shift those bottles at his own expense, in his own vehicle, and this is grossly unfair. Here is another clause in the agreement—

> The Collector may make to the person from whom the bottles are collected as aforesaid for having kept the same in safe custody an allowance not exceeding the following:—
>
> (a) For quart bottles — 6d. per dozen.
>
> (b) for pint bottles — 4d. per dozen.
>
> (c) For 5 oz. bottles — 4d. per dozen (flasks).

Mr. Roberts: What do the country dealers think of this proposed legislation?

Mr. J. Hegney: Will the honourable member who interjected speak up, please? We cannot hear what he is saying.

Mr. FLETCHER: The member for Bunbury is now delaying the House.

Mr. Roberts: Well, I will not continue to do so.

Mr. Rowberry: Have a suck at the bottle!

Mr. FLETCHER: Continuing to quote from this agreement—

> The Agents may at any time without giving any reason therefor determine the Agreement—

Some honourable member may suggest that this agreement should lie on the table of the House; and I am sure that if any reasonable or impartial person were to read it, he would agree that it is iniquitous; and he would realise how wrong it is to try to impose these conditions on the persons I have mentioned, including those who are conducting the bottle yards and those who are the collectors.

I ask members opposite to study carefully what I have said, and try to assist me to put this Bill through the House, because I am sure the measure will prove to be advantageous to the community as a whole, to the collector, and to those in charge of the bottle yards. I therefore commend the Bill to the House.

On motion by Mr. Perkins (Minister for Transport), debate adjourned.

House adjourned at 12.35 a.m. (Thursday).

Legislative Council

Thursday, the 20th October, 1960

CONTENTS

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

AUDITOR-GENERAL'S REPORT

Tabling

THE PRESIDENT: I have received from the Auditor-General a copy of his report on the Treasurer's statement of the Public Accounts for the financial year ended the 30th June, 1960. It will be laid on the Table of the House.

QUESTIONS ON NOTICE

MINING

Incidence of Accidents and Diseases

1. The Hon. J. M. A. CUNNINGHAM asked the Minister for Mines:

(1) Are State figures available on—

(a) goldmining,

(i) incidence of industrial accidents,

(ii) incidence of industrial diseases;

(b) coalmining,

(i) incidence of accidents,

(ii) incidence of diseases?

(2) Which of the two occupations is considered the more dangerous?

Pension Allowances

(3) What is the comparable figure for retiring pension allowance for—

(a) coalmine workers;

(b) asbestos-mine workers;

(c) goldmine workers; and

(d) leadmine workers?

Jobs for Displaced Workers

(4) When active mining for gold ceased in the towns of Wiluna, Big Bell, Reedy, and Youanmi, what obligation devolved on the State Government to provide work, homes, and other forms of compensation for displaced workers in this industry?

(5) Were any organised efforts made by any union or Government specifically to provide jobs for these families?

(6) Has any provision been made to provide jobs for displaced coalmine workers in the present instance?

(7) Has any other industry ever been cared for in this way?

(8) Why do coalmine workers enjoy this preferential benevolence over other mineworkers who are the victims of fluctuating industrial fortunes?

The Hon. A. F. GRIFFITH replied:

(1) (a) (i) Yes.
(ii) Yes.
(b) (i) Yes.
(ii) No specific industrial disease is recognised at Collie.

(2) All forms of mining can be hazardous, but neither of these two is regarded as a "dangerous" occupation, provided the normal, proper and required safeguards are taken. Mining regulations provide specific safety precautions and, if properly maintained, reduce any hazard.
Gold, asbestos, and lead mining contain industrial hazards, such as silicosis, asbestosis, and lead poisoning, none of which exists in coalmining.

(3) (a) (b) (c) and (d) No pensions Acts for asbestos, gold, or lead miners. Coalminers on retirement at 60 years of age receive £5 17s. 6d. weekly for the mineworker, £5 2s. 6d. for the wife, and £1 per week for each child under 16.

(4) The State Government arranged fares and transport allowances for removal to such other parts of the State in which the workers obtained positions.

(5) Not that I am aware, but every help was given by the Government and others concerned.

(6) Arrangements are in train.

(7) I have no information available.

(8) The coalmining industry throughout the world, through organised pension funds, receives benefits of this nature.

BINDI BINDI-LYONS CAMP TURNOFF

Road Widening

2. The Hon. A. R. JONES asked the Minister for Local Government:

In view of the bad state and the narrowness of the road on the uncompleted portion of the main road between Bindi Bindi and Lyons Camp turnoff, will the Minister advise—

(1) Whether plans are in hand for the repair and widening of this section?

(2) If the answer to No. (1) is "Yes", when will the work commence?

The Hon. L. A. LOGAN replied:

(1) Plans have been prepared for the reconstruction and priming with tar of half the section of main road between Bindi Bindi and Lyons Camp turnoff.

(2) In about two weeks.

SOUTH OF PERTH YACHT CLUB

Change of Site

3. The Hon. A. R. JONES asked the Minister for Local Government:

Will the Minister inform the House—

(1) Whether, under the Town Planning Scheme, the Royal Perth Yacht Club was directed to move from its old site on the east side of the river to the new site and premises on the west side?

(2) If the answer to No. (1) is "Yes", did the club receive any compensation in money, work, or kind in re-establishing itself and its buildings and pens?

(3) If the answer to No. (2) is "Yes", what authority was responsible for the assistance in any or all forms?

The Hon. L. A. LOGAN replied:

It is assumed that the questions refer to the South of Perth Yacht Club and not to Royal Perth Yacht Club.

(1) Yes; the site was required for construction of the Kwinana Freeway.

(2) Yes; in all three forms.

(3) Main Roads Department.

ESPERANCE LANDS AGREEMENT BILL

Third Reading

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

LOCAL GOVERNMENT BILL

Further Report

Further report of Committee adopted.

TRAFFIC ACT AMENDMENT BILL

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 1 put and passed.

Clause 2—Section 5 amended:

The Hon. A. F. GRIFFITH: During the second reading debate a number of questions were raised, but I was not able to give all the information required, because I did not have it. If any honourable member has questions he wishes to put in regard to the Bill, I will be glad if he will mention them while the Bill is in Committee, and I shall endeavour to give him the answers.

Clause put and passed.

Clauses 3 to 7 put and passed.

Clause 8—Section 47 amended:

The Hon. R. THOMPSON: I move an amendment—

> Page 7, lines 16 to 20—Delete all the words after the word "device" down to and including the word "generally."

I do not think the intention is to ban certain types of advertisement. I point out that the town of Meckering successfully raised money to provide ambulances as the result of advertising on taxis. Advertisements for kindergartens, country shows, Red Cross fairs, and so on have been carried by taxis. This form of advertisement is quite cheap; it is usually provided free by the taxi driver. I have yet to see a taxi carrying any form of placard. Yet buses, trains, and even planes carry advertisements of all kinds.

The Hon. A. L. Loton: And private cars.

The Hon. R. THOMPSON: Yes. I do not see why taxi drivers should be restricted in the way suggested by the Bill.

The Hon. F. J. S. Wise: I suppose you would have to take the "Buy W.A. Goods" signs off your car if this provision were agreed to.

The Hon. R. THOMPSON: Yes.

The Hon. A. F. Griffith: You would not.

The Hon. R. THOMPSON: Even the carrying of an advertisement of the firm owning the taxi could be subject to this provision. Mr. Cunningham says that the "Vote Liberal" signs might have to be taken off some taxis in the country during elections. However, I am not attacking this provision from that angle. This restriction should not apply to private enterprise when all forms of Government transport may carry advertisements.

The Hon. R. F. HUTCHISON: I support the amendment. I know many taxi men who count as their social benevolent service to society the carrying of advertisements for certain organisations. I have known them to assist in regard to kindergartens, parents and citizens' associations, and so on. There are two "Buy W.A.-Made Goods" stickers on my car.

The Hon. A. F. Griffith: You do not drive a taxi, do you?

The Hon. R. F. HUTCHISON: We should not have to go to the police over every little tin-pot matter. I am beginning to get very belligerent about the bureaucracy that is becoming evident.

The Hon. F. J. S. Wise: It is very lusty already.

The Hon. R. F. HUTCHISON: I suppose this provision stems from a departmental suggestion. Soon we will be going around with handcuffs on if we are not careful. It is about time for us to stand up and say we want to be free in our own society. This provision in the Bill struck me as being childish. It probably has some connection with election notices; and it was possibly suggested by someone with a jaundiced mind. But we should be above that sort of thing.

The Hon. A. F. GRIFFITH: The last speaker supports the amendment on the basis that if this provision is agreed to, she will have to obtain permission to display the sign "Buy W.A. Goods" on the back of her car. As usual, apparently she has not read the Bill.

The Hon. R. F. Hutchison: I would like to tell the Minister—

The CHAIRMAN (The Hon. W. R. Hall): Order!

Point of Order

The Hon. R. F. HUTCHISON: Very well, Mr. Chairman, I shall rise on a point of order. I point out to the Minister that I have read the Bill, but I have put my own interpretation on it and not his.

Debate Resumed

The Hon. A. F. GRIFFITH: I will concede that the honourable member has read the Bill, but I still insist she has not put the correct interpretation on it. To anyone who has studied the Bill carefully, the position is that this provision pertains to taxis only and not to vehicles belonging to private individuals.

The CHAIRMAN (The Hon. W. R. Hall): Order! The Minister ought to address the Chair.

The Hon. A. F. GRIFFITH: I would be delighted, Mr. Chairman. Have any taxi drivers told Mr. Thompson or Mrs. Hutchison that they object to this clause? If those two members are able to answer that question it might help the situation.

The Hon. F. J. S. Wise: It is usual for a Minister to answer questions in this Chamber and not to put them.

The Hon. R. Thompson: I will answer the Minister when he sits down.

The CHAIRMAN (The Hon. W. R. Hall): Order! The Minister will proceed with his speech and there will be no more interjections.

The Hon. A. F. GRIFFITH: This provision has been put in the Bill with the full approval of the taxi drivers themselves.

Mr. Bennetts has confirmed that that is correct. As late as yesterday, claims were made in this Chamber that the Minister for Police refused to see the taxi drivers.

The Hon. F. R. H. Lavery: That is true.

The Hon. A. F. GRIFFITH: It is not true, because between yesterday afternoon and this moment I spoke to the Minister concerning this matter and he told me that he talked to the taxi drivers about this provision as late as last week.

The Hon. R. F. Hutchison: That does not make it right.

The Hon. A. F. GRIFFITH: The deputation, representing the taxi drivers, came to see the Minister at Parliament House. As I told the Minister for Transport, the President of the Taxi Owners' Association (Mr. Rowan) addressed a letter to me on the subject. In the main, he said they were quite happy about the provision. As I usually do, whenever an honourable member raises a question concerning a department not under my jurisdiction, I see my ministerial colleague who is in charge of the matter and ask his opinion about it. The Minister, in this particular instance, assures me that not only does the association not object to this provision, but it does not want its members to advertise in their cars.

The Hon. A. L. Loton: Has the Minister that in writing?

The Hon. A. F. GRIFFITH: I doubt whether the Minister would have it in writing, because the deputation took place at Parliament House, I am told.

The Hon. H. C. Strickland: Who represented the taxi drivers?

The Hon. A. F. GRIFFITH: I do not know the names of the members of the deputation, but the president of the association is Mr. Rowan. The Minister has assured me, however, that he has gone over these points with the association.

The Hon. R. F. Hutchison: That does not make it right.

The Hon. A. F. GRIFFITH: Perhaps at this stage I could take the opportunity to answer the point raised by Mr. Strickland concerning this subparagraph (u). I can tell the honourable member that a similar provision to this is provided in section 8 of the Traffic Act.

