

Legislative Council

Wednesday, the 8th September, 1971

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

QUESTIONS (7): ON NOTICE

1. POLICE

Request for Inquiry

The Hon. A. F. GRIFFITH, to the Minister for Police:

- (1) In connection with the Government's intention not to reveal the decision made by the Government on a request by the A.L.P. State Executive for an inquiry into police conduct during the South African rugby team visit in June, until the A.L.P. Executive had been told, when will the Government's decision be made known?
- (2) What other organisations have made similar requests to the Government for an inquiry to be held?
- (3) What occasioned the Minister to say, as reported in *The West Australian* dated the 7th September, 1971, that "he had not been surprised by anything in the film"?

The Hon. J. DOLAN replied:

- (1) Common courtesy requires that persons or organisations submitting written requests be advised directly of decisions made thereon instead of having to obtain the information through the newspaper. The Government's decision on a request for an inquiry into Police conduct has been communicated to the A.L.P. State Executive which submitted it. The State Executive has been advised that the Government has decided that an inquiry will not be held.

The Hon. A. F. Griffith: You amaze me.

The Hon. J. DOLAN: Continuing—

- (2) Similar individual requests were received but none from other organisations on this particular matter.
- (3) I had previously viewed the local television coverage of the arrival of the Springboks Rugby Team at the Perth Airport and the film viewed by Cabinet on 6th September, to my knowledge, contained nothing different from that previously viewed by me.

2.

MILK BOARD

Albany Milk Supply

The Hon. J. M. THOMSON, to the Leader of the House:

Further to my question on the 26th August, 1971, with reference to the Albany Whole Milk Producers, the Albany Treatment Plant and the Milk Board—if no stipulation was made restricting the operations to within the Albany, Denmark and Mt. Barker areas, on what ground does the Board maintain its oft repeated claim that the treatment plant at Albany cannot handle milk other than what was and is required for these areas?

The Hon. W. F. WILLESEE replied:

The Milk Board has not maintained that the Treatment Plant at Albany cannot handle milk other than what was and is required for these areas.

There is no authority for the Board to prevent the Treatment Plant at Albany selling pasteurised milk wholesale to milkmen in any area, from milk supplies purchased under contract from Albany dairymen. Milkmen are not restricted by the Board to purchasing pasteurised milk wholesale from any particular treatment plant. The prices structure could impose economic restrictions.

The Hon. G. C. MacKinnon: I'll say it could.

3.

HOUSING

Eligibility of Applicants

The Hon. R. J. L. WILLIAMS, to the Leader of the House:

- (1) When were the earnings of applicants for eligibility for State Housing last reviewed?
- (2) What is the present permissible figure for applicants?
- (3) In view of recent wage increases, will the Government review the scales again so as not to disadvantage the low wage earner, who may now be over the scale laid down?

The Hon. W. F. WILLESEE replied:

- (1) This matter was considered by Cabinet in October, 1967 when the decision was deferred until the prospect of more houses could be seen.
- (2) Metropolitan: \$2,904.11 per annum (\$55.67 per week).
Country: \$3,416.22 per annum (\$65.49 per week).
North of 26th parallel: \$4,483.22 per annum (\$85.94 per week).

Plus \$100 per annum for each child under 16 years or dependent child under 21 years.

- (3) This question is being reviewed in the light of wage increases and the question of Aboriginal housing, which it is proposed that the Commission should take over.

4. HOUSING

Bayswater District

The Hon. LYLA ELLIOTT, to the Leader of the House:

- (1) Has the State Housing Commission any future plans for the redevelopment of the housing area in Bayswater bounded by Drake Street on the east; Patterson Street on the north; and Francis Street, on the south?
- (2) If so, what are those plans, and when is it anticipated they will be implemented?

The Hon. W. F. WILLESEE replied:

- (1) and (2) The area bounded by Coode Street on the north; Lawrence Street on the south; Patterson Street on the west, and the houses on both sides of Francis Street between Coode Street and Lawrence Street has been identified by the Commission as possibly suitable for future redevelopment. Although no specific proposals as to the plan or timing of redevelopment have been prepared, the sale of further rental properties is being restricted.

