Legislative Council

Thursday, the 9th September, 1971

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (3): WITHOUT NOTICE

1. LOCAL AUTHORITIES

Reports of Maladministration

THE HON. G. C. MacKINNON, to the Minister for Local Government:

(1) Is the Minister aware that a pall of suspicion hangs over all metropolitan local authorities occasioned by recent reports of maladministration?

(2) Is he also aware that it is well known that the police report has already been received by him, which report it is supposed, names the local authority and specifies the offences?

(3) Will he now stop the rumours and worries by releasing the report, or by making an announcement about the matter?

(4) Preferably, would he relieve all other local authorities by naming the one investigated by the police?

THE HON. R. H. C. STUBBS, replied:

I thank Mr. MacKinnon for giving me prior notice of this question. The answers are as follows:—

(1) No.

(2) A report has been received.

(3) and (4) The report is still being studied.

2. USED GOODS AND MATERIALS BILL

Discharge of Order

THE HON. R. J. L. WILLIAMS, to the Minister for Police:

Following the withdrawal of the inadequately researched Used Goods and Materials Bill in this House yesterday, will the Minister assure the House that in future when attempting to amalgamate the Marine Stores Act and the Second-Hand Dealers Act, he will consult, and take into account the considered views of, all interested parties and organisations which any new legislation may affect?

THE HON. J. DOLAN replied:

Yes.

3. LOCAL AUTHORITIES

Reports of Maladministration

THE HON. G. C. MacKINNON, to the Minister for Local Government:

I would like to ask a further question following the Minister's answer to my previous question. I asked whether the Minister was aware that a pall of suspicion hangs over all metropolitan local authorities and when this had become apparent to him. There has been reference to this matter in the Press virtually every other day for the last three weeks. The Minister did not contradict the fact that the police have made a report about a week ago. When does the Minister think this announcement will be made in order to relieve the worries of the genuine people in local authorities?

THE HON. R. H. C. STUBBS replied:

I cannot elaborate on my previous answer. The report is being studied and until this study is complete I am not prepared to release anything. When the study is finished I will be happy to oblige.

The Hon. G. C. MacKinnon: The Minister still has not answered the first part of my question which is whether he is aware that suspicion hangs over local authorities in the metropolitan area?

The Hon. R. H. C. STUBBS: I am not aware of any suspicion. All I can say is the people concerned have to live with their consciences. If they have done nothing wrong they have no worries.

The Hon. G. C. MacKinnon: What a way to live! It is a beautiful way for a Government to live.

The Hon. W. F. Willesee: It would not be bad for the Opposition, either.

The PRESIDENT: Order!

QUESTIONS (8): ON NOTICE

1. DOG RACING

Legislation

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

(1) Will the Minister read the *Hansard* reports which appear in Volume 2 of 1927 dealing with the introduction of the Racing Restriction Act in this Chamber?

(2) Having read the debates, will he observe that certain of the circumstances which prevailed in 1927 (although in reverse) are being repeated in 1971 in that in anticipation of mechanical hare racing being legalised, vested interests have already imported a number of dogs, established premises and made other arrangements necessary for the conduct of mechanical hare racing, before Parliament has enacted legislation permitting mechanical hare racing to be conducted in Western Australia?

(3) Does he appreciate this undesirable set of circumstances could have been avoided, if the Government had proceeded with alacrity, introduced the legislation for consideration by Parliament, thus avoiding the necessity for anticipation by vested interests, which, after all, could possibly be disappointed in the event of the proposed legislation failing to pass?

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

(1) Yes.

(2) I have not had time to read the debates but will advise the Honourable Member of my observations as soon as I have.

(3) This anticipation has been made despite repeated statements by myself in the press to interested organisations and the public at large, that action should not be taken until legislation has been introduced.

I wish to present a photostat copy of portion of a newspaper item which appeared as far back as the 18th June when I issued a strong warning on this matter and request that the article be taken as read.

(See Tabled Paper No. 164).

2. KING EDWARD MEMORIAL HOSPITAL

Discharge of Mother

The Hon. R. F. CLAUGHTON, to the Leader of the House:

(1) Was the mother, whose name I supplied to the Minister, released from King Edward Memorial Hospital three days after the birth of her child?

(2) Was this her first full term pregnancy?

(3) (a) Was the infant being breast fed; and

(b) was this satisfactorily established at the time of release?

(4) Did the infant display any physical abnormality or illness during its period of care in the King Edward Memorial Hospital?

(5) If so, what was the nature of this abnormality or illness?

(6) How soon after the mother's return home was she visited by domiciliary staff?

(7) What subsequent visits were made?

(8) (a) What was the cause of the infant's admission to Princess Margaret Hospital;

(b) when was this complaint first detected; and

(c) what treatment was prescribed?

(9) (a) Is it the policy of King Edward Memorial Hospital to release mothers three days after the birth of their children;

(b) if so—

(i) has this policy been adopted as sound medical practice, or because of a shortage of hospital beds; and

(ii) when was this policy first adopted?

(10) Does the hospital employ sufficient staff to ensure adequate domiciliary care for the mother and her new born child?

(11) Are the home circumstances considered before a decision is made to release a mother so soon after a child's birth?

The Hon. W. F. WILLESEE replied:

(1) to (8) These are personal medical particulars of a confidential nature.

(9) (a) Yes, if acceptable to both mother and doctor.

(b) (i) Sound medical practice.

(ii) About a year ago.

(10) Yes.

(11) Yes.

The Hon. G. C. MacKinnon: You are very fair.

3. MEAT INDUSTRY ADVISORY COMMITTEE

Appointment

The Hon. N. McNEILL, to the Leader of the House:

(1) Has the Government yet appointed a Committee to advise upon matters related to the Meat Industry?

(2) If so, who are the members of that Committee?

(3) What are the terms of reference for the operation of the Committee?

The Hon. W. F. WILLESEE replied:

(1) Yes.

(2) Members: Mr. C. C. Bennett, Chairman, W.A. Meat Export Works, representing Government Abattoirs; Mr. R. Trevaskis, Clover Meats, representing Private Abattoirs and Exporters; Mr. M. T. Locke, Meat and Allied Trades Federation of Australia, representing Meat and Allied Trades Federation of Australia; Mr. J. J. Phelan Jnr., Miling, Farmer, representing Mutton Producers; Mr. R. L. Lewis, Kojonup, Farmer, representing Beef Producers; Mr. M. E. Burns, representing Meat Industry Employees' Union; Mr. J. Craig and Mr. H. G. Neil, Department of Agriculture, representing Department of Agriculture.