The Hon. H. C. Strickland: In that case there is no need to duplicate it in this Bill.

The Hon. A. F. GRIFFITH: That comment is not worth answering.

The CHAIRMAN (The Hon. W. R. Hall): If the Minister addresses the Chair I think he will make better progress.

The Hon. A. F. GRIFFITH: I am sorry, Mr. Chairman. Having given Mr. Strickland that information I will return to this point: This provision seeks control over the carrying or exhibiting of posters, placards, etc. in taxicabs. It does not seek to provide what Mr. Thompson suggests it might; that is, to stop taxi drivers advertising the name of their company or their charges, etc.

The Hon. R. Thompson: I did not suggest that.

The Hon. A. F. GRIFFITH: I understood the honourable member to say that the power could be taken literally.

The Hon. H. K. Watson: It is capable of being interpreted that way.

The Hon. A. F. GRIFFITH: Yes; I agree it is capable of being interpreted in that way, but it is not reasonable. Should regulations be promulgated they will be laid on the table in each Chamber. The Minister has told me that the taxi drivers do not want to carry any signs. However, should any taxi driver in a country district, for instance, seek to carry an advertisement in aid of a charitable organisation, I am sure the Minister for Police would permit him to do so.

The Hon. H. K. Watson: What if the regulations were already in existence?

The Hon. A. F. GRIFFITH: There would not be any regulations of such a nature. It would be reasonable to assume that there would not be a regulation to say to a taxi driver, "You shall not put on your taxi any advertisement signifying that you belong to the Swan Taxi Pty. Ltd. or some other company." However, he would not be permitted to advertise any goods or wares on the outside of his vehicle. There is a regulation against hanging advertisements on the outside of any vehicle.

The Hon. H. K. Watson: On Mrs. Hutchison's vehicle?

The Hon. A. F. GRIFFITH: Yes; although at the last elections I did notice some advertisements hanging on the outside of her car, but no doubt she obtained permission to do so.

The Hon. H. C. Strickland: They were probably hanging on the outside of my car, too.

The Hon. A. F. GRIFFITH: No doubt; because such an act is subject to a permit.

The Hon. L. A. Logan: But you are still not supposed to do it.

The Hon. A. F. GRIFFITH: That is probably nearer the point. Nobody should exhibit a sign on the outside of a car without permission; it would be breaking the law. The Minister for Transport has assured me that taxi drivers are agreeable to the provision that they should not be asked to exhibit, inside their cars, placards or any advertisements. It is permissible for them, however, to advertise the company to which they belong, their flagfall rate, and their milage rate. They also have to have the sign "taxi" displayed on their cabs, and suitable number plates.

The Hon. F. J. S. Wise: This is all very interesting, but can you give us the reason why this is needed?

The Hon. A. F. GRIFFITH: Yes; it is to prohibit the unnecessary carrying of placards and advertisements. We had other similar moves, as the honourable member knows.

In the interests of the police it is not desirable to have people carrying placards upon their persons.

The Hon. R. Thompson: Does that mean to say you are tying this up with the Police Act?

The Hon. A. F. GRIFFITH: It could be tying it up with the Police Act; but in this case the amendments have all been made after deputations were received from people concerned in the industry. It is not intended to exaggerate the position in any shape or form; it is merely intended to provide that regulations can be prescribed for these things.

The Hon. R. Thompson: What would be the Government's attitude to advertising on Government-owned transport?

The Hon. A. F. GRIFFITH: That has nothing to do with it. Thank goodness the Government does not yet own taxis.

The Hon. R. Thompson: It owns trains and buses.

The Hon. A. F. GRIFFITH: This measure only concerns taxis. As I told Mrs. Hutchison, it will have no effect upon her control of her motorcar; and that applies to anybody else.

The Hon. R. F. Hutchison: Why do you want it then?

The Hon. A. F. GRIFFITH: I have endeavoured to explain why. I do not think the provision will do any harm at all; and it is included in the Bill with the cognisance and agreement of the people concerned in the industry.

The Hon. G. E. JEFFERY: I support the amendment. After hearing the Minister I am convinced that the amendment is desirable. Western Australia is not yet a police state. We have been told by the Minister that the taxi owners do not want to advertise; but that is no reason why we should not delete the prohibition from the Bill. If somebody who owns a taxi is not "tony" and wants to advertise for the local hamburger bar—"Eat with Joe, the Man you Know," I see no reason why he should not do so. The only objection I would have would be if the advertisement obscured the meter. So long as it does not do that, I can see no reason for the prohibition.

The Hon. H. C. STRICKLAND: When the Minister was asked for the reason why the Government wished to place this prohibition on advertising, all he said was that the police want to control it. He also said that the Taxi Owners' Association agreed to the provision at a deputation. I am not clear whether the Minister meant that the representatives of the Taxi Owners' Association requested the provision, or whether they simply agreed to a suggestion which the Minister proposed to them after it had been submitted to him by the Police Department.

The Hon. A. F. Griffith: They had no objection to it.

The Hon. H. C. STRICKLAND: They did not request it.

The Hon. A. F. Griffith: I am not aware of that.

The Hon. H. C. STRICKLAND: It would be popped on them when they were interviewing the Minister on various other matters. Naturally the representatives would not have had time to consult the taxi drivers generally. I do not think taxi drivers generally want to advertise on their taxi cabs beyond the fact that they are Swan, Tricolor, or some other taxi. I have yet to see a taxi running around with advertisements on it. When one looks at the size of a taxi, one realises that it is not very large for the purpose of carrying advertisements.

The Hon. A. F. Griffith: In that case, this clause will not do any harm.

The Hon. H. C. STRICKLAND: Nothing of the kind. This legislation will prohibit a taxi driver from exhibiting an advertisement. What about the person who hires a taxi?

The Hon. L. A. Logan: That person does not want to see an advertisement in it.

The Hon. H. C. STRICKLAND: If a person hires a taxi that taxi belongs to him during the period of hire.

The Hon. A. F. Griffith: No, it does not.

The Hon. H. C. STRICKLAND: Of course it does while it is under hire. If that person wants to exhibit an advertisement why should he not do so? If a person approaches a taxi driver and says, "I want to hire your taxi for 24 hours as I want to display an advertisement—

The Hon. F. J. S. Wise: Vote Griffith 1.

The Hon. H. C. STRICKLAND: Or Strickland.

The Hon. A. F. Griffith: He would have to get permission from the police.

The Hon. H. C. STRICKLAND: Over a certain size.

The Hon. A. F. Griffith: No.

The Hon. H. C. STRICKLAND: Election advertisements are controlled. Has not the taxi driver the freedom to say, "I am sorry; you cannot hire me for that purpose." He does not have to take the job if he does not want to. It seems to me that there is pressure upon the Government from those who, to a large extent, already control advertising throughout the country.

Failing that, there is a political flavour about it, so that on election day the party which is not blessed with private cars will have to hire taxis.

The Hon. A. F. Griffith: You are stretching things a bit.

The Hon. H. C. STRICKLAND: These are possibilities. A party could be deprived of being on equal terms with its opponents.

The Hon. A. F. Griffith: Nothing like that is intended.

The Hon. H. C. STRICKLAND: That could happen. Would the Minister deny that it could occur?

The Hon. A. F. Griffith: It might with you, but not with us.

The Hon. H. C. STRICKLAND: When the Minister says "us" does he mean the present Government?

The Hon. A. F. Griffith: Yes.

The Hon. H. C. STRICKLAND: The Minister raises a big question when he gets on to that subject.

The CHAIRMAN (The Hon. W. R. Hall): The honourable member should confine his remarks to the amendment before the Chair.

The Hon. H. C. STRICKLAND: I am confining my remarks to advertising on taxis. I would like the Minister to explain why the Government desires to prohibit taxis—and taxis only—from displaying an advertisement. We see Coca-cola trucks running around which "blind" half the road. We also see Swan Brewery trucks doing the same thing.

The Hon. A. F. Griffith: This Bill concerns taxis.

The Hon. H. C. STRICKLAND: In the cases I have mentioned there is no prohibition whatever.

The Hon. A. F. Griffith: This provision concerns taxis.

The Hon. H. C. STRICKLAND: The poor taxi driver who could possibly earn a little extra by displaying an advertisement is to be prohibited from doing so. He may only want to advertise someone's "rummy party"; yet the Minister wants to stop that sort of thing. That is what the Bill will do.

The Hon. A. F. Griffith: It will not.

The Hon. H. C. STRICKLAND: I would also like the Minister to advise the Committee of any instance where advertising in taxis or on taxis has caused a nuisance or has been objectionable so far as the Government is concerned.

The Hon. G. C. MacKINNON: We have heard a great deal about what the Government wants and what the Taxi Owners' Association wants, but we have heard very little about what the "Taxi Users' Association" wants. I think it is about time one was formed. We are blinded by signs such as those on Coca-cola trucks and other vehicles. I have no doubt that a few years ago someone made, in regard to hoardings on the roadside, a speech similar to that made by Mr. Strickland today.

I do not think that Mr. Strickland, or anyone else, wants to see what were termed "blinding" signs and advertisements moved from ordinary commercial trucks and wagons on to taxis. When we, as users, ring for a taxi we virtually engage a private car; and we do not wish to see all sorts of signs around it. I do not object to tourist brochures being placed in one of the car pockets of taxis serving railway passengers; and I am sure the police would not prohibit the carrying of the type of signs referred to by Mr. Ron Thompson. I suppose that he who sells peanuts, thinks of peanuts, and wishes to advertise them; and he who is engaged in politics, thinks of politics, and would like to see taxis carry electoral signs—which, I think, is absurd. I consider that the carrying of such signs is more satisfactory in a private car.

The arguments put forward by Mr. Strickland could support either side of this case. Advertising is becoming absolutely obnoxious. Placards and advertising material are attached to trees along the side of the road. The views of valleys are often obscured by hoardings. Now it is suggested that users of taxis should be obliged to watch an advertisement about Aunt Mary's Baking Powder. I regard the taxi as a private vehicle, and I think it is reasonable that there should be a limit and control on the type of advertising placed inside or outside such a vehicle.

The Hon. F. J. S. WISE: We received an interesting exercise in imagination from the last speaker. If a taxi driver had a fault which it was necessary to correct by legislation, one could understand the introduction of an amendment in this manner and in this type of Bill. The taxi driver who is seeking a certain type of customer and who is plying for hire to meet a certain need, will not display signs which are obnoxious to the customers who engage him.

Perhaps one of the greatest disabilities on our main highways today, in and out of the city, concerns advertising on trade vehicles, quite apart from any advertisements placed on the roadsides. I suppose, that with the advent of TV, at this very minute between here and Fremantle there would be 20 vehicles advertising various makes of television receivers; not merely in tone or in a colour which would be normally readable, but by something designed to distract the attention of a person on the footpath or in a passing car. If we were to deal with this sort of menace—

The Hon. R. F. Hutchison: Hear, hear!

The Hon. F. J. S. WISE: —we would be doing something useful. Pressure has been applied to the Minister to give reasons for this measure. He gave no sound reason,

after five minutes of discourse. He had to be pressed, and the reason he gave was a flimsy one. There must be a reason to direct this sort of control at the taxi proprietors. If there is no need for it, then why the legislation? There has not been an example given of the need for it; and therefore it is either something imaginary, or it could be something sinister. I think this House should have nothing to do with it.

When persons enter public transport owned by the Government, do they object to seeing a sign displayed enticing them to eat "Sausages made in the garden"? The advertisement is there; people cannot avoid seeing it, however obnoxious the advertisement or the sausages may be. Let us be serious about this. Advertisements are displayed in buses and trains. In the case of the old trams, the whole side of the tram was used to popularise a current commodity or event—whether a ballet or a foodstuff.