5. EDUCATION

Compulsory and Free in Primary Grades

The Hon. I. G. MEDCALF, to the Leader of the House:

With reference to a resolution of the Federation of Parents and Citizens' Associations at Point Peron recently (as reported in *The West Australian* of the 30th August, 1971) that the State Government be asked to make free primary education compulsory, will the Minister indicate to what extent State primary education is not free and/or compulsory?

The Hon. W. F. WILLESEE replied:

Section 11 of the Education Act states that no fees shall be payable for children attending any Government primary school. Section 13 of the Act makes education compulsory.

The only respect in which primary education is not free is that parents are required to provide school text books.

This will be rectified under the Government's free text-book scheme to be introduced over the next three years.

6. DAYLIGHT SAVING *Method of Introduction*

The Hon. A. F. GRIFFITH, to the Chief Secretary:

- (1) In connection with the Government's proposal to institute daylight saving, will the Minister advise whether a proclamation will issue under Section 3 of the Daylight Saving Act, 1946, or whether it is intended to introduce amending legislation to that Act?
- (2) If amending legislation is intended, when will the Bill be introduced?

The Hon. R. H. C. STUBBS replied:

- (1) A new Act will be introduced.
- (2) Shortly.

7. HOUSING *Rental Homes*

The Hon. R. J. L. WILLIAMS, to the Leader of the House:

- (1) Is the Government aware that State Housing Commission rental homes in most areas have the initial letter "C" painted on the front fascia board of the house, followed by the lot number?
- (2) Will the Government have them removed as soon as practicable in order that the privacy of the tenants in regard to their financial arrangements may be protected?

The Hon. W. F. WILLESEE replied:

- (1) Yes.
- (2) The practice of so identifying homes is one of convenience for the Commission and has been in operation since at least 1954. As there is no recollection by the Commission of any numbers of specific complaints with regard to this matter, it is not intended to change the present practice.

FIRE BRIGADES ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. R. H. C. Stubbs (Chief Secretary), and read a first time.

TRANSPORT COMMISSION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th September.

THE HON. G. C. MACKINNON (Lower West) [4.48]: I shall deal with this Bill initially on the basis of its presentation in

the Minister's notes. I inform the Minister that it was my intention to oppose the Bill. My reason for believing that I should oppose the measure when I went through the Bill itself and read the notes again was that it seemed little more than an attempt to iron out problems between three Government, or semi-governmental, organizations; namely, the Harbour and Light Department, the Transport Commission, and the M.T.T. I thought it unreasonable that this House and, subsequently of course the Legislative Assembly, should be bothered with legislation when the problem ought to be capable of resolution by getting the heads of the departments together. It seems the Harbour and Light Department licenses the ferry services and the M.T.T. does not want more services licensed. The two departments concerned should be able to arrange this matter between themselves.

The Minister pointed out in his notes that there are problems associated with the ferry service to South Perth, because it is possible for someone to obtain a license from the Harbour and Light Department and set up in direct opposition to the M.T.T.; probably to the great annoyance of that body.

In fact there was a ferry operating—I believe it was a hydrofoil. As I understood it, this ferry was put into operation and directly encouraged by the Transport Commission in order to experiment and find out whether a quick ferry service would be a viable proposition.

The reason given by the Minister for this Bill was that all other facets of passenger service in the State, including the railways, are protected by various Acts and that river ferry services ought to be brought into line. This also does not appeal to me as a bald reason for adopting the Bill.

The Minister went on to say that it was originally intended to deal only with the area of the Swan River. On page 3 of the Bill this is defined in new subsection (3) as follows:—

(3) For the purposes of section forty-seven H "waters of the Swan River" means such of the waters of the Swan River and its tributaries as are bounded by the shore-lines at high water mark between—

- (a) that part of the boundary of the Fremantle Harbour which traverses the Swan River, and which is established at the time of the coming into operation of the Transport Commission Act Amendment Act, 1971 by the Fremantle Port Authority Act, 1902;

- (b) the Kent Street weir on the Canning River;
- (c) the Scott Street Bridge over the Helena River; and
- (d) the Middle Swan Road Bridge over the Swan River.

