upon which I would like to hear the member for Perth express an opinion, if he is free to give it.

In framing legislation we should endeavour to make it appear that it will be workable and will not give rise to litigation. If the Minister can prove to me that the question of determining whether something is practicable or not is not a question of fact, I will change my ideas. It ought to be possible to establish, by evidence, whether something is practicable. Surely that should be the criterion, and the question should not be decided on the Minister merely saying it is practicable.

Under the Totalisator Agency Board Betting Act, it was anticipated that the Totalisator Agency Board would be able to put as much money as was practicable on the totalisator at the course, but that varies from time to time according to the whim of the chairman of the board. He decides whether he wants that done, and he regards that as being a criterion of practicability; that is, whether it suits him. We cannot have a better illustration than that, and I can give the date of the illustration.

For example, it has been published in the Press that the Chairman of the Totalisator Agency Board has said that he withholds money from the totalisator on the course if he thinks, by putting it on, it will unduly depress a dividend. So he determines what the dividend is likely to be, and he interprets the law which instructs him that he shall put as much money on the totalisator on the course as is practicable. The discretion is left with him in regard to putting it on.

That is what will happen with this provision, and I do not think we should accept the Council's amendment, because it should be a question of practicability. It should not be a question of the Minister saying it is practicable. The implication in the amendment is that it will permit the Minister to say at any time, "In my view this is not practicable," regardless of whether it is practicable; and that will be the position. That is bad legislation and we should not agree to the amendment.

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

Report

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

House adjourned at 5.26 p.m.

Legislative Council

Tuesday, the 25th October, 1966

CONTENTS

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

FLUORIDATION OF PUBLIC WATER SUPPLIES

Petition

THE HON. R. THOMPSON (South Metropolitan) [4.33 p.m.]: I wish to present a petition from the residents of Western Australia concerning the compulsory fluoridation of public water supplies. I move—

That the petition be received.

Question put and passed.

THE HON. R. THOMPSON (South Metropolitan) [4.34 p.m.]: I move—

That the petition be read and ordered to lie upon the Table of the House.

The petition contains 7,101 signatures and reads as follows:—

> We the undersigned residents of the State hereby humbly petition the honourable members of the Legislative Council of Western Australia to do all within their power to prevent the compulsory fluoridation of public water supplies in Western Australia. The main grounds of our case are that we believe such compulsory fluoridation would be a serious and unnecessary infringement of our personal freedom. And your petitioners will ever pray that their humble and earnest petition may be acceded to.

Question put and passed.

The petition was tabled.

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, 1966. It will be laid on the Table of the House.

QUESTIONS (2): ON NOTICE

COMPANIES ACT

Holding Companies: Statutory Obligation for Group Liabilities

1. The Hon. W. F. WILLESEE asked the Minister for Justice:

   Can the Minister advise the House if any preliminary talks have taken place among the Attorneys-General—when assembled, to consider company law amendments—with a view to imposing a statutory obligation on holding companies for the liabilities of all companies within that particular group?

   The Hon. A. F. GRIFFITH replied:

   Yes. Whilst the advantages of such a law are evident, no further action has been taken to amend the Companies Act as no equitable formula could be found for determining the liability to be borne by the holding company in all of the circumstances in which the relationship of holding and subsidiary company may exist.

MIDLAND JUNCTION ABATTOIR

Establishment of Meat Hall

2. The Hon. N. McNEILL asked the Minister for Mines:

   (1) Is the General Manager of the Midland Junction Abattoir at present in the Eastern States investigating abattoir facilities and operation of a meat hall system?

   (2) Is the establishment of a meat hall at Midland Junction under consideration by the Government?

   (3) Is the Government giving consideration to the introduction of a levy on country-killed meat, with or without the establishment of a meat hall?

   (4) Has a recommendation along these lines been submitted by or to the abattoir board?

   (5) If so, what rate of levy is being considered?

   The Hon. A. F. GRIFFITH replied:

   (1) The acting general manager is on vacation in the Eastern States but it is understood that he will take the opportunity to inspect abattoir facilities.

   (2) No.

   (3) No.

   (4) No.

   (5) Answered by (3) and (4).

FLUORIDATION OF PUBLIC WATER SUPPLIES BILL

Receipt and First Reading

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

PUBLIC WORKS ACT AMENDMENT BILL

Assembly's Message

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

FIREARMS AND GUNS ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and returned to the Assembly with amendments.

PERTH MEDICAL CENTRE BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [4.42 p.m.]: I move—

That the Bill be now read a second time.

This Bill has been passed in another place, and the concurrence of the Legislative Council is sought to its provisions, with which members are well acquainted. I am sure members would not thank me for again introducing the Bill as fully as I did on the previous occasion.

As you are aware, Sir, it is a Bill to enable a medical centre to be established at Hollywood by reserving certain land therefor and constituting a body corporate for the development, management, and control of those lands, and for incidental and other purposes. There is, however, one small alteration to which I would direct the attention of members. It is the only one in the Bill, and appears on page 7 and relates to clause 13(4), in which money is appropriated for the purpose of meeting any contingent guarantee which the Treasurer is authorised to meet.

I commend the Bill to the House.

THE HON. H. C. STRICKLAND (North) [4.44 p.m.]: As this Bill is not making its first appearance in this Chamber this session I will excuse the Minister for giving us such a brief summary of its contents. I do not rise to obstruct or oppose the Bill in any way on this occasion. As a matter of fact, I am very pleased to see the meas-

ure come before us. As members know, it is for the purpose of establishing a medical centre in the Nedlands-Hollywood area.

This is another phase of the Stephenson-Hepburn plan which was presented to the Government in 1955, and which is taking shape step by step around the metropolitan area. The medical centre, which the Bill seeks to establish, is of very great importance and, in my opinion, a better site could not have been selected for its establishment. There are ample grounds available and the centre will have all the facilities it requires. It will be very close to the University, and it will go to make up part of the Medical School.

I recall what was perhaps the first legislative action taken in regard to the establishment of this medical centre when, in 1956, I was in charge of a road closure Bill which sought to close University Avenue, from Aberdare Road to Monash Avenue.

At the time some members of the House —particularly Mr. Watson and Dr. Hislop —were concerned about the closure of this road, because of the effect they thought it would have on the business people in Hollywood. However, that was 10 years ago. It certainly seems true to say that the wheels of government turn slowly. During the Committee stages of that Bill Mr. Watson asked whether I thought the road would be closed in 12 months' time, or whether I had any idea just how long it might take.

I replied that I did not think it would be possible to close it in 12 months' time, but that I would have inquiries made and advise Mr. Watson accordingly. I am sorry I did not advise Mr. Watson on this matter; but in any case I feel certain I would not have been told that it would take 10 years to bring this about. Even though the matter has taken 10 years nothing has been delayed as a result of it.

Although Winthrop Avenue has been constructed to replace University Avenue as an artery, the latter still operates, and it has not been officially closed even to this date. I doubt whether it will be closed within the next 12 months. So Mr. Watson posed a very difficult question when he asked me when the road might be closed.

The Hon. L. A. Logan: You mean University Avenue, do you not?

The Hon. H. C. STRICKLAND: That is so. This is, however, a very good move and I am very pleased the Minister has introduced the Bill and brought it here for our approval.

THE HON. J. G. HISLOP (Metropolitan) [4.48 p.m.]: I must apologise, because my speech will probably be quite lengthy. I agree this is a very important measure which, if it is passed, may change the face of medical care in Western Australia. The Bill seeks to do three things. First of all it seeks to reserve a sufficient area of land, so that within a period of years the Government will be able to develop a medical centre, centralising all forms of medical care during recovery and rehabilitation stages; secondly, the Bill seeks to appoint a trust to be known as the Perth medical centre trust with five members, whose functions will be the development, control, and management of the reserve; and, thirdly, the Bill provides that each hospital on the reserve declared to be a teaching hospital shall have a managing body. This body will be appointed under the Hospitals Act.

Taking the three fundamentals of the Bill, we must regard the trust as non-medical, whose duties will involve the maintenance of the surrounding environs of the area set aside for the medical centre. In so many words the trust will have full authority for the maintenance of the reserve as parklands, so giving effect to it that there will be aesthetic beauty in this gigantic undertaking.

If I were appointing this trust, I would appoint to it an architect of wide vision, quite apart from the architects designing the buildings, so that the harmony of parklands and buildings would be guaranteed. Secondly, a landscape artist, as we have already seen in our planning how essential is the advice of such a qualified person. Thirdly, I would appoint a citizen of wide interests who would take the views and desires of the public into consideration; and fourthly, I would naturally appoint a representative of the Treasury Department.

This trust, says the Bill, can expand; and to do so, it can borrow money with Treasury sanction; and it can accept gifts, which it may sell or retain, but it cannot sell any of the reserves. A gift of land, however, may be sold, and the proceeds used in the reserve. This trust has no function in the medical centre; its work is devoted purely to the surroundings of the centre.

Clause 16 lays down that each hospital on the reserve that under the University Medical School, Teaching Hospitals Act, 1955, is declared to be a teaching hospital, or is a teaching hospital shall have a managing body. Subclause (2) of this clause states there shall be a managing body of which not less than one fifth of its members are persons nominated as such by the Senate.

Terms are laid down for the appointments committee to each hospital. The chairman of the management committee will be the chairman of the appointments committee; three shall be persons appointed by the managing body of the teaching hospital; and three shall be persons appointed by the Senate, and of those three persons one at least shall be a member of the Faculty of Medicine. This is a nominating committee to the management committee.

In regard to the appointment of these committees, there is a request by the Australian Medical Association for an alteration to the Bill. This is simply a letter to me after I enabled the Australian Medical Association to consider the contents of the Bill. I quote—

> The pattern of management of the teaching hospitals at the centre and the membership of the appointments committees mentioned in section 16 of the Bill were considered in detail. It is noted that these are generally in line with present arrangements in teaching hospitals in Perth.
>
> One point, however, is contained in subsection 4 of section 16, which refers to the appointment of "persons" both by the managing body of the teaching hospital and by the Senate of the University. It is taken that in keeping with all other electoral or appointments committees at hospitals concerned with the appointment of medical staff these persons will no doubt be doctors. Executive feels it may be desirable for the word "persons" in both parts b and c of subsection 4 to be replaced with the words "registered medical practitioners."

The association believes this will be considerably improved if members of the profession are given the right to be elected as members of the committee. Personally, I would say that if the word "persons" is maintained, it could mean that anyone in the community, for some reason or other, could be appointed to a committee; and I would like to be certain in my mind there is a close affinity between the faculty and the practising profession. They together could do really great things, but if those suggested are not medical practitioners then the dichotomy which would exist between the two functions would lead to nothing short of disaster. Therefore, I think there was some small oversight in the preparation of this measure and we should consider the possibility of the Minister agreeing to change those words.

The Hon. G. C. MacKinnon: It is my understanding the details of this are laid down in a separate Act and are actually specified in the way in which you desire it to be done—under the University Medical School, Teaching Hospitals Act.

The Hon. J. G. HISLOP: In this Bill I would rather see the words "medical practitioners" than the word "persons."

The Hon. G. C. MacKinnon: The University has agreed to this.

The Hon. J. G. HISLOP: This letter comes from the Australian Medical Association; and the Minister can have the letter.

The Hon. G. C. MacKinnon: I am surprised.

The Hon. J. G. HISLOP: We must regard all this organisation as being sound thinking, viewed from this moment, but no-one is capable of saying what measures will be necessary in another 15 or 20 years. All we can say is that ill-health and sickness will always be with us, and surgery will be a necessity, whether it be more than now, or replaced in part by new therapy. On this thinking, the basic principles of this plan will be necessary.

We must face these facts, because in the 48 years since I qualified, the progress in the field of medicine has been such that nowadays no one man can be a specialist in more than one field. The progress since the last war has been fantastic in all fields. Drug therapy, since the chemist and biochemist entered the field, has replaced the drugs of the past and presented to the world hundreds of drugs of involved components. This search for new means of treatment is involving the spending of millions. I am looking now at a different aspect of this organisation, because of the changes which are obviously occurring from day to day. There is today a world shortage of doctors.

It would seem strange that along with the ever-widely opening avenues of knowledge, there has grown a tendency for doctors to accept salaried posts, particularly in public hospitals where the treatment of disease is developing in units such as cardiac, pulmonary, renal, cerebral, etc., all calling for trained staff.

There is an article from which I would like to quote. It appeared as a supplement on page 21 of the 13th August issue of the *Medical Journal* of Australia.

Mr. K. S. Jones has brought many interesting changes into the practice of medicine. In relation to New South Wales, Mr. Jones reports that in 1901 the doctor/population ratio was 1 to 1,826. In 1961, it was 1 to 826. At the turn of the century there were relatively no salaried positions, but a different position exists today. In 1964, 17 per cent. were in salaried posts, taking into account all doctors. Because some of them are not members of the Australian medical profession 20 per cent. would be nearer the mark.

Of the medical practitioners who graduated in New South Wales in December 1933, 45 per cent. were in general practice; and in 1953, 30 per cent. were in general practice. There is a gradually diminishing rate of general practitioners as we go along. In June 1943, 79 per cent. were in general practice, while 20 years later, in April 1963, 60 per cent. were in general practice.