The Hon. G. C. MacKinnon: In what trains do people advertise these days?

The Hon. F. J. S. WISE: Have a look in the suburban trains.

The Hon. G. C. MacKinnon: They do not advertise in the country trains, or the *Australind*.

The Hon. F. J. S. WISE: I suggest there has not, so far, been any valid reason put forward to prohibit the display of signs in taxis. Had examples been given of distraction to the driver because of advertisements, or of offence to a passenger because of advertisements being displayed, then there would be some reason for this measure. But we have had no such examples. I would say that this part of the clause is entirely unnecessary, and this Committee should have nothing to do with it.

The Hon. A. F. GRIFFITH: I find myself feeling somewhat grateful to Mr. Loton who at a minute past 11 o'clock last night informed the House that Standing Orders provided that we could not deal with any more business after 11 p.m. Had it been a minute to 11 p.m. members would not have got home as early as they did. I think we should all be grateful for that.

I have been accused of imagination in this amendment. I think the imagination has been on the part of those members who have opposed it; because we have traversed a lot of ground from that with which the Bill deals, namely, taxis, to all forms of transport including Mrs. Hutchison's private motorcar. Buses, trains, trams—even sausages—have been mentioned; but I do not think they have anything to do with the measure before us.

It is considered undesirable, in the interests of the public, that taxi owners should carry placards or advertising material on their vehicles; and I repeat that this does not mean that they would not be able to advertise their own vehicles. Neither does it mean the complete and utter prohibition of the carrying of all forms of placards; it only means a prohibition where the regulations so provide. I feel quite sure that the Minister for Police, on the advice of the Commissioner of Police, would exercise discretion in this matter.

As regards Mr. Strickland's remarks about carrying election placards, and so on, and saying that there is some sinister intention in this matter, I would like to assure him that that idea has never entered anybody's head.

The Hon. W. F. Willesee: Did he say "sinister"?

The Hon. A. F. GRIFFITH: I understood him to say that someone said there must be some sinister intention about this. If the word was not used, so much the better. If it was used, I assure him that there is nothing sinister about it. This Bill has been introduced in the interests of law and order, and in the interests of the public so that they can get into a clean taxi cab.

It is ridiculous to say that a person who hires a cab owns it from the time he puts his foot into it. Would it be suggested that if a person hired a big truck in order to move some furniture, he immediately bought the truck and owned it for the time being?

The Hon. F. R. H. Lavery: For that period of time, yes.

The Hon. A. F. GRIFFITH: Of course he does not own it. The man plies for hire, and the Traffic Act has provisions covering plying for hire. The man who owns the truck says, "In return for a sum of money I will perform a service for you with my vehicle." The hirer certainly does not own it, and there is nothing sinister about this Bill.

I have been charged with not being able to explain why it is required. I have pointed out that it is wanted in the interests of the public, and that it is thought undesirable that advertisements of this nature should appear in taxis. There is no intention to prevent a taxi man from advertising his own vehicle. This has nothing to do with anything of that sort. I would like to hear what other members think of this, particularly Mr. Bennetts, who knows a good deal about the taxi business.

I can assure members that the regulation-making power will be exercised with discretion. Any regulations which are made will have to be laid on the Table of the House, and then any member, in either House, can move to disallow them or amend them.

The Hon. E. M. DAVIES: The Bill provides that there shall be a prohibition against advertising in taxis; then the Minister informed us that the Taxi Owners'

Association had no objection to the prohibition. If that is so, who could force them to advertise in their taxis? It all seems remarkable to me.

The Hon. A. F. Griffith: Can you tell me where there is a clause in the Bill prohibiting advertising?

The Hon. E. M. DAVIES: There is something here about a prohibition.

The Hon. A. F. Griffith: It says there is power to make regulations. The Bill does not contain any prohibition.

The Hon. E. M. DAVIES: I think that is splitting hairs. If the Minister gives somebody power to do certain things there must be a reason for it, and of course the person would utilise that power. I cannot understand the whole position and I fail to see the reason for any reference to it in the Bill. If the members of the association have no objection to the power, no-one can force them to carry advertising material.

The Hon. C. H. SIMPSON: Shakespeare once wrote a play called *Much Ado About Nothing*. That seems to be the case in this instance. I am in favour of the amendment for the simple reason that I regard this as an unnecessary restriction on the individual. I did not think the Minister's reasons were sound when he stated that the public must be studied in this matter. Surely competition between the taxis would overrule that objection. If a taxi man plying for hire found that a section of the public preferred to travel in a vehicle that did not carry advertising matter, he would be able to act accordingly. I cannot see any objection to allowing the individual to do what he likes.

I can remember that when I was Minister in charge of tramways and ferries, some years ago, Mr. Napier, the general manager came to me and asked whether there was any objection to omnibuses carrying advertisements. I said, "None at all. If you can get revenue that way, and so increase the earnings of the utility and perhaps postpone the evil day when we have to raise fares to the public, by all means do it." I think the first advertisement was for Amgoorie tea. I can remember when the trams used to carry advertisements, and there was a special ledge on each side. One particular advertisement which always used to intrigue me was the one which exhorted me to look for the evil day of the future when I might be called to judgment, or something like that. The wording used to be changed periodically, and I used to watch that advertisement with interest.

In London and Paris, I have travelled in taxis, on the underground, and in buses; and they all carried advertisements of one kind or another. It seems to me to be a world-wide practice and does no harm to anybody. Therefore I cannot see any reason why we should interfere in this matter.

The Hon. F. R. H. LAVERY: I support the amendment for two reasons; and firstly I want to point out to the Minister that I do not intend to speak on this matter in a political sense.

The Hon. A. F. Griffith: I am sure you would not.

The Hon. F. R. H. LAVERY: We are elected members of the people and I fail to see why we should pass a Bill which prohibits something which the Minister said does not exist at the moment. He told us that he had asked, by way of interjection, whether two or three speakers had seen advertising in taxis.

The Hon. A. F. Griffith: I did not say that. I said, "Have any of them objected to it?"

The Hon. F. R. H. LAVERY: The Minister asked whether anybody had seen it. The Minister has not seen it.

The Hon. A. F. Griffith: I never asked anything of the kind.

The Hon. F. R. H. LAVERY: So we have no right to allow to be placed before Parliament, some departmental proposition which would impose a burden on a small section of the public, prohibiting them from doing something that is permitted at the moment. The Minister paid me a compliment the other night when he said that my opinion on drivers of taxis in the city had changed in the last three years. If and when taxis enter the nefarious trade of advertising I will support the Minister. A taxi is not the type of vehicle on which a large advertisement can be placed. If it is necessary for a taxi to display some small advertisement, then commonsense will prevail. The Minister himself said that commonsense would prevail; but we cannot read into this what is not there.

The Hon. A. F. Griffith: That is what I have been telling everybody.

The Hon. F. R. H. LAVERY: Traffic regulations are all-empowering; but how often have we seen a man of high repute attend court, pay solicitors, and give clearcut evidence, and yet have the case go against him because a constable has given a single piece of evidence.

The Minister does not appear to be fighting very hard to defeat this; he does not seem at all concerned about it. I have previously congratulated him both inside and outside the Chamber on his control of Bills; but I have never seen the Minister put up such a weak case as he has today. That is because he has no answer.

The CHAIRMAN (The Hon. W. R. Hall): Order! The honourable member must connect his remarks to the amendment before the Chair.

The Hon. F. R. H. LAVERY: That is exactly what I am doing.

The CHAIRMAN (The Hon. W. R. Hall): The honourable member is not.

The Hon. F. R. H. LAVERY: In that case, Mr. Chairman, I will dispute your ruling.

The CHAIRMAN (The Hon. W. R. Hall): There is no ruling. I am merely calling the honourable member to order.

The Hon. F. R. H. LAVERY: I am merely replying to what the Minister said. I suggest that you, Mr. Chairman, are getting a bit impatient at the time that is being taken up. But if I wish to speak for an hour I have every right to do so.

The CHAIRMAN (The Hon. W. R. Hall): You certainly have.

The Hon. F. R. H. LAVERY: We all know that because of the traffic regulations a policeman was able to prosecute a motorist who followed 15 ft. behind him. The constable was doing 35 miles an hour, obviously to keep the speed limit down; and because the motorist followed at that distance he charged him, and the man was fined. Surely we are not going to place in our Act provisions permitting that sort of thing. I have heard our Chairman of Committees speak with some feeling on what the motorist is up against; and the taxi driver is a motorist.

The Minister asked whether the taxi drivers had said anything to us about this clause. They have not said anything to me. When I spoke the other night I referred to the fact that taxi drivers had complained about the present Minister for Transport (Mr. Perkins) and his dogmatic attitude towards them. If the Minister reads my speech he will see that I asked him to convey to his colleague in another place the sentiments that were expressed, and to convey my request that he adopt a more conciliatory attitude. I oppose the amendment.

The Hon. R. THOMPSON: The Minister has not put forward one argument as to why this prohibiting provision should be included in the Bill. These provisions are taken literally once they are placed in the Act, and any policeman could take action against a taxi driver if he offended. The Act might not come into force for 10 or 15 years, and then some bright boy might take the matter up, and the prosecutions would start.

The Minister said that provided the advertisements were not objectionable, a taxi driver could ask the Commissioner of Police for permission to advertise. Will it be necessary for him to ask permission if there is an appeal for the Cancer Fund or for some other such worthy cause? If he were presented with an advertisement dealing with the cancer appeal and asked to place it in his taxi, he would be doing a service to Western Australia if he agreed to do so. The same would apply to the country communities. Much good is done by taxi drivers carrying placards such as those referred to.

The Hon. H. K. WATSON: I have been greatly moved by the strenuous efforts during the past hour of various members in expressing their opposition to this regulation-making power directed against the rights of private citizens. I would remind those members that whilst they slept at their posts during the past three days we passed about 50 of these regulation-making powers which had an effect more drastic, much wider, and more far-reaching than the one we are dealing with now.

The Hon. A. F. GRIFFITH: I would like to quote section 59 of the Traffic Act which states—

> (1) No person shall by advertisement or public notification with the object of obtaining a passenger in a motor vehicle not licensed for the carriage of passengers make it known that he or any other person intends to make any journey in a motor vehicle.

A penalty is then mentioned and the section continues—

> (2) No person shall—
>
> (a) advertise any inquiry or request for conveyance in any motor vehicle;
>
> (b) insert or accept for insertion in any newspaper any advertisement of the nature hereinbefore referred to.

A penalty is then set out. Another section of the Act which deals with the displaying of advertisements of any other nature provides that such displaying cannot be done without the permission of the Commissioner of Police.

The Hon. H. K. Watson: Will you look at regulation 304?

The Hon. A. F. GRIFFITH: It states—

> No person shall, without the written permission of the Commissioner of Police in the metropolitan area, or a traffic inspector of any other district, drive or cause to be driven in or along any road any vehicle, with signs or advertisements printed or painted on calico, paper, or other material attached thereto, or carry or exhibit on any road any board or other thing having an advertisement.

The Hon. H. K. Watson: That regulation applies to vehicles generally, including taxis.

The Hon. A. F. GRIFFITH: This regulation does not apply to the sale of newspapers. There is a general prohibition against this type of advertising in vehicles. The clause with which we are dealing will give the Minister for Police the power to make regulations of that nature in respect of taxis.

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

Ayes—15.

Hon. G. Bennetts	Hon. C. H. Simpson
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. R. Thompson
Hon. G. E. Jeffery	Hon. S. T. J. Thompson
Hon. A. R. Jones	Hon. W. F. Willesee
Hon. F. R. H. Lavery	Hon. F. J. S. Wise
Hon. A. L. Loton	*(Teller.)*

Noes—12.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray
	(Teller.)

