figure as that which applied to business properties.

One knows of the great protest that has been made throughout the metropolitan area at the increase which came about as a result of the Government's action in regard to domestic properties.

The Bill does not seem to do a very great deal. As a matter of fact, it proposes to give the Minister the right to do certain things. The Minister for Water Supplies has complained that the previous regulation was an anomaly because business properties were rated differently from domestic properties; so the domestic property calculations, as I have pointed out, have been increased by 25 per cent. to make them equal to the business property calculations.

The Bill is supposed to remove this anomaly, but in fact it perpetuates it, because people will not know what they will pay in regard to domestic properties as the rating will be in the hands of the Minister.

The present rating on the net valuation is to be replaced by a new system. The net annual value is to be the gross rental value less the amount of rates and taxes together with a deduction of £20 per cent. for repairs, insurance, and other outgoings.

The difference between the existing system and the proposed system is that the amount of rates and taxes is to be allowed, and not the amount, in round figures, of £20. The net annual value in the principal Act can be ascertained by deducting the actual amount of rates and taxes in respect of each individual piece of land for which the valuation has been made.

The Minister said that the existing system is cumbersome and at times unworkable. It appears that the system has been working for some time and must have some merit. He also said that because of the onerous nature of the work and the administration of the system, it is unnecessarily expensive; and that it is considered the amendments proposed will provide a basis which will be clear and definite and which will be workable and simple in application. That is very good phraseology. Then we come to the amendment which will enable ratable land used for residential purposes to be rated either uniformly, or, at the option of the Minister, at a lesser amount in the pound on the assessed annual value than land in any other classification. There is going to be an anomaly there. So where the Bill proposes to do away with one anomaly it tends, in my opinion at any rate, to create another.

I may not be regarded as being *au fait* with the system, but I did notice that a leading newspaper in this city, in its leading article, was somewhat critical of the proposal in the Bill. I also noticed that the Liberal Party is much concerned because, in an evening paper it had an advertisement which set out to pour oil on the troubled waters in regard to the people who have suffered as a result of the increase brought about by the regulation that was introduced by the present Government.

So there are people who have raised objections; and I have received some complaints; and, as far as I can see, the Bill will not be of very great advantage to those people who have already been penalised.

There is another objection to the Bill inasmuch as it substitutes an appeal board for the Minister. At present one can appeal to the Minister against one's rates. From what I can understand, there will be no advantage under the new set-up because the board will comprise a nominee of the Minister, and he shall be chairman. He will be the Minister's representative on the appeal board. There will also be an officer of the Water Supply, Sewerage and Drainage Department, which department is controlled by the Minister, and there shall be a ratepayer being a person who is not subject to the provisions of the Public Service Act. The ratepayer-member, of course, could be outvoted by the Minister's representative, who will be chairman, and by the representative of

the department. I am not suggesting that that would occur, but nevertheless it possibly could occur.

There is another peculiar sort of clause, to my way of thinking, which provides that the Government may, for good cause, terminate a member's appointment. One wonders what is the definition of "may for good cause terminate a member's appointment." Does that mean that if the Minister's nominee, the chairman, or the officer representing the Water Supply, Sewerage and Drainage Department did not perform their duties or make recommendations in accordance with the Minister's views, the Minister could recommend that their appointments be terminated?

I do not think that is a very good clause to have in a Bill; because, although it may be quite genuine, it would make a lot of people suspicious if some recommendation was not made for the benefit of the ratepayers in general.

There is another departure inasmuch as at the present time all valuations are made by officers of the Water Supply, Sewerage and Drainage Department, but the Bill provides that valuations will, in the future, be performed by officers of the Commonwealth Taxation Department. For my part, I raise strong objection to that department taking over this responsibility for the purpose of striking rates for water, sewerage, and drainage. As one who has had considerable experience, from time to time, in appealing against valuations made by the Taxation Department, I consider this move to be a retrograde step.

I have a keen recollection that, at one time, the Taxation Department varied its valuations on residential blocks according to the frontage of a particular street. As members know, some residential blocks have been subdivided in a peculiar fashion. According to what may be termed a modern method of subdivision, one block may have only a very narrow frontage and extend to a wide back, whilst another may have a wide frontage and narrow to a small footage at the rear. Nevertheless, the area of each block is the same.

The Hon. A. F. Griffith: Would not the block with the wide frontage carry a greater sale price?

The Hon. E. M. DAVIES: I did not hear what the Minister said; I am merely expressing what I have ascertained to be the position in regard to the valuations carried out by officers of the Commonwealth Taxation Department.

The Hon. A. F. Griffith: I made an interjection which I thought might have been helpful to you, but if you are going to get crusty about it I will keep quiet.

The Hon. E. M. DAVIES: I am not getting crusty, and I would suggest to the Minister that he should not lose his temper. What I am implying is that because a block has a wide frontage to a street

it does not necessarily follow that its area is any greater than a block that has only a narrow frontage. However, I have been told by the Taxation Department that because a block has such-and-such a footage at the front its value is so much. When I asked whether a block with only a 10-ft. frontage would carry a valuation less than one with a wider frontage, I was told that was taking a difficult point of view of the position. In fact, the Taxation Department officers said that no-one would think to look at the position from that point of view.