The observer last named states that in 1963 there were 934 doctors in the country areas and 4,560 in Sydney. That is, less than 20 per cent. were in the country areas. Take out the bigger towns, and the percentage would be worse still. The observers found that there will be a still further lessening in the numbers of doctors in the country.

Let us have a look at the number of beds available per population. The situation of hospital beds has also altered in ratio. In 1933, with a population of 2,400,000, the daily average number of beds available was 6,664; which means one to 400. In 1946 the population was 3,000,000, and the daily average number of beds was 12,493; one to 250. In 1964 the population was 4,200,000, and the number of beds available was 17,180; roughly, one to 220.

The same situation is facing our country areas in this State. Only a small proportion of the graduates from the Medical School have undertaken work in the country. As I pointed out recently, when I spoke on the Supply Bill, the number of salaried medical officers at the Royal Perth Hospital has reached the figure of 94. Those appointments are divided between registrars and resident medical officers.

The conjecture which I will make as to the reasons why our graduates were unwilling to take over practices in the main towns, may be cited under four headings. Firstly, the lure of an easier life in the city, with a more lucrative practice, and the ability to share responsibility with other medical practitioners. Secondly, a man in a one-man practice finds himself unable to take leave for annual holidays, or even for short periods. Thirdly, absence from association with colleagues and the tempo of medical practices, and facilities for discussion. Fourthly, 40 years ago there was not the responsibility which pertains today. One was not constantly being called out to attend an accident where there were badly or fatally injured persons.

If the call from teaching hospitals is so acute at present, how acute will it become when the medical centre is established, along with other hospitals maintaining a high standard and equipped with clinics calling for permanent staff? To me the building of this centre could quite easily mean a further denuding of the country areas of general practitioners.

This bears out the fears outlined in the article dealing with New South Wales, that as the years go by there will be fewer general practitioners.. Much thought has to be given to the future of medical practitioners in the country, and I wonder whether the medical centre will be one of the main causes for the shortage. There can be no denial of the statement that the lure of this immense medical centre will bring more country patients to it, and the tendency to centralise will grow. The sick person who can afford it—and this will not be a poor State—will seek the best advice possible. All manner of sick folk will make their way to this proposed clinic, as has been the case in so many other countries. For example, take the cases of the Mayo and Lahey Clinics in the United States of America. These types of clinics are also starting in various European countries.

From the very nature of our widely spread agricultural State, it will stand to reason that there will never be towns large enough to attract a team of specialists. To a small measure, specialisation may occur in three or four towns. Recently I heard high praise of a practitioner because, if he had any doubt, he advised his patients to journey to Perth to see a specialist.

I do not like to see hospitals built at a great cost in order to allure specialists, and I question the validity of such buildings. We do not want giant isolated hospitals in the country, waiting for someone to use them, but an upgrading of the institution to a point that is practicable and of assistance to the practitioner in the district.

I had some further discussion in mind, but I will leave it until a later stage. I come now to the question of whether there will be enough staff for the major hospital which will exist within this contemplated centre, or whether it will be manned by full-time officers. There can be a great deal of difficulty if the resident staff does not meet the honorary staff at an early stage of the training. There is, of course, the possibility that this will occur because it seems there is a growing tendency, throughout Australia, to accept appointments in a teaching hospital.

It is common knowledge that this medical centre had been discussed—I should say it is rather astonishing—without certain members of the faculty having seen the Bill now presented to us. This Bill has not been seen by the W.A. branch of the Council of the Australian Medical Association. It is realised that Bills are brought to Parliament, but surely it would be in the interests of those concerned, and harmony could be achieved, by the holding of conferences at which all could speak freely. There now appears to be sections acting separately, rather than in harmony.

The Hon. G. C. MacKinnon: This Bill only provides for the land. The actual measure for the planning of the hospital was discussed in every aspect with the A.M.A.

The PRESIDENT: Order! The Minister will be allowed to reply to the debate later on.

The Hon. G. C. MacKinnon: Yes, Mr. President, but I do not think that remark should have been allowed.

The Hon. J. G. HISLOP: We have already discussed the whole question of the appointments. Surely the appointments to the committees are a part of the Bill.

The Hon. G. C. MacKinnon: You said this Bill should have been discussed, as though the Bill was setting up the hospital.

The Hon. J. G. HISLOP: The Australian Medical Association should have been given some consideration.

The Hon. G. C. MacKinnon: The matter has been discussed with the A.M.A., but it does not relate to this Bill.

The Hon. J. G. HISLOP: Apparently we have different views on how to approach matters.

The Hon. G. C. MacKinnon: Apparently we have.

The Hon. J. G. HISLOP: As I proceed. I think the Minister might find that our views widen further. However, let me not pursue it.

I would like to point out the increasing call upon the services of the honorary staffs of hospitals. In my period as a physician at the Royal Perth Hospital, my work averaged two mornings a week. Today, it is seldom that a physician does not visit his ward almost every day because of the urgency of treatment and the extra care that is required. The honorary staff now does a tremendous amount of work in the teaching hospitals. We accept this conception as a real piece of organisation in a teaching centre to be completed in 15 to 20 years. But what of today? Are there more urgent needs than this centre?

To that question I would answer, "Yes." I would say that there are a large number of necessities which I will take a certain amount of time to enunciate. A very urgent call is for more beds in the metropolitan area. About 200 beds are required for the aged, and I think that particular problem is in hand. The provision of those beds would provide breathing space at the R.P.H. and permit the hospital to do what it should be doing; that is, to act as a teaching hospital for specialists and a hospital for acute diseases.

The second urgent need is for a private hospital of at least 150 beds, and later, 200 beds. This need is more than urgent because there have been days when it has not been possible to find a bed for a sick patient. Neither the Mount Hospital nor St. John of God has been able to meet the call; and this applies to St. John of God at Belmont, and to St. Anne's. The spreading of patients in hospitals in distant suburbs puts a real strain on the physicians and surgeons.

The Mount Hospital has long been interested in moving from St. George's Terrace. The board of management has been seeking ways and means of building a new hospital, but it has been far beyond their resources. However, the invitation of the Minister in his introductory speech gives some hope.

In order to make such a hospital pay, there should be 150 beds and the provision of space for 50 more. It might be that the Mount Hospital board may wish to build its own theatre block, but it could make arrangements with the pathology, radiology, and biochemistry departments to perform the tests and charge the board for them. In several ways such interchange could be made.

The nurses' home is another costly item. The trainees will be required to live in but there is no reason why the trained staff should do so. What I am saying has been the experience overseas. A proportion of the staff will prefer to live at home, but a considerable number may desire living accommodation. It is possible that the staff who live out are paid full wages, and pay for meals at fixed prices, and are provided with a flat or other accommodation for one, two, or three, for which they pay.

It is possible that private enterprise might consider building such a block of flats to house staff. In the other States the Government concerned, I understand, gives $4 or $2 per dollar to church institutions which are prepared to erect private hospitals. Such an arrangement has not been able to obtain here because of the association of hospitals, which is an organisation of the Mount Hospital. The Mount Hospital is actually run by the church and organised by the Church of England.

Finding the money in this way would be a great saving to the Government. It is interesting to see the small administrative staff in hospitals such as St. John of God, St. Anne's, and the Mount in relation to the very large degree of organisation which is necessary in the Royal Perth Hospital, and other training schools.

The second urgent need is to convey all the knowledge of the progress in medicine to the busy general practitioner in the city, and to the man who runs a single practice in a country town or in far-flung parts of our State. This is a tremendous problem to solve, but its solution must be pursued actively. Just recently, the Australian Medical Association has been requested to transfer the post-graduate committee in medicine to the Senate of the University. This will conform to the practice in the majority of the States of Australia.

The dissemination of knowledge on medical progress among members of the entire profession is of vital importance to the practitioner and to the population at large. This will need financial assistance from the Government members of the profession, and the public. I hope to see formed a grants and allocation sub-committee so that sums of money given to this sub-committee would be allocated to the most likely candidates, from whichever hospital they may have been working in. Sums of money may be given by private persons to any hospital, but I believe that if the money were given to the grants and allocation sub-committee a wider view of the recent graduates' capabilities could be taken.

There is one extremely sore point among members of the profession. When medical men have been in these large hospitals and training schools and have then gone abroad for three or four years for further experience, they hesitate to return to Australia. I have been told, on authority from an individual in America, that Australia is

losing skilled physicians and surgeons to at least the United States of America and to some of the European areas, because there is the possibility of openings on large salaries for these men. Only recently I heard that individuals who had spent a certain time in one of the major clinics in America can obtain positions at salaries ranging from $25,000 to $50,000 a year; salaries that we cannot ever contemplate paying to our medical practitioners. I can assure members that when these young men return to us there is nothing to which they can look forward.

The Hon. J. Dolan: Where do these men work when they go overseas? In private hospitals?

The Hon. J. G. HISLOP: In the United States of America, in the large major hospitals, research clinics, and so on; places where work is performed in a teaching field, and where practitioners carry out work on the patient himself.

Let us look at other aspects of this plan. Firstly, it has the elements of a second opera house. With the continual diminishing value of money the cost of this centre could easily be $50,000,000.

Many other projects will have to go without if this centre is to be accomplished. Professional men of repute express the opinion that these hospitals should not be erected in the heart of the metropolis. They consider the Sir Charles Gairdner Hospital should be permitted to expand normally; a hospital should be built in the vicinity of Bull Creek, and another, outside the city and on the northern perimeter, should be built in Nollamara or Morley. These could be equipped to meet all medical necessities, short of clinics for intense care, because such clinics should, for many years, remain in the Royal Perth Hospital.

One comment made to me was: "The Americans have the answer—one hospital —one bomb—no hospital. Two hospitals —one bomb—one hospital."

For the information of members I will now explain the present position relating to hospital beds. In the *Daily News* of the 6th October, 1966, the following article appeared:—

> Shortage of Beds, Staff Worries RPH
>
> Acute shortages of trained staff and bed space are causing grave concern at Royal Perth Hospital.
>
> The hospital's annual report said the situation had risen to a "seemingly impossible level."
>
> The high incidence of accident cases had been the dominant factor throughout the year.
>
> Only by outstanding efforts had medical officers been able to cope with a situation which otherwise might have seriously affected the hospital and patients.
>
> The number of beds at present in RPH was 605 and yet the daily average of occupied beds was 634.8. This meant that an average of 39.8 beds per day were "makeshift."

I was rather astonished at the comment made by the Minister for Health (Mr. MacKinnon) that the situation at the Royal Perth Hospital was not as grave as might appear for a hospital of its size, when comparing it with other hospitals throughout the world. No statement could be more false than that one. Every hospital throughout the world bases its effectiveness on having a number of spare beds to enable it to carry on. It is impossible to carry on a large hospital without having a reserve of beds. Every hospital looks for a number of spare beds which allows it to ease any emergency, but an emergency cannot be eased at the Royal Perth Hospital when there are in use nearly 40 beds in excess of the maximum 600.

The Hon. R. F. Hutchison: The position is nearly chaotic.

The Hon. J. G. HISLOP: I rather resent this type of statement.

The Hon. G. C. MacKinnon: Have you read the recent report on hospitals in New York?

The Hon. J. G. HISLOP: I am not worrying about the situation in New York; I am worrying about the situation here.

The Hon. G. C. MacKinnon: You have just stated that in the statement I made to the Press I was telling lies, and I am asking you whether you have read the recent report on hospitals in New York.

The Hon. J. G. HISLOP: No; I have not.

The Hon. G. C. MacKinnon: Then how do you know whether my statement is true or not?

The Hon. J. G. HISLOP: The Minister has to stand completely by the words he used, and he may have to stand by them for some time. I do not actually blame the Minister for making such a comment, because one would not expect him, in the short time he has been Minister for Health, to know fully the position in which the hospitals of this State are placed, but his comment shows clearly the views of the department. No hospital can continue to work efficiently with makeshift beds. If the Minister were to seek advice from hospital administrators and matrons he would learn that the basis of hospital maintenance is to have a small percentage of beds not in use.

It is essential to be able to meet emergencies at any time. May I ask the Minister what he would have done concerning an emergency case that occurred a few days ago, and with which I became involved. A young person whose illness was being cared for by a colleague suddenly became very ill and, having known this person professionally, I was called in. It was essential that we should find hospital accommodation for this case where radio-

graphy was obtainable. On telephoning the Mount Hospital we were informed that there was not one bed available, and we obtained the same answer on telephoning the St. John of God Hospital.

On realising that this person had been a patient in the Sir Charles Gairdner Hospital I appealed to those in charge to assist, and a bed was found. It seems that as this young person had been admitted to the Sir Charles Gairdner Hospital previously, admission could be approved.

It seemed to me that there could be difficulty in trying to obtain admission to this hospital for a person who had not previously been a patient. Such difficulty is experienced by members of the medical profession who are not members of the visiting staff of the Sir Charles Gairdner Hospital.

If there had not been a vacant bed at the Sir Charles Gairdner Hospital that evening, my only recourse would have been to take this girl to the overcrowded Royal Perth Hospital, and I may have met the same difficulty there. I cannot imagine such a situation continuing for very long. A solution to the problem is much more urgent than the provisions of the Bill now before us. Conditions such as those I have outlined have to be improved as soon as possible.