Majority for—3.

Amendment thus passed.

Clause, as amended, put and passed.

Clauses 9 and 10 put and passed.

Title put and passed.

Bill reported with an amendment.

Sitting suspended from 3.46 to 4.7 p.m.

CITY OF FREMANTLE (FREE LITERARY INSTITUTE) ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

LICENSING ACT AMENDMENT BILL (No. 3)

Second Reading

THE HON. N. E. BAXTER (Central) [4.6]: I move—

That the Bill be now read a second time.

This is rather a simple Bill; and the majority of members are fairly cognisant with its contents. It merely seeks to delete from the principal Act the stipulation that hotels which can avail themselves of the trading hours on Sundays shall be at least outside a radius of 20 miles from the Town Hall in Perth and to substitute the provision that these trading hours may apply to hotels situated, by the nearest road or sea route, 20 miles from Perth.

If agreed to, the Bill will affect only five hotels, these being the Mundaring Weir Hotel, the Mundaring Hotel, the Parkerville Hotel, the Naval Base Hotel, and the hotel at Rottnest. As I have said before in this House, I believe that these particular premises are entitled to trade on Sundays because of the local conditions and because the majority of them are in areas where quite a number of visitors congregate on Sundays. At the moment people are often surprised to find that when they have travelled a considerable distance to, say, Naval Base, they cannot obtain refreshment on a Sunday.

I think I have already informed the Chamber that plans are being prepared for great improvements to the surroundings of the Mundaring Weir Hotel, and these improvements will make that spot ideal as far as the public generally is concerned. I have no doubt that in the other areas similar developmental work will be undertaken.

The Hon. E. M. Heenan: What hotels will be affected by this Bill?

The Hon. N. E. BAXTER: Only five; and they are at Mundaring Weir, Mundaring, Parkerville, Naval Base, and Rottnest.

The Hon. A. F. Griffith: What would be the position if the word "fifteen" were inserted in lieu of the word "twenty"?

The Hon. N. E. BAXTER: That is entirely up to the House. I have suggested 20 miles because I consider that is a reasonable distance. However, anyone is entitled to move to reduce that distance at any time.

The Hon. A. F. Griffith: If the word "fifteen" were inserted, the hotels you have mentioned would still be included?

The Hon. N. E. BAXTER: Yes, they certainly would. I believe that a few more would be included as well; but I am only concerned with those hotels I have mentioned because of their situation. I feel they should be able to take the opportunity of having the Sunday trading to keep their premises in a reasonable condition. The extra revenue gained, particularly by the three hills hotels, would mean they could be kept in a reasonable condition: without it, one of them will have to close possibly within a few months, and another in a few years' time. At the moment these hotels cannot make a profit, especially when adjacent hotels, by virtue of the fact that they are entitled to Sunday trading, are taking away the income that normally would go to them.

I do not want to make this apply universally, which is why I suggested the reasonable figure of 20 miles by road or sea. This is much fairer than working on a radial basis, particularly when under that system several hotels are just as far distant by road as are some of those now entitled to Sunday trading. That is the anomaly. In fact, one can travel a greater distance to the Mundaring Weir Hotel, but cannot obtain a drink, than to some other hotels where one is able to obtain refreshment. As I have said before, we are not crows; nor do we own helicopters, and, therefore, cannot travel on a radial basis. For this reason I believe the Bill is justified, and I commend it to the House.

THE HON. E. M. HEENAN (North-East) [4.14]: I take it that members will consider very carefully this short Bill introduced by Mr. Baxter, and that there will probably be an adjournment. But, for the information of members, I would say that

the subject with which the Bill deals was considered by a Parliamentary committee which made an inquiry, and submitted to Parliament a report dated the 24th June, 1958. As the majority of members might not have their copies of that report with them, I will read paragraph 9 on page 12, as follows:—

> Your Committee has found it difficult to make a recommendation for the solution of this problem.

That is the problem of hotels that are just within or just outside the 20 mile limit. To continue—

> One proposal submitted was to give all hotels in the metropolitan area an option of opening for the morning and afternoon "sessions." This undoubtedly would achieve the purpose of distributing a lot of the trade which is now concentrated in the areas just mentioned but your Committee is afraid that in eliminating one problem others might be created. It should also be remembered, as stated above, that there appears to be no real demand from the public for hotels in the city and suburbs to open. Another proposal was to alter the term "20 mile radius" to "20 miles by the nearest road." If this alteration were made to the Act it would have the effect of bringing in four or five other hotels now just inside the limit and alleviating the position to some extent. It would seem that this proposal has some merit and deserves serious consideration.

That is the paragraph in the report which deals with the proposition now submitted by Mr. Baxter. I thought it might be of assistance for members to know that the committee considered the proposal included in Mr. Baxter's Bill was one which had some merit and deserved serious consideration.

On motion by The Hon. A. L. Loton, debate adjourned.

HEALTH ACT AMENDMENT BILL (No. 2)

Recommittal

Resumed from the 12th October.

In Committee

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

Clause 5—Section 228 amended:

THE DEPUTY CHAIRMAN: Progress was reported on the clause which had been recommitted for further consideration, and to which The Hon. N. E. Baxter had moved the following amendment:—

> Page 2, line 32—Insert after the word "amended" the following: "—(a)."

The Hon. A. F. GRIFFITH: Before going further with this matter, I would like through you, Sir, to direct a question to Mr. Baxter: Does he consider that if we remove subsection (13) from section 228 we will produce a set of circumstances in which the prosecuted person will receive a sample of the food or drug?

The Hon. N. E. Baxter: Yes; I do.

The Hon. A. F. GRIFFITH: If that is what the honourable member hopes to achieve, I point out that his amendment will not achieve what he wishes. Subsection (13) provides—

> In any prosecution under this Division proof of non-compliance, or failure to prove compliance, on the part of any officer with any of the provisions of this section which ought to have been complied with by him, shall not entitle the defendant to have the complaint dismissed or prevent his conviction unless he shall show that the non-compliance has in fact prejudiced him.

If we get rid of that from the Act, there will be no basis for a prosecution.

The Hon. N. E. Baxter: Yes, there will.

The Hon. A. F. GRIFFITH: In my opinion there will not. The exclusion of subsection (13) will not produce the effect that the honourable member wishes. I asked him whether he wanted to ensure that a sample was sent to the producer. In this case the producer is a milk producer. Section 288 does not deal only with the question of milk.

The Hon. N. E. Baxter: I realise that.

The Hon. A. F. GRIFFITH: It deals with any drug or food. The Perth City Council has a method of sampling by which a portion of the sample is not sent to the producer; and for this purpose subsection (13) is not required. Without the wording of subsection (13) it would be difficult or almost impossible to carry out even the procedure which is now adopted under the Act. Take for example the method of testing tomato sauce. The method is to obtain three bottles of the product and divide them into three parts. This is done by emptying the bottles into a container, and mixing the contents and then dividing them into three parts. Inevitably some of the sauce remains in the bottle. Therefore without subsection (13), the inspector could not prove his case.

Let us move now to the question of bread. If a mouse were to be found in a loaf of bread, should we cut the mouse up into three portions—tail, body, and head?

The Hon. N. E. Baxter: Can you analyse a mouse?

The Hon. A. F. GRIFFITH: It is not the mouse that is being analysed, but the product for impurities; and it is the same with tomato sauce. If we remove subsection (13) from the Act, its provisions will not have to be complied with; and, in the

case of tomato sauce, what is left in the bottle cannot be washed out as this would dilute the sample; and the defendant could claim that the whole sample was not divided, and so could secure an acquittal even though the sauce was substandard. Subsection (13) provides that if the whole arrangement is not carried out, the fact that it is not carried out is not a defence, unless the complainant can prove that non-compliance prejudiced him. So if we remove this provision we make it much easier for the defendant to get out of the complaint.

Similar circumstances apply in different ways to various foods. There seems to be difficulty in sampling sausages. Honey and edible oils have the same effect as tomato sauce. Malt, and bread are other items that are sampled. A bottle cannot be washed; and because the sample is not the whole of the contents of the bottle, the provisions of the Act would not have been complied with.

Subsection (13) was introduced to close these loopholes in the sampling of foodstuffs. Although we know that the honourable member is directing his amendment to milk, the provision in the Act is not included for the purposes of milk alone. It is necessary that it should remain if adequate control of food standards is to be maintained.

When I spoke earlier I said that the purpose the honourable member seeks to achieve should be dealt with under a different Act. He has been told—and I tell him again—that the Government will introduce a Bill to amend the Milk Act in the course of time, and an opportunity will then be available to deal with the problem that the honourable member seeks to deal with under this Act.

The Hon. N. E. Baxter: Once you amend the Milk Act you should take the provisions out of this Act.

The Hon. A. F. GRIFFITH: I quite agree with that. I take it there is no need for me to go any further if Mr. Baxter admits that you could not take the provision out of this Act.

The Hon. N. E. BAXTER: I did not say that you could not take the provisions out, but that you should. "Could" and "should" are different words. Whatever Parliament does with the Milk Act will have no effect on what is laid down in the Health Act. The Minister said that it would be impossible to carry out the provisions of this section if subsection (13) were deleted. Section 228 provides—

> Any medical officer of health, or inspector, or any other officer authorised in that behalf by the Commissioner or a local authority may procure a sample of food or drug and submit the same to an analyst.

This is dealing entirely with an analyst analysing food or drugs. It has nothing to do with taking a loaf of bread and finding a mouse in it. It is possible to see a mouse the same as it is possible to see a fly or anything else. Subsection (2) of section 228 provides—

> If, when such officer applies to purchase any food or drug from any person having the same for sale, or the servant or agent of such person, and tenders the price for the quantity which he requires for the purpose of analysis, such person, or his servant or agent, refuses to sell the same, he, and also the servant or agent, if any, shall be guilty of an offence against this Division.

Subsection (13) does not affect subsection (2). A vendor would be immediately liable under that section if he refused to sell or supply a sample. Whatever applies under subsection (13) cannot apply in regard to a defence put forward under subsection (2). Subsection (3) is the one that can be affected by subsection (13), and subsection (3) reads as follows:—

> Every such officer who purchases any food or drug, with the intention of submitting same to analysis, shall forthwith notify to the seller or his servant or agent selling the same his intention to have the same analysed, and shall offer to divide the food or drug so purchased into three parts to be then and there separated, and each part to be marked and sealed or fastened up in such a manner as its nature permits by the purchaser in the presence of the seller or his servant or agent, and, if such seller or his servant or agent so desires, with the seal or distinguishing mark of such seller or his servant or agent as well as of the inspector.

The deletion of subsection (13) of this section would not prevent an inspector from carrying out the provision contained in subsection (3). Subsection (13) is merely a provision which can be used when a vendor is taken to court, because he would have no defence against the prosecution even if he had no opportunity to have a part of that sample analysed to make a check for himself.

The Hon. A. F. Griffith: Therefore, it is a defence to the action.

The Hon. N. E. BAXTER: It is not a defence. The last few words of the subsection read—

> —unless he shall show that the non-compliance has in fact prejudiced him.

Previously, I quoted what the Colonial Secretary said when a Bill was brought forward to amend the Act in 1918, and he gave the reason why this provision was put in the Act. However, neither in the words of the Colonial Secretary nor in the report of the Select Committee that inquired into the milk industry at that time, was this subsection referred to in regard to obtaining a sample for analysis. It must also

be remembered that in 1918, if an inspector took a sample of milk and had to ensure that it reached the hands of the seller, it may have been necessary to keep that milk in good condition—in fact, that is necessary before it can be analysed. But, in 1918, how much refigeration was available to retain milk in a fit condition for analysis? I doubt whether milk could have been retained in such condition in an ice chest.