That is the method adopted by the officers of the Commonwealth Taxation Department in assessing the land tax to be charged; and whilst one has the right of appeal, it is very seldom that one has any chance of getting any redress, because the reason that is given is the one that I have just mentioned; namely, that a block with a wide frontage carries a higher valuation than one with a narrow frontage.

Another block in which I was interested was the subject of an appeal and it had a frontage of 100 ft. but was only 105 ft. deep. However, because it had such a wide frontage it carried a higher valuation than a block of similar area with only a 50-ft. frontage. Therefore, I consider that if this department is to be charged with the responsibility of valuing land for the purpose of assessing rates under the Metropolitan Water Supply, Sewerage and Drainage Act, it will not prove to be satisfactory to the ratepayers.

Quite often, other methods of valuation have been adopted. One has come in contact with them when one has been asked to make certain inquiries as to why land values have been increased; and it is particularly noticeable in regard to the imposition of land tax. When an appeal is made against the value of any block and the department is told that no land in the particular locality has been sold over the value placed upon it by the department, one is asked whether one is not aware that some land not very far distant from the block which is the subject of appeal was sold for a large sum.

When I was told this, I informed the officer in question that I knew that land had been sold in the near vicinity at a high valuation; but I also knew that that block had been purchased by an oil company for the purpose of erecting a service station. Members are fully aware that when an oil company wishes to establish a service station in any particular locality, it is prepared to pay a high price for the block it desires and it then proceeds to demolish the house erected on it so that it can erect its service station. If the Commonwealth Taxation Department is going to adopt a similar attitude in making valuations for the purpose of striking a rate for water, sewerage, and drainage, I think there will be many complaints.

The Minister in another place admitted that the Bill had not been based on the report of the committee appointed to inquire into the "pay-as-you-use" system. To date that report has not been tabled in either House of Parliament. So it would be interesting to learn why there has been a departure from the previous method adopted in arriving at valuations. If the Commonwealth Taxation Department is to perform the valuation work on behalf of the Metropolitan Water Supply, Sewerage and Drainage Department, one wonders when the valuations are going to be made. We all know that the Taxation Department is a long way behind in its valuations which are supposed to be made quinquennially, or every five years.

We find, however, that they are not made every five years; and, therefore, the valuations in one local authority are lagging behind those in another. For instance, we now find that the values of properties in Nedlands are still based on the valuations made in 1955. In Subiaco, however, the residents have complained bitterly about the steep increase in water rates because this has been due to the properties in that suburb being valued in 1959.

Also, the residents of Melville, are complaining about the high water rates that are now imposed. When many of those people first went to live in Melville, before the tremendous housing development took place, they were far removed from bus routes or other means of transport. Many of them had to walk a mile, or a mile and a half to catch public transport. In those days, of course, the valuations were fairly reasonable, but today many of the residents are finding that they are being rated out of the district.

I have been told that several persons who may be regarded as pioneers of the district consider that eventually they will have to leave because it is not possible for them to keep pace with the rates that are now being charged. Melville properties are valued on the valuations that were made in 1958; and, in spite of this unsatisfactory position, we find that this Bill provides for the Commonwealth Taxation Department to be given the responsibility of performing additional valuation work for the Water Supply Department. That department's methods in regard to assessing valuations for land tax will be applied in the same way when making valuations for the purpose of striking a rate for the Water Supply Department if this Bill is passed.

Therefore, when this Bill is given serious consideration it is discovered that apparently it is only a subterfuge in an endeavour to obviate the confusion that has been created by, and the protests that have been made against, the unfair method of

assessing water rates by the present Government. So whilst I realise that the Minister in this House is responsible for bringing down this measure and that it is his duty to endeavour to have the Bill passed, the members of my party, after giving it a great deal of consideration, are not prepared to vote for the second reading of the Bill.

In my opinion, the Government should subject the Bill to a further review because there is a great deal of criticism emanating from the ratepayers; and they are rather critical at times of the actions of Parliament. Therefore, it would probably be of advantage to the Government if it had another look at the Bill with a view to introducing a measure that would be more equitable to people who are in a lower income bracket and so permit them to remain in the homes which they now occupy rather than have to move to another suburb where the valuations are lower.

We have been told this afternoon that the main users of water in a country town or a city are the people who live in it. If there were no people residing in those places it would not be necessary to have any buildings; it would not be necessary to have industry. The very basis of our country is people; and one of the main commodities necessary for people is water. If water could be made available to them at a reasonable figure, the people who live in a particular district, together with the business community, should be able to get along very well.

I cannot give my support to this measure; and I feel that other members in this House would be well advised to have another look at the Bill before they express their opinions. I intend to vote against the Bill.

THE HON. R. THOMPSON (West) [13.16]: I agree entirely with the sentiments expressed by Mr. Davies. I think this legislation has been placed before us to try to get the Government out of a certain situation in which it finds itself. From the answer to a question without notice in another place, it was ascertained that a certain member was told the contents of this Bill so he could go into his electorate and, perhaps, preserve his own head in spite of the actions taken by the Government to increase charges. Mr. Davies referred to this matter; and I speak of the member for Subiaco.

We find that the residents of Subiaco are rated on 1959 valuations, while other people are rated on 1955 valuations. Even *The West Australian* newspaper is not favourably disposed towards this Bill. On the 14th November, that paper published a leading article under the heading,

"Water Rate Reform Move is too Hesitant." Amongst other things the leading article stated—

But it is a halting step. It is astonishing that Cabinet has not yet made up its mind on the pay-as-you-use report.