The case I have cited is not an isolated one. If the Minister would care for evidence of other cases he can obtain it from other members of the medical profession. Situations such as the one I have outlined are constantly occurring. Other practitioners could relate many instances when they have spent valuable time making telephone calls in search of hospital accommodation, and so often the answer has been "No beds."

Another very great problem is the diminishing number of girls commencing nursing training. It is astonishing that, after about 30 meetings, the Nurses Registration Board cannot reach a decision on the future of nursing. It would appear that one section seeks to build up a body of nurses all capable of taking charge of intense care units, and all of whom have gained their Leaving Certificates, with the rest of the nursing profession measuring up only to nursing aide status. It is clearly obvious the situation can be controlled by having a standard of training, then establishing a post-graduate study group, the members of which, on completion of their studies will be specialists entitled to higher fees.

It must not be considered that the training of nurses is for the major hospitals only, because the smaller and country hospitals rely on nurses who have trained at the Royal Perth Hospital. A Leaving Certificate is not a *sine qua non* for a good nurse.

The Hon. R. F. Hutchison: No, of course not!

The Hon. J. G. HISLOP: It is absolutely stupid to think so.

The Hon. R. F. Hutchison: That is a really good point.

The Hon. J. G. HISLOP: In a nurse we want someone who has affection for the sick; who is a kindly soul inside, no matter what she may appear to be on the outside.

The Hon. R. F. Hutchison: I have such a neighbour.

The Hon. J. G. HISLOP: All these problems must be solved before we start on building huge medical edifices. I repeat that a real problem lies in the continuance of private hospitals which must be assisted financially. I again repeat that I understand in other States church-organised private hospitals are subsidised. I have mentioned the Mount Hospital, now wedged between roads carrying heavy traffic, and it cannot stay where it is. It represents a vital necessity in our hospital scheme, and it must remain in the scheme, but not on the site where it is situated at present. Eventually it should be attached to Sir Charles Gairdner Hospital where it can operate in association with that organisation.

I wish the Minister would get up and make his speech; it would be so much easier.

The PRESIDENT: Order!

Point of Order

The Hon. G. C. MacKINNON: On a point of order, Mr. President, I did not say anything. Did *Hansard* hear me say anything? I think Dr. Hislop, in making these sort of snide remarks, is going a little too far.

The PRESIDENT: I think Dr. Hislop was mistaken. I think it was the Minister for Local Government who was talking, and not the Minister for Health.

The Hon. J. G. HISLOP: I did not name anyone, Sir.

The Hon. G. C. MacKINNON: Surely there is no Standing Order, Mr. President, to say that a Minister cannot say something to somebody else without being named!

The PRESIDENT: Order! If the Minister for Health was interjecting, I did not hear him.

The Hon. G. C. MacKINNON: I did not say a word.

The PRESIDENT: There was talking going on and it would be hard to determine who was speaking from where Dr. Hislop is standing. Will you please resume your speech, Dr. Hislop.

Debate Resumed

The Hon. J. G. HISLOP: Thank you, Mr. President. The future of the Mount Hospital must lie in its being attached to the Sir Charles Gairdner Hospital. I believe that this would be the most effective method of building it on another site at reasonable cost and allowing it to associate its activities with the well-established

departments which the Sir Charles Gairdner Hospital now has. Those departments may even have to be extended.

In this connection, I should expand on what I have said regarding the building of hospitals beyond the needs of an area. If any specialist in the city were asked, he would uphold my contention that the building of hospitals to attract specialists will fail. Many of our problems would have been eased had the funds which were available been allocated by a commission charged with the task of apportioning funds in accordance with the necessities of the State. Had that been done, we would probably have received a considerable sum, and this could have been spent in a much better way. Everyone believes it will be essential that an annual survey be maintained and the hospital upgraded to the work possible within the area.

Earlier I emphasised that an organisation, such as the proposed medical centre, will attract more of the people who reside in the country, and thereby reduce the call on the hospitals which are already established. I do not know if Country Party members are aware of the percentage of country residents to city people who are admitted to the Mount Hospital and the St. John of God Hospital for medical care. The figure is between 75 and 80 per cent., and this applies to both institutions. These institutions are situated in the centre of the city, but provide a great service to country residents. I asked the matron of the Mount Hospital about this matter, and I was given the percentage. I believe it has also been given to the Commissioner of Public Health, and it is that 75 to 80 per cent. of the beds in those two institutions are occupied by country patients.

The Hon. V. J. Ferry: There are members representing country electorates other than Country Party members.

The Hon. J. G. HISLOP: I know the honourable member represents a country electorate.

The Hon. V. J. Ferry: I think some Labor Party members also represent country electorates.

The Hon. J. G. HISLOP: It was suggested that a specialist should visit in turn the major hospitals of the country centres for a week. Something along these lines has been tried in the Eastern States, but has not worked out. There are many reasons why such a scheme cannot be successful.

I would refer members to an article which appeared in the *Daily News* of the 19th October. It is as follows:—

A Time to Die

This article was published as an editorial in the Medical Journal of Australia. It is republished in full as a matter of public interest.

The art of medicine cannot be concerned alone with the process of bringing into life and the struggle to keep alive, but must be available also for occasions of inevitable approaching death.

This should not be met by the doctor with counsels of desperate defiance and a painful last-ditch stand, but with a preparedness to play the part of explainer and comforter to patient and relatives, and to imbue a philosophic resignation.

Modern medicine has put into our hands ingenious machinery and perfected techniques which may prolong the mechanics of life at the cost of comfort, calm and quiet acceptance of the inevitable.

It is too easy to be tempted to the use of many devices in the struggle to keep alive; the transfusing of blood into the veins of one about to be delivered by haemorrhage from the ordeal of mortal disease, the plugging of antibiotics in painful and sickening succession in an attempt to defeat the easeful death of one with terminal pneumonia; these are examples of things seen today all too frequently.

Earlier in the story there may have been attempted operations on the inoperable, so-called heroic and "supra-radical" procedures in the pursuit of a cancer which already has the upper hand. Are surgeons not sometimes culpable for speaking vaguely and minimising the appalling mutilations which may be made in an attempt to salvage a life already condemned?

These operations are at the best not in the nature of blessings to the afflicted.

There are few who can visualise what it means to have a total pelvic evisceration and to weigh this against the chance of tolerable survival for a short time. Any such surgery which inflicts an unutterable burden on patient and relatives in exchange for slender and irrational hope is difficult to justify.

The abasement of an individual to a vegetable status, in a too optimistic attempt to remove a cerebral glioma or intracanial aneurysm, is not an achievement to awaken pride.

In their struggle with death the sons of Aesculapius can go too far, and the most brilliant victories of techniques and surgical enterprise are sometimes won in the territory of poor humanitarianism and bad citizenship.

There is also the problem familiar enough today of the decerebrate patient, victim of anaesthitic anoxia or brainstem injury, who can be artificially respired and fed, and kept alive almost indefinitely to the unutterable grief of their relatives.

Then there is for many a forlorn and condemned sufferer the daily ride

in the tumbril to the deep X-ray department, where the radiotherapist—all honour to him—is usually willing to try a fruitless application of his art.

The elaborately equipped and staffed departments of our hospitals known as intensive care wards can contain old people being artificially respired in their state of terminal pneumonia, or people totally paralysed from some cerebral bulbar disease enduring months of dreadful consciousness, in surroundings of great horror.

Must these poor individuals endure so hopelessly the rhythmic click of the respirator, the periodic jab of the antibiotic needle and the scientific surveillance of an enthusiastic and fascinated attendant who may have forgotten or never known the art of giving comfort and good cheer to those in their final journey?

It becomes a hard decision to stop all this machinery, but the courage to do so must sometimes be sought. The hesitant may be encouraged by the opinion of that great moral teacher Pope Pius XII, who counselled that in hopeless illness causing distress to patient and relatives it is not the duty of the doctor to actively prolong life.

It is surely not for the doctor to administer to his patients the privilege of dying twice or dying miserably.

He should think highly of that part of his vocation which brings comfort and dignity to the end of man.

He should be prepared to restore the patient in hopeless case to familiar friendly surroundings and to the presence of relatives, and to see to the not niggardly administration of pain-relieving drugs and the comfort of kindly nursing, until death, called by Churchill one of God's greatest gifts, comes like a friend.

This article contains a most factual record of the conditions which the medical profession now faces. It is a question of providing the intense care that is required, and that is what impels those concerned to suggest the establishment of the medical centre alongside the Sir Charles Gairdner Hospital. The article deals with the intensive work which is now done in the training schools. They do fantastic and marvellous things.

I wonder where we will go from here; I wonder whether we will accept the viewpoint put forward in the article? When it is realised that a person is about to leave this earth, should we allow him to do so in comfort, or should we be compelled to keep him alive for a few extra days, and by so doing possibly cause considerable suffering—just to enable the sufferer to regain consciousness for a few extra days? I do not know, and I do not think anybody else knows. The need to care for cases such as these builds up the staffs of hospitals enormously.

Is this not then an appropriate moment to consider how far the efforts of the profession should go to determine a time to die? This is an amazing state of affairs which has swept through the profession. In certain conditions the road to recovery must be found, but where death cannot be deferred for more than a few days, is the action justifiable? I do not know.

The view of some of the honorary staff—and I agree with them— is that quite a degree of this medical and surgical care is a basis of medical education and research, and certainly should not be an added financial burden on the afflicted person or his family. If it be accepted that care of such a nature is educational and research, then the cost should be spread over the public.

It is for work such as this that so many of these appointments are made at the hospitals. I can recall the time when I first visited the Royal Perth Hospital in 1921 or 1922. There was only a handful of medical men caring for the patients, although admittedly the bed numbers were smaller. These men did a magnificent job without the modern aids which are now available.

I now turn to the proposed new tax. Most of us are aware there is to be a rise of 50 per cent. in hospital charges. On the imposition of this tax, a person occupying a bed in a six-bed ward in the Royal Perth Hospital will be paying more than another person in a similar ward at the Mount Hospital or St. John of God Hospital.

To check up on that I asked one of the officers at the Mount Hospital what he thought the rise in costs would be this year, and he told me it would not be more than 10 per cent. So during the next year people occupying a six-bed ward at the Royal Perth Hospital will be paying more than those occupying similar wards in the two private institutions I have mentioned. I shall deal with this point further at a later stage.

It is the view of more than a few of the medical profession that educational research and care should, on cost, be separated from normal treatment; and that the cost should be shared by the whole community through taxation, as any benefit determined by such research and care will rapidly spread to the community at large.

As it is, where will the impact lie? The pensioner will not be troubled, because no charges are made upon him or her. The more affluent sections of the community will not be greatly affected by an increase of $10 in insurance in order to assure themselves of a private room in a private hospital. The sections which will be affected are, firstly, the worker on a fixed wage; and, secondly, the retired man or woman, the value of whose money is fast

dissolving. The worker will certainly call for a wage rise, and so the falsification of the worth of money achieves another success.

Let us consider the people who attend the out-patient sections. These sections in all of our hospitals are overcrowded. Some of those requiring treatment have to wait for one to three hours to see the doctor, or to undergo further tests. I doubt whether appointments are made, although suggestions have been put forward for appointments to be made. Sometimes these people, after waiting for a long time, are seen by the doctors for only a few minutes, yet they will have to pay $2 per visit. They would be much better off if they visited a general practitioner, because they receive no refund from the hospital benefit fund for out-patient treatment.

These are the things which worry us. We are of the opinion that hospitals should be relieved of the cost of medical education and research. Should that be done we would be able to render service to the people in a less costly manner. I believe we should investigate this situation.

I do not want anyone to think that I am opposing the tax that has been proposed by the Government, because I realise the difficulties it faces. I am aware that in Western Australia we do not have the one-arm bandits which are used to raise millions in one State of the Commonwealth. Western Australia is not being penalised by the Grants Commission, but it has indicated to us that as New South Wales has raised money through this means, we must raise a proportionate sum through taxation or by some other means.

Anyone looking for new channels of taxation in Western Australia will have to look for weeks to find one, because Mr. Watson recently pointed out that practically all avenues of taxation have been shut off by the Commonwealth.

With your permission, Mr. President, I conclude by directing my final remarks to the Premier. They are as follows:—

(a) The position regarding hospital beds, both in the Royal Perth Hospital and private hospitals, is well nigh desperate. Had the recent virus been a shade more virulent than it was, a real disaster could have happened.

(b) As I have explained in relation to the six-bed wards, the Mount Hospital and, no doubt, the St. John of God Hospital fear an extra call on them for beds which they do not have.

(c) If the hospitals are to be maintained, rational decisions must be reached in order to maintain nursing staffs. The fixation of a high degree of education is necessary for a limited number only. Again I emphasise that it does not always take a Leaving Certificate to make a good nurse.

(d) Call a halt to the building of hospitals that are beyond the capacity of the needs of the public living in the area. This does not mean that the country people should be deprived of modern medical and surgical principles. A constant annual survey will maintain the necessary upgrading.

(e) Institute an inquiry into the situation regarding the Mount Hospital and St. John of God re beds. A hospital or a wing of 150 beds attached as soon as possible to the Sir Charles Gairdner Hospital should be provided without delay—a hospital that can meet all private requirements short of over emphasis on intense care. The Mount Hospital could fulfil this need.

