# Legislative Council

Friday, the 25th November, 1966

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COUNCIL, FRIDAY, the 25th NOVEMBER—*continued*
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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11 a.m., and read prayers.

## QUESTIONS (2): WITHOUT NOTICE

### END OF SESSION

*Reason for Friday Sitting*

1. The Hon. F. J. S. WISE asked the Minister for Mines:

   Will the Minister say whether, in his view, the statement being made in non-Labor circles that the reason Parliament is sitting today, Friday, is not necessarily to facilitate parliamentary business, but rather to prevent Country Party members from visiting seats held by Federal Country Party members in which they are being opposed by Liberal Party candidates, is correct?

   The Hon. A. F. GRIFFITH replied:

   The honourable member must be better informed than I am. I have not heard any such statements; and all I can say is that the business of the House is going on as usual and, as far as the Government is concerned, it has no connection whatever with the Federal election.

   The Hon. F. J. S. Wise: Thank you.

### HOUSING

*Tenders for R. & I. Bank Homes*

2. The Hon. J. M. THOMSON asked the Minister for Mines:

   I had intended to ask the Minister a question on notice, but in view of the present position regarding the session, I was wondering whether the Minister could give me the information if I asked the question without notice. The question deals with housing.
   With reference to tenders for the first 16 homes referred to by the Minister on introducing the Rural and Industries Bank Act Amendment Bill—

   (1) Were tenders called for this group on supply of design and erection?

(2) How many tenders were received?

(3) Who were the tenderers?

(4) What was the state of tendering?

(5) What was the amount of the successful tenderer?

The Hon. A. F. GRIFFITH replied:

If I were to give the answer at the next sitting of the House I would hope the honourable member would have to wait some weeks for it. However, that matter is entirely in the hands of the House. I will endeavour to obtain the information for the honourable member during the day, and if it is at all possible to obtain it I will let him have it.

The Hon. J. M. Thomson: Thank you.

## AUDIT ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 24th November.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the Opposition) [11.6 a.m.]: This Bill merely seeks to establish a base salary for the Auditor-General, raising it from the existing base which has obtained since 1954, and taking into consideration any fluctuations that may add to or take from this base figure between now and the time the Bill will be proclaimed. The Auditor-General, of course, holds a very responsible position in the field of Government service and it is evident he should have a salary appropriate to the responsibility he has to carry. I certainly support the new figure set out in the Bill, including any adjustments that may accrue in the future.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

## RESERVES BILL

*Second Reading*

Debate resumed from the 24th November.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the Opposition) [11.10 a.m.]: This Bill is one of those which can be anticipated in the closing days of the session; indeed we might even anticipate it on the actual closing day of a session. Because it is an accumulation of material collated over the year, the Bill is brought to Parliament for the deliberate purpose of presenting material in a comprehensive form.

As it embraces amendments which concern reserves—both "A"-class and others—the practical solution of these problems is in the way they are presented in a Reserves Bill. When introducing the Bill, the Minister said that the Minister for Lands had explained its many provisions at greater length than was usually the case, and his coverage of it is available to members in the proof volume No. 16 of the current issue of *Hansard*.

One might say that was a somewhat lazy reference to a Bill of this nature, but the Minister in this House did go on to read some 15 half foolscap typed notes of his own. So if any member wishes to read the proof volume and the Minister's speech in this House he will have a complete knowledge of the Bill.

I had a look at the material submitted by the Minister in the file he tabled, and I would say that the file contains all the Minister said it did. If there is any particular issue applicable to members they, of course, will have this opportunity to discuss those issues. For my part I agree with the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

## BETTING INVESTMENT TAX ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 24th November.

**THE HON. J. DOLAN** (South-East Metropolitan) [11.16 a.m.]: This is a very simple measure which seeks to correct an omission when an amendment was made to the Betting Investment Tax Act last year. I have read that amendment very carefully, and I can see that the draftsman could easily have missed the point, because it appeared to have been covered in clause 2 of the amending Bill. This measure will remedy that situation.

I do not want to waste the time of the House, except to say that I hope this particular Act will be further amended in the next session of Parliament along the lines I suggested yesterday.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

## GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 24th November.

**THE HON. J. DOLAN** (South-East Metropolitan) [11.20 a.m.]: We support this Bill as it tidies up a few sections in the Act. The Minister responsible for the measure has discussed its provisions both with the Civil Service Association and the Trades and Labour Council who have expressed agreement with them.

I have gone through the measure and checked the provisions carefully and can find nothing with which I cannot agree. Without wasting any more time of the House, I support the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by The Hon. G. C. MacKinnon (Minister for Health), and passed.

## ALUMINA REFINERY AGREEMENT ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 24th November.

**THE HON. R. THOMPSON** (South Metropolitan) [11.22 a.m.]: I think members will agree that the short period of time in which we have had to study an agreement of this nature does not allow one to make the detailed examination one would like. The notes used by the Minister when introducing the Bill were confusing inasmuch as the agreement provides that mineral leases are to be excised—I think that would be a term I could use—from the main mineral leases granted to this company under the ratifying agreement made when the company first proposed to come to Western Australia.

Now we find that these leases are to be separated primarily, to my way of thinking, to allow for a further expansion of Alcoa by the addition of another refining plant which will lift the producing capacity from 210,000 tons to 400,000 tons per annum. That is all right; but I cannot see why a Bill of this nature has to come before us in order to ratify the agreement; because under the provisions of the original agreement, and amendments later passed—I think from memory the agreement was passed in 1963, and an amending Bill last year—this action is not necessary. The right was given to the Government, without reference to Parliament, to alter and adjust the agreement, from time to time.

I would like to know why the Minister has said more flexibility for negotiation is necessary. My feeling is that we are to see a further part of Western Australia sold to a foreign company. Is this the reason why we are not being told? Is another foreign company about to enter the shareholding of Alcoa; or is a foreign company going to operate portion of the Alcoa works for a time? The measure says that these leases, once separated, can be transferred back to Alcoa should this become necesary. I do not know the full import of this and I would be pleased if the Minister would answer my query.

In the future, with natural gas being available, the construction of a smelting works might be possible. In that case, we could get the other 55 per cent. of the processing done in Western Australia which we do not get at the moment. I believe the extraction of alumina from bauxite is less than 50 per cent. of the work involved in the total production of aluminium. If this comes about, it will be a good thing for Western Australia; and I will be very pleased to see the integrated works established.

This company had growing pains and teething troubles when it was first established at Naval Base. No doubt it had to put up with some pressures and criticisms. In particular, criticisms were made by me because the works were causing a nuisance to nearby residents. However, the company has done its best over the past two years to increase the height of the chimneys and make sure the air is not fouled and residue spilt. I hope the Clean Air Committee will further examine this project, as well as the steel mill project when it comes into operation next year.

Air and water pollution is bad for any community, especially from the type of effluent discharged into the water from the alumina works from time to time, and from the gases, which are mainly of a caustic nature, that rise into the atmosphere from the large chimneys. I have no criticism to make in this regard, so long as the company and the Government keep a watchful eye on the position. I do not think expense should be taken into consideration as the extraction of alumina from bauxite is a very profitable venture.

I have no serious objections to the Bill, but I would like the Minister to answer the questions which I have asked. Briefly they are: Is this company selling part of the works? Is it leasing part of the works?

If so, to which company? What is the reason for the amending Bill? When a Bill comes before Parliament to ratify agreements, members are entitled to know the contents of the measure. Otherwise we may be ratifying something which on the face of it looks all right, but which could be a blank cheque. I think some of my colleagues and some other members of the House are opposed, in the main, to seeing more of Australia sold to foreign companies.

If this is the case, we will see a lowering of the Australian shareholding content in Alcoa. There is only a small proportion of Australian shareholding now through the Western Mining Corporation. I would like to see a far larger Australian content in Western Australian and other Australian companies. I support the Bill.

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Mines) [11.30 a.m.]: I thank Mr. Ron Thompson for his qualified support of the Bill.

The Hon. R. Thompson: I was only asking questions.

The Hon. A. F. GRIFFITH: That is right, and the answers are very easily obtainable. As a matter of fact, the answers which the honourable member seeks are already in his possession, as he will see if he reads the agreement and takes the opportunity to have another look at my speech notes.

I do appreciate that this is one of the Bills which has come down in the latter part of the session, and I readily agree that the honourable member is entitled to ask questions of the Government if he does not understand the situation.

In order to make the situation perfectly clear, I will return to the point of the original negotiation with the Western Mining Corporation. The temporary reserve for bauxite, in the Darling Range, was granted to the Western Mining Corporation by the previous Government. I think the Minister of the day granted the temporary reserve to the company, so that it could search for bauxite, in about 1958.

The Hon. R. Thompson: It was first offered in 1928, during the depression years.

The Hon. A. F. GRIFFITH: To the Western Mining Corporation?

The Hon. R. Thompson: No; it was offered by the landowners in 1928 when bauxite was first discovered.

The Hon. A. F. GRIFFITH: I cannot pursue that. A considerable area is covered by mineral lease 1SA. A good deal of it is Crown land, and the rest is private land. I am sure members will know the difference in the mining laws as they relate to Crown land and to privately-owned land.

In industrial agreements of this nature there is always the right of the holding company to assign. In the first case, partnership arrangements were entered into between the Western Mining Corporation and Alcoa of America. That is where the present name of Alcoa originated.

Reference to the agreement will show there is a right to assign—not an automatic right, but upon application. The company receives the right to request permission to assign, which request for assigning shall not be unreasonably withheld. The interpretation of the words "not be unreasonably withheld" gives both parties the right to look at the situation. If the Government wants to withhold the right to assign, it says so, and gives reasons. If it is considered, in the eyes of the company, that the right to assign is being unreasonably withheld, of course there is the process of arbitration to which the parties have access.

The right to assign mineral lease 1SA was given in total—it was one total area. There was doubt, and in addition to there being doubt there was a reason why the complete assignment of the whole area did not fit in with the needs of the company. The company is now out to increase the size of its plant at Kwinana, and to get a partner to come in with it with additional finance in order to put in further units capable of treating the alumina from the bauxite deposits in the Darling Range.

As I said when introducing the Bill, this will not only increase the size of the plant, but it will also increase job opportunities for our own people.

The Hon. R. Thompson: Are we entitled to know who the other corporation is?

The Hon. A. F. GRIFFITH: At this point of time, I could not tell members because certain negotiations are going on. The company itself will always retain a 50 per cent. interest in whatever arrangement it makes with the other company.

The purpose of breaking the mineral lease into sections is so that the company will be able consecutively to assign the leases. Each lease will constitute an additional unit capable of producing 200,000 tons of alumina.

The Hon. R. Thompson: Would we be right in assuming that it is a foreign company?

The Hon. A. F. GRIFFITH: What does the honourable member call a foreign company.

The Hon. R. Thompson: American or Japanese.

The Hon. A. F. GRIFFITH: I suppose one could apply that expression to any company which is not Australian. It is reasonable to assume that this company, or one of the companies, would be American. It is reasonable to assume that a number of them would be American companies.

I find it strange to listen constantly to the expression that we are selling Western Australia. I really do not think the honourable member is serious in this assumption, or this suggestion, that we are selling Western Australia.

The Hon. R. Thompson: I think it is necessary to have foreign capital, but I like to see a large Australian content in the shareholding.

The Hon. A. F. GRIFFITH: Well, we have that. The Western Mining Corporation—and I am not writing references for mining companies—is the type of company we want. If we had more companies like it in this State we would go a lot further ahead.

The Hon. R. Thompson: That company will not be criticised in this House.

The Hon. A. F. GRIFFITH: I have had a number of dealings with that company, and with whatever it sets out to do, it always achieves more than it originally intended.

The Hon. F. J. S. Wise: If a company is registered in Melbourne, it would be foreign as far as Western Australia was concerned.

The Hon. A. F. GRIFFITH: That is right; that is why I asked Mr. Ron Thompson what he classed as a foreign company. We could have the ABC Company registered in Melbourne consisting entirely of Australian capital, but it would still be a foreign company under the Companies Act of Western Australia.

I do not think one need fear this agreement. Let it be perfectly clear that the objective is to increase the size of the alumina plant at Kwinana, and to do that over and over again—six times in accordance with this agreement if it is passed. On page 5 of the Bill, clause 4 of the agreement reads as follows:—

> (4) The Company shall not be entitled to assign its half interest in any separate mineral lease held by the Company and the other corporation except with the consent in writing of the Minister. If such interest is being assigned together with all the other rights and interests of the Company for the time being hereunder then such consent shall not be arbitrarily or unreasonably withheld.

As I said, the object of this exercise is to provide that the Government can ask the company who its partners will be. If the company were to nominate a partner which the Government found, for any reason, to be completely objectionable, then the Government might withhold the right to assign. If the reason was considered to be completely objectionable, no arbitrator would say that permission was unreasonably withheld.

One thing we are anxious to see in connection with this company, is the establishment of a smelter. The Government told the company that it looks forward to the time when it will have a smelter in Western Australia. Members know the reason why we did not get a smelter in 1961 when the first agreement was negotiated.

The Hon. F. R. H. Lavery: It was the cost of electricity.

The Hon. A. F. GRIFFITH: It was cost of electricity, as Mr. Lavery said. The smelting of alumina to aluminium is a very costly business indeed, and it is not economical unless cheap power is available in enormous quantities. Much effort was put into a search of the south-west areas of the State for coal, but unfortunately we could not find a suitable deposit.

We have gone ahead since that time, and I personally believe—without any professional qualification—that we are nearer to the discovery of commercial oil and commercial gas. I do not think there is any doubt about it, and it is just a matter of time before it is available to us.

With that idea in mind, we have told the company the Government looks to the time when we will have a smelter for the processing of bauxite in this State. The company, with all the good faith in the world, wrote a letter to the Government expressing its intentions and I read that letter to the House yesterday afternoon. That letter stated that when the time was opportune the company would carry out its intention to construct a smelter in this State to smelt the alumina produced.

So I think the agreement should be accepted in good faith. It is a move forward and will increase the size of the plant, and the amount of bauxite which will be treated at Kwinana.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

## MARKETABLE SECURITIES TRANSFER BILL

*Receipt and First Reading*

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

*Second Reading*

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Justice) [11.47 a.m.]: I move—

> That the Bill be now read a second time.

The purpose of this measure is to introduce a new and simplified system of transfers of shares and securities bought and sold in the stock exchanges of Australia. The Bill incorporates procedures agreed to

in principle by the Standing Committee of Attorneys-General, State officials and, also, the commercial community. Each State has either introduced or is in the process of introducing similar legislation. For the information of members I will outline the background leading up to this uniform legislation.

The Associated Stock Exchanges of Australia have been advocating, since 1961, a uniform procedure for transferring shares and other marketable securities bought and sold through brokers, mainly because the present system involves the preparation of transfers signed by both the transferor and transferee; also the need to comply with the States' stamp duty laws and the detailed checking by company or corporation officials. These requirements result in frustrating delays in finalising transactions and registering the transfers—an aspect particularly evident in many transactions in which the buyer and seller are in different States.

Another feature of the existing system giving rise to serious concern by State Governments, is the avoidance of State stamp duty revenue by the use of Canberra share registers. At present, no stamp duty is levied by the Commonwealth Government and shares and securities transferred in Federal territory attract no duty. Many companies have opened registers in Canberra for the purpose of avoiding the impost of State taxation.

At a Premiers' conference in 1963, it was decided to refer the question of the avoidance of State taxation by the use of Canberra share registers to the Standing Committee of Attorneys-General, with a view to considering ways and means of protecting State revenues. Also, it was agreed that State Treasury officials should assist in determining appropriate action required to overcome the problem of tax avoidance. Subsequently, State Treasurers agreed that a working committee should prepare draft legislation.

The Commonwealth Government announced, however, before this action was completed, that stamp duties were to be introduced in the Australian Capital Territory. This decision affected the measures originally considered necessary to stem the flow of transactions to that centre, for the reasons previously advanced.

Towards the end of last year, it was decided that the most urgent requirement was the introduction of uniform transfer arrangements for transactions involving stock exchange brokers and that these arrangements should incorporate a return system for the payment of uniform stamp duties.

This decision had regard for the benefits which would flow to all States and recognised the requests of the Associated Stock Exchanges for an improved system of transfers and stamp duty collection. The States will benefit because all transactions effected through local brokers will be liable for stamp duty, thus bringing in the Canberra register operators. The date from which this legislation will operate will be determined on advice being received that other States' legislation has been enacted.

Provision is made to bring sections of the Act into operation at varying dates. This comes about through numbers of the sections dealing with "Authorised Nominee Corporations" being still under discussion in another State. It may not be desirable or necessary to operate them from the same date as the remainder of the legislation covering the Stock Exchange transactions.

In considering the Bill, we should bear in mind its operation is restricted to normal market sales and purchases conducted only through brokers of a registered stock exchange. Its provisions will not apply to other dealings. These will remain subject to existing arrangements.

Marketable securities are defined as any share, stock, or debenture of a company or prescribed corporation, which expressions have the same meaning as those given in the uniform Companies Act. This covers all shares, stocks, debentures, rights in shares, bonds, notes or other documents bought and sold on the stock exchanges. The corporations with whose marketable securities the exchanges deal are to be proclaimed. Uniform forms of transfer of marketable securities to be used throughout Australia for dealings on the stock exchanges are set out in a schedule.

When a transaction takes place, the selling broker will complete the appropriate form to be signed by the seller and stamped by the broker. The buying broker will complete his appropriate form but the transferee's signature is not required. The broker's stamp replaces this signature. This process will be time saving, particularly where the parties are in different States.

There are separate forms prescribed in the schedule for all types of transfers. These cover marketable securities which are fully paid and partly paid up and the transfer of rights to marketable securities. A document bearing a broker's stamp will be a valid transfer of marketable securities and may immediately be registered by the company or corporation concerned without further inquiry.

The broker, by placing his stamp on the document, indemnifies the company or prescribed corporation, the transferee and the transferee's broker against any loss or damage arising from forgery or unauthorised signing. He also, under a proposed amendment to the Stamp Act, accepts responsibility for the payment of stamp duty by a return system. The broker may not use this system of transfer except for ordinary sales at a consid-

eration not less than the unencumbered market value of the marketable security. Penalties are provided for his affixing the stamp to other types of transactions.

Other clauses ensure validity of the new system of transfers and that transferees using this method are bound by the memorandum and articles of the company concerned. The proposed arrangements will greatly simplify the procedures, and speed them up.

There are clauses providing for "Authorised Nominee Corporations" to act on behalf of transferees of marketable securities being transferred to them. These corporations are to be permitted to affix a stamp to the transfer instead of the usual signature of the transferee. The corporations to be permitted to use the procedure will be proclaimed. It is understood these provisions have been requested by the head offices of banking institutions which control the operation of certain nominee corporations. The transfers referred to in these clauses are only those made on the forms proposed in the schedule, when the transaction is taking place through a stock exchange broker.

The draft Bill was examined by the Stock Exchange of Perth and the chairman advises that it conforms with the basic principles advocated by the advisory committee of the Australian Associated Stock Exchanges. The measure is of concern to commercial undertakings and holders of marketable securities and will effect desirable improvements in the procedures for transferring these securities. I commend the Bill to members.

Debate adjourned until a later stage of the sitting, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

*(Continued on page 2907)*

## STAMP ACT AMENDMENT BILL (No. 3)

*Receipt and First Reading*

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

*Second Reading*

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Mines) [11.55 a.m.]: I move—

That the Bill be now read a second time.

This Bill is complementary to the Marketable Securities Transfer Bill aimed at providing a simpler and speedier means of effecting the transfers of marketable securities bought and sold on stock exchanges.

Part of the process of transferring marketable securities is the affixing of stamp duty on the relevant documents because, in all States, these transactions are subject to the duties levied under respective Stamp Acts. In complying with the differing requirements of these Acts, delays occur particularly where more than one State is involved. In addition, the registration of companies in Canberra results in severe losses to State revenues.

It was therefore decided to evolve a system of uniform stamp duty which could be paid without delaying the processing of transfers and overcome the loss of revenue arising from the use of Canberra registers.

This Bill is based on uniform proposals and similar legislation has been introduced, or is in the process of introduction, in each State. Briefly, the Bill provides for—

- A uniform rate of stamp duty on all transfers of marketable securities.
- The repeal of the provisions imposing duty on contract notes.
- The payment of stamp duty on transfers of marketable securities bought and sold through the Stock Exchange by means of periodical returns from stock brokers.
- The revision of certain references in the Act to "stock" and "money" to bring these terms up to date and in line with the new proposals.

The uniform rate of stamp duty which it is proposed to levy is—

- 5c for every $25 and every fractional part of $25 where the amount or the value of the consideration is less than $100, and
- 20c for every $100 and every fractional part of $100 when the amount or the value of the consideration is $100 or more.

These proposed rates are to be applied only to buying and selling transactions by brokers operating on a registered stock exchange and subject to the Marketable Securities Transfer Bill. They will apply to both the sale and the purchase of securities. Thus, the effective rate of stamp duty on each transaction is—

- 10c for every $25 and part thereof for transactions below $100 and 40c for every $100 and part thereof for transactions above that figure.

By splitting transactions into two parts and applying differential duty, we overcome the loss of stamp duty on transactions on Canberra registers and ensure that each State receives a proper share of the revenue arising from transactions taking place either wholly or partly in one State.

Each broker acting for either a buyer, or a seller, or both, will pay duty on transactions passing through his office. This changes the location of the imposition of duty and ensures that, when a buyer purchases shares on a Canberra register in, say, either a Melbourne or Perth broker's office, duty will be paid in those places. Under the present arrangements, these transfers can be registered in Canberra

with no regard to whether State stamp duty has been paid.

Many transactions initiated in this State are for the purchase of shares held by other State shareholders on Eastern States' registers, with the buyer in Western Australia and the seller in another State. Under existing circumstances, it is only necessary for the company registering the transfer to ensure that the other State's duty is paid and, accordingly, revenue is lost to Western Australia.

In the case quoted, this State will receive duty on the buying transaction, and the other State, a similar amount on the selling transaction. Where both buying and selling takes place in the one State, the total duty will be paid there.

The rate imposed on every $25 of value has been inserted at the request of Eastern States' stock exchanges. In those States there are dealers known as "odd lot specialists." These brokers deal in small parcels of securities which are required to be sold under Stock Exchange rules. If the stamp duty were imposed at a rate per $100 of value only, sales of much smaller value would attract excessive duty. The steps in the scale have accordingly been reduced to intervals of $25 each.

Although odd lot specialists do not yet operate here, there is every likelihood of this service being eventually established in W.A. Therefore, to preserve the uniform nature of the legislation, the provision for the odd-lot-specialist rate is included in the Bill.

The existing rate of duty is to be imposed on transactions in marketable securities other than those to be transferred under the new arrangements for Stock Exchange operations.

The present rate of duty on transfers of shares is 10c for every $25 and part thereof of the amount or value of the consideration. This is the same as that proposed in the Bill where the consideration is under $100.

Where the total consideration exceeds $100, the amount of duty payable will also be the same as at present except in cases where a part of $100 is involved in the transaction. For example, where the consideration is $200, both the existing and new duty will be 80c, but $250 will attract a duty of $1.20 compared with $1 under the present scale.

In the case of transfers of marketable securities other than shares, such as debentures, secured and unsecured notes, the current rate of stamp duty is 10c for every $200 or part thereof of the amount or value of the consideration. The proposals in the Bill will therefore result in an increase in the duties paid on transfers of this type of security.

The Hon. H. K. Watson: That is an increase from 10c to 80c.

The Hon. A. F. GRIFFITH: I would refer the honourable member to the last two paragraphs which I have just read.

The Hon. H. K. Watson: It looks to me that whilst the transfer duty on shares is to be the same, the transfer duty on unsecured notes and debentures will increase from 10c for every $200, to 80c.

The Hon. A. F. GRIFFITH: The last two paragraphs I have read will explain the position. There is no real reason why the rate applicable to shares should not be applied to other types of marketable securities but, irrespective, it is necessary to charge at the same level as other States in order to achieve uniformity between States.

I pointed out, when introducing the Bill for a marketable securities transfer Act, that the new transfer arrangements were only to apply to normal buying and selling transactions on the Stock Exchange and that other procedures for transferring marketable securities were to remain undisturbed. In order to prevent anomalies arising in the rates of stamp duty charged on these transactions and those made on the Stock Exchange, this Bill provides for the same rates of duty to be applied to all transfers of marketable securities.

Under existing legislation, some States, including Western Australia, charge duty on contract notes and options to purchase, or sell marketable securities. The indications are that most, if not all of the other States, will drop this charge on the introduction of uniform stamp duty rates on marketable securities transactions on the stock exchanges. This Bill, accordingly, provides for the repeal of the provisions relating to contract notes now contained in the Stamp Act.

The present rates of stamp duty imposed on contract notes range from 5c on notes for marketable securities of a value under $200, to 20c where the value is of $1,000 or more. In the case of options, half rates are payable where the value is $200 or more.

At present, the provisions of the Stamp Act require the stamps on a transfer of marketable securities to be either impressed or cancelled at the Stamp Office. This entails each transfer being either taken or forwarded to the office—a procedure both time-wasting and cumbersome.

As one of the major objectives in introducing the uniform legislation is to provide a simpler and speedier method of transferring marketable securities, there is provision for brokers to pay stamp duty by submitting periodical returns.

Brokers will be required to keep records of each transaction, to enter required information on certified returns, and to lodge these returns with the commissioner at set periods, together with the duty payable.

Provision is also made to exempt dealer-to-dealer transactions so that only one amount of stamp duty will be charged

where several dealers, often in different States, are involved in the one transaction. Exemption is also proposed for purchases and sales by a dealer on his own account, provided he does not retain the securities for more than two days. This provision allows brokers to correct errors and meet emergencies pending instructions from their clients. It is also proposed to exempt transfers of marketable securities of the State Electricity Commission and other governmental securities which may, in the future, be bought and sold through stock exchanges. In other States, exemptions of this type are provided and this State's instrumentalities would find themselves at a disadvantage in fund raising if exemption were not provided.

As under the proposed return system and marketable securities legislation, it will no longer be necessary for transfers to be submitted to the Stamp Office, or for the authorities registering the transfers to ensure that they are correctly stamped, provision needs to be made to protect revenue in the event of default or evasion. Penalties are therefore prescribed for failure to submit returns and for non-payment of the stamp duty.

The proposed return system will be available only to brokers of the Stock Exchange. Transfers of marketable securities made other than through the Stock Exchange will be stamped and registered in the normal way, and provision is made in the Bill to preserve existing procedures. As most of these transfers are sales between individuals, a return system in respect of these would not be practicable.

There are clauses bringing currency references up to date, providing new interpretations of marketable security and right in respect of shares, and adding exemptions to ensure that options to purchase and transfer forms are not subject to duty as agreements.

I commend the Bill to members.

Debate adjourned until a later stage of the sitting, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

*(Continued on page 2908)*

## EXPLOSIVES AND DANGEROUS GOODS ACT AMENDMENT BILL

*Returned*

Bill returned from the Assembly with an amendment.

*Assembly's Amendment: In Committee*

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. W. F. Willesee (Leader of the Opposition) in charge of the Bill.

The CHAIRMAN: The amendment made by the Assembly is as follows:—

New Clause 2.

Page 1—Add after clause 1, a new clause to stand as clause 2—

2. This Act shall come into operation on a date to be fixed by proclamation.

The Hon. A. F. GRIFFITH: I move—

That the amendment made by the Assembly be agreed to.