Today, however, milk can be placed immediately in a modern treatment plant, which would enable a seller to obtain a sample for analysis. If an inspector decides to take a sample of any food, including milk, it is only fair that the person who is selling it or offering it for sale, should be entitled to a third of that sample in order that he may protect himself should there be a court action. I have not known of one case where a person who desired to object to the prosecution could produce evidence in court in rebuttal of the charge laid against him. If that is justice, I think this provision is a long way behind the times.

The Minister referred to the taking of samples of tomato sauce. He said that three samples were taken and they had to be poured out and mixed and then put into three separate bottles. It is a poor argument to say that the little bit of tomato sauce left in the bottle could not be presented in such a way as to maintain a regular sample throughout. In fact, there is a section in the Act which provides that if the food sample cannot be split up into three separate parts, three similar products can be taken and used as divisional samples.

The Hon. H. K. Watson: You are concerned with the particular question of milk and not the general question of food.

The Hon. N. E. BAXTER: I am referring not only to milk, but also to food generally. I do not think it is fair that any person should attend a court, after a sample of the product he has sold has been taken for analysis and presented in court as evidence against him—when he knows in his own mind that the food is up to standard—without his being given an opportunity to make a check analysis of the product.

The Minister has put up a poor argument to retain this subsection in the Act. When it was first placed in the legislation it was not intended to do what can be done under it today. The provision was included many years ago because it was awkward to take samples of food at that time and keep them in good condition, but those circumstances have now completely disappeared.

The Hon. A. F. GRIFFITH: With respect to the honourable member, I suggest that the further he went the more he destroyed his own case. He pointed out to me the effect of section 228 of the Health Act, and I agree with him. In particular he said that under subsection (3), a purchaser—in these circumstances, he would be the inspector—is required to divide the sample of food into three parts.

The honourable member also pointed out that, upon the request of the manufacturer or his agent, the purchaser is required to supply one-third of the sample to the manufacturer or his agent. I think we are right up to that point. Under this subsection the inspector shall take a sample of the article he purchases to prove that it is not up to the required health standard. Subsection (3) contains the following words:—

> —if such seller or his servant or agent so desires, with the seal or distinguishing mark of such seller or his servant or agent as well as of an inspector.

That is after the inspector has given him a portion of the sample.

The Hon. N. E. Baxter: The giving of portion of the sample comes in earlier.

The Hon. A. F. GRIFFITH: An inspector of the Perth City Council would find it difficult to give a third of the sample to the purchaser.

The Hon. N. E. Baxter: Why?

The Hon. A. F. GRIFFITH: Because sometimes he would not be able to find the purchaser at, say, 2 a.m. However, if we delete subsection (13), the offender could say, "I made a request for a portion of the sample that was taken by the inspector, but I did not receive it," and that could constitute a defence against any action taken against him.

The Hon. N. E. Baxter: What is the purchaser doing at 2 a.m.?

The Hon. A. F. GRIFFITH: I am not talking about the purchaser; I am referring to wherever he may get the food sample. The Perth City Council does not give a sample, but the honourable member's object is to make it obligatory on an inspector to supply a sample; and if he refused, there would be no prosecution.

I used a hypothetical case of a mouse in a loaf of bread, which was questioned by the honourable member. One cannot see a mouse inside a loaf of bread until it is cut. Nevertheless, a mouse in a loaf of bread constitutes an offence under the Health Act. If the person charged said that he did not get a portion of the food sample, and subsection (13) were no longer in the Act, that person would have a logical defence because the inspector would not have complied with subsection (3).

The Hon. N. E. BAXTER: The Minister has entirely misconstrued this subsection in regard to offering a portion of the food sample. It provides that an inspector shall offer to divide the sample into three parts. The vendor does not demand that that shall be done. It is up to the vendor to accept or reject the portion of the sample

at his will. The deletion of subsection (13) would not prevent a prosecution taking place; but it would be possible for the charge to be dismissed if the defence in court was that the inspector had not supplied a sample. That is the reason why I want the subsection deleted from the Act. It is only fair that the vendor should receive some part of the sample taken away by the inspector for analysis.

In how many instances would an inspector say, "I think there is a mouse in that loaf of bread"? The mouse is discovered only when the loaf is cut and the purchaser lodges a complaint with the Health Department. That is not an offence that would be covered by this subsection. Similarly, when somebody finds a fly in a pie he reports the occurrence to a health inspector.

The Hon. A. F. Griffith: What happens after that?

The Hon. N. E. BAXTER: The vendor or manufacturer is charged with having sold food containing foreign matter. This subsection refers only to samples of food that are analysed. The analysis is made to see whether it is a pure food according to the provisions of section 220 of the Act.

The other section deals with people who sell foods that have to be analysed. Section 220 does not say that a sample of everything that is sold and that is not up to the required standard must be taken and analysed. This section deals with the analysis of any food or drug that has to be analysed to ascertain whether or not it is up to the standard demanded. It would deal with certain drugs. It would deal with insecticides, pesticides, and disinfectants. It does not deal only with foods; it deals with drugs as well. The Minister cannot gainsay the fact that this provision in the Bill means that an inspector need not comply with the provisions of that section.

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

The Hon. N. E. BAXTER: Is that fair, particularly to the milk producer? The Minister talked about samples being taken at 2 a.m. As far as I know, samples are taken at the treatment plant on delivery. It is a simple matter for the inspector to tell the person in whose presence the sample is taken what portion of the sample is held and marked; and that person acting as agent could place the sample in a refrigerator.

The Hon. A. F. GRIFFITH: I agree entirely with Mr. Baxter's argument. The difference of opinion is that he wants to take something out of the Act which will prevent a prosecution, and I want to leave it in. At present the Perth City Council does not give a sample of the milk. The honourable member considers that should be a defence for the prosecution.

The Hon. N. E. BAXTER: I would like to ask the Minister why the inspector cannot give a sample of the milk. If the Minister could say that under this section an inspector is precluded from giving a sample of the milk, I would agree; but the Minister cannot.

The Hon. A. F. GRIFFITH: I think the honourable member agrees with me that section 228 deals with any food or drug; but the whole basis of his argument has been centred around milk.

The Hon. N. E. Baxter: Other products as well.

The Hon. A. F. GRIFFITH: It is not only milk that is affected—the section affects sausages, honey, edible oils, bread, etc. We know the difficulty that has arisen on the question of solids-not-fats; and a Bill will be brought down in an endeavour to rectify the situation. The honourable member should wait until that Bill arrives.

The Hon. N. E. BAXTER: As I said before, no matter what is done under the Health Act, it cannot affect the provisions of this Act. I want the Committee to keep that in mind. At no stage has the Minister proved that any of the drugs or foods he mentioned could not be divided into three parts and one portion given to the seller. There is every reason why this provision should be taken out of the Act to afford some protection to people offering goods for sale.

Amendment put and a division called for.

Point of Order

The Hon. A. F. GRIFFITH: On what basis, Mr. Deputy Chairman, is the honourable member dividing the Committee? I heard only one "Aye."

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): As only one voice has called "Aye," I call off the division and declare the question passed.

Committee Resumed

Amendment thus negatived.

Clause put and passed.

Further Report

Bill again reported without amendment and the report adopted.

Third Reading

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

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

Debate resumed from the 4th October.

THE HON. L. A. LOGAN (Midland—Minister for Local Government—in reply) [4.56]: It is some considerable time since

this measure was before the House. In the meantime we have been dealing with the Local Government Bill. The best way I can reply to the debate on this measure is to read to the House a minute submitted to me by the Town Planning Commissioner and one by the Under Treasurer. By doing that, and then adding my own comments afterwards, the House will have a better appreciation of the set-up and the reasons for the introduction of the Bill.

If we go back to what transpired last session, we will appreciate the reason why these measures are before the House. Members will recall that a Bill which was presented to Parliament was eventually ruled out of order as being unconstitutional. In order to have a town planning measure on our statute book, the Government thought it right to reintroduce another Bill, and when doing so the Government had to be careful that the Bill would not be ruled out of order. Therefore, so there would be a difference between the two measures, a clause was included which put a time limit on the measure. It was unfortunate that such a set of circumstances should have happened last year. Nevertheless that was the position; and we have to face the issue at the present time.

I give that explanation so members will know the reason why these measures are before the House. The Town Planning Commissioner (Mr. Lloyd) has supplied me with a minute which sets out his comments on the speeches made by Mr. Wise and Mr. Watson during the second reading. Like other members, I am unable to separate the measures which are before us. Therefore, any discussion must centre on the two Bills. The Town Planning Commissioner states—

> In his speech in the House on the 27th September, Mr. Wise is notably in agreement with you in certain very important aspects. He entirely agrees, and with some emphasis, that—
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> (1) The authority should have no period placed on its operations and functions. The responsibilities the authority has in association with the Town Planning Board, Local Government bodies and district planning committees are so important that the legislation governing the authority should be of a permanent basis.
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> (2) The authority should seek to meet the cost of implementing the regional scheme through long term loans and the authority is entitled to all the money it needs to do justice to the job with which it is entrusted.
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> You have, therefore, exactly the same ends in view and differ only as to the means of achieving those ends.
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> The Bill implies that reliance will be placed on the continued operation of the metropolitan improvement tax in its current form to fund loans. Mr. Wise argues—
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> (a) The way is already clear for the authority to raise loans which the Treasurer is already empowered to underwrite.
>
> (b) It is not appropriate at this stage to extend or perpetuate the incidence of tax.
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> (c) There is time before the currency of the present tax expires to reimpose it and change its basis so that the extent of exemptions is reduced.
>
> (d) If the Government guarantees loans raised by the authority, which section 40 of the Act implies that it should do, there is no doubt at all that Parliament would approve the necessary funds for servicing such loans.
>
> (e) Without committing itself at the present time to perpetuate the tax in its present form, Parliament would more readily pass any taxing measures if the authority entered into long term loan commitments now.
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> In supporting these arguments, Mr. Wise makes the following main points:—
>
> (a) No assessment has been made of other interwoven funds and money sources for work in the metropolitan area.
>
> (b) The authority has been unwise in spending its revenue as far as it has without using that revenue to fund loans.
>
> (c) The tax should be more widely spread over the metropolitan area to include agricultural land.

The Hon. F. J. S. Wise: I did not use that second argument at all.

The Hon. L. A. LOGAN: That the authority has been unwise in spending its revenue as far as it has without using that revenue to fund loans?

The Hon. F. J. S. Wise: I did not use that argument at all. Other members did.

The Hon. L. A. LOGAN: I am reading what the Town Planning Commissioner has given me—extracts from your speech.

The Hon. F. J. S. Wise: It is somebody else's speech.

The Hon. L. A. LOGAN: I will continue—

Dealing firstly with these last three points, Mr. Wise is in error in suggesting the authority has not appreciated the relationship between the metropolitan improvement fund and other sources of finance for development works in the metropolitan region. The authority's outlook in this respect is to recognise that the fund is essentially for the acquisition of land for which no other provision was hitherto made. That is to say, for acquiring land outside the normal scope of such authorities as Main Roads Department, W.A. Government Railways, Public Works Department and Local Government authorities. The commitments in this respect are of such magnitude that the authority does not envisage any expenditure from the fund on works, nor on land for departmental requirements which the respective departments are expected to meet the cost of through their own resources. Reference to one or two major features of the Stephenson Plan will perhaps illustrate this.

The projected development at Welshpool involves the acquisition of land for drainage works, railways, railway installations, metropolitan markets, for new and widened roads serving the area and for a major highway to replace the Welshpool Road.