(f) A financial review of the charges in public hospitals by dissociating medical education from the total cost. It could be wise to call upon a physician and surgeon of eminence in an Eastern States university hospital to guide the inquiry. To follow this a general tax would be necessary though no easy avenue is apparent.

The dissociation of medical education from general hospital costs should be placed before the Federal Government. The dissociation of the cost of nursing training should also be included in the inquiry.

It may well be that as a result Western Australia would lead the way in lessening the cost of hospital accommodation to those who are now meeting, in the minds of many of us, an unjust burden.

The Hospital Benefit Fund should be extended to meet out-patient attendance just as in attendance at a general medical practitioner's rooms.

Finally, we have reached a stage where we should have a hospital commission to control the provision of hospitals throughout the State. We would find considerable support for this from the profession. This commission must not be appointed by the elevation of persons thought eligible.

I understand that members of the Senate of the University were appreciative of the outstanding character of the applicants for the post of Dean of the Faculty. The same would apply to a search for the commissioner of such a commission.

In order to emphasise my views, I will read the following letter to me from Professor Cecil Lewis, which he wrote on the 6th August, 1965, before he left Western Australia:—

> I read in yesterday's paper your plea for the setting up of a Hospitals Commission and thought I would write to you briefly to wish strength to your

arm. Of course this is what we require, and should have established such a body years ago. The congestion at the Royal Perth Hospital would be tolerable if one knew it was temporary and the problems appreciated by those in authority. In my ward (Ward 22) there are twenty-four beds, and the accepted optimal number of patients is therefore about twenty-one. By the prevailing hospital orders I report empty beds until the figure of thirty-six has been reached.

As you know, the recognised hospital bed number in civilised countries is five for each thousand of the population or a little less. If Perth's population is increasing by ten thousand a year, we require an additional fifty beds annually, therefore, before we have made any inroads into the problem of congestion in the wards. Much is being made of the additional two hundred beds to be built on the Hollywood site, but we gain nothing overall if the completion date is not within four years.

As I conclude let me say that, so far as accommodation for the sick of the community is concerned, we are in a highly dangerous state. An epidemic of virus causation could emphasise the shortage of accommodation in a very unpleasant manner.

My first speech in this Chamber was a request for a hospitals commission. This fell on deaf ears. I trust that this plea meets a better fate.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

FIRE BRIGADES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th October.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [5.50 p.m.]: When introducing this Bill, the Minister explained that its main purpose was to continue the present apportionment of payment to the Fire Brigades Board by the various bodies affected; namely, the Government, the insurance companies, and the local governing authorities. This has been decided, apparently, because of the effectiveness of the present legislation up to date.

There is a school of thought which favours a different basis of contribution. It considers the Government should take over, in total, the direction of and responsibility for fire brigades, and that the local authorities should pay a lesser contribution and should not have a great responsibility in the proportionate cost of the administration of the Act. The school of thought feels that those who get the greatest benefit from this scheme are the insurance companies. This is because they are operating at a profit all the time, and the local authorities, to some degree, call upon their ratepayers, at least indirectly, to pay more than just a share.

I am one who subscribes somewhat to that view, but I do not intend to make any issue of it on this occasion. The Government has expressed a view by this Bill, and that view was reiterated when the Bill was before those in another place. Therefore the principle of the continuing subscription basis will be carried on with the passing of this Bill.

Various other amendments would not be as important as the ones dealing with the contributions. However I was interested to note that provision is made to change the end of the financial year from September back to June. This appears to me to be a rational move because local authorities and Government departments balance at that time as, I suppose, do all insurance companies. Nevertheless I could not understand why the amendment was worded as it is. In clause 3, the interpretation of "year" reads—

> "Year" means, until the thirtieth day of September, one thousand nine hundred and sixty-seven, year ending the thirtieth day of September, and from that date until the thirtieth day of June, one thousand nine hundred and sixty-eight, the period of nine months ending that latter date, and thereafter means year ending the thirtieth day of June.

I find that fairly confusing to read. It seems to me that the additional year allowed by this amendment is unnecessary. It would be quite possible to begin from the 30th September, 1966, which would end the current year and which would, I presume, have been balanced already, and then take the succeeding nine months to June, 1967, and then every succeeding June thereafter, rather than take it from June, 1968, and every June thereafter. There may be a reason for this wording, but it appears to me that a year has been lost unnecessarily.

Another point of interest is in regard to a member of a shire who is appointed a representative on the board. If that representative is defeated in an election, and is therefore no longer a member of the shire he will, under the amendment, be allowed to continue in his position on the Fire Brigades Board until such time as an election for that position is held. I believe, in essence, that the representative of the shire on the board must be able to present the views of the shire. If he has been defeated at an election, and is no longer a member of the shire, he is therefore not in a position to be on the board as a representative of the shire because he is no longer a member and cannot present its views. However, under this amendment, that will be the

position—such a person will be able to be retained as a member on the Fire Brigades Board.

I cannot see the reasoning behind this provision. I feel it would be far better, if a member of a shire is the representative on the Fire Brigades Board, and he is defeated in an election, immediately to declare his position vacant and hold a by-election to appoint someone who is a member of the shire.

An amendment is also to be made in connection with the accounting procedure for prepayments. It has been the practice in the past for amounts of money paid to be credited to that year only; whereas, they should be applied to the portion of the year to which they refer. It is strange that this provision has been retained in the legislation for so long and is only now being brought into line with modern accounting concepts.

This Bill is an endeavour to provide for better administration, but I do think consideration should be given to the points I have raised. Maybe the Minister can, when he replies, elaborate a little in regard to the shire representative who is allowed to continue on the board after he has been defeated at an election. I do not support the principle concerning the assessment of the basic contributions to the board. However, I do appreciate the great work done by fire brigades, both professional and volunteer.

I realise, too, there must be some administration at the head of this organisation and, of course, the more efficient it is, the cheaper will insurance become. Obviously, in time, a benefit will accrue to the person insuring if the efficiency of the fire brigade is such that it cuts down the possibility of loss by fire to an irreducible minimum. Therefore, I support the Bill.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [6 p.m.]: I am trying to memorise the point raised by Mr. Willesee dealing with the rather long interpretation of the word "year." I think this has been done only to bring it into line, because the present interpretation in the Act is that "year" means "the year to the 30th day of September." If we are going to alter the date of the board's financial year to the 30th June, some alteration has to be made to the Act. It is necessary to state this alteration so that by the year 1968, it is brought back into line with the 30th June.

The Hon. W. F. Willesee: Does not the Minister think this could be done just as effectively from 1967—it is a period of merely nine months.

The Hon. L. A. LOGAN: No; because I think a rate would already have been fixed for 1966-67, and it is for the year 1967-68 to which this new rate would apply. I think one of the reasons is that the rates were fixed up to September.

The Hon. W. F. Willesee: Seeing that the rate system is not being altered, I cannot see why this could not be done immediately. If a new rate were coming into the calculations, I could agree with the Minister.

The Hon. L. A. LOGAN: I will make a check on that point and advise the House at the third reading stage. However, this has been done because of the definition of the word "year" which currently appears in the Act.

I would now like to deal with the other point and that is the disqualification of an elected member because he has been defeated. Under the Act at the moment the situation is that if a person who has been elected by the shire associations to represent them on the Fire Brigades Board is defeated at an election, he ceases to be a member of the Fire Brigades Board and, consequently, the shires are without any representation at all on the board; at least, they are that man short with regard to their representation.

The Hon. H. K. Watson: How long would it take to hold a by-election?

The Hon. L. A. LOGAN: The position has to be filled within two months.

The Hon. H. K. Watson: So, there could be a gap of two months?

The Hon. L. A. LOGAN: Yes. The Act provides—

> Any vacancy in the office of a member of the Board, occasioned by any cause whatsoever other than the expiration of the term for which he was appointed or elected, shall be filled within two months after the occurrence of such vacancy, or within such longer time as may be prescribed by the regulations.

Generally, the Act lays down that the vacancy must be filled within two months.

The Hon. W. F. Willesee: For the most part, that would mean missing two meetings.

The Hon. L. A. LOGAN: Yes, it would mean missing two meetings or having members who were not actually members of the shire. The shires ran into this trouble when one of the representatives on the Fire Brigades Board was defeated at an election. He desired nomination as a member of the board and wrote to the shires concerned. One shire nominated him, but he was no longer a member of a shire or of a council. For some reason or other, the shires re-elected him to represent them on the Fire Brigades Board although, as I say, he was no longer a member of a shire, a council, or anything else for that matter.

The Hon. W. F. Willesee: He was probably an efficient man.

The Hon. L. A. LOGAN: He had been a very efficient officer on the board. I think that is the situation, and I think it

is fair enough. There could be a period of two months during which the shires had no-one representing them on the Fire Brigades Board, or during which time they were one member short in their representation. I think it is fair and reasonable to let the representative stay there until such time as the new one is appointed, because he has had the experience and, within the period of two months, would still know the wishes of the shires or the councils.

The Hon. W. F. Willesee: He might be quite experienced in local government, but once he is counted out he has to go.

The Hon. L. A. LOGAN: I realise this, but he is fulfilling a duty at the time. I appreciate the point raised by Mr. Willesee with regard to the percentages of contributions of local authorities, Government, and insurance companies. Of course, we have had representation from the insurance companies to reduce their percentage. Some people might say they ought to pay more.

I know what happened last time their percentage was increased; they just wrote a polite little note to their policy holders and said that the Government had increased their percentage of contributions and, as a result, the charges had gone up. They very politely told everyone that the Government was responsible for this and wrote to everyone concerned when they raised their charges.

I know the local authorities have made representations to the Minister in this regard and that the Minister has taken cognisance of their request. He took their request to the Government, but the Government decided that no alteration should be made. It was not that their recommendations were not considered, because they were considered. If new evidence is presented in the future for some alteration in this ratio, I am sure the Minister will have another look at the matter.

I quite agree with Mr. Willesee when he says that the work of these brigades is such that they deserve the highest commendation, and I think everyone is fairly definite on the fact that we have a very good organisation in the fire brigades in this State. Generally, they are on the spot when they are called upon.

The Hon. W. F. Willesee: What is left of this new period?

The Hon. L. A. LOGAN: Three years. The first period was for three years, but I do not think there is any life to this one. We came to an agreement that it would last for three years and would then be reviewed. This amending Bill does not lay down any period of review, but an Act of Parliament can be altered at any time.

The Hon. J. Dolan: I notice the householder pays his share of the three contributions. He pays his ordinary fire insurance; he pays his share to the local governing body in his rates; and also pays into the third, the Government, by paying his taxation. Thus, the householder gets to pay into the three of them.

The Hon. L. A. LOGAN: That is quite true. Whether the Government, the local authorities, or the insurance companies took over the whole of the insurance, the position would be the same.

Sitting suspended from 6.8 to 7.30 p.m.

The Hon. L. A. LOGAN: At the tea suspension I had almost completed my remarks. I was simply following up a remark made by Mr. Dolan regarding the apportionment of costs. Whether the Government, local government, or the insurance companies, were responsible for the payments the same people would be paying the same amount. There are no other points at issue, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th October.

THE HON. R. THOMPSON (South Metropolitan) [7.35 p.m.]: In introducing the Bill the Minister for Local Government had this to say—

> This Bill contains 21 clauses and is designed to provide amendments which have been found necessary during the course of the year, and in most cases these have been referred to the three associations connected with local government and have their support.

My mind goes back to 1960 when the parent Act was before us and many hours were spent on debating the measure, particularly during the Committee stage. At that time the Minister said that when amendments were found to be necessary local authorities could submit their suggestions and these would be looked at and, as a result, from time to time the Act could be amended.

In the main that has been done although, if my memory serves me rightly, on several occasions the local authorities have objected to some of the amendments that have been made to the Act. Generally speaking the 20 clauses in this Bill do not mean a great deal; some of them are machinery clauses and several provide for additional provisions to the Act. Most of them are worth-while provisions which have been found necessary through the passage of time.

I shall start my discussion on this measure by dealing with the back part of the Bill first and I ask the reason for the amendment to section 691. The Minister said that the clause covering this

amendment had been included on the advice of Crown Law officers to remedy a deficiency in the Act, because it does not provide specifically for an amendment to Orders-in-Council. The Minister went on to say—

> Subsection (2), which provides for the rectification of errors in Orders-in-Council, has been substituted by a new subsection to revoke orders, wholly or in part, and otherwise to vary the orders. A new subsection (2a) has been included to make the application of subsection (2) effective before and after 1966.

This amendment, other than the one contained in clause 17, is about the only one upon which there has been any comment from the local authorities from whom I have requested information. To my mind—and my opinion is supported by the comments that have been made to me by the local authorities to whom I have just referred—the amendment in clause 20 will mean that orders can be varied and that the effect of those variations will be retrospective.

When the Minister replies to the debate I would like him to give me some further information on the point. I particularly want to know the reason for this amendment and why the Crown Law Department has requested it. The Minister's notes were very brief on this point and I have not been able to discover from them exactly what is meant by the amendment, and what effect it will have.