Following the passage of the measure in this Chamber some members received communications from retailers of fireworks. One person wrote to me and said he was upset that the Bill had been passed by this Chamber, because he had considerable stocks of fireworks left over from last Guy Fawkes day.

Following that I received a letter from a firm which supplies fireworks to retailers, advising me that considerable stocks of fireworks had been left over. I understand that other members of Parliament also received communications from their constituents.

I was asked what I thought of the amendment which has since been passed by the Assembly to provide that this law shall come into operation on a date to be proclaimed. I reacted favourably to it. I suggest that we have some inquiries made by officers in my department to ascertain how much stock is on hand. I do not think we should take an action which would result in retailers being left with considerable stocks of which they are unable to dispose. I am a little concerned that as a result of this move, some retailers might expect us to have another Guy Fawkes night next year and proclaim the legislation afterwards. However, we will have to deal with that problem when we come to it.

The Hon. R. Thompson: They could keep on importing stock, and so keep them up.

The Hon. A. F. GRIFFITH: We will not allow people to take unfair advantage of the situation. We will stipulate a date on which the legislation will be proclaimed, and in the meantime we will ascertain the extent of the stocks at present held by retailers. If I were a retailer and had read of this legislation, I certainly would not have bought any large stocks. I think the best solution would be to ask the Press to publicise the matter in order that the retailers might know the position.

The Hon. W. F. WILLESEE: I had intended to move that the Committee agree to the amendment but I prefer the way in which the matter has been dealt with because we have been given an explanation by the Government and it is a reasonable one. We do not want people to find themselves in possession of stocks, of which they cannot dispose, particularly when they have been trading in a set pattern for so many years.

There is the problem of the disposal of the stocks, but I think the Minister has the matter well in hand.

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

*Report*

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

## PRIVATE RAILWAYS (LEVEL CROSSINGS) BILL

*Second Reading*

Debate resumed from the 24th November.

**THE HON. F. R. H. LAVERY** (South Metropolitan) [12.20 p.m.]: This Bill is very timely, and is a fine piece of legislation. We can support it without any worries at all. Had this legislation not been introduced, serious complications could have arisen in the future, and therefore full credit must be given to the Minister concerned.

I have very carefully studied the Bill and it leaves no doubt as to the position so far as these crossings are concerned, and particularly those in the north-west. Clause 4 contains the same provision as section 100 of the Public Works Act. This clause gives the general public the right to use crossings over private railway lines provided no train is approaching within a quarter of a mile of such crossing. This, of course, is very necessary.

One of the very good features of this Bill is that a motorist will be able to leave, say, Brisbane, and travel right across the continent through the various States and at all the railway crossings he negotiates, he will find a standard type of notice. This will be very important, particularly in connection with the crossings in the north-west of our State. Members can quite realise the danger of serious accidents if a motorist, having travelled through various States, and having negotiated several hundred level crossings, all with standard signs, suddenly came across some in the north-west with a different sign.

This provision is necessary also for the protection of the companies' own trains. These companies will not want their trains to be involved in any accidents. They will have loads of 5,000 and 7,000 tons and will be travelling at about 50 to 60 miles an hour, and a crash could be very costly.

I was very pleased to read in the Minister's speech that the Government and the companies will be able to reach agreement by reference to the Arbitration Act, 1895. Subclause (3) of clause 5 reads—

> Any dispute or difference between the owner and the Minister as to the amount of the cost and other terms and conditions upon which such notices, warning and safety devices may be erected, maintained and operated under subsection (2) of this section, shall be referred to and settled by arbitration under the provisions of the Arbitration Act, 1895.

Normally, of course, big companies do not have any trouble in reaching agreements with Governments on these points. This is a very common-sense Bill and the Minister responsible for it, is to be commended.

**THE HON. L. A. LOGAN** (Upper West—Minister for Local Government) [12.25 p.m.]: I would like to thank Mr. Lavery for his comments on and support of the Bill which I quite agree is a good and common-sense one.

Question put and passed.

Bill read a second time.

*In Committee*

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Erection of warning devices at existing and future level crossings—

The Hon. F. R. H. LAVERY: I forgot to refer earlier to Barrow Island. Members who have visited that island must have been impressed by the standard of the road work and signs and safety devices, and those responsible are to be commended.

Clause put and passed.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

## TRAFFIC ACT AMENDMENT BILL (No. 2)

*Second Reading*

Debate resumed from the 24th November.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the Opposition) [12.27 p.m.]: This Bill has several amendments beginning with the deletion of the reference to carrier's license in the parent Act. An amendment was made in this connection previously, but it was found it did not go far enough and so further action has been necessary.

I do not understand the proposal with regard to vehicle registrations. I would like the Minister to explain it in more detail when he replies. In his notes he said—

> In the matter of vehicle registration the Act sets an annual licensing date and a 12 months' renewal may not be taken out unless it commences from this date. An owner, therefore, does

> not always have the benefit of a six or 12-month licensing period.

This I do not quite understand. I was under the impression that it was possible to obtain a license for three months or six months, or an annual license which could be taken out during any month of the year.

The Hon. A. F. Griffith: I do not think the period is three months—it is six months and 12 months.

The Hon. W. F. WILLESEE: I stand corrected on that point, although I think there was a time when the three months' period did apply.

The Hon. A. F. Griffith: Yes, at one time it did.

The Hon. W. F. WILLESEE: In the main, I do not see the point of this amendment. I realise I have probably missed it, but I would like the Minister to explain the position clearly in his reply.

There is a provision in the Bill to set a charge of $4 on the licensing of tractors used by farmers on their properties. If this proposal would bring about uniformity, I think it would be a good thing to have all of these vehicles licensed, irrespective of whether they move across the road from one property to another or are used only on a particular property. I understand the present system is that if an unlicensed vehicle is to move across a highway, then there has to be a permit obtained from the local authority and requisite fees have to be paid to enable such movement. Therefore, if all of these vehicles were licensed, the local authorities' power to exercise the right of removal of a vehicle would cease and, with it, the possibility of the risk, at times, where people—perhaps through ignorance—may move a vehicle across a highway without knowing that they should obtain this permit. The Minister made some comments in his notes and I would like to refer to them. He said—

> There is no obligation on a farmer to license his tractor at the fee of $4 if the tractor be used entirely on the farm and not used at all on the road.

The Hon. A. F. Griffith: That is right—never taken off the farm.

The Hon. W. F. WILLESEE: Yes, never taken off the farm. I consider the licensing of all tractors would be a better system, even if they were never used off the farm. After all is said and done, the sum of $4 is quite a nominal amount. If this licensing became compulsory, there would be no problems. I suppose the fee of $4 would include third party insurance and coverage for similar risks which, in the main, are the real risks covered by licensing today.

Because the measure is before the House, I wanted to take the opportunity to mention my views in connection with it. It is of interest that, in support of the Bill, the Minister stated the Country Shire Councils' Association supports the idea of all farm tractors being licensed at a flat rate, without any restriction on use. That is more or less the point I was aiming at when I made my previous remarks.

There is also the provision which deals with railway crossings in the country under which local authorities will be called upon to contribute to their cost. In addition, the Railway Crossing Fund Account will receive a contribution from the Main Roads Department. I consider this provision is something with which everyone can only be in complete agreement. The standardisation of railway crossings is a most important issue and, whether the crossing is in the country or in the metropolitan area, efficiency should be the main object of its construction.

There is also a provision for reciprocity in regard to drivers' licenses. Previously a person from another State who had held his license in that State for the duration of one or two years would be treated as a learner if he came to Western Australia, and he would have to undergo a three-year period on probation before being credited with a full license. Under the provisions of this measure, consideration will be taken of the period of time the licensee has been driving a vehicle in another State. Consequently, if a person has had one or two years' experience in driving when he comes to this State and applies for a license, he will be obligated merely to take up the balance of the three-year period as a trainee driver.

If a man can drive successfully for one or two years, obviously I think it would be an encouragement to him if our State accepted the fact that he has been able to do so efficiently; and encouraging, also, for us to treat him on an equal basis when he comes to this State from another State.

There is also a provision in the Bill which deals with the renewal of drivers' licenses—or the reissue of drivers' licenses—when they have lapsed for a period of five years or longer. The provision is that, after five years, the law will have the right to re-examine the person and a fee is prescribed for such re-examination. It is surprising to know that after their licenses have lapsed for many, many years, apparently people expect to get them renewed again without any difficulty. They think that because something was good and valid 10 years ago, it should automatically be the case today. In truth, anyone who does not, for more than five years, constantly drive a vehicle would be, I would say, in great difficulty when he takes to the road again, and would constitute a hazard not only to the traffic with which he mingles, but also in respect of his own life. This is because increasing traffic is something one must grow up with or be taught to

handle. If a person has not driven for a long period of time since he was granted a license, he cannot handle this kind of situation.

There is also a provision in regard to the cancellation of a license when a valueless cheque is submitted. I do not quite know how this problem should be coped with. For example, "A" could have given a valueless cheque and received his license, and then he mingles with the community. The fact that the license is declared invalid would not, I think, have very much practical effect unless the man were identified and he had the license in his hand, because the license, itself, would not be cancelled. It would be the license which was issued to him at the time he tendered the cheque. I think this is a hazard which has to be considered and treated with very great care.

I suppose there would be very few people who would do this. In fact, it would be most rare that a person signing a cheque to obtain a driver's license would take the risk of giving a valueless cheque, because the consequences to a person of any repute would be so great that the mere act of issuing a valueless cheque would be fatal to his good name and, indeed, to his credit. However, there would be the person who considered he had nothing to lose and that type of person could do this sort of thing. To my mind, the only possible remedy would lie in the good judgment of the officer concerned.

In this regard, I feel there should be some precautions taken with reference to the posting of cheques. Personally, I post cheques for all forms of vehicle licensing and I know many other people do likewise. With regard to the license itself—and indeed the registration of a motor vehicle—I have noticed that quite a considerable period of time elapses before the document is returned to me.

The Hon. A. F. Griffith: Yes, but when you write a cheque you have money in the bank to back it up.

The Hon. W. F. WILLESEE: Not always; I have a considerate bank manager.

The Hon. A. F. Griffith: The provision in this measure aims at the fellow who writes a valueless cheque and who has nothing to back it up.

The Hon. W. F. WILLESEE: How is the distinction made between "A" and "B"?

The Hon. A. F. Griffith: When the cheque is presented!

The Hon. L. A. Logan: It is too late, then!

The Hon. W. F. WILLESEE: Yes, at that point it is too late to say, "We must put the cancelled stamp on his license." However, this is a problem and I suppose something has to be done to try to cope with these problems as they arise.

There is a further provision in the measure with regard to the absence of proof—or the onus of proof, if one likes to call it that—in the case of a prosecutor for a traffic offence having to establish exactly where the offence took place. From my reading of this Bill, it appears to me it will not be necessary for a prosecutor to say, "This offence took place at a given point in a particular shire or municipality." It will be sufficient that an offence was committed and that it is brought forward by the prosecution.

As a principle, I do not like this at all, because I think it is dangerous. The prosecutor should prove where the offence took place. This could be important in regard to the area in which the offence occurred when it is close to the adjoining boundaries of two local authorities. When this happens, the point arises as to just where the prosecution will be proceeded with. There is also the consideration of jurisdiction in the country in areas where one traffic inspector's boundary adjoins that of another inspector's boundary. Whilst, no doubt, this provision is included in the Bill for good reasons, and because of what has gone before, I consider the principle is a dangerous one. Even if we err sometimes a little on the side of caution, I think it is better to be right than to do something in the name of the law which can be proven wrong.

In the main, this Bill is merely amending the existing legislation. I had in mind that perhaps a comprehensive Bill would have been brought forward—if not this session, then later on—which had regard for the whole of the Traffic Act to ensure it was brought up to date. If deletions were necessary, these could have been made and the result would have been a comprehensive presentation of all of the problems of the Traffic Act. The Traffic Act would then have been in a consolidated form.

However, the Government has seen fit to bring this measure forward and I consider there would be no point in opposing it. Obviously, it has been brought forward for the purposes of better implementation of this law. I refer the Minister to the problems which I envisage and which I have mentioned and, if he is able to clarify these, I consider the Bill should be supported.

**THE HON. R. THOMPSON** (South Metropolitan) [12.43 p.m.]: Mr. Willesee referred to many points in connection with this Bill and I would like to refer to one which he mentioned. I refer to the provisions of clause 6 of the Bill and I think it would be more opportune for me to raise this matter now rather than in the Committee stage.

The Hon. A. F. Griffith: Clause 6, you say?

The Hon. R. THOMPSON: Yes, it says—

> A local authority shall issue a license for a tractor, other than a prime mover, that is owned by a per-

son carrying on the business of farming or grazing and that is used, or will during the currency of the license be used, solely in connection with the the owner's business of farming or grazing, on payment of a fee of four dollars per annum.

Some people in the metropolitan area, such as market gardeners, and others, have large holdings which come within the metropolitan zone and they pay their license fees for tractors to the Police Department. Very early this year, it came to my notice that license charges on tractors had increased considerably for market gardeners whom, I consider, should be taken into the category of "farmer." After all, a market gardener is using the tractor for tilling his land, and pulling various attachments, in the same way as a farmer would do.

I ask the Minister if he would tell us in his reply whether these people are going to be put into the same category as farmers. I ask this because, as I have said, apparently they pay their licensing fees to the Police Department, and because the wording in the Bill is, "A local authority shall issue a license."

**THE HON. J. HEITMAN** (Upper West) [12.45 p.m.]: I would like to say a few words on this Bill. I quite agree that the carrier's license plates are no longer necessary, because the legislation dealing with heavy haulage has more or less taken over. The amendment concerning the staggering of licensing is, I feel, only meant for the metropolitan area, because section 10A of the principal Act has not been repealed or altered. I feel this is perhaps a pity, because the people in the country could easily be given this right to license for shorter periods, or in staggered months.

Previously when a license was given over a three-monthly term, it suited many of the farmers in the country areas, though I would not say it exactly pleased the local authorities because it meant more paper work and more recording had to be done. But I do feel that later on, when an appropriate recording system is instituted in country areas, perhaps a similar amenity could be made available to the country shires to permit of licenses being issued at staggered periods.

The amendment which permits the issue of unrestricted tractor licenses at a cost of $4 is a provision which the Country Shires Councils' Association has been endeavouring to have incorporated for some time. With free licenses there has always been the thought, and the rulings by different shire clerks, that this did necessitate approval to take tractors to and from repair shops, or to travel across the road from one part to the other; although it has been pointed out over the past three years that the free license only permitted farmers to take tractors from farm to farm, or across a road from paddock to paddock.

Although unrestricted licenses will cost the farmer considerably more—it will be about $4, plus the third-party insurance cover and the cost of the plate—I still feel it is a good exercise, because it will make it necessary for tractors to be covered by third-party insurance, with the possible exception of those that remain on the farms.

Mr. Willesee pointed out he would like to see these tractors licensed, but there are quite a few track type tractors which work on the farms, and which the majority of the local authorities do not like to see crossing over or travelling on the roads. So the tractors are left on the farms, and if they are moved at all, they are generally moved by low-loaders. This is a very good thing as otherwise they tend to destroy the road surfaces. Unrestricted licenses will allow farmers to tow machines along a road whether it be from a siding or for the purpose of going to a repair shop. This is a good thing, because less time will be wasted by having to go into town to obtain a permit to do this work.

It is estimated that the unrestricted licensing of tractors will bring in approximately $60,000 to $70,000 in revenue, which will not be used as matching money. I am disappointed about this, because the local authorities, like the Main Roads Department, are very short of funds to enable them to carry out necessary work in country areas. I also realise that matching money has been taken up with the funds which came in from the legislation dealing with heavy haulage and the other Bills introduced last year.

Of course $60,000 to $70,000 is not a great deal when one considers that there are 120 shires. The amendment dealing with the Railway Crossing Protection Fund Account is a move in the right direction. Although a flashing lights committee has been operating in the past over a number of years, its activitity has been curtailed by the lack of finance. I feel it is a step in the right direction for local authorities to contribute half of their transfer fees to a fund to make railway crossings safe for the travelling public; to install flashing lights, and to keep them in good repair.

Here again the local authorities will be subscribing £200 to £240 on an average. It is, however, a worthwhile move, and few shires will object to these safety measures. It is pleasing to see in the Bill an amendment to section 69 of the Traffic Act. This overcomes the necessity to present expensive lithos when certifying a traffic offence has taken place in a particular local authority.

In the past many cases have been lost by traffic inspectors because their lithos of the area were not up-to-date. Some magistrates insisted they be taken out every six months; but as these lithos cost $80 it constitutes an added expense and burden for every local authority to supply such a litho to its traffic inspectors.

I feel this could be overcome to some extent by gazetting the names of the traffic inspectors, not for a particular shire, but for several shires or wards in the State. There would not then be a need to prove that an offence took place in a certain locality or the need to supply plans. It is pleasing to see that under the Bill there will not be a need to furnish lithos.

The rest of the Bill deals with drivers' licenses. I do not think there will be any opposition to the measure from the local authorities, because on practically every occasion the Minister has conferred with them and with the Country Shire Councils' Association. This Bill is a step in the right direction.

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Mines) [12.54 p.m.]: Fundamentally this is a Committee Bill. No opposition has been raised during the second reading, so it is preferable to deal with the points which have been raised during the Committee stage.

The Traffic Act seems to need constant revision. It was last approved for reprint on the 15th June, 1964, and that reprint is therefore not very old. My attitude towards reprints is that departments should be directed to reprint Acts as often as convenient. I realise that an Act which is amended from time to time becomes difficult to understand, because of the amendments affixed all over the place. Mr. Willesee pointed out that the Act was due for a general overhaul and that might be so. Is it acceptable to the honourable member if I leave my comments on the points raised until the Committee stage?

The Hon. W. F. Willesee: That will suit me.

Question put and passed.

Bill read a second time.

*Sitting suspended from 12.57 to 2.31 p.m.*

*In Committee*

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

Clause 1 put and passed.

*Progress*

Progress reported and leave given to sit again at a later stage of the sitting, on motion by The Hon. A. F. Griffith (Minister for Mines).

*(Continued on page 2898)*

## WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY BILL

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

*Second Reading*

**THE HON. G. C. MacKINNON** (Lower West—Minister for Health) [2.35 p.m.]: I move—

That the Bill be now read a second time.

This Bill has been introduced in order to establish the Western Australian Institute of Technology as a completely autonomous institution and independent of departmental control.

The conception of this idea primarily is motivated by our desire to set up a professional technical establishment providing comprehensive tertiary education in courses designed to meet the needs of industry, business, and community services, including health and education.

The institution will, for the time being, house sub-professional technician courses and, more particularly, the later years of those courses.

It may be expected, however, that these will be off-loaded to other technical colleges and schools as greater usage is made of the laboratories and classrooms of the institute by the professional courses.

Naturally, the institute is planned as a facility for the whole State at this point of time but it is envisaged that branches will be established in major country centres later and land is being set aside for that purpose.

The South Bentley site houses at present the departments of chemistry, mathematics and physics and will, progressively, encompass such other subjects as architecture, engineering, surveying, art, accountancy, management and administration, librarianship, and various branches of teaching.

The institute will perform a complementary role to that of the University in the field of tertiary education.

While the major objectives of the University lie in research and scholarship, the main concept of the institute is in the production of professionally trained students qualifying through courses strongly biased towards application and production and the immediate needs of professional practice.

I hasten to add, however, that courses will contain a substantial body of theory closely related to practice—this with a view to developing the ability to apply theory to practical application. The institute objectively accepts the advancement of knowledge as of great importance but this will remain subsidiary and complementary to the teaching function.

The technical division of the Education Department has shown, in a most practical manner, its capacity in administration so it is not desired to imply that, by the introduction of this Bill, any criticism in that direction is intended. There are other important factors, however, which must be given due consideration.

For instance, the Martin Committee, in its report, placed strong emphasis on the need to build up the status of senior technical institutions. Yet the prestige and general esteem of a State educational institution appears to be more highly regarded by the community, and I refer here more particularly to the industrial community, if such institution be independent of departmental control. Indeed, professional bodies, on whose co-operation on advisory committees, the success of the institute depends considerably, already are growing restive in that regard.

Also there is an increasingly urgent staffing problem developing at the institute. This necessitates open advertisement of positions for it is obviously essential that the very best available teachers be appointed to the staff.

The present system of promotional appeal, however, favours employees of the department irrespective of their qualifications and this of its nature discourages outside applicants. An added factor is the salary scale and conditions of service that can presently be offered. While the institute, of its nature, will seek to draw staff having more occupational experience than would the universities, it will, nevertheless, as a tertiary institution, need a salary scale related to those of universities if its objectives are to succeed.

This outlook is fortified by the Committee on Tertiary Education, established earlier this year by the Premier, in its interim report. The committee's initial action was to examine the future control of the institute and in this connection, I would quote from the interim report as follows:—

> The Committee is of the opinion that the Western Australian Institute of Technology should be separated from the Department of Education and established by a Statute as a fully autonomous institution subject only to certain limitations noted later in this report. This conclusion is in no sense to be read as a criticism of the Education Department, which has shown great foresight in planning and developing the institute to this stage along lines which have proved to be very consistent with those recommended by the Martin Committee on tertiary education and endorsed by the Wark Committee. Indeed, the department has assumed that, at some stage in the development of the institute, it would become autonomous.
>
> The reasons which have led the committee to the conclusion that the institute should be autonomous are set out hereunder:
>
> 1. It is unlikely that the institute itself and its awards will receive full public support and recognition unless it is seen to be academically independent.
>
> 2. It is vital both to the standard of its courses and to its prestige that the teaching staff of the institute should be appointed on the basis of open competition and that it should seek to attract staff from elsewhere. It would be difficult, if not impossible, for this to be done if the staff had to be appointed under the Education Act with all appointments open to appeal:
>
> 3. The grant of autonomy to the institute will reduce the range of educational activity for which the Education Department, particularly the technical education division, is responsible and will permit greater concentration on other equally important parts of that system.
>
> 4. Independent status will facilitate the development of close working relationships with other institutions teaching at tertiary level, including the University of Western Australia, which are necessary to ensure the complementary and economic developments of those institutions in the interests of the State as a whole.
>
> 5. An independent institution can be expected to attract support from industry to a degree which could not be expected by a departmental agency, especially if the governing council includes experienced representatives of industry and of professional bodies.

Members will be aware that the proposals contained in this Bill are not unique by any means in this country. Inquiries in other States reveal, for instance, that the South Australian Institute of Technology is an autonomous institution.

In Victoria, also, several of the major technical institutions are conducted by councils subject only to the approval of the Minister in specified areas, and Victoria proposes to extend this system.

As yet, there have been no clear decisions in either New South Wales, Queensland, or Tasmania, all of which are progressing through the early stages of development in this field. In view, however, of the strong forces of opinion in this direction, there can be little doubt that the eventual trend will be towards the establishment on independent councils for tertiary technical institutions. Under the proposals in this Bill, the institute will be set up, as I have already foreshadowed, as a body corporate and its function will be to provide the facilities for higher specialised instruction and to advance training in the various branches of technology and science.

As previously indicated, emphasis will be on the practical application of science and

techniques to industry. Both full-time and part-time facilities will be available. In keeping with the technological nature of the institute, as envisaged, awards to successful candidates will be in the nature of diplomas and certificates rather than of degrees.

Here I would point out that an amendment was inserted in the Bill by those in another place to add the word "associateship." In Committee it is my intention to move for the deletion of this word so that the Bill will provide that diplomas only will be presented. There are several reasons why this is being done which I will outline at the appropriate time. Suffice to say now that the matter has been discussed with the honourable member in another place who moved the amendment who, after overnight consideration, has reached the conclusion that the Bill would be better drafted if the word "associateship" were deleted.

The Government body will consist of a council comprising either 13 or 14 members; the exact number depending on whether the chairman is appointed by the council from among themselves or from outside. There is provision for the council itself to co-opt two additional members, as considered necessary from time to time, in addition to a representative from each branch of the institute as it is formed.

Of the elective members, six will represent professional, industrial, and commercial interests; one will be appointed by the Senate of the University of Western Australia and two by members of the institute's staff.

Again arising from discussions that have been made on the Bill, a request was made that one of the academic staff should be appointed as a member of the council. Agreement has now been reached that when the staff—which is yet to be appointed, of course—has reached 10 in number, one of this number will be appointed as a member of the council. In Committee I will move an amendment to insert the necessary provision when the matter can be discussed more fully.

It is proposed the four ex-officio members will be the Director-General of Education or his nominee; the Director of Technical Education; the Under-Treasurer or his nominee, and the chief executive officer of the institute.

While appointments will be for a period of three years normally there is provision for a staggered period covering initial appointments. This is being done in order to ensure that reappointments are not simultaneous.

Provision has been made for the appointment of an interim council which will hold office for approximately two years. This has been done in view of the difficulty of providing, at short notice, for the permanent council. There is provision, accordingly, that the permanent council must be established in not less than two years, or more than two years and three months from the date of the proclamation of the Act.

The interim council will consist of eight members, three to be appointed by the Governor and one by the University Senate. The four remaining will be the *ex officio* members nominated as already explained.

Obviously, the interim council will have the same powers and duties as are prescribed under the Bill for the permanent council, but not those relating to its constitution. Members of the interim council will be eligible for appointment to the permanent council.

The council will have the responsibility for the management and control of the property and affairs of the institute and, subject to the approval of the Minister, may establish branches, as I have already mentioned, in other parts of the State. The necessary funds for this project will be derived from several sources. There will be the annual appropriation by Parliament, as sought. Money will come in by way of fees and charges. Also, the council is empowered to accept gifts or bequests, and Federal money will become available under existing arrangements.

There is provision for the council to be given borrowing powers to be used subject to the Governor's approval and loan moneys so raised will be guaranteed by the State. There is the requirement that estimates of the institute must be approved by the Minister before being submitted to the Treasurer. The institute's annual report will be tabled in both Houses of Parliament.

Under the provisions of this measure, the South Bentley land will be vested in the council with automatic reversion to the Government should it be no longer required for institute purposes. The council is authorised to lease part of the land for the purpose of a residential college or hostel. Also, land vested in the Minister for Education and land reserved under the Land Act as sites for schools and other educational purposes, may, by Order-in-Council, be vested in the council. The council is authorised to make by-laws for the control and management of all institute land.

As the institute will be autonomous, the council will have sole right to engage and dismiss staff, and terms and conditions of employment offered will be subject to the approval of the Minister.

Superannuation will be available to the permanent staff of the institute. State public servants and State school teachers, who are appointed to the institute, will be enabled to retain their accrued benefits, such as superannuation.

The council is empowered by the Bill to make Statutes with respect to all matters pertaining to the institute and to proclaim by-laws and make rules for giving effect to the Statutes.

I commend this measure projecting the opening up of new educational developments in this State to members.

Debate adjourned until a later stage of the sitting, on motion by The Hon. J. Dolan.

*(Continued on page 2901)*

## STAMP ACT AMENDMENT BILL

*Assembly's Message*

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

## MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

*Second Reading*

**THE HON. L. A. LOGAN** (Upper West—Minister for Local Government) [2.52 p.m.]: I move—

That the Bill be now read a second time.

I would remind members that last session a Bill similar to this was introduced into the Legislative Assembly and taken to the second reading stage. This was done to allow the Bill to be studied and commented upon.