Financial basis for the acquisition of land required for these is that the only cost which will be met from the metropolitan improvement fund is for land required for new regional roads and for the widening of existing roads which will eventually become part of the regional road system. It is not intended that the fund will be used to acquire land for railway purposes nor for drainage works nor the market sites nor for the major highway, all of which are expected to be met from the normal loan fund allocation.

Similarly, in respect of major road works in the inner city area of Perth like the western switch road and the remainder of the inner city ring road; and for development directly associated with it. The only cost which it is intended shall fall on the fund is for the acquisition of land for the road. The cost of works which will, of course, be many times greater than the cost of land, will be met from Main Roads Department resources; the cost of car parks inseparably associated with the inner city ring road are expected to be met from the Perth City Council's resources.

The authority has collaborated closely with the Main Roads Department; indeed the Commissioner of Main Roads is one of its key members, and the fullest possible consideration has been given to the most advantageous use of their respective resources.

The only exception to this principle of the metropolitan improvement fund not overlapping normal departmental obligations is in this respect: One of the objects of the metropolitan region planning—and of the interim development order—is to administer control of development to ensure that building does not take place on land which will eventually be required—and acquired—for public purposes of one sort or another. That control, for which the metropolitan region planning authority is responsible, carries with it the obligation to buy the property in cases of refusal of permission to carry out development on the grounds that it is reserved for public purposes. The responsibility rests not with the department or instrumentality which will eventually use the land, but with the metropolitan planning authority.

There is, of course, close liaison between the authority, the Treasury, and other Government departments on whose behalf development control is applied. In most instances the property, in such circumstances as are indicated above, will be acquired by the Government without recourse to the metropolitan improvement fund. In some cases, however, it is likely in practice to be more convenient if the fund is used to meet the immediate demand for acquisition and is reimbursed subsequently by the Treasury.

On the second matter of the authority having used its revenue so far in capital expenditure, the very first problem the authority faced up to was to see how it might best employ its resources. The report of its finance committee probably demonstrates this without any further elaboration. The authority is only too anxious to have loan funds available to it but loans cannot be undertaken precipitately.

The best arrangement the authority could foresee, for a number of reasons, was to get itself in a position to enter into loans during the 1961-62 financial year and it has resolved so to do; but urgent property acquisitions, and obligatory ones arising from refusal of consent for development of the land required for public purposes could not be deferred until the authority had raised loans.

The revenue from the tax was immediately available and the authority judged that it would have been entirely wrong and uneconomic not to have used it. It is true that every £ of revenue from the tax can be used to fund twice that amount of loan; but by the same token every £ of expenditure from loan funds in effect costs almost twice that amount before it is paid off. There is no doubt at all that the authority acted properly

and wisely in using its tax funds pending determination of the matter of raising loans.

In any event, it would be unlikely that the authority would be able to raise initially a loan as large as would be represented by its revenue, nor indeed would it be practicable because of the process involved, to spend all of a very large loan over a short period.

The third suggestion of Mr. Wise was that the tax should be more widely spread to include agricultural land. The metropolitan improvement tax originated from the recommendation in the Stephenson report at page 250. After stressing the need for additional financial provision to be made, to implement proposals in the regional plan, Professor Stephenson said—

> There are various ways in which additional moneys can be raised; they must, however, clearly be related directly to the land in the planning area, and as such might be either a rate or tax on the land based on an assessment of its value. Because finance under the plan relates only to regional requirements, the payment of a tax in the form of additional land tax and assessed on the same basis is considered most suitable. It has the following advantages:—
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> (a) It is a tax which would affect the average property holder only very slightly.
>
> (b) It does not apply to improved agricultural property which would mainly occur in the proposed rural zones of the plan, but principally to urban property owners who will, in fact, obtain the most benefit proposed under the plan.
>
> (c) It is very simple to collect as the machinery already exists.

There is another reason why it was judged logical that agricultural land should be exempted from the tax. An incidental objective in the metropolitan regional plan is to safeguard the principal food producing areas close to the city. In the planning sense the zoning helps towards that end in excluding from urban zoning some of the more important market garden land. Experience in other Australian cities, and indeed elsewhere in the world, shows that one of the difficulties in maintaining agricultural land close to a city in economic production is that there is a tendency for increased valuations of urban land to be reflected in the value of market garden and horticultural land, in some cases to the point at which continued production on it becomes uneconomic and production is moved further out, with consequent additional cost to the consumer.

> It is one of the authority's intentions that when the regional plan is operative it will be possible to ease the impact of high rates and land taxes in respect of land zoned for rural and agricultural use, because it is hoped that with firmly established zoning, the restrictions on development which that zoning imposes will eliminate the need for valuations to recognise to the same extent as they do now, a hypothetical development value. The suggestion that the metropolitan improvement tax be extended to cover agricultural land as well would tend to move away from that objective.
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> In any event, the incidence of land which is at present in agricultural use and which is consequently exempt from the improvement tax, and which has at the same time a very big potential increase in value if it becomes urbanised, should not be exaggerated. As Professor Stephenson pointed out, agricultural property which is exempt from the tax mainly occurs in the rural zones of the plan.

I may say here that I have given this matter quite a lot of thought and consideration, bearing in mind that there are properties within the region which are actually being used for agricultural purposes, but which are in the proposed zoned urban area.

I think the basis of the arguments put forward in this House was that despite the fact that a person in an urban area was exempt from using his land for agricultural purposes, he could, the next day, subdivide his property and thus reap the benefit of the increased valuations without paying any of the regional tax. I appreciate this argument, and I did inquire into this aspect. It does create a lot of anomalies.

The Hon. H. C. Strickland: That is what will happen eventually.

The Hon. L. A. LOGAN: However, I am not quite satisfied that I cannot find an answer to the problem. I have not got one at the moment; but I do believe that when the scheme is legalised we will be able to include within the urban area those who are at present in agricultural areas; the reason being that we will then have a definite line of demarcation, which makes it much easier to control. Today we have not that line of demarcation, and this presents a difficulty.

The Hon. H. C. Strickland: You do not relieve the taxpayer whose land is acquired and depreciated.

The Hon. L. A. LOGAN: Why not?

The Hon. H. C. Strickland: His land is going to be taken from him to widen the road.

The Hon. L. A. LOGAN: He gets paid for the increased valuation. He must do. Land resumption is taken on today's valuation—at the day it is taken over.

The Hon. H. C. Strickland: He has paid improvement tax on land which is going to be depreciated.

The Hon. L. A. LOGAN: He is going to be paid the value of the land the day it is taken over. The land is not being depreciated at all. I quote further—

> Turning now to the essence of Mr. Wise's argument, that the way is already clear for the Treasurer to guarantee loans raised by the authority without the need to perpetuate the metropolitan improvement tax. That is, of course, true to a point.
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> Indeed, it might validly be said that the metropolitan planning authority is concerned only with securing Treasury guarantee so that it can raise the loans it needs and not with the means of servicing those loans, whether from Consolidated Revenue or by the special purpose metropolitan improvement tax. The authority made representations that the time limitation on the application of the tax be removed for several reasons. It agrees with Professor Stephenson's recommendation that the creation of additional financial resources by this means is a sound and logical way of relating the cost of works of metropolitan improvement to the land within the metropolitan region which will, in the long run, benefit by these improvements.
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> It recognises that the financing of metropolitan improvement works must fit into the general pattern of State finance and State development. There is unlikely ever, or at any rate for as far ahead as anyone cares to try to look, to be enough money for all the capital works necessary and desirable in the State.
>
> If Consolidated Revenue is to meet the cost of metropolitan improvements such as are provided for in the regional plan, then capital development in the rest of the State must suffer correspondingly. The substance of the remaining points in Mr. Wise's arguments is that if the authority is so authorised by the Treasury and enters into loan commitments now, there is ample time before the expiration of the present term of application of the improvement tax to reimpose the tax in the same or some modified form.
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> That is true also, but scarcely a satisfactory basis for long-term organisation of the State's financial resources. This Government, as its predecessors before and as its successors in office will always be, is striving to stretch limited financial resources to meet almost unlimited demands for capital works in the State. The metropolitan improvement tax is a logical and effective means of at least taking one category of major expenditure from the lists and ensuring that necessary works of metropolitan improvement can be realised.
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> The issue is in a sense a relatively simple one. On the one hand, as the present Bill implies, tie in the cost of metropolitan improvement works with metropolitan real property. On the other, spread the cost over the whole of the State.
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> The arguments in favour of the first course quite shortly and simply are that the works related to the metropolitan improvement tax will be to the advantage and gain overwhelmingly of the metropolitan area, and not of the rest of the State.

In the speech by the Hon. H. K. Watson, he makes three main points:

(a) He argues against the thesis that the cost of metropolitan improvement should be met by owners of metropolitan land—as it is by the medium of the metropolitan improvement tax. He argues, too, they will be paying for metropolitan improvement by being charged betterment.

(b) He suggests that because the proceeds of the tax for its first year—£212,000—was so much in excess of the estimated amount of £140,000, it justified reducing the rate of tax from ½d. to ¼d.

(c) He suggests that money has been expended from the metropolitan improvement fund which should more properly have been charged against departmental resources and which are outside the scope of the town planning Acts.

Mr. Watson draws attention to provisions in the legislation which empower planning schemes to provide for the collection of one half the increase in value attributable to a planning scheme. This is so. It is known as betterment. Such provisions have been in the Act since 1928. Similar provisions exist in comparable legislation in other Australian States.

These are in legislation in Australia, New Zealand, and were in the U.K. Act because of a simple basic principle relating to town planning schemes. Although it is accepted that in some instances restrictions under a town planning scheme affecting a piece of land may preclude its most profitable development—that is most profitable to the owner without regard to

the interests of the community as a whole—and consequently lower its value, the over-all effect of such restrictions is not to reduce the over-all value of land but to some extent redistribute it. What is a loss to one man is a gain to another.

The principle is quite simple, but so far no country which has such legislation has been able to work a system of compensation balancing betterment. In fact, it is probably the most intractable of problems basic to town planning. In practice the only solution so far devised is, generally speaking, substantially to exclude compensation in respect of zoning provisions in a planning scheme, and to accept that where betterment is involved it will eventually be reflected in enhanced values for rating and taxation purposes.

The provisions for recovery of betterment are of value in strictly limited circumstances, as for instance where a redevelopment scheme for a section of property is undertaken by means of a local planning scheme, and where it may be possible to set off betterment against compensation in one administrative action where redistribution of land is involved. It is not, however, possible to try to collect betterment in respect of such a planning scheme as that being prepared for the metropolitan area.

With regard to Mr. Watson's second point, concerning the amount of the tax, the figure of £140,000 was an estimate by the Taxation Department of the likely rate of collection based on values at the time of the estimate. The figure of £212,000 is the actual collection for the first year's operations. The only true meaning in value of the amount collected is in relation to land values. If for the second year's collection it turns out that it is £250,000 or £300,000, it will mean no more purchasing power because it is always in direct ratio with value of the land, the cost of which the proceeds of the tax has to meet. This, if anything, is an argument in favour of the land tax being maintained as the source of funds for implementing the regional plan, because it is the one sure means of relating metropolitan improvement to metropolitan land values.

Mr. Watson's third point is to suggest that the metropolitan improvement fund is being used for land acquisitions for which loan funds allocated to departments in the ordinary way should be used. He refers, for example, to resumptions by the Railways Department at Kewdale. This matter has been already referred to in reply to Mr. Wise. The fact is that in utilising its funds the metropolitan authority is most conscious of the need to ensure that it is not used for purposes which can be properly met from departmental loan fund allocations. As has already been observed, the only land at Welshpool being bought from the fund is for regional roads.