Mr. R. D. Hartwell, Department of Primary Industry is a co-opted member.

(3) The terms of reference of the Committee are to advise the Minister for Agriculture on:

Desirable developments in meat marketing, including changes in selling procedures, control by statute, and regulation of supplies of stock.

The need for facilities to ensure the efficient functioning of the meat industry.

Other matters referred to the Committee from time to time by the Minister.

4. GAMBLING

Government Policy

The Hon. A. F. GRIFFITH, to the Leader of the House:

Although it looks as though it it might be confused with question 3, I ask the following question:—

Is it the policy of the Government to encourage gambling?

The Hon. W. F. WILLESEE replied:

If there be any confusion let it now be cleared. The answer is "No."

5. APPRENTICES

Registrations

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

How many apprenticeships were registered in the following trades—

(a) carpenters;

(b) joiners;

(c) bricklayers;

(d) painters;

(e) plasterers;

(f) plumbers; and

(g) electricians—

for the years 1966 to 1971 inclusive?

The Hon. A. F. Griffith: I suppose the answer to this question is "No", too.

The Hon. W. F. WILLESEE replied:

This is a very detailed answer, and I ask for the attention of the Leader of the Opposition while I read it. It is as follows:—

The stock of apprentices registered as at the 30th June—

		1966	1967	1968	1969	1970	1971
(a) & (b)	Carpentry and Joinery	687	719	782	816	915	894
(c)	Bricklaying	86	85	90	110	138	132
(d)	Painting	269	286	265	255	276	254
(e)	Plastering—solid	61	53	66	66	66	73
(f)	Plumbing	328	378	392	468	518	551
(g)	Electricians (Electrical Fitting and Electrical Installing)	740	777	878	988	1,135	1,236

Note.—Carpentry and Joinery is one trade.

6. MAGISTRATE

Appointment to Port Hedland

The Hon. W. R. WITHERS, to the Leader of the House:

In view of the reply to my question on Thursday, the 26th August, 1971, indicating that 615 court cases were heard at Carnarvon, and 270 at Meekatharra, and as these figures reveal that Port Hedland, where there is no Resident Magistrate, has handled 73% more than in Carnarvon, and 295% more than in Meekatharra, during the same period, will consideration now be given to the placement of a Judicial Seat at Port Hedland?

The Hon. W. F. WILLESEE replied:

Arrangements will be made to examine the position and consideration given to an appointment at an appropriate date.

7. SHIPPING

Facilities at Exmouth

The Hon. G. W. BERRY, to the Minister for Transport:

(1) Are facilities available for unloading State ships at Exmouth?

(2) If so, what tonnages have been shipped to Exmouth during each of the years 1968, 1969 and 1970?

The Hon. J. DOLAN replied:

(1) Yes.

(2) Tonnages shipped to Exmouth—

1968 (2 voyages) 489 tons.
1969 (1 voyage) 513 tons.
1970 (1 voyage) 203 tons.

8. NATIVE FLORA

Protection of Wildflowers

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

(1) Does the Government take a serious view of statements appearing in the Press that wildflowers are being exported from this State in quantity?

(2) Is the Government aware that disappointment has been expressed from time to time by some tourists who have come to the wildflower State and failed to find wildflowers?

(3) Have any licenses been issued by the Minister for the picking of protected wildflowers or native plants for scientific or other purposes?

(4) If so, how many are still current for—

(a) scientific; and

(b) other purposes; and

what are the other purposes (if any)?

(5) In view of the importance of the matter and of known legislative limitations, will the Government consider taking some emergency measures to attempt to preserve the State's heritage of wildflowers during the current spring season?

(6) In view of the difficulty in obtaining evidence to support prosecutions, will the Government ensure that appropriate personnel are on duty during the next few weeks to enforce the provisions of the Native Flora Protection Act?

(7) When is it anticipated that the limitations in the existing legislation will be rectified?

The Hon. W. F. WILLESEE replied:

(1) Yes.

(2) The Government is not aware of any complaints of this nature from tourists.

(3) Yes.

(4) (a) 33.

(b) 7.

Wildflower and Wild Life Shows of long standing.

Wildflower Study Tours for tourists under the control of a botanist.

Painting.

(5) Yes. Some emergency measures have already been taken to check supplies from Crown Land. There is no control over native flora on private property.

(6) All members of the Police Force, officers of the Forests Department, and 396 honorary inspectors have the power to enforce the provisions of the Native Flora Protection Act, at any time.

(7) The Native Flora Protection Act is now under review and it is hoped to bring any amendments considered necessary before the next session of Parliament.

BILLS (4): INTRODUCTION AND FIRST READING

1. Property Law Act Amendment Bill (No. 2).

Bill introduced, on motion by The Hon. W. F. Willesee (Leader of the House), and read a first time.

2. Censorship of Films Act Amendment Bill.

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

3. Adoption of Children Act Amendment Bill.

Bill introduced, on motion by The Hon. W. F. Willesee (Leader of the House), and read a first time.

4. Lotteries (Control) Act Amendment Bill.

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

BILLS (2): RECEIPT AND FIRST READING

1. Pay-roll Tax Assessment Bill.
2. Pay-roll Tax Bill.

Bills received from the Assembly; and, on motions by The Hon. W. F. Willesee (Leader of the House), read a first time.

FIRE BRIGADES ACT AMENDMENT BILL

Second Reading

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [2.54 p.m.]: I move—

That the Bill be now read a second time.

The previous Government agreed that all Acts of the Western Australian Parliament which are of general application were to be reprinted and in September, 1970, the Parliamentary Draftsman pointed out that the Fire Brigades Act, 1942-66, was required to be reprinted pursuant to the Amendments Incorporation Act, 1938. In order that the Act could be reprinted, it was necessary as a measure of Statute law revision and to bring the Act up to date to make a few formal amendments.

The definition of "Minister" in section 4 of the principal Act is deleted as, in view of section 4 of the Interpretation Act, 1918, it is not required.

Necessary consequential amendments are made to section 5 of the principal Act for the introduction of the new second schedule. The second schedule of the Act, wherein are set out the fire districts that are constituted under the Act, is brought up to date.

The fire districts may, under section 5 of the principal Act, be constituted and changed from time to time by Order-in-Council, and this has been done to such an extent that the second schedule as it is now set forth no longer represents the true position.

The second schedule was last brought up to date in 1959 and refers to "road districts" which no longer exist since the passing of the Local Government Act, 1960. The schedule should again be brought up to date if the reprinted Act is to represent the correct position.

The third schedule is also amended to make the changes listed realistic in the light of present-day circumstances.