In general, up to the time of the introduction of the Bill this year, the main criticism has come from the Law Society and legal men opposing the setting up of a tribunal. The Bill introduced last session has been distributed widely, and this distribution included many shire councils. No objection has been raised by any of them. In the last fortnight since this Bill was introduced I have been to many country centres and attended many functions, but not on one occasion did I hear any objection being raised to the Bill before us.

The basic principles of the Bill, as introduced, provided for the lifting of the present limit of liability to indemnify an injured person in respect of claims by passengers. Under the present Act the trust indemnity is $12,000 in respect of each passenger and the total limit is $120,000 in respect of all passengers. The Bill also provides, in certain circumstances, for spouse to sue spouse, to provide for lump sum or weekly payments or a combination of both. With these amendments in mind, and in an attempt to achieve uniformity and simplicity, a tribunal as provided for in the Bill is to be established.

I might add that there is not to be any departure from the present procedures of the trust which will deal with all cases as at present. Only those on which the trust and the appellant disagree will be heard by the tribunal. This, in effect, is an appeal against the trust, the same as is heard today by a single judge.

The Hon. N. E. Baxter: Will the Minister explain the lifting of the present limit of liability to indemnify injured persons?

The Hon. L. A. LOGAN: If a person was a passenger in a car and the driver was solely responsible for the accident, the maximum amount of damages that can be awarded is $12,000, with a total limit of $120,000 in respect of all the passengers. If a person was a passenger in a car and was injured, but the driver was not negligent, there would be no limit.

A good many of the objections and much of the publicity given to this measure has been based on conjecture concerning appointment of two members of the insurance companies to the tribunal. In view of this, it is obvious that these critics have not read the Bill, or if they have, they have not understood it, because the Bill makes no reference to appointment of insurance representatives but states categorically that one shall not be an insurance representative if he has had any connection with an insurance company during the previous seven years.

I could go on and refer to the reports, letters, and articles which have appeared in the Press, the majority of which contain statements that are not factual and show a complete lack of knowledge of what the Bill contains. Since the measure was introduced it was found necessary to amend clause 10, otherwise a judge could receive two salaries whilst occupying one position. I might refer to some of the statements that have been made.

In the matter of costs of administration under clause 12, an additional subsection was added in another place to provide that—

> (3) Where the chairman of the tribunal is a judge, his salary appropriated by the Judges' Salaries and Pensions Act, 1950, shall, without affecting his rights under that Act, be taken into account as part of the costs mentioned in subsection (1) of this section and the appropriations from the public account shall be adjusted accordingly.

Clause 17 also was amended in the Legislative Assembly to remove finality from the decisions, determinations, or judgment of the tribunal, thus killing, in effect, the main objectives of the Bill in the setting up of the tribunal itself. Accordingly, I leave it to this House to judge the value of the amended Bill on its merits. When this Bill reaches the Committee stage it is my intention to move to restore the Bill to its original form.

I shall not explain the clauses as they appear in the Bill and for the information of members not having a copy of these notes, this information is clearly set out

in pages 2234, 2235, and 2236 of the current *Hansard*.

Clause 1 is the title. Clause 2 provides for the commencement date to be fixed by proclamation. Clause 3 amends the long title. Clause 4 defines "Tribunal."

Clause 5 amends section 3P which deals with accounting procedures to enable the trust to put into effect periodical payments in lieu of a lump sum which may be ordered by a tribunal.

Clause 6 amends section 6 by repealing subsections (2) and (3) which provide for the limitation of liability in respect of passengers' injuries. The new subsection (2) ensures that the unlimited indemnity of the trust proposed by this Bill will not make the trust liable for increased amounts for accidents which occur prior to the commencement of this Act.

Clause 7: A new section 6A is inserted after section 6 to provide for spouse to sue spouse for injuries caused by the negligent use of a motor vehicle. Provision is also made to ensure that this liability is not incurred in respect of uninsured vehicles.

Clause 8: Similarly to clause 6, this new section 7, provides that spouse may not sue spouse in respect of injuries incurred in accidents prior to the commencement of this Act.

Clause 9: A new section 8A is inserted providing that, in the event of a claim by an injured spouse against both the negligent spouse and another driver, the trust shall only be liable to indemnify the other driver for that portion of his liability attributable to his negligence where the vehicle driven by the negligent spouse is an uninsured vehicle within the meaning of the Act.

Clause 10: Section 16, which at present provides that action brought against the owner or driver of a motor vehicle or against the trust for damages in respect of death or bodily injury, to any person, caused by the use of that motor vehicle, shall be tried by a judge without a jury, is repealed. In its place a new section 16 is provided and subsection (1) is inserted to provide for the establishment of a third party claims tribunal of three members to hear such actions. Subsection (2) prescribes that the tribunal shall consist of three members appointed by the Governor of whom one shall be chairman and the others nominee members.

The Hon. H. K. Watson: One could be a judge, and the others could be solicitors.

The Hon. L. A. LOGAN: They could be doctors, accountants, or members of any profession, provided they are the right type of people.

Subsection (3) of proposed new section 16 provides that the chairman shall be a judge or if that is impracticable, a legal practitioner with judicial qualifications. Subsections (4) and (5) provide for the formal standing of the court and an official seal. Subsection (6) provides that the nominee members shall be appointed by the Minister and that one of these members shall have not, during the last seven years, been engaged in the business of insurance.

Subsection (7) provides for the term of office of the chairman to be seven years. Subsection (8) provides for the appointment by the Governor of a substitute member when the appointed member fails to take office. Subsection (9) provides for the term of office of the nominee members. Subsections (10) and (11) provide for the Governor to terminate appointments in certain circumstances and for the appointment of substitute nominee members in the event of an appointed nominee member ceasing to hold office before the expiration of the term. Subsection (12) sets out the circumstances under which nominee members automatically cease to hold office.

Subsection (13) provides for the retiring age of the chairman and nominee members of the trust. Subsection (14) provides for the appointment of deputy members of the tribunal and the ratification of decisions made by the tribunal when deputy members are included. Subsection (15) provides for the remuneration of members of the tribunal. Subsection (16) provides for leave of absence for members being granted by the Minister.

Subsection (17) provides that no member of the tribunal shall engage in any other occupation without the consent of the Minister. Subsection (18): The decisions of the tribunal are determined by the majority except on questions of law when such questions are determined by the chairman.

Under clause 11, a new section 16A is inserted to provide for the appointment of a registrar and other officers and servants to be appointed under the Public Service Act.

Clause 12: At present the costs of courts are met from Treasury funds but as this is a special court involving a section of the community only—that is, the motorist—it is considered that the motorist should, through the premium, contribute a portion of the cost and where the chairman of the tribunal is a judge, his salary is to be taken into account as part of the costs of administration.

Clause 13: A new section 16C provides for the appointment of the registrar, and his duties, and a deputy in the event of his absence.

Clause 14: A new section 16D is added providing for proceedings to be public unless the tribunal decides otherwise. This section also provides for the proceedings to be adjourned and for the assistance of persons with specialised knowledge or skill who may be required to give evidence before the tribunal at the request of any party to the proceedings.

Clause 15: A new section 16E provides in subsections (1) and (2) that after the date to be proclaimed, the tribunal shall have exclusive jurisdiction to hear all actions brought against an owner or driver or the trust for death or injury arising out of the use of a motor vehicle, but action commenced prior to the date proclaimed shall be continued under the jurisdiction of the court in which such action was commenced.

In subsection (3) of section 16E, there is provision that any party to an action who is not the driver or owner of a motor vehicle involved, may apply to a judge for an order that such issues in the action as he may direct shall be determined by a court and not by the tribunal.

Subsection (4): No action is maintainable against any members of the tribunal for decisions given in good faith.

Subsection (5): The tribunal will have the same powers as at present are exercised by the judge but, in addition, may in certain cases award periodical payments in lieu of a lump sum, or a lump sum and periodical payments. The subsection also provides that the tribunal may at any time review such periodical payments.

Clause 16: A new section 16F is added and subsections (1) and (2) provide that the tribunal may delegate all of its powers —other than those powers of delegation— to a magistrate of a local court, and such magistrate shall have all the powers of a tribunal. This is intended to provide for the minor claims in remote country areas, but otherwise it is intended that the tribunal shall go on circuit in the country.

Subsection (3) provides that any party to an action heard by a magistrate in accordance with the previous subsection may appeal from the decision of a magistrate to the tribunal but otherwise the decision of the magistrate is final.

Subsection (4) provides that a report of proceedings before a magistrate shall be forwarded to the tribunal within 14 days.

Clause 17 provides for the inclusion of a new section 16G under which it is provided that any decision of the tribunal as to *quantum* of damages assessed shall be subject to appeal to the Supreme Court, which may make such order as it determines including payment of costs. These are the provisions in the clause as amended in the Legislative Assembly. I intend to restore the provisions deleted in another place.

Clause 18: A new section 16H provides that any person who is party to an action may appear before the tribunal personally or be represented by a legal practitioner.

Clause 19: Section 29A is amended to provide for necessary alterations occasioned by the inclusion of the spouse *versus* spouse provisions in the new section 6A.

Clause 20 empowers the Government to make regulations to give effect to the provisions and purposes of the Act.

Clause 21 makes provision for the necessary amendments consequent upon the introduction of decimal currency.

I said that I might refer to some of the newspaper articles, and letters which have been published over the last few weeks. I have given some consideration as to whether or not I should say anything about them, but in view of the fact that a number of the articles gave the wrong impression to the general community, I thought it only right that I should refer to some of them.

Perhaps we should get the record straight in regard to the President of the Law Society who, in his letter published on the 11th November, said—

> The attempt to divide the opposition by saying that there is a conflict of opinion between the society and the R.A.C. is a clever tactic, but the statement is incorrect. They agree completely on all points.

Far be it from me to attempt do do anything underhand to cause dissension between the R.A.C. and the Law Society. I received a deputation of the Secretary and President of the R.A.C., and we discussed the provisions of the Bill. Obviously they had a letter typed before they came to me, and at the conclusion of our hour-long discussion, they handed the letter to me. It reads as follows:—

> Dear Mr. Minister,
>
> The Council of the R.A.C. has carefully considered the provisions of a Bill to amend The Motor Vehicle (Third Party Insurance) Act, 1943-64, and submits to the Government the following representations:
>
> The three major provisions of the Bill are:
>
> (1) To provide for claims by spouse against spouse.
>
> (2) To remove the present limitation of damages payable by the Motor Vehicle Trust in respect of passenger claims.
>
> (3) To create a Third Party Claims Tribunal.
>
> As to (1) this is an extension of the cover at present provided and must result in increased premiums.
>
> The possibility of collusion, the probability of benefit being enjoyed by the negligent spouse from damages awarded to the claimant spouse and the position created by a wife and husband on opposing sides in a court of law require much more careful examination.
>
> As to (2) this amendment must automatically result in increased Third Party Insurance premiums to the majority of motorists who are now covered against the excess passenger

risk under their comprehensive insurance policies.

As far as can be ascertained comprehensive insurers will maintain that this excess cover in the Bill represents only a minute proportion of comprehensive insurance premiums. It is, therefore, considered most unlikely that any reduction in these premiums will be made.

In effect, this means that the great proportion of vehicle owners—conservatively estimated at 80%—who are already fully covered against excess passenger risk for a very modest sum, under their comprehensive insurance cover, will be required to pay higher Third Party Insurance premiums to ensure that the minority remainder are carrying full passenger risk cover.

The economic impact of such a radical provision does not appear to have been fully considered nor does any possible alternative.

As to (3) the Council of the R.A.C. is opposed to the provisions of the Bill dealing with the creating of a Third Party Claims Tribunal on the grounds that it is wrong in principle and not justified by any good reasons, to usurp the proper functions of the Courts by creation of a Tribunal and to deny parties involved in motor vehicle accident claims the benefit of full and proper rights at law.

In view of the foregoing it is urged that the matters covered by the Bill be submitted for examination and report to the Government by a fully representative body, such as a Parliamentary Select Committee, empowered to hear and consider evidence from interested parties.

Yours faithfully,
D. R. CAMPBELL,
President.

Nobody can tell me that that is an acceptance of any part of the Bill. The Law Society said that it had only one basic objection to the Bill and that was in regard to the tribunal. To the rest of the measure the Law Society agreed. Therefore, surely I was entitled to say there was a conflict of opinion between the R.A.C. and the Law Society!

In the *Daily News* of the 18th November—and this is only a minor point, but I think I should mention it to keep the records straight—there is an article which states that Mr. Hassell said the Liberal Party had sent a deputation to Local Government Minister Logan. The Liberal Party sent a deputation to the Premier, and the Premier invited me to sit in with him. As regards Professor Braybrooke, I shall refer to him later on. In *The West Australian* of the 21st November, a Mr. V. J. A. O'Connor, who is a solicitor, said—

> And if the judges should refuse, what then? Will the government reclassify one of its senior law officers as a "judge"? Will it import some benighted person from foreign lands where judges are public servants? Or will it elevate the manager of the M.V.I.T. to the position?

Obviously he does not know what is in the Bill, otherwise he would not make such stupid statements.

The Hon. F. R. H. Lavery: It would not be any good giving him the job.

The Hon. L. A. LOGAN: He would probably be looking for it. When a man talks about the manager of the trust becoming the chairman of the tribunal, and the legislation lays it down that that person must be a judge or a legal practitioner of not less than eight years' standing and practice, it is just too silly.

Then we get an unnamed lawyer who, in *The West Australian* of the 11th November, talks about the amount of money the trust has invested, implying that the trust should use this money to pay its debts. He does not know anything about third party insurance, otherwise he would know that while the trust does have some money invested it has $9,000,000 in claims against it already, and those claims have to be met.

Then in the *Daily News* of the 25th October we have another unnamed lawyer saying that the Bill was an attempt to save money for the motor vehicle insurance trust by cutting down the size of awards to accident victims. I shall refer to that statement later on. The article then goes on to state—

> They suspect—

That is, the Law Society suspects—

> They suspect that two members of the three-man tribunal would be officers appointed from the MVIT.

These are supposed to be men of standing in the community and yet they make statements to the Press that are absolutely untrue. Obviously they have not read the Bill.

One would think the leader writers of both local newspapers would find out what is in the Bill, but obviously they have not done so; because in the *Daily News* of the 21st November the leading article says—

> But the fact that men steeped in insurance philosophy will take two of the three places on the tribunal throws doubt on the whole thing.

The leading article in *The West Australian* of the 22nd November—and apart from this misstatement nobody could take exception to the article—had this to say—

> A further objection is that the head of the tribunal could be overruled by the other two on the bench, who would be insurance assessors. Their object, it is inferred, would be to keep damages awards down.

Had the leader writer read the Bill he would have known that statement was en-

tirely wrong; and leader writers should not write leading articles which are not factual.

The Hon. E. M. Heenan: He is right.

The Hon. L. A. LOGAN: Who is right?

The Hon. E. M. Heenan: The other two members can override the judge.

The Hon. L. A. LOGAN: Those who would be insurance assessors?

The Hon. E. M. Heenan: No, the two can override the judge.

The Hon. L. A. LOGAN: I was not referring to that. He referred to insurance assessors.

The Hon. E. M. Heenan: No, but the two lay members can override the chairman.

The Hon. L. A. LOGAN: That is so, but not insurance assessors, as was mentioned in the leading article.

The Hon. E. M. Heenan: But one could be an insurance assessor.

The Hon. L. A. LOGAN: But this says two.

The Hon. E. M. Heenan: But one could be.

The Hon. L. A. LOGAN: There is a lot of difference.

The Hon. E. M. Heenan: And the other one could be as long as he was not employed with a company during the previous seven years.

*Point of Order*

The Hon. R. THOMPSON: Mr. President, under Standing Order 390 is the Minister in order in quoting newspaper articles?

The Hon. L. A. Logan: That refers only to debates. I am not referring to debates.

The PRESIDENT: Order! I will give the ruling.

The Hon. L. A. Logan: Yes, Mr. President.

The PRESIDENT: I rule that the honourable member is in order because this Bill was presented at the last session of Parliament and the newspaper articles the Minister is quoting were actually written before the Bill was presented to the House. I would say the Minister is in order.

*Debate (on motion) Resumed*

The Hon. L. A. LOGAN: Thank you, Mr. President. I took the trouble to look at Standing Order 390 before I decided to use the newspaper articles. That Standing Order refers to debates.

The Hon. R. Thompson: It has been pulled on me a few times.

The Hon. L. A. LOGAN: I want to make it clear I do not mind people objecting to the measure; they are entitled to do that. However, I think such people should stick to the facts.

There was a further article written on the 9th November by a Mr. Lloyd Davies. I do not know who he is or whether or not he is a solicitor; but I intend to treat his article with the contempt it deserves. I now come to a letter written by a Mr. R E. Jones on the 11th November. I understand he is a solicitor. In *The West Australian* of that date his letter appears as follows:—

> It is a safe bet that 90 per cent. of the public did not know that the Motor Vehicle Insurance Trust consists of participating private insurance companies and that those companies expect to make, and do make, profits from the trust's operations.
>
> The ordinary motorist and citizen could be pardoned for thinking that the trust should be in the same position as any private trustee. The law will not allow a trustee in any circumstances to make a profit out of his trust.
>
> Should not and could not the Motor Vehicle Insurance Trust operate on a non-profit making basis, as a government agency if necessary?

It is obvious that Mr. Jones does not know anything about third-party insurance, or he would not make such statements—referring to the members of the trust as ordinary trustees of companies. There is another letter dated the 19th November from Mr. F. J. Tilley, which states—

> The principal effect of proposed amendments to the Motor Vehicle (Third Party) Insurance Act is said to reduce the damages to be awarded to future victims of motor accidents.

I will deal with that later.

The Hon. E. M. Heenan: Have you got Professor Braybrooke's letter?

The Hon. L. A. LOGAN: I have, and I propose to refer to it. I would however like to make reference to his first statement which is as follows:—

> The Government apparently wanted to make W.A. an oasis of low third-party premiums and low-damages awards.

I will challenge Professor Braybrooke, or any lawyer, to show me where the Bill refers to reducing damages, or even where this is implied; because it is not. These statements imply that the proposed members of the tribunal would deliberately reduce damages where they are warranted. They are shocking statements to make. Professor Braybrooke continues—

> Referring to the composition of the proposed tribunal—a judge or lawyer as chairman, and two members with experience in insurance claims work—he said it was notorious that the first reaction of insurance companies was to keep payouts down.

Again we have the statement that the members of the tribunal are representatives of insurance companies. Obviously Professor Braybrooke has not read the Bill. That is the statement he made this morning.

The PRESIDENT: Order! The Minister cannot refer to any statement made today, because the legislation has been before Parliament prior to that statement having been made.

The Hon. L. A. LOGAN: This article does not deal with the legislation at all. Professor Braybrooke further said—

> Mrs. Margaret Baverstock is, I believe, not alone in suspecting that there is something fishy about the scheme as it is operated at the moment and also about the proposals for amendment.

I object very strongly to a professor at the University accusing the trust of doing something fishy. The trust consists of Mr. George Pearce, manager of the Lancashire and London Insurance Company—he has been manager for over 30 years, and has been chairman of the trust for 17 years; indeed, ever since it was formed—there is Mr. Alan Eagle, now manager of the Yorkshire Insurance Company; Mr. Edgar Hogg, manager of the S.G.I.O.; Mr. Charles Liggins of Forsaith Bucknell & Liggins (W.A.) Pty. Ltd., who has been on the trust for 17 years; and Mr. J. Drury, manager of the Queensland Insurance Co. Ltd.

I hope Mr. Heenan will not support Professor Braybrooke when he says that these people are doing something fishy with the trust which Parliament gave them to discharge under a parliamentary Act. All they are doing is to carry out the functions of Parliament by administering the Act.

Apart from this there is a premiums committee which has been set up by Parliament and which consists of Mr. Evans, an accountant; Mr. Hewitt, from the Treasury; Mr. Campbell from the R.A.C.; Mr. Dyer representing the Fire and Accident Underwriters Association, together with a representative of the non-tariff companies, and Mr. Hogg from the S.G.I.O.

The premiums committee has sat at least seven times since last May and has examined all the ramifications of the finances of the trust. I tabled the committee's report recently which recommended an increase of 50 per cent. because of a deterioration in the finances of the trust. When we realise that the administration costs of the trust are about 2.8 per cent., it is a very good record indeed. If people wish to object or criticise, let them do so objectively rather than make incorrect statements. I am sorry I have had to do this; but it has been necessary because of the publicity and the image that has been created in the public eye. It is only right that I should have that image corrected, and I think I have done so.

THE HON. E. M. HEENAN (Lower North) [3.28 p.m.]: In his opening remarks the Minister mentioned that a Bill similar to this was introduced into the Assembly last year and taken to the second reading stage. The intention was to allow the Bill to be studied and commented upon. I am sure the Minister and the Government are not disappointed, because the Bill has certainly been studied and commented upon since it was introduced last year. If the Minister wanted the Bill to be commented upon his wishes have certainly been fulfilled.

The Hon. L. A. Logan: But they have taken a long time to do it.

The Hon. E. M. HEENAN: I commend the Government and the Minister for the course they took last year, because events have amply shown that this measure submitted by the Government is very important. I think it was the responsibility of the Government to permit the Bill to be studied by the public—so that everyone could read it, sum it up, criticise it, and do their best to understand it.

As I said in my opening remarks, the Bill has certainly been commented upon; and I think that is all for the good. By whom has it been commented upon? In the first place, the two daily newspapers of this State have published leading articles on it. I think they have done so on more than one occasion and I do not think it is any exaggeration for me to say that the leading articles of our two daily newspapers have been highly critical of some of the provisions in the Bill.

Who else has commented upon it? We have a law school at the University which has the reputation of having one of the highest standards in Australia. The Dean of the Faculty is Professor Payne; and his second-in-charge is Professor Braybrooke. They are not practising lawyers, and they are not businessmen; their whole profession and interest is centred in studying the profession of law and teaching it to the body of young University students who go to them year after year from our various schools. Members can rest assured these men have achieved their positions because they possess eminent qualifications.

Both Professor Payne and Professor Braybrooke have been critical—I will use that word, without any adjective or adverb —of this measure. Now the next body we come to is the legal profession, the governing body of which is the Law Society. Until a few days ago the president of that society was Mr. Gresley Clarkson who has just recently been appointed a judge. We have heard Mr. Clarkson referred to in the highest terms by the Leader of our House —and deservedly so. Mr. Clarkson in his role of President of the Law Society was critical of this measure, and his successor (Mr. John Dewar) representing the considered view of the Law Society of Western Australia is also critical.

Lawyers are very little different from ordinary people and they have to study very hard. Mr. Willesee and I each has

a son down at the University who has just completed four years of what we realise is very intensive study. After spending all their lives at school, if they qualify, they still have to do two more years of study serving articles and then pass further examinations set by the Barristers Board. So lawyers, in the main, are pretty highly trained these days.

In spite of what some members of the general public say about them, they are honourable men actuated, in the main, by the highest of motives. Their position is somewhat akin to members of Parliament. The public criticises members of Parliament, but we all know that each member with whom we come in contact is a hard-working and sincere man who is here to do the best he can for his district, his electors, and the State. That is something which impresses me year after year as I sit in Parliament—and I think it is true.

I have made these comments about the Law Society, because it is opposing this measure. It has not taken this attitude because, as some people would say, its members are getting fees out of the unfortunate litigation that arises from time to time. However some of these cases do require an enormous amount of establishing, and high stakes are involved.

Members may have read in the Press today that mention was made of a jockey who has been critically injured and who is on the danger list. How are we going to speed up the settlement of his claim? Assuming he lives, how long will it be before the doctors can make an assessment of what lies before him for the rest of his life? How much is going to be involved in medical costs, physiotherapy treatment, and loss of earnings? Yet we hear people say that these claims must be speeded up and that the lawyers and courts are to blame for the present position. Those people do not understand.

Then there is this tendency to worship at the altar of uniformity and simplicity. It sounds all right, but in the case of that jockey who was smashed up, from where could one get a claim that was uniform with his? If another young man of a different age and a different role in life gets smashed up, one cannot put the claims together as each one is different. Dr. Hislop would know this as a result of the thousands of patients he has seen during his life. He will know that they are not uniform and that these cases cannot be set out in categories of "A," "B," "C," and so on.

So do not let us get carried away with this business of uniformity, and simplicity, and hurrying to settle claims. This Bill offers an opportunity for a vast difference of opinion. It is simple enough in its contents and will introduce the right for one spouse to sue the other, which we all know about, and which we all agree is a worthwhile improvement. The amount which can be claimed by a passenger will also be raised, which is a good thing, too. However, those provisions are more or less ancillary to the main purpose of the Bill.

The crux of the Bill is unquestionably, in my view, the establishment of a tribunal in place of the existing method whereby citizens with claims can take them to the courts if the need arises. I agree with the Minister that many cases are settled with the trust. Normally, when someone is involved in an accident and perhaps gets a broken arm and is off work for a few weeks, a fair settlement is made by the trust. The person involved could have doctors' bills, physiotherapists' bills, and suffer a loss of wages. They are all totted up and by negotiation the trust works out, in terms of money, the amount of damages to be paid. That is the normal procedure in my experience.

Such things are hard to assess. A young girl with a nasty scar left across her face suffers a far greater loss than an old lady with the same scar across her face. Such a scar would be far greater damage to a young girl than to a young boy or man. These things have to be assessed in terms of money, and it is a difficult job. However, it is not done by guesswork. There are certain precedents to follow and some people get practised and experienced. I have always marvelled how an experienced farmer can look at a beast and tell, within a few pounds, what it will weigh, and how much wool is on a sheep.

Many claims are settled by negotiation, and that is a good arrangement. My experience is that the trust co-operates and helps, and I think that most practising lawyers would say the same. But then we get a case such as the one in which a jockey was seriously injured a few days ago. Who was in the right, or who was in the wrong? Was the person in charge of the car driving too fast? Did he go around a bend on the wrong side of the road? Or was he talking and not looking where he was going? That jockey who was injured would not know anything about the accident. It is no good asking him what happened. When he recovers in two or three months' time his mind will probably be a complete blank.

The trust may have to pay out a large amount of money, but it just cannot pay it out for nothing. The trust might say that according to its reports the driver was on the wrong side of the road and therefore he was negligent and the trust will not pay out. Then the wife and children of the person concerned are involved and lawyers come into the picture. A search has to be made to try to get evidence, and then it could be thought worth while claiming through the courts. The case goes before a judge, a decision is reached, and an amount is fixed. However, if the judge dismisses the claim, or

awards an amount which is not considered satisfactory, the decision can be appealed against.

That is the system which is working now and we have seven judges. About one-third of their time is taken up hearing these cases. There are seven judges and we could probably get seven different assessments. We all know that magistrates throughout the country impose different fines for similar offences. A man in Kalgoorlie could be fined £25 for an offence and another man could be fined £10 in Albany for the same offence, and so on.

*Sitting suspended from 3.47 to 4.5 p.m.*

The Hon. E. M. HEENAN: Mr. President, I forget just exactly the point where I terminated when the House adjourned for afternoon tea. However, I will address myself again to the question of the tribunal that is proposed to be constituted and which I think is a dominating aspect of this measure. It is to be composed of three members. The chairman is to be a judge; or, if the appointment of a judge is impracticable, a legal practitioner with not less than eight years' standing can be appointed. That appointment will be made by the Governor-in-Council. If the chairman is a judge, he is to hold office for seven years—unlike the judges in our Supreme Court who, at the present time, are appointed, I think, until they are 70 years of age.

