Mr. NULSEN: I feel that greater assistance can be obtained from Government-trained auditors.

Clause put and passed.

Clause 636—Office of Government Inspector of Municipalities:

Mr. BRADY: I hope the Minister will let the Minister in another place know our feelings on this matter. We feel the Minister should usurp the power for the time being and appoint all auditors until the position settles down. As I said before, there is a grave weakness in this Bill. It seems wrong for this Parliament to pass a Bill in a form by which five or six men can virtually spend £50,000 to £100,000 in about 26 or 27 municipal councils, and be responsible only to themselves. The Minister should take some responsibility in regard to trying to ensure that Government inspectors are appointed as auditors.

Mr. PERKINS: I have already discussed this matter with the Minister for Local Government, and I will do so again in order to inform him of the opinions expressed by members in this Committee. In the interim period it is necessary to allow the old system to carry on; but I agree with what members on the other side have said. I am informed that it is necessary in the interests of peace and harmony to carry on with this compromise arrangement for the time being.

Clause put and passed.

Clauses 637 to 694 put and passed.

First to twenty-sixth schedules put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

House adjourned at 11.5 p.m.

Legislative Council

Wednesday, the 28th September, 1960

CONTENTS

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

QUESTIONS ON NOTICE

SORGHUM ALMUM

Reason for Prohibition of Imports

1. The Hon. N. E. BAXTER asked the Minister for Local Government:

(1) Is it a fact that the Department of Agriculture has prohibited the importation of sorghum almum seed?

(2) If the answer to No. (1) is "Yes," is the reason for prohibition that this fodder is poisonous to stock?

(3) Does the department consider this plant may spread and become a noxious weed?

Use in Eastern States

(4) Is the Minister aware that this fodder is being used with great success in the Eastern States for the production of fat cattle to the extent of one beast to the acre per annum?

The Hon. L. A. LOGAN replied:

(1) No. It is intended that only Government certified seed of sorghum almum shall be sold in Western Australia.

(2) Answered by No. (1).

(3) The main reason for the restriction is to prevent the distribution of Johnson grass, the seed of

which cannot be distinguished from sorghum almum. Because of its aggressive nature and toxic properties, the sale of Johnson grass seed in Western Australia and most other States has been prohibited for many years.

(4) The department is aware of the reports from other States regarding the stock carrying capacity of sorghum almum.

ALUMINIUM DUST

Effectiveness Against Silicosis, etc.

2. The Hon. J. J. GARRIGAN asked the Minister for Mines:

(1) Can the Minister give the House any information concerning the effectiveness against silicosis or other industrial disease of aluminium dust as used by miners prior to going underground?

(2) Would aluminium dust show on an X-ray plate taken of the chest of a person who had been receiving this dust for a number of years?

The Hon. A. F. GRIFFITH replied:

(1) The application of aluminium therapy is controversial. There is evidence of improvement in the health of miners since aluminium therapy was introduced in 1953, but it is not possible to relate this improvement directly and entirely to the use of aluminium therapy. During that time, of course, ventilation methods in mines have also improved.

(2) No. The X-ray picture does not record the presence of dust in the lungs, but does indicate changes in the lung tissue produced by dust.

GUILDFORD MENTAL HOSPITAL

Opening Date, and Treatment of Children

3. The Hon. R. F. HUTCHISON asked the Minister for Mines:

(1) What is the approximate date for the opening of the new mental hospital at Guildford.

(2) What are the plans for the more progressive treatment of children at the new hospital at Guildford?

The Hon. A. F. GRIFFITH replied:

(1) and (2). No date can be given. The plans so far prepared by the Principal Architect are under close review by a special committee appointed to examine this and other mental health matters.

As advised previously, action will follow as early as possible after the committee's report has been finalised and submitted through the State Health Council.

Plans for the care and treatment of children will receive priority and will be a feature of the report to be submitted.

PAYMENT OF DEPARTMENTAL ACCOUNTS

Use of Instalment Stamps

4. The Hon. G. E. JEFFERY asked the Minister for Mines:

(1) Further to my question on Wednesday, the 21st September, 1960, relative to the payment by stamps of State rates and taxes, does the Minister consider that the considerable administrative difficulties and expense involved would be in excess of the costs of preparation and despatch by the State instrumentalities concerned of "final notices" requesting payment of these charges?

(2) If the reply to No. (1) is "No," will consideration be given to the proposal contained in my previous question?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) Answered by No. (1).

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY BILL

Further Report

Further report of committee adopted.

DOG ACT AMENDMENT BILL

Further Recommittal

On motion by The Hon. R. F. Hutchison, Bill again recommitted for further consideration of clause 5.

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 5—Section 29 amended:

The Hon. R. F. HUTCHISON: I have asked that the Bill be recommitted because I consider it an injustice. I will express my thoughts in sequence in an endeavour to persuade the Committee not to impose this hardship on a very under-privileged minority of people.

Aborigines and part-aborigines, unless they have been given exemption from native regulations and are classified as citizens, are not citizens of the Australian Commonwealth or of the State of Western Australia. Therefore they do not have the same privileges, rights, and responsibilities as other persons of our community. They are classified officially as under-privileged.

Point of Order

The Hon. A. F. GRIFFITH: I apologise for the necessity to interrupt on a point of order. I take it that the honourable member is moving to recommit clause 5 of this Bill in order to consider a matter that was before the House upon recommittal because of her application yesterday. It sounds to me as if the subject matter is the same. If that is so, I submit that the Committee has dealt with this question on two previous occasions, and I do not think the clause should be reopened for further discussion.

The CHAIRMAN (The Hon. W. R. Hall): Yesterday we were dealing with paragraph (c) of clause 5. I put the motion that the clause stand as printed. I am now waiting for the honourable member to move.

Committee Resumed

The Hon. R. F. HUTCHISON: Aborigines are classified officially as under-privileged persons and, in the circumstances, they should not be bound by all the petty regulations to which other members of our community are subject. If they are to pay licenses, adhere to regulations, and pay taxes on an equal basis with other persons, they at least should be recognised as full citizens. It is an injustice to withhold the rights and benefits of citizenship, while enforcing all the responsibilities and obligations. This is a one-sided business.

It is well-known that most aborigines and part-aborigines have a great attachment to their dogs. Furthermore, as so many people in the South-West Land Division are seasonal workers, this means that they have periods of unemployment when they find it necessary to use a dog for hunting purposes.

Point of Order

The Hon. A. R. JONES: I also apologise for interrupting the honourable member on a point of order; but should we not have the amendment before the Chair before we have any discussion?

The CHAIRMAN (The Hon. W. R. Hall): The motion is that clause 5 stand as printed. The honourable member is at liberty to speak against the clause if she so desires.

The Hon. A. R. JONES: I am not doubting your decision, Mr. Chairman. We agreed that the Bill be recommitted; but should we not know what the amendment is that the honourable member wishes to move?

The CHAIRMAN (The Hon. W. R. Hall): There have been scores of occasions on which members have spoken on a clause and have not moved any amendment until they have finished speaking.

Committee Resumed

The Hon. R. F. HUTCHISON: I will move my amendment at the end of my remarks. The question of unemployment is a very real issue in the South-West Land Division, so far as the aborigines and part-aborigines are concerned. Material from the Department of Native Welfare will bear this out. Damage to settlers' property, sheep, cattle, and so on, is not invariably caused by dogs owned by aborigines and part-aborigines. One such dog may be made, as it were, the scapegoat. This is no reason why all should be condemned. In other words, it is unfair to use such an argument for imposing a fee, where none was previously demanded, on the ground that native dogs damage Europeans' property. As I pointed out yesterday, I have known of neglected house dogs and kangaroo dogs, owned by white people, that caused most of the damage—although I agree that some damage may have been caused by an aboriginal's dog.

To summarise, firstly, where people of aboriginal or part-aboriginal extraction have exemption certificates and are classified as citizens, they should pay the fee. I quite agree with that. Secondly, where people of aboriginal or part-aboriginal extraction have no such citizenship rights and have no exemptions, they should not be obliged to pay the fee. Thirdly, if a fee is imposed irrespective of such arguments as I have put forward, then we must immediately consider the issue of full citizenship for the people involved. If we do not do this we will be perpetuating an injustice. That is my contention on the matter. I wish to move an amendment that clause 5 be deleted.

The CHAIRMAN (The Hon. W. R. Hall): The honourable member will have to vote against the clause, if she desires it to be deleted.

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

Ayes—15.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. C. H. Simpson
Hon. J. Cunningham	Hon. S. T. J. Thompson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray
Hon. A. L. Loton	*(Teller.)*

Noes—10.

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

Majority for—5.

Clause thus passed.

Further Report

Bill again reported, without further amendment, and the further report adopted.

CRIMINAL CODE AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.51]: I move—

That the Bill be now read a second time.

The first recorded child-kidnapping in Australia has led to the introduction of this measure to amend sections 333 and 343 of the Criminal Code. Members will recall the unfortunate circumstances of the kidnapping, and the very substantial ransom claimed.

Experience in other parts of the world points to the fact that in spite of immediate measures being taken by police and Press, and although in some cases the individual has indicated his willingness to pay the huge ransoms asked for, the kidnapped victim has been murdered.

A very similar story unfolded itself quite recently in New South Wales in the case of schoolboy Graeme Thorne. Though apparently his parents were willing—only too willing—to pay the ransom demanded, there developed circumstances of which no-one can really be too sure, but which inevitably prevented that boy from being returned alive to his loved ones.

It is only natural that in a young and virile country as is Australia, there would be a public demand for a heavy increase in penalties provided as a deterrent to such base action. Whether or not other States of the Commonwealth have taken action, or intend to take action to tighten up the laws in this regard, I believe it is incumbent on us here and now to see that the Western Australian laws prevent the possibility of any of our own people, or of people outside the State, or even outside the Commonwealth, being tempted to perpetrate such an unnatural and dastardly crime within our midst.

The fact is that, having been faced for the first time with the reality of such crime, we find our Criminal Code inadequate to deal with the position.

The purpose of this legislation is twofold. Firstly, by the tightening up of our Criminal Code to provide the deterrent; and, secondly, the tightening up of release of information to newspapers, and to prevent the daily Press, or any Press for that matter, from releasing details regarding the suspected kidnapping, unless such information is officially approved.

I am not disposed, at this juncture, to go into a great deal of detail regarding the provisions of the Bill, but I would welcome the views of the members of this Chamber during the second reading debate, or the Committee stage. I have a wealth of information before me regarding the matter, and will be only too willing to make this available by way of exchange of information with members willing to discuss the matter.

I feel that we have gone far enough in the matter of deterrent, and by defining this offence as a crime it enables the offender to be arrested without warrant. This removes a cause of unnecessary delay.

Although it is my policy to describe fully every measure which I introduce into this House, I believe that members generally will be most interested to examine this piece of legislation for themselves. I feel that members will be interested to make a detailed examination of the impact of the Bill upon the Criminal Code; and, having given wholesome thought to the matter, will be willing to express their views on the proposals which the Government is placing before the Chamber.

The Bill proposes increasing the maximum penalty from three to ten years for any person convicted of unlawfully confining or detaining another in any place against his will; or otherwise unlawfully depriving another of his personal liberty, as contained in section 333 of the Criminal Code. I might say that when the Bill was in another place the penalty provided under this section was increased from seven to ten years.

While section 333 could obviously have application to a child as a person, it is clear it could also apply to an adult; and, as section 343 makes special provision in respect to children, the application of section 333 would be confined to the case of persons who do not come within the age limit proposed to be stipulated, namely 16 years, in lieu of the present age stipulated as 14 years in section 343 of the Code.

The strongest deterrent will be found in the proposals for amending section 343, dealing with children under 16 years of age. The Bill proposes increasing the penalty of imprisonment with hard labour for seven years to imprisonment for life. This section at present provides that special deterrent to offenders under the age of 16 years—the liability to whipping. The reason for this particular provision has, I think, become lost in the pages of time, and, at this point of time is considered to be unreasonable.

By way of conjecture, it may have been intended to apply this penalty to an adolescent enticing a child away, but with no intention of kidnapping. However, this is purely conjecture. Looking upon the matter in the light of events in New South Wales, it could be much more readily understood if the section had provided that if the offender or criminal were over the age of 16 years, he should also be liable to a whipping. But that is not the provision in the existing section.