But it was decided that this should be extended to all inland waters. This is where we run into a fairly marked lack of information.

In the short period that has been at my disposal, I have obtained certain information. I cannot absolutely vouch for its authenticity, but Mr. Withers might be able to verify it—I did not think it warranted my telephoning the Ord River complex. I understand there are two ferries currently on the Ord River. A ferry is being built for use on the Hardy Inlet at Augusta; another ferry is currently in operation at Mandurah, and there is one outside this area, commuting between Rockingham and Garden Island. I have been on this ferry a few times myself and I imagine it would be classified as being within the scope of the Bill, but I am not absolutely sure of that. As Walpole is not now in my province, I do not know whether the ferry is still operating there. I know the ferry which did operate at Walpole has been sold and is now used as a private boat in South Perth. I think this ferry was originally owned by the Swarbricks, if my memory serves me right.

In the short space of time at my disposal I was not able to find whether people conducting ferries or considering conducting ferries on inland waterways had been contacted about the Bill. I was unable to find anyone who knew anything about the measure or who had suggested that such a measure was necessary for the control of ferries. This surprises me a little. We, in our time, have been accused of secrecy, arrogance, and all sorts of things, but it seems to me that before this measure was introduced the people likely to be affected might have been approached. The Minister is surely able to supply more detail than he has given as to whether these people were contacted and made aware of what, if anything, will be required of them.

Problems arise because the demand for ferries on inland waterways is fairly limited. In fact, the ferry service from South Perth has run into financial difficulties. This ferry is operated by the M.T.T. It appears reasonable from this that the ferry services should be protected, provided there is an inbuilt provision that the ferries must be improved when necessary. Certain problems arise when there is an "open go", and we have seen an example of this in the ferry service which operates from the Swan River across to Rottnest Island. At times these ferries operate in the Swan River and come within the area designated on page 3 of the Bill.

However, I gather the ferries in question are not meant to come within the scope of the Bill.

Problems associated with these ferries particularly in regard to competition have been brought to our notice. Indeed, there was a court case which was something of a *cause celebre* at the time.

The Hon. L. A. Logan: They use the waters of the Swan.

The Hon. G. C. MacKINNON: That is why there might be a little confusion. The honourable member pointed out to me that they use the waters of the Swan River. I did in fact say this, and this is why there was a little confusion.

Let me go back to where I was. Members will recall that further litigation followed this court case, so obviously a problem existed. However, a difficulty might arise and I wish to use this as an analogy of what could happen if this is left open. One company has bought a bigger, faster, and perhaps a more luxurious ferry, and now there is a rumour that the opposition is negotiating to buy a yet-faster ferry. This could lead to the situation of the companies becoming over-capitalised; fares will go sky high and all sorts of problems will arise. My analogy is that this could easily happen in one of the inland waterways. However, I feel there is not enough money in it. If the Transport Commission were allowed to set up a ferry service on the Peel Inlet at Mandurah, I am quite sure the current incumbent, Mr. Rosenberg, would probably pull out because there would not be enough money in it. These are problems which ought to have been explained to us.

I am not sure whether this will impose any additional financial burden on the people who propose to run ferries. For example, I understand the people at Hardy Inlet at Augusta have a boat under construction, and I notice that whilst this Bill allows for licenses, there is no indication of what the license fee will be. On page 4, paragraph (b) of subclause (2) reads as follows:—

shall, if the licence is granted, pay the prescribed fee for the licence before it is issued to him.

I doubt very much whether anybody would be foolish enough to charge such a fee for the ferry service at Augusta as to upset the economic structure of the company.

In principle, this Road and Air Transport Commission is to be changed to the Road, Air, and Water Transport Commission. A new section to follow section 47 will be introduced in the parent Act. This will be headed, "Division 6—Passenger Vessels on Inland Waters." This section deals with the matters which I have been discussing. I feel that transport on inland waters in Western Australia forms such a tiddly-little bit of the overall transport scene that it is not warranted.