Legislation has been brought before us for ratification, yet the Government has not taken into consideration the report which it has. I believe the Government has this report and could act on it. Instead, it is prepared to bring in some sop-legislation at this stage of the session, hoping to cloud the minds of people who are being charged unnecessarily at the present time. When we look at the recent revaluations that have gone on in some areas and at the arbitrary increase that has been put into effect, we find that people are now being levied up to 90 per cent. more than they previously paid. The Press has been full of letters over the last few months showing that people have had their rates increased by 90 per cent.

The Hon. A. F. Griffith: What are your views on some of the valuations in various suburbs?

The Hon. R. THOMPSON: My views are the same as those of Mr. Davies in respect of the Mt. Pleasant area where, shortly after the war, people took over war service homes near Riverview Terrace and Ullapool Road. Those people, with the increased land values that have come about, and with the increased water rate charges, have been forced to sell their homes because they cannot keep up with the rating at the present stage.

The Hon. A. F. Griffith: I suppose this Government is entirely responsible?

The Hon. R. THOMPSON: This Government is responsible to a point. It increased the water charges.

The Hon. A. F. Griffith: What happened in the years before? Be reasonable in your approach.

The Hon. R. THOMPSON: I think the Minister was in the Government a year ago when these charges were put up.

The Hon. A. F. Griffith: I said, "Years before."

The Hon. R. THOMPSON: The Minister can make his speech when I have finished.

The article goes on to say—

Even so, its intentions remain obscure except for an indication that there may be a differential rate for residential and business properties next year as the basis of a pay-as-you-use system.

It would have been better if the Minister had made a comprehensive statement on present and future policy so that consumers would know what to expect. The Government has had

plenty of time since it received the committee's report to decide the principles. At the moment it seems anxious to disarm criticism of its increased water charges before it is ready to introduce an alternative plan . . .

The proposals for revised valuing are sound enough and, with the provision for differential rating, imply that next year residential consumers will have to pay less in rates, exclusive of the cost of any excess water they may use. The big issue this year is whether the department will raise more money from its present charges than it needs.

What really matters, after this interim phase which the Government contemplates, is the full scope of the pay-as-you-use proposal when it is finally worked out. What Mr. Wild needs to explain is why it is intended to retain the thoroughly discredited land valuation basis for residential water rating.

I think it is practically decrepit. I would refer members to page 1341 of *Hansard* dealing with the Estimates.

The Hon. A. F. Griffith: You are not allowed to quote from the current *Hansard*.

The Hon. R. THOMPSON: I am not quoting from the debates, but from the Estimates.

The Hon. A. F. Griffith: You ask the President.

The Hon. R. THOMPSON: I am not quoting from the debates, but from the introduction of the Estimates.

The PRESIDENT: The honourable member cannot quote from a current *Hansard*.

The Hon. R. THOMPSON: From looking at the Standing Orders I find that I cannot quote from the debate that has taken place. But this is not a debate; this is an introduction of the Estimates.

The PRESIDENT: In my opinion it is a current debate.

The Hon. R. THOMPSON: Very well, Mr. President; I will refer to my notes. The Treasurer had this to say—

In order to cover increased operating costs and debt charges associated with major capital works, it has been found necessary for the Metropolitan Water Supply, Sewerage, and Drainage Department to impose higher charges and revise its valuations of property. I will have more to say about these increases later. Chiefly as the result of these increased charges and a higher level of Commonwealth financial assistance it has

been possible, despite a substantial increase in expenditure, for the Government to budget for a deficit in 1960-61 of £760,000, which is an improvement of £646,000 over the deficit of £1,406,000 for 1959-60.

That is rather incredible in view of the fact that the Treasurer openly stated—I do not know whether he checked his notes before he read them—that he was using the Metropolitan Water Supply, Sewerage and Drainage Department as a taxing medium. He said that the proposed reductions would help to reduce the deficit, which is contrary to the parent Act. No wonder that *The West Australian*, which has been a supporter of the Government, finds it necessary to come out in opposition to it on this matter.

What are people going to think? This is perhaps the most confusing piece of legislation that has ever come before this House. The question was asked here a few months ago by a member who lives at Nedlands as to whether he was being rated correctly. That honourable member will find that he is not paying £20 a year for water: his rate under the revised legislation will be in the vicinity of £30 or £40 a year. His increased charges on excess water will put him into a very dear bracket, and I do not think that any of the residents of Nedlands will be happy about that.

Some years ago the Peppermint Grove Road Board—I think it covers a square mile in area—arrived at valuations made approximately 16 years previously; and no revaluations have taken place in that area. That situation is common in what we call the better-class districts within the Metropolitan area. The people living in those districts will find themselves in a different position under this legislation. I say rightly so, because they have for too long been getting away with cheaper rates at the expense of other householders.

I would like the Minister, in his reply, to tell me what is going to be the position with regard to the market-gardens areas, where the Commonwealth Taxation Department value the land at £1,000 per acre. Water consumption is not very great in those areas because the water is used for household purposes only. But if we take the Commonwealth valuation, we find those people are going to be burdened with greater increased costs compared with their costs at the present time.