Clause 17 contains an amendment to section 532 and this amendment provides for a departure from accepted principles. This is something the local governing bodies will not tolerate because it will take away the right, where land has been leased by the railways, and possibly by other Government departments, to levy local authority rates. This matter has been before the Local Government Association and from advice I have received, and correspondence that has been sent to me, it appears that that association made a unanimous decision on the point. On Friday, the 17th June, 1966, the Fremantle City Council submitted an item for discussion seeking the assistance of the association in resisting attempts to exempt Co-operative Bulk Handling Limited from the payment of rates through legislative action. The Local Government Association emphatically opposed the proposal to exempt Co-operative Bulk Handling Limited from the payment of rates.

On the 16th September, 1966, a further item went before the Local Government Association and it read as follows:—

> The letter sent by the Fremantle City Council was considered and it was resolved to advise the Minister that, having considered the exchange of letters the Association is more fully convinced that it is not in the best interests of Local Government that C.B.H. should be exempt from rating.

In the first paragraph of the Minister's notes he stated that the three associations connected with local government had been circularised and, in the main, they were in agreement with the Bill. However, they are not in agreement with the amendment contained in clause 17.

I shall quote a summary of the important points associated with the proposal to exempt Co-operative Bulk Handling Limited from rating. This summary has been prepared by the Fremantle City Council, and I submit it on that body's behalf. It reads as follows:—

> On the 23rd April, 1965, the Secretary for Local Government advised that the Hon. the Minister considered that relief should be given in respect to rates assessed against Messrs. Co-operative Bulk Handling Limited in respect of its installations at North Fremantle.
>
> The Minister expressed the opinion that Council should amend its system of rating in respect to these premises to that of unimproved value.
>
> Council considered this request and subsequently replied that it was not prepared to amend the system of rating in respect to a particular property. It was pointed out by Council that requests for relief from rates were received from time to time and these were generally based on grounds of hardship, but Council did not consider that differential rating was desirable for the purpose of providing relief.
>
> It was pointed out that other companies and organisations in Fremantle also pay large rate assessments when they occupy valuable property investments. It was fully pointed out that relief to one organisation, company, or group, immediately increased the burden on the remaining ratepayers. This has been evident during the last 10 years or so when revaluations have brought about substantial increases in the valuations of residential areas with little or no change in the commercial and industrial areas of Fremantle.
>
> It subsequently became known to the city of Fremantle that Cabinet was examining the question of rating of premises owned by Messrs. Co-operative Bulk Handling Limited.
>
> On the 2nd June, 1966, The Hon. Minister for Local Government advised the Council that it is the intention of the Government to introduce legislation at the next session of Parliament for the purpose of providing that the premises of Messrs. Co-operative Bulk Handling Limited are to be exempt from rating. It is proposed to amend section 532 (3) of the Act by addition of the following clause—

532 (3)—Land is not ratable property—(d) if it is land owned by Co-operative Bulk Handling Limited and used solely for the storage and handling of grain, and where the company has agreed to make a contribution to the maintenance and construction of roads in the vicinity of the land as the council of the municipality has required.

(e) If the Company is aggrieved by the amount of the contribution required by the Council under paragraph (d) of this sub-section, it may, within 30 days, after such requirement is communicated to it, appeal in writing against the decision to the Minister for Local Government.

(f) The Minister may dismiss or uphold the appeal subject to the requirement being modified in such manner as he thinks fit, and the decision of the Minister is final and not subject to appeal.

I would like to interpolate here for a brief moment. This seems to me to be a rather dictatorial attitude to adopt. Though the word "owned" is used in this document that land referred to in (d) becomes exempt from rating by a local authority where it is leased, where rental is paid, if it is port authority property, if it is Crown land, land belonging to the Lands Department, or railway property.

This could have far-reaching effects. There are many other organisations which could justifiably claim the same relief; and later on I will quote the companies I have in mind. There is one company, however, which is not included in the document submitted to me. It may be successfully argued that Co-operative Bulk Handling Limited is a co-operative; that primary produce is being handled; that it is non-profit making—which I very much doubt—and that it should enjoy this privilege. It is claimed that the company did not pay rates for years, but it was through no fault of the local authority that these people have not been paying rates; it has been because of certain legalities, and the councils have been frustrated because they did not know how to collect their rates.

One parallel case that comes to my mind is the fishing industry. In Geraldton we have the Geraldton Fishermen's Co-operative Ltd., and in Fremantle there is the Fremantle Fishermen's Co-operative Society Ltd. Along the coast we have either the Geraldton or the Fremantle fishing establishments, and from what I have been able to ascertain these people pay rates to the local authority concerned. Is there any difference between a primary product like fish and a primary product like wheat, oats, or barley? They are all produce, and they are all primary produce.

But I do not see any Bills coming to Parliament to exempt the types of people I have mentioned; nor should there be any Bills brought to Parliament to exempt such people. I now continue to quote—

Examination of the proposed additions (d), (e) and (f) to section 532 (3) indicates a lack of appreciation by the Government of the responsibility of local government today. To suggest that a contribution by the company to the cost of maintaining and constructing "roads in the vicinity of the land" represents its financial responsibility to this Council is to ignore the costs associated with such matters as drainage, street lighting, fire protection services—

and this is quite relevant seeing that we have just dealt with the matter where local authorities have to make substantial contributions to the Fire Brigades Board. Yet, we find, that Co-operative Bulk Handling Limited, at this stage, will not be called upon to pay any taxes, even though, under the Bill that has just passed its second reading, the local authorities will be bound to pay contributions to protect installations such as these. To continue—

—town planning, health, library services (employees' entitlement) in fact every service which Council renders for the benefit of the district. Examination of Council expenditure in any year reveals that the maintenance of roads is only a fraction of the Council's total effort.

Members of this Chamber who have interested themselves in local government matters and who have been members of local government for many years will realise that every word submitted to me is true and correct. No local authority should reasonably expect exemptions; nor should any organisation request exemptions from the payment of rates.

While I was in Collie last year—and Mr. Perry was also present—the Collie Shire Council brought home forcibly its reason for being discontented at the number of State forests surrounding Collie, and the consequent lack of rates. We find that there is some relief for these people in the legislation before us. It is quite wrong to say to an expanding community, one that has great commitments for the future, and for the well-being of its citizens, "No, this is a co-operative, from which farmers from all over the wheat-growing areas of the State will benefit, but the citizens of Fremantle can bear the cost for improvements we make in and around the city." To continue with my quote from this document—

For many years, Local Government has endeavoured to have State and Federal Government authorities accept responsibility for rates in respect to Government property. The argument in favour of such an arrangement is

that the present position requires the ratepayers of a district in which large Government property holdings are established to subsidise by their own rate payment the activity of Government instead of the cost being borne by the public generally. An example of this situation is at North Fremantle where very large tracts of land have been acquired in recent years for the realignment of the Perth-Fremantle railway, and extensions to the port. Further land will be required for the approach to the proposed new traffic bridge. Although there has been some reduction in Councils commitments for services this is in no way commensurate with the loss of rate revenue.

The Government's proposed legislation will extend this anomaly to include a particular company. The ratepayers in Fremantle will be required to subsidise the growers of grain in Western Australia due to Messrs. Co-operative Bulk Handling Limited being exempted from rates.

To maintain rate revenue at its present level—and this is essential—then it will be necessary to increase the rate payment of every other ratepayer by approximately 4½ per cent.

Among the companies to whom the increase will apply are those firms whose activities are almost entirely confined to the marketing of wool. These firms make payments totalling $18,400.00—

The Hon. E. C. House: They charge the woolgrowers plenty for that, too.

The Hon. R. THOMPSON: I will read that again—

These firms made payments totalling $18.400.00 in the current year, and the wool-grower is now to be required to indirectly subsidise the wheat-grower. The increase will apply to every householder pensioner or otherwise, with rate payments averaging an additional $1.80 per year for each residence.

In replying to Council's protests, Co-operative Bulk Handling Limited has stated that the company had been called upon to pay rates because of a legal technicality, and that the finances of the City of Fremantle should not be affected due to the company having paid rates in only the past two years. The true position is that a legal technicality enabled the company to avoid rate payments until the 1962-63 financial year, the former Municipality of North Fremantle having made legal moves to correct this situation as far back as 1953. Both the North Fremantle and Fremantle Municipalities were well aware of the legalities which gave the company a privilege and were further aware that this situation was not likely to continue.

The legality that the company hid behind as the reason why it did not pay rates from 1953 onwards—and there was some doubt expressed about the legal opinion to this effect at the time—was that it was an occupier under license. The legal opinion thought that the license was illegally granted by the Government. I now quote—

It is a further claim by the Co-operative that it does not receive any benefit from the services rendered by the City of Fremantle. This is an absurd statement and one which could be made by every Ratepayer in respect to a particular aspect of municipal activity. The Pensioner has lost his interest in a Children's Playground, the non-reader is not interested in the Civic Library and so on to the extent that every Ratepayer could make such a claim to an extent which varies with his or her demand. It is the services generally which go to make the complete structure of a local authority and no doubt these have played a very important part in making Fremantle a centre which is attractive to industry, commerce, and the public generally, and no doubt some of these advantages brought about the establishment of the property of Messrs. Co-operative Bulk Handling Limited in the location that it occupies today. The Hon. the Minister for Local Government also replied to Council's objections to the proposed legislation and the letter concluded by stating, "That the proposed exemptions are fair and reasonable."

The following extract is from a letter forwarded to the Minister in reply:—

The City of Fremantle emphatically disagrees with this statement. It is considered that grain storage buildings on Railway property should not be exempt, and this principle has never been accepted by this Council. As far back as 1953, Council has investigated the legality of exemption of storage premises which occupied Railway land and, in that year, a Queen's Counsellor expressed the opinion that the Company was ratable in respect to installations on Railway land at North Fremantle. This opinion was subsequently reversed because of a legal technicality. Further enquiries were subsequently abandoned when it became known that the land concerned was to be transferred to the Fremantle Port Authority, thereby rendering the installation ratable. The agreement between the Company and the Port Authority took some years to negotiate.

In your letter, Sir, you state that the only debate in Parliament at the time when Section

532 of the Local Government Act was previously amended to provide for the rating of land leased by the Railway Department, was in the form of a question by the late Hon. E. M. Davies, M.L.C. Your reply to this question was that "Co-operative Bulk Handling Ltd., is not a profit-making organisation; it is purely a handling organisation. The reason for the amendment is to provide that commercial firms will pay rates. Co-operative Bulk Handling does not pay rates, because it is a non-profit-making concern; and that is the reason why it is exempt."

This reply is not supported by the Company's report for the year ended 31st October, 1965, which reveals a surplus of $1,317,400 as compared with a surplus of $80,144 for the previous year. The directors stated in the report that this amount was to be distributed among shareholders pro-rata to the business done by them with the Company. In any case, companies, societies and organisations which are formed for the benefit of members or a particular group of persons, as distinct from the purpose of profit-making, cannot be regarded as entitled to rate exemption. The Australian Mutual Provident Society, the Royal Automobile Club, the Wool Exchange (W.A.) Pty. Ltd., and Friendly Society Pharmacies might be described as non-profit organisations but one would not consider it reasonable to exempt these bodies from rate liability.

In each of the years 1962/63 and 1963/64, Messrs. Co-operative Bulk Handling Ltd., paid an assessment of $3,458 to this Council without comment. This levy was in respect to the North Fremantle installation which was not complete at that time. It was only when the installation was completed and the assessed amount increased to $20,000 that the Company complained.

The Hon. H. K. Watson: How was that arrived at?

The Hon. R. THOMPSON: It was an uncompleted building. There had not been any revaluations in the Fremantle area up to 1963, and just about that time there was an amalgamation between the North Fremantle City Council and the Fremantle City Council.

The Hon. H. K. Watson: How was the annual value arrived at?

The Hon. R. THOMPSON: It was 17c in the dollar, and it was on the unimproved capital value at that stage because the building was not completed.

The Hon. H. K. Watson: Unimproved or improved?

The Hon. R. THOMPSON: They are improved ratings. Up to that stage the building was not completed and it was not possible to give the final assessment.

The Hon. H. K. Watson: Would it be 4, 6, or 10 per cent.?

The Hon. R. THOMPSON: It was 17c in the dollar.

The Hon. H. K. Watson: The annual value?

The Hon. R. THOMPSON: I think that is mentioned later on.

The Hon. H. K. Watson: Thank you.

The Hon. R. THOMPSON: To continue—

> Correspondence from your Department in April, 1965, requested that consideration be given to a change in the method of rating so as to grant the Company relief from what was referred to as a "very large impost." This indicates that objection was not to the principle of rating, but rather to the amount which the Company was entitled to pay in view of the very valuable installation and land that it occupied. In the meantime, the Company continues to pay substantial water rates in respect to the very property which is to be exempted from municipal rates.

What will be the Minister's attitude towards that? I do not imagine a large amount of water will be used. The only water used will be for showers for the workers, or for their billy of tea. The company will pay for a lot of water by way of water rates, but the Government has not brought forward a measure to say that it will foot the bill in that regard, because at the present time the Government is possessed with the raising of more money by way of taxation.