I can see nothing in the Bill to occasion any secrecy, but following my inquiries I cannot find anyone who has had any association with ferries. The M.T.T., of course, knows about the legislation but other persons who are currently building ferries, who have in fact built ferries, or are currently conducting what could be classed as a ferry service, would know nothing of the Bill. They have not yet been given any assurance—there is no assurance in the Minister's notes—that their capital investment will be protected.

The Hon. A. F. Griffith: There is no assurance whatsoever.

The Hon. W. F. Willesee: Someday I will return.

The Hon. G. C. MacKINNON: The Minister did tell us that there is an argument between the Harbour and Light Department and the M.T.T., and that the Road, Air, and Transport Commission has kindly offered to act as referee while this squabble is sorted out. We all know the tact and understanding of Mr. Dolan, and I am quite sure that if he had obtained the permission of the other two Ministers to get the heads of the two departments together he would soon have solved the problem without introducing the Bill. However, he has seen fit to bring a Bill forward, but this matter has not been brought to the attention of the people at Walpole or those at Augusta and at the moment neither Mr. Willmott nor Mr. Perry knows whether or not a ferry operates at those centres. There are so many people who own boats that perhaps there is not sufficient call for a ferry service. However, we would like to be given some assurance that such people who conduct a ferry service will not be taken over by the M.T.T.

The Hon. J. Dolan: They will not.

The Hon. G. C. MacKINNON: They should also be assured of being able to run a service. In the light of the paucity of the information to date I have not been able to make any inquiries. Therefore I cannot give an assurance that I will vote for the second reading of the Bill. Many people in the metropolitan area would, I am sure, like to make some inquiries in regard to running a ferry service on the Swan River. There was good reason for conducting an experiment with the hydrofoil, but I am not even sure whether or not that is still operating.

The Hon. J. Dolan: No, it is finished; but it was a good experiment.

The Hon. G. C. MacKINNON: Yes, that is so, and this Bill could, perhaps, stifle such an experiment. I am not sure whether there are any members representing metropolitan provinces who have an interest in the river and who would like to speak on this Bill. Also, we might like to get some information about river vessels. For example, vessels could be operating on

the Ord River and then, of course, there is the Hardy Inlet to be considered. I have no doubt that Mr. Willmott and Mr. Ferry would perhaps like to see river services conducted in their province. Mandurah, of course, is in the province that Mr. McNeill and I represent.

I cannot think of any other waters, because I do not think ferry services would be conducted around the lakes. Therefore, although one might consider the Bill to be innocuous there are many factors that should be considered and explained: so I bide my time until I have heard other members express their views.

Debate adjourned, on motion by The Hon. Clive Griffiths.

VERMIN ACT AMENDMENT BILL

In Committee

Resumed from the 26th August. The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. R. H. C. Stubbs (Minister for Local Government) in charge of the Bill.

Clause 2: Section 103 amended—

The DEPUTY CHAIRMAN: Progress was reported on the clause after the Minister for Local Government had moved the following amendment:—

Page 3—Add after subsection (1b) a new subsection (1c) as follows:—

(1c) The provisions of subsections (1a) and (1b) of this section do not apply so as to affect the liability of a person to pay the rate in respect of any holding for a financial year unless the rate so payable has been assessed and paid prior to the coming into operation of the Vermin Act Amendment Act, 1971.

The Hon. R. H. C. STUBBS: Advantage has been taken during the adjournment of the debate to ascertain the answers to a number of questions raised by members.

The first question is: How many ratepayers have actually challenged assessments on the grounds that the commissioner has no power to aggregate holdings of five acres or less? The answer to this is: To date, only one. I would add that although it has been mentioned that some others were contemplating a challenge, a search of the department's records discloses that they have not done so.

The second question is: What period of years is involved in the current challenge? The answer is: Only one year. This is the assessment year, 1969-70. That is the last year in which vermin and noxious weeds rates were imposed.

The ratepayer in question has owned the land for some years and has paid vermin and noxious weeds rates on it for each of those years except the last one.

This ratepayer has not paid the rates for 1969-1970 and is not a primary producer.

The Hon. A. F. Griffith: What has that to do with it?

The Hon. R. H. C. STUBBS: That is the explanation I have.