The Hon. L. A. Logan: This chairman could go on until he was 70 years of age.

The Hon. E. M. HEENAN: Yes, but it says in the Bill that the chairman shall be entitled to hold office for a term of seven years. However, I will not complain much about that. There are to be two other members and these two members are to be appointed by the Minister. When the Minister was speaking, someone interjected on him and asked who would be appointed. The Minister said anyone could be appointed provided he was the right type of person. This means, provided he is the right type of person in the Minister's estimation. I am sure the Minister will exercise his discretion very carefully and wisely, but his choice of the right type of person might be different, perhaps, from my own or from other people's.

To ensure that he is not connected with an insurance company at the time of his appointment, it is provided that one of these two other members shall not have been a permanent employee of an insurance company for seven years prior to his appointment. He could have been a member of an insurance company more than seven years ago, but as long as he has not been connected with an insurance company for the past seven years, he is eligible for appointment. To my mind that stipulation would satisfy most of us that at least one member will not have anything to do with insurance companies. However, the Bill says nothing with regard to the other member of the tribunal—that is, the third member. There are no restrictions on him at all. I am sure the Minister will agree with me when I say that, according to this provision, he could be appointed from some insurance company or from the Motor Vehicle Insurance Trust.

The Hon. L. A. Logan: The trust will remain as it is.

The Hon. E. M. HEENAN: I accept what the Minister says, but I must stress that there are no restrictions placed on this third person.

The Hon. L. A. Logan: I will give you a guarantee now it will not be any member of the trust.

The Hon. E. M. HEENAN: Yes; I will certainly take the Minister's word for that, but who will he be and who will the Minister consider as the right type of person? As I said, there are no restrictions on who he shall be. Of these two members, one is to hold office for five years and the other one for six years.

The Hon. L. A. Logan: That is so that some continuity can be achieved.

The Hon. E. M. HEENAN: I presume their appointment can be terminated or they can be reappointed. However, these two people would have to look ahead, because they have a term of office of five years and six years respectively, and they have to anticipate that, in five or six years' time, their term on this tribunal will run out and they will come up for reappointment.

At any time, the Governor can terminate their appointment for inability, inefficiency, or misbehaviour. Now, what constitutes inability? I suppose that reasons of health, or a number of things which we can envisage, might constitute inability. Anyhow, the Governor can terminate their appointment for inability or inefficiency.

The Hon. L. A. Logan: It would have to be something pretty drastic, wouldn't it?

The Hon. E. M. HEENAN: I suppose it would, but their term seems a bit insecure to me. Another thing I do not like about it is that when the three of them are sitting together, the decision of any two carries the day.

The Hon. L. A. Logan: Only with regard to *quantum*.

The Hon. E. M. HEENAN: Yes, and *quantum* is the big thing at issue.

The Hon. L. A. Logan: That is the situation with juries.

The Hon. E. M. HEENAN: Although this provision will ensure that the chairman is a judge, or someone extra good, his judgment can be overruled by these two other members. Two members out of the three will constitute a quorum and if the judge and one of these assessors disagree,

the judge's verdict does not go. The other member has to be called in and the majority verdict carries the day.

This tribunal is to deal with very very serious matters. The other day we read in the newspaper where a horse trainer was negligent. He had the care of a valuable racehorse and he did not lock it up properly with the result that it got out and was killed. The Supreme Court awarded damages against him. However, he has the right to appeal against the judgment and I do not think anyone would like to deny him the right to appeal.

If a newspaper libels me; or if some individual libels me, I can take him to court and, if the court awards me damages, he has the right to appeal.

It is a very precious right. If a farmer enters into a contract to sell his farm and a dispute follows which ends in court, surely it is fundamental to our way of life and to our traditions that one should have the right of appeal against the judgment given by the court. Not infrequently judgments are altered or varied. If someone dear to any one of us had to undergo a serious operation, one obtains the opinion of a specialised surgeon or physician, but one is not bound to take his advice. An appeal can be made to some other medical man for another opinion.

If one's land is resumed by the Public Works Department or by a local authority and a certain amount is offered, it is only right and proper that one should be able to appeal against the price that is offered. In these serious matters it seems to me we propose to give away a great deal when we seek to empower a tribunal, such as is proposed in the Bill, with the final and definite right to fix damages from which there is no appeal. Also, it is probable that members of the tribunal will not arrive at a unanimous verdict. The judge may disagree, but the other two members may outvote him. Nevertheless, there is no appeal from the verdict that is given. That should cause a great deal of concern.

Recently in the Press reports were published of an unfortunate jockey who was injured in a road accident and that case must be fresh in our minds. He is a young man with the rest of his life ahead of him, and I understand he is married, and probably he has children. He has a great deal at stake.

The Hon. E. C. House: What if one falls off a windmill?

The Hon. E. M. HEENAN: If Mr. House engages a workman to repair a windmill and provides that workman with a faulty ladder which causes him to fall and hurt himself, or be killed, he or his dependants approach a judge who assesses the damages, but one can appeal against that judgment.

The Hon. L. A. Logan: What happens if one falls down one's own back steps?

The Hon. E. M. HEENAN: If one falls down one's own back steps that is one's own fault. That is entirely different from the case I have just mentioned. If a workman falls from a faulty ladder provided by a farmer to carry out some repairs on a windmill, surely the farmer is responsible.

If one is killed or maimed whilst driving a motorcar as the result of the negligence of another driver who was, for example, driving on the wrong side of the road, the negligent driver is responsible.

The Hon. N. E. Baxter: If an employee falls off a ladder in the course of his employment he would be entitled to workers' compensation.

The Hon. E. M. HEENAN: If he simply mounts the ladder and then falls, he would be entitled to receive workers' compensation if the ladder is in good condition; but if a person working on a ladder is an employee and it is the responsibility of the person owning the ladder to maintain it in good condition, and the workman falls and injures himself because the ladder has been left out in the weather and is in bad repair, that workman has a claim for damages because of his employer's negligence, in much the same way as one who is injured as a result of the action of a negligent driver.

In the Bill it is proposed to take away the right of the individual to appeal to a judge who is appointed to his office for life and is not subject to the Minister or the Government. He is so acting in that position because of his training and his ability and he has nothing to worry about. He is appointed to that office because of his high degree of learning, training, and experience.

The Hon. A. R. Jones: But judges still make mistakes.

The Hon. E. M. HEENAN: Of course they do! Judges are human beings just like Mr. Jones and the rest of us. Doctors, politicians, engineers, and the most illustrious officers in the armed forces sometimes make mistakes. Will this tribunal be immune from making mistakes? These are some of the features that cause concern to the Press, the Royal Automobile Club, the professors, and the lawyers. The Minister said that members of the public themselves did not have much to say about the Bill, but those members of the public who will be involved in accidents in 1967 are blissfully unaware of their identity.

None of us think of being involved in a motorcar accident in 1967. All of us think an accident might happen to someone else, but not to us. In the same way, members of the public generally are blissfully unaware that some of them will become involved in accidents in, say, 1967, so the number of people who will be killed or maimed as a result of car accidents in 1967 is unknown, and those people probably know nothing of this Bill. It is our duty to think for them, and the Press,

professors, members of the Law Society, and leaders in the community who have made some study of this measure, have expressed concern on behalf of the public.

This matter has been debated at great length. I am sure members have read the Bill thoroughly and have heard or read the debates that ensued in another place. Some splendid speeches were made by members in another place for and against the Bill. Voluminous correspondence and leading articles have been published in the Press, and we in this House have a pretty complete knowledge of what has been said. I urge members to view with the greatest concern the establishment of this rather imperfect tribunal. It will not be a matter of three judges being appointed for the rest of their lives without being subject to any policy, or without having any doubt concerning their positions in the future.

Two of the members of this tribunal can overrule the chairman and one will have no appeal from their judgment. The Minister keeps arguing that we will get uniformity of payments. For the life of me I cannot follow his argument. No tribunal, court, or constituted body can award uniform amounts, because, of 1,000 cases, not two will be analogous. Each will be different. The tribunal will be dealing with a human being who has different cares and responsibilities from his fellows and who may suffer injury and disfigurement to a varying degree from some other person who may be injured in a car accident. So how we will get any more uniformity with this tribunal than under the existing system, is beyond my capacity to imagine.

In agreeing to the establishment of this tribunal, members in another place have inserted what is, in my opinion, a most valuable right; that is, the right of appeal. I am sure the tribunal will do its best, but for goodness sake let us retain the right of appeal against its decisions! Probably there will not be many appeals, but members should not take away from the individual this essential right of appeal.

I do not know whether members have read a letter that was sent to Parliament by a lawyer in Perth who has a very high reputation and who has been practising here for the past 40 or 50 years. He was recently abroad and he was concerned, like many others, about this legislation.

The Hon. L. A. Logan: I would not use that letter if I were you.

The Hon. E. M. HEENAN: I will not quote what he says, and yet, if I did take up members' time reading the whole of this letter, I am sure they would be greatly impressed.

The Minister has said I should not read the letter. The inference is that there is something wrong in it, so I feel I must read it.

The Hon. L. A. Logan: That is not my inference.

The Hon. E. M. HEENAN: The letter states—

> I have just returned from a journey abroad to many countries which practice the rule of law, which is administered in a manner similar to ours. I learn on my return, with pained dismay, that one of our privileges (an essential of that rule of law) is proposed to be given away. I refer to the right of the subject to resort to the Court and the Judges thereof to have his wrongs vindicated and his hurt compensated. Those wrongs I allude to arise from the neglectful use of the motor car and the road, which cause irreparable loss and damage to innocent parties. That right of the subject has existed from time immemorial and is declared by Magna Carta—our bulwark of liberty and justice.
>
> The Judges, whose exclusive province and duty it has always been to try and adjudicate on such cases, have been alluded to by Sir Winston Churchill thus:—
>
> > "The complete independence of the Judiciary from the executive is the foundation of many things in our life. It has been widely imitated in varying degrees throughout the free world. It is perhaps one of the deepest gulfs between us and all forms of totalitarian rule. The only subordination which a Judge knows in his judicial capacity is that which he owes to the existing body of legal doctrine enunciated by his brethren on the bench past and present. The Judge has not only to do justice between man and man. He also—and this is one of his most important functions, considered incomprehensible in some large parts of the world—has to do justice between the citizen and the State. The Judiciary, with its traditions and record, is one of the greatest living assets of our race and people; and the independence of the Judiciary is a part of our message to the ever-growing world which is arising so swiftly around us."
>
> It it now proposed by the Bill now before Parliament that persons who may be maimed and pained for life, as also widows and orphans bereaved of their breadwinner, caused through the ill-doing of a negligent and culpable wrong-doer, shall no longer be able to go to a Judge for recompense but must take his cause and chance (without the right of appeal if an error is done) to a Tribunal to be created: the members of which Tribunal may at least be suspect of partiality to the wrong-doer. For that Tribunal, of whom two-thirds are to be laymen, conceivably may have amongst its members, some whose past has been identified with the insurer of such wrong-doer.

The Trust will have a substantial part in such Tribunal for it will as proposed, find a part of the actual expenses of the Tribunal including the salaries of its members.

One of the reasons for this move on the part of the Government is no secret, for it has been suggested that it is primarily designed to save the Motor Vehicle Insurance Trust from part of an ever-growing outlay to those victims whose numbers and claims are unfortunately increasing. It certainly appears that by all costs and ingenuity, deprive those suitors from at least a portion of what they may claim or probably be entitled to. To do that repeatedly or successfully, would give a bright chance of premiums for third party cover being lowered.

On the tendency to form Tribunals to supersede Judicial reference, Lord Justice Denning says:—

> "The uneasiness which has been felt about Tribunals is undoubtedly due to the fact that their development is closely linked with the enforcement of policy; and on that account, their independence is suspect. It is felt, rightly or wrongly, that as the relevant department appoints the members, that department has power indirectly to influence the decisions of the Tribunal."

Resulting from the facts and opinions above expressed, these questions arise naturally which should be addressed to the promoters of this proposed legislation, namely:—

1. Does the Government appreciate the independence and ability of the Judiciary of this State?
2. Is the proposed creation of the Tribunal a vote of no confidence in that Judiciary to carry out the tasks and duties hitherto imposed upon it by such suits?
3. What is the real reason for such a vital change and revolutionary process which has no precedent anywhere?

I submit that is a very fair and capable letter. Many people are wondering whether the Government has lost faith in our judges. Is it that our judges are not competent, are irresponsible, or are erratic? It is fair to remind whoever propounded the legislation that our judges are independent; are capable; do not mingle with society; are not connected with business, Government, or political parties; are secure; and are free to do their very best without cause for anxiety or without having to consider policy. That is the reason why so many people are concerned with this legislation.

We should not agree to these cases being taken away from the judges, because that is the work they are paid to do, and it is work which occupies about one-third of their time; we should not go to all the expense of setting up another tribunal. That does not appear to be necessary, and there is no public outcry for it. It will cost a lot to establish the tribunal, because it will comprise three senior officers, as well as a registrar, and it will require premises and staff. It seems to me to be wrong to set one up.

I have disproved the notion that such a tribunal will deal more expeditiously with these cases; and there is nothing to be gained by its establishment. Even if on top of all this the Government does decide to appoint one, then let there be a right of appeal. Even a jockey who is rubbed out has a right of appeal; and a person who is fined in the Traffic Court similarly has a right of appeal; but in this important matter the Bill provides there is to be no appeal. Those are some of the views I have on the measure. It contains some commendable features, and I give the Government credit for introducing the provision relating to the right of spouse to sue spouse. Although the Government opposed a similar principle previously, it has changed its mind on this occasion. Most people think this is a step in the right direction, and I agree. The other matters contained in the Bill require the consideration of members.

An amendment was made to the measure in another place, and I am in full agreement with it. For that reason I support the second reading, and I will even support the setting up of the tribunal; but I will do my best to retain in the measure the right of appeal. No harm will be done by providing for a right of appeal. Although some aggrieved persons may appeal, in 99 cases out of 100 the persons concerned will not appeal; but it is very nice to have such a right. To deprive the individual of the right of appeal is to take away one of his most precious liberties. In Russia and in some other countries the people do not have the right of appeal. Decisions are handed out, and that is that; but fortunately we are not living under that system and we do not want to give away the rights of the individual.

By retaining this right of appeal, we provide a safety measure which I think will make this Bill worth while, in spite of the fact that I do not like the creation of a separate tribunal.

I thank you, Mr. Deputy President, and members for being patient. I am sorry that on our last day I have been rather lengthy in speaking to this Bill.

**THE HON. E. C. HOUSE** (South) [4.46 p.m.]: This Bill, before it was amended in another place, was a very fine piece of legislation in that it catered, in the main, for the community as a whole and provided equitable treatment in regard to

all premiums and claims. It was my intention this morning to vote against this Bill in its entirety, mainly because it was pretty obvious that the amendment put into the Bill would be removed and the Bill would then be returned and a conference of managers would take place, after which the Bill would eventually be defeated.

The Hon. H. K. Watson: There was nothing put into the Bill. It was taken out.

The Hon. E. C. HOUSE: That is right. I thank the honourable member for the correction. It deserves a decent burial with military honours rather than our having to go through political intrigues and manipulations already experienced.

As far as I can understand, when the trust was originally established it was designed to provide money by way of a fund for people who were injured in accidents and who were unable, because of their small income, to provide sufficient cover for themselves. It is essential that compensation for injuries be received, because a person on the basic wage with a young family could be off work for a considerable time through no fault of his own, and consequently his family would require protection.

The accidents, unfortunately, are not confined to this one group of people which has no financial status. An injured person could be in any financial position. In the first instance this fund was established, by contributions from all motorists, so that in the event of an accident money would be forthcoming. However, the premiums are paid on an equal basis, regardless of the income of the motorist, and regardless of whether a person has a big comprehensive policy, and perhaps several other policies. The size of the income or salary of the person concerned has no bearing on the amount of premium paid, but it does have on the compensation paid. It must also be remembered that money paid to insurance companies is an income tax deduction.

So we find that each member of the community pays exactly the same amount into the fund, but when it comes to judgments to be awarded, those judgments are based on the earning capacity of the person injured. Therefore the basic wage earner is assessed on his income of perhaps £18 a week and his compensation is based on that amount while he is confined to hospital or is unable to earn as a result of his injuries. The person who has plenty of assets is awarded $60,000 or $70,000, and this money comes out of exactly the same fund.

I thought I would emphasise this point. The original intention of the trust was to help those who could not help themselves. Now, after 17 years, during which time the trust has been in existence, the legal profession is, by rather questionable ways and means, endeavouring to have huge lump sums awarded to victims who can, in the main, afford to bear the loss themselves. It is another case of the rich getting richer and the poor getting poorer. The judges virtually award these damages according to the social status of the person concerned rather than on any other basis.

We find that only about 5 per cent. of the motoring community are involved in these claims which means that about 95 per cent. of the motorists are contributing to the 5 per cent. I do not feel that this was the intention when the trust was established. If it had been the intention, why are premiums not paid according to the income earned? If the idea was that compensation should be paid on an earning capacity, then I feel it is only just and reasonable that premiums should be contributed on the same basis.

It is no wonder that many people advocate the retention of the scheme as it is administered at present. It rather amazes me, in view of what I have just said, that the Labor Party has been against this Bill. The Labor Party represents those in unions who are the ones who are getting the worst deal; unless, of course, the Labor Party realises that a lot of friction has occurred over this Bill. The members of the Country Party and those of the Liberal Party have not, to a degree, seen eye to eye on it, and it could be that the Labor Party is trying to make political capital out of it.

The Hon. J. Dolan: Break it down!

The Hon. E. C. HOUSE: It would be good tactics and good politics.

The Hon. R. F. Hutchison: It is an insult.

The Hon. E. C. HOUSE: It is not an insult. Every party plays politics to a certain extent. I did not say that the Labor Party was doing so. I merely suggested that it might be.

The Hon. W. F. Willesee: Do you want us at this stage to carry on the debate on that basis?

The Hon. E. C. HOUSE: Not particularly.

The Hon. W. F. Willesee: Well be careful what you say then.

The Hon. F. J. S. Wise: We would be happy to do so.

The Hon. E. C. HOUSE: I visualise that the tribunal, if established, would revert to the original intention of the trust which was to provide good payments to those most deserving them. I think the legal profession, which is violently opposed to this tribunal, must realise that it will suffer a loss of income if a tribunal is established. For instance, the last balance sheet of the trust revealed that legal expenses paid out by the trust amounted to $170,365, or 4.6 per cent. of the total trust funds. This is in comparison with the total amount of $124,942 paid to doctors, which is 3.36 per cent. of the trust funds.

The Hon. E. M. Heenan: Was it paid out to solicitors or did some of it go to witnesses?

The Hon. E. C. HOUSE: It just states that that is the total legal expenses.

The Hon. E. M. Heenan: If you have a law case there are many witnesses and they must be paid.

The Hon. E. C. HOUSE: Would that not be the same under a tribunal?

The Hon. E. M. Heenan: Of course. You will have the same legal expenses and witnesses.

The Hon. C. E. Griffiths: You will have more.

The Hon. E. C. HOUSE: That is the proportion of money which is paid out. It seems to be the wrong way around. One would expect that with the terrific amount of medical work involved with these cases, if they are serious enough to be taken before the court, the amount spent on doctors' fees would be far greater than the legal expenses.

The Hon. E. M. Heenan: You would want a lot more information about that.

The Hon. E. C. HOUSE: Yes, I realise that. Fair enough. It must be admitted that a great number of these cases is settled out of court. However, the ones which are determined in court more or less set the standard for cases settled out of court. This is one reason why I feel the right of appeal would have many dangers because once one or two cases were settled in court, the standard again would be set and we would be virtually back where we were before. A great amount of dissension would arise because if one or two appeals were heard and settled and the amounts were larger than those awarded by the tribunal, all victims would want to appeal regardless of whether or not it was just to do so.

The Hon. E. M. Heenan: Would you stop them?

The Hon. E. C. HOUSE: I do not think it is necessary. I cannot see why it is necessary if I used the argument with which I started. In other words an adequate compensation is all that is warranted.

The Hon. E. M. Heenan: Would you abolish appeals in the case of all other tribunals and courts?

The Hon. E. C. HOUSE: We are dealing only with this right of appeal. This is not the first time no right of appeal has been provided for. The same applies with the national service Act, and exemptions from national service.

The Hon. E. M. Heenan: There is a right of appeal there.

The Hon. E. C. HOUSE: There is not.

The Hon. E. M. Heenan: Yes, the boy who was locked up appealed. How many times did he appeal?

The Hon. E. C. HOUSE: If a person goes before a magistrate to ask for an exemption there is no right of appeal.

The Hon. E. M. Heenan: The appeal of that boy White went to the High Court.

The Hon. E. C. HOUSE: I do not know how that came about. With all the cases with which we have dealt there has been no right of appeal.

The Hon. R. Thompson: A chap in Fremantle has appealed twice.

The Hon. E. C. HOUSE: To the court?

The Hon. R. Thompson: Yes.

The Hon. E. C. HOUSE: I bet he did not get anywhere with his appeal. I do not believe there is a right of appeal, anyway, and I will leave it at that.

The Hon. R. Thompson: Don't you bet on it or you will lose money.

The DEPUTY PRESIDENT: Order!

The Hon. E. C. HOUSE: Mr. Heenan indicated that this tribunal will be fairly costly, but I do not believe it will be as costly as the present position, with appeals one after the other. They increase costs, and where there is an increase in costs there must be an increase in premiums. That is the only result. The more money that is paid out the more money has to be obtained from the motoring public.

The Hon. R. Thompson: In other words, take away the democratic right to justice.

The Hon. E. C. HOUSE: I am wondering where the democratic right to justice is today. I do not think it was ever meant that a person should be able to appeal to the court to get large sums of money over and above what one is entitled to receive.

The Hon. E. M. Heenan: That is so.

The Hon. E. C. HOUSE: There have been some very funny cases taken to the court, and some funny awards have been made. The honourable member quoted a person who had a scar. Obviously the honourable member was hinting that there was a possibility that because of this scar the person would not be able to marry. But she has married—and is happily married—and has children. She was paid compensation for what has proved to be no disability at all.

The Hon. C. E. Griffiths: Maybe she was married for her money.

The Hon. E. C. HOUSE: That sort of thing has happened, too. I have sympathy for the jockey to whose case the honourable member referred. But that man was travelling backwards and forwards in the course of his employment and I think he should be covered under some other scheme. I do not like to refer to this case, because it is pending, but let us consider the person who is travelling backwards and forwards to work and is earning $20,000 a year. At the moment the courts assess what a person would earn over a period of years had he lived.

The Hon. E. M. Heenan: Suppose in the jockey's case the other driver cut the corner and ran straight into him?

The Hon. E. C. HOUSE: That is just too bad. In my opinion we cannot allow for all eventualities. As I said, that is only my opinion, and everyone is entitled to his own opinion. But these awards are going up and down like yo-yos.

The Hon. J. Dolan: Every case is different.

The Hon. E. C. HOUSE: Every case is different, but the awards go up and down all the time. Very often for the serious case the award is smaller than for the one which is less serious. On too many occasions damages have been awarded because of permanent disabilities which have turned out to be not so permanent after all.

The Hon. E. M. Heenan: Do you think the tribunal will alter that?

The Hon. E. C. HOUSE: I do, because the proceedings will be conducted in a better atmosphere, and more time will be able to be spent in discussing cases. I know a good deal of emphasis has been placed on the fact that it will be composed of a judge and two laymen. The suggestion seems to be that the two laymen will be virtually inexperienced people. I would not agree with that observation at all. The two laymen, if they can be so described, I visualise as being highly experienced people who will be dealing with nothing else but these cases, in the same way as Mr. Heenan said judges deal with them. I am sure after a period of time it will be found to be a better system. After all we have to admit that the atmosphere in a court room is not very pleasant —I suppose "pleasant" is not the right word—

The Hon. L. A. Logan: It is a very unpleasant one.

The Hon. J. Dolan: Generally they are not meant to be pleasant.

The Hon. E. C. HOUSE: These cases are slightly different and therefore I think the tribunal can do nothing but improve the overall situation. However, it has yet to be proved. Naturally the members of the legal profession want to get the highest possible amount of money for their clients, regardless of the justification for doing so, and that situation will not apply quite to the same degree with a tribunal.

These high awards cannot continue. Third party insurance premiums have recently been increased by 50 per cent. and that is a considerable sum. I have a petition with a few hundred signatures of people protesting about the increase in insurance premiums. The petition was not taken in one particular area but the addresses seem to be spread throughout the metropolitan area. The last line of the letter with the petition states, "Unfortunately the pocket of the little man is usually the hardest hit." That is the point I have been trying to emphasise.

The Hon. R. Thompson: But you don't take any notice of petitions.

The Hon. F. R. H. Lavery: You didn't take any notice of one the other night.

The Hon. E. C. HOUSE: I do not accept all petitions, but I accept this one. The people who signed this petition are obviously perturbed about the increase in third party insurance premiums, and this increase has been brought about by the large pay-outs for motor vehicle accident claims. The money held by the trust is held in trust to cover accident cases; so obviously there cannot be any leakage of that money in some other direction. As the number of accidents increases so the sums of money paid out will increase, and there are many people who cannot afford further increases in premiums. I support the Bill.

**THE HON. J. G. HISLOP** (Metropolitan) [5.10 p.m.]: I have been very interested in the struggle Mr. House has had and I can understand his difficulties; because to be able to consider the disabilities of an injured person, and to be able to discuss these cases, takes many years of experience; and often one makes terrible mistakes. However, I can easily see what the honourable member is driving at. We have to make up our minds whether the awards made to those injured in motorcar accidents will be on one level in the community or whether we are going to say that the individual whose physical condition has been damaged by a careless driver will have to have restored to him his original earning capacity.

That seems to be the problem which faces all of us. For instance, do we re-establish a man who is on the basic wage on the same wage? If we do, have we done him justice? If a man who is in a high position has been injured and rendered unfit for his office, do we just pay him a certain amount in order to maintain him, but not sufficient to enable him to live at the same rate as he was living prior to his accident? The same sort of problem has existed with workers' compensation ever since that legislation was enacted, and I admit it is an extremely difficult problem and one which should be thought about much more carefully than can be done by the introduction of this measure.

There is one excellent clause in the Bill and I approve of it wholeheartedly. It is a principle I have been trying to have included in workers' compensation legislation ever since that legislation has been on the Statute book—I refer to weekly payments, because under the conditions at present it is sometimes months or even years before an individual gets one penny.

The Hon. R. Thompson: That is true.

The Hon. J. G. HISLOP: How these people live I do not know. They have to live on what they can get from the Commonwealth by way of an invalid pension, unemployment benefit, or something of that nature. But it is essential that people like this get a payment of some kind.

However, there is one feature that has not been covered by this Bill. If a person goes to Victoria, or any of the other Eastern States, and he is sitting in a motorcar which is parked in the street, and another car crashes into the back of it and he suffers a considerable degree of cranial damage, and eventually returns home to Western Australia, it is impossible for him to get any compensation. I know of several cases where the Perth agent for the company which is responsible has done absolutely nothing about them. I have one case at the moment. I have been sending reports about this case to the company for several years but the man concerned has not had one penny paid out by way of compensation. I do not even get a reply to my communications.