The rates that the company should pay will have to be borne by the citizens of Fremantle who live in humble dwellings. I say "humble dwellings" because most of the people live in Housing Commission homes; and rates are levied through the rentals that are paid. However, we find the occupiers of these houses, whether privately owned or rented from the State Housing Commission, still pay water rates, land rates, and land tax. On the other hand, this company has a surplus of $1,317,400, and yet the average worker, who is lucky to break even each year—Dr. Hislop mentioned tonight that some of them cannot afford to go to hospital, and pay their bills—is going to be called upon to pay 4½ per cent. extra each year to subsidise this company. Continuing—

> The City of Fremantle reiterates, Sir, that the Government's proposal to relieve the Company from rating liability is a complete departure from the accepted prin-

ciples of local government and warrants the further consideration of Cabinet.

The extension of special privileges to any individual or group of persons in a manner such as this is a complete departure from the democratic principles of local government. Which group will be favoured next? The legislation proposed by the Government will establish a situation which is completely unacceptable to this Council in particular and, I am sure, to local government in general.

That has been proved, because the Local Government Association, on the two occasions it has dealt with the matter—on the 17th June and the 16th September—has unanimously supported the Fremantle City Council in its submissions.

This is something which could extend into country areas and country people could likewise be affected. The burden of these rates could be applied to townspeople who do not produce wheat. The ordinary person in a town might rely on the farmer for a living, but he might have to provide a subsidy in the future if this legislation is applicable.

The Hon. S. T. J. Thompson interjected.

The Hon. R. THOMPSON: I did not hear that interjection; and possibly it is just as well that I did not. This is against accepted principles; and it is against the Minister's principles. I say that because he has told us time and time again, when amending legislation has been before the House, that the amendments are something that the local authorities want. One can go through *Hansard* since 1960, when the parent Act was originally introduced, and find that that is the position. However, we have sometimes found that the local authorities have not requested amendments; and on this occasion, the Local Government Association, which incorporates authorities throughout the whole of the metropolitan area, has unanimously rejected this proposal.

Now we come to another aspect; and I refer to the *Port of Fremantle* quarterly, Volume 2, No. VIII, in which quite an authoritative document that was prepared by the Grain Pool of Western Australia is published. This article deals with the initial history of the Grain Pool—how it was formed, then taken over by Westralian Farmers Co-operative Limited. It tells of the coming of the depression, when every penny saved was a penny gained; and the expense of bulk handling was met by a levy which was taken out of the last payment to the grower of .1 of a cent or ⅛ of a penny per bushel. Without reading the whole of the article to the House, it tells how finance was eventually obtained from outside sources in order to provide modern facilities.

Several years ago we had a Bill before the House which authorised debentures for growers. I do not deny the success that Co-operative Bulk Handling Limited has had. I think it is one of the greatest things that has happened to Western Australia: but, by the same token, ordinary householders, and other business houses and commercial interests should not have to subsidise the company. If we have a look at some of the things the reserve fund has been used for we will find—

1. The establishment of the Outturn Superintendence organisation.
2. The securing of a substantial interest in a stevedoring organisation.
3. Obtaining a controlling interest in the grain selling and ship chartering organisation.

The Hon. J. Heitman: Are you talking about the Grain Pool or C.B.H.?

The Hon. R. THOMPSON: I am talking about the Grain Pool.

The Hon. J. Heitman: They are two different organisations.

The Hon. R. THOMPSON: I will come to that in a minute. This was put up by the Grain Pool in conjunction with C.B.H., and it goes on to say—

4. Assisting in financing the establishment of Western Australia's unique system of bulk handling until the system proved successful and outside capital was secured.
5. The granting of substantial sums for research work on problems directly affecting grain growers.
6. Assisting the Country Women's Association with interest-free loans to establish Community Rest Room facilities in grain growing areas.

Further on it is stated—

The first practical steps towards bulk handling were taken in 1920 when a company was formed for the purpose of grain handling. However, the capital costs involved prevented the company from operating and it was not until the depression years, when every penny saved was important, that a cheaper and more flexible pilot scheme was tried by Westralian Farmers Co-operative Ltd. It met with widespread approval from growers and, despite severe opposition from other quarters, the scheme was expanded.

In a joint effort, the Pool's Trustees and Westralian Farmers Co-operative Ltd. formed Co-operative Bulk Handling Limited in 1933—

So I think that answers the interjection. To continue—

—and in 1935 the State Government passed the Bulk Handling Act, enabling the company to go ahead with Government approval.

The scheme also handles bulk oats and barley. Since the 1951/52 season,

these grains have been received, stored, transported and shipped in bulk—to the great profit of growers.

Ten years after its establishment, the bulk-handling scheme had completed its initial construction programme, repaid all advances and had become the property of the grain growers of Western Australia and under their absolute control. To date, the scheme has handled a total of 1,162 million bushels of wheat, oats and barley.

If the average benefit is assessed at the conservative figure of 3 cents (4d.) per bushel, it means that bulk handling has saved growers nearly $36 million (£18 million).

And now the Government is attempting to save them quite a bit more money at the expense of the ratepayers. Where leasehold properties are made available to private companies and co-operatives such as this—I am not distinguishing them one from the other—the local authorities are entitled to rates. If local authorities check their areas—and I have done this—some of them will find they are not receiving rates to which they are entitled.

The way I read the Act, once a portion of a property is leased it becomes ratable to the local authority. While it is being used exclusively by, say, the Fremantle Port Authority, where there is no lease to any other organisations, no rates are applicable. However, the moment a portion of the land is leased, rates can be levied. That is exactly what the North Fremantle City Council, and subsequently the Fremantle City Council have been trying to do since 1953. At last they were successful, but the moment they were, pressure was brought to bear on the Minister and on Cabinet—or on the political parties, whichever the case may be—for exemption from rates, and we find Bills of this nature before the House. The particular building is owned by an industry which is quite able to pay. If the farmers were in trouble the Fremantle City Council would be one of the first local authorities to grant relief. I have never known it to do anything yet that has not been in the interests of the ratepayers. It is possibly one of the best councils with which I have ever had dealings.

To refresh the memory of members on what the Minister said about clause 17, I will quote his remarks—

> Section 532 of the Act is amended by clause 17 to provide for the exemption of rating of land used solely for the storage of grain by Co-operative Bulk Handling Ltd. where the company agrees to contribute to the cost of roads in the vicinity of the installations as is required by the council. Provision is included for the right of appeal to the Minister by the company against the requirement of a council. This amendment is considered to be equitable, because in the majority of cases these installations are on railway property and are already exempted from rates by subsection (2) (a) of this section. It is claimed that there should be no distinction between this land, which is on leased railway property, and similar land used for the same purposes elsewhere.

Of course, the railway property is leased to the Fremantle Port Authority and is now under its control. Therefore, it becomes leasehold property on which rates can be levied.

Other than on the matter I have raised in regard to clause 17 I give my wholehearted support to the Bill but I intend, without much further argument in Committee or anywhere else, to oppose that particular clause.

To answer the query raised by Mr. Watson, the Fremantle City Council valuation is on annual rental of not more than 4 per cent. of capital valuation, which is the uniform rate.

The Hon. H. K. Watson: Thank you.

THE HON. J. HEITMAN (Upper West) [8.25 p.m.]: I rise to support this Bill and, unlike Mr. Ron Thompson, I quite agree with the Minister on clause 17. I would like to say at the outset that most of the clauses prior to clause 17 are machinery amendments to the Act. As we all know, an Act with over 600 sections could not be perfect and from time to time we do expect amendments to come before the House to tidy up the Act.

Clause 4 refers to life tenancies which, at the present time, are not being rated. A life tenant can be liable for rates and pays them in line with other ratepayers. Clause 5 tidies up the fact that in many instances local authorities, after an election, may not have a justice of the peace in attendance to administer the oath to the incoming councillors. This matter is tidied up by a commissioner of declarations being able to perform this duty if no justice of the peace is available.

Clause 6 refers to the numbering on an electoral roll. This matter is not so important in the country, but in the metropolitan area, where there are 40,000 or 50,000 on a roll, renumbering the roll because of new ratepayers becomes an expensive operation. Here again, the Minister has done his best to try to safeguard the councils with regard to extra expenditure which is not necessary.

Section 117 of the Act is amended by clause 7 and this will enable the checking of absentee votes or postal votes prior to the declaring of the poll, or during the afternoon. A check can be made to see that postal voters' and absentee voters' names are on the roll, and the

votes can be sorted and placed in the ballot boxes and counted.

The next clause refers to a councillor who has a pecuniary interest in a business in a town. In many instances, a councillor's interest in a particular issue is not a pecuniary one, especially in country areas. Practically every councillor is interested in such organisations as bowling clubs. He has not a pecuniary interest in such clubs and so this section of the Act is tidied up and will allow the councillor to vote.

Clause 9 prevents the changing of the name of a subdivision without the approval of the Minister. This often occurs in country areas, and perhaps in the city, too. A person might subdivide land and give it a name which he likes. If this is allowed to go on we could have alterations to names right throughout the country.

Clause 10 facilitates the closing of unwanted rights-of-way. Many of these, especially in the metropolitan area, are not used. The Titles Office has, in the past, not charged a fee in order to accelerate transfers. However, the town planning authority did charge a fee.

If the amendments in the Bill are agreed to the town planning authority will not be charging that fee. Here again the Minister, by introducing this amendment, has done a good job because it will assist in facilitating the transfer of these unwanted rights-of-way.

Clause 12 is important because it seeks to give power to councils to force a ratepayer to clean up or obscure a junk yard, woodyard, or a yard belonging to a marine collector, any of which may represent an eyesore in the town. These places can be seen in many country centres. Often there is a row of neat houses and then follows a vacant block on which there is a heap of rubbish. Very often it is difficult for the council to induce a ratepayer to clean up his block, but this amendment in the Bill will give the council undisputed authority to force such a ratepayer to comply with its demands.

Clauses 13 to 16 will give a shire council authority to make by-laws in regard to uncompleted buildings. In many instances a person who has limited finance will take steps to erect a house but on reaching a certain stage his finance becomes depleted, or he decides it is cheaper to rent a house, and the partly-constructed building is left standing. After many years it becomes dilapidated and its appearance adds nothing to the reputation of the town.

Under the provision in the Bill the local authority will be empowered to take action to rectify the position. Should a pensioner not have sufficient finance to enable him to decorate or renovate his dwelling, the shire may do this work for him in order to make his house neat and tidy and so that it will conform with the rest of the houses in the street. Here again the estate of the pensioner, on his death, can be charged with the expense of the renovation and the local authority recouped. I am certain that this provision will be of benefit to every town in the State.

In regard to clause 17, I cannot agree with Mr. Ron Thompson in any shape or form on his argument that Co-operative Bulk Handling Limited should not be exempt from the payment of rates. Last year was the first occasion on which C.B.H. had to pay rates to the Fremantle Council. I have received letters from that council stating that if it does not receive rates from C.B.H. this year, it will have to increase the overall rating by 4 per cent. I have never yet heard of the Fremantle Council assisting C.B.H. with its installations or roads; the cost of these works has always been met by the company.

Under clause 17 the Minister is now seeking to provide that if the Fremantle Council, or any other council assists C.B.H. in constructing roads or any other works for the company, C.B.H. will recompense the local authority for the cost of the work performed. I point out to the House that C.B.H. renders a community service. I think it has been mentioned that it only assists the farmer in the carrying out of its operations.

As Mr. Ron Thompson has pointed out, it has saved members of the farming community many millions of pounds over the years with its bulk installations and it will continue to do so in the future. But it not only helps the farmer. The whole community benefits, because grain production, unlike the fishing industry, is based on the cost of production, and the cost of production is paid for by the people of Western Australia in the home consumption price of wheat. If a decision were made to rate every C.B.H. installation throughout the State this would be reflected in the price of wheat which, in turn, would be reflected in the cost of bread to the consumers of Western Australia.

This is the point that was overlooked by Mr. Ron Thompson. I thought this would have been one of the points he would have cottoned-onto quickly, and that he would have said, "After all is said and done C.B.H. does assist everybody. Everybody benefits by the price of wheat being kept down because the price of bread to the consuming public is also kept down."

The farming community has been aware of this fact for many years. Anything that assists the farmer also assists the community as a whole, but in this instance it is all the more evident. As I have pointed out, every shire in the State could charge rates. I know that last year four local authorities charged C.B.H. with rates amounting to £11,000 or £12,000. As I have pointed out, if every shire in the State charged rates, and C.B.H. had been forced to pay those rates it could possibly have increased the price of bread by 3d. or 4d. a loaf. As C.B.H. is rendering a commun-

ity service it should not be called upon to pay local authority rates because at no time has it requested any local authority to assist in the cost of the roads or installations it has constructed for the benefit of the farming community.

Therefore, in view of the fact that the operations of C.B.H. create no charge on any council, I do not see why the company should be called upon to pay rates. Like any other community service it should be exempt. Such exemption keeps the cost of production down, and if the cost of production is lessened by C.B.H. gaining an exemption in rates the price of bread is made cheaper and the whole of the State enjoys this benefit.

Fishing co-operatives were referred to by Mr. Ron Thompson and possibly they are worthy of consideration. However, prices in the fishing industry are not tied to the cost of production; they are tied to the available market for the fish. If there is a glut of fish, the fishermen do not get a very high price, but if there is a shortage they are able to obtain a little more. The price of grain, however, is tied to the cost of production. The farmer sells his product on the home market at a certain price and the balance of production is sold on the world market. If the price obtaining at any time has been depressed, the farmer makes ends meet by increasing his efficiency on the farm and tightening his belt a little and thus reducing his cost of production.