The Hon. A. F. Griffith: Whether he is a primary producer or anything else, what has that to do with it?

The Hon. R. H. C. STUBBS: If the Leader of the Opposition will allow me to continue, the answer may appear.

The third question relates to whether the provisions of the Land Tax Assessment Act dealing with objections, appeals, and refunds over three years, apply to the vermin and noxious weeds assessments. The answer is "No". This has been checked with, and confirmed by, the Crown Law Department.

The references in the Vermin Act only permit the commissioner, if necessary to recover the rates, as if they were arrears of land tax.

There is no objection and appeal procedure in the Acts imposing the rates and no provision authorising the commissioner to make refunds. In these circumstances the passing of the legislation now before the Committee could not take away any rights from those who have already paid their rates.

The fourth question is: How many ratepayers had paid their rates but under protest that the assessments were not in accordance with the law? The answer is: To date, none.

The fifth question is: If no action is taken to amend the law to coincide with what, in fact, has been done in assessing the rates since 1943, what would be the cost to the State? The answer to this question could only be given in very broad terms. In the first place it would depend on the decisions of the courts. As has been explained, it may well be that no claim for a refund of rates could succeed but no-one can be certain this would be the position.

In the second place the amount could not be ascertained with accuracy without the expenditure of hundreds of man-hours which would cost a considerable sum. Every assessment over the years concerned would have to be examined and every one which was affected re-assessed.

This would be an almost impossible task as the areas of land and the owners have changed many times in this long period and it was one of the reasons the Bills were introduced.

However, in order to give members a very broad guide to the order of public funds which may be at risk, a sample estimate discloses that the figure would be between \$250,000 and \$500,000.

It is emphasised that this is a rough guide only and any payment is dependent on the factors I have mentioned as well as the extent of the claims. In addition, if refunds were payable, the administration cost of verifying who was entitled to refunds and the cost of making payment would need to be added to the cost to public funds.

The sixth question is: What would be the cost to the State if the amendment now under debate was included in the legislation? It is estimated that the cost would amount to between \$3,000 and \$4,000. This includes the ratepayer who has challenged the law. The figure has been supplied on an estimated basis because it would have taken a considerable number of hours of overtime to locate and examine every outstanding assessment.

Currently 434 ratepayers have not yet paid their rates. The majority of these are for the last year—1969-1970. In a very few cases the rates are also for previous years. These ratepayers owe a total of \$36,000.

Naturally, because the department's system was not based on the separation of those who own lots of five acres or less in their holdings, this information can be obtained only by locating and examining each record and assessment. A broad sample was taken of the outstanding files and the estimate based on this sample.

Of the 434 ratepayers yet to pay rates the sample discloses that some 30 ratepayers could expect a re-assessment as a result of the proposed amendment.

The last question is: How many ratepayers who have not paid rates would be affected by the legislation, if amended? I have already answered this question. The number is approximately 30.

This, I think, covers all the questions raised. I should mention that these answers were obtained as a result of Mr. Griffith's suggestion that a number of us should discuss the problems with the commissioner. During that discussion we raised these questions and received the answers I have given to the Committee.

It now only remains for me to sum up the position as I see it. We are faced with a situation where for very many years the assessing practice has been at variance with the law. However, this practice has been accepted by all those who have paid.

Of those who have not paid only one has withheld payment on legal grounds. The others have not paid for financial or other reasons and, to date, they have not raised the issue of a legally incorrect assessment.

Because of—

the almost impossible task of correcting the situation over many years for the reasons I have given;

the possible heavy financial cost to public funds of refunds, if these are adjudged inescapable;

the need to resolve a situation which could lead ratepayers into unsatisfactory litigation; and

the apparent acceptance of the assessing practice by all except those who have not paid;

it was decided to clear up the position and place all ratepayers on the same basis by introducing the legislation under consideration.

However, during the debates both here and in another place, it is apparent that removing an existing right from a person who has exercised it, gives rise to concern and as I mentioned earlier, the point has been taken by the Government. I therefore have put forward the amendment under consideration.

This brings me to an explanation of why I brought forward an amendment when Mr. Medcalf already had an amendment on the notice paper to achieve a similar purpose.