I agree with Mr. Davies that the Government should have waited for a full report before introducing this Bill. I think the House would not have had any disagreement if the report had been thoroughly examined and a more suitable arrangement worked out; but prior to the report being examined we find that legislation has been introduced. Nobody knows whether or not it will work; even *The West Australian* does not know that; and neither does the average person who

will be called upon to pay for excess water at increased prices, and have his quotas reduced—because that is what it means—at the current rate. People will find themselves in the position where their rates will be higher instead of lower.

I will not support the second reading of this Bill. I feel that a closer look should be given to the whole situation and more comprehensive legislation introduced when the report has been examined.

THE HON. F. R. H. LAVERY (West) [3.30]: I do not want to have much to say on this Bill; I only want to tell the Government that I hope it does not believe that people in the metropolitan area are satisfied with these proposed increases in water costs. One of the districts I represent is becoming one of the elite areas around Perth, and people are spending large sums of money in purchasing land there. I am referring to Applecross. By no stretch of the imagination could it be said that those people support my side of politics.

They have been loud in their complaints to me personally about the Government. They say, "What is our Government doing to us?" That is not an idle remark. That is the constant complaint that one hears in that area.

I am not going to say any more about the Bill. People who support this Government are very upset about these increased water costs and have asked me, as their representative, to see what I can do to alter the situation. I cannot do anything except vote against the Government's proposals. It is up to the House to defeat the Government on the matter. All I am doing is letting the Government know what its own supporters think about the position.

On motion by **The Hon. H. C. Strickland**, debate adjourned.

SIMULTANEOUS DEATHS BILL

Second Reading

Debate resumed from the 15th November.

THE HON. E. M. HEENAN (North-East) [3.32]: This is a very interesting Bill which proposes to establish certain principles for the devolution of property in cases where people meet their deaths simultaneously. Its main application will be in cases, for instance, where husband and wife or father and son meet their deaths simultaneously in motorcar accidents, aeroplane crashes, boating tragedies, and the like.

In such cases it will be appreciated that it is often impossible to determine which party died first. This situation leads to legal difficulties in the determination of what is to become of the respective estates of the parties. The law is clear enough in cases where one party survives the other; but in cases of simultaneous deaths there is no statutory provision in this State.

When one such party survives the other, even for a matter of minutes, hours, or days, and this can be clearly established, the provisions of the Administration Act apply regarding the distribution of their respective estates. Of course, if wills have been made, the distribution takes place in accordance with the directions therein.

However, this Bill deals with those cases where the deaths occurred in such circumstances as to make it virtually impossible for proof to be forthcoming to show which party died first. A classic example occurred only a few days ago when four young people met their deaths in a tragic motorcar accident near the 28-mile peg on the Albany Road. The circumstances of that case would indicate that the four unfortunate young people died simultaneously. If, for instance, a husband and wife had been involved, considerable difficulty would have arisen in determining the correct distribution of their respective estates.

This Bill, therefore, proposes to set out what is to be done in such circumstances. The Minister has pointed out that on the Continent there is a legal presumption that in such cases the physically stronger survives the physically weaker. That idea, as he pointed out, originated in what is termed the Code Napoleon; and it had some wide basis inasmuch as it is a natural presumption that the stronger survives the weaker in most cases. However, it will be appreciated that such a presumption or rule would not be entirely satisfactory and could create difficulties, and perhaps injustices, as undoubtedly it has done.

In England the Law of Property Act provides that in such cases the younger shall, for the purpose of the distribution of property, be deemed to have survived the older. Here again such a principle can create an unsatisfactory state of affairs. Therefore the people who have been responsible for the drafting of this Bill have departed from the principles adopted in England and on the Continent and have followed the lead which has been given in more recent years in New Zealand where, to put it briefly, the property of each person devolves in cases of intestacy as if each one had survived the other. If wills are in existence these provisions may, of course, be modified in accordance with the directions contained in the wills.

This principle appeals to me as establishing a fairer and more equitable method than is in existence in England or on the Continent, and it is one less likely to cause anomalies or injustices. Furthermore the proposals outlined in the Bill have been carefully considered by many people including the Law Society, the Crown Law authorities, and others whose judgment in such matters should command respect.

In past years there has been little need for such a measure because, fortunately, the circumstances now provided for rarely

occurred, although, of course, they did occur on occasions. However, with the ever-increasing use of motorcars and aeroplanes, and the tendency nowadays for more people than in the past to travel abroad, it seems inevitable that the circumstances envisaged will greatly increase. Therefore this is a case where the law must keep up with the times and provide wise solutions for the problems which modern life creates.

I would conclude by saying that the main application of this measure will be in cases where people die intestate—that is, where people die without leaving a will. The wise person, as always, will be the one who makes a will in the usual way and takes into consideration the eventualities which will arise if he meets his death simultaneously with his wife or other members of his family. This eventuality can easily be coped with in a wise way; and if it is it will avoid the arbitrary principles which, of necessity, are laid down in this Bill.

If a person makes a will, as I have indicated, he will be able to direct the distribution of his estate as in the past. Clause 4 of the Bill contains the principles which are now proposed. They have been amply explained and illustrated by the Minister; they are easy to comprehend by a perusal of the Bill, and I do not propose to reiterate what the Minister has already said.

I think the measure is a wise one. It is not the ultimate solution. I feel that the ultimate solution still lies in the making of a wise will which anticipates these eventualities which one must consider in the dangerous times in which we live.

Question put and passed.

Bill read a second time.

In Committee

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

Third Reading

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

Sitting suspended from 3.45 till 4.6 p.m.