Special reference should be made at this point to the western switch road. Land for the western switch road will be purchased from funds from the metropolitan regional plan. The cost of the construction of the western switch road will be borne by the Main Roads Department, and I believe it will cost somewhere in the vicinity of £2,000,000.

The Hon. H. C. Strickland: But the owners of the buildings that are to be bulldozed down are paying improvement tax now.

The Hon. L. A. LOGAN: That is all right; they will get paid for it when the land is resumed. To continue—

> Mr. Watson referred to certain properties having been bought in Mount Street. Simply the situation is that one of the essential components of the regional plan, and an essential section of the regional roads, is a new road from the Narrows Bridge through to the north side of the railway to connect with Charles Street, and eventually with the future Yanchep highway and the future ring road on the line of Roe Street. This has been closely discussed with the metropolitan planning authority and the Main Roads Commissioner.
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> It is not a main road for which the Main Roads Department is responsible, and large as the resources of the Main Roads Commissioner are, he could not undertake the whole cost of these works, including resumption of land. Nevertheless, he is prepared to meet the cost of constructional work, provided the metropolitan improvement fund is available to meet the cost of land acquisition on this basis.
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> The properties in Mount Street to which Mr. Watson has referred have been acquired for that purpose. The reimbursement to the Main Roads Department to which reference has been made relates to other properties on the line of the same road which the Main Roads Commissioner acquired before the metropolitan authority and the metropolitan improvement fund came into existence.

I said by way of interjection the other night that it amounted to £91,000. Actually, the total amount is about £77,000, with an area of land under option at the moment which would bring it up to £91,000. It will be paid for by the metropolitan region fund; and the amount owing to the Main Roads Department is in the region of £77,000.

I think perhaps I should go on and give the comments of the Under Treasurer on this matter. They are as follows:—

> In commenting on the Bill, Mr. Wise stated that every £1,000,000 borrowed by the authority would cost £55,000 a year to service and redeem in 53 years. He went on to say that there is no need to anticipate a much greater income than £250,000 to service all the loans that the authority will need to put the whole scheme into effect.
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> In view of Mr. Wise's admission that something of the order of £250,000 per annum is needed to service the loans required by the authority, I find it extremely difficult to understand why he opposes the measure which aims at nothing more than giving the authority the necessary assured income to finance its proposed borrowing programme, and to carry on pending the raising of loans.
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> He criticised the Treasury's attitude in respect of Government guarantees for loans which the authority may wish to obtain from private lending institutions. In the first place it is difficult to imagine, even with a Government guarantee, that any institution would lend money to an authority with a remaining life of less than two years, which is all the existing legislation provides.
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> In the second place, the existing legislation envisages the recovery from the authority's fund of any sum paid by the Treasurer under guarantee, and as the fund would soon dry up if the tax ceased on the 30th June, 1962, it is apparent that funds would not be available to meet liabilities entered into by the authority, in which case the public account would suffer.
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> In view of the limited life of the authority, and the fact that its income would cease under existing legislation on the 30th June, 1962, it must be apparent, even to Mr. Wise, that the authority has not been and is still not in the position to obtain loans from lending institutions. The granting of permanent life to the authority, which is now proposed, will remove one obstacle to successful loan raisings, but without security of income, it will not be in the position to meet interest on all the loans required, or to repay those loans.

Mr. Wise deplored the fact that the authority had spent an amount of £93,000 on resumptions. He stated—

> 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.

What the honourable member did not say was that the sum of £93,000 would service £1,500,000 for one year only, and that it would be necessary to pay £93,000 a year for 41 years in order to redeem the debt. As the interest on £1,500,000 at 5½ per cent. per annum, alone amounts to £83,000 a year it will be obvious that there will be no sense in borrowing such a large sum ahead of needs, and that in the early stages of the scheme it would be prudent to acquire properties from the proceeds of the tax rather than pay interest on moneys not immediately required.

In any case, I do not know where the authority could borrow such a large sum as £1,500,000 overnight, and in fact it would take many years to raise this sum. In the first place, it would be necessary to fit the authority's loan raisings into the State's borrowing programme, the size of which is limited by Loan Council direction. It is unlikely that a sum greater than £250,000 a year could be fitted into the programme, which means that a period of six years would elapse before a total borrowing authority of £1,500,000 could be obtained. Then there is the problem of raising the money. A target of £250,000 a year for six years is no simple matter, and I have no doubt that the authority will experience difficulties in raising these sums.

So let us face facts and not talk glibly of the authority raising huge sums in a short period of time, because it is not possible; and that for some time at least it will be necessary for the authority to use the proceeds of the tax in paying for urgent property acquisitions and obligatory ones arising from refusal of consent for development of land required for public purposes.

The continuance of the tax is necessary in order to allow the authority to function satisfactorily pending the raising of loans, and ultimately to meet the debt charges on those loans. It has been suggested that the Government itself should accept the liability for debt charges on loans raised by the authority by a charge to Consolidated Revenue in the same way as it does for debt charges on loan expenditure on land resumptions and for other purposes.

On the surface this seems a reasonable proposition; but in fact it is not. Members are aware that the special grant payable to this State, on the recommendation of the Commowealth Grants Commission, is determined by

a comparison of our financial operations with those of the standard States of Queensland, New South Wales, and Victoria. If we are to avoid unfavourable adjustments to our grant we are required to keep in line with the practices in the standard States. If we charge to Consolidated Revenue an item of expenditure which is not so charged in the standard States, then we are required to finance this expenditure from our own resources, which means the use of loan funds to clear revenue deficits, and which I think all members will agree is a most undesirable practice.

Debt charges on such items as public buildings and railway land resumptions are met from Consolidated Revenue in all States, and in consequence this expenditure is not challenged by the Grants Commission. However, this is not the case with capital expenditure on town planning schemes, which in Queensland and Victoria place no burden whatsoever on Consolidated Revenue. In New South Wales there is some contribution from Consolidated Revenue in that the State Government meets the debt charges on 50 per cent. of the capital expenditure incurred by the Cumberland County Council, which is the planning authority for Sydney. However, the New South Wales Government makes no contribution towards the operating costs of the planning authority and this expenditure is met from the contributions made by constituent local authorities.

In Western Australia the greater part of the operating costs of the authority is met from State funds in that the services of the staff of the Town Planning Department are available free of charge to the authority, as are also the services of such departments as the Main Roads, Crown Law, and Public Works.

These services, which are estimated to be valued at £50,000 per annum, represent a very substantial contribution by the State, and it is not considered that any further financial assistance could be granted to the authority by way of meeting its debt charges without incurring unfavourable adjustments to the special grant recommended by the Commonwealth Grants Commission.

Financing the authority by allotting £100,000 a year, or more, from land tax collections is not the answer to the problem either. This would have the effect of reducing the collections taken to Consolidated Revenue, and would be no different in effect as far as the workings of the Grants Commission are concerned than a direct charge to Consolidated Revenue with a consequent unfavourable impact on State finances.

I mentioned that in Victoria, the finances of the Metropolitan Planning Authority are in no way a burden on Consolidated Revenue which is an important factor to be taken into consideration when we are debating our own authority's financial operations. Moneys required by the planning authority in Victoria are obtained by way of a metropolitan improvement rate of 3d. in the £ on the net annual values of ratable properties, and in total results in collections of over £1,000,000 per annum.

The Hon. H. C. Strickland: Any exemptions?

The Hon. L. A. LOGAN: No.—

Although authority exists in Victoria to raise loans of £10,000,000 for the purpose of the metropolitan improvement plan, no loans have in fact been raised to date, and from advice obtained it is not intended to raise loans in the future. Capital expenditure in Victoria on the acquisition of land and other purposes necessary to implement town planning improvements, is met from the proceeds of the planning rate which the authority considers is the proper course.

The assets being acquired in Victoria are non-revenue producing, as they will be here in Western Australia, and for this reason, together with the fact that the authority has no desire to see its income from rates completely absorbed by unproductive debt charges, the authority in Victoria is not prepared to borrow moneys for the purposes of implementing its town planning improvement scheme.

I do not say that we would go so far as this in Western Australia, but it is apparent from the practice in Victoria that as expenditure of tax proceeds on capital works the town planning scheme is not an original thought on the part of our own planning authority, and, in fact, it has much to commend it under existing circumstances. The rate levied in Victoria for the same purpose as the metropolitan region improvement tax in our State, and in both cases is payable in addition to land taxes.

Mr. Watson spoke of our present rate of land tax of up to 7d. in the £, as though it were something extraordinary, and that we alone of all the States imposed such a high maximum rate. In Victoria the rate in the £ also rises to 7d., whilst in New South Wales the maximum is 8d.

Land tax rates in Queensland, however, are really steep. At one point in the scale the rate in the £ rises to

one shilling and three farthings in the £, which makes our scale relatively light. As an example, the tax payable in Western Australia on improved land which has an unimproved value of £60,000, is £906. In Queensland the tax payable is £2,326 which is more than 2½ times the amount payable in Western Australia.

I think it well to remind members that we cannot ignore the rates payable in the three States I have mentioned as our efforts in the field of State taxation are measured by the Grants Commission in comparison with the efforts made in those States. If we fall below the average level of taxes in New South Wales, Victoria and Queensland, then we must be prepared to suffer the consequences of an unfavourable adjustment in the determination of our special grant.

I feel that I have given members a fairly comprehensive picture of the financial aspects of the metropolitan region town planning scheme, and the reasons which necessitate the continuance of the improvement tax beyond the 30th June, 1962. I believe the continuance of the tax to be essential if we are to progress with the scheme, and at the same time avoid an unfavourable impact on the State's finances as a whole.

I did say I would give some figures of the amounts spent by the different departments, and I think I can go so far as to quote the amounts required if the scheme is proceeded with. Mr. Watson spoke of the resumption of land at Welshpool. The Railways Department has paid £556,181 on resumptions of land at Welshpool. Quite a considerable amount was paid during the period when Mr. Strickland was Minister for Railways.

The Hon. H. C. Strickland: From loan funds.

The Hon. L. A. LOGAN: Yes. So much of this money is being expended in the metropolitan region that it is really not much to pay for the betterment and improvement of the region.

The Hon. F. J. S. Wise: But Governments have a habit of paying more than individuals.

The Hon. L. A. LOGAN: Of course, Governments only get their money from the people. The expenditure to the 30th September, 1960, on regional roads under the Stephenson Plan is as follows:—

	£	£
Major regional roads:		
Construction—		
Narrows Bridge and Kwinana Freeway		3,595,000
Land Resumption and Surveys—		
*Various roads		622,300
		4,217,300
Important Regional Roads:		
Construction—		
Welshpool Road deviation	91,720	
Selby Street	2,415	
		94,135
Land Resumption and Surveys—		
Riverton-Welshpool Road	23,310	
Fitzgerald Street extension	610	
		23,920
Total		118,055
Grand Total		4,335,355

*Includes £91,367 expended on the acquisition of land for the Western Switch Road.

I think that effectively answers the case put up by Messrs. Wise and Watson, that the regional tax should not be used for the entire scheme. Up to date an amount of £23,131 7s. 10d. has been advanced by the Treasurer to the authority in anticipation of the scheme, and in anticipation of the regional tax; and this amount must be reimbursed. I could give some estimated expenditure as to what the scheme will cost eventually. The estimated expenditure of the Metropolitan Water Supply, Sewerage and Drainage Department, is as follows:—

Year

1962—Drainage at freight terminal, Kewdale—£60,000.

1963—Drainage at freight terminal, drainage of industrial area, as demanded—£60,000.

1964—Drainage of industrial area, as demanded—£60,000.

1965—Drainage of industrial area, as demanded—£20,000.

1966—Drainage of industrial area, as demanded—£20,000.

1967—Drainage of industrial area, as demanded—£20,000.

That makes a total of £240,000 which must be spent on the Kewdale section of the plan alone.