The insertion of the proposed new section 343A, dealing with the publication of a report of child stealing unlawfully,

unless the report is approved, hardly needs further explanation; except, perhaps, to explain the reference in the final paragraph, constituting subsection 3, to the Attorney-General. This has been inserted in order that a prosecution will not take place without careful consideration having been given by the Crown Law officers.

In the course of examining this proposition I have done some research in an endeavour to indicate to the House the penalties provided for kidnapping under the legislation in existence in other British-speaking countries. I have already referred to the case of the boy Thorne in New South Wales; and I think it would probably be true to say that but for this most unfortunate and dreadful event neither this Government nor any other Government in Australia would have taken the action which we are taking today; for the plain and simple reason that up to date we have been free of crime of this nature. But before such a crime should happen here—and God forbid that it will—the Government thinks it appropriate that efforts be made to amend the legislation to provide for the increased penalties in the way I have described.

Unfortunately the crime of kidnapping is, as a rule, perpetrated against a person who either has a lot of money or who, through some temporary good fortune, derives a lot of money. In one way and another the criminal thinks, and knows, that what is dearest and nearest to a man's heart are usually the members of his family. As a result the criminal seeks to take advantage of that situation; and, by perpetrating the offence, he causes the parents and loved ones a good deal of mental anguish; but he promises to relieve their mental agony by saying he will return the kidnapped person if a sum of money—usually a large sum of money—is paid over for the custody of the person kidnapped.

Other countries of the world do not take this crime lightly; and it might be interesting to relate some of the penalties in those countries. In Great Britain the offence is not a crime of kidnapping. The nearest offence is child stealing, or receiving a child under 14 years, and the penalty for the offence is seven years' penal servitude; in Canada the offence is kidnapping for ransom, and it carries a penalty of life imprisonment; in New Zealand the offence is child stealing, under 14 years, and the penalty is seven years' imprisonment; in India and Pakistan the offence is one of kidnapping, and carries a penalty of seven years' imprisonment. The offence in South Africa is man stealing, or woman stealing, or child stealing, and the penalty is life imprisonment and whipping—a maximum of 15 strokes.

The position in the American States is quite interesting. I think the crime has occurred in America to a greater extent than it has in a lot of other English-speaking countries. In Connecticut the offence is kidnapping for ransom, for which a penalty of 50 years' imprisonment is imposed; in Illinois the offence is stated as kidnapping for ransom, and the penalty is a maximum of life imprisonment and a minimum of five years' imprisonment. The offence in Iowa is stated as kidnapping for ransom, and the penalty is death or life imprisonment for such offence. In Louisiana the offence is called aggravated kidnapping—that is for ransom—and the penalty for such offence is death, with the proviso that if the kidnapped person is liberated unharmed the penalty would be life imprisonment. The offence in Maine is kidnapping, which carries a penalty of life imprisonment; in Missouri the offence is stated as kidnapping for ransom, and it carries a maximum penalty of death and a minimum penalty of five years' imprisonment.

I mentioned in the earlier part of my remarks on this matter that some of the other Australian States were taking action, but to the best of my knowledge the position at present in the other States is as follows:—

Australian Capital Territory:

Offence—Child stealing under 12 years.

Penalty—10 years' imprisonment.

Proposed penalty—Life imprisonment.

New South Wales:

Offence—Child stealing under 12 years.

Penalty—10 years' imprisonment.

Proposed penalty—Life imprisonment.

I understand that in Queensland the position is to be the same as that in Western Australia. In South Australia the offence is child stealing under 14 years, for which the penalty is seven years' imprisonment. The proposed penalty is life imprisonment and whipping. In Tasmania the offence is the abduction of a child under 14 years and carries a penalty of 21 years' imprisonment. It is proposed to make the penalty one of life imprisonment. The offence in Victoria is one of child stealing under 16 years, the penalty for which is five years' imprisonment. It is proposed, however, to provide a penalty of 20 years' imprisonment, and whipping.

So it can be seen that there is an obvious intention on the part of other States to do something about this particular crime. To my own way of thinking the crime of kidnapping is indeed a hideous one, and it is incumbent upon us to place on our statute book legislation of a nature that will prove as great a deterrent as is possible, within reason, to prevent such an occurrence in Western Australia.

I believe this Bill will receive favourable consideration from members. It is put forward in the hope that it may act as

a deterrent to keep us as free as we have been in the past from a crime of this nature. The only other thing I would like to say is that the penalty is not one that must be imposed; because the court has jurisdiction to impose the maximum penalty or such other penalty as it thinks fit according to the severity of the case.

On motion by The Hon. E. M. Heenan, debate adjourned.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th September.

THE HON. F. J. S. WISE (North) [5.7]: In dealing with this Bill it is very difficult to segregate it, and the comments relating to it, from the Bill which is complementary to it. The first Bill deals with the giving of a permanent life to the metropolitan region town planning scheme, and therefore to the committee and authorities set up under it. Within that Bill are provisions not only for the establishment of the Metropolitan Region Planning Authority, but also for finance for such authority and the use of such finance.

The second Bill of course deals solely with the one aspect of the authority's finance, namely, the tax. So I hope that, while I would not like at all to infringe, or incur your displeasure Mr. President, it will be possible for me to compare the relationship between the two Bills and the effect of both of them on the one authority. They are very short Bills. I suppose the two measures would not contain more than 300 words all told. That does not necessarily make them Bills that are good.

The Bill to which I am now speaking—the Metropolitan Region Town Planning Scheme Act Amendment Bill—which was passed last year, is one which simply seeks to remove the section that limits the life of the authority. As *Hansard* of last year will show, in the very keen debates that took place on these measures, this one was supported by me. It will be found on page 2668 of *Hansard* that, without qualification, this Bill was supported by me. The only comment adverse to the Bill was in regard to the provision for the exemption from the tax; and this is something I shall raise a little later on.

I have mentioned that this Bill sets up the authority. It provides for the establishment of the Metropolitan Region Planning Authority, as well as the district planning committees. In the third part it outlines the metropolitan region scheme and deals with the local authority town planning scheme. Part V relates to the acquisition, compensation, and betterment provisions; while part VI deals with finance. So the financial side of the Act to which this Bill relates is very implicit in the whole structure of the operation of this authority. If any honourable member wishes to refresh his memory he will find, by studying last year's *Hansard*, that the Minister took to task all those who had any adverse comment to make; even those who offered helpful criticism of both Bills as introduced.

It will be remembered that when we endeavoured to get a clearer picture than the Minister then gave us in relation to the question of finance, he told us we were endeavouring to deprive this authority of its ability to function, and of the money required by it. Although I recall telling the Minister that was utter nonsense—and he was endeavournig to prove that the raising of money by tax was the only means of revenue—it is interesting to note in the Minister's introductory speech on this Bill, that he is using terms and expressions that could have been attributed to three or four members who spoke when these Bills were introduced last session. The report that the Minister has kindly made available is signed by J. E. Lloyd, Chairman of the Metropolitan Region Town Planning Authority.

The Hon. L. A. Logan: That should read "Finance Committee."

The Hon. F. J. S. WISE: He is the Town Planning Commissioner; and at this stage it is a very interesting and important document. It expresses to the Minister the views of the committee in regard to its financial needs; and its concern at the short life which the statute gives to the authority. It also refers to the short time which is provided by the statute for the raising of money.

This committee, in its report, sums up its recommendations in this fashion: It recommends to the Minister (a) that representations be made to the Government, based on the substance of the report, that the limitation on the life of the authority and the metropolitan improvement tax be removed; (b) that in principle, and subject to the Government action on the representation above, the authority should seek to meet the cost of implementing the region scheme through long-term loans; and (c) that estimates be prepared in due course of likely expenditure for the year 1961-62 with a view to a programme of loans being initiated during that financial year.

The very interesting part of those recommendations lies in the fact that almost word for word in some instances were similar suggestions made to the Minister in speeches delivered in this Chamber about a year ago. I agree entirely with the recommendations of the committee with one exception; and that exception is that it is not appropriate at this stage to remove the limitation on the metropolitan improvement tax; but I agree entirely with the point of view that this authority should

have no period placed upon its operations and functions. In looking into the future with the responsibilities that this authority has in association with our Town Planning Board, local governing bodies, and district planning committees, it is important that the legislation governing such authority be on a permanent basis.

It is important that this authority should have the ability to plan and look ahead and anticipate necessary resumptions; to arrange, particularly in the outer areas where values are soaring, for resumptions as speedily as possible; to arrange all of the mechanics within its administration necessary to provide for the arterial roads for the open spaces; and to arrange for all those things which are embodied in the ideas of the Stephenson Plan.

This report marked "Report 5" has some very interesting comments which I intend to read to the House. After reviewing the amount of money that might be necessary and to which I shall return later, paragraph 7 is as follows:—

> The first conclusion which must be reached therefore is that the proceeds of the Tax for three years only is insufficient to meet the financial commitments in implementing the Region Scheme.

Surely that was anticipated. Surely it was very well expressed in this House and in another place last year. It is provided for in the statute itself. Powers are given to the authority itself, and through the Treasury, to raise the necessary finance. It was not merely implied, but definitely meant, that the income to be derived from taxation was to be the income to service the borrowings of this authority to give effect to the plan.

Surely it would be an indefensible attitude to think that expenditure of a capital kind should be made from taxation of this nature collected for this purpose, and that this generation should be expected to meet £6,000,000 or £7,000,000 for a plan which is projected 50 years hence. Surely the Act itself makes it certain that what was intended in the minds of the original promoters and in the mind of Professor Stephenson himself was that the borrowing powers were the source of funds to be used from the very beginning.

Last year it was anticipated that the tax would return £140,000. Some of us hazarded a guess that it would return approximately £200,000; and therefore it should be reduced if the measure of needs as then quoted was right. The fact is that relatively few taxpayers have provided £210,000 during the last financial year to meet the asessments levied upon them; and that £210,000 is imposing an unnecessary and a harsh burden—which I think I can demonstrate before I conclude—and is inequitable in its distribution and application; and is something which immediately should be reviewed.

The committee in its assessments of needs stated that its approximate total would be £6,650,000 to provide for the acquisition of land for open spaces, parks and recreation purposes; for regional roads; for cultural centres; and for redevelopment of East Perth; and also for the acquisition of land in the vicinity of the Welshpool marshalling yards. It was stated, however, that some reimbursement may have been possible, and that the total sum envisaged may therefore be reduced by a proportion, which could not be foreseen. But let us analyse some of these figures.

It is a fact that in the case of the Welshpool marshalling yards, already considerable resumptions have been made with money taken from the Railways Department loan funds. It is a fact also that some of the money used in connection with East Perth readjustments has come from the same source; and I submit it is also a fact that this matter has not been sufficiently examined to see what is the entitlement of this authority—and, through this authority, the people and the Government—from main roads funds to counter some of the expenditure listed in this particular schedule.

The set-up of the Federal Aid Roads Agreement, as members know, is based on an Act of the 1930's and was made on an area-population basis. The allocations through the trust funds have since been separately apportioned to different areas and for different purposes. This is not a question of depriving anyone of his entitlement; nor is it a question of taking £500,000 or £1,000,000 from the country, from the North-West, or from anywhere else. The metropolitan area is where the greater proportion—three-fifths—of the population of the State resides, and this is where the expenditure of that portion of the tax money should be made.

Therefore I suggest that from the financial side, if we look at the capacity of the debt which could be served by the present taxation revenue from this source, every £1,000,000 borrowed would cost £55,000 a year to service and redeem in 53 years—the statutory period; and the sinking fund portion, provided it is not a loan borrowed to fund a deficit—half of ½ per cent.—would be paid by the Commonwealth if it were borrowed just as it is on other State loan funds.

Consequently, if we use the figures of the authority itself and of the Minister himself, and anticipate that £2,000,000 may be required very quickly, another £2,000,000 within a year or two, and a further £2,000,000 or £3,000,000 in a few years from now, firstly there is no need to anticipate a much greater income than £250,000 to service all of the loans that this authority will need to put the whole scheme into effect; and, secondly, if a scrutiny were made of the entitlement of this authority in all of the aspects that affect switch

roads or roads of any kind associated with the project, a very considerable sum would be available to provide some of the amounts particularised in this schedule, without taking anything from anyone.