ACTS AMENDMENT (SUPERANNUATION AND PENSIONS) BILL

Second Reading

Debate resumed from the 9th November.

THE HON. E. M. DAVIES (West) [4.6]: This measure seeks to amend the Superannuation and Family Benefits Act, and the Superannuation Act. It proposes to remove certain anomalies brought about by amendments to the Acts over a number of years. Most members in this House from time to time have been requested by

their constituents to look into these anomalies. It is unfortunate that such anomalies have crept into the legislation. They were unintentional, but they have caused hardship.

The first anomaly which the Bill seeks to remove relates to female contributors who elect to retire at the age of 65 years. This provision will remove the discrimination between male and female officers. Originally the female contributor retired at the age of 60 years, and naturally many of them are now receiving superannuation. The term of engagement of female officers has been extended to 65 years, so it should be possible to arrange for them to go on superannuation at that age.

Provision is made in the Bill to increase the maximum number of units from the existing 26 to 42. This has been brought about by the high salaries which are now payable compared with those paid in 1938. The Bill also provides for sufficient units being made available to officers on high salaries.

There is another provision in the Bill which seeks to remove anomalies in the pensions payable to widows. This is a most desirable provision. It seeks to increase the pension by 2s. 3d. per unit, to 11s. per unit. The increased cost will be shared by the fund and the State, the basis being 2s. 7d. by the fund, and 5s. 7d. by the State. In my view these contributions should have been more equally shared. One would expect the fund to pay more than 2s. 7d., and the State less than 5s. 7d.

Another clause in the Bill seeks to correct anomalies in respect of pensioners who drew superannuation before 1958. With respect to the pensions payable to widows there is a further provision in the Bill which states that no pension will be paid to the widow of a male pensioner who married after he had attained the age of retirement, or after his retirement from the service; nor will any pension be payable to the children of such marriage. I am not able to follow this provision. It appears to impose a hardship, and the Minister should explain it further when he replies.

Another amendment provides that a full pension shall be paid to re-employed pensioners; and this also applies to employed widow-pensioners. I do not raise any objection to widows being employed, but in some cases where male pensioners are re-employed they will receive a salary as well as a pension. That means they will receive considerably more than when they were permanent officers in the service. This provision is in conflict with the provision which states that no pension shall be paid to the widow of a male pensioner who married after he had attained the age of retirement, or after his retirement from the service. The marriage between two persons is a private affair. The provision interferes too much with the private affairs

of these persons by saying that if they marry after their retirement, the widows or children of such marriages shall be penalised.

I draw an analogy between that case and the re-employment of pensioners, particularly those in receipt of high incomes, who on re-employment will receive superannuation as well as the salary of the position. In some cases they will receive more income than when they were permanent officers. There appears to be an anomaly. I would like the Minister to look into this aspect and tell us something about it when he replies.

It is proposed to insert a new subsection to section 1 of the Superannuation Act. The Bill provides for the application of a formula designed to grant these pensioners increases in the benefit, equivalent to those provided under the 1938 Act, up to but not exceeding £1,183. I understand the method to be employed is to convert the pension payable under the 1871 Act to the pension units provided under the 1938 Act. Some persons will receive increases, but others will receive decreases.

Although Bills are introduced to correct anomalies, we find nearly every time that other anomalies are created; and this point should be given some consideration, because there will be an increase in some instances and a decrease in others. I do not know whether the Government has given any consideration to the question of these superannuated persons, but over the last few years there has been a considerable increase in the basic wage and the cost of living. Naturally those who feel the pinch the most are people such as age and invalid pensioners, on fixed incomes. The people who were able to protect themselves by providing for superannuation are, of course, in a better position. However, those on fixed incomes are finding it difficult to make ends meet.

I suggest that the Minister should study this question and give consideration to the advisability of inserting a provision in the Bill making the Act operative as from the 1st July last. This would create a retrospectivity which would be of some value to these particular people. I have had inquiries from pensioners about this very suggestion, and I have pointed out that is not within my province to do anything about it. I could easily move for an amendment to that effect, but I would be told that if passed it would place a charge upon the Crown, and I would therefore be ruled out of order. However, if it were done, some of the people depending on pensions would at least gain a little compensation for the rising costs which are apparent. As I have said, those on fixed incomes are the first to feel the pinch.

Generally speaking, an attempt has been made by the Government to improve matters so far as pensions are concerned, but I am sure that other anomalies will

be created as a result of this Bill; and possibly in the next session of Parliament we may be called upon to deal with another amending Bill to deal with those anomalies.

Under the Superannuation and Family Benefits Act of 1938, an anomaly was created with regard to widows of retired officers who were clearing leave when the 1958 amendment became law and who died almost before drawing any superannuation, because up to that time those who commenced to draw their superannuation were also entitled to receive a supplementary amount of £1. Because some of those who were clearing leave had not commenced to draw their superannuation pension, they were then not entitled to the £1 supplementation.

A case has been submitted to me in that respect where, although the late officer drew very little of his pension, his widow, when expecting to draw a certain amount, found that the expected amount was reduced by 10s. It is easy to realise how she felt when this occurred; because if the husband had survived, they would have had a larger pension and it would have been easy for the two of them to manage. But when the widow was left on her own and she did not receive half the amount she had anticipated receiving, she felt the position very keenly, as would anyone in similar circumstances.