The Hon. H. K. Watson: Out of general loan funds?

The Hon. L. A. LOGAN: Yes. The expenditure for the Western Australian Government Railways is as follows:—

1961—Vacate Beam Service Station, Wellington Street—£30,000.

1965—Construct railway to Kewdale, Cannington, etc.—£1,000,000.

1966—Construct railway and build freight terminal, Kewdale—£1,000,000.

1967—Complete freight terminal, Kewdale—£1,000,000.

There is no estimate of cost given for the following, but it will not be inconsiderable:—

1970—Build passenger terminal station, East Perth.

1971—Build passenger terminal station, East Perth.

1972—Vacate West Perth station and yards.
1973-1975 inclusive—Lower the railway in the city.

The Hon. H. C. Strickland: Is it proposed that those expenditures will be financed from the improvement tax?

The Hon. L. A. LOGAN: I have already said it has nothing to do with the regional tax; it is to be money spent from loan funds and from ordinary general revenue.

The Hon. F. J. S. Wise: All this should have been in your second reading speech; that was my complaint.

The Hon. L. A. LOGAN: That may be so, but, at the time, I was not in the position to give the information.

The Hon. F. J. S. Wise: You should have been.

The Hon. L. A. LOGAN: Why should I have been?

The Hon. F. J. S. Wise: You cannot just throw Bills at us. If that is the attitude you propose to adopt you had better correct it.

The Hon. L. A. LOGAN: I have delayed the Bill, so that I can give the information now.

The Hon. F. J. S. Wise: You are just becoming a little dictator.

The Hon. L. A. LOGAN: No, I am not.

The Hon. F. J. S. Wise: Yes, you are.

The Hon. L. A. LOGAN: I had intended to give the figures.

The Hon. F. J. S. Wise: You were asked for them.

The Hon. L. A. LOGAN: All I was asked for was the amount of money that had been spent.

The Hon. F. J. S. Wise: You were asked for these figures.

The Hon. H. K. Watson: You are doing very well.

The Hon. L. A. LOGAN: I will now give the expenditure of the Main Roads Department, which is—

1961—Construct bus terminal, Wellington Street—£15,000.
1964—Construct roads at Kewdale, first stage—£125,000.
1965—Construct western switch road, first stage (not loan).
1966—Continue western switch road, first stage (not loan).
1967—Continue western switch road, first stage.
Construct roads at Kewdale as required (not loan)—£150,000.
1968—Continue roads at Kewdale as required—no estimate.
1969—Continue roads at Kewdale as required—no estimate.
1970—Continue roads at Kewdale as required—no estimate.
1973-75 inclusive—Construct western switch road, final stage—no estimate.

It is anticipated that between 1970 and 1975 the markets will have to shift to the Welshpool area at an estimated cost of £729,000, to coincide with the other works in other parts of the scheme. Land has already been purchased in the Welshpool area and paid for out of Consolidated Revenue. A design competition is already in train for the establishment of the Public Works Department's offices on the observatory site, and this will cost a few thousand pounds. The expenditure of the Public Works Department is as follows:—

1961—Government office, observatory site (design only)—no estimate.
1962—Government office, observatory site—£500,000.
1963—Government offices—£500,000.
1964—Vacate and remove old Barracks—£50,000.
Complete Government offices—£500,000.

The expenditure of the State Electricity Commission in 1963 for development at Kewdale as required is £19,000.

The Hon. A. R. Jones: Where is Kewdale?

The Hon. L. A. LOGAN: In the Welshpool area. As I pointed out, I did not have those figures in the first place, because they were not available. A committee has been working on this aspect in an endeavour to give a target for this and future Governments to work to if possible. I felt that once I had obtained the figures it was advisable for me to give them to the House.

The Hon. F. J. S. Wise: You were asked for them.

The Hon. L. A. LOGAN: I was not asked for these figures at all.

The Hon. F. J. S. Wise: Yes, you were; and I will quote it to you.

The Hon. L. A. LOGAN: The honourable member will not be able to find the relevant portion, because I was not asked for this information.

The Hon. F. J. S. Wise: I will quote it to you.

The Hon. L. A. LOGAN: Mr. Wise also referred to the 10 per cent. reduction in the land tax in an airy-fairy sort of way; he just waived it aside as though it did not mean a thing. It would, however, mean that the amount would be 10 per cent. less than that which is being paid now. I would point out that since the tax has been in operation I have not had one complaint about the payment of it.

The Hon. H. C. Strickland: What is the use of complaining?

The Hon. L. A. LOGAN: The people have accepted it and they are happy to pay it. I would further point out that the matter raised by Mr. Watson last year about there being a flop in land values has not materialised, and there has been

no concern expressed about it. For instance, there was the example of the Chevron-Hilton Hotel people paying the top price for a block in the city; the example at Mosman Park of a sale at £6,000; and the one at Melville of a sale of land for £5,000. Those prices have not worried the purchasers; and they will have to pay the regional tax.

The Hon. H. C. Strickland: Not this year.

The Hon. L. A. LOGAN: The purchasers will pay next year, and they will pay the tax this year, too. Once the land changes hands the purchaser has to pay. If the purchaser takes over the ownership before the assessment is made, he has to pay the tax. The land tax is not dropped because the property changes hands during the year.

The Hon. H. C. Strickland: You said that it was dropped.

The Hon. L. A. LOGAN: I did not.

The Hon. H. C. Strickland: I can read out the answer of the Minister.

The Hon. L. A. LOGAN: Tell me where I said that. Mr. Davies mentioned about local authorities having to pay twice. I want to tell him that as yet no decision has been made on the proportion of the cost to be borne by the local authorities for the widening of roads. It is still the subject of discussion between the regional authority, the local authorities, and the district planning authority. It is no use saying the local authorities will pay twice, because we do not know what the decision will be. No doubt the decision which will be made will be agreeable to all.

Referring to lands which are exempt under the agricultural section, I have admitted there are some properties in the urban area which at present are exempt. If we can work out a formula whereby the owners of such properties who are in a position to subdivide within a reasonable time may be charged with this tax, we shall do it. It is not an easy problem to solve. It is not possible to work out an answer to this problem until such time as the scheme becomes law.

Not all the owners of such properties are in a position to subdivide at the present time, even though the properties are in an urban area. If they apply for permission to subdivide, it may not even be granted, because in some areas the water table is too low and in others the requisite services are not available. It is the policy of the Town Planning Board to refuse subdivisions in isolated areas for the reason that if subdivision is permitted there is an immediate clamour for services. These services, if provided, will be a charge on the Government and on the local authorities. Those are some of the problems. It is essential to keep going as we are. When the scheme becomes law we can then devise means to bring into it some of the properties which are now exempt.

When I introduced a similar measure last year I mentioned that a sum of £140,000 would be raised from this tax, but Dr. Hislop referred to £114,000 in his speech. His figure was wrong. We have reached the stage where this fund is increasing; and it has increased to £212,000. Last year I did not know what the tax would bring in. The Government is prepared to consider a reduction, if the money raised is more than the requirement. I am happy to advise that the Government is prepared—and I shall move accordingly if the second reading is passed—to request the Legislative Assembly to reduce the tax to ⅜d. as from the 1st July, 1961. At the moment I cannot do that. My argument last year was based on £140,000.

The Hon. H. K. Watson: Do you not think you have demonstrated that you want a tax of 6d. in the pound, if capital expenditure is paid out of revenue?

The Hon. L. A. LOGAN: This is all paid out of loan funds. Last year I based my contention on an estimate of £140,000, but £212,000 was raised. I am prepared to bring the tax to ⅜d. as from the 1st July next. On that basis it is estimated that £158,000 will be raised. If I could base my argument on £140,000 last year, I can also base it on £158,000 the year after.

The Hon. F. J. S. Wise: That means you will vary the tax, and reduce it from 1d. in the pound for the period of one year during the currency of this Act?

The Hon. L. A. LOGAN: If the time limit is taken off the legislation, the tax will be ⅜d. until such time as the valuation of the metropolitan region indicates that it can be reduced further.

The Hon. F. J. S. Wise: The currency of the present Act extends to 1962, but you are prepared to reduce the tax, even for the last year?

The Hon. L. A. LOGAN: Yes; if the limitation is taken off the life of the legislation.

The Hon. F. J. S. Wise: Reduced to ⅜d., and to ½d. for the current year?

The Hon. L. A. LOGAN: Yes. The Grants Commission seems to be the bugbear with members of this House. When I was sitting opposite, I went to market on the Grants Commission, and Mr. Wise took me to task. I do not need to retract anything I said. In many circumstances the Grants Commission has been very good to this State, but because of the charter it works under it has been unable to give full justice to Western Australia. If the charter could be altered we would get a much better spin from the Grants Commission. It has to work within the law.

I want to refer to a statement made by Sir Alexander Fitzgerald, the recently retired chairman of the Grants Commission,

which statement was reported in *The West Australian* on the 1st October. He gave a pretty direct warning to this State in regard to its finances. That leads me to believe that what I have said in this House regarding the effect of the Grants Commission on this State cannot be taken too lightly. If this State does use funds, outside of the regional fund, for implementing the regional plan, the amount of such funds will be taken out of the Commonwealth grant. For every pound taken out of the grant this State has to fund the debt from the loan fund; so, in effect, we will lose the money twice over. I hope the House will give favourable consideration to the two measures. Dealing with the first, there is no argument about the continuation of the existing authority.

Personal Explanations

The Hon. H. C. STRICKLAND: On a point of explanation, I request that I be given authority to make a statement.

The PRESIDENT: Very well; provided it is on a point of explanation.

The Hon. H. C. STRICKLAND: During the Minister's speech, I interjected and said that the Chevron-Hilton Hotel would not have to pay the tax until the 1st July next. The Minister told me I was wrong, and he asked me to show him where he said that. On the 29th September, 1960, I asked the following question in this House:—

> From what date is the Chevron-Hilton Hotel Company liable to pay—
>
> (a) Land tax;
>
> (b) Metropolitan region improvement tax?

The Minister replied as follows:—

> The 1st July, 1961. The company will be liable for land tax and metropolitan region improvement tax in the same manner as any other purchaser of Crown land.

The Hon. L. A. LOGAN: By way of explanation, if the honourable member had specifically mentioned the Chevron-Hilton Hotel I would have given a different answer. I was dealing with the Chevron-Hilton Hotel, the block in Mosman Park and the block in Melville. I thought his interjection covered the last two properties. The blocks in Mosman Park and Melville will continue to pay the tax. The Chevron-Hilton Hotel will pay as provided in the legislation.

Debate Resumed

Question put and passed.

Bill read a second time.

As to Committee Stage

THE HON. L. A. LOGAN (Midland—Minister for Town Planning) [5.55]: I move—

> That the Committee stage of the Bill be made an order of the day for the next sitting of the House.

Point of Order

The Hon. R. C. MATTISKE: The Minister beat me to the gun on the call to speak on the last measure. I did not intend to record a silent vote.

The Hon. A. F. GRIFFITH: On a point of order, I submit this procedure is most disorderly. The Bill has been read a second time, and the question before the House is that the Committee stage be made an order of the day for the next sitting of the House. It is not competent when you, Mr. President, are putting a motion for any member to address the House.

The PRESIDENT: Is Mr. Mattiske on a point of order?

The Hon. R. C. MATTISKE: Yes. I was going to ask the Minister if he could delay the consideration of the next Bill in order to enable me to speak on it; otherwise, I shall have to record a silent vote against the measure.

The Hon. A. F. Griffith: I propose asking the House to adjourn.

Debate Resumed

Question put and passed.

House adjourned at 5.58 p.m.

Legislative Assembly

Thursday, the 20th October, 1960

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