If members compare the wording of the two proposals they will find that whereas the amendment I propose ensures that any person who has not paid his rates and is properly entitled to a re-assessment will receive it; under Mr. Medcalf's amendment the ratepayer's entitlement will rest on his having a "genuine belief" that he is not liable to pay the rates. Both proposals, of course, can only apply to persons who have not paid their rates.

When Mr. Medcalf's amendment was referred to the commissioner he pointed out that it would be very difficult to determine whether a person who had not paid his rates had not done so because he genuinely believed they were not payable. He was of the opinion that if his views and those of the ratepayer were at variance, it would lead to an unsatisfactory situation which would be very difficult to resolve. The matter, therefore, was referred to the first assistant parliamentary counsel who agreed with the commissioner and prepared a draft of the amendment which I am now submitting.

This amendment does not depart in principle from that proposed by Mr. Medcalf. Its sole purpose is to place the ratepayer's and the commissioner's positions beyond question by removing the reference to any beliefs. Mr. Medcalf has already informed us of his opinion; that the amendment I propose is acceptable to achieve the result he desired.

In short, if the legislation is passed with the amendment I have submitted, the commissioner will amend the assessments not yet paid in cases where holdings of five acres or less are owned, at a cost to public funds of between \$3,000 to \$4,000. The remaining assessments which would

not in any event qualify for amendment, and those which are paid, will be unaffected. I commend the amendment to the Committee.

The Hon. I. G. MEDCALF: The outline given by the Minister in connection with the amendment I moved is substantially correct. I originally moved my amendment on the basis of the second reading speech which indicated there was a single objection. The words of my amendment would, I feel, have applied to the case of a single objector. I referred to the person having a genuine belief that he was not liable to pay the tax.

This must have included a single objector because he must have had a genuine belief when he put in his objection and he probably said in his objection this was his belief. Apart from this he no doubt gave the grounds for his objection.

So there would have been no difficulty in my amendment in the case of a single objector. It makes it clear that no-one else is affected. The Minister has made it clear that there is still a single objector, though there are others who have not paid their vermin rates for different reasons.

While they have not given their reasons, one reason could probably be that they are unfinancial and have not been able to pay the rates. This could be particularly so in the case of farmers.

The Minister's proposed amendment will not only include the single objector I have proposed but also the people who have not paid their rates and who have not given their reason, though presumably it is because they are unfinancial.

I support the Minister's amendment because I believe it would be unfair to pass retrospective legislation which would compel people to pay rates retrospectively when they are not legally liable to do so. I believe this goes to the roots of the problem referred to in the amendment; that we should not wipe out the legitimate claim of the single objector by retrospective legislation. It also answers those who have not paid. We will not wipe out the objection; we will permit the objectors not to pay their rates; we will be exempting them from paying rates. At the moment, however, they are legally liable to do so.

This has been made apparent not only in the Minister's speech but also in the Press and it would be most improper knowing these people are not legally liable to pay if we passed an amendment retrospectively making them so liable.

The Hon. A. F. Griffith: Is there any significance in the fact that the single objector is not a primary producer?

The Hon. I. G. MEDCALF: I do not think it makes the slightest difference.

The Hon. A. F. Griffith: I wonder why this was emphasised by the Minister.

The Hon. I. G. MEDCALF: We are talking about the principle which is not to make people liable retrospectively. It does not matter who they are. They may or may not be primary producers; they may be people who have a small interest in primary production. That makes no difference to the argument.

I think the argument is that there is one person—irrespective of his occupation—who lodged an objection and who was within the law when he did so. It seems wrong that we should now make him liable retrospectively for something for which he was not liable. I support the Minister's amendment.

The Hon. F. R. WHITE: I appreciate the opportunity afforded me to debate this in the office of the Commissioner of State Taxation. The Leader of the Opposition is obviously a little confused with regard to the Land Tax Assessment Act, the Vermin Act, and the Noxious Weeds Act, particularly when he asks for clarification of the Minister's statement that the ratepayer to whom we are referring is not a primary producer.