I consider that most members will speak to clause 17, because it is the principal clause in the Bill. There is another clause to which I will refer before resuming my seat. Under the Act at present an action against a council must be taken within 21 days. Under the proposed amendment, the wording in the section will be altered to "as soon as practicable" for the reason that anyone injured in an accident which may have been caused as the result of the negligence of a local authority could, as was stated by the Minister, lie unconscious in hopital for many weeks and thus be prevented from taking action against the council within 21 days. There is nothing else I need mention. I support the Bill and I hope it has a safe passage through the House.

THE HON. H. R. ROBINSON (North Metropolitan) [8.38 p.m.]: I support the Bill. I was rather surprised at Mr. Ron Thompson claiming that he agreed with all the clauses in the Bill with the exception of clause 17. He went on to say that the Fremantle City Council strongly opposed clause 17, and he implied that most other local authorities also opposed it. Last Thursday I took the opportunity of sending copies of the Bill to the Shire of Perth, mainly because I have been associated with that shire for many years. I asked the shire clerk and the chief engineer to study the provisions of the Bill and let me have their comments. On Friday they telephoned me to say they were completely satisfied with every clause in the Bill.

Over the telephone I again asked them if they were completely satisfied with the Bill and they assured me they were satisfied with every clause, and that included clause 17. So not all local authorities would agree with the view expressed by Mr. Ron Thompson.

The Hon. F. R. H. Lavery: Is the Perth Shire a member of the Local Government Association?

The Hon. H. R. ROBINSON: Yes, it is.

The Hon. F. R. H. Lavery: Mr. Ron Thompson stated that he had a late letter in which it was mentioned that the Local Government Association supported the Bill.

The PRESIDENT: Order!

The Hon. H. R. ROBINSON: I can assure the House that the Shire of Perth is a member of the Local Government Association. It has two delegates who, I understand, now regularly attend the meetings of the association. So whatever Mr. Lavery has to say on the Perth Shire being a member of that organisation, I can assure him that it is a member.

As the Bill seeks to amend certain sections of the Local Government Act, I take this opportunity of saying a few words on the Act itself. I hope the committee which has been formed to report on all aspects of local government will make some recommendations on the boundaries of many local authorities, particularly those in the metropolitan area, because it seems to me that many districts are far too small in size to be controlled by a local authority. For instance, the Peppermint Grove Shire has jurisdiction over .4 of a square mile. The Claremont Council has to administer only .9 of a square mile; Cottesloe Council 1.5 square miles; East Fremantle Council 1.2 square miles, and Mosman Park Council 1.7 square miles. Therefore, it would seem that this committee could certainly look at the question of amalgamating several metropolitan local authorities.

The town of Midland, for example, has been in financial difficulties for some time because of the small area it administers; whereas in the area adjoining it, the shire of Swan-Guildford is responsible for administering 396 square miles. The Midland Council has made representations to the Minister and to the Government for financial assistance, because at the present time I think it has a revenue of approximately $65,000, and has a considerable amount of non-ratable property within its boundaries. Such establishments include the Midland Workshops, the Midland Junction Abattoir, and the military installations. It would therefore seem that the boundaries of this local authority should be amended to bring about a more equitable distribution of revenue.

When the committee makes its recommendations to the Minister—which will

possibly be anything up to 12 months hence—I hope it will recommend the amalgamation of several of the shires in the metropolitan area.

THE HON. F. R. H. LAVERY (South Metropolitan) [8.43 p.m.]: I completely support the remarks made by Mr. Ron Thompson. Despite what Mr. Robinson has just said, I can assure members that the statement made by Mr. Ron Thompson was based on official information given to him by the Fremantle City Council, and when he stated that the Local Government Association was unanimous in its view that it supported the Fremantle City Council in this matter, it was, in fact, unanimous.

Before commencing to outline the attitude of the Fremantle City Council towards the Bill, I would like to state that I was rather interested in the words expressed by Mr. Heitman that C.B.H. renders a community service to the State.

We all know that through its development and organisation, the Mt. Tom Price venture renders a great service to this State and to the community, by the employment it provides and the taxes it pays. When we speak of community service, we should ask which organisation gives greater community service than shires, town councils, and city councils. I can assure the House that no member of Parliament does. I realise there are many large companies which render a community service to the State as a whole, and which pay rates to local authorities for the services they receive.

From 1936 to 1952, when I entered Parliament, I was employed at the Commonwealth Oil Refinery at North Fremantle. Its installations are opposite those of Co-operative Bulk Handling. I can tell the House of the vast improvements that have taken place in that locality, and particularly on the land controlled and used by Co-operative Bulk Handling. The most recent installation by Co-operative Bulk Handling at North Fremantle is second to none in Australia, and at the official opening I was given to understand that it is the only one of its type in the world in respect of its mechanised operations. The mechanisation itself is of a high standard, and I am proud that the installations were designed by Western Australian brains.

At the same time the Fremantle City Council has a responsibility to the community. As Mr. Ron Thompson pointed out, in 1952 or 1953 the North Fremantle Town Council—which was then a very small local authority—had had this matter before it for many years. In respect of the services which are provided by the Fremantle City Council for its ratepayers, it is true to say that if this Bill is passed in its present form it will mean an additional cost of $1.70 to $1.80 to each ratepayer.

This city council has already prepared its budget for the next financial year, on the basis of the rates to be received from Co-operative Bulk Handling. The Minister for Local Government would be aware that in preparing a budget, the rates on a property as large as that of Co-operative Bulk Handling at Fremantle would be very substantial. The Fremantle City Council has budgeted on that basis, but if the installations of Co-operative Bulk Handling are to be exempted by an Act of Parliament, then someone along the line will have to meet the deficiency—and he will be none other than the ratepayer of the City of Fremantle.

I do not want to go into all the details of this matter, because Mr. Ron Thompson has produced a good case on behalf of the Fremantle City Council. It is my firm belief that Co-operative Bulk Handling is able to pay rates on the property it occupies at North Fremantle. One speaker in this debate referred to the amount of good that Co-operative Bulk Handling has done to Western Australia, and gave a reason why it should not pay rates. I would compare this organisation with the Swan Brewery which pays a large amount in rates and taxes to its local authority, and yet it does not receive very much in services. This is the system under which we live, and under which local authorities obtain finance. Most of the money required comes from the ratepayers. By including the provision in clause 17(d) the Minister is not—

The Hon. L. A. Logan: You are only guessing.

The Hon. F. R. H. LAVERY: I may be guessing. I would be surprised if Country Party members would consider taking a step to deprive local authorities in their provinces of revenue which may, or may not, be received through an amendment to an Act, such as the one before us. Whilst I have been in this House the only time Country Party members have stood up for themselves was when Labor was in office and introduced a measure which they were very pleased to support; I refer to the railway freight concessions on grains from the country.

May I stress this: I am not ashamed to say that I am proud of the contribution made by the farming community. I am proud of the fact that Western Australia exported all the wheat that was exported from Australia last year. None of it came from the other States. Of course, the farming community is entitled to all the benefits that can be gained by it.

In my view, when a member, who does not belong to the Country Party, but to the Liberal Party—although he represents a country electorate—claims that Co-operative Bulk Handling has rendered great service to the community, he is not speaking for the other party.

In regard to the provision of roads I was given to understand from the Minister's introductory speech, and from what I have read in the newspapers about this legisla-

tion, that Co-operative Bulk Handling is prepared to build the roads around its installations rather than pay rates. I ask: What roads did it require in North Fremantle, and what roads does it now require? If any member is desirous to see for himself, I can take him down and show him the roads which were already in existence.

I will remind the members of the Country Party, and the Government, that a great benefit was conferred on Co-operative Bulk Handling by the Commonwealth Government. The British Ministry of Food built and paid for the installations at North Fremantle during the last war, and at the conclusion of hostilities it handed them over to the Commonwealth Government which subsequently handed them over to Co-operative Bulk Handling at a fraction of the original cost. I congratulate Co-operative Bulk Handling on getting the installations at such a low price.

I have to support the stand of the Fremantle City Council on this matter, on whose behalf Mr. Ron Thompson has put up a splendid case; and the Local Government Association has supported it, despite what Mr. Robinson has said.

I would now like to draw attention to amalgamation of local authorities, although this aspect of local government is not referred to in the Bill. When the late Gilbert Fraser was alive, within one day of the introduction of a Bill for a redistribution to be made, a move was made in this House to stall the proposed redistribution. Under it the great number of local authorities in the metropolitan area would have been reduced to one-third. It was not the Labor Party that threw this proposal out. I therefore throw back the statement in the face of those who say that Mr. Ron Thompson, in submitting the case on behalf of the Fremantle City Council, is trying to make political gain out of the situation.

THE HON. J. DOLAN (South-East Metropolitan) [8.56 p.m.]: When I examined this Bill I found it started off by proposing an amendment to section 3 of the Act and ended up by proposing an amendment to section 691. I took a good look at the Act and found it consists of 694 sections and 24 schedules. I then checked the clauses with the sections which they seek to amend. I am very grateful to Mr. Heitman for the contribution which he has made to this debate, because on my notes I have various matters which I intended to raise but after his contribution I crossed them off, page after page, because he had already dealt with them.

I refer to clause 7, on which I make the comment that it will give the returning officer the power to complete all routine procedure in connection with absentee votes before final counting. It is a very necessary amendment, and if agreed to it will save a considerable amount of the time which is now taken, at the close of the poll, to check on absentee votes and the eligibility of the ratepayers concerned. From that point of view the amendment is desirable.

I next refer to clause 9 which relates to the action taken by some land agents in giving grandiose names to districts within shires or municipalities, without the knowledge or the approval of the local authority concerned; and for that reason the amendment should be supported.

Clause 14 (3) states that an owner on whom an order is served may, within 15 days of such service, appeal against the order. It surprised me on going through the Act to find that different periods of time apply to different sections. Under this amendment the period is 15 days, yet under sections 408 and 409 the period is 14 days. In fixing the period at 15 days, under clause 14 (3), I would have thought that at the same time amendments would be made to bring the period in other sections into line, and so tidy up the Act. I would like the Minister to comment on this when he replies.

The Hon. L. A. Logan: This period of 15 days applies after the period of 60 days mentioned in clause 14 (2).

The Hon. J. DOLAN: I would like to hear from the Minister the reason for the 15 days in this case, and the period of 14 days in sections 408 and 409.

Clause 16 contains another section to be added. This is an extension of the original proposal to assist pensioners by including persons who cannot afford to carry out repairs or renovations. I suggest there might be some difficulties when it is necessary for a person to satisfy the council he has insufficient means. I think a person would have to be smart to satisfy anyone that he has insufficient means to do something, and I feel some difficulties might be associated with satisfying the council on this particular score. I submitted an amendment to this clause, and I may as well mention it now because it might not go on the notice paper if we go into Committee straight away.

The Hon. L. A. Logan: We are going to adjourn it after the second reading.

The Hon. J. DOLAN: In proposed new subsection (2) on page 8, provision is made for the council to receive the sum of these costs by half-yearly instalments of principal and interest. The type of people who find it impossible to get the finance, or have not the finance to make these improvements, in these circumstances would have a burden placed upon them if they had to make half-yearly payments, because they are not used to saving money and paying accounts half-yearly.

It was therefore my proposal—and this will be on the notice paper tomorrow—to add after the word "half-yearly" the words "or monthly." I think in those

circumstances we would at least give the person concerned the option as to whether he would pay half-yearly or monthly amounts.

I am assured by one of my shire councils that it would welcome this. I feel it would be desirable and would not result in their being forced to do any extra bookkeeping.

The Hon. A. F. Griffith: Whether the amendment has any merit or not does not alter the fact that it is a small one. It is not a complicated one so you need not wait for it to be placed on the notice paper.

The Hon. J. DOLAN: In that respect I think it would commend itself to anyone, and it is very easy to follow. If the Minister has a look at it I think he, too, will find it easy to follow.

With regard to the same clause, the limitation of interest rates in proposed new subsection (2), paragraphs (a) and (b), indicates that a council has three methods of financing. It has loan funds, overdraft, or ordinary revenue. The loan fund provisions would have to be read in conjunction with the limitation imposed under section 598, and it is presumed that item (24) of that section authorises the borrowings without reference to the Governor.

Special works are provided for from an overdraft and these would have to be considered as special works as they are something new. Under section 600 approval for the work must be obtained from the Governor, and this is a very time-consuming and time-wasting procedure. I suggest that in those circumstances payment for the work should come out of the municipal funds, which procedure can be authorised by the council. This would save a considerable amount of time and would be most desirable in that it will save any conflict with section 958.

Clause 17 is the controversial one, and here again the local authorities in my particular district are opposed to it.

The Hon. L. A. Logan: I thought you were going to repeat what Mr. Heitman said.

The Hon. J. DOLAN: This is where I would join issue with him. As a matter of fact, I could not follow his logic at all—that exempting C.B.H. of the rates say, in Fremantle, would have any effect on the price of bread. I could suggest lots of exemptions of rates that city councils, town councils, and shires could give which would have the effect of reducing the costs of various foods. In fact, if they gave all business houses exemptions from rates, these traders could, without that particular burden, reduce by some amount all goods for sale.