I feel something must be done to ensure that this is an interstate as well as a State organisation; that if one is injured outside the State then one can be treated as if one were injured inside the State. When the Workers' Compensation Act was first brought in the difficulties that were faced by inexperienced men who were handling this question were quite extraordinary. It was only as an experienced group that we were able to get appreciable answers to the injuries the men received. With a limit put on almost every injury by the Workers' Compensation Act it is a very simple business now, in the main, for a judgment to be made. That will not apply here because the type of injury received in a motor vehicle accident is vastly different from the injuries suffered in the ordinary way by a worker at work.

The Hon. R. Thompson: Except in the case of a man who falls off a building or something like that.

The Hon. J. G. HISLOP: There would be the odd case. But these are difficult cases to present to the tribunal every time it sits, because first of all we must look not at the injury but at the personality of the person concerned. Some individuals are devastated by minor injuries, while others have the courage, fortitude, and personality to ride over serious injury. No matter who are the members of the tribunal they must have experience, or they will spend some very sleepless nights.

The Hon. R. Thompson: To start with I think they need a psychologist.

The Hon. L. A. Logan: Is the judge a psychologist?

The Hon. J. G. HISLOP: I will not say what type of person should be appointed to the tribunal, but he should be someone who has experience in handling the cases to which I have referred. Apart from the tribunal, however, there must be the right of appeal; because I cannot see how we can look after injured motorists without the right of appeal.

Members will recall that four or five years ago one of the judges in his judgment remarked that a widow was now much better off because her husband had been killed and she had control of the farm. I think members will recall that case. What would that woman have done without a number of us raising our voices in an attempt to see that justice was eventually done? This sort of thing will happen all the time whether the tribunal is conducted by a judge or not. We must protect such people.

Mr. House seems to think there will be a large number of appeals. So far as I can glean, appeals from judges' judgments are small in number. I understand that not 10 per cent. of the cases appeal; I think it is about 4 per cent. So we will not have appeals being made all the time. Many of the people are satisfied with the compensation given them.

The Hon. E. M. Heenan: Appealing is a risky business.

The Hon. J. G. HISLOP: That is so, because one must make up one's mind that one is likely to lose all one has before one appeals. It is only those who feel they have a watertight case who are willing to undertake the risk.

I applaud the nature of the variations that have been brought about by this Bill, but I cannot see this legislation working without a right of appeal. We should hesitate very long before we think of giving it away. I think the Act will work very well, but I do not think we should go so far as to say that we will remove the right of appeal from 4 or 5 per cent. of the injured people who are not satisfied with what they receive. I cannot see how this will make the difference that is expected. I more or less know how this came about; I have a fair idea of the back-room story of this organisation.

The Hon. L. A. Logan: What organisation?

The Hon. J. G. HISLOP: I know how the original thinking started. These are things we are unable to handle without experience. We must realise that the number of appeals is very small, and if we remove the right of appeal we will endanger the entire Bill. People will be very dissatisfied if they have no right of appeal.

The Hon. R. Thompson: I think you will also damage the legal structure.

The Hon. J. G. HISLOP: I daresay the honourable member would not like to make an arrangement under the Workers' Compensation Act where a man must take the view of the first medico he sees and where he might have no right of appeal.

**THE HON. N. E. BAXTER** (Central) [5.23 p.m.]: I will be very brief in speaking to this Bill, and I will refer first to the parent Act which came into being in 1943. This Act was the second or third attempt to endeavour to introduce voluntary third party insurance cover into Western Australia. Before this legislation was enacted Western Australia was the only State that had not entered the field of third party insurance.

Members can see the thickness of the *Hansard* I have in my hand—it is about 3 inches thick—and yet a very small portion of that *Hansard* was taken up in passing the Bill through all its stages. The Minister's introductory speech took 18 minutes, and the Bill, together with its amendments, was passed through all its stages in 64 minutes. So it can be seen how swiftly it was placed on the Statute book.

The Bill mainly seeks to set up a tribunal, and enables the tribunal to hear appeals. Much has been said about the right of appeal. Let us look squarely at the situation. A person may have an accident and claim against the Motor Vehicle Insurance Trust. The trust considers the claim and decides what it is prepared to pay.

The Hon. L. A. Logan: He must claim against the other person.

The Hon. N. E. BAXTER: That is so. Then he goes to the trust and puts his case, after which the trust decides what it is prepared to pay. The person concerned may not be satisfied and decides to go to a lawyer and take the matter to court. That is his appeal. It seems the same procedure applies in the case of the tribunal. A person may make a claim, go to the trust, and if the person concerned is not satisfied with the decision of the trust there is a right of appeal to the tribunal. There is no further appeal from the tribunal; and I think it is that to which most members have been referring.

How many cases are there which appeal against the decision of the court? As far as I know very few people make such appeals. Appeals to the court from the decisions of the trust average about 130 a year, and very few people go above the court's decision.

So we have two parallel bodies—the tribunal and the court. There is a right of appeal first against the trust decision; and there are not too many people who will spend money appealing to a higher court. Those who appeal will be directors and managers of big companies; those with huge salaries. The amendment in the Bill will streamline the legislation.

If we look at the picture from the time when the legislation was first introduced in Australia, we will find that the intention was to protect the person injured in an accident; to see that he received some compensation where the driver of a vehicle, and the owner of a vehicle had practically no money, and no insurance cover.

In those days there was little point in taking civil action against such a person because invariably he had no money. If one studies the 1943 Act, one will see that the premiums in those days were very low. But with the increase in the number of motorcars, and the occurrence of more accidents, the premiums have steadily risen. We know that recently the premiums committee has recommended that premiums be increased by 50 per cent. If we look at the picture today and consider the high awards that are made I feel sure we will agree that the premiums committee will again have to recommend an increase. We are getting these increases on top of the increases in our motor vehicle licence fees. I believe that the public generally is not very happy about this.

I would now like to touch on what we might call the propaganda that has emanated from discussions on this Bill. A lot of stories have been circulating. The Minister referred to Professor Braybrooke's comment in regard to a letter from one Margaret Baverstock of Kalamunda. I do not know whether she was the lady injured—the one I refer to was a model. I do not know the mother's christian name, but I know the person who was involved in the accident was Margaret Baverstock.

Mrs. Baverstock spoke to me recently on the telephone. She was very concerned as to what was happening in the matter of this tribunal. I asked her why she was concerned, and she said that her lawyer had told her that the trust was endeavouring to get the whole of this business into its hands, and there were to be two members of the trust appointed to the tribunal. I told her that was completely untrue, because in the lengthy discussions I have had on this matter I have discovered it is not intended to appoint any members of the trust to the tribunal.

It will be an entirely independent tribunal. Could anything have been more absurd. That is the story behind Mrs. Baverstock. All she said in her letter to the paper in this respect was—and I quote the final comment—

> I have heard it said in passing that we would be the only country in the world to operate third-party risk in this fashion. Could anyone let me know if this is true. Methinks it has a bad odour.

Professor Braybrooke said—

> Mrs. Margaret Baverstock is, I believe, not alone in suspecting that there is something fishy about the scheme . . .

I have no complaints about the setting up of a tribunal. This situation reminds me of a quotation from *The Merchant of Venice*, "Methinks yon Shylock doth protest too much." I think members will find that that thought is applicable to a lot of the protests that have been made with regard to this tribunal.

Things have reached the stage in respect of third party insurance where there is a limitation on the trust's liabilities in regard to passengers. This Bill proposes to raise that limitation to $12,000. There is no limitation on any other third party insured. Third party insurance has now, with the exception of the limitation on passengers, become a comprehensive third party policy to cover the owner of a vehicle.

I often wonder whether perhaps it may not be better in the future, seeing we have a limit on passengers, to put some sort of limit on other cases, say, up to $20,000, and force car owners, more or less, to cover themselves under a comprehensive policy, which they can do under their normal vehicle insurance policy. In this case, if an award by the trust were given against them, it would be covered by their policy rather than having the situation where every negligent driver is covered as at the present time.

The person who did not take out a policy above the $20,000, if negligent in an accident, would be affected for the rest of his life, or for a period of 30 to 40 years by paying money to an injured person. Perhaps this may not be satisfactory to the negligent person, but at least justice would be done in that that person would have to meet a liability over a certain figure; and this would make many drivers think before handling their vehicles in a negligent manner.

The Hon. F. R. H. Lavery: They do not stop and think. They do not care what happens to the injured person.

The Hon. N. E. BAXTER: If a person owns a motorcar and allows another person to drive it, the person who owns the car is paying for the other person's right to drive. If there is negligence on the part of that person, any liability incurred goes to the trust and he has no liability in regard to his action. I think it is only common justice that there should be some liability on that person who is driving the car. At the present time he pays nothing towards third party insurance, because he is not an owner. I think it is only a fair and reasonable proposition that he should contribute towards third party insurance.

It is not my intention to speak much longer on this matter, but before concluding I would like to say that I think the appointment of a tribunal will iron out many of these cases. When appeals are made to the tribunal in respect of injuries, the tribunal will be a body that will have before it a number of cases by which it will be able to establish a level of payment.

I am not criticising the magistrates who handle these cases, but magistrate A could be one who has no cases to give him a precedent as would be the position with, say, magistrates B, C, and D; so the magistrates award what they believe is fair and reasonable compensation. However, the tribunal would be in possession of the facts of preceding cases which it could study when assessing compensation. The tribunal would be reminded that, say on the 16th June, there was a similar case and would say, "Let us have a look at our finding and the circumstances of the case so that we can award a uniform amount."

Today there are many cases of people with similar injuries. To further illustrate my point, we have many people in similar jobs drawing similar salaries and wages, but if these were decided by magistrates, their decision would be as far apart as the poles; one would award $2,000, another, $5,000, and another perhaps $10,000.

The Hon. C. E. Griffiths: What happens if this tribunal pays too much money?

The Hon. N. E. BAXTER: The Motor Vehicle Insurance Trust pays, not the tribunal.

The Hon. C. E. Griffiths: We pay more in premium.

The Hon. N. E. BAXTER: I think the trust will approach this in a reasonable manner; and I consider its assessments are fairly good.

The Hon. C. E. Griffiths: The tribunal will do it.

The Hon. N. E. BAXTER: The tribunal will deal with any person who is not satisfied with what is awarded by the trust.

The Hon. E. M. Heenan: No, the trust makes an offer.

The Hon. N. E. BAXTER: Yes; it is the same as when land is resumed and one appeals. In this case the appeal will be to the tribunal. If one feels that the offer of the trust is not high enough, then one can appeal to the tribunal. If the award is high enough, then one will go on his merry way. There is little difference excepting we will have the right of appeal through the tribunal.

The Hon. C. E. Griffiths: What happens if the tribunal pays more than the judges.

The Hon. N. E. BAXTER: That is the Minister's responsibility.

The Hon. C. E. Griffiths: It will be yours.

The Hon. N. E. BAXTER: Only to the degree that I am supporting the measure. I accept that, but feel the tribunal will approach the matter in a reasonable manner. The tribunal will be composed of a judge and two others. They will have had reasonable experience and they are not likely to throw money around. They will be sound people who will con-

sider cases on their merits. I am going to support the Minister in his endeavour to have this tribunal established.

**THE HON. A. R. JONES** (West) [5.38 p.m.]: I do not intend to say very much on this matter. I think it is generally conceded that this measure is quite a good one. I am concerned at the thoughts of some people who feel that there is no right of appeal. I am all for the right of appeal, as I have said in this place many times. I feel that if the right of appeal were taken away, we would lose something dear and close to us. There is a right of appeal in this measure. The only difference is that instead of appealing to the court one appeals to the tribunal. In my humble opinion, I think that once this measure is in operation, the fears of people will be allayed.

Let us not forget that at the commencement the tribunal will have the benefit of the services of a judge who has already had experience; and the other two persons to be appointed will not be slouches—they will be intelligent people, chosen for their worth and ability to do the job. They will be well guided by the judge who will have a superior knowledge of law. I cannot believe that two people would wilfully go against the opinion of such a learned man as a judge.

I feel that once this tribunal gets under way, it will be quite proficient in handling these cases. Please do not let us think that there is no right of appeal in this measure, because there is.

The Hon. E. M. Heenan: Where you are wrong is that the trust is not the tribunal.

The Hon. A. R. JONES: I am aware of that. At the present time the trust handles perhaps 95 per cent. of the cases presented to it and gives satisfaction. It is only in the odd case where satisfaction is not achieved that an appeal will be made to somebody else. I would do the same thing if I doubted whether I was getting enough.

The Hon. E. M. Heenan: They will probably deny liability altogether and say they were not negligent.

The Hon. A. R. JONES: I do not think that situation could arise.

The Hon. E. M. Heenan: Of course it could.

The Hon. A. R. JONES: Any person has a right at common law and if a driver is proven negligent, the trust must pay and honour its obligation. If the aggrieved person still feels that he is not receiving enough compensation, he has a right of appeal to the tribunal.

I have advanced all the argument I intend to put forward; and I did this because some members have said that the right of appeal will be taken away. This is not so; the right has been changed from the court to a tribunal.

**THE HON. L. A. LOGAN** (Upper West —Minister for Local Government) [5.43 p.m.]: I thank members for their acceptance of this Bill. The only difference of opinion on the measure as far as I can see is between Mr. Heenan and Dr. Hislop and myself in regard to the setting up of the tribunal and the right of appeal. I think we have to look at the overall picture. On two occasions in this House we have defeated Bills introduced by Mr. Heenan to make provision for spouse *versus* spouse.

When I read a letter from the R.A.C. it was pointed out that that organisation was concerned about certain aspects of spouse *versus* spouse. In discussing this matter with the Law Society, its members did not like this provision, but because this Bill will allow for weekly payments I believe their concern will be overcome.

Instead of making a lump sum payment to a spouse, weekly payments can be made. In this way, the spouse who caused the accident will not reap the benefit of a lump sum payment. The weekly payments will make for uniformity and simplicity. If a person is dissatisfied with the trust's award offer in regard to weekly payments, that person can appeal to the tribunal. If the trust, at any stage, suspended weekly payments, one could take the matter to the tribunal and ask for the case to be re-stated. Surely, when one is dealing with cases such as this, one must approach the body which dealt with them in the first place.

The Hon. A. R. Jones: That would be a big help.

The Hon. L. A. LOGAN: Yes; I would say a big help. The Law Society suggested that the principle of weekly payments should be handled by the judges of the Supreme Court. However, a case presented today for review could have been dealt with previously by a different judge, and today's judge would know nothing about it.

This is one of the matters which the tribunal will handle. Dr. Hislop said that we must have somebody with experience. But how many judges appointed to the Supreme Court had any experience with these claims before they were appointed? Those judges have to gain experience from the cases they hear, and the tribunal will do exactly the same thing. It will build up experience by hearing so many cases.

The Hon. E. M. Heenan: One member of the tribunal will have had experience.

The Hon. L. A. LOGAN: Not necessarily. A judge would have had experience, but if we appoint a legal man with eight years' experience, he may not have had any experience with third party claims. I quite agree with Mr. Jones that the men to be selected and appointed to this tribunal will have to be men of high standing and of good character.

Surely a judge and two other men, or the equivalent of a judge and two other men, sitting and constantly dealing with people who are not satisfied with the trust's decisions, must get down to some basis of uniformity when dealing with all the cases which will come before them. This is the reason for the provision in the Bill. There has been talk about taking away the right of appeal.

The Hon. R. Thompson: There is a right of appeal in the Bill.

The Hon. L. A. LOGAN: I am going to take that provision out of the Bill. The situation which exists at the moment is that as soon as an accident occurs the trust, if it has not one of its own officers on the job, gets a complete police report. It also sends a circular letter to the people involved in the accident asking for full details and all the circumstances of the accident. So, within a very short space of time the trust is in the position of having all the facts to determine the situation.

Naturally, if there is a serious accident such as the one mentioned by Mr. Heenan, the amount of damages cannot be determined at this stage. However, the trust gets possession of all the facts it possibly can. It pays the Princess Margaret Hospital $6 and the Royal Perth Hospital $2.50 for every medical report it receives.

So when the trust is in possession of all those facts it is in a position to adjudge a case, and when a person makes an application to the trust it can tell him the amount of damage to which he is entitled. If the appellant is not satisfied he can go to a solicitor, and the solicitor will go straight back to the trust and negotiate. If the appellant is still not satisfied after negotiations between the solicitor and the trust, that is the time he goes to the court. His case goes before one judge of the Supreme Court, and that is the situation as it is today.

That will also be the situation with the tribunal. After all the negotiations have taken place between the appellant and the trust, if the appellant is not satified he will appeal to the tribunal. The tribunal will hear the case, and will be in possession of all the facts it can possibly get hold of. I would emphasise that I have no argument with the law and I suppose that in my position as Minister I would be the last one to argue with a court.

The Hon. F. J. S. Wise: Didn't your libel case show a profit?

The Hon. L. A. LOGAN: All the money in the world would not have paid for the anguish I went through.

The Hon. E. M. Heenan: If you had lost, would you have liked to be able to appeal?

The Hon. L. A. LOGAN: If I had lost it would have cost me more than I could afford.

The Hon. F. R. H. Lavery: Ordinary working people have not the money to pay for an appeal.

The Hon. L. A. LOGAN: I have pointed out the procedure that is involved with claims made on the trust. There is talk about the trust trying to reduce the amount of damages, and the rates of the premiums. That has nothing to do with the trust. It is not the trust's money. The trust is dealing with money which belongs to the motorists and the insurance companies. The trust was put into operation by an Act of Parliament, to administer that Act.

The Hon. R. Thompson: You may be stonewalling your own Bill.

The Hon. L. A. LOGAN: I am not. Many of the public do not realise what the trust does, and that is why I am making this explanation. It is obvious the people are ignorant in regard to what happens.

Mr. Heenan mentioned a letter from Mr. Kott, and I advised him, by interjection, not to read it. In that letter Mr. Kott said that he had returned from abroad and learned with dismay of the provisions in this Bill. Mr. Kott knew the contents of the Bill before he went away. The Bill came before Parliament last year and it did not contain the right of appeal. I have already been told by a senior officer of the Law Society that Mr. Kott, at a meeting of the Law Society before he went away, advocated direct action against the Government because of the introduction of the Bill last year.

If that is the case, why should he write that letter? I am relating what was said by a senior officer of the Law Society. That is why I say, if these circumstances are right, that part of Mr. Kott's letter is not very good.

There is just one other aspect in regard to the right of appeal, which seems to be the bugbear of most people. The matter I am about to quote does not deal with personal injury but it does deal with the right of the individual. In New South Wales a land and valuation court has been set up consisting of one judge, and there is no appeal against him. On page 8 of the Land and Valuation Court Act of New South Wales, subsection (5) reads as follows:—

> (5) After such hearing the registrar shall certify to the Prothonotary the finding of the judge, and subject to the provisions of section seventeen, the finding of the judge shall be final and conclusive and subject as aforesaid shall be deemed to be the verdict in the action, whether for the purposes of costs or otherwise.

Then, section 17 reads as follows:—

> (1) When any question of law arises in any proceeding before the court the court shall, if so required in writing by any of the parties within the prescribed time and subject to the prescribed conditions, or may of its own motion, state a case for the decision of the Supreme Court thereon.

So we have a situation in New South Wales where there is a land and valuation

court and there is no appeal on *quantum*. Some of the valuations which are dealt with in that court could involve $500,000 or more in an appeal on *quantum*.

The Hon. E. M. Heenan: Do I infer that you would like to abolish the right of appeal on everything?

The Hon. L. A. LOGAN: No, I have not said that at all.

The Hon. E. M. Heenan: But you are arguing the point on the democratic right of appeal.

The Hon. L. A. LOGAN: I am referring to the situation that exists in New South Wales where a court is dealing with probably greater amounts of money than would be involved here, and the judges in New South Wales have accepted that. That is the position in that State.

The Hon. E. M. Heenan: Perhaps it should be applied to our Land Act.

The Hon. L. A. LOGAN: Somebody interjected that I was stonewalling my own Bill, but I was merely explaining it, and I commend it to the House.

Question put and passed.

Bill read a second time.

*In Committee*

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 9 put and passed.

Clause 10: Section 16 repealed and section substituted—

The Hon. E. M. HEENAN: Subsection (6) of proposed new section 16 reads as follows:—

> The nominee members of the Tribunal shall be nominated by the Minister and of those members one shall be a person who has not, during a period of not less than seven years immediately prior to being so nominated, been a permanent employee or officer of a company or body engaged in the business of indemnifying for reward persons from liability incurred for negligence in respect of the use of a motor vehicle.

There are a great many words there, but briefly they mean that one of the members shall not have been associated with an insurance company for seven years. I think it would be right and proper to apply that restriction to both members and thus eliminate the anxiety which is seriously felt that we will have someone on the tribunal from an insurance company.

If that qualification could apply to both nominee members, it would allay the fears and the likelihood of someone from an insurance company being appointed. If we are to have two nominee members, we want them to be absolutely unbiased and unconnected with insurance. They could still have plenty of experience, because a choice could be made of clever accountants, or assayers, or medical men, or any other person who is experienced in many ways. However, let us get away from anyone who is closely connected with insurance companies; that is, anyone who has an interest in the business.

The amendment which I propose to move would achieve this objective and I think it is a reasonable amendment to make. The Minister would have plenty of choice, because a very wide field will be left. We would then have these two nominee members who, for seven years at any rate, would have had no connection with insurance companies. That would give the public a greater confidence in the tribunal and it would not restrict the Minister's choice very much. He does not want to employ anyone from the Motor Vehicle Insurance Trust anyway, and I take it he does not want to employ anyone from any insurance company. Let us ensure that this is the position, and we can ensure this by agreeing to this amendment. Accordingly, I move an amendment—

> Page 7, lines 2 and 3—Delete the words "and of those members one shall be a person who has" with a view to substituting the words "both of whom shall be persons who have."

The Hon. L. A. LOGAN: I notice that Mr. Heenan has not applied this restriction to the legal fraternity. It is still possible for the chairman to be a judge or a legal officer of eight years' standing. One of the other two members on the tribunal could be a legal officer. He has not restricted the legal fraternity but he has restricted the insurance fraternity.

The Hon. E. M. Heenan: The Minister has the choice.

The Hon. L. A. LOGAN: I would not have the choice of an insurance man if this amendment were accepted. Are we trying to imply that there are no honest insurance men in the city?

The Hon. E. M. Heenan: No.

The Hon. L. A. LOGAN: It looks like it to me; it looks as if the suggestion is that there are no honest insurance men in the city who are capable of being made members of a tribunal. I think this is wrong, and I must oppose the amendment.

The Hon. E. M. HEENAN: I am sure members will be disappointed with the Minister's reply. He has inferred from my remarks that I imputed dishonesty to insurance men. I do not think that is a reasonable inference to draw from anything I said. If I did say anything which implied that, I certainly did not mean it.

One of the essentials of judicial tribunals, or of tribunals generally, is that they should be absolutely free and not have any connection with anyone who is involved in any way with the purpose concerned. The poor victims, who will be the people making these claims, do not nomin-

ate anyone. We want to keep this tribunal free and independent and we want it to command the respect and confidence of the community. I think we are all agreed on that objective. We do not want anyone to think that any member of the tribunal is tied up with the insurance companies; or with lawyers; or, perhaps, with the R.A.C. The public want to have implicit trust and confidence in this tribunal, and they would if both of the nominee members were not connected with any insurance company. As I have said, an enormous field is left for the selection of two estimable, capable, and trustworthy men.

Amendment put and negatived.

Clause put and passed.

Clauses 11 to 16 put and passed.

*Sitting suspended from 6.11 to 7.30 p.m.*

Clause 17: Section 16G added—

The Hon. L. A. LOGAN: I move an amendment—

Page 15, lines 16 to 24—Delete new section 16G and substitute the following:—

Decision of Tribunal as to quantum to be final.

(1) The decision, determination or judgment of the Tribunal, other than in relation to a question of law, as to the quantum of any damages assessed and awarded in any action or proceedings under this Act shall be final and conclusive and not be open to review in or appeal to any Court.

(2) Subject to subsection (1) of this section, any party dissatisfied with any decision, determination or judgment of the Tribunal in any action or proceedings under this Act may appeal to the Supreme Court in the manner and within the time prescribed by Rules of Court, and on any such appeal the Court may make such order as appears to the Court to be just, including any order for the payment of costs.

This amendment will bring the Bill back almost to its original form as presented in another place, except that in proposed subsection (1) of this new section the words, "other than in relation to a question of law" have been inserted. It was suggested there was an amendment on the notice paper in another place which I was prepared to accept, and I want to make it clear that anything in respect of a question of law should be subject to appeal. This is only right and proper on questions of law, but in regard to *quantum* it is an entirely different matter.

I am perfectly satisfied it will not be easy to obtain the right type of men who are capable of doing the job on this tribunal. The selection of such men could take a long time but I have no intention of appointing anybody to the tribunal. I want to assure the Committee that when the tribunal is appointed, the chairman and its members will gain the confidence of the people who will appear before it. If this is done I do not think there will be anything to worry about.

The Hon. E. M. HEENAN: I wish to point to a misconception held by Mr. Jones who was one of the speakers this afternoon. I believe other members suffer from the same misconception. The Motor Vehicle Insurance Trust is simply a body that collects the premiums and is in charge of the money subscribed by the public. The trust consists of five members, a secretary, and several staff members who are accommodated in a fairly large office.

The Hon. N. E. Baxter: Is the trust the premiums' committee?

The Hon. E. M. HEENAN: No, this is the Motor Vehicle Insurance Trust on which there are five members who are the representatives of the insurance companies. They have control of all the moneys subscribed by the public. One may meet with an accident and the allegation is made that the accident was due to the negligence of another driver. After making inquiries the trust might say, "We do not admit the other driver was negligent and there is no claim." But, on the other hand, as it frequently does, it might say, "We admit the driver concerned was negligent and we will offer you a certain sum of money."

If one is told the claim is denied, one will, after the passing of the Bill, go before the tribunal to test the case. If the tribunal then offers one a sum of money which one considers inadequate, the case will be argued before the tribunal. After hearing the evidence the tribunal might reach the decision that the other driver was not negligent and therefore the person who was awarded the damages would have to refund the money. Alternatively, the tribunal will say, "We will award you so much."

Once the tribunal makes an award of *quantum*, if the Minister is successful with his amendment, the trust will be empowered to be the final arbitrator on that question and that will be the end of the damages, because there is no appeal from the judgment. On the other subject of liability, I notice the amendment provides for an appeal. Is that what we want? Mr. Jones said that one goes to the trust and then appeals to the tribunal. That is not an appeal.

The Hon. G. C. MacKinnon: The definition in the dictionary may classify an appeal although it may not be a legal definition.

The Hon. E. M. HEENAN: The definition of "appeal" is—

> Any proceeding to rectify an erroneous decision of a court by bringing it before a higher court.

The Hon. G. C. MacKinnon: That is the legal definition. But the dictionary definition may be different.

The Hon. E. M. HEENAN: There is no difference between the legal definition and a dictionary definition.

The Hon. G. C. MacKinnon: For instance, one could appeal against the light in a cricket match, but that would not meet the legal definition.

The Hon. E. M. HEENAN: We are speaking in legal context now.

The Hon. G. C. MacKinnon: That is what I mean.

The Hon. E. M. HEENAN: However, the right of appeal has been recognised for centuries as one of the essential rights of our individual way of life.