Primary producers are exempt from land tax, though they must pay vermin rates and noxious weeds rates. Accordingly, a primary producer would be a ratepayer and not a taxpayer. I understand the general concern here is that not being a primary producer, is he a taxpayer as well as a ratepayer, because he must pay land tax as well as vermin and noxious weeds rates?

I emphasise this point because the Minister said that on checking with the Crown Law Department it was disclosed and verified that the Vermin Act and the Noxious Weeds Act provided no grounds for objection or appeal against an assessment for these rates, even though the rates are collectable by the Commissioner of State Taxation under the Land Tax Assessment Act.

The Commissioner of State Taxation can issue an assessment which covers land tax, vermin rates, noxious weeds rates, and metropolitan region improvement tax. Section 47 of the Land Tax Assessment Act reads—

(1) A taxpayer who is dissatisfied with the assessment made by the Commissioner under this Act may, within forty-two days after service by post of the notice of assessment, post to or lodge with the Commissioner an objection in writing against the assessment, stating fully and in detail the grounds on which he relies;

If we look at an assessment we find that taxpayers and ratepayers—they may be both if they pay three or four taxes—

The Hon. A. F. Griffith: Is it possible they might also be landowners?

The Hon. F. R. WHITE: I do not see the point.

The Hon. A. F. Griffith: Of course it is the land that is rated and not the individual. You are trying to make out I am dumb.

The Hon. F. R. WHITE: I am not. I am trying to explain why the Minister in his comments was referring to a primary producer. I am trying to answer your query.

The Hon. A. F. Griffith: Why don't you let the Minister do that?

The Hon. F. R. WHITE: This is of vital interest to me because I raised the question as to whether or not this gentleman is a primary producer.

The Hon. A. F. Griffith: Let me tell you I am not confused.

The Hon. F. R. WHITE: The Leader of the Opposition will probably be able to answer my questions later on. A person who is either a taxpayer or a ratepayer under the Land Tax Assessment Act receives a land tax assessment and on that assessment he is told that it covers land tax, metropolitan region improvement tax, vermin rates, and noxious weeds rates. On the back of the assessment it says that an objection may be lodged against the assessment within 42 days of service of the notice unless the tax has already been paid. In addition it states that the objection must be accompanied by 25 per cent. of the tax assessed.

Seeing that emphasis is placed on the word "tax" it appears that a person has the right to object, providing he objects within 42 days of the issue of the notice of assessment and providing his objection is accompanied by 25 per cent. of the amount quoted on the notice of assessment.

I took note of whether the Minister would use the word "objector". He did not. He did say, however, that the ratepayer in question has owned the land for some years and has paid vermin and noxious weeds rates for each of those years except the last one. He said the ratepayer has not paid the rates for 1969-70 and is not a primary producer.

So in this particular case the person appears to be a taxpayer as well as a ratepayer. I am of the opinion that he has paid neither his tax nor his rates for the appropriate year. For him to be able to lodge an objection as a taxpayer he would have to pay 25 per cent. of the assessed tax within 42 days of the issue of the notice. Having not done this he cannot be an objector under the Act. The man concerned has refused to pay what he considers to be an illegal rate.

In view of the fine distinction that exists in the definition of a ratepayer and a taxpayer when people receive an assessment they consider themselves to be only ratepayers, but then they look at the back of the assessment and believe that while they have the right to object it is only necessary for them to pay 25 per cent. of

the fee while lodging their objection. The commissioner then considers their written objection and if they are only ratepayers it is not accepted officially as an objection.

If the commissioner decides—as he did in the case of Mr. Annus who had two 4½-acre properties aggregated together—that he will not uphold the objection his departmental officers will say, "No, you must now pay the full amount."

Mr. Annus paid the full amount. The only course left to him was to lodge an appeal and if it were lodged it would not be permitted either under the Vermin Act or the Noxious Weeds Act. So here we have a man who has paid the full amount and done the right thing. Even so, however, he will not be able to get a refund of money under this amendment. Accordingly I must be consistent and oppose the amendment.

The Hon. L. A. LOGAN: I am glad I spoke against this measure the other evening because we have had an opportunity to receive more information on the situation. We discussed principles and the meaning of aggregation, and what Parliament previously intended. I am satisfied from the information which has been supplied that it was never intended aggregation should apply in this case.