If members will look at the Budget tables that were presented by the Premier in another place, they will find—and this information appears in the report No. 5 which was referred to by the Minister—that from the tax collected, £92,663 has been spent this year on resumptions.

While I would not for a moment either doubt the right of the authority to do what it intends to do, or its right to get the best deal possible for the State by spending the money now, I point out that if it could avoid using capital on capital expenditure, both it—that is the authority—and the State would be much better off.

I admit it may have seen that by buying a property now it could avoid greater expenditure later. The schedule is here. The authority is composed of very responsible men actuated by the highest motives. There is no doubt about that. But my point is that it would be far better to plan now, immediately, for loan funds to be made available to the authority, and to preserve the capital as such in order to service the loan. I am amazed at one paragraph in the report which states—

> The authority is authorised to raise loans, but in practice is not able to do so without Government guarantees of repayment of principal and interest.

That is exactly what the Act provides for. Members will find in sections 38, 39 and 40 provision for the authority, with the Treasurer's concurrence and sanction, to borrow under the same terms and conditions as the Crown itself can borrow for public works. This paragraph goes on to say—

> The Treasury is not prepared to recommend to the Government such guarantees so long as there is no security of corresponding revenue from the Metropolitan Improvement Tax beyond the initial three years' duration of the Metropolitan Region Town Planning Scheme Act.

I say that if that is a fact, it is colossal cheek on the part of the Treasury officials. They may certainly recommend certain things to the Government. The Treasury is not prepared to recommend to the Government that this authority shall have the millions of pounds necessary from loan funds unless Parliament extends the life of the taxing measure. That, in other words, is what the report says. I say again that the time is not opportune, in my view and for the reasons which I will give later, for the second measure to be extended. The report states that the Treasury is not prepared to recommend to the Government that it guarantee the repayment of money borrowed under and for the purpose of the Act.

The argument may be advanced by the Minister that it is unfair that other loans cannot be raised. But this is for a particular purpose; and unless and until it is presented in a loan programme for approval at a Loan Council meeting, it will not be considered. That must be the ultimate objective; that is where the money must come from—from loan raisings. The Act provides for the money to be guaranteed by the Treasury and for the repayment to be guaranteed by the Government.

So there is nothing new whatever provided the Government or the Treasurer—not the Treasury—is prepared to approve the proposed loan, and provided the Treasurer approves the form of instrument and, on behalf of the State, guarantees the repayment of the amount. That is to be found in section 40 (5) of the Act; and as I pointed out on more than one occasion last year, full authority is there for the raising of funds. So the taxation may be levied in a fair and equitable fashion on all the people upon whom it should fall.

To get back to the point I was mentioning just now in regard to the use of the £93,000: I am not questioning the board's judgment at all or the need to interfere as much as possible now, but I am deploring the fact that instead of £93,000 serving approximately £1,500,000 worth of debt and giving the authority £1,300,000 or £1,400,000 to spend—the £93,000 would service and redeem such an amount—we are spending the capital. If we are going to spend the capital, Lord knows what the tax will have to be, because the greater the amount of capital that is spent, as such, the greater will be the burden, in the form of tax, on the people.

I ask members representing metropolitan constituencies: What will have to be the individual commitment for a tax of this kind if we are to be responsible, or thought to be responsible, for the work of the authority from the capital collections *via media* of the tax? It will not be a halfpenny or a farthing in the pound, but shillings. Why should the present generation carry this particular burden? The Minister has mentioned that now; but he did not like the idea last year.

The Hon. L. A. Logan: I said the same thing last year.

The Hon. F. J. S. WISE: I would like to quote what was said last year, but I think it might be boring to members.

The Hon. L. A. Logan: I said last year that these particular people should not pay for all of it, but that it should be paid for by the generations to come.

The Hon. F. J. S. WISE: When we were endeavouring to have this aspect of the tax reviewed, the Minister said more than once, "Take that out and you will destroy the whole authority"; which was sheer nonsense; and the Minister, by his words, must admit that.

The Hon. L. A. Logan: I have not altered that opinion. If you take this taxing measure away, you will break the authority down.

The Hon. F. J. S. WISE: It is very hard to reconcile that statement. It is a fact that up to June, 1962, on the present basis of collections without allowing for rising values, there will be between £600,000 and £750,000 collected; and as long as just as little as possible is used on capital expenditure we could, with proper levying within the taxable region at the rate of one farthing in the pound, get more money than is necessary to service all the debt required by the authority. As I have pointed out, every million pounds borrowed needs a little more than £55,000 a year to redeem it. Therefore the resources of the authority, within the tax collected, are vast: indeed it would not need annually or regularly to go on the loan market; it would not need, for years to come, to get the final amounts required to implement this plan.

I think that if guarantees were even given at this stage for the authority to function, the people of this State would be more fairly treated if the taxing measure—the next Bill—were reconsidered by the Government. There is no doubt that with the life of the authority made permanent, any Government could rely on Parliament giving approval for the necessary funds. The point I am trying to make is that there has been shown no need for a continuation of the present practice; and there has been no assessment of all the interwoven funds and money sources to which I have referred. Indeed, I would say that the tax is more certain to be readily passed by this or any other Chamber of Parliament once the Government approves a loan and is committed to that loan. It would be a certainty, in that event, that this House would meet the Government's wishes; but the Chamber has changed if it is prepared to give the Government a blank cheque.

If the Minister will look at section 41 of the Act, which was referred to on many occasions when the Bill was under discussion last year, and argue substantially that the people exempted under section 41 (3) are validly exempted, I will be very surprised.

Many wealthy sections of people are exempted. The Act imposes a flat rate of tax on all the owners of developed and undeveloped blocks in the region; and the tax applies to every small cottage-holder. But the people who are protected by the law in many respects and by many other statutes—whether these people deal in wholemilk or other things—are getting an increment annually because of the protection that this Act affords them; and because of the inspiration it is giving and the development it is causing. Heavens above! Take the development of Melville as an illustration. Poultry farms out there change hands for subdivision, at £1,000 an acre. But while they remain poultry farms they are exempt from this tax.

The Hon. J. G. Hislop: Where are they?

The Hon. F. J. S. WISE: They are there; but that is what has to be paid for them.

The Hon. J. G. Hislop: They would be worth buying.

The Hon. F. J. S. WISE: Exactly; but it is necessary to go out a fair distance now—well out past the pine plantation on North Lake Road—to buy such properties at £1,000 an acre. Properties anywhere near High Road bring £2,000 an acre. That increment has been made possible by the development of this scheme, but those people are not paying the tax; they are not contributing to the scheme. In its effect, it is a most unfair incidence.

Members should have a glance at page 36 of the *Index to Returns* which has been issued by the Premier in another place. A copy has been circulated to every member in both Houses. I know that I have one in front of me. On page 36 of that publication it will be found that, last year, land tax returned £1,285,168. Of course, Mr. President, we were endeavouring to get this tax allied to the land tax. I am sure that members will recall that. We were promised certain things, but I do not want to harp on that. I do not want to bring back unpleasant memories about certain promises that were not carried out.

The Hon. L. A. Logan: They will be carried out.

The Hon. F. J. S. WISE: I am not referring to that. However, I do not wish to harp on the matter. What I do say is that the 10 per cent. reduction the Premier has promised is mere eyewash; it does not amount to anything.

The Hon. L. A. Logan: No?

The Hon. F. J. S. WISE: No. Let us prove it by quoting from this printed table to which I have referred. The estimated return from land tax in 1960-61 is £1,245,000. That information will be found on page 6 of this *Index to Returns*. Last year, the collection of land tax amounted to £1,209,524. So, in spite of the 10 per cent. reduction, the Government is going to get another £40,000. Does that matter? Is that really a reduction and a handing back of 10 per cent.?

The Hon. L. A. Logan: Of course it is!

The Hon. J. M. A. Cunningham: Is that on the same number of properties?

The Hon. F. J. S. WISE: No; but on increased valuations. If members will look again at page 36 of this *Index to Returns*, they will note that the £210,593 metropolitan region improvement tax represents taxation at 5s. 10d. per head. Unfortunately, that figure, given on a per capita basis, is most misleading. That figure is false! It is not a misprint; it is false! The asterisk note referring to the taxation per head reads as follows:—

Based on estimated mean population for year 1959-60, *viz*,. 725,000.

The Hon. H. K. Watson: That is today's funny story!

The Hon. F. J. S. WISE: That is a funny story, that one! First of all, it does not affect 725,000 people. Therefore, it does not affect all the taxpayers of the State. It does not affect all the potential taxpayers, and those who should be taxpayers in the metropolitan region. It is sheer unadulterated nonsense to state that figure at 5s. 10d. a head!

The Hon. J. G. Hislop: It should be 10s. 5d.

The Hon. F. J. S. WISE: It should be 10s. 5d.! That is a funny story! I would like to have in my pocket the difference between 10s. 5d. and what the honourable member paid this year in metropolitan region improvement tax. I am again leading up to the point I have made about the necessity to amend section 41 of the Act in order to have the burden placed more equitably and profitably; in order to levy the tax on those people who are getting the greatest gain from this improvement under city and regional town planning; in order to levy the properties which have increased in value from £10 an acre to £500 an acre in the last five years; and in order to levy the properties that have jumped from £10 an acre to £700 an acre in the last two years, because the owners of those properties are not paying the tax at the moment.

Those are the people who are the potential beneficiaries under this legislation, and they should be included among those who are called upon to pay the tax. We should not let the burden fall on the person who owns only a small block of land. In a general way, I would sum up in this manner: Since the relief from land tax is nil as a total—all the taxpayers in the State will find it is an increase because of the progressive rise in values—the Government should immediately sanction a loan to this authority to be serviced by the income which it is now enjoying and which is in the proper fund; and it should plan for the expenditure of £2,000,000, £4,000,000 or £5,000,000. There is no doubt that this authority should be made permanent. I feel that the House will agree with that point of view.

However, I suggest that, as this tax does not expire until the 30th June, 1962, it is not fair to this House; it is not fair to the public; and it certainly is not fair to the taxpayers—especially that small group of them who are finding this £210,000—to ask for its continuance on this basis without any further information as to funds. I suggest we should look at the main roads entitlement. We should look at what are likely to be the needs within its borrowing powers; and with that information I am sure we would find that one farthing in the pound, spread over the people, who should be taxed, would furnish all the funds necessary for expenditure during the next 30, 40, or 50 years. I will have more to say on the next Bill. I support this measure, which is to give permanency to the statute which provides for the continuance of the town planning authority and its functions.

THE HON. R. THOMPSON (West) [5.54]: In the terms as expressed by Mr. Wise a moment ago, I am not happy about giving the added life to the town planning authority under this amending Bill. One local authority in particular, with which I am in close contact, raised grave doubts about the functions of the authority shortly after it was constituted. This local governing body sent its representative along to the authority; and, strange but true, even the chairman of that local authority could not obtain the minutes of the town planning authority or any advice on what was taking place in regard to its functions.

He conveyed this information to me and made it quite clear that he was not happy about the function of the town planning authority at that stage. According to him it appeared that what transpired during the meetings of the town planning authority was sacrosanct; that the authority was all-powerful and did not intend to submit any reasons for its actions to the local authority concerned. I would like the Minister to correct me if I am mistaken in what I am about to say, but I am also told that the authority, in conjunction with the town planning board, or of its own volition, has drawn certain lines of demarcation around the city area for the purpose of urban and city development. I would like the Minister to tell me whether that is correct.

If that information is correct, I think every member of this House should recognise that the authority could make millionaires out of some people and paupers out of others. We have had such examples brought to light in the Eastern States as the result of the release of land in certain green belt areas surrounding the capital cities. In one area in Perth that I know of, a man has sunk his life savings into purchasing a parcel of land. He has built a decent home on it, but he has now been told, through the Metropolitan Region Town Planning Authority, that his land is outside the line of demarcation and there will be no urban development beyond that

line until at least 1970; or, if the position is not reviewed in that year, there will be no urban development in that area until the year 2000. To me, that sounds too ridiculous for words. However, this man has proved that what he is saying is correct because he has produced to me a sheet of foolscap paper showing, in black and white, the authority's intention.