This tribunal will not be perfect in the assessment of awards; it will be like other similar institutions; it will have slight imperfections. I assume many of the awards will be made by two of its members, with the third member dissenting. Conceivably two laymen could give a majority decision against the judge or lawyer on the tribunal.

The Hon. A. R. Jones: Why would that happen?

The Hon. E. M. HEENAN: In such a case surely there should be a right of appeal.

The Hon. A. R. Jones: One of the laymen is just as likely to side with the chairman of the tribunal.

The Hon. E. M. HEENAN: If we were to adopt the reasoning of the honourable member it would be logical to say that all appeals against decisions of courts and tribunals should be abolished.

The Hon. E. C. House: The lawyers will get a lot of work out of these appeals.

The Hon. E. M. HEENAN: When the liberty of an individual is at stake and he is tried before a court, is it not right that he should be able to appeal to a higher court if the decision goes against him?

The Hon. L. A. Logan: He can appeal.

The Hon. E. M. HEENAN: That is what I say, but if we pursue the tendency of the amendment before us the individual will not be able to appeal. Let us suppose that a neighbouring farmer of Mr. House lit a fire and it spread onto his property. If the honourable member took a case before a court and the decision went against him should he not have the right of appeal?

The Hon. A. R. Jones: Of course he should have the right of appeal in such a case.

The Hon. E. M. HEENAN: But under this amendment the right of appeal will be denied to the individual. The jockey who was hurt in a motor vehicle accident yesterday will eventually go before the tribunal, and a determination will be made by it. He has everything at stake, and his family is very much affected. Under such circumstances many people feel that the right of appeal is reasonable.

Take the case of jockeys who are suspended from riding in races: Frequently they appeal to the committee of the club and their appeals are upheld. If a local authority does something which causes injurious affection to an owner of an area of land, and the owner does not receive compensation, he should have the right to appeal. In such cases appeals would not be made unless there was a chance of success. People do not appeal for the fun of it, because if they lose their cases they have to meet the costs.

If the tribunal proposed in this legislation is a good one, very few appeals will be made against its determinations. Such a tribunal will make well-reasoned awards, and if appeals are made they are not likely to be successful. However, in one case out of a hundred it might make an error. Is it not right, under those circumstances, that the individual concerned should have the right to appeal? If he can prove that the tribunal has been unreasonable in coming to its determination he will get what he is entitled to.

A vital principle is involved, and I cannot understand why a Liberal Government should be prepared to give away the right of appeal. Usually it holds very dearly to the rights of the individual against the State, against tribunals, and against courts; but in this case the rights of the individual do not seem to weigh very heavily with it.

The Hon. J. DOLAN: I cannot go along with this amendment on the right of appeal on questions of law. If a judge is appointed to the tribunal to deal with matters of this nature specifically, there is not likely to be any question but that the determinations of the tribunal will be absoultely correct. To say there should only be appeal on certain points of law is so much nonsense. It is a subterfuge to get around what has been done in another place. I certainly cannot support the amendment.

The Hon. L. A. LOGAN: I moved this amendment at the request of a member of the legal fraternity. This is a Government measure, and the amendment passed in another place meant the defeat of the intentions of the Government. It is my desire to bring this provision back to what it was, and that is the reason for the amendment.

The Hon. W. F. WILLESEE: The basis of the whole problem is the *quantum* of

award in cases involving very serious motor vehicle accidents. It would lend confidence to the members of the tribunal if there were the right of appeal against its determinations. By including that right in the legislation it does not mean appeals will be made in all cases. If the clause is agreed to without amendment there will be a right of appeal; and further the tribunal will realise that it alone is not solely responsible for the awards it makes. The tribunal will make many determinations, and probably several each week. Some of these determinations will be easy to arrive at, but there will always be the difficult case which requires deep consideration, and there will always be the individual who believes that he is not receiving justice.

It is, therefore, incumbent on us to retain the right of appeal in this legislation. The number of people who will avail themselves of the right of appeal will be negligible, and that is all the more reason why that right should be retained. We should not try to develop the argument that there is something wrong in the right of appeal, or that the legislation will not function without it. The whole issue is this: If we allow the right of appeal we will be providing an equitable and a just cause of redress for people who feel aggrieved.

The Hon. E. C. HOUSE: The whole purpose of this Bill is to bring some uniformity into the assessment of damages. If the right of appeal is retained in the Bill, instead of giving the tribunal confidence it could have the reverse effect. There would not be any reason for the setting up of this tribunal if it were not for the fact that it is impossible for the trust to meet the heavy damages which are awarded in these days, with the amount of money received from third party insurance.

If the lid is to be lifted, then motor vehicle owners will have to pay much higher premiums. People should take note of the pressure that has been applied by the legal profession in respect of this measure. Its members have written letters to us—some of which are half-truths, some not true, and others not to the point. If the legal profession did not have some axe to grind it would not be kicking up a fuss about it.

What happened in another place last night was a typical example of the Barracks issue—of a pressure group which defeated the Government on the floor of the House. If the whole question is a just and reasonable one then Parliament should determine the matter, and not an outside group.

I think Mr. Heenan has instilled fears into members of this Committee, and those fears are not justified. He has indulged in all sorts of sidetracking and has used a jockey as an example and has commented on people climbing up a ladder. This is public money which is being used in payment of the damages, and it is Parliament's responsibility to protect the people's money.

The Hon. J. DOLAN: I cannot let the implication in connection with Mr. House's reference to the legal profession go unchallenged. Probably one of the greatest men in opposition to removing the right of appeal is Professor Braybrooke. Surely he has no monetary interest in this, and I accept him as a very worthy representative of the law. It does no honourable member any credit to imply that the Law Society's only interest in this matter is a financial one.

The Hon. E. M. HEENAN: I am sorry that Mr. House, who is normally very logical and temperate in his contributions to debates, has uttered the remarks he just did. He spoke about the legal profession being guilty of half-truths and untruths, and about its being a pressure group.

The Hon. N. E. Baxter: Mrs. Baverstock's solicitor certainly told some untruths.

The Hon. E. M. HEENAN: That is hearsay. Someone told the honourable member something over the telephone and he told us. I am not going into that. I am sure that men like Professor Payne and Professor Braybrooke have only the highest motives in making contributions to this very complex and serious matter.

It is very nice to live in a country where the rule of law prevails and where any citizen has various rights to protect his interests when they are assaulted. Referring to the hypothetical case of the man being ordered up a dangerous ladder, surely if that is done and the person sustains injury he should receive just compensation—nothing more.

The Hon. E. C. House: That is all we are asking.

The Hon. W. F. Willesee: That is all we are all asking.

The Hon. E. M. HEENAN: If on my way home tonight someone whizzes around a corner and collides with my car and I thereby suffer injury for the rest of my life, is it not right that I should be properly compensated?

The Hon. E. C. House: What is "properly compensated"?

The Hon. E. M. HEENAN: Compensated by the tribunals set up in this land for determining such questions. Does the honourable member want to abolish the High Court?

The Hon. E. C. House: Don't get off the track. Keep to the point.

The Hon. E. M. HEENAN: Does not the honourable member think the High Court is a guardian of our liberty? Is it not nice to know it is there to apply to if we desire to do so?

The Hon. E. C. House: You are getting off the track.

The Hon. E. M. HEENAN: The honourable member may think I am, but I do not think so. I am disappointed to have to say it, but I believe he is the one who is off the track.

There is a vital principle involved. I agree with Mr. Willesee, and I am surprised that the Minister does not see this very point. If any authority considers a subject thoroughly, carefully, and capably, and gives a judgment honestly and wisely, that authority has nothing to fear in connection with an appeal. In my opinion the right of appeal would give this tribunal more courage. Why should anyone be afraid of an appeal? We must remember also that there would be very few appeals because when a person makes an appeal he runs the risk of having the judgment decreased as well as increased, as has happened often in regard to terms of imprisonment.

We have had the right of appeal in our legal system for centuries. As Mr. Willesee said, about 40 out of every 50 cases will probably be run-of-the-mill ones. There will only be the odd ones which will be difficult and in regard to which there will be an appeal. This is not workers' compensation. This is a state of affairs which has been brought about by the wrongdoing of someone else, and that someone else should pay adequate compensation.

The Hon. E. C. House: But the individual does not pay it. It comes out of the trust fund.

The Hon. E. M. HEENAN: Of course it does, the same as is the case with any insurance. Every motorist is contributing to it the same as almost every member of Parliament is contributing to our insurance fund here. Very few of us draw it, but it is there if we need to.

However, I must not get carried away. I think this matter has been properly debated. I cannot see where the trust is going to miss out. I am sure if we knew who the members of the tribunal would be, and they were with us tonight and were asked what they thought of the right of appeal, they would say that they would not be afraid of an appeal because they would do their job honestly, and if they did make an error they would be glad to be corrected. I am sure that would be their attitude, and it would be the correct one.

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

Ayes—13

| | |
|---|---|
| Hon. C. R. Abbey | Hon. L. A. Logan |
| Hon. N. E. Baxter | Hon. G. C. MacKinnon |
| Hon. V. J. Ferry | Hon. N. McNeill |
| Hon. A. F. Griffith | Hon. J. M. Thomson |
| Hon. J. Heitman | Hon. H. K. Watson |
| Hon. E. C. House | Hon. H. R. Robinson |
| Hon. A. R. Jones | *(Teller)* |

Noes—8

| | |
|---|---|
| Hon. J. Dolan | Hon. R. Thompson |
| Hon. E. M. Heenan | Hon. W. F. Willesee |
| Hon. J. G. Hislop | Hon. F. J. S. Wise |
| Hon. R. F. Hutchison | Hon. F. R. H. Lavery *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Hon. S. T. J. Thompson | Hon. R. H. C. Stubbs |
| Hon. G. E. D. Brand | Hon. J. J. Garrigan |
| Hon. C. E. Griffiths | Hon. H. C. Strickland |

Amendment thus passed.

Clause, as amended, put and passed.

Clauses 18 to 21 put and passed.

Title put and passed.

*Report*

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

*Third Reading*

**THE HON. L. A. LOGAN** (Upper West —Minister for Local Government) [8.16 p.m.]: I move—

That the Bill be now read a third time.

**THE HON. F. R. H. LAVERY** (South Metropolitan) [8.17 p.m.]: I did not speak at the second reading stage of the Bill but during the debate this evening I have heard some members talk about pressure groups. There are pressure groups both inside and outside of Parliament, and after what I heard tonight I shall take no more notice of any pressure groups, either inside or outside the House, that may come to me in the future while I am a member of Parliament.

When this Chamber decided not to agree to Mr. Heenan's motion for the appointment of a committee to inquire into the question of third party insurance some weeks ago, I believe a mistake was made; and I feel sure that before long that statement will be proved to be correct. Several times during the debate I have heard supporters of this measure refer to the great amounts of compensation being paid by the courts at present and I hope publicity will be given to the fact that there is to be a change in the method of determining compensation, and it will be seen just what compensation is paid. If that is done those who spoke in opposition to Mr. Heenan's proposition will realise that what Mr. Heenan suggested—that this tribunal was to be introduced to keep down the compensation payments—was correct. I am not throwing any bouquets at anybody when I make that statement.

Question put and passed.

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

## BILLS (2): ASSEMBLY'S MESSAGES

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

1. Public Service Act Amendment Bill.
2. Main Roads Act Amendment Bill (No. 2).

## LAND TAX ACT AMENDMENT BILL

*Assembly's Message*

Message from the Assembly received and read notifying that it had agreed to make amendment No. 1 but had declined to make amendment No. 2 requested by the Council.

*In Committee*

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

The DEPUTY CHAIRMAN: The amendment requested by the Council which the Assembly declines to make is as follows:—

No. 2.

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

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

The Assembly's reasons for declining to make amendment No. 2 are as follows:—

> Because of the difficulties which would arise as a result of making this amendment. There are many authorities involved in town planning and from time to time the approved plans are changed. This would raise considerable difficulties in equitably administering the proposed amendment. Taxpayers would be required to satisfy the Commissioner and no doubt due to the changing circumstances would possibly be required to do this each year.
>
> The applications for exemption would need to be checked by the Commissioner and in many cases additional amended assessments may have to be issued. All of this additional work will require the appointment of further staff. These appointments together with incidental costs would substantially increase the costs of collection of land tax. In fact the additional cost would prove to be disproportionate to the small amount of tax involved.
>
> The position of this particular type of land is to be subject to review as undertaken by the Government.

The Hon. A. F. GRIFFITH: I move—

> That the requested amendment be not pressed.

We spent a good deal of time on this matter last night and since then members have had an opportunity to consider the matter further. I think the first and second paragraphs of the Assembly's reasons for declining to make our requested amendment set out the matter very clearly.

I shall not labour the question but I merely reiterate what I said last night: the Government has undertaken to appoint a committee early in the new year to have a look at the overall matter of land tax and, in conformity with that undertaking, the committee will be appointed. The Government agreed to Mr. Watson's amendment and I went a little further to make the provision apply to blocks of land up to one-third of an acre in size. Somebody could put forward a proposition to exempt blocks of land up to one acre, and so we could go on.

The Hon. N. E. Baxter: We have not asked for that.

The Hon. A. F. GRIFFITH: I am well aware of what has been asked for and, to the best of my ability, I have put forward reasons, as I did last night, for asking the Committee not to agree to the proposals contained in requested amendment No. 2. In those circumstances I can only ask the Committee to reconsider the matter and take heed of the undertaking that has been given to appoint a committee to look at the overall position of land tax early next year. If any recommendations come forward on which action can be taken this can be done in the next session of Parliament. For those reasons I hope the Committee will not press the second amendment.

The Hon. R. THOMPSON: I was in another place when this was discussed and heard what was said. Nobody seemed very interested.

The Hon. A. F. Griffith: What do you mean by that?

The Hon. R. THOMPSON: The members around the Chamber did not seem interested.

The Hon. G. C. MacKinnon: How do you judge that?

The Hon. R. THOMPSON: They were interested in the first amendment but not in the second. We cannot discriminate against people. I have already quoted a case of a man who has had to pay $152 tax, and he cannot do anything with his land. The only way to overcome the difficulty is to put the provision in the amendment into the legislation. This position could go on for years and the people concerned will not be considered by the committee that is to be formed. If we include this in the legislation, next year an amending Bill can be brought down and the anomalies can be sorted out.

The Hon. A. F. Griffith: You do not seem at all concerned about the administrative difficulties that might arise in the next six or seven months as a result of this amendment.

The Hon. R. THOMPSON: If there were 20 or 30 applicants for exemption within the next year I would be surprised, because very few people at the moment know their land is prejudicially affected.

The Hon. A. F. Griffith: If there are so few, what is the worth of the amendment?

The Hon. R. THOMPSON: Why should even a few people pay taxes for land which is of no value to them? Such land is only an encumbrance. I hope the Committee will press for the amendment.

The Hon. N. E. BAXTER: I, too, hope the Committee will press for the amendment. When the amendment was made there was reference to its bad wording, but it eventually went through. It has been to another place and been returned, but there has been no reference to the bad wording, merely to the difficulty that will be created, because there are many local authorities and plans are changed from time to time. The region planning authority is the only authority which can say whether a person may or may not improve his land; so where are the many authorities referred to?

In the corridor is a copy of the region plan which was laid on the Table of the House many years ago. There have been minor changes but no overall change in the scheme. So it is wrong to say plans will be changed frequently. We are told taxpayers will have to satisfy the commissioner each year, but they are only a very small minority. We are told the amendment will increase costs. A huge number of people are involved, but how many will apply for exemption? I do not know, but they should be given the right to apply as is the primary producer. If this goes to a conference of managers I am quite willing to amend the wording to make it workable. It is the principle I want to see established.

The Hon. A. F. GRIFFITH: Mr. Baxter has given us the proof we needed in considering this matter, because he said—and I use his own expression—there will be huge numbers of people involved. This is the very point the Government is making. The administrative difficulties could be so great as to make it impossible to derive any benefit from the tax.

The Hon. R. THOMPSON: The amendment could be beneficial in several ways. It will make the Town Planning Department and the region planning authority wake up to some of the mistakes made. It could help them to permit people to make use of their land.

The Hon. N. E. BAXTER: The Minister referred to the substantial cost involved, but he did not say where the cost would be involved. No substantial cost will be involved if the amendment is accepted. People could have land which they are not permitted to improve. There was some publicity in the Press this morning, and a third of an acre was referred to. People become aware of the position through the Press, and it will help them in their endeavours to improve their properties; they will write to the commissioner seeking this approval. It will not cost very much to determine whether the people concerned can or cannot improve their properties. The Minister is drawing a red herring across the trail.

The Hon. A. F. Griffith: You would be a good judge of red herrings.

The Hon. N. E. BAXTER: I have been here long enough to know a red herring when I see one. If the people involved are penalised it will not be to the credit of the Government.

The Hon. H. K. WATSON: The more one discusses this Bill the more is one convinced that it is ill-conceived. The first amendment does create some amelioration of the position in the metropolitan area, and I confess when I moved the amendment which has been agreed to I was concerned particularly with the metropolitan area.

I freely confess that had I raised my sights I would have realised what has since been pointed out to me that in many districts the home site is half an acre and not a quarter of an acre. I find it difficult to accept that the person outside the metropolitan area who owns a home site of a half an acre should not be accorded the same treatment as the metropolitan dweller.

Last night I opposed this amendment for reasons which I stated. The Committee unfortunately carried the amendment and having done that I am inclined to think there is no good reason why we should depart from the Committee's decision. I am not sufficiently educated on the question; and I have grave doubts whether the sponsor of the Bill gave the measure sufficient thought before it was introduced.

The Hon. A. F. GRIFFITH: I pose this question to Mr. Watson: Does he think that every landowner who owns an area of land, substantial or otherwise—but with the emphasis on substantial—who is now in a deferred urban area, and who would have a case to put before the Commissioner of Taxation based on the words of the amendment, "that it was not within his ability to improve the land", should be free of tax? Thousands of acres could be involved.

The Hon. R. Thompson: That is fair enough.

The Hon. A. F. GRIFFITH: The honourable member is talking about the investor. He does not like the capitalist.

The Hon. R. Thompson: You said in a deferred urban area.

The Hon. A. F. GRIFFITH: Yes.

The Hon. R. Thompson: He has a blanket over his land and can do nothing with it.

The Hon. A. F. GRIFFITH: This person, when the plan comes out, would get the benefit of the unearned increment and the honourable member wants to protect him both ways. He may not want to develop it at the moment. These people have developmental plans which they intend to

carry out years hence, so it does not suit them to develop at the moment. Last night the honourable member talked about a man who paid £8,000 for a block of land which is now worth £150,000. Is that the sort of man the honourable member wants to protect?

The Hon. R. Thompson: No.

The Hon. N. E. BAXTER: I am astounded at the words of the Minister. When this Bill was introduced we were told its purpose was primarily to force people with unimproved land to improve it, and a secondary consideration was to obtain additional revenue for the Treasury. Now the cat has stopped chasing its tail one way it is chasing it the other way. It transpires that revenue is the most serious consideration and not to try to get people to improve their land. The Minister said that a speculator who owns a big area of land which cannot be improved under region planning should pay the tax. I do not hold with speculators, but money could be tied up in land for 15 or 20 years and the owners could not improve the land if they wanted to do so because they could not get permission.

The Hon. A. F. GRIFFITH: Does Mr. Baxter remember these words which were said last night—

> . . . . to obtain more money for the Treasury to bring about, as the member for Narrogin has suggested, more substantial improvement of the land held?

The Hon. N. E. Baxter: Yes.

The Hon. A. F. GRIFFITH: Well, what is the good of saying the cat is jumping around the other way? The honourable member cannot pull the wool over my eyes.

The Hon. N. E. Baxter: Nor mine either!

The Hon. A. F. GRIFFITH: I would not try. We made no secret of the fact last night that there were two purposes, but the honourable member made the exaggerated statement that the objective of the Government is to raise tax. We made no secret of the matter.

The Hon. H. K. WATSON: It is true that one of the purposes of the Bill is to raise tax, and equally true that one of the reasons advanced was that the measure would encourage development and improvement.

The Hon. A. F. Griffith: That is right.

The Hon. H. K. WATSON: The Minister asked me whether I would support exemption of tax for an area of land of 10,000 acres.

The Hon. A. F. Griffith: Owned by a man who did not want to develop it.

The Hon. H. K. WATSON: I would think twice about that, because it is not a question whether that man should be exempt from land tax. He is already paying land tax plus a surcharge because the land is unimproved. Under this proposition he shall pay further tax; and it is in respect of this further surcharge that the Minister asked me the question.

With certain reservations I would say that I would not necessarily agree with such an area of land being exempt, which brings me to my particular point: I am concerned with the fact as to why the single owner of a home site, whether quarter acre, third of an acre, or half an acre should be subjected to this further impost on top of the land tax which he is already paying.

The Hon. C. R. ABBEY: I do not think the Committee should insist on amendment No. 2. It is only an expediency to try to achieve something that has been admitted as being a desirable object. It would be foolish in the extreme to have a situation whereby the only recourse is by appeal. It would be far better, after a proper examination by the committee proposed to be set up, if these people could be automatically excluded. We want to see all the people who are injuriously affected taken out of the scope of the provision. I am sure this committee will be set up in a short space of time and justice will prevail.

The Hon. F. R. H. LAVERY: I wish to refer to lot 176 in Hope Road, Jandakot. That piece of land was bought in 1959 by one of the biggest land developers. This was formerly my late wife's estate. The owners of that land cannot subdivide; and even if they could, they could not subdivide into less than 10-acre blocks.

The Hon. H. K. WATSON: I refer members to Standing Order 240. I was wondering whether we could in some way tidy up this amendment by confining it to half an acre. I am concerned with the private owner of a home site, and not with the businessman.

The Hon. A. R. JONES: When this measure was discussed in relation to the committee to be set up, did the Premier say no assessment would be made on this type of land until the report of the committee had been received? Once the committee to be set up gets to know the various types of land and the reasons for its not being developed, it would put that land outside the jurisdiction of the taxing law. If an undertaking such as that could be given we could go ahead and pass the legislation. I am not saying there is anything wrong with Mr. Watson's suggestion that we should tidy up something and send it to the Assembly in a form which it may accept, but I would like the Minister to answer the point I have raised. This is a matter of taxing people who should not be eligible to pay tax. I ask the Minister if he will explain the point.

The Hon. A. F. GRIFFITH: The Premier could not do anything of the

kind, of course, because assessments with respect to land tax are current anyway, and they are being sent out from time to time. I could not say that the Premier said what was stated, because I am sure he did not say it. But he did say he would establish this committee and the words he used are in *Hansard*.

Regarding Mr. Lavery's statement, the man concerned in the case which he mentioned is not precluded from developing. He can subdivide into quarter-acre lots.

The Hon. F. R. H. Lavery: They were 10-acre lots.

The Hon. A. F. GRIFFITH: All right; but he still has the same total area.

The Hon. H. K. Watson: That is improving land anyway.

The Hon. A. F. GRIFFITH: All he is doing is improving his wealth.

The Hon. R. Thompson: Anyway, it is rural land and it is outside the scope of the Bill, and will not attract land tax.

The Hon. H. K. Watson: It is rural improved land.

The Hon. A. F. GRIFFITH: On the point raised by Mr. Watson, we may have to go to the extent of having a conference. We all know what the prospects are likely to be if a conference is held.

The Hon. L. A. Logan: Mr. Watson wants the half-acre provision.

The Hon. A. F. GRIFFITH: The honourable member, in his amendment, asked that quarter-acre blocks be exempt, and we went one better and we made it one-third-acre blocks, because of the difficulties attached to quarter-acre blocks.

The Hon. N. E. Baxter: That was not over-generous.

The Hon. A. F. GRIFFITH: I am not talking about the extent of generosity; I am merely stating the fact that we went to one-third of an acre and everybody was satisfied.

The Hon. H. K. Watson: They were satisfied with their limited knowledge of the facts.

The Hon. A. F. GRIFFITH: I do not think members' knowledge of the facts was any less last night than it is today.

The Hon. R. Thompson: There are plenty of new subdivisions in the Kalamunda area which we did not know about last night.

The Hon. A. F. GRIFFITH: Really, the bow is being stretched when members say they did not have that knowledge last night. This could draw in another line of argument and we could go to one acre and so on. Are we not prepared to accept the situation that the matter will be fully looked into by a committee next year? However, I do not think I will labour the point any further.

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

Ayes—10

| | |
|---|---|
| Hon. C. R. Abbey | Hon. E. C. House |
| Hon. V. J. Ferry | Hon. L. A. Logan |
| Hon. A. F. Griffith | Hon. G. C. MacKinnon |
| Hon. J. Heitman | Hon. N. McNeill |
| Hon. J. G. Hislop | Hon. H. R. Robinson |
| | *(Teller)* |

Noes—11

| | |
|---|---|
| Hon. N. E. Baxter | Hon. J. M. Thomson |
| Hon. J. Dolan | Hon. H. K. Watson |
| Hon. E. M. Heenan | Hon. W. F. Willesee |
| Hon. A. R. Jones | Hon. F. J. S. Wise |
| Hon. F. R. H. Lavery | Hon. R. F. Hutchison |
| Hon. R. Thompson | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Hon. S. T. J. Thompson | Hon R. H. C. Stubbs |
| Hon. G. E. D. Brand | Hon. J. J. Garrigan |
| Hon. C. E. Griffiths | Hon. H. C. Strickland |

Question thus negatived; the Council's amendment pressed.

*Report*

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

## QUESTIONS (2): ON NOTICE

### HIGH SCHOOLS

*Bursars: Appointment*

1. The Hon. J. DOLAN asked the Minister for Mines:

   Has the Education Department any intention of appointing bursars to Senior High Schools in the near future?

   The Hon. A. F. GRIFFITH replied:

   Yes, eight such positions have been created and advertised in today's *Government Gazette*.

*East Kimberleys: Establishment*

2. The Hon. W. F. WILLESEE asked the Minister for Mines:

   Further to my question on 2nd August, 1966, regarding the establishment of a high school in the Kimberley area, can the Minister advise if further consideration has now been given to the proposal, and, if so, what is the result?

   The Hon. A. F. GRIFFITH replied:

   An analysis of school enrolments in the Kimberley area shows that Derby is the only centre which either has, or has prospects of, a substantial number of post-primary students.

   The Derby Junior High School possesses adequate facilities for post-primary education at present and the department intends to improve these still further in the near future. Plans are almost completed for a new manual training and home science centre. The manual training

centre will provide instruction in woodwork, metalwork and motor mechanics as well as windmill maintenance, brick making, etc. The home science centre will comprise the normal facilities for cooking, laundry, and dressmaking but will have, in addition, a transitional type native dwelling in which practical instruction in home making will be provided for girls who will probably be occupying homes of this type in later life.

It is not considered that there would be any advantage in establishing a separate high school at Derby at the present time. However, when enrolments increase to the stage where this is considered justified, the present layout of the buildings will facilitate the conversion to separate high and primary schools.

## BILLS (4): ASSEMBLY'S MESSAGES

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

1. Aerial Spraying Control Bill.
2. Industrial Arbitration Act Amendment Bill.
3. Western Australian Marine Act Amendment Bill.
4. Administration Act Amendment Bill.

## STATE TRANSPORT CO-ORDINATION BILL

*Assembly's Message*

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council, subject to a further amendment to clause 27.