I understand that the purpose of this Bill is to correct anomalies and not to increase superannuation or pensions. Let us trust that no more anomalies will be created if this Bill is passed. I propose to support it because the Government has made an attempt to correct anomalies as far as they can be seen. I think it is fair to say that these anomalies were not created intentionally; but it is a pity they occurred.

I desire to emphasise that people who have passed a certain age or have retired and who marry, are not entitled to pensions for the children; but, on the other hand, an officer may be re-employed and paid the superannuation pension, at the same time receiving the salary for the position he occupies. This means, of course, as I have already indicated, that some will be receiving a far greater income than if they were permanent officers.

I realise that widows and other types of pensioners who may be taken on as cleaners on a part-time basis, could not be expected to live on their income without its being supplemented by the pension to which they are entitled. However, I do say that in some instances where people would be entitled to a very substantial pension under the Act and they go back to positions that will make available to them a reasonable salary, an anomaly is created.

Some of these matters should be studied by the Government; and I would like the Minister to tell us, if he would be good

enough, whether anything can be done about them. I would also like him to inform us whether he can arrange for the provisions of the Bill to operate as from the 1st July last. This would be possible by means of a Message or some such process. If the Minister did this, those on fixed incomes who were feeling the pinch would benefit.

THE HON. C. H. SIMPSON (Midland) [4.28]: This Bill is an attempt to clean up some anomalies that exist under the present legislation which is restrictive in certain ways. The main benefit will be to allow those who are subscribers to the fund to take up an increased number of units so that their pensions will bear some relation to the additional amounts that we all recognise as being necessary to cover the drop in the value of money which has taken place over the years. When we remember that in 1938, the year the Superannuation and Family Benefits Act was passed, the basic wage was just £4 per week in the metropolitan area for males, and the basic wage today is £14 14s. 5d.—an increase of more than 350 per cent.—we realise it is necessary to adjust our scale of values as time goes on. That is one of the things this Bill intends to do in addition to the minor changes the Minister has explained very fully.

I will not attempt to comment on those points but I do agree with Mr. Davies that there are, perhaps, still some anomalies. However, I do not see that they can be corrected without some adjustments being made to the contributions payable by the subscriber, in the first instance, and possibly a corresponding adjustment by way of subsidy on the part of the Government.

I would say at once that the Bill deserves the support of all members. It probably has gone as far as can be expected under present conditions.

I shall refer briefly to anomalies which I think might be cleared up; but I do not suggest that the Bill should be amended to deal with them now. In fact I do not see how that could be done, because to do so would hang up the Bill—perhaps wreck it. Another reason is the doubtful position of the Legislative Council if it suggests amendments which could have the result of imposing a charge on the Crown.

Whilst I refer to these matters as deserving consideration, I only mean to submit them as suggestions and not in any way to interfere with the passage of the Bill which, I think, should be accepted as it stands.

Quite obviously some form of superannuation has existed since 1897; and the preparation of the Superannuation and Family Benefits Act of 1938 was undoubtedly an attempt to deal with the changed conditions over the time; and to

provide family benefits which the contributors and the Government would be prepared to pay for, and were capable of paying for; and those benefits were more in line with what was desirable in accordance with the conditions that had developed over the period. I suggest that something of the same kind has developed now.

I particularly draw attention to the question of widows forfeiting their pensions if they remarry; and I also wish to mention the question of the subscriber who, if he marries after his retirement, and should then die leaving a widow, she is no longer entitled to any benefits under the scheme.

Rightly or wrongly the principle has been accepted that a man works for a certain length of time which is regarded—at least in Government avenues of employment—as being the normal expectation of a man's working life; and during that time he contributes towards a retirement fund which provides for himself, his wife, and his family on his retirement or at his death. But the man who has contributed all his life and has taken up the maximum number of units to which he has been entitled over the period of his working life, if he does not marry, he retires on the allowable pension according to the units for which he has subscribed.

But it seems to me that a man who marries in the normal way and has a family can, for the same contribution, draw a pension when he retires; and he can, particularly through the allowance made to his wife and children, be in a much better position than the man who has not contracted marriage obligations—perhaps for quite good reasons—until after his retirement.

I know it can be argued that a widow who remarries is no longer a widow. But that is a principle that can be debated. In the case of a man who has contributed all his life to a certain fund in the expectation of a benefit from it, I frankly think that his children by a marriage contracted after retirement are just as much entitled to consideration as the children of a marriage which he might have contracted during the time he was a member of the fund. In principle I can see no difference: it is a matter of making provision for dependants.

I am told it would require an adjustment of the contribution rates to deal with this aspect; although the officials with whom I have discussed the matter recognise that the principle is sound. I have always considered that a widow who is entitled to a pension because of her husband's membership of some fund—maybe she, to a certain extent, helped by, perhaps, self-denial, or by way of direct assistance which she gave her husband—is still entitled to the benefit after his death even if she remarries.

I know provision is made in the Act for her case to be considered, if necessary, on the score of hardship. But again I advance the view that she should not have to claim an *ex gratia* payment but rather the payment should be made to her as of right under the original contract.

I know this principle has been debated in the case of war widows. Again the argument has been advanced that where a war widow remarries she is no longer a widow; but provision is made, of course, for the children of the first marriage—children of which the deceased was the father.

I bring up this point that a widow is deprived of her husband and the children are deprived of their husband and father; and this deprivation constitutes a considerable break in the life of the widow and maybe in the lives of the children too. I suggest that the widow is entitled to some consideration because of that dislocation in her life, and the expectations she had.