The Hon. H. K. Watson: Is he using that land for business purposes at the moment?

The Hon. R. THOMPSON: No. He has built a home on the land which overlooks a lake, and he intends later to subdivide it and sell the blocks for residential purposes. However, he has now no hope of subdividing it until 1970; or, if the position is not reviewed then, until 2000.

The Hon. H. K. Watson: It is vacant land, is it?

The Hon. R. THOMPSON: Yes, it is vacant land, purely and simply. He bought it for the purpose of subdividing the property into residential lots. That man will be forced to sell his land very shortly because, in view of the rates he has to pay, he cannot afford to hold it for much longer. Yet any individual or any company that buys that land will obtain it very cheaply and will be able to capitalise on it within a period of 10 or 40 years by making many thousands of pounds out of it.

I am disgusted at what is taking place at Riverton. In that district it is absolutely atrocious to find that open drainage is being put through residential areas. If this Metropolitan Region Planning Authority was performing its duties as they should be performed, things such as that would not be allowed.

The Hon. L. A. Logan: There are open drains right throughout the metropolitan area.

The Hon. R. THOMPSON: But this open drain is going through new subdivisions where deep drainage could be effected. If the land were not being developed by a big land development company, the authority would be forced to put in deep drainage.

The Hon. A. F. Griffith: You are really suggesting that there is corruption in the town planning authority.

The Hon. R. THOMPSON: I am not suggesting that at all. What I am suggesting is that if the authority were working as it should be working, it would not permit open drains to be put through residential areas.

The Hon. A. F. Griffith: I understood you to say that because a big company was concerned it was being done, and that if an individual was involved it would not have been done.

The Hon. R. THOMPSON: I did not suggest corruption. I still stick to the point I made. When a big company puts forward a proposal for subdivisions, generally the local authority will fall for it because the subdivisions bring additional revenue to the local authority. If local authorities were to carry out their functions correctly, they would not allow open drains to be built in new residential areas.

I would like the Minister to give an explanation on the points I have raised, and to inform me whether or not I have been told the truth. If I have been told the truth, especially in respect of the line of demarcation, there will be no support from me for this Bill.

I refer to the Cockburn Road District where the line of demarcation was originally set down as far as Forrest Road; that line was in respect of urban development. I imagine there will now be a change, seeing that Australian Paper Mills is to be established on the south side of Forrest Road. Prior to the establishment of that factory, the residential area should be moved further south, to enable the building of homes for the factory employees. I expect the boundary to extend as far as the railway line at Spearwood.

If the town planning authority says there is to be no urban subdivision for 10 or 40 years, what is to happen to the person who owns land which is outside the green belt, and who wants to subdivide that land? When replying, I ask the Minister to tell me whether the points I have raised are based on facts.

THE HON. E. M. DAVIES (West) [6.3]: I am aware this is a most important measure, and that town planning in all its aspects is also very important. Generally speaking town planning in the past covered the zoning of various areas. There has been a Town Planning Act on the statute book of this State since 1928, but apparently it laid practically dormant. Although a town planning commissioner had been appointed for a number of years, his efforts were somewhat stultified. He had no staff, and practically no finance was allocated to his department. Consequently nothing of very great importance was done in regard to town planning.

It was not until Professor Stephenson was brought to this State that a real basis for town planning was introduced into the metropolitan regional areas. From time to time in the past Bills were introduced in this House in respect of town planning. Various authorities have introduced town planning schemes; some of these were agreed to and some were not. One in the latter category was the Perth City Council's zoning scheme. This scheme was disallowed, although I am not saying the method the council adopted in introducing that scheme was not the right one.

Western Australia is in a very happy position at the present time, because we are able to carry on a considerable amount

of planning. That is because this State is not over-developed or highly developed. If we were to look at the experience of some of the older cities in Australia or even some of the older towns in this State, we would find that town planning has not been an easy matter for them.

After a zoning plan is adopted, it becomes necessary at various times to amend it. The measures appearing on the notice papers in respect of town planning are complementary. They have been introduced to assist town planning. I venture to say that no member in this Parliament considers it is unnecessary to have a town planning scheme of some description.

When any town planning scheme is brought into being, some people reap a benefit from it while others derive no benefit at all. In my opinion, the people of any town or city which is the subject of town planning should be taken into the confidence of the local authority. Although some temporary hardship may be created by the adoption of a scheme, as a whole such scheme will prove to be of benefit in the future. We should bear in mind that it is harsh to expect the generation of today to bear the financial burden of any town planning scheme which will benefit future generations. I consider the people should be told what is to be done and how it is to be done. And they should be told how the proposals are to be financed.

One of the measures on the notice paper deals with town planning and the town planning authority. In my view it is necessary to have such an authority. Under the town planning scheme there must be an authority established to enable the scheme to be brought to fruition eventually. I am not suggesting that all the proposals will be implemented in one, two, or ten years.

I want to refer to the urban boundaries of some local authorities; and one I have in mind in particular is the Cockburn Road District. The area that has been defined in that road district—I understand that demarcation is to take effect for the next 40 years, or until the year 2,000—does not take into consideration the development that will take place in the near future as a result of the proximity of that area to the port of Fremantle. I want the Minister to consider that aspect.

The authority does not desire to go right down to the blue line shown on the plan. The alignment should be established somewhere along the railway line so that room for expansion will be available for some years ahead. I am not suggesting that because certain boundaries are now laid down nothing will be altered in the next 40 years. Although the zoning plans are based on the assumption that they will meet requirements up to the year 2,000, I do not suggest that alterations cannot be made. Who knows but that in the next decade or in the next few years, the Government of the day may decide to bring about some amendment to the plans.

That happens in the case of some local authorities when a zoning plan is introduced. The ratepayers concerned are taken into the local authority's confidence; they are told, " We have a scheme which we are making public. You have three months to consider it. We are making an officer available to explain the proposals. You will have the opportunity to express your opinion, or to appeal against any portion of the zoning plan." The local authority of which I am a member experienced no trouble, because it introduced a zoning plan in accordance with what I have just said. If some local authority were to introduce a plan and store it away in the "third storey," and if it failed to make any announcement about the plan, we could not blame the people when they approached their Parliamentary representatives to oppose the plan and prevent it from becoming law.

With all plans, as time goes on, anomalies arise. As Mr. Wise pointed out, as a result of town planning, some districts of the local authority concerned derive a benefit while other districts do not. Again, some properties are not called upon to bear the cost of the improvement that is to take place. As was pointed out by Mr. Wise, many members can recall the area of land around Melville which was occupied by poultry farms. Within a few short years those farms disappeared. The area which they occupied has now been converted into a very important residential district in which land values are very high.

Sitting suspended from 6.15 to 7.30 p.m.

The Hon. E. M. DAVIES: Before the tea suspension I was referring to poultry farms in the Melville district that had disappeared; and I mentioned that this area is now utilised mainly for residential purposes, and that the values of the land are very high. This brings to my mind the uncertainty under which some sections of the community are living at present. They are unable to foresee what the future holds; and in consequence they are in a dilemma as to whether they should dispose of their land or whether they should remain where they are. So I think it would be advisable for the Minister at least to see that the authority gives some indication to the people generally of what it proposes to do and what time will elapse before alterations will take place.

I think it is generally recognised that people who utilise land for rural purposes —I refer not only to poultry farms, but to nurseries and other types of primary production—are not called upon to pay the regional planning tax. However, I venture to say that within a few years, due to the improvement that has taken

place because town planning has been brought into being, these properties will increase in value, just as have adjacent properties. Because of this, in the near future the owners may desire to subdivide their properties for residential or other purposes.

They are gaining an advantage because of the increase in valuation of their properties as a result of a tax that has been paid by people who live adjacent to them. It is idle to suggest that because land is zoned for rural purposes at the present time the zoning will not be changed. There is ample evidence of that in other countries, particularly in the United Kingdom which had a town planning scheme in operation before one was adopted in Western Australia. If one revists the United Kingdom, one finds that a great change has taken place. At one time I noticed that between two towns, situated in different counties—a distance of 10 to 12 miles—one passed through rural areas which consisted of small farms. However, within the last two or three years I revisited the United Kingdom and found that the towns were almost joined together.

Many of the areas situated on the fringes of the metropolitan area which are now zoned as rural lands—or classed as the green belt—will in a short space of time, due to the high value of land in those areas, be rezoned and subdivided for residential purposes. So again, a lot of land which is not at present subject to the metropolitan region improvement tax will benefit from the increased valuation of property; and in a few years' time that land will be rezoned for residential purposes and sold at a greater price than it is worth today. I would like the Minister to give consideration to that aspect.

I would now like to be a little parochial having in mind the fact that I represent a district known as Fremantle. This district is one of the oldest established parts of the State; it is 12 miles from the capital city; and it is a very important port. During the last few years the ratepayers of Fremantle have been called upon to pay for the acquisition of lands for the purpose of widening some major regional highways. Despite the fact that the ratepayers are required to provide this finance, they are also called upon to pay the regional improvement tax. Therefore, we find that some sections of the community are paying twice, while others are not making any contribution at all.

I believe that town planning is most important from the point of view of developing the metropolitan area and its regions; and it will eventually be of some benefit to the whole of the State. However, it is hardly fair that one section of the community should carry responsibility while another section does not contribute at all. That is a question which should be gone into thoroughly and given serious consideration. The Metropolitan Region Planning Authority at its meeting held on the 1st June, 1960, agreed with regard to the metropolitan region roads and highways as follows:—

(1) That in cases of widening existing roads, the local authorities be requested to take steps to establish requisite building lines by normal procedure and purchase the necessary land.

(2) That in view of its limited finances, the authority should not be involved in road construction costs.

The authority at the same meeting agreed that the Commissioner of Main Roads be requested to assume responsibility for the provision of the major regional highway, as distinct from important regional roads. The authority, at its meeting held on the 24th August, agreed with regard to the establishment of building lines and the purchasing of land required for important regional roads, that the resolution covered in clause (1), which I previously read, be changed to read as follows:—

(1) That in the cases of widening existing roads, local authorities be requested to take steps to establish requisite building lines by normal procedure.

(2) That local authority take steps to purchase the necessary land.

(3) That consideration of item (2) be deferred pending further examination.

In regard to Fremantle I must become a little parochial, as I have some interest in that particular place. The suggested important regional roads comprise South Street, Wray Avenue, portion of South Terrace, Henderson Street, Parry Street, Hampton Road, and Ord Street. All these roads will be required to be widened; and in the case of Ord Street, an extension will be required.

In the City of Fremantle, building lines are declared under the provisions of the Municipality of Fremantle Act, No. 19 of 1925. I think members will recall that I had that Act amended recently by introducing a private member's Bill. Some building lines have already been declared, but others remain yet to be declared. Under the provisions of the Act, when a declaration is made, vacant land is immediately vested in the council, and the council automatically becomes liable for compensation.

So, it appears that the regional authority intends to ask local authorities, through their own procedures, to take steps to acquire this land for the widening of roads; and as far as Fremantle is concerned, that local authority will be liable for compensation. I emphasise that town planning does not benefit the people of today

or tomorrow; it benefits future generations. Therefore, they should bear some of the cost and some of the responsibility for the planning which takes place at the present time.

I point out that it is necessary to have traffic surveys. The Group A District Planning Committee at its meeting held on the 26th August agreed to a recommendation of the Metropolitan Regional Planning Authority that an approach be made to continue over-all traffic surveys within the City of Fremantle to enable implementation of the suggested regional road planning.

The Hon. H. K. Watson: What roads in Fremantle are designated main roads?

The Hon. E. M. DAVIES: I do not think there are many roads known as main roads; but we have some important regional roads. In July, 1957, the Main Roads Department, at the request of the Fremantle City Council, commenced traffic surveys; and to the cost of them the council was requested to contribute £500. The survey covering traffic flows and parking in the central city area was completed in August; and on the 31st August, 1957, a sum of £250 was paid to the department. It was understood that the department would continue with further studies, but it is not known to what extent those have progressed.