Section 65 of the principal Act empowers the board to make charges for the attendance of brigades at (1) fires on uninsured property and (2) grass and rubbish fires; and the third schedule prescribes the maximum charges to be levied. The schedule has been unchanged for at least 30 years.

While the board is empowered to make these charges over a wide range of fires, it has not operated under section 65 of the Act in recent years, and its intention in having the schedule amended is limited to the making of adequate charges for the attendance of brigades at large fires on uninsured property.

Before suggesting the review of the third schedule, the board investigated charges in the Eastern States and found that they had been updated. In actual fact, the schedule proposed in this Bill is identical with the charges currently made by the Metropolitan Fire Brigades Board, Brisbane, under a schedule in its empowering Act.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. R. J. L. Williams.

BILLS (2): REPORT

1. Vermin Act Amendment Bill.
2. Noxious Weeds Act Amendment Bill.

Reports of Committees adopted.

OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

In Committee

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

Clauses 1 to 3 put and passed.

Clause 4: Section 34C added—

The Hon. I. G. MEDCALF: I move an amendment—

> Page 3—Insert after the section number 34C the subsection designation "(1)".

Amendment put and passed.

The Hon. I. G. MEDCALF: I move an amendment—

> Page 3—Add after new section 34C the following new subsection to stand as subsection (2):—
>
> (2) When the Governor makes an order pursuant to subsection (2) of section forty-eight of the Mental Health Act, 1962, that a person be returned to strict custody the provisions of this Act again apply to that person.

I referred to the reason for my amendment during the second reading of the Bill. Under this clause once an order is made pursuant to section 48 of the Mental Health Act there will no longer be any report made on the detainee.

I would point out we are dealing with the case of a person who has not been convicted or sentenced, but with a person who has a mental deficiency, either temporary or permanent; someone who in the view of responsible people is suffering from a mental infirmity.

At the present time such a person is reported on by the Parole Board and the object of the clause as set out in the Bill is quite properly to make it no longer necessary for the Parole Board to report on the person concerned because he is a mental patient and he will be taken care of by the mental health services and be lodged in an appropriate mental hospital.

I do not quarrel with clause 4. I believe it is proper that if the Governor makes an order pursuant to the Mental Health Act that a person be admitted as a patient the provisions of this Act should cease to apply. It simply means that no longer is it necessary for the Parole Board to make its periodic report on the person in question.

That is sensible because he has been committed to a mental institution. The difficulty arises when we relate the matter

to section 48 of the Mental Health Act which states—

> (1) Where any person, not being a person under conviction and sentence, is ordered to be kept in custody until Her Majesty's pleasure is known or during the Governor's pleasure, the Governor may, from time to time, order that that person be admitted as a patient to an approved hospital and may thereafter order that the person be liberated upon such terms and conditions as he thinks fit.
>
> (2) Where a person liberated by the Governor under this section, subject to any terms or conditions, commits a breach of any term or condition, he may be re-taken and returned to the hospital or any other approved hospital or to strict custody, as the Governor may order.

In effect, under this section a person who has pleaded insanity when charged is not sentenced because of his plea; he is ordered to be detained during the Governor's pleasure. At that stage he is admitted as a patient to an approved hospital under section 48 of the Mental Health Act

Such a person may subsequently be liberated by the mental health services on terms and conditions. If he breaks the terms and conditions he may be taken back into the hospital or, alternatively, as set out in section 48, he may be confined in strict custody.

If he is confined in strict custody there is no provision for any report to be made on him by the Parole Board, because as a result of the proposal in clause 4 of the Bill when the Governor makes an order pursuant to section 48 of the Mental Health Act that the person be admitted as a patient the provisions of the Act cease to apply.

This means that as soon as the order is made under section 48 of the Mental Health Act no longer does the Parole Board make a report. That is all right until such time as the person is liberated on the terms and conditions and breaks the terms and conditions and is then brought back into strict custody. It seems to me proper that at that stage the Parole Board could make a report, because strict custody means prison. Normally speaking that is what it means for all practical purposes—it means his being in prison or in gaol. It may be that he is confined in a special portion of the prison or gaol but nevertheless he is in prison.

Where a person is put in strict custody he should be reported on, as other persons are reported on, by the Parole Board. When people leave the mental health services after breaking the terms and conditions they are put in strict custody and it is proper that the Parole Board should report on such people who are in strict custody.

There is no quarrel with the clause as it stands in the Bill. It seems to me however there has been one case that has been omitted where a person comes back to strict custody and the Parole Board no longer reports. My purpose is to see that the Parole Board has the opportunity to report again on such a person if he again comes under strict custody.

The Hon. R. H. C. STUBBS: There were certain doubts in my mind and I did intend to oppose the amendment, but after listening to the lucid explanation put forward by Mr. Medcalf I am prepared to accept the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

ADMINISTRATION ACT AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clause 3: Addition of section 12A—

The DEPUTY CHAIRMAN: Progress was reported after the clause had been partly considered.

The Hon. W. F. WILLESEE: Since our last meeting we have considered this Bill in some depth. The amendments previously submitted to the Committee have now been altered to the point where we have a common ruling on what I think will be acceptable to the Committee.

The common purpose in drafting these amendments is to ensure that an alleged illegitimate relationship is established to to the reasonable satisfaction of the court, and then only if the relationship was admitted by the father or established against him during his lifetime. It will be up to the court to decide whether or not, and on what evidence, the relationship is to be regarded as admitted. Where the relationship is one by which the person alleging that he is the father of a deceased child can benefit, he will have to show that the relationship has been admitted or established while the child was still alive.

I think that is the purpose and the basis of this amendment—to be able to establish a situation of advantage to an illegitimate person in his lifetime. Mr. Medcalf and I have closely studied this matter and at this stage I think he might like to augment or support the remarks I have made.

The Hon. I. G. MEDCALF: It will be recalled that during the earlier Committee stage I requested the Leader of the House to be good enough to arrange a conference with me so that we could discuss the amalgamation of his amendment and

mine into one composite amendment which would combine all the best features of both in order to produce the best possible legislation.

I am happy to reciprocate the views expressed by the Leader of the House and I thank him for making available to me the opportunity to confer with him and the draftsman in order to discuss these amendments in detail. We had a conference in his office lasting approximately an hour and a half, and we were able to sort this matter out. I confirm what the Leader of the House has already said.

Although the Government would have preferred that this Bill remain in its original form, the Leader of the House has agreed to accept the principle of my amendments in a form which has been agreed between us and which is now set out in the notice paper. I commend the amendments to the Committee. The form of words which has now been used clearly requires the illegitimate relationship between a father and his child to be admitted or established during the lifetime of the father, and if the father is to obtain any benefit from the relationship it must be established during the lifetime of the child as well.