Returning to the Bill, I think this principle has, in part, been recognised by the provision that the widow, if she is suffering hardship, can apply to the superannuation board for certain assistance, even if she has remarried. As the principle of entitlement is, to my mind, recognised to that extent, I think that when the question of superannuation comes to be reconsidered, as it surely will in time, consideration might be given to that aspect. Even if an adjustment of contribution is needed, provision should be made for the widow's entitlement to continue.

I think all members will recognise that the widows under this scheme are, for the most part, getting on in life and that their period of entitlement would not be long. Many of them, perhaps, would never remarry, so that the conditions I have referred to would not arise. But I think this is a matter that merits some consideration.

I put it to members this way: If the contributor in the first instance were old enough to understand fully the terms of the contract he made with the fund as he would if he took out an endowment policy with an insurance company, he would be quite prepared, in view of future eventualities, to contribute a small extra sum per week so that he and his future wife and dependants would be provided for when the time came.

With the addition of these suggestions, which I hope will be considered, I recommend members to support the Bill.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines—in reply) [4.40]: The remarks made by Mr. Davies, and to some extent those made by Mr. Simpson, remind me of the debate which took place in this House in regard to these three pension schemes a couple of years ago when, it will be remembered that from

the other side of the House, I fought somewhat tenaciously in an attempt to get the Government of the day to pursue the possibilities of getting rid of some of the anomalies with which the present Bill seeks to deal. I am pleased to see the two members agreeing with me that what I suggested then should be done.

Of course, anomalies of this nature will creep in from time to time; and it is perfectly true to say that there have been many anomalies over the period. The amending Bill of a couple of years ago certainly brought forth some suggestions which we are now seeking to iron out.

Before the Bill was brought here, its contents were subject to very close study by Treasury officers who advised the Government that, to the best of their ability, they thought they had got down to a scheme whereby the anomalies were few and there would not be the necessity to come to Parliament from year to year.

I shall now deal with one or two questions that have been raised. Mr. Davies mentioned the contributions—he referred to 2s. 7d. I think he meant "two-sevenths." That is the amount paid by the pensioner; and five-sevenths is the contribution made by the Government.

The Hon. E. M. Davies: That is what I should have said.

The Hon. A. F. GRIFFITH: Any scheme to which the Government contributes five-sevenths of the total is a fairly generous scheme.

The honourable member also mentioned—and he was joined by Mr. Simpson in connection with this point—that hardship was imposed on a pensioner who had retired and then sought to marry. The position is fairly easily and readily explained. The fund is intended to provide cover for the widow during the period of the pensioner's contributions to the fund; that is, during his working life. The fund takes that risk during the pensioner's working life. If he retires and seeks at an elderly age—to exaggerate the position say he is 75 or 80 years of age—to remarry, the fund might find itself liable to contend with an obligation in respect to a very young wife and a family she may have had by a previous husband.

We could go so far—I realise the number of cases would be few—as to say that a man of such mature age would marry a young woman knowing that because of his marriage she would be protected under this legislation. That is not the purpose of the Act at all. It is a different matter altogether when a man remarries during the period that he is working and contributing to the fund, because the widow of such a man would receive the pension rights.

Mr. Davies said that some people will receive increases and some will suffer decreases. By the application of the formula, on paper, that, in fact, will be so. However, because it is recognised that over a period

of years many anomalies have occurred during the operation of this Act, it does not mean that the formula will be applied to the point where a decrease will actually be made. I should say that on a calculation under the formula which may be established, some people may appear to be subject to a decrease, but no actual decrease will occur.

I would remind Mr. Davies, of course, when he rightly complains about a superannuation pension being affected by the supplementation Act, that there was a fairly hot debate in this House a few years ago when we realised that the Government had cancelled the supplementation Act.

The Hon. E. M. Davies: That is what I was trying to say; that anomalies creep in no matter which Government is in office.

The Hon. A. F. GRIFFITH: Yes, that is so. I am merely pointing out what took place at the time. The supplementary payment of £1 lapsed with the introduction of an amending Bill about two years ago which created many of the anomalies we are trying to iron out now. It must be understood, of course, that widows who are eligible to receive social service benefits are not debarred from receiving them when the amount of the pension comes within that scope.

Mr. Simpson has said that it is debatable whether a widow, upon remarriage, ceases to be a widow. In practice and in law there is no doubt about that. As Mr. Simpson said the War Service Act does not recognise a woman any more in regard to the payment of a pension when she remarries, because she has another supporter and the pension rights that accrued to her under the law by the death of her husband who had been killed on service naturally lapse. That woman looks to her new breadwinner for her livelihood instead of relying upon the pension.

The Hon. E. M. Davies: I think the Commonwealth pension authorities make a grant in some instances.

The Hon. A. F. GRIFFITH: Yes, they do, to a degree; and the Social Services Department adopts the same view in regard to a woman who remarries. I am pleased at the support given to the Bill by the two members who have spoken to it. As I have said, the Bill is seeking to sort out the anomalies that have been created in the past. I do not think anyone will claim that the measure is perfect, but it will improve the existing legislation.

Question put and passed.

Bill read a second time.