I would point out that planning, as far as a local authority is concerned, is going to be a costly thing indeed, particularly—as I pointed out in my earlier remarks this evening—as the older parts of the State are more difficult to plan than some of the newer suburbs.

We have an instance, not far from Fremantle, where the oil town of Medina was able to be planned out of virgin bush; and to go a little further, to the capital city of the Commonwealth, it was quite an easy matter to plan Canberra, which is recognised as a very fine city containing all the amenities it is possible to have.

But when we come to old-established towns, such as Fremantle—and I venture to say the City of Perth—it is going to be very difficult. Yet the local authority is to be called upon to make a contribution towards obtaining land for the widening of streets for regional road purposes; and, at the same time, people who have to make a contribution through their rates are called upon to pay one halfpenny in the pound regional improvement tax.

Whilst we all agree that town planning is very necessary—and I would hate to think that it was to be stultified—I believe it cannot be expected that citizens of today should carry all the responsibility for the future generations. When local authorities propose to construct roads and similar works, they usually raise a loan over a period of from 15 to 20 years; the reason being that people of today are not called upon to bear the brunt of the whole of the expenditure in one particular year, but those who will be using the highways over the next few years will also be called upon to make some contribution towards the facilities.

I believe the Government has lost sight of the fact that it is possible to raise a town planning loan over a period of years in order that the future generations may be able to make some contribution towards the planning of Western Australia, from which they will receive some benefit.

On motion by The Hon. H. K. Watson, debate adjourned.

BILLS (5)—FIRST READING

1. Architects Act Amendment Bill.
2. Health Act Amendment Bill (No. 2).
3. Northern Developments (Ord River) Pty. Ltd. Agreement Bill.
   Bills received from the Assembly; and, on motions by The Hon. A. F. Griffith (Minister for Mines), read a first time.
4. Noxious Weeds Act Amendment Bill.
5. Local Government Bill.
   Bills received from the Assembly; and, on motions by The Hon. L. A. Logan (Minister for Local Government), read a first time.

METROPOLITAN REGION IMPROVEMENT TAX ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th September.

THE HON. F. J. S. WISE (North) [7.48]: As I indicated earlier this evening, I firmly believe there is every justification and every need to make permanent the statutes under which town planning, either metropolitan, regional, or urban, is controlled. I believe that every opportunity should be given to such an authority to plan for the future in a detailed manner, and to make obvious to all—and particularly the public affected—its intentions and the full effect of the proposed planning as soon as it is practicable. But I further believe that there is no option but to provide the authority with sufficient funds to commence its operations; nor is there any alternative to ensure that such funds are continuously available to the authority. I want to make that very clear; particularly as I propose to oppose this Bill. I do not wish, at the conclusion of my remarks, to have the Minister complain that the defeat of this Bill will nullify any efforts of the authority; will prejudice the future; and, indeed, will threaten the authority's existence, because none of those suggestions would be truthful.

There is every provision in the Act, which makes the taxing measure a complementary one, to ensure that any financial requirement of the authority will be available to it. If I may, I will quote from the Act which provides for the authority. I will deal firstly with the financial clauses therein and tie them to the relevancy and the need for imposing the tax. The importance of what I am about to say will be very quickly realised. In section 6 of the Metropolitan Region Town Planning Scheme Act, which deals with finance, there is provision for the purpose of carrying out the scheme for the creation of a fund to be known as the Metropolitan Region Improvement Fund. That fund shall consist of moneys to be paid into it from the proceeds of the metropolitan region improvement tax, which this measure proposes to make permanent; money borrowed by the authority from time to time under the authority conferred by this Act, which is the second string; and any other payments made to the authority. There are many other provisions in that section, but those are the three sources of revenue. Section 39 of the Act, dealing with finance, provides—

> If the money represented in the Fund is insufficient at any time to meet expenditure incurred or proposed to be incurred by the Authority in carrying out its functions, the Treasurer with the approval of the Governor, who is hereby authorised to grant the approval, may make, and the authority may borrow, from the Public Account advances of such amounts as the Governor approves, on such conditions as to repayment and payment of interest as the Governor imposes and is hereby authorised to approve and impose.

There is no limit whatever to the ability of this authority to have any amount required for its functioning, provided it is carried out by the Treasury at any time the need exists. It is therefore quite competent at any stage, if there be a lull—which there will not be—or a lag in the collections of the tax—which there will not be—for the authority to approach the Treasurer for a loan which has been approved and guaranteed, and say, "There is the authority for the advance to be made to service that debt for this year." There is no restrictive authority in this Act whatever. There is no less opportunity than the State Electricity Commission, or any other similar undertaking, has.

I have shown, in my earlier remarks this evening, that until June, 1962, the tax at the rate of one halfpenny in the pound will be collected from the limited number of taxpayers in the prescribed region. I have asked that the Government should review not merely the *quantum* of tax now collected from the restricted number upon whom it is imposed, but that all the avenues for valid collections from people who are taxable and should be taxed within that region should be investigated.

I firmly believe that far too many people are to get a tremendous non-taxable increment, in so far as this sort of tax is concerned, because of the progress this city and its outskirts are making, quite apart from any benefits which will accrue from the thoughtful town planning which this authority will present to the community.

Therefore I think that if the Government had, during the current year, made what it should make—a complete review of the needs of this authority in the putting into effect of that part of the Stephenson Plan envisaged in this statute, to show not by any guess or estimate, but as near as can be measured, the money required under the different categories, taking into account the moneys available under the Federal Aid Roads Agreement, which validly are available for this purpose—there would not have been a need for the introduction of the Bill in this form at this stage. Money could have been used under the Federal Aid Roads Agreement without depriving any other entity or interest in any part of the State of any money to which it was justly entitled. Until the Government has made that complete review, a Bill such as this should not be here.

I say quite definitely that it is within the right of the Treasurer of this State to say to this committee, "On the passing of this legislation you are to have a permanent life; and you are to have, so far as this Government and Parliament is concerned—because Parliament has expressed its intention—a continuing amount of money which is necessary for your purpose." But I think Parliament has the right to preserve the right of the individual, and to prevent him from being overtaxed. That is the reason for my being so vocal on this point. I think it is quite wrong to ask Parliament to make permanent the levying of a tax which is most inequitable because it affects only a limited number of people; no matter what the need may prove to be, provided sufficient money is raised from this avenue, no other avenues will be sought or used.

Once this tax is made permanent there is nothing to prevent an appeal to Parliament at any time—if the funds are insufficient—to have a sufficiency of money made available. But let us have the base right; let us have no inequities in the burden that is placed on the people. Last year, to see what would happen, I endeavoured to have the rate made one farthing in the pound. We can see now what would have happened because we know that by the end of the three-year term of this law nearly £750,000 will have been collected. It is foolish to say, "Within the next two years there will be a call for much greater finance than the revenue from the tax will be bringing in." Those are the Minister's

own words. Whoever expected that there would be sufficient from the tax to meet the call? That is not the situation at all.

The authority, in so far as finance is concerned, is quite distinct and removed in two avenues from the raising of revenue by taxation. The authority is given the right to borrow; and implied in the legislation is the right to use the tax to service a loan debt. That is why sections 39 and 40 are in the Act. So it is not sufficient to say that no income can be guaranteed to this authority after June, 1962, unless this legislation is passed. Who would be so irresponsible as to say that when the Act expires there will be no further collections? It would not be sanity to do that, and so it is not right to say it, because that is not the position. Before this Act expires there will be something to replace it; something which I hope will be more equitable in its incidence than is the present Act.

I would like to see the taxing measure, as distinct from the one which will make the authority permanent, withdrawn; and if the Government is not prepared to do that I suggest this Bill should be defeated so that the community will be told by the Government what is the position in regard to the land tax. I have shown earlier this evening that in respect of the 10 per cent. reduction, which the Premier has mentioned in his Budget speech, there will be an increase in revenue from land tax of at least £40,000. There is no imagination about that; it is shown in the Budget tables. It indicates that the progressive increases in valuations will bring in an amount which at this moment cannot be properly estimated. Even after the 10 per cent. reduction, I would venture to suggest that the revenue from land tax will show a greater increase than the £40,000 budgeted for. Therefore there will be more than a 10 per cent. increase in income before the 10 per cent. is taken off.

It is all very well to talk about a substantial reduction in land tax when, even with that substantial reduction of 10 per cent., the actual revenue from land tax is greater than it was. That is not very satisfactory, and it can be most misleading. If the public is paying more over-all it would be very hard to convince them that they have enjoyed a reduction. So I suggest that all of these things which are involved and tied up with the collection of land tax—the funds that are at the disposal of the authority by law; the imposing of a rate in the pound for all the ratable land; and all the people who should be ratable—should be reviewed, and then this Bill, or something different, should be presented to Parliament together with a valid case as to why it should be retained.

There is no person in this House who would say that the authority is not entitled to all the money it needs to do justice to the job with which it is entrusted. In order that there can be no misunderstanding of my attitude, and even though I may be accused of repetition, I say again that I am wholly in support of the authority and of its having sufficient money available for its future needs.

On motion by the Hon. H. K. Watson, debate adjourned.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th September.

THE HON. H. C. STRICKLAND (North) [8.10]: This Bill intends to do exactly what the Minister said it would do when he introduced it yesterday. It is designed to amend the Act to enable companies to transfer their interests in the trust; and also to enable new participants to enter the trust, with the trust's approval. It will also cover companies which have changed their status, or merged with other companies as a result of a takeover or by mutual agreement. It is very necessary that these companies be still allowed to participate; and for those reasons I support the Bill.

Question put and passed.

Bill read a second time.

In Committee

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

STATE CONCERNS (PREVENTION OF DISPOSAL) BILL

Second Reading

Debate resumed from the 31st August.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [8.14]: When we examine the Bill we see that it is very small in the number of words it contains; and its clauses are short indeed. But the sting in its tail could be regarded as most acute, because there is no question that the main purpose of the Bill introduced by Mr. Strickland is to prevent for all time the selling of any State trading concern or State instrumentality whatsoever, rather than to facilitate the making of a good deal with the blessing of Parliament. The Bill seeks to stultify section 25 of the State Trading Concerns Act, under which section the Minister is now enabled to sell or lease any trading concern upon terms and conditions approved by the Governor which calls for executive action by the Government itself.

When one goes back to 1930, one finds that this matter was the subject of an extensive debate in that year; and as a result the provision being now sought was not only lost, but was removed from the existing Act. The Minister in charge of the House in 1930 was the Hon. C. F.

Baxter, and the Bill he introduced into the Legislative Council on that occasion finally sought to take out these words from section 25 of the State Trading Concerns Act—

> Provided that possession shall not be given to an intended purchaser or lessee under a contract for sale or agreement for lease until the approval of Parliament has been obtained.