I should explain that the reference to an implied admission, which previously appeared in the amendment proposed by the Leader of the House, has been removed. The Leader of the House has already indicated this by saying it will now be left to the court to decide what is an admission. In other words, there is no specific reference to an admission by implication or an implied admission, but it is possible, of course, for an admission to be implied by circumstances. It will now be left to the court to decide whether in any particular case the circumstances justify the court finding that there has in fact been an admission by the father during his lifetime. The verbiage is now restricted to "admission" without any further reference to an express or implied admission.

Most of the other points of difference in the two amendments were purely technical or differences in verbiage, and I am quite satisfied that we now have the best form of words. I commend the proposed amendment to the Committee.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): Order! I think we have got slightly out of order. The Leader of the House did not actually move this amendment.

The Hon. W. F. WILLESEE: I move an amendment—

Page 2—Delete new subsection (2) and substitute the following:—

(2) In any proceedings where a person relies on a matter of fact made relevant by the provisions of subsection (1) of this section—

(a) that fact shall not be taken to be proved unless it is established to the reasonable satisfaction of the Court; and

(b) where the father and mother are not, or have not been, married to each other, the relationship between a child and his father, and all other lineal or collateral relationships, shall be recognised only—

(i) if paternity is admitted by or established against the father in his lifetime; and

(ii) where the purpose for which the relationship is to be determined enures for the benefit of the father, if paternity has been so admitted or established in the lifetime of the child.

Amedment put and passed.

Clause, as amended, put and passed.

Clause 4 put and passed.

Title put and passed.

Bill reported with an amendment.

PROPERTY LAW ACT AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 31A added—

The Hon. W. F. WILLESEE: I do not think there is any need for a lengthy explanation of this consequential amendment, in view of the remarks made by Mr. Medcalf when we were dealing with the previous Bill. The consequential amendment is necessary because we established the principle in the Administration Act Amendment Bill. I ask the House to accept this amendment in those terms. I move an amendment—

Page 2—Insert after subsection (4) a new subsection to stand as subsection (5) as follows:—

(5) For the purposes of this section, the relationship between a father and his illegitimate child, and any other relationship traced in any degree through that relationship, shall be recognised only if paternity is admitted by or established against the father in his lifetime; and where the purpose for which the relationship is to be determined is a purpose that enures for the benefit of the

father the relationship shall be recognised only if paternity has been so admitted or established in the lifetime of the child.

The Hon. I. G. MEDCALF: I confirm what was said by the Leader of the House. In case members have any feeling of puzzlement as a result of the differing form of this amendment from the previous amendment and also from the next amendment on the notice paper, I would like to add that this is due entirely to the wording of the Acts it is sought to amend. The idea in each case is the same although expressed slightly differently.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with an amendment.

WILLS ACT AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Part IX added—

The Hon. W. F. WILLESEE: I move an amendment—

Page 2—Delete subsection (2) of new section 31 and substitute the following:—

(2) In any proceedings where a person relies on a matter of fact made relevant by the provisions of subsection (1) of this section—

(a) that fact shall not be taken to be proved unless it is established to the reasonable satisfaction of the Court; and

(b) where the father and mother are not, or have not been, married to each other, the relationship between a child and his father, and all other lineal or collateral relationships, shall be recognised only—

(i) if paternity is admitted by or established against the father in his lifetime; and

(ii) where the purpose for which the relationship is to be determined enures for the benefit of the father, if paternity has been so admitted or established in the lifetime of the child.

I do not think this amendment needs any further explanation. It is consequential upon the amendments moved to the two previous pieces of legislation. It has been well and adequately explained by The Hon. I. G. Medcalf.

The Hon. I. G. MEDCALF: I confirm the comments of the Leader of the House and I agree with and support the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with an amendment.

LAND TAX ASSESSMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th September.

THE HON. I. G. MEDCALF (Metropolitan) [3.27 p.m.]: This Bill, generally speaking, has the effect of alleviating the effect of land tax, and from that point of view it could be thought it would have the support of the House. In general principle I support the Bill because it not only carries out some of the policy statements made by the Premier during the election which had in mind the alleviation of land tax, but it also lessens the burden to some extent on the various classes of persons affected. It lessens the burden on some people very considerably and to that extent I am in favour of the measure. I am glad the Treasury has seen its way clear to suffer a reduction in land tax to the extent indicated in the Bill.

I support the Bill in general but I would like to point to one or two anomalies which occur in it and to which I think the attention of the House should be directed. I would like particularly to refer to clause 4 of the Bill which amends section 10 of the principal Act. I think it is necessary for me to briefly summarise the main points included in section 10. That section provides an exemption from land tax in certain cases and states that certain classes of land are exempt from land tax. These are: lands owned by the Crown, public roads, lands owned by a local authority, lands vested in certain religious and charitable bodies, lands held as mining tenements under the Mining Act, lands dedicated for zoological and horticultural and certain other purposes, lands held by persons in receipt of repatriation pensions, and, finally, lands used solely or principally for agricultural purposes. I have omitted certain details, but that is a summary of the classes of land exempted under section 10 at the present time. It is now proposed under this Bill that a further class of land will be exempt and this can be described simply as residential land which somebody is using principally as a dwelling house.

Clause 4 of the Bill provides for this further category of exemption; namely, that set out in paragraph (h) which states—

(h) Any estate or parcel of improved land not exceeding one-half acre in area, where—

(i) the owner is ordinarily resident on the land;

(ii) the land is used principally for residential purposes;

(iii) the improvements on the land consist of a dwelling house, or a dwelling house and outbuildings, only; and

(iv) the owner owns no other assessable land within the State. ;

Before the Bill was transmitted to this House, two amendments were made to this provision in another place. The first inserted the word "principally" in subparagraph (ii), so that the land to be exempted must be principally used for residential purposes. This enables people who might be carrying on cottage industries in their homes to be still exempt from land tax.

The other amendment was the addition of the word "assessable" in subparagraph (iv). Originally the requirement was that the owner did not own any other land in the State, but in another place it was amended to any other "assessable" land in the State. This clause now provides a general exemption on land which is used as the *bona fide* residence of a person, where he has no other assessable land.

In effect the provision states that provided an area of land on which a residential home is built does not exceed one-half acre, the owner can build or be occupying a house on it, of any value whatever, without having to pay land tax; that is, provided he uses the land principally for residential purposes, and complies with other requirements. For instance, the person cannot be an absentee owner.