*Assembly's Further Amendment:*

*In Committee*

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

The DEPUTY CHAIRMAN: The further amendment made by the Assembly is as follows:—

Clause 27, page 13, line 26—Insert after the word "year" the words "following that in which the Act comes into operation".

The Hon. A. F. GRIFFITH: It will be remembered that when we were in Committee on this Bill, we took out the words "the Council and Board." This amendment then provided that the director-general would be the person who would make the report. It was pointed out there was a little uncertainty as to the question of whether there would be three reports, and this was not intended. In order to make the position clear the Legislative Assembly has amended the Bill so that the first report will come forward a year after the Act comes into operation. Therefore, the first report will be received after the 30th day of June in each year following that in which the Act comes into operation. This means the first report will be available 12 months after the coming into operation of the Act. Without these few words suggested by the Legislative Assembly, the clause is not as clear as it is when the words are included. Accordingly I move—

That the further amendment made by the Assembly be agreed to.

Question put and passed; the Assembly's further amendment to the amendments made by the Council agreed to.

*Report*

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

## BILLS (9): RETURNED

1. Local Government Act Amendment Bill (No. 2).
2. Statute Law Revision (Short Titles) Bill.
3. Statute Law Revision Bill.
4. Statute Law Revision Bill (No. 2).
5. Amendments Incorporation Act Amendment Bill.
6. Petroleum Act Amendment Bill.
7. Metropolitan Region Town Planning Scheme Act Amendment Bill.
8. Criminal Code Amendment Bill.
9. Land Agents Act Amendment Bill.

Bills returned from the Assembly without amendment.

## QUESTION WITHOUT NOTICE

### HOUSING

*Tenders for R. & I. Bank Homes*

The Hon. J. M. THOMSON asked the Minister for Mines:

With reference to tenders for the first 16 homes referred to by the Minister on introducing the Rural and Industries Bank Act Amendment Bill—

(1) Were tenders called for this group on supply of design and erection?

(2) How many tenders were received?

(3) Who were the tenderers?

(4) What was the state of tendering?

(5) What was the amount of the successful tender?

The Hon. A. F. GRIFFITH replied:

(1) to (5) Tenders I referred to related to quotes received on a design and erection basis from Landall Construction & Development Co. Pty. Ltd. and from Plunkett Homes as a result of exploratory talks held with the build-

ing industry, in anticipation of legislative powers. None were accepted and because of effluxion of time are considered to have lapsed.

## TRAFFIC ACT AMENDMENT BILL (No. 2)

*In Committee*

Resumed from an earlier stage of the sitting. The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

The CHAIRMAN: Progress was reported after clause 1 had been agreed to.

Clauses 2 to 4 put and passed.

Clause 5: Section 10 amended—

The Hon. W. F. WILLESEE: I had some doubt as to how this provision would operate and the Minister, in replying to the second reading debate on this Bill, decided he would leave it to the Committee stage to explain the matter more fully to me. I do not think there is any need for me to say more than that.

The Hon. A. F. GRIFFITH: A good deal of time has gone by since I started to look into this, and I only hope I can remember the explanations which were given to me. First of all let me make it clear that there is now no three-monthly period of licensing. The period of licensing is either six-monthly or 12-monthly. I would mention, incidentally, that as far as local authorities are concerned, their licensing returns are set out in quarterly periods, but that has no connection with this measure. If a vehicle is licensed for six months, then it must be licensed for another six months before it can be converted into a 12-monthly license. With the computer arrangement operating, a license will be able to be turned into a 12-monthly license at any stage of the proceedings. While on this subject, I would mention that I picked up a 1964 copy of the Traffic Act. I notice it was reprinted again in 1966—two years later.

The Hon. W. F. Willesee: I might have been looking at an old copy.

The Hon. A. F. GRIFFITH: The one I have now is fairly up to date. I am having difficulty in picking up the section of the principal Act to which this clause refers, but I know that once these passages are deleted, we will be left with the original principle. In the interests of saving time, I will not repeat the words which are to be deleted. Instead, I will read what is left after their deletion; namely—

> A vehicle license previously issued under this subsection may, subject to paragraphs (b) and (c) of this subsection, be renewed for a period of either six months or twelve months from the date of its expiry at the option of the applicant.

Thus the effect of the deletion will be that the applicant will still have the option at any time to renew for six months or 12 months.

Clause put and passed.

Clauses 6 to 14 put and passed.

Clause 15: Section 69 amended—

The Hon. A. F. GRIFFITH: This deals with the averment of the complaint that the offence was committed inside the boundary of the local authority; and under the Act proof must be given to the court that the offence in fact occurred inside the local authority area in which the averment said it did occur. Suppose the area of a local authority is the size of the book I have in my hand, and the offence occurred inside the boundaries of that local authority. The prosecution must produce evidence to the effect that it did so occur. I understand that magistrates have, in some cases, asked for a plan to be produced showing that the offence occurred inside the boundary of the local authority bringing the charge. If it is not produced it could be a defence that the offence occurred outside the boundary of the local authority and the prosecution would be lost. If members read the clause they will see the important words, "in the absence of proof to the contrary," are still there. This will save a great deal of expense.

Clause put and passed.

Clause 16 put and passed.

Title—

The Hon. A. F. GRIFFITH: Mr. Heitman said he was disappointed that the rearrangement of licensing in clause 5 was not extended to the country, and I think he quoted section 10 of the Act. Country licensing is under section 9, not 10.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

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

## STAMP ACT AMENDMENT BILL (No. 2)

*Second Reading*

Debate resumed from the 24th November.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the Opposition) [9.36 p.m.]: I do not intend to comment on this Bill. It is complementary to a previous Bill which has already been passed, and I support it.

The Hon. A. F. Griffith: Thank you.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

## MEDICAL TERMINATION OF PREGNANCY BILL

*Introduction and First Reading*

Bill introduced, on motion by The Hon. J. G. Hislop, and read a first time.

*Second Reading*

**THE HON. J. G. HISLOP** (Metropolitan) [9.40 p.m.]: I move—

That the Bill be now read a second time.

I desire at the outset to state that this is a private member's Bill. I have not sought advice from any of my colleagues because I wish to grant to everyone the opportunity to discuss this measure. It is my hope that many, both inside and outside this Chamber, will give me the privilege of knowing their attitude towards the Bill. I am sure that we all hold views—varying views—on this subject.

I wish to emphasise that I respect the views of my colleagues and of other people, no matter what they may be. Not for one moment would I criticise those who hold religious views that call for opposition to this Bill. In presenting the measure to the Council, I know it contains views that have grown firmly in my mind during a period of association with people in all walks of life for little short of 50 years. It is not necessary to emphasise that during these long years the needs of people have been made evident to me.

This Bill is closely allied to the English Bill, but it contains modifications that have seemed essential to meet the needs as I see them. A division has been made in that the conditions laid down are in the following two categories:—

(a) a pregnancy of less than 12 weeks; and

(b) pregnancy of more than 16 weeks.

The latter is of a more serious nature in relation to the degree of surgery required.

Clause 3 states that where a pregnancy is less than 12 weeks a person is not guilty of an offence under the Code by reason of the termination of the pregnancy by a medical practitioner, provided the conditions laid down in clause 4 of this Bill are adhered to.

The conditions in clause 4 are as follows:—

(a) If the continuance of the pregnancy involves serious risk to the life, or grave injury to the health, whether physical or mental, of the pregnant woman, whether before or after the birth of the child, or

(b) There is a serious risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped.

(c) The pregnant woman's capacity as a mother will be severely overstrained by the care of a child, or of another child, as the case may be.

(d) The pregnant woman suffers from mental disorder.

(e) The pregnant woman became pregnant under the age of 16 years.

Clause 4 lays down that the medical practitioner caring for a pregnant woman for whom a termination of the pregnancy is considered shall consult with a physician or gynaecologist, or both, and that when an opinion is established in good faith the termination of the pregnancy can lawfully proceed so long as the conditions of clause 4 apply.

Clause 3 states that where a woman has been pregnant for not more than 12 weeks of the two practitioners consulting on the termination, one shall be either a gynaecologist or physician; but subclause (6) (a) of clause 4 states that the termination shall not be performed on the ground of mental disorder unless a psychiatrist has certified that he has examined the woman and that she suffers from mental disorder.

Clause 4, subclause (6) (b): Termination of a pregnancy to which this provision applies shall not be performed on the grounds of rape unless the woman consulted a medical practitioner immediately after the rape and that medical practitioner has certified that there was then medical evidence of a sexual assault upon her.

Clause 4 subclause (4) (b) reads that when termination of a pregnancy of more than 16 weeks is contemplated both the medical practitioners must be gynaecologists. This situation is regarded as being more serious than if the period of the pregnancy was less than 12 weeks. Abdominal surgery is required for this, and for that reason the verdict of two gynaecologists is accepted. Should there be doubt in the minds of one of the gynaecologists continued observation of the pregnant woman will be maintained. This situation does not present itself frequently but when it does it is serious enough to call for the opinion of two gynaecologists.

Clause 4, subclause (5) deals with the situation of a woman being pregnant for a period of not more than 16 weeks, and the services of a medical specialist are not available immediately, and the two medical practitioners mentioned in sub-

clause (2) of this clause are of the opinion formed in good faith that termination of the pregnancy is immediately necessary in order to save the life of the pregnant woman, subclause (4) of the clause does not require that one of these medical practitioners be a medical specialist.

This situation also is not very common, but without this permission, serious results could occur when the woman and the practitioners were living in towns and other areas in the country. It is, however, common for a proportion of women who seek a termination on the grounds of ill health to come to the city, and in the main urgency is not usual when a request is made in the early weeks.

Clause 5 states that a termination of pregnancy shall not be performed upon a child under the age of 16 years without the express consent of a parent or guardian of the child but the consent of the child shall not be required. It is considered that a child under 16 would not be in a position to decide for herself.

Under subclause (4) of clause 4, the two medical practitioners must not be in partnership; one of them must not be an assistant or employee of the other; and they must not otherwise carry on practice in association one with the other. This also applies to the case of the woman whose pregnancy has exceeded 16 weeks.

Clause 6: Anything done with intent to procure the miscarriage of a woman is unlawful unless it is authorised by this Bill. The Criminal Code will still function in this circumstance in relation to sections 199, 200, or 201 of the code.

Clause 7 (1) (a): It is left to the Government to make regulations requiring any medical practitioner who terminates a pregnancy to which clause 4 of this Bill applies to furnish a report to the commissioner. The definitions of all those who take part in this medical and surgical treatment are contained on page 2 of the Bill. Naturally, "commissioner" means the Commissioner of Public Health appointed under the Public Health Act. Other medical practitioners may be called upon who give or gave an opinion or certificate in relation to termination of the pregnancy to submit a report in writing to the commissioner. This action bears some character to the requirements of the English legislation.

It is not to be understood that this Bill gives a freedom to members of the medical profession to practise abortions. What is attempted is to give service to our womenfolk who have a genuine claim to be relieved of a pregnancy when the conditions in clause 4 of this Bill apply; and secondly, to establish the conditions under which the profession can terminate a pregnancy so long as the provisions are observed with a sense of protection and legal rights.

Clause 7 (1) (b) requires that a medical practitioner who intends to terminate a pregnancy in an approved hospital, having relation to this clause, gives prior notice in writing to the matron. This paragraph has real importance because it is just as essential as the previous paragraphs of this clause, if a matron of an approved hospital desires at all times to maintain the prestige of her hospital and work within the law. I do not think this will prove a burden to the profession because the notification to the matron with the presentation to her of the medical advice received from colleagues consulted is rather usual. Regulations as to the type of reports considered necessary and the prescribed forms will be made by the Governor.

Clause 7 (1) (c) prohibits the disclosure, except to such persons or for such purposes as may be prescribed, of reports or notices given pursuant to the regulations. It is a usual custom to enter the operation as such in the hospital's register, a book which can be inspected by the commissioner so that these regulations are in keeping with present practice, with the exception of the reports and forms to be submitted to the commissioner.

These conditions are included in this Bill in the hope that over a period of five years we will have a useful piece of research in that one may be able to glean some of the reasons why termination of pregnancy was sought and carried out. At present there is no known knowledge of this very important aspect of life.

Regulations under this Bill may impose a penalty not exceeding $200 for a breach of any regulation. I consider that under these conditions and regulations the pregnant woman whose pregnancy has been terminated will be rigidly protected from publicity.

In conclusion I would advise the House that it is not my intention to proceed further with the Bill this session, and I simply ask those who are interested to send to me any proposed amendments of the clauses in this Bill. I will be quite ready to receive acceptance or rejection, so that I can gather widespread opinions.

This Bill will be sent to the State Committee of the Royal College of Obstetricians and Gynaecologists, to the State Committee of the Royal College of Physicians, to the W.A. Branch of the Australian Medical Association, to the Law Society, and to the Public Health Commissioner. I have not made it easy in any way for unmarried girls to obtain an abortion, nor for married women who simply desire to be free of pregnancy.

This problem is world-wide and few nations have found the answer. And now I place myself in the hands of my colleagues.

Debate adjourned, on motion by The Hon. A. F. Griffith (Minister for Mines).

*Sitting suspended from 9.55 to 10.21 p.m.*

## WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY BILL

*Second Reading*

Debate resumed from an earlier stage of the sitting.

**THE HON. J. DOLAN** (South-East Metropolitan) [10.22 p.m.]: I have assured the Minister I will not be longer than an hour and a half—

The Hon. F. D. Willmott: You will be on your own if you are.

The Hon. J. DOLAN: —but I may only be five minutes. This is an important Bill and I give it my full support. As the Minister indicated in his second reading speech, its purpose is to establish the Western Australian Institute of Technology as a completely autonomous body and independent of departmental control. At the outset I would point out that the Bill will bring it into line with the first institute of technology in the Commonwealth; namely, the South Australian Institute of Technology.

If I refer to that institute briefly, perhaps it will assist members to appreciate the provisions contained in the Bill and will cause them—as I intend to do—to give it their full support. The South Australian Institute of Technology was established in 1889, and was originally known as the South Australian Institute of Mines and Industry. As it developed it became known as the institute of technology. It was a long time before the institute in this State got into operation; in fact, so much so that the former Director-General of Education at its opening earlier in the year referred to the fact it was so long getting started he felt the letters W.A.I.T., representing the initial letters of Western Australian Institute of Technology, were most appropriate, because every time he was asked if it were getting under way he always used the initials W.A.I.T. and perhaps sometimes he felt a little frustrated.

There are many points in the Bill regarding which a slight reference would not be out of place. Early in the Minister's speech he referred to the fact that the institute is planned as a facility for the whole of the State. Eventually branches will be established in country towns. Again, such a move would bring it into line with the South Australian Institute of Technology which already has country branches at Port Pirie, Whyalla, and Woomera, three of South Australia's largest industrial centres. Port Pirie has long been a centre of industry, and Whyalla has been firmly established for many years and I would say that Woomera would be the most modern of all industrial districts in Australia.

There is no doubt that the South Bentley site, on which the Western Australian Institute of Technology is situated, is a wonderful one. There is ample room not only for the expansion of the college, but also to establish residential colleges and to extend the technological institute almost as much as could be desired. I feel that in granting the institute autonomy a challenge has been thrown out to it to establish something in this State of which we will be really proud. During considerable travel throughout all States of the Commonwealth over the last 30 years or so, it has been my experience to find that students who have graduated from the various technical colleges in this State are highly regarded in whatever State they are working.

If one went to Tasmania, for example, one would find, employed in the hydro-electric scheme, men who have graduated from our technical schools and one soon ascertains that they are highly thought of. From the School of Mines at Kalgoorlie which, in effect, is another technology institute, have graduated men who are now found in all parts of Australia, but more particularly in Malaya. Some of the greatest mine managers, metallurgists, and geologists made their initial mark at the Kalgoorlie School of Mines.

I anticipate, with the granting of autonomy and complete independence of departmental control, the Western Australian Institute of Technology will become one of the finest of its type, not only in Australia, but possibly in the world. In a growing State such as ours there will be ample room for employment for those men who will graduate from that institute. All kinds of problems will be encountered, of course. Although at present it has a staff of about 80 it will be found that that number will be increased, and I would suggest that these men will not carry out their duties merely as teachers, but will have an added incentive to lay a foundation which will live long in the annals of education in this State. In that connection it has been mentioned that many of them will be drawn from the ranks of the Education Department. I would suggest that in the interests of the institute, applications be called from all over Australia at least, so that the staff, when appointed, will feel they have been selected. There is nothing so challenging as to feel that one is a member of a selective group to lay the foundations for a certain branch of education and bring it to fulfilment.

The institute is not a university. In fact, its function is a little different from that of a university. A university has really two functions, or two purposes, one might say. One, of course, is research, and the other is scholarship, and the Institute of Technology is established for a different reason, but none the less it is a reason which is most important.

In the Bill there will be provisions to indicate what qualifications will be held by students who have graduated from the institute. The Minister has indicated he will have an amendment made to the Bill in relation to this matter. I believe the

men who complete their education at the institute will receive diplomas, associateships, certificates, and so on, but will not be granted degrees. Degrees will remain the prerogative of the University. The day might come, as it has come in South Australia, where degrees of technology will be issued.

To give some idea of the latest student figures in South Australia, I refer to the Martin Report. These figures have been increasing over the last six or seven years in every group. In 1963 the number of students taking a degree was 630, an associate diploma 1,113, a diploma or a higher certificate 1,197, an ordinary certificate 634, and other certificates 1,498. This gives a total attending the courses of 5,072. The number who were not attending courses but were receiving tuition through correspondence, etc., totalled 6,042, giving a grand total enrolment of 11,114.

One problem in the future will be the availability of sufficient accommodation. Today, looking at the institute one wonders whether it will be filled, but in a few years' time one of the greatest needs will be additional buildings.

At the present three main courses are provided—mathematics, physics, and chemistry. It is only a matter of time when progressively the courses will encompass subjects such as architecture, engineering, surveying, art, accountancy, management and administration, librarianship, and various other branches of learning.

There is so much in the Bill that I could go on discussing many aspects for another 1½ hours, but I only wish to refer to a couple of other matters. Commonwealth scholarships may be taken either at the University or at the Institute of Technology. I understand that the scale of fees at the institute for students under the age of 21 years is about $6 a year, and for those over 21 years of age about $42 a year, but probably in the long run it might be a little more. Students who have gained Commonwealth scholarships will get their education free at the institute.

I have always felt that mature-age students realise that they will not get as far as they want to unless they have a background of education that is really worth while. I find hundreds of people approaching 30 years of age who go back to technical schools and institutes of technology, and even the universities, to obtain degrees. What a burden those people must carry! Very often they are married with families to support, and when they attend universities or institutes of technology they have to pay fees which are almost exorbitant so far as they are concerned. These people do not receive the help that they should receive.

I know some of these men, and they are some of our finest citizens who will really make their mark in life. In particular I personally know one who is starting to make his way in life. He left school after passing the Junior, because he had to help to maintain his family. He finished up by working on the waterfront, but he realised the necessity to improve his lot, so he took the matriculation examination through a technical college. After that he went through the University where he obtained an arts' degree. He was appointed to the teaching staff of a high school and later obtained his M.A. degree. This person is now in his 30s. I have the greatest admiration for men of that type, and they deserve all the encouragement that can be given to them.

At technical schools and institutes of technology we find mostly students who are determined to make something of their lives. I have had a background of teaching children and young men, and I found it was marvellous to teach those who have an incentive to learn. I can remember the time when I taught trigonometry to young lads.

The Hon. R. Thompson: You tried to teach me that.

The Hon. J. DOLAN: Teaching slow learners is a difficult job! In teaching subjects such as this, one experiences great satisfaction in finding students with an incentive to learn. During the last World War many young men joined the Air Force and wished to become air crew members, but they could not do so unless they had the required certificates. Many of them came back into the classes with a different attitude towards learning; they had an incentive; they wanted to join the air crew, and they could not do that unless they did the required study.

I say quite definitely that such students can learn more in two months when they have an incentive than they can learn in, perhaps, three years without incentive. This institute will be a wonderful challenge to our youth. The results we will derive from this institute will be worth every penny that is spent on it, and we should not limit it in any way.

Very often we feel inclined to say that the Education Department or some other body should control the institute, but making it autonomous and letting it work out its own destiny is the best thing that can happen. I will be very disappointed if I do not live long enough to see the benefits from this institute. I feel that nothing but good will come from the passage of this Bill, although there are certain points on which we have differing views. It is to be commended in every way, and I support it.

**THE HON. N. McNEILL** (Lower West) [10.38 p.m.]: I take this opportunity to speak to the Bill before us, because I feel the moment should not pass without my making additional references in support of the establishment of the Institute of Technology, or without my lending support, firstly, to the words of the Minister during

the second reading debate, and, secondly, to the comments made by Mr. Dolan.

I use this opportunity to give notice that at some later stage—because I believe now is not the appropriate time to do this—in the life of this Parliament, perhaps, I shall make a more searching survey of some of the circumstances concerned with the institute, and in particular some deeper reference to the conditions referred to by Mr. Dolan; namely, the circumstances surrounding autonomy, and the question of degrees, diplomas, associateships, and the like. These, in fact, might well determine to a very large degree the success or otherwise of this institute. When I say success I do not refer to the turnout of students, but rather to the standard of the students who are turned out by it—the standard they are able to attain as a result of the teaching that is available.

In establishing this institute and giving it autonomy it would be easy—I believe this has been expressed in a number of instances—to imagine a situation such as that pertaining to the University. Of course it is quite different, because the Bill provides for a council which will have extremely close liaison with that section of the people and with the State's economy generally which will be served by the output from the institute in the future. I refer to industry itself, and by that I do not mean in terms of industrialisation, because there would be many careers and professions served. No mention has been made of a course in pharmacology. I understand this will also be available at the institute.

The establishment of this institute is very appropriate to the present rate of development and degree of development which this State is enjoying at the present time. It is highly relevant to the situation when we see the industrialisation that is taking place in terms of all the industries located in the Kwinana area, for instance, and in the mineral development in the north.

In order properly to serve these industries we must have our own output of students. By the same token there would be less point in being able to turn out students with qualifications, unless the opportunity existed in this State for the students to use their know-how. Prior to this, these facilities had not been available to the degree which was warranted, and that establishes the need for the institute.

In the past we have been well served by the institutions referred to by Mr. Dolan, such as the Perth Technical College which tried to cope with the needs as best it could, but we have gone a long way past those days.

I give my full support to this Bill. I fear that one of the circumstances which will cause some concern is the feeling of rivalry which may arise between this institute and the University. I do not think that should be so, because in my view there should be no provision for the overlapping of the services which are provided. One is in the application, and the other is in the scholarship.

When it comes to a question as to whether a student turned out by the institute shall hold a degree, does it really matter? Is the degree of greater importance and higher in status than a diploma, in the situation in which the student will ultimately be involved? It is a fairly fictitious comparison, and there are many things which the University cannot provide in the way of training or scholarships; maybe such training or scholarship is only available through an institute of technology. I hope that a sense of rivalry will not arise at any stage. I feel this is a matter which could well be the subject of a later discussion on my part, because I believe it needs further reference. Suffice it to say at this moment that I believe we should thoroughly understand the significance of this institute in Western Australia.

Without all of the added developments we have had, not only of an industrial but also a commercial nature, we will not get the full benefit of its being located in Western Australia unless we also provide the opportunity to our own people to gain the educational standards which will fit them for positions in this development.

I will be content with those few remarks at the moment, but I will certainly watch the progress of this institute with great interest. I sincerely wish it success, and I am sure it will serve the needs of the State very competently in the future.

**THE HON. J. G. HISLOP** (Metropolitan) [10.46 p.m.]: I could not let this opportunity go by without referring to the fact that the State has been successful at last in establishing this institute. I will be more pleased still when students of this institute obtain a diploma of some sort. I am recalling the time Rotary Foundation scholarships were established. It was possible for us only to appoint someone who had been through some course which provided a degree or diploma. Consequently it was possible to send only university students—those who had qualified in medicine, science, and so on. We feel that those who would learn even more would be those from a technical school.

America has quite a different attitude for the simple reason that its technical organisations are mighty. Some are very extensive. I think it is the Franklin Institute in Philadelphia which is a very attractive building. We were very intrigued when we went into the building and noticed on our left-hand side a replica of a mineshaft. It had models of men working and they were taking the dirt out and bringing out what looked like coal. The next night the dirt would be replaced and the same procedure would be repeated.

The children loved it and came in their dozens to look at it. I forget what they call it at the moment but it was a rather vast hall and depicted many aspects of human life. The mothers, sons, daughters, and so on were inspecting the building on that Sunday afternoon and there were hundreds of them. Actually there must have been 1,000 or more wandering around.

Displayed were such things as the history of the telephone. They would start with a little toy telephone we had probably 30 or 40 years ago and then move along showing how the progress was made. That is the type of display which was to be found at this hall. The main day when most people visited the hall was on a Sunday and young boys and girls could study the various sciences and subjects covered and could eventually decide what occupation they desired to follow.

I can remember a very excellent demonstration on meteorology. They showed how the temperature of the following day was estimated, how the clouds provided information, and various other aspects of the subject.

To me the place was an eye-opener and it was wonderful to see the interest which the children—up to 18 and 19 years old—took. They eventually would make up their minds what type of work they desired to engage in although possibly some of them later changed their minds as they grew older.

However, they were able to gain an intense desire to be associated with some type of technological work. The venture was a tremendous success, and I hope that some day we will have a similar hall. We have not at present the population or the money required for such a side issue to the actual institute itself. However, when the institute is in full swing in three or four years' time and many of our young men and women hold diplomas, they will be able to join in the field of overseas studies, scholarships, and so on not available to them up to date.

I believe this is a wonderful expansion and I personally hope when this session is completed I can begin to take a good deal more interest in this organisation because I think it will lead to many things which have been absent so far in our community.

**THE HON. F. R. H. LAVERY** (South Metropolitan) [10.53 p.m.]: I support the Bill and would like to draw attention to a similar institute—the Polytechnic—I saw in Singapore. The building was made available under the Colombo Plan and the educational equipment supplied by the various engineering firms of the world. For instance, Holden had supplied the motor engines for the motor mechanics side.

I was at the opening of our institute in Bentley and was very taken with the area and layout. I was in the company of a visitor from another land. I do not know whether he was an Indian or not, but he did have a dark skin. He said that the building lends itself to the industrial firms of Western Australia to contribute a great amount in the way of materials and equipment for the building. At this stage I would like to point out that BP Refinery at Kwinana has contributed much to the welfare of the district. It has contributed $20,000 towards the district hall at Medina and has also contributed to the library and club. I understand that the total amount involved is approximately $100,000. With other engineering firms moving into the district, great scope exists. B.H.P. itself has already made some contributions and I feel that with this technical college these firms will have a wonderful opportunity of making further contributions and I am sure the Government will make available opportunities for the firms to do so.

I congratulate all those concerned with the college. Its future will be of great benefit to Western Australia and to many children yet unborn.

**THE HON. G. C. MacKINNON** (Lower West—Minister for Health) [10.55 p.m.]: I would like to thank those members who have expressed themselves on this measure. As Mr. McNeill and Mr. Dolan have said, this is a matter which could be explored at very great length. Indeed there are some very fascinating aspects some of which could lead to some very deep and thoughtful debate on divergent views as to what direction the future should take.

Suffice it to say that this is a particular type of college which, as has been pointed out, must have an impact on industry, trade, and commerce, if it is successful, and if it is to meet the needs of those in an ever advancing society.