I think it will be of interest to members if I were to relate to them in the words of the late Mr. Baxter, in that year, the very sensible approach the Government of the day had to the measure that was introduced into this Chamber on that occasion. The reference will be found in Vol. 1 of *Hansard* for the year 1930 on page 597. I quote what Mr. Baxter said—

> In initiating the discussion on this important proposal for the deletion of the proviso to section 25 of the State Trading Concerns Act, 1916, I would point out that the Bill does not relate to the principles of State trading; nor has it any bearing on the much-debated question of the profits and losses of State trading. Consequently there is no need for me to enlarge the scope of the debate with my views on those vexed subjects. The advantages and disabilities of State trading are not, at this moment, under review, and therefore any explanation of my convictions in that regard would not be helpful to the House in the consideration of the Bill. All I wish to say in that connection is that, in the course of time, the Government and their supporters will be answerable to Parliament and subject to the verdict of the electors for their actions on the major question of State trading. The aim of this Bill is to dismiss from the parent Act the paralysing restriction that a State trading concern shall not be sold or leased unless the approval of Parliament be first obtained. If an opportunity to sell arises, or an offer to purchase or lease one or all of the concerns is received, the Government believe that they should not be hindered in the negotiations by the unworkable provision that the affirmation of Parliament should be sought and obtained before the matter can be finalised. Another aspect is the obvious reluctance of prospective purchasers or lessees to negotiate if their rivals and competitors in business are to enjoy the elaboration and criticism of the details in Parliament, and perhaps profit by the disclosures which competitors in business are always so anxious to obtain of each other's transactions. An additional substantial obstruction in the working of section 25 of the Act is that in any overtures for the purchase or lease of a trading concern the Government would need to be satisfied that the negotiator was in a position to finance the proposal. Such ascertained particulars of his *bona fides* would appear on the departmental papers. Those papers, if Parliamentary approval had first to be obtained, would necessarily have to be presented; and that requirement alone would stop any businessman no matter how sound his affairs might be, from submitting himself to a heresy hunt on his financial status in the arena of the political vagaries of the day in order to secure the necessary Parliamentary approval. For the latter reason it is vitally necessary in the interests of the taxpayers, that the conversations should be confined to the Government and the purchaser or lessee without the intrusion of Parliament. For very good reasons the authority asked for will not be abused by the Government. If there are any misgivings on the point, I would emphasise the fact that the Government are in office as the custodians of the confidence of the electors and should they, in the disposal or lease of a trading concern, violate that confidence by an act diametrically in opposition to the wishes of the electors, or if they should injure the public Treasury, they would certainly be relieved of office at the succeeding elections. I know of no valid reason why the Government should not exercise complete authority in the disposal or lease of a trading concern. They can make or unmake and do things of greater importance to the people than the State trading concerns, and to me it seems nonsensical to withhold the authority now required. We all know that a Ministry cannot defy the climate of public opinion and retain office. If an administration does something dishonest or unjustifiable, it would be impeached by an adverse motion, and afterwards the discredited Ministry and its supporters would have to defend the action before the electors; and if those responsible were found wanting in esteem, they would succumb to the prerogative of the people. Therefore the Government consider they should possess untrammelled power to effect the sale or lease of a trading concern.

And in furtherance of that view he moved: "That the Bill be now read a second time." It was very interesting to me to read a debate of that nature, and to find out that 60 years ago the Parliament of Western Australia saw fit to take out the provision which Mr. Strickland seeks not only to replace but to replace so that it will apply more stringently than it applied in that year.

The Hon. H. C. Strickland: You mean 30 years ago?

The Hon. A. F. GRIFFITH: I beg the honourable member's pardon; I did mean 30 years ago. This measure which we are asked to support would not only affect the State Trading Concerns Act of 1917 but, as I say, many other statutes more stringently. It would go further and completely reverse the provisions of the State Hotels Disposals Act passed by this Parliament last year. A little further on I might find it convenient to remind Mr. Strickland of some of the views he held when that Act was before this House. All this is proposed now in spite of the fact that successive Governments have carried on satisfactorily under the provisions made in 1930, which are directly opposed to the measure now sponsored by the honourable member.

It is well to remind members that no move in the last 30 years, to the best of my knowledge, has been made to relieve the situation—not in the entire life of the Collier Government, the Willcock Government, the Wise Government or the Hawke Government was any attempt made to introduce a Bill of the nature of the one the honourable member now brings to Parliament.

The Hon. H. C. Strickland: No Government disposed of any trading concerns either.

The Hon. A. F. GRIFFITH: We would not expect the Premiers I have mentioned to dispose of any State trading concerns.

The Hon. H. C. Strickland: Nor were there any threats to do so.

The Hon. A. F. GRIFFITH: The statement made by Mr. Strickland is not completely accurate. Did not the previous Government, of which he was a member, dispose of the Wongan Hills Hotel?

The Hon. H. C. Strickland: To the community.

The Hon. A. F. GRIFFITH: That was a State trading concern.

The Hon. H. C. Strickland: It upsets your argument; you said you would not expect us to sell.

The Hon. A. F. GRIFFITH: Mr. President, the honourable member made a good speech, and I am trying to answer to the best of my ability the points made by him.

The Hon. F. J. S. Wise: You are labouring a bit.

The Hon. A. F. GRIFFITH: One would expect that to be said, of course, but it is not a very grave attack on the point I am making. I am endeavouring to the best of my ability to answer the case put forward by Mr. Strickland. I believe when the full import of this Bill is realised—not necessarily when I have finished speaking—the majority of members of this House will not be in favour of the proposition put forward by Mr. Strickland.

We might well ask ourselves why no move was made during the period of the years of office of the Governments I mentioned a few moments ago. I suggest the answer is fairly obvious. Such a measure was considered unnecessary during those long years because no matter what good business proposition could have been arranged for the sale of Government undertakings, the Governments I have mentioned would not so have disposed of them.

I do recollect that when it suited the previous Government to dispose of a State trading concern, namely, the Wongan Hills Hotel, there was no attempt to ask Parliament's blessing. One would not expect it, because it was a negotiation that took place at Government level; and that is the level, I suggest, at which it should take place.

Mr. Strickland made considerable play, when introducing the Bill, upon the question of the Liberal Party policy in respect of this matter of State trading concerns. He chose to refer to the constant propaganda that was used by the "Libs," as he called us, and said we considered we had a mandate to dispose of the State trading concerns. I think there is no question in the world that we have. We went to the people on the question, among others, of State trading concerns; and for the benefit of the House I would like to remind honourable members exactly what we said when we went to the people in the last election. As Mr. Baxter said some 30 years ago, all Governments are answerable to the people for the things they do. I now quote the Premier's policy speech as follows:—

> Not only have we been subjected to much criticism as a result of this Act—

He was referring to the State trading concerns—

> —but here in Western Australia we have the greatest number of State trading concerns and socialistic enterprises in the Commonwealth and more are being planned by the Labor Government. Private enterprise has been the victim of unfair trading practices by the State.
>
> The time has come to halt the growth of these Government businesses, not only because of the huge cost to the taxpayers in meeting losses or finding money for capital works, but to arrest and reverse the onward march of State socialism which they spear-head. They pay few taxes if any.
>
> It is not our desire to close these concerns down. We are anxious to make them payable, based upon sound business principles. Our policy aim will be to transfer them progressively to the field of private industry without loss of employment and where their continued operations will no longer be a drag upon the economy.

I consider it is not a reflection upon the Government to be told across this Chamber that the present Government is the only Government which has repeatedly stated it will get rid of State enterprises. Rather I would say it is a fine compliment to say that at least we have had the courage of our convictions and we are carrying out the terms of the policy speech upon which we went to the people and upon which we were elected.

I referred a few moments ago to Mr. Strickland's statements made when we were dealing with a Bill which gave this State the right to dispose of State hotels. On many occasions in this House I have heard members like Mr. Roche, who was a member in this House for a long time, call upon the Government of which I am a member to give not only lip service in regard to what it would do about selling State trading concerns, but to actually get rid of them. That is what we are trying to do, bearing in mind what I have said a few minutes ago—that we are not merely going to sell them but are going to dispose of them to the best advantage as the opportunities present themselves.

Mr. Strickland had rather an extraordinary view roughly 12 months ago in comparison with that which he holds today. When speaking last October the honourable member said—

> There is a great opportunity for the Government to build a modern air-conditioned hotel in a tropical climate, and then sell the hotel, if it wants to —the Government could build it, get it going, and then call tenders for it.

The Hon. H. C. Strickland: That is right.

The Hon. A. F. GRIFFITH: Now the honourable member seeks to bring into existence legislation which would prevent the Government from doing the very thing he wanted it to be able to do last October.

The Hon. H. C. Strickland: Ask for Parliamentary approval; that is all.

The Hon. A. F. GRIFFITH: If the Government had any desire to dispose of any State trading concern and Parliament passed this Bill, it would not be able to sell that State trading concern.

The Hon. H. C. Strickland: That is right.

The Hon. A. F. GRIFFITH: If that is not the object of the Bill then not only is it negative, but it is futile because the honourable member's approach to this matter is that he wants to prevent the Government from selling anything in the way of State trading concerns unless Parliament agrees to the sale.

The Hon. F. D. Willmott: There could be no negotiations at all.

The Hon. H. C. Strickland: What about the Chevron-Hilton Hotel Agreement Bill? Was that sabotaged?

The Hon. A. F. GRIFFITH: The honourable member asks whether the Chevron-Hilton Hotel Agreement Bill was sabotaged? I would ask him: Was that a State trading concern?

The Hon. H. C. Strickland: No; but Parliamentary approval had to be obtained.

The Hon. A. F. GRIFFITH: Thank goodness it was not a State trading concern! It was an affair of an entirely different nature. It was similar to the Chase agreement which the honourable member's Government entered into some time ago. It was purely a ratifying agreement brought to Parliament in respect of negotiations which had taken place—despite what was said about the Government rushing into the matter—over a number of months.

The Hon. H. C. Strickland: Could that not be done here?

The Hon. A. F. GRIFFITH: How could it be done?

The Hon. H. C. Strickland: Why not?

The Hon. A. F. GRIFFITH: How could the Government say in respect to any negotiations that it was going to sell something for which it was not sure it would obtain parliamentary approval?

The Hon. H. C. Strickland: You sold the reserve.

The Hon. A. F. GRIFFITH: Of course. The Bill dealing with the Chevron-Hilton Hotel was merely to ratify an agreement. But this Bill is of an entirely different nature.

The Hon. H. C. Strickland: Nothing of the kind. It is the same principle.

The Hon. A. F. GRIFFITH: It is not the same principle. The Chevron-Hilton Hotel Agreement Bill did not involve the establishment of a State trading concern; it merely involved the ratification of an agreement made in respect to a private enterprise deal.

The Hon. H. C. Strickland: You were selling the people's asset. It is just the same.

The Hon. A. F. GRIFFITH: Thank goodness the State did not enter into that one. That was the honourable member's previous view, and I respectfully pointed out to the House that his ideas have changed since last year.

The Hon. H. C. Strickland: Can you tell me which Bill I was speaking about?

The Hon. A. F. GRIFFITH: The honourable member was speaking to the State Hotels (Disposal) Bill.

The Hon. H. C. Strickland: I was talking about the hotel in Derby.

The Hon. A. F. GRIFFITH: The honourable member was speaking to the Bill. No doubt he was referring to a hotel in Derby, because if my memory serves me correctly, the one at Derby had been burnt down.

The Hon. H. C. Strickland: No; it is there.

The Hon. A. F. GRIFFITH: Well, one had been burnt down.

The Hon. H. C. Strickland: Two, I think.

The Hon. A. F. GRIFFITH: The honourable member was putting forward a plea for another one to be built, of course.

The Hon. H. C. Strickland: That is right.

The Hon. A. F. GRIFFITH: The honourable member will find the passage which I quoted in Vol. 193 of *Hansard* at the foot of the right-hand column of page 2059.

The Hon. H. C. Strickland: I did not oppose your Bill.

The Hon. A. F. GRIFFITH: No, I appreciate that; and that is the point. The honourable member did not oppose the Bill, and that Bill gave the Government the right to dispose of State hotels. Now, however, the honourable member has introduced a Bill which seeks to cut right across that principle. It seeks to provide that notwithstanding the provisions of any Act—

The Hon. H. C. Strickland: That is right.

The Hon. A. F. GRIFFITH: —a State-owned instrumentality or State trading concern shall not be sold or leased. My interpretation of that provision is that notwithstanding anything that has been said in the past, a sale or lease shall not be carried out in the future.

The Hon. H. C. Strickland: You should only do as you did with the—

The Hon. A. F. GRIFFITH: I think the honourable member had better say what he wants to say when replying to the debate.

The Hon. H. C. Strickland: You keep looking at me.

The Hon. A. F. GRIFFITH: I am still satisfied that I know the meaning of the simple wording in the third clause of this Bill which indicates that no matter what has been done in the past, it must not be done in the future without parliamentary approval. As I continue, I will develop that theme a little further. I am not criticising the previous Government for its action in selling the Wongan Hills Hotel. It had a perfect right to do so; it had a good arrangement with the community. But if this Bill becomes law, that sort of sale could not take place any more.

The Hon. R. Thompson: So the last Government did all good things!

The Hon. F. D. Willmott: The only good thing the last Government did was to lose the last elections!