The amendment now before the Committee will let off scot-free the fellow who has not paid his tax, and it will give relief to the 30 other people who have not paid, and who have not lodged objections. We maintain that those who have paid cannot get a refund. I do not know that this is a very good principle.

We are dealing with a person whose industrial land has been subdivided into five-acre blocks. Because all the blocks have not been sold the owner is claiming aggregation to get out of paying the vermin tax. I am not sure that we are applying the correct principle when we do not make refunds to the thousands of people who have paid the tax, but let off scot-free those who have not paid it.

I believed that some people had objected to the tax, in one form or another, but I am told by the commissioner that this is not so. There is no written objection on the file. I am glad that more information has been made available and I will not oppose the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with an amendment.

NOXIOUS WEEDS ACT AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate from the 25th August.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. R. F. Cloughton) in the Chair; The Hon. R. H. C. Stubbs (Minister for Local Government) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 48A amended—

The Hon. R. H. C. STUBBS: I move an amendment—

Page 2—Add a new subsection (2b) as follows:—

(2b) The provisions of subsection (2a) of this section do not apply so as to affect the liability of a person to pay the weed rate in respect of any holding for a year unless the weed rate so payable has been assessed and paid prior to the coming into operation of the Noxious Weeds Act Amendment Act, 1971.

This Bill is complementary to the previous measure we have discussed, and the explanation concerning the amendment is the same as that given for the amendment to the previous Bill.

The Hon. A. F. GRIFFITH: For the purposes of the record, Mr. Deputy Chairman, I think you should have called on Mr. Medcalf to explain the amendment which he has on the notice paper. We are aware that Mr. Medcalf does not intend to move the amendment but the record would be more complete if the reasons were known.

The DEPUTY CHAIRMAN (The Hon. R. F. Cloughton): Mr. Medcalf did not rise when I called the clause.

The Hon. A. F. Griffith: I am aware of that fact.

The DEPUTY CHAIRMAN: The amendment lapsed.

The Hon. I. G. MEDCALF: I did not proceed with the amendment for the same reason as I indicated when speaking to the previous Bill. I have no wish that anyone who has not paid his tax should be made liable to pay when, in fact, he is not legally liable to pay. The effect of the Minister's amendment is to exempt those people who have not paid the noxious weeds tax. I therefore support the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with an amendment.

USED GOODS AND MATERIALS BILL*Order Discharged*

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.42 p.m.]: I move—

That Order of the Day No. 5 be discharged from the notice paper.

Question put and passed.

Order discharged.

House adjourned at 5.43 p.m.

Legislative Assembly

Wednesday, the 8th September, 1971

The SPEAKER (Mr. Toms) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (21): ON NOTICE**1. TRAFFIC SAFETY COUNCIL***Establishment*

Mr. RUSHTON, to the Premier:

- (1) In his policy speech early in 1971 did he state that Labor proposed to build a traffic safety council which would be kept well supplied with funds?
- (2) Was the Minister for Police expressing Government policy when in a recent television interview in response to a question, "Do you not regard a traffic safety council as a matter of some priority", he replied, "Not particularly"?
- (3) Is the view expressed by the Minister an indication of a reduced priority for the establishment of a traffic safety council or is this attitude related to practical economics and the difficulty the Government is experiencing in meeting the cost of its other election promises?

Mr. J. T. TONKIN replied:

- (1) That part of the policy speech referred to in the question stated—"We propose to build a traffic safety council which will devote itself solely to those matters within the area of traffic safety and would be assisted by a safety research laboratory which we shall establish and keep well supplied with funds."
- (2) No.
- (3) No.

2. PRICE CONTROL*Basic Household Items*

Mr. RUSHTON, to the Minister for Prices Control:

- (1) Is he aware of the "shopping watch" in the *Sunday Times* showing week by week fluctuations in the price of basic household items?
- (2) What is the Government's evaluation of price movement in basic household items in the last six months?
- (3) Does this evaluation support a general fixing of prices?
- (4) If (3) is "Yes" what is the reasoning supporting this contention?