What the clause allows is that a palatial mansion can be built on land, and it still may be exempt from land tax provided the owner has no other assessable land within the State. Even if the owner, in fact, has a farm or other agricultural properties such land would not be assessable for the purposes of land tax: so he could own a palatial mansion on a half-acre block in a town or city and occupy it as his normal residence, and also own a farm or station, without having to pay any land tax.

The Hon. G. C. MacKinnon: What if he owns a number of farms?

The Hon. I. G. MEDCALF: A person can own any number of farms, station properties, or mining tenements, as well as a palatial mansion on half an acre of land in the city or a seaside resort, without having to pay any land tax.

The Hon. G. C. MacKinnon: How would this compare with the ordinary person who owns a small block on which there is a small factory?

The Hon. I. G. MEDCALF: If that person owns a house in addition to a factory, works, or similar premises—for example, a small shop—he is liable for land tax not only on the shop or factory, but also on the house. There is a partial exemption on improved properties up to a value of $10,000, with a sliding scale up to $50,000. So this person would have to pay land tax, provided the unimproved capital value of the house and land was worth more than $10,000.

The Hon. G. C. MacKinnon: While a millionaire would not be paying land tax. That is ridiculous!

The Hon. I. G. MEDCALF: That is the position. A millionaire would not pay land tax unless he owned other assessable land. We could have the instance of a millionaire living in a palatial mansion on a half-acre block, owning mining leases, farms, pastoral properties, or stations, but paying no land tax.

The Hon. J. Heitman: If he owned farms he would not be a millionaire.

The Hon. I. G. MEDCALF: It depends on what lies under the ground in the mining leases. We could find this anomaly: A person might own a block on which he has erected a palatial mansion, and own other properties which are not assessable for land tax and he would pay no land tax. However, his next-door neighbour might have built a modest house on a block which is worth more than $10,000, and might also own a suburban shop where he carries on a business; or own a small house in another suburb where a member of his family lives; yet such a person has to pay land tax not only on his house, but also on his other property.

We should bear in mind that in this regard a serious anomaly exists. I did refer to the ridiculous situation where these two people were living alongside each other. Of course, the anomaly applies to such people living anywhere, and they need not be alongside each other. In fact, there are many cases of people living in the metropolitan area who are paying land tax simply because they have an interest in some other land, and for that reason their residences are taxable. On the other hand, there are many other people who have their money invested other than in land and they are exempt from land tax.

This is a serious anomaly which I do not think the Premier intended to introduce. I am aware that the Premier specifically stated in his policy speech that he would exempt people who own houses from the payment of land tax, where they do not own any other land.

He is putting into effect his election promise in clause 4, but I wonder whether this is not an instance of illogical thinking and whether it would not be proper to apply some other criterion, rather than the criterion that a person should not own any other land.

A person might have a modest home on a block of land, and also own some other land which is liable for land tax. In this case he has to pay land tax not only on his home, but also on the other property. It is only equitable that a person should pay land tax on a shop and on other land which he owns; and I am not quarrelling with that principle. I believe it to be quite right. However, a penalty is imposed on a person who owns a small shop, and a residence on another block. I agree that he should pay land tax on the shop, but just because he owns the shop he should not have to pay land tax on the residence as well. His next-door neighbour might have a palatial mansion on his block but he would not have to pay any land tax on it.

I say this with all due respect: Had the Premier given this matter further consideration he might have come to the conclusion that the ownership of other land is not really a good reason for making a person pay land tax on his residence. It seems to me we are approaching very close to the principle of exempting the family residence from land tax.

I think that is basically what the Premier had in mind that he intended to exempt the family residence. Last year the then Treasurer (Sir David Brand) introduced the Land Tax Assessment Act Amendment Bill to exempt the family home, by exempting improved property up to $10,000 from land tax. Improved properties up to the value of $10,000 were to be exempted from tax.

The introduction of that measure was an attempt to alleviate tax on the family residence. Anyone who owned a residence up to the value of $10,000 and who did not own any other improved land, was to be exempt. If such a person owned other improved land, but the total value did not go beyond $10,000, he would still be exempt. A person can own a house and property valued at up to $50,000, and receive a partial exemption from land tax.

The Hon. G. C. MacKinnon: That sounded to be much fairer.

The Hon. I. G. MEDCALF: That exemption was introduced by the former Treasurer.

The Hon. A. F. Griffith: There was equity in that arrangement.

The Hon. I. G. MEDCALF: I believe the former Treasurer was trying to provide alleviation for the family home. That was his object and I believe it was partially achieved. The present Premier has taken a further step to provide complete exemption, but he has added the proviso that the person concerned must not own any other land. I do not know that that is the right criterion at all. The provisions contained in this Bill will exempt a home which might be worth $500,000 when the owner owns no other land.

The Hon. R. Thompson: Is that home not already exempt when no other land is owned?

The Hon. I. G. MEDCALF: No, that is what is proposed by the Bill which is now before us. At the present time the family residence is liable to tax provided it is valued at more than $10,000. The present legislation proposes to exempt the family residence.

The Hon. R. Thompson: Perhaps the honourable member had better check. I have just handled a similar case.

The Hon. I. G. MEDCALF: Perhaps Mr. Ron Thompson had better check.

Several members interjected.

The PRESIDENT: Order! Will Mr. Medcalf please proceed?

The Hon. I. G. MEDCALF: I believe we are getting very close to the situation where the Government of the day is trying to exempt the family home from land tax. It seems to me that it is a shame we have not taken the last step. We could exempt a person who owns a palatial mansion but still tax a person with a modest home who happens to own a corner shop or has a share in a piece of other land. That person will pay tax on his residence. I do not think that was seriously intended, and had this matter been thought out carefully—and here I use my words carefully because I do not imply that I disagree with the principle of the Bill—we would not have the discrepancy between different owners. The one owner with a palatial mansion will be let off scot-free, while the other owner with a modest home worth more than $10,000 will have to pay land tax because he happens to have an acre of land at Parkerville, or some other place.

The Hon. G. C. MacKinnon: The honourable member implied that the house would have to be valued at $10,000. I think the value relates to the land.

The Hon. I. G. MEDCALF: Yes, that is so. I think I have more than sufficiently made my point.

The Hon. W. F. Willesee: Supposing the owner of the modest home had a lucrative business?

The Hon. A. F. Griffith: He would pay tax on both.

The Hon. I. G. MEDCALF: In that case the owner would pay land tax on both his home and his business.

The Hon. W. F. Willesee: What would be the position if he had a business which was not lucrative?