The Hon. A. F. GRIFFITH: There are none so blind as those who do not want to see! The situation now, with the presentation of this Bill, is that the boot is on the other foot. Not only is this Bill to cover State trading concerns, but also other concerns carried on by the Government with a view to making profits, producing revenue, or competing with any trade or industry now or to be established hereafter, or entering into any business beyond the usual functions of State Government. As I have said, the concluding clause in the Bill demonstrates only too clearly what the honourable member has in mind. It enunciates the basic principle and one which I think would not be acceptable to the majority of the members in this Chamber—or at least, I sincerely hope it would not be.

It envisages that a State Government could commence any business whatsoever, but it completely takes away the initiative of the Government which starts such a business to do anything about its disposal later on; and the Government would have no say whatsoever in the duration of its existence, because it would be left to the approval of Parliament. We would consequently, I repeat, be in the position that a Government could start something and then have no authority to finish it. We could not do what Mr. Strickland last year wanted us to be able to do, even if we had the mind to do it. We could not build a hotel at Derby and subsequently sell it without the approval of Parliament.

The State trading concerns referred to in the honourable member's Bill are the State Shipping Service; the State Building Supplies; the State Engineering Works; the State Hotels; the Wyndham Meat Works; and the W.A. Meat Export Works. Incidentally, by Act No. 46 of 1945, the undertaking, assets, and business of the Albany Freezing Works Ltd. became part of the W.A. Meat Export Works. One of the corporations referred to by Mr. Strickland, which is not a State Trading concern within the meaning of the State Trading Concerns Act, 1916, is Chamberlain Industries. Chamberlain Industries is a company registered under the Companies Act, but controlled by the Rural & Industries Bank.

If my memory serves me correctly, it was placed under the control of the Rural & Industries Bank at the instigation of the previous Government. It is written into the legislation that the bank can dispose of Chamberlain Industries, these powers being under the security documents which the company has lodged with the Rural & Industries Bank. The relationship between the Rural & Industries Bank and Chamberlain Industries is one of bank and customer; and the Government at present may direct the bank to sell or lease Chamberlain Industries. On the other hand, the bank of its own initiative can take that action because the bank holds the guarantee for the trading of Chamberlain Industries. But this Bill would take that right away. The bank would

not be able to dispose of Chamberlain Industries without the permission of Parliament. Members will surely not consider it right and proper to take away the authority of a bank in the case of an organisation like Chamberlain Industries, when the bank in carrying out its normal functions is guaranteeing the organisation.

I might turn to some other concerns which could be regarded as coming within the definition of "State-owned instrumentalities." The Midland Junction Abattoir Board by section 15 of the Abattoirs Act, 1909-54, has power, subject to the Minister, to sell or lease any of its property; but only for the purposes of maintaining and managing the Midland Junction Abattoir. The board therefore, under the existing legislation, has no power to sell or lease the abattoir as a going concern.

The application of the powers sought in the Bill for the prevention and disposal of State concerns would, consequently, have no bearing on the disposal of the Midland Junction Abattoir in the direction sought by the honourable member. Rather it would have the reverse effect, because as the power being sought is intended to override all other statutes—and it would—we would find ourselves in the incongruous position that the Government could not sell or lease the abattoir, but that Parliament could sell or lease it irrespective of the Government's wishes by passing an Act providing for the abattoir to be sold. That is the position in which we could find ourselves.

The Hon. H. C. Strickland: You know that is impossible.

The Hon. A. F. GRIFFITH: I do not know that at all.

The Hon. H. C. Strickland: Of course you do. It would have to be a crook Government.

The Hon. A. F. GRIFFITH: I would not like to suggest that any Government was crook.

The Hon. H. C. Strickland: It would have to be if it let such a thing happen.

The Hon. A. F. GRIFFITH: I know what the honourable member means by his use of the word "crook." We could find ourselves in the position, if the Bill were put on the statute book, in which it may not be the desire of the Government to do certain things, but that a Bill, authorising certain actions in respect to a State trading concern, could be introduced into this Chamber. The Bill could pass this House and go to another place and be passed there. I pose this question to Mr. Strickland: Is there any obligation upon the Government? There is none, because it would be a futile effort to introduce legislation of that nature simply providing for a sale without any provision for the negotiations which must take place prior to a contemplated sale.

The Hon. H. C. Strickland: That is a most unlikely proceeding.

The Hon. A. F. GRIFFITH: It could be most unlikely; but we are not here to shape legislation to deal only with likely happenings; we are here to put on the statute book legislation which will have a correct application. Whilst what I have said may be most unlikely, it is not beyond possibility.

The Hon. H. C. Strickland: It is not now.

The Hon. A. F. GRIFFITH: Of course it is not now; except that under certain Acts there is power to dispose, and under other Acts there is no power to dispose.

By section 33 of the State Electricity Commission Act, the State Electricity Commission is empowered to sell any of its property no longer required for the purposes of the Act, and to lease any of its property which is not immediately required for such purposes. But neither the commission nor the Government has power to sell or lease the commission's undertaking as a going concern. Yet the Bill would give that power by means of the introduction of a measure into this House, and subsequently passed by another place, expressing in simple terms that Parliament can sell the State Electricity Commission. That is the thought furthest from the mind of the Government.

The Commissioners of the Rural & Industries Bank have power, by section 3 of the Rural and Industries Bank Act, to dispose of real and personal property; and they may exercise their powers only for the purposes of the Act; and those purposes are limited to the management of the bank. That is another concern, the sale of which is not permitted by the existing Act under which it operates. Seemingly under the definition of "State-owned instrumentality" it is to be put into the position where its sale could be permitted, or at least facilitated, if parliamentary approval were granted through the provisions of the Bill before us.

The Hon. H. C. Strickland: I do not think that was ever intended.

The Hon. A. F. GRIFFITH: I think it is more logical to say, "There is no power to sell the bank. The Bill can have no bearing upon it." The State Government Insurance Office is empowered by section 7 (10) of the State Government Insurance Office Act, 1938-58, to sell or lease any of its property. Its powers in that regard, however, are limited to the purposes of the Act under which it operates; namely, the prosecution and the carrying on of insurance business. Neither the State Insurance Office nor the Government may sell the undertaking as a going concern. Once again the honourable member's Bill is not necessary. Nevertheless, a favourable decision by the Parliament of Western

Australia could authorise the disposal, if the Bill becomes law, of the State Government Insurance Office, and could override the provisions of the existing Act.

The Hon. H. C. Strickland: We could do that now by legislation. The Government could do what it liked.

The Hon. A. F. GRIFFITH: The Government could introduce such a Bill if it proposed to do so. The Government can do all sorts of things if it wishes. In the words of Mr. Baxter, the Government will have to answer to the electors if it does.

The Hon. H. C. Strickland: So long as the boundaries are not gerrymandered.

The Hon. A. F. GRIFFITH: I think I will let that one pass. Even if some of the interjections are unfair, there was some cross-fire on the question of the Government Railways when Mr. Strickland was speaking. I cannot remember the exact words that were used, but the honourable member said something to the effect that we could not give the railways away because they made such a great loss. I suppose that is true. Again, the railways, under sections 62 and 63 of the Government Railways Act, 1904-57, have limited powers to lease railway property. Their power to sell is limited to the purposes of the Act; namely, the management, maintenance, and control of the Government Railways. It follows then that neither the commission nor the Government can sell the commission's undertaking as a going concern.

The Hon. H. C. Strickland: Without parliamentary approval.

The Hon. A. F. GRIFFITH: The honourable member keeps making that same interjection.

The Hon. H. C. Strickland: The Railways Act—

The Hon. A. F. GRIFFITH: It is the same as the other Acts I have enumerated which prevent the sale of certain concerns. I realise that any Act is subject to being changed. But that statement has no consistency with the fact that Mr. Strickland seeks to introduce a Bill into this House; and for a political reason, of course.

The Hon. H. C. Strickland: Oh!

The Hon. A. F. GRIFFITH: I do not say that in any caustic criticism. It is a political reason; and the reason is that the honourable member and his party believe in the maintenance, management, ownership, and conduct of State trading concerns. That is a principal plank in the platform of the party to which the honourable member belongs. It is equally political that the party to which I belong believes in free enterprise. We believe, with certain exceptions, that it is better that the State does not concern itself with State trading concerns. Therefore the Bill does not find support in the mind of the Government because, as I said in my opening remarks the Bill will stultify any attempt made by the Government to dispose of any of these State trading concerns.

It may seem inconceivable that a private member of Parliament could, under this proposed legislation, successfully move a Bill in the House by which Parliament could approve the sale of the railways, or a lease of that instrumentality to private enterprise. Though such action may not seem plausible it could, by virtue of the power sought in the Bill, become a legal reality; if not, the Bill has no positive virtue whatever.

The situation could be this: Parliament, by the introduction of a Bill could be empowered, if approval were granted, to dispose of any State trading concern, whether it be a trading concern under the State Trading Concerns Act, or any other.

Such a Bill would not give the Government power to negotiate. Although Parliament might agree to the disposal of a State trading concern, there would be no power to negotiate the sale of the concern. What I am saying is based on the assumption that a private member may introduce a Bill for the sale of a Government concern. If the House thought fit to pass such a Bill, and if it were passed by the Legislative Assembly, it would, in effect, prohibit the sale or leasing of any existing State-owned instrumentality or State trading concern as defined in clause 2 of this measure.

Even in the event of approval by Parliament, this would have to be expressed in an Act duly passed by both Houses and assented to on behalf of the Sovereign. The Bill itself provides no positive power, because any sale or leasing, without the passing of an enabling Act for the purpose, would be illegal and void.

That is the purport of the Bill, if it has any purport at all; and I think members will agree that if its provisions were taken to their logical conclusion, the Bill would not permit any practical or positive pronouncement by Parliament, because the whole purpose of the Bill is negative and its object is to prevent the sale or lease of any Government concern under any conditions whatsoever. It would simply bring to a complete standstill any negotiation that might be in the offing, and the Government would not be in a position to carry out any negotiations.

I remind members of the words expressed by the late Mr. Baxter in 1936; and they are true today. Where negotiations of this nature are proceeding, the concern with which the Government is negotiating does not desire its activities to be laid bare to the public in the same way as it would if it were under cross-examination in a court. That would be an untenable position; and surely negotiations of this nature must be conducted on

a similar basis. The previous Government conducted its negotiations with various concerns on the same lines. It is an entirely different matter to carry out the negotiations and then, having satisfactorily concluded them, come to Parliament and say, "Here is an agreement which we have made in respect to a certain deal and we now ask Parliament to ratify the agreement by passing this Bill." That was done in regard to negotiations with the Chase Syndicate.

The Hon. H. C. Strickland: That would be the procedure according to this Bill.

The Hon. A. F. GRIFFITH: It would not be, because no State trading concern can be sold unless the approval of Parliament is first obtained. The negotiations between a Government and a private concern are completely different. It is sufficient to say that a previous Government did not come to Parliament with the Chase agreement and then approach Chase afterwards to conclude the deal. Naturally, it went to Chase first and then brought the agreement before Parliament for ratification.

The Hon. H. C. Strickland: It is the same with the Chevron-Hilton Hotel Agreement Bill.

The Hon. A. F. GRIFFITH: It is not the same.

The Hon. N. E. Baxter: It would have been if Parliament had refused to ratify the agreement.

The Hon. A. F. GRIFFITH: That is the risk that any Government runs in bringing forward an agreement to Parliament for ratification. I can remind the honourable member of some sage words which were uttered by Mr. Wise the other night when he was speaking on the Bill dealing with the Chevron-Hilton Hotel agreement. Mr. Wise said he would support the principle followed by the Government in entering into negotiations with the company, and bringing the agreement to Parliament for ratification. He considered that was a reasonable approach. It was the principle laid down in the Chase agreement, although, heaven knows, if one compared that agreement with shot silk, the agreement would win!

I can only repeat that the purpose of the Bill is patently obvious. It is to stultify, to stop, and to prevent, in any way possible, the Government entering into negotiations—in accordance with the platform on which it was elected—to continue to sell any of the State trading concerns that are covered by this measure.

The Hon. N. E. Baxter: You mean to continue to try to sell.