I think that whatever we might call the certificate which is given, the value of it, as has been pointed out, will very much depend on the quality of the college itself. However, there will be time in successive sessions of Parliament for members to explore the many fascinating aspects of tertiary education which is becoming more essential and meaningful in our State.

I again thank members for the thought they have given to the subject up to date, and commend the Bill to the House.

Question put and passed.

Bill read a second time.

*In Committee*

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. G. C. MacKinnon (Minister for Health) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Functions of the Institute—

The Hon. G. C. MacKINNON: Members will recall that when introducing this Bill I expressed the hope the Committee would

agree to delete the word "associateships" in line 25. Several members have expressed their views on diplomas, associateships, and so on. It is hoped in time the council will get together with the other States and arrive at a generally acceptable term.

The term "associateships" was inserted in another place at the request of Mr. Davies, but subsequently he agreed it would be desirable to delete the word. I therefore move an amendment—

Page 4, line 25—Delete the word "associateships."

The Hon. J. DOLAN: I would go along with the Minister in this. Generally the order is diploma, certificate, and so on down the line. I consider the deletion of that word is desirable.

The Hon. G. C. MacKinnon: We want to leave it as flexible as we can at this stage.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 8 to 17 put and passed.

Clause 18: Power to award diplomas, etc.—

The Hon. G. C. MacKINNON: The amendment I propose to move is exactly the same as the previous one. Accordingly, I move an amendment—

Page 10, line 3—Delete the word "associateships."

The Hon. J. G. HISLOP: I would like to know when and how the appropriate honorary awards are to be made. I think they should probably come into a separate category of their own, but I do not know. Are the honorary awards going to be made to the students of the technical institution? To my knowledge the honorary awards which are now made are presented to those who have been successful in research work and so on, in the various types of education which have come out of this technical institute. Also, they are used as a recompense, as it were, to members of other institutes who come and give addresses. To my knowledge, all of the honorary awards at the University are mainly awarded to men of outstanding character within the University, but they are equally awarded to men who have come from other institutes, or who have given lectures, or else they are given as courtesy awards to those men whose whole lives have been involved with technical education. This is where I think these honorary awards should go. I do not think they should be given to students, or anyone else.

I consider that these awards are deserving of separate legislation. I suggest we should simply eliminate the provision from this legislation and introduce independent legislation, whereby we could simply lay down the right to make honorary awards. I consider these should be separate from the actual diplomas.

The Hon. J. DOLAN: It might be remembered the marginal note reads, "Power to award diplomas, etc." and it must also be remembered that this clause starts off by saying, "Subject to this Act the Council may award . . ." First of all, it awards the appropriate certificates following examination and the council—which is the governing body and the equivalent of the Senate at the University—would make these appropriate awards on the lines that Dr. Hislop has suggested. I consider this is in its correct place, and I do not think it is misplaced at all.

The Hon. J. G. Hislop: As long as it is used in an appropriate way.

The Hon. G. C. MacKINNON: Like Mr. Dolan, perhaps I, too, should express my views. However, there is nothing further I can add to his remarks, because I consider this is the correct place for this provision. I am a little perplexed because I do not quite know what Dr. Hislop was trying to indicate.

The Hon. J. G. Hislop: I do not mind, as long as it is in its proper place.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 19: Power to establish branches—

The Hon. J. DOLAN: I do not know whether this provision will invite the usual lobbying which goes on. I noticed that when a decision to establish a third teachers' training college was mentioned, various centres were in the running and they all made their pleas. When it comes to the time for this State to have a second university, I am sure the same thing will apply. I consider it is a good thing to ensure the council has the power to establish branches in the country and I hope not too much pressure will be brought to bear by people in various centres to make sure the branches are established in their districts.

The Hon. G. C. MacKINNON: This is a very real problem, as Mr. Dolan pointed out. In this connection we have to bear in mind what Mr. McNeill said, which is very true. He said with reference to an institute of technology that, by its very nature, it demands that there should be a nucleus of industrial activity within reasonable proximity to it. This factor will, perhaps, have some influence on the creation of branches. However, I mention that with whatever developments take place, this kind of thing arises. I agree that such matters should be removed from the realms of politics and placed in the hands of the council.

Clause put and passed.

Clauses 20 to 33 put and passed.

Clause 34: Power to make Statutes—

The Hon. J. G. HISLOP: I think we should look at paragraph (g) of subclause (1). It says—

the granting of appropriate diplomas and certificates of honorary awards by the Institute;

This is really the same provision as is contained in clause 18.

The Hon. G. C. MacKinnon: No, it is not really.

The Hon. J. G. HISLOP: In both clauses 18 and 34, the reference is to honorary awards.

The Hon. G. C. MacKINNON: It must be remembered that clause 18 on page 10 starts off by saying, "Subject to this Act, the Council may award." Clause 34 starts off by saying, "The Council may make Statutes, not inconsistent with this Act, with respect to all matters pertaining to the Institute and in particular may make Statutes with respect to," etc. This latter clause then means that the council may make Statutes, not inconsistent with the Act, with respect to the granting of appropriate diplomas, certificates, or honorary awards. That is the actual reading of it.

The Hon. J. Dolan: They are quite different.

The Hon. G. C. MacKINNON: In this text it would be quite essential for this to be retained.

Clause put and passed.

Clauses 35 to 37 put and passed.

Clause 38: Constitution of Interim Council—

The Hon. G. C. MacKINNON: In discussion in another place, it was agreed there should be a member of the academic staff of the institute who, in time, should be a member of the council. I very much regret I have not been able to get a great number of the amendments typed, but perhaps the Committee will be patient with me if I read it. Before doing so, I would like to comment generally on this clause. The position is that, when 10 or more persons have been appointed to the full time academic staff of the institute, one of those persons elected by the members of the staff shall be a member of the interim council. This was suggested in the course of debate in another place by Mr Davies, or at least he raised it in discussion. This suggestion has been considered this morning and it is agreed this would be a fairly reasonable arrangement. Because of its reasonable nature, I suggest the Committee agree to the amendment. Accordingly, I move an amendment—

> Page 20—Insert after proposed subsection (1), the following new subsection to stand as subsection (2):—
>
> (2) When ten persons or more have been appointed to the full time academic staff of the Institute, one of those persons elected by the members of that staff shall be a member of the Interim Council.

Amendment put and passed.

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

> Page 21 line 3—Insert after the subsection designation (1) the passage "or (2)."

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 39 to 43 put and passed.

Schedule put and passed.

Title put and passed.

*Report*

Bill reported, with amendments, and the report adopted.

*Third Reading*

Bill read a third time, on motion by The Hon. G. C. MacKinnon (Minister for Health), and returned to the Assembly with amendments.

## MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

*Assembly's Message*

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

*In Committee*

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. L. A. Logan (Minister for Local Government in charge of the Bill.

The DEPUTY CHAIRMAN: The amendment made by the Council, to which the Assembly has disagreed, is as follows:—

Clause 17:

Page 15, lines 16 to 24 inclusive—

Delete the proposed section 16G and substitute the following section 16G—

Decision of Tribunal as to quantum to be final.

(1) The decision, determination or judgment of the Tribunal, other than in relation to a question of law, as to the quantum of any damages assessed and awarded in any action or proceedings under this Act shall be final and conclusive and not be open to review in or appeal to any Court.

(2) Subject to subsection (1) of this section, any party dissatisfied with any decision, determination or judgment of the Tribunal in any action or proceedings under this Act may appeal to the Supreme Court in the manner and within the time prescribed by Rules of Court, and on any such appeal the Court may make such order as appears to the Court to be just, including any order for the payment of costs.

The Assembly's reason for disagreeing to the Council's amendment is as follows:—

> It is considered that the right of appeal from the Tribunal's decisions should apply as to the *quantum* of damages as well as other matters permitted in the Bill.

The Hon. L. A. LOGAN: I move—

That the amendment made by the Council be insisted on.

Question put and passed; the Council's amendment insisted on.

*Report*

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

## MARKETABLE SECURITIES TRANSFER BILL

*Second Reading*

Debate resumed from an earlier stage of the sitting.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the Opposition) [11.19 p.m.]: This is a most interesting Bill which has very wide ramifications. I would have liked a lot more time to study the measure and look at it more closely, because it could have such interesting consequences.

The measure streamlines the method of handling shares on the Stock Exchange, and provides for a standardisation of forms in the matter of share transfers and share purchase between brokers. It also eliminates much of the tedious procedure in force under which the signatures of the transferee and the transferor have to be obtained, together with other details where a parcel of shares is sold on the Stock Exchange.

In the details enumerated in the Bill, brokers are responsible on behalf of the purchaser; and by the application of their trading stamp, the transfer signatures required in the past will be obviated. It must be recognised that very often share transactions involve an applicant in one State and a receiver in another.

This method I understand is being introduced in all the States, so it will be in keeping with the other States, which will be of great benefit, because we will have a consistent and definite process for this form of transfer. It has often been a source of wonder to me that when a 50c share is purchased, and goes through the process of share transfer, processing, checking, and being returned to the original purchaser, it has the effect of seriously increasing the cost of the share concerned. When these shares are transferred again and again I often wonder whether the value of the share does not completely disappear in the machinery of the share transaction itself; because it is surprising how much detail is required to keep control of the movement of a share.

The scrip itself is frequently being turned over and frequently being replaced, and there is a continual movement in shares in some of the more active companies, such as Ampol. It is quite surprising how much movement there is.

This Bill will tend to streamline much of the internal work necessary for a company to keep control of the movement of its own shares. That is why I view the Bill as a most important and necessary measure as it affects the existing market arrangements for brokers. I am particularly interested to see just how much work it will save in the tracking down of share movements that take place from buyer to seller and from seller to buyer as the circle continues.

Protection is also needed in the case of signatories to these shares in the original transfer, because where companies purchase shares it has always been necessary to check the entitlements to the signatories by virtue of their memorandum; so the necessary articles of association have to be kept in the sharebrokers' office as well as in the share transfer department of the firm concerned.

I see a great saving of cost in this process in the short time I have had to view the Bill. The measure also carries with it a move to standardise the cost of shares by way of stamp transfer fees. This is the subject matter of another Bill which is complementary to the basic principles of this measure.

The overall picture has been to stop the practice of Canberra registers obtaining an advantage over the registers in the other States of Australia. Now the share registration fees under the Stamp Act will be divided throughout the purchasing and selling States.

Having regard to the situation obtaining at this moment with respect to the period of time left to us this session, I would say I enthusiastically support this Bill. I feel it will be most advantageous to the Stock Exchange, to the brokers concerned, and the companies that deal in shares.

The Hon. A. F. Griffith: It will be worth while from the States' point of view.

The Hon. W. F. WILLESEE: Definitely. There is no question that it will be a much better set-up in every way. It will streamline this type of transaction. It is surprising how many different forms there are in a simple transfer. A lot seems to be left to the imagination, but here it will be an automatic process even to the stamping of the number on the transfer. The place where a person will sign as a transferor will always be in the one spot. This will also apply to the broker's imprint, and so on. All these things will be standardised and consistent. This is contained in the schedule to the Bill. I support the measure and think it will be very successful.

**THE HON. H. K. WATSON** (Metropolitan) [11.33 p.m.]: I support the Bill. It is, as Mr. Willesee has just said, a real landmark in company history. Ever since companies have been companies, when it came to the transfer of shares it invariably required the signature of the transferor and transferee. If the transferee

or transferor were a company, the transfer had to be under seal; and, as Mr. Willesee said, it required the production of the memorandum and articles of association.

This Bill seeks to render it unnecessary for a future buyer of shares to have to sign the series of transfer forms with which in the past he has been deluged. When one buys 1,000 or 2,000 shares, as often as not they come in parcels of 100 or 200 and one is engaged in a real paper war. That has been necessary because the articles of association provide that the director may decline to register any transfer unless the requirements under the memorandum and articles of association have been fulfilled. For their own protection, they have embodied in the articles endless conditions which must be fulfilled.

This Bill, in one fell swoop, says that notwithstanding the contents of any memorandum or articles of association, a transfer shall be deemed to have been duly completed if it is effected through a sharebroker, provided it is signed by the vendor and the sharebroker in the form set out in schedule 1.

As Mr. Willesee said, this is really a revolutionary proposal and it should greatly diminish the internal work in the offices of public companies and render their recording of transfers much more economic.

I notice page 13 of the Bill relates to the form which is to be completed by transferees of securities with uncalled liability. That appears to be the one exception where the extra form is required to be signed by the transferee. The nature of this form and the provision in respect of transfers of shares with uncalled liability add point to the desire of the two trustee companies whose affairs we discussed in a couple of private Bills earlier this session, to abolish their uncalled liability and shows they deemed it expedient to rearrange their affairs. I support the Bill.

**THE HON. V. J. FERRY** (South-West) [11.36 p.m.]: I rise to support this Bill. I have some personal knowledge of transactions of the nature described in the Bill and I thoroughly commend the work put into this measure. I realise that the handling of items of this nature is quite complicated and, indeed, most involved in many respects.

I feel this measure is a step forward and I thoroughly support it.

Question put and passed.

Bill read a second time.

*In Committee*

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

Clauses 1 and 2 put and passed.

Clause 3: Interpretation—

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

> Page 2, line 34—Delete the word "an" and substitute the words "a proper."

I am advised this definition will be better expressed in the terms of this amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 4 to 8 put and passed.

Clause 9: Registration of transfer pursuant to prescribed instrument and omission of occupation of holder of marketable security, etc., not to constitute breach of memorandum, etc.—

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

> Page 8, lines 22 to 25—Delete all words commencing with the word "has" down to and including the word "thereof" and substitute the words "in the case of a fully paid marketable security pursuant to an instrument of transfer thereof that has been executed by an authorised nominee corporation,".

Members will notice that there was a printer's error in this clause, so that makes this amendment necessary.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 10 to 13 put and passed.

Schedule put and passed.

Title put and passed.

*Report*

Bill reported, with amendments, and the report adopted.

*Third Reading*

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and returned to the Assembly with amendments.

## STAMP ACT AMENDMENT BILL (No. 3)

*Second Reading*

Debate resumed from an earlier stage of the sitting.

**THE HON. H. K. WATSON** (Metropolitan) [11.47 p.m.]: This Bill, as the Minister has indicated, is complementary to the Marketable Securities Transfer Bill which has just been dealt with by this House. The previous Bill, in addition to providing a greater facility for companies and shareholders to transfer shares, is supplemented by these amendments to the Stamp Act which will enable shareholders to do much the same thing as will be done by businessmen under the receipt section of the Stamp Act Amendment Bill which we passed the other evening.

Hitherto, each transfer has had to be presented to the Stamp Office, duly stamped, and then returned and passed on

to the company. In the future, any transfer will presumably have the stamp duty added by the sharebroker to the purchase price of the shares. At the end of each month, or such other suitable period, the broker will simply send one cheque to the Stamp Office covering the stamp duty on all transfers effected by him during that period.

That will certainly save many man hours, and attendance at the Stamp Office for the stamping of transfer documents. There will also be a better carving-up of transfer duties on shares between the States. I think that would be to the advantage of this State Treasury; and the Treasurers of the other States have the idea that it will also be of advantage to them.

Having regard to the interstate nature of this arrangement, the opportunity has been taken to make all stamp duties uniform, both as between the States, and in respect of marketable securities. Marketable securities, in the main, consist of three or four particular classes. There are shares; there are deposit notes; there are unsecured notes; and there are debentures. Under our Companies Act, those three classes of securities are defined. A share, of course, is a share. A debenture is a document for a security which is backed either by a mortgage over property given by a company, or by a floating charge over the whole of the assets of the company.

There is an unsecured deposit receipt, and an unsecured note. Those documents are nothing more than a receipt, or an acknowledgment, for money received, and our Companies Act makes it very clear that there is a definite difference between those three items. In other words, a debenture is not an unsecured note or a deposit receipt, and a deposit receipt and an unsecured note are not debentures.

Hitherto, under our Stamp Act, there has been an anomaly in connection with the duties payable under the heading. The second schedule reads as follows:—

> Mortgage (legal or equitable), bond, debenture, covenant, warrant of attorney to confess and enter up judgment and foreign security of any kind.

That includes a debenture with a mortgage, which is quite in order because a debenture must be a mortgage. As I said, it must be either a fixed mortgage over a property or a floating charge over the whole of the asset. Whenever anyone takes out a mortgage that is subject to stamp duty as set out in the schedule, it amounts to 25c for every $200.

Owing to a legal decision of many years ago the technical position, apart from the Companies Act, has been that the word "debentures" really loses its ordinary commercial meaning and has been held to include a fixed deposit receipt, or an unsecured note, and we have had the spectacle in recent years under our State Act, when a company issues an unsecured note or a deposit receipt, of having to have it stamped as a mortgage which, to the mind of the average commercial man, is ridiculous.

As a matter of fact, the average man who is connected with a company which has issued such receipts, has generally not been aware of his liability under the Stamp Act until the question has been pointed out to him years afterwards by a stamp inspector who happened to be making a routine inspection. That is understandable because no-one in his right senses would expect a fixed deposit receipt to be a mortgage or a debenture.

That initial disability has, to some extent, been counterbalanced by the Act. Whenever one sold an unsecured note, one transferred a mortgage within the meaning of the Stamp Act, and the stamp duty on the transfer on the market is only 10c for every $200. Under this Bill it is now proposed to treat all marketable securities on the same basis and henceforth the transfer of an unsecured note will be subject to stamp duty which will rise from 10c for every $200 to 80c for every $200—to be a little more precise, up to 80c plus the 20c we imposed the other night by way of receipt duty for every $200.

Accordingly it is proposed to amend the section of the schedule which I have been discussing to make it quite clear that henceforth unsecured notes and deposit receipts shall, upon transfer, be stamped as shares rather than as mortgages. And, as the Minister has explained in his second reading speech, there is no real reason why the rate applicable to shares should not be applied to other types of marketable securities, and this Bill provides for the same rates of duty to be applied to all transfers of marketable securities. With that I have no quarrel, but I do submit that inasmuch as unsecured notes and deposit receipts are being treated the same as shares with respect to transfers, then when they are originally issued, they should likewise be treated as shares and not as mortgages with which, of course, they have no comparable characteristics.

When the Bill is in Committee I will move an amendment to overcome what is nothing more than an anomaly. Subject to that, I support the Bill.

Question put and passed.

Bill read a second time.

*In Committee*

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

Clauses 1 to 22 put and passed.

Clause 23: The Second Schedule amended—

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

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

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

I have already outlined the reason for moving this amendment. In short, a debenture means a debenture, and an unsecured fixed note is a fixed note, and is not to be confused with a debenture.

The Hon. A. F. GRIFFITH: I have had an opportunity to have the amendment examined and I would point out to the Committee that duty under this section is generally known as mortgage duty. Although Mr. Watson refers to a receipt, it is not a receipt, but rather a bond. Receipt is defined in the Act. The amendment seeks to have certain types of mortgages, bonds, and debentures removed from stamp duty on their issue. The Treasury has grave doubts whether the drafting of the amendment is effective, but more particularly it would like an opportunity to ascertain the real effect of the amendment because it is considered to be obscure. This is not to say that a proper examination of the amendment would bring the Treasury to a point that it will accept it. It merely feels a matter of this nature should be closely studied, so I oppose the amendment.

The Hon. H. K. WATSON: To my knowledge the Treasury has had 10 years to consider this question. In fact, for many years bank fixed deposit receipts, and fixed deposits receipts issued by various firms, were issued by applying what I would call a common sense interpretation of this clause, and they did not insist upon mortgage duty. However, some years ago I understand the matter drifted to the Crown Law Department which pointed out that, technically, the Stamp Office was wrong and it should treat such documents as mortgages regardless of the ordinary outlook and understanding that they were not mortgages.

The Hon. F. J. S. Wise: What about if they are considered to be bonds?

The Hon. H. K. WATSON: They are not bonds. If a piece of paper from H. K. Watson contained the words, "The sum of $500, being fixed deposit, being receivable on the 21st December, 1967, bearing interest at 6 per cent. per annum" the ordinary person would call that a receipt; he would not call it a bond. The amendment will do nothing more than give legal effect to that which, for many years, was the practical interpretation applied to it by the Stamp Office.

The Hon. A. F. Griffith: Would you say your amendment seeks to remove mortgages, bonds, and debentures from the stamp duty on their issue?

The Hon. H. K. WATSON: No.

The Hon. A. F. Griffith: The opinion of the Treasury on the amendment conflicts with your opinion.

The Hon. H. K. WATSON: In the last clause in the Bill it will be noticed that the Treasury has an amendment to this particular item, except it is paragraph (3) of this item which refers to the transfer or assignment of any mortgage, bond, debenture, Government or foreign security. In that paragraph the Treasury proposes to insert the words, "not being a marketable security." Had I used those words in the section I am dealing with, debentures would have been excluded, but I simply made it clear that debenture means debenture and is not to be interpreted to include matters that are not debentures, but it would not be excluding anything from duty on issue. It would leave the duty on mortgages, bonds, and debentures, as we understand them, and other instruments specified. I assure the Minister on that point.

The Hon. A. F. GRIFFITH: I assure Mr. Watson that he knows more about this than I do, but that is how the Treasury interprets the effect of the amendment. It considers the honourable member is seeking to have certain types of mortgages, bonds, and debentures free of stamp duty on issue. I know nothing of the Treasury having had 10 years to correct the position. I do not know whether this will affect other sections of the Act.

The Hon. H. K. Watson: I know it does.

The Hon. A. F. GRIFFITH: That may be correct, but I have to have an opportunity to have the whole matter examined.

The Hon. H. K. WATSON: The practical position is that, from the inception of the Stamp Act up until five years ago, the Act was administered as I say it should be administered; that is, on the assumption that a debenture did not include a fixed deposit receipt or an unsecured note. It is only in the last five years that the technical position has been forced upon us. The Treasury should have applied the Act strictly in accordance with the practice that has been in existence for some years.

The Hon. A. F. GRIFFITH: When dealing with another Bill the other evening I can recall Mr. Watson complimenting the Treasury on its initiative but on this occasion he does not appear to be exercising initiative.

The Hon. W. F. Willesee: That may depend on the angle from which the question is viewed.

The Hon. A. F. GRIFFITH: I want the Committee to give me the opportunity to make sure. Mr. Watson says this practice has been in existence for 10 years, but he

has made no attempt to correct the position until now.

The Hon. H. K. Watson: This is my first opportunity.

The Hon. A. F. GRIFFITH: Did the honourable member advise the Treasury that this was an anomaly which was never intended?

The Hon. H. K. Watson: This was discussed years ago by the Treasury.

The Hon. A. F. GRIFFITH: What did it say?

The Hon. H. K. Watson: It admitted it was an anomaly.

The Hon. A. F. GRIFFITH: Following that remark, I am less convinced than ever.

The Hon. H. K. WATSON: When it comes to exercising ingenuity, the Minister has exercised a great deal of ingenuity this evening in advancing an argument against what is nothing more than a simple amendment.

The Hon. A. F. Griffith: It is not simple.

The Hon. H. K. WATSON: The Bill arrived here at 11 a.m. today. If the Minister did not have sufficient time to consider my amendment, I would point out to him that we have all been experiencing the same difficulty. I ask the Committee to take advantage of this opportunity to do no more than correct an anomaly.

The Hon. A. F. GRIFFITH: I would ask members to vote against the amendment, because the Treasury has given a perfectly logical explanation; it points out that the amendment might affect other sections in the Act, and might exempt from duty mortgages, bonds, and debentures on original issue. The Treasury wants more opportunity to examine the amendment.

The Hon. J. HEITMAN: I have discussed this amendment with my banking firm. I have been assured that the amendment is in order, and that to all intents and purposes this is not a debenture and should be issued as a receipt.

The Hon. A. F. Griffith: I can add nothing more to what I have said. I suggest the amendment be put.

The Hon. W. F. WILLESEE: In my view the amendment is in order, although I have a great regard for the views which have been put forward by the Minister. I would not like this amendment to be passed without full investigation by the Treasury officers. I ask the Minister what would happen if upon investigation it is found to be logical and in order?

The Hon. A. F. Griffith: The position has remained unchanged for 10 years, and another six months will do no harm.

The Hon. H. K. WATSON: In dealing with this amendment, as with other matters, the members of this Chamber have the ability to comprehend it. They do not have to seek the advice of the Treasury.

The Hon. A. R. JONES: When I found that I had to make a decision on this amendment, I approached the manager of a commercial house to seek his opinion on it. I was assured that the amendment was in order, and represented substantially what Mr. Watson has told us.

The Hon. A. F. Griffith: When did you get that advice?

The Hon. A. R. Jones: At about 4 p.m. today by telephone.

The Hon. A. F. GRIFFITH: It looks as if somebody has been at work in respect of this matter, because no approaches have been made to me. When amendments such as this are put forward I have to seek legal and departmental advice, but on this occasion I have not had time to obtain information other than what I have given.

The Hon. H. K. Watson: It would not have been too much to invite the Treasury officers here to explain it to you.

The Hon. A. F. GRIFFITH: The officer concerned could not be here, because his mother is dangerously ill.

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

Ayes—12

| | |
|---|---|
| Hon. J. Dolan | Hon. R. Thompson |
| Hon. E. M. Heenan | Hon. J. M. Thomson |
| Hon. J. Heitman | Hon. H. K. Watson |
| Hon. E. C. House | Hon. W. F. Willesee |
| Hon. R. F. Hutchison | Hon. F. J. S. Wise |
| Hon. A. R. Jones | Hon. F. R. H. Lavery *(Teller)* |

Noes—9

| | |
|---|---|
| Hon. C. R. Abbey | Hon. G. C. MacKinnon |
| Hon. V. J. Ferry | Hon. N. McNeill |
| Hon. A. F. Griffith | Hon. F. D. Willmott |
| Hon. J. G. Hislop | Hon. H. R. Robinson |
| Hon. L. A. Logan | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Hon. R. H. C. Stubbs | Hon. S. T. J. Thompson |
| Hon. J. J. Garrigan | Hon. G. E. D. Brand |
| Hon. H. C. Strickland | Hon. C. E. Griffiths |

Amendment thus passed.

Clause, as amended, put and passed.

Title put and passed.

*Report*

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

*Third Reading*

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and returned to the Assembly with an amendment.

*Sitting suspended from 12.29 to 1.23 a.m.*

## LAND TAX ACT AMENDMENT BILL

*Assembly's Message*

Message from the Assembly received and read notifying that it declined to make the requested amendment pressed by the Council.

## MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

*Assembly's Request for Conference*

Message from the Assembly received and read requesting a conference on the

amendment insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers, now considered.

**THE HON. L. A. LOGAN** (Upper West —Minister for Local Government) [1.24 a.m.]: I move—

> That the Assembly's request for a conference be agreed to; that the managers for the Council be The Hon. H. K. Watson, The Hon. E. M. Heenan, and the mover; and that the conference be held in the Select Committee room at 11 a.m. on Tuesday, the 29th November.

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

## ADJOURNMENT OF THE HOUSE: SPECIAL

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Mines) [1.26 a.m.]: I move—

> That the House at its rising adjourn until 2.30 p.m. or the later ringing of the bells, on Tuesday, the 29th November.

Question put and passed.

*House adjourned at 1.27 a.m. (Saturday)*

# Legislative Assembly

Friday, the 25th November, 1966

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The SPEAKER (Mr. Hearman) took the Chair at 12.42 a.m., and read prayers.