The Hon. I. G. MEDCALF: He would still pay the same land tax. The tax is based on the unimproved capital value of the land.

The Hon. A. F. Griffith: A person could have a reasonably priced home and a shack at the beach, and he would have to pay tax on the home.

The Hon. I. G. MEDCALF: That is right. If the unimproved value of the residence is $12,000, and he owns a shack at a beach, he will pay land tax on the residence. I believe this requires further consideration, and I would be grateful to hear some further comment at a later stage of the Bill.

Debate adjourned, on motion by The Hon. D. K. Dans.

Sitting suspended from 3.47 to 4 p.m.

TRANSPORT COMMISSION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th September.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [4.04 p.m.]: At this stage the best I can say is that I am unable to generate any wild enthusiasm for this Bill. I say this for several reasons, many of which were given yesterday by Mr. MacKinnon, but principally because of the lack of information given to this House on the reasons for the measure.

The Minister, in his introductory speech, took four sentences to explain a piece of legislation which, to say the least, will break new ground so far as water transport in Western Australia is concerned. I can only say that this is completely different from the speeches which members, who have been in this place for some time, have come to expect from the honourable member when he speaks. We have all heard the long and lucid discourses given by him in explaining measures on which he has spoken. He has gone to great lengths to give his reasons for the stand he has taken on any measure. However, in this instance the Minister has introduced a Bill, the effect of which will be to break completely new ground so far as water transport is concerned, and he confined himself to four sentences.

The Hon. W. F. Willesee: The honourable member is not talking about me, is he?

The Hon. CLIVE GRIFFITHS: No.

The Hon. W. F. Willesee: Thank you.

The Hon. L. A. Logan: Does the Leader of the House have a guilty conscience?

The Hon. CLIVE GRIFFITHS: I am talking about the Minister who introduced the Bill.

Surely there must be a reason for the measure. Often members of Parliament—as does the Minister himself—refer to *Hansard* to ascertain the reasons for the introduction of the original legislation. We read sections from *Hansard* which state the necessity for the introduction of any measure. If the present measure is carried, any present or future member of Parliament who refers to *Hansard* to ascertain the reason for its introduction—perhaps because of amendments proposed—will have a rude awakening because there will be no information recorded.

The Hon. J. Dolan: If anyone reads the full debate he will know.

The Hon. G. C. MacKinnon: It will be necessary to rely on us, though.

The PRESIDENT: Order! The honourable member will proceed.

The Hon. CLIVE GRIFFITHS: Up till now the full debate consists of the Minister's speech, Mr. MacKinnon's speech, and five minutes of mine. It may be more than that before the measure is passed but then, again, it may not.

The Hon. W. F. Willesee: I suggest you have a breather.

The Hon. CLIVE GRIFFITHS: I merely wonder why a Minister who has gone to great lengths in the past to give us interesting speeches and information has suddenly decided not to tell us anything about this measure, although he asks us to support it. As I have already said, at this stage I cannot generate any wild enthusiasm for it.

Mr. MacKinnon undertook some research and gave us the benefit of that research by indicating that the measure, apart from affecting ferries run by the M.T.T. on the Swan River, will also affect several other inland waters throughout Western Australia. He mentioned one or two at the Ord River and in other parts of Western Australia. At least the honourable member gave us a little more information than the Minister and I thank him for it.

I made some investigations myself but I could not find anybody, outside of people in the M.T.T., who knew anything about it. In times when we hear people talking on the topical subject of restrictive trade practices, it seems we are introducing a piece of legislation which, to all intents and purposes, may well create a monopoly for some operators. It will not necessarily do this, but it contains the machinery for a monopoly situation. For this reason we are entitled to more information.

I have always advocated greater use of our rivers. I am thinking in particular of the Swan and Canning Rivers. I do not think the best use is made of them for transport purposes. Last year I was delighted—as probably were many other people—that an enterprising individual, or individuals decided to experiment with a hydrofoil to provide quicker transport across the river. I thought that if the venture were successful it would provide additional and speedier river

transportation services which are what people want today. If anyone is to be successful in transporting people he must provide a comfortable, safe, and most importantly a speedy form of transportation. When the hydrofoil experiment was being carried out I thought that a fairly courageous and enterprising individual, or group, was endeavouring to break new ground to enable the people of the metropolitan area to make more use of the Swan River for transportation. We must bear in mind that if river transport is achieved it will tend to take many people off our roads. This would be desirable. Indeed, I am sure the Minister would agree that it would be desirable.

The measure will require ferry services to be licensed and it will be administered by the road transport department.

The Hon. J. Dolan: The Commissioner of Transport.

The Hon. CLIVE GRIFFITHS: By the Commissioner of Transport. This made me stop to think and I wondered at the reason for choosing this particular department. Mr. MacKinnon referred to this yesterday and suggested the commissioner was being asked to be a referee between the M.T.T. and the Harbour and Light Department. I know nothing about this except Mr. MacKinnon's reference, but at least the honourable member gave us a little information which the Minister did not.

The Hon. J. Dolan: The only thing is that the information is not correct.

The Hon. G. C. MacKinnon: It had every appearance of being correct on reading the Bill.

The Hon. CLIVE GRIFFITHS: It may have been incorrect; I am not arguing about that. However, in the limited time I have had to look at this I have posed a question to myself and pondered over it. I wondered what the exact situation is with ferries at the moment and what the procedure is. Briefly, ferries are inspected and surveyed by the Harbour and Light Department which issues a certificate current for one year. The certificate has to be reissued each year. Further, the master of any craft must have a master's certificate which is a difficult certificate to obtain. Certainly not everybody can obtain one. An individual must be highly qualified to obtain a master's certificate.

The Hon. G. C. MacKinnon: It is a driver's license.

The Hon. CLIVE GRIFFITHS: I cannot see the connection there. Anyway, it is a license to operate a ferry.

The Hon. W. F. Willesee: In other words, a driver's license.

The Hon. CLIVE GRIFFITHS: If the interjectors wish it that way, I will not argue the point.

To obtain a license the necessary application must be made to the Harbour and Light Department. If, and I emphasis the "if" at this stage, it is necessary to issue a further license, and bearing in mind the individual already has two licenses, surely the obvious department to administer that particular license is the Harbour and Light Department. This department is already examining the boat and the individual who is going to look after the boat and it knows all about navigation on the waterways. If it is essential that we have this restrictive trade practice that the Minister is introducing, then it should be administered by the Harbour and Light Department.

I come back to the point I made recently: I wonder why the Minister did not tell us more about it. However, I am sure he will elaborate when he closes the debate. There may be other reasons which make it absolutely necessary to introduce the measure and give authority to the Commissioner of Transport.