The Hon. A. F. GRIFFITH: What, in principle, is the difference between that and what I have said? It is necessary for the Government to carry on activities in certain spheres. I have heard that said about the W.A. Meat Export Works, the Wyndham Meat Works, and the State Shipping Service. It is not the intention of the Government to dispose of any of those three State concerns at present. However, consideration has been given to the sale of other State trading concerns; and some State hotels have already been sold to advantage. Therefore, in view of the idea Mr. Strickland has in mind under this Bill, to negative the action of the Government in respect to the policy upon which it was elected, I propose to vote against the second reading of the Bill.

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

HEALTH ACT AMENDMENT BILL

In Committee

Resumed from the 27th September. The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

The CHAIRMAN (The Hon. W. R. Hall): Progress was reported after clause 2 had been agreed to.

Clause 3—Section 336 amended:

The Hon. L. A. LOGAN: I asked that progress be reported last night so that I could have an opportunity to obtain some information for Dr. Hislop. The honourable member first remarked that in regard to the inquiry, the Commissioner of Public Health would decide who should be appointed to conduct the actual inquiry. The Bill, of course, provides that the inquiry will be conducted by the three permanent members together with two of the provisional members who will be selected by the chairman of the committee. That is in accordance with proposed new section 340K.

In regard to the pathologist, whilst last night I said I still believed there was some merit in the suggestion I found, on studying the Bill again, that this committee is empowered to call in a pathologist if it desires to hear evidence from him. The committee may also require to hear evidence from some other specialist member of the profession such as a radiologist; and there is power in the Bill to enable this to be done.

The ultimate composition of the committee which has been proposed is the outcome of prolonged discussions with the Infant and Maternal Health Committee of the State Health Council; the State Health Council itself; the British Medical Association; the State Branch of the Royal College of Obstetricians; and the Public Health Department. They are the bodies that discussed the provisions of the Bill and which recommended the constitution of this committee. I repeat that the British Medical Association was associated with these discussions and proposals.

It would seem that there are two stages in such an inquiry. The first would be to establish the immediate cause of death, and the second would be to consider those factors which had contributed to it. In establishing the cause of death, it is likely that a post mortem examination may be of some assistance in some cases, but not necessarily in all. I understand that post-mortem reports are most comprehensive and are written in a standard detailed form, culminating in a summary and conclusion which indicates the immediate cause of death as observed by the pathologist. This information should meet the needs of the committee in most of the cases where post mortem data is considered necessary. But in any event, if supplementary information is required from the pathologist by the committee this can be obtained by the co-opting of a pathologist. This is in accordance with proposed new section 340K (3).

The main purpose of the measure is not to ascertain the direct cause of death. This is seldom in doubt. The purpose is to determine whether there was any defect in the management of the case so that a lesson may be learned and used as an educational measure to prevent a similar occurrence. Therefore, the most important people concerned with the inquiry obviously must be persons involved in the management of childbirth and these are primarily the specialist obstetricians and general medical practitioners; and it is the specialist obstetricians who are best qualified to assess the factors involved in every case of maternal death.

I understand that in most cases the cause of death can be determined without the aid, in addition to the post mortem report, of the views of a pathologist; and as it is desirable to limit the size of the committee, I would not favour the inclusion of a pathologist as a permanent member of the committee. The co-opting arrangement may be adequate for that purpose; but if it is considered that a firmer arrangement is needed, no objection would be raised to the inclusion of a pathologist in the list of provisional members; and he could be selected by the chairman for such inquiries at which his services might seem appropriate.

Dr. Hislop suggested that it might be wise to enlarge this section of the Health Act to cover an inquiry into the death of an infant in the first 30 days. I would point out to the honourable member that the Bill before us deals only with section 336 of the Act; and we cannot go outside the scope of the Bill to amend another section. The suggestion made by Dr. Hislop last night was very sound, and I am sure the Minister for Health will give earnest consideration to it. The honourable member also mentioned the case of a child that dies within 28 days; but that type of death cannot be included in the clause which deals only with maternal deaths. It is outside the scope of the Bill. The only action I can take is to forward the honourable member's recommendation to the Minister for Health to ensure that steps are taken to introduce further amendments to the Health Act to include these provisions in the legislation. At the present time, if a child dies within 28 days a general medical practitioner is compelled to report the death within 24 hours of the death. It is then incumbent upon the Commissioner of Public Health to make any inquiry that he considers necessary. Therefore, already there is provision for inquiries to be made into the death of a child within 28 days. This Bill deals only with maternal deaths, and nothing else. The recommendation put forward by Dr. Hislop is good. The number of deaths of children up to 28 days of age is 240 per year. That is a fairly alarming figure, and indicates an insufficient knowledge of the reasons for the deaths. I believe something should be done to discover those reasons.

The Hon. J. G. Hislop: How many maternal deaths in the last year—eight?

The Hon. L. A. LOGAN: According to my notes there were eight maternal deaths in 1958. All this Bill deals with is a change in the set-up of the existing procedure. The department believes, after investigations, that the method proposed in the Bill is better than the existing one. The proposed method is based on the Minnesota system.

The suggestions put forward by Dr. Hislop will be passed on to the appropriate authorities. I am perfectly certain that both the Minister and the department will make the necessary investigations into the suggestions.

The Hon. J. G. HISLOP: I take it that I am permitted to reply to the comments made by the Minister, and that I am not strictly limited to a discussion on clause 3.

The CHAIRMAN (The Hon. W. R. Hall): The honourable member may proceed on the lines followed by the Minister.

The Hon. J. G. HISLOP: I made a distinct error when I said the appointment of the proposed committee will rest in the hands of the commissioner. I did that on purpose so that I could invite discussion. The chairman of the committee is to be the Professor of Gynaecology and Obstetrics in the University of Western Australia. But who is to be the investigator referred to in the Bill? Surely he cannot be the Professor of Gynaecology and Obstetrics—the person holding the leading position in the teaching of gynaecology and obstetrics at the University! It must be some officer junior to him. Will he always appoint his assistant to be the investigator, or will the commissioner take over the appointment of the investigator?

Can the investigator be one who is engaged in private practice, and who has to hold an investigation into the actions of one of his colleagues? I made an error purposely to invite criticism, because I wanted to know who was to be the investigator. Surely he cannot be some practising consultant obstetrician.

We have been told that it is not necessary for the pathologist to be on the committee, but he can be called in when his views are sought. We were also told that very often it is possible to determine the cause of death, without the opinion of the pathologist. The Crown Law Department has stipulated that in every case of maternal death there shall be a post mortem examination, and it shall be carried out by Dr. Finlay-Jones who is a pathologist on the staff of the University. Yet all that the committee referred to in the Bill asks for is his report.

In a discussion with Professor ten Seldam it was revealed that very interesting discoveries are made in post-mortem examinations, and a report has to be submitted. I have just received the consent of the Professor of Pathology to read out a letter which he sent to my colleague in another place. It states—

> I read in this morning's paper that the Government has introduced a Bill for the institution of a committee to investigate the cause of death in women during or shortly after confinement. You may know that Dr. Finlay-Jones is making coroner's autopsies on all such cases, while recently Dr. R. A. Barter, M.D., M.R.A.C.P., M.C.P.A., previously Assistant Director of Pathology at the Royal Women's Hospital, in Melbourne, joined my staff as a senior lecturer. Both, of course, have extensive experience and more direct knowledge of the actual cause of death and it surprises me, therefore, very much indeed that no pathologist was mentioned to be attached to the committee. What it will come down to is that the committee will meet and then will have to ask the pathologist not only for his report, but in addition to explain his report. This is most annoying and unfair. I think that if there is any person who should be on the committee it should be either an experienced pathologist who is actually performing the autopsies on these unfortunate women (in other words, Dr. Finlay-Jones) or another pathologist who, through training and experience, has great knowledge in this field (in other words, Dr. R. A. Barter). I leave it to you to correct the omission if possible.
>
> You may like to know that a similar committee acts in Victoria and that there again it was most annoying for the gynaecological pathologists to provide this committee with most of the information they needed while not being themselves on the committee.
>
> In the hope that you will be able to correct this serious shortcoming and with kind regards—

This must be a sufficient reply to the department's contention that a pathologist is not needed on the committee.

Although in these cases a post mortem examination has to be held, this committee is not so much interested in the cause of death—which can be ascertained without the views of a pathologist, according to the department—as it is in whether something can be done to prevent the death of the mother. There seems to be a complete variance of opinion between those in authority, and the Department of Pathology of the University.

I have been practising medicine in this State for 40 years. For many years I was a member of the Perth Hospital Board. On various occasions during the eight years I served in that capacity I was told by the Under-Secretary for Health, who was then the chairman of the board, that no money would be spent on the Pathology Department because it was not seen. He said it was beds that counted. Apparently we have not got away from that line of thinking. We should endeavour to reach the stage where we can commence modern investigation into the causes of death.

Anybody can hold an investigation. I can tell the Minister and the department what will be the result if this Bill is passed. If I know this professor of pathology as well as I think I do, I am pretty certain what will happen. He will say, "These are coroner's inquiries. I have no reason whatever to give any statement about the post mortem to any committee." He can refuse to do that. If he did that the whole scheme would collapse, because the cause of death would not be known.

I am expected to agree to unsound legislation in this House. I do not know whether the British Medical Association council has seen the contents of this Bill. I am only concerned with the wording in it. The public holds a mistaken view that when a person is elected to Parliament he has a great say over legislation which is introduced and passed. In the 19 years that I have been a member of this Parliament, I have not been consulted on any health Bill by a member of the Cabinet or any other member.

However, I did serve on the Cancer Research Council because under the original set-up I was nominated to be a member by the British Medical Association. I have also been a member of the Polio Advisory Committee since its inception. Apart from that, I have as much authority over health measures as any member of the public.

I am making these comments on behalf of a person like Professor ten Seldam, who put pathology in this State on its feet. Yet we are told by the department that all that is required of the pathologist is his report; and he need not be on the committee. He told me that in three of the eight cases mentioned they did find a particular condition in the cause of death. These cases were extremely interesting, because the condition in question had not been noted before. Yet we are told that we are not to discuss these matters with the committee, and we have to submit a report only. This situation annoys me intensely.

When I put forward a suggestion in Parliament I am not annoyed if it is rejected, because that is usually what happens. I suggest it should not take the department five years to link the proposals in this Bill with neo-natal work.

It reflects a peculiar state of mind to be asked to discuss the death of a mother at the end of a pregnancy. An effort is made to inquire into eight such deaths in one year. The unsuccessful pregnancies are completely forgotten, and the 230 deaths a year in the first 30 days of the life of infants are disregarded.

I came to this State in 1922. I was superintendent of the Children's Hospital for three years; and in 1911, when the hospital was first opened, 33⅓ per cent. of the children under 2 years of age did not leave the hospital. In about 1926 the death rate was still amazingly high. It was reduced very considerably by the institution of the infant health centres, with the nurses doing wonderful work. The mortality rate was still something like 20 per cent. of children admitted to the Children's Hospital. That is not 20 per cent. of all children born, but 20 per cent. of children up to 2 years of age admitted to the hospital. That percentage has now dropped like a stone.

We are still faced with a loss in this State of four to five children per week in the first month of life. I would say the majority of these deaths occur during the first seven days. Surely that is the end of pregnancy. I cannot see why we should stop with a committee that investigates eight cases a year; it should reorganise and consider the investigation of the 230 other deaths.

I am going to take no further part in this Bill and will propose no amendments whatever, because I would not ask a senior professor like the Professor of Pathology to accept a post as a provisional member.

The Hon. L. A. LOGAN: The composition of the committee is the result of discussions with the Infant Mortality Committee of the State Health Council, the State Health Council, the British Medical Association—of which Dr. Hislop is a member—the State Branch of the Royal College of Obstetricians and Gynaecologists, and the Public Health Department. Whether they are competent to say who should be on this committee I cannot say. I have already said that if necessary I will accept a pathologist on the provisional list. I do not know whom he would replace, because the three permanent members are provided for in the Bill. Provision is also made in the measure for the six provisional appointments. However, I am prepared to accept a pathologist on the provisional list.

Clause put and passed.

Clause 4 put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines): I move—

That the House at its rising adjourn till 3.15 p.m. tomorrow.

Question put and passed.

House adjourned at 9.38 p.m.

Legislative Assembly

Wednesday, the 28th September, 1960

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