In Committee

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

Third Reading

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

BUILDERS' REGISTRATION ACT

Inquiry by Select Committee

Debate resumed from the 9th November on the following motion by The Hon. N. E. Baxter:—

That a Select Committee be appointed to inquire into and report upon the Builders' Registration Act, 1939-1959, its application and effect on building and to make such recommendations as are considered necessary.

THE HON. F. R. H. LAVERY (West) [4.52]: I support Mr. Baxter's motion because, as members are aware, I was instrumental in leading a long debate in this Chamber on another feature of the Builders' Registration Act. In the course of my investigations at that time into the operation of the Act, I came to the conclusion that a Select Committee would be well worth while in view of the many anomalies that have been created by the administration of this Act. In passing, I would like to make the comment that there are many Acts that could be the subject of inquiry by Select Committee.

The deeper I delved into the ramifications of this Act, the more anomalies I found; and I definitely came to the conclusion that nothing but good could come from an inquiry by a Select Committee into it. I know that the comment has often been made that when Select Committees are appointed, they hear the evidence submitted, report their findings, and that is the last one hears of them. I do not think that is correct. I realise, of course, that not all findings of Select Committees require the introduction of amending legislation.

I think I can answer Mr. Mattiske's submission on one phase alone of the Builders' Registration Act. The honourable member referred to one section of the Act which deals with the inspection of a certain type of building after people have expressed dissatisfaction. When it is realised that there are only two inspectors employed by this board to supervise the large number of houses that are being erected in the metropolitan area, it is almost ridiculous to think that they could carry out in an efficient manner inspections of all the building construction in the metropolitan area.

I am confining my remarks to the metropolitan area because this Act is effective only in the metropolitan area in this State. In fact, this State is the only one in the Commonwealth that has legislation of this kind on the statute book.

Therefore, for that reason alone I consider Mr. Mattiske's arguments are not soundly based. He used those arguments to explain why the Act should not be repealed. I am not anxious that the Act should be repealed, but I am concerned about taking steps to ensure that we have

effective administration of the Act. No-one in authority on the board should assume that I am criticising the board itself because, in fact, I do not know any member of the board. I am complaining about how the Act is framed; and, unless it is drastically amended, it cannot be effectively administered. In my opinion, therefore, the efforts of any Select Committee which is appointed to inquire into this legislation will be well worth while.

Whilst making my investigations I often heard it said that many men have been registered who were working as builders before the Act came into force. Also, many builders have since been registered as a result of their completing the requisite course. I also discovered that, irrespective of the application of the Act to the type of builder whose case I was advocating last year and who cannot, for various reasons, accept tenders to erect buildings of a certain type in the metropolitan area, there are many other features of the Act that could bear close scrutiny by a Select Committee.

I do not wish to labour the issue. I merely wish to say that as a result of my careful investigations last year, I think Mr. Baxter is doing the right thing at last by moving for the appointment of a Select Committee to inquire into the Act, and I hope the House will agree to the motion.

On motion by The Hon. G. C. MacKinnon, debate adjourned.

House adjourned at 4.59 p.m.

CONTENTS—continued

	Page
QUESTIONS WITHOUT NOTICE—	
Building Tradesmen : Availability—	
Investigation by University	2904
Elleker-Denmark Railway Line : Re-opening	2904
Immigration to Western Australia : Source of discouraging letter	2904
Questions Incorrectly Addressed : Furnishing of replies	2904
Water Rates : Tabling of "pay-as-you-use" committee's report	2905

BILLS—

Acts Amendment (Superannuation and Pensions) Bill : Returned	2937
Anzac Day Bill : 1r.	2905
Broken Hill Proprietary Company's Integrated Steel Works Agreement Bill—	
1r.	2916
2r.	2927
Message : Appropriation	2936
Fremantle Harbour Trust Act Amendment Bill—	
2r.	2905
Message : Appropriation	2936
Land Tax Assessment Act Amendment Bill—	
2r.	2906
Message : Appropriation	2936
Licensing Act Amendment Bill (No. 3)—	
2r.	2910
Defeated	2916
Parliamentary Superannuation Act Amendment Bill : 1r.	2924
Railways (Cue-Big Bell and other Railways) Discontinuance Bill : 2r.	2905
Reserves Bill : Returned	2907
Road Closure Bill : Returned	2924
Simultaneous Deaths Bill : Returned	2937
Veterinary Surgeons Bill—	
Council's amendments	2910

ANNUAL ESTIMATES, 1960-1961—

Committee of Supply	
Votes and Items discussed	2924
	2937

Legislative Assembly

Friday, the 18th November, 1960

CONTENTS

	Page
QUESTIONS ON NOTICE—	
Elleker-Denmark Railway Line : Re-opening	2901
Fireworks : Limitation on sale	2902
Flies and Mosquitoes—	
Eradication campaign	2903
Spraying by Argentine ant plant	2902
Local Government Act : Availability and price	2902
Principal Architect : Salary and responsibilities	2903
Stone Fruit Industry : Trust fund	2903
Water Rates : Tabling of "pay-as-you-use" committee's report	2902
Water Supply Department : Source of revenue	2902

QUESTIONS ON NOTICE

1. *This question was postponed.*

ELLEKER-DENMARK RAILWAY LINE

Reopening

2. Mr. HALL asked the Minister for Railways:
 - (1) Did he receive a recommendation from the Lower Great Southern Regional Council for the reopening of the Elleker-Denmark line?
 - (2) If so, what are the Government's intentions in respect of the reopening of that line?