I wonder where we are going when we need a license for everything we do. Where is it going to finish?

The ferries operating from South Perth, particularly, do a magnificent job; they provide a good service. Indeed, I think it is a very cheap service. The M.T.T. is to be commended for the service it is providing. However, the Swan River is not being used sufficiently. I do not believe there are sufficient pick-up places on the other side of the river. We ought to extend this service and I believe the way to do it is to let somebody experiment, as has been done with the hydrofoil. This is being investigated to determine whether the service will be satisfactory to the people and at the same time economical for the operators. After all, this is also essential.

I do not know whether the present service from South Perth is a profitable service; the Minister has not told us this. I know approximately how many people travel on it but I do not know how many passengers it needs to become a profitable proposition. There might be a fortune involved and the M.T.T. may want to keep it for itself. However, on the other hand, it may be a losing proposition and the M.T.T. may be genuinely concerned to at least restrict competition so that the service can be maintained and improved where necessary. The Minister has not mentioned any of these things and, therefore, we are quite justified in feeling some apprehension. He was not content to include just the Swan River—the Bill goes further than that and includes all the inland waterways of Western Australia.

Members who visited the Ord River a year or so ago at the invitation of the previous Government will recall that there was a ferry operating on the Ord River. This was a very nice ferry and the members were taken on a cruise up the Ord River to look at some of the tourist sites

and work which had been done. I thought to myself at the time that here was an enterprising individual or individuals who had risked capital to build a very attractive ferry.

The Hon. V. J. Ferry: All ferries are attractive.

The Hon. CLIVE GRIFFITHS: I am staggered.

The PRESIDENT: Order!

The Hon. A. F. Griffith: It is the first time I have ever known it.

The Hon. CLIVE GRIFFITHS: I never gathered this situation previously.

The Hon. A. F. Griffith: Took the wind out of your ferry.

The Hon. CLIVE GRIFFITHS: Yes, a very attractive ferry and I thought these people were to be commended on the efforts they have made. I imagine it would be a long undertaking to build a boat—it would take quite some time to have the plans drawn up and then a particular boat built.

Now we come to the situation of having to obtain a license. I wonder what the procedure will be. Will the individual need to go to the Commissioner of Transport and say, "I am thinking of starting up a service in the Fitzroy River, and I want to make sure that I will get a license."? Does the commissioner then say, "Oh, yes, we will give you a license subject to certain things."? The fellow builds his boat and gets it up there. However, in the meantime another person has purchased a boat already built, perhaps one of these hydrofoils which are becoming prominent around Australia. The second person might put in an application. Would the Commissioner of Transport be justified in saying, "No, you cannot have a license because "someone else is getting a boat built and it may or may not be finished in a year or so."? Or perhaps the commissioner says, "We will have to wait and see, as some other fellow is building a boat." This is a ludicrous situation and I think everyone would stop thinking about purchasing and providing boats on our waterways. The situation would be so uncertain nobody would bother.

I do not know what to do with the Bill. I am hoping when the Minister replies he will give us a lot more information and assure us that competition will not be restricted simply because somebody else has an existing license.

There is another point on which I would like clarification. Mr. MacKinnon touched on the Rottnest Island service and I think we ought to pursue this a little further. I maintain this service will come within the scope of this particular legislation. I may be wrong; the point was not made clear when Mr. MacKinnon was speaking. However, it seems to me that we will create a closed book. Mr. MacKinnon mentioned that in the past there had been some ill-feeling between some of the operators. We were not told whether people who wanted a license would be precluded from operating to Rottnest Island. Does it mean that the existing services will have a monopoly? I am concerned about this because I believe that we ought to know where we are going.

My next point is that while the parent Act makes provision for some regulations to be made and fees to be set, we have not the slightest idea what they are going to be. The fees will be set and presented in the form the Act provides. However, I think we ought to have a bit of an idea now as to the type of fees that will be applicable and whether there will be a sliding scale according to the size of the boat or the location of the boat—whether it be on the Swan River, the Ord River, at Augusta, or Denmark. At this stage I want to say that I am far from satisfied with the Minister's explanations of the necessity for this measure. If his explanations are satisfactory when he closes this debate, I could well support the second reading of the Bill. However, at this stage I have grave doubts about it and I feel a lot more thought should be given to this matter by the Minister and by members generally. I am content to leave it at that.

THE HON. R. THOMPSON (South Metropolitan) [4.28 p.m.]: Possibly members who were in this House some eight or nine years ago will recall that the Western Australian Marine Act was amended to license small craft. Before this legislation small craft which were traversing navigable waters in the Swan River or the outer harbour did not have to be licensed.

At that time we obtained copies of the American legislation, but this was quite different legislation from that finally introduced in the Western Australian Marine Act. Under our Act craft on navigable waters on rivers or lakes came under the one Act and I thought it was a mistake and we should have followed the American legislation. This legislation spelt the situation out clearly and was commonly understood. I made this information available to the Minister for Works for his perusal. Unfortunately although he had it some weeks, this type of legislation was not adopted.

The Hon. A. F. Griffith: I remember your qualified support for that Bill.

The Hon. R. THOMPSON: Yes, I did support the legislation, but I considered we were taking the wrong step because we would get into difficulties, and in my opinion the problem has grown since then. At present all small boats come under the provisions of the Western Australian Marine Act. They are required to be

licensed by the Harbour and Light Department in order that they may be operated. Now we find that the Transport Commission will be responsible for all forms of transport. I believe that this is where we can put Mr. Clive Griffiths' mind at rest by proving that what is being provided in this Bill is for the safety of the general public.

The Hon. G. C. MacKinnon: It sounds as though you propose to bury him.

The Hon. R. THOMPSON: He knows only too well that I would not want to do that. At present, provided the owner of any craft pays his $1 license fee to the Harbour and Light Department, he can operate on navigable waters. If the owner of any craft wishes to go outside, his craft must be fitted with safety equipment. Further, the owners of some small craft can apply to operate such craft as ferries. They do not have to be licensed or be subject to regulations as to the number of people they can carry or the safety equipment that must be fitted if they wish to run a passenger service from, say, Barrack Street to Coode Street.

The Hon. G. C. MacKinnon: Say that again. This is the sort of information we expected from the Minister.

The Hon. R. THOMPSON: My understanding of the legislation is that any boat owner at present—provided he has paid the $1 license fee—can operate his craft as a ferry.

The Hon. Clive Griffiths: I did not think that was the situation.

The Hon. R. THOMPSON: The honourable member can check to ascertain whether it is the situation. I think we should understand that the Transport Commission, under this legislation, will issue a license to any boat owner who wishes to use his craft for hire. In the definitions the legislation also sets out the waters on which he is allowed to ply his craft.

The Hon. G. C. MacKinnon: Would it not be better to give the Harbour and Light Department the power to issue graduated licenses or different classes of licenses?

The Hon. R. THOMPSON: If the honourable member had supported my suggestion eight years ago we would now have had a new set of regulations divorced completely from the provisions of the Western Australian Marine Act. Unfortunately, we now find ourselves in the position where the ferry that plies from Barrack Street to Coode Street comes under the provisions of the Western Australian Marine Act for the purpose of certification. The Transport Commission does not certify vessels. It will issue licenses only for the transport of passengers. The certification must come from the Harbour and Light Department. The certificate will state that the vessel is capable of carrying a certain number of passengers provided it is fitted with the necessary safety equipment.

The Hon. Clive Griffiths: Do you think it should be done by the one department?

The Hon. R. THOMPSON: That is what I attempted to have done previously.

The Hon. G. C. MacKinnon: You could change your mind.

The Hon. R. THOMPSON: I have not changed my mind.

The Hon. G. C. MacKinnon: But you are the Government now; you could have a crack at it.

The Hon. R. THOMPSON: I did not know this legislation was forthcoming until I attended Cabinet.

The Hon. G. C. MacKinnon: Don't you attend Caucus?

The Hon. R. THOMPSON: I am sorry: I meant Caucus. How many times in the past have we heard Opposition members querying legislation that has been brought forward by the Government of the day? I am not querying this legislation; I am merely trying to tidy something up. I still go along with my own views; that is, that we should have separate legislation.

The Hon. G. C. MacKinnon: It appears to be tidying up in a pretty untidy fashion.

The Hon. R. THOMPSON: When I previously spoke on this matter The Hon. G. Wild was the Minister for Works controlling this department at the time. As I understand it, this legislation, firstly, seeks to license a vessel, but does not restrict any person from applying for a license to carry passengers.

The Hon. A. F. Griffith: It strikes me that the commission will not license the vessel.

The Hon. R. THOMPSON: I fail to see—

The Hon. A. F. Griffith: I think the legislation might be designed to ensure that not too many people get licenses.

The Hon. Clive Griffiths: I think the Leader of the Opposition might be right.

The PRESIDENT: Order! The honourable member will address the Chair.

The Hon. R. THOMPSON: I am addressing the Chair, Mr. President; I cannot help the interjections. If what the Leader of the Opposition says is correct or otherwise, we have not seen many people attempting to operate a ferry service. This legislation seeks to prevent unauthorised ferries from operating. The licensing of ferries would obviate any danger to life that may result from a ferry service being operated at the present time by people who are not fully qualified to do so. The Bill will ensure safety and limit the number of passengers who can be carried on

a ferry. It will help to prevent a disaster such as that which occurred on the ferry which was travelling from Brindisi to Greece a few weeks ago. Members no doubt noticed that only recently one of the ferry operators conducting a service from Fremantle to Rottnest was prosecuted for overloading his vessel. This is the kind of action that will be prevented by this legislation.

If a ferry operator carries more passengers than his craft is licensed to carry, he will be subject to prosecution. Also, a boat is not required to carry a life raft provided it operates on the river or on inland waters. So at this stage the legislation represents a safeguard for the benefit of the people.

The Hon. G. C. MacKinnon: Now we have had the Bill explained I think we should start the debate all over again.

The Hon. R. THOMPSON: The honourable member has heard my interpretation of the Bill as I understand it, and I support the measure.

Debate adjourned, on motion by The Hon. D. K. Dans.

House adjourned at 4.40 p.m.

Legislative Assembly

Thursday, the 9th September, 1971

The SPEAKER (Mr. Toms) took the Chair at 11.00 a.m., and read prayers.

BILLS (5): INTRODUCTION AND FIRST READING

1. Bee Industry Compensation Act Amendment Bill.

   Bill introduced, on motion by Mr. H. D. Evans (Minister for Agriculture), and read a first time.

2. Western Australian Products Symbol Bill.

3. Town Planning and Development Act Amendment Bill.

   Bills introduced, on motions by Mr. J. T. Tonkin (Premier), and read a first time.

4. Beekeepers Act Amendment Bill.

   Bill introduced, on motion by Mr. H. D. Evans (Minister for Agriculture), and read a first time.

5. Appropriation Bill (General Loan Fund).

   Bill introduced, on motion by Mr. T. D. Evans (Treasurer), and read a first time.

PAY-ROLL TAX ASSESSMENT BILL

As to Recommittal

MR. COURT (Nedlands—Deputy Leader of the Opposition) [11.11 a.m.]: I move—

> That the Bill be recommitted for the purpose of reconsidering Clauses 5, 9, 10, 11 12, 25, 26, 31, 35, 40, 44 and 50.

I believe I must give reasons for my motion.

Mr. J. T. Tonkin: They would want to be good to justify a recommittal, wouldn't they?

Mr. COURT: They happen to be good.

Mr. O'Neil: A1.

Mr. COURT: It is important I remind members of the circumstances of the debate which took place on this Bill. First of all, we had the disadvantage of considering it out of context with the Budget, although it would normally be a Budget Bill. However, the circumstances were understood by the Opposition, and tolerated. On many occasions previously Oppositions have objected to considering this type of legislation without the benefit of the total picture of the Budget; but we merely registered our protest and our point about this though we did not press it, and we do not press it now. However it is important to consider this aspect when studying the reasons for believing a case exists for the recommittal of the Bill for the purpose of considering these clauses.

The second point is that in the introduction of this Bill and in subsequent debate, the Opposition found it very difficult, and, in fact, impossible, to obtain all the information it needed as to why the Bill had been introduced in its present form. I believe it is the duty of the Government to provide this information for the Opposition and for the Parliament as a whole—not only for the Opposition, but also for the Government's own members.

It was during the Committee debate that I suggested to the Treasurer that he report progress and ask leave to sit again in order that he might come to light with some better explanations to the Opposition, particularly in respect of the penalty clauses and, secondly, the basic exemption. I gave my reasons about the basic exemption; namely, that it was an amount fixed in about 1957. A tremendous change has occurred in the wage structure of the nation and it seemed quite unrealistic to retain this figure in 1971 when the legislation was being re-enacted in all States and the Commonwealth.

The third point surrounded the question of decentralisation and the inclusion of a provision in the Bill to make it clear to people who genuinely sought to establish decentralised industry that there could be some inducement rather along the lines