I was a little bit concerned, too, about what Mr. Robinson said. He said the Shire of Perth would not oppose that particular provision and asked its officers particularly to have a good look at the matter. He might have had an argument had he said the Shire of Perth had exempted C.B.H. from $40,000-odd worth of rates. If he had been able to say that, and had been able to say that the Perth Shire Council was willing to forego $40,000 of rates to help C.B.H., and still thinks it is a good clause, he may have had some point to his argument.

The Hon. R. Thompson: They have no C.B.H. installations in their territory.

The Hon. J. DOLAN: I do not think they have.

The Hon. H. R. Robinson: I did not say that at all in regard to rates. I simply said that they agreed with all the Bill provides.

The Hon. J. DOLAN: That is right, and all I am saying—and I will repeat it for the benefit of the honourable member—is that if C.B.H. were to be exempted from the payment of $40,000 in rates to the Perth Shire Council there could have been some point in what the honourable member said about being prepared to go along with the Bill. That is the position so far as the Fremantle City Council is concerned. It is losing out on $40,000.

The Hon. J. G. Hislop: Is it $40,000 or $20,000?

The Hon. J. DOLAN: I thought is was $41,000.

The Hon. L. A. Logan: It is $20,000.

The Hon. J. DOLAN: All right. There is a principle attached to it. The Fremantle City Council is missing out on the rates.

The Hon. G. C. MacKinnon: I would like just the interest on $20,000. You said there was a "principle" attached to it. I said I would like the interest.

The Hon. J. DOLAN: I see. I think that C.B.H. can more afford to pay these rates than the Fremantle City Council can afford to forego them. I studied the report of C.B.H. which the Minister tabled on the 2nd August last. It concerned the year ended the 31st October, and I noticed the year concluded with a surplus of £658,700, or $1,371,400, which was gained from the handling and storage of all three grains, and from investments.

I notice that one of the investments is His Majesty's Theatre. I would suggest that the Perth City Council might give consideration to not charging that worthy organisation the rates on that theatre, and perhaps we could see shows there much cheaper and so bestow a benefit on the people. I can find many people who might be given these exemptions and the benefits could then be passed on to the people.

I notice in this report that the directors continued the policy of distributing portion of any surplus among shareholders *pro rata* with the business done with the company during the year. I understood that a portion or part did not involve the whole of anything, but during this last year the company distributed £658,700 or $1,317,400, to its shareholders, and it was

distributed on the basis I have outlined. When I look at those figures I find they are identical. Therefore it seems that the whole 100 per cent. of the surplus—not a portion, but the whole 100 per cent.—was distributed among the shareholders on the particular basis mentioned.

The Fremantle City Council feels that this is an organisation which can, in all justice, afford to pay rates; and I agree with it. Many other shires also agree. I think I have in my office five or six letters from shire councils, and they all agree with the proposal of the Fremantle City Council. The little bit of sop in the Bill about constructing roads in the vicinity of the land C.B.H. occupies is just ignoring the work the councils do.

The Hon. J. Heitman: They did not have to do it, did they?

The Hon. J. DOLAN: The North Fremantle Council originally did a terrific lot of work there from which C.B.H. gained the benefit. These services included drainage, street alignment, fire protection services, town planning, health benefits, and, as Mr. Ron Thompson mentioned, library facilities. The maintenance of roads is only a small fraction of the total cost in which the council is involved in providing these services for C.B.H.

The Hon. R. Thompson: And the employees.

The Hon. J. DOLAN: The Fremantle City Council has been very badly hit in that area so far as the gathering of rates is concerned. When the railway was realigned to go over the new bridge, and resumptions of properties were involved, although no services had to be provided for those properties thereafter, the Fremantle City Council lost the rates, and that is for all time. It is not likely suddenly to receive a grant or anything of that nature, from the Government.

If the Government wishes to subsidise C.B.H., well and good. Let it do so, and perhaps it might find some support from us; but it should not do this and make it a grant at the expense of the Fremantle City Council and the ratepayers who have to foot the Bill. It is just not plain, common justice. It would be all very well if it were spread over all the people; if the Government liked to pay a subsidy of that kind, well and good; or if it were to give a bonus to the Fremantle City Council for exempting C.B.H. from these rates, well and good. However, it is very hard to justify a clause of this nature.

I feel it aims at a very vital principle of liberty, and taxes people inequitably. I feel those in Fremantle have to foot a burden which is not just. I can never go along with any legislation which I feel is sectional, and where a burden is placed on one section of the community. I cannot see how anyone can argue that this burden is not on the ratepayers of Fremantle who can ill-afford to pay in comparison with this organisation.

The Hon. N. E. Baxter: What about those shires in the country which do not receive rates from Forests Department land or Water Supply Department land?

The Hon. J. DOLAN: I would go along with the honourable member there, too. I feel that they have a case. Many of these matters need careful examination to see whether the burden can be eased. Much as we feel the farming community should be helped, they have been in the past, but they have passed the pioneering stage. As I have said, over the years they have been helped considerably by the State and, in return, of course, they have developed the State and done a lot of good. We do not argue on that basis. We are arguing on the basis of what is fair and just. We feel that something is being handed to these people. It does not affect all shires.

For example, I know that the Shire of Menzies and the Shire of Wiluna are not opposed to this. In fact, they have not even considered it. However, the people who have to provide these installations—or, rather, who have these installations established on their ratable land—are the ones involved.

Apart from that, I go along with the Bill. I cannot go along with clause 17 because it is not equitable so far as all people are concerned.

THE HON. H. K. WATSON (Metropolitan) [9.14 p.m.]: I would respectfully suggest to quite a few of the speakers who have preceded me that they have really missed the essential point in the Bill in respect of this controversial question as to whether or not C.B.H. should be exempted from the payment of rates.

Mr. Dolan made mention of the length of the parent Act. It certainly is a formidable document, and my mind goes back to the four years in which we were dealing with it before it reached the Statute book. We had a try in 1957, and something went wrong, as also occurred in 1958. However, I would like to draw the attention of the House to the fact that as the Bill stood in 1958, it contained a clause in keeping with the English municipalities Act, or local government Act, which, in effect, said this: That the annual value of a factory, or an establishment such as the silos at Fremantle, would be one quarter of the amount otherwise ascertained under the provisions of the Act.

The reason for that was very clear, Mr. President. I am not so sure that you, yourself, were not on the floor of the House in those days and participated in putting that particular point into the Bill, as it then stood. The reason for it was this: The whole essence and the whole basis of rating is one of two methods. One either rates on the unimproved value of the land, or one rates on the annual value of the land. If one is rating on the unimproved value of the land, no trouble arises.

One has a piece of land, one knows the unimproved value, and the rating is so much in the pound on that unimproved value. If one comes to calculate the annual value of premises other than silos and factories, again this is a rather easy thing to do—whether it be on a cottage at Cottesloe or on the T. & G. building in Perth. One says, "What is the rent?" One knows the rent of the cottage; one knows the rent collected by the T. & G.; one takes 60 per cent. of that, and that is the figure—the annual value—on which one rates.

However, when it comes to assessing the annual value or rental value of a silo, a factory, or some building of a special nature, which is not readily capable of application of a true rental value as such, one is up against some difficulty and, therefore, the Act provides in a case such as that, the annual value is a purely arbitrary figure of 4 per cent. on the capital value, whatever it may be.

I would like to give an example of an extreme illustration. Let us consider, hypothetically, the Barracks Archway.

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

The Hon. H. K. WATSON: Let us assume the archway was on land owned by an individual, and that the land is then rated. What is required of the individual under the Act is to ascertain the annual rental value of the property. If we consider 4 per cent. of its value, what is its value? In the opinion of the Historical Society, its value may be several millions of pounds, but it would be rather ridiculous if one calculated 4 per cent. on that amount and treated that figure as the annual value on which the rate is to be struck.

With the factory, and particularly with the silos, one has a piece of concrete which cost a terrific amount of money; but it has no real rental value as such. It is for that reason the English Act provides that in the case of silos and factories, and things like that, the annual value is one quarter of what would ordinarily be the case. The English Act has provided this in cases where a true annual value on an economic basis cannot be ascertained and, consequently, one has to fall back on to 4 per cent. of the capital value. It has been proved by experience that one quarter of what would ordinarily be the case works out fairly satisfactorily. The local authority still gets its pound of flesh from the factory owner. However, in my opinion, under the system in our Act as it stands at the moment, the local authority gets much more than its full pound of flesh.

I would suggest that if the provision which stood in the 1958 Bill had still continued in the Act, as it is on the Statute book today, one would not have had any complaint from Co-operative Bulk Handling. However, somehow that provision went overboard between 1958 and when the Bill was introduced again in 1960, with the result that this particular problem has arisen.

I feel the problem was illustrated rather graphically by Mr. Ron Thompson when he pointed out that two or three years ago, when the silos were in the course of construction, Co-operative Bulk Handling received an assessment of $3,000, or thereabouts, and it did not object to this assessment. That was the position. Simply because the silos go up further, and more concrete and machinery is put into them, why did the rates go from $3,000 to $20,000? If it were vacant land, and the rate of tax were based on the unimproved value, it would be on a 10 per cent. basis. However, even 10 per cent. on the unimproved value of land is nothing like 4 per cent. on land of the same value next door which happens to have a huge silo on it.

I suggest that the problem here is not a question of what is the wealth of Co-operative Bulk Handling; how much is it worth; what profits does it make; and what properties does it own elsewhere? To my mind, that is beside the point. The question is: What is the fair rate on the property, having regard to the principles of valuation and to the principles of local government levying taxes?

I come back to the point that, had it been a reasonable rate—$3,000 or something in that vicinity—Co-operative Bulk Handling would have paid without any complaint, but inasmuch as the figure is $20,000 the company asks, "Is it a fair thing?" I submit that, according to all principles of rating, it is not a fair thing. Because that is the position, Co-operative Bulk Handling has taken the only course open to it and has made representations for complete exemption.

This is the one weakness, as it were, which I see in the Bill—it is special legislation. If the Bill had simply said that all factories and all silos shall be assessed, not on 4 per cent. of the capital value but on 1 per cent. of the capital value, I think that would have been a reasonable proposition. Unfortunately, the Bill does not say that; it still leaves many other factories in the position in which Co-operative Bulk Handling finds itself, and that is one point which I regret. I would have preferred to see the Bill restore the general principle in respect of silos and factories which we endorsed in 1958. However, inasmuch as that principle is not contained in this measure, I am inclined to support the Bill in order to give Co-operative Bulk Handling the consideration which appears to be due to it.

I agree with Mr. Dolan when he said there are many other worthy institutions which, as institutions, could be specified for exemption. I would go further than that and, perhaps, when we are in Committee—inasmuch as we have specifically mentioned Co-operative Bulk Handling as a fit subject for exemption—I would be quite happy to support an amendment to the Bill which would include Mr. Dolan and Mr. Watson also as persons entitled to exemption.

The Hon. J. Dolan: I do not mind paying my bit and I suggest Mr. Watson would have the better end of the stick.

The Hon. L. A. Logan: Perhaps Mr. Dolan could offer Mr. Watson 1 per cent.

The Hon. H. K. WATSON: My one regret with this Bill is that it specifically names an individual case and legislation is not good legislation when it deals with specific cases; it should deal with the general case. Subject to that reservation, I support the Bill.

Debate adjourned, on motion by The Hon. S. T. J. Thompson.

MOTOR ACCIDENT VICTIMS: COMPENSATION

Inquiry by Select Committee: Motion

Debate resumed, from the 20th October, on the following motion by The Hon. E. M. Heenan:—

> That in view of the pressing need to amend the law relating to the compensation of persons injured in motor vehicle accidents and also in view of the criticism by responsible bodies, which has been levelled against the Government's proposed Bill to amend the Motor Vehicle (Third Party Insurance) Act, this House is of the opinion that a Select Committee consisting of three members from each House be appointed to consider the overall position and to submit recommendations during the present session of Parliament.

THE HON. J. DOLAN (South-East Metropolitan) [9.27 p.m.]: When Mr. Heenan moved for the appointment of the Select Committee, he mentioned two matters. One was that the Select Committee should consider the overall position; and, secondly, it should submit recommendations during the present session of Parliament.

In support of his motion, I would refer to the results and to the careful consideration that has been given to the proposed Bill by two very interested, two very responsible, and two very reputable bodies —I refer to the Royal Automobile Club of W.A. and the Law Society of W.A. I would like to deal firstly with the Royal Automobile Club of W.A. which submitted the proposed Bill to its council. The latter carefully considered all the provisions of the proposed Bill to amend the Motor Vehicle (Third Party Insurance) Act, and, after having done this, made its findings available to the Minister for Local Government by letter dated the 28th June this year.

The council urged that the matters covered by the Bill be submitted for examination and report to the Government by a fully representative body, such as a parliamentary Select Committee empowered to hear and consider evidence from interested parties. I would feel that this particular body is one well equipped to handle this matter, and I think it would be wise for the House to weigh carefully the views that it has expressed when the House is deciding finally on the proposal put forward by Mr. Heenan.

The Law Society also strongly opposes the creation, in particular, of the tribunal for the hearing of cases. In that respect I refer to this evening's issue of the *Daily News*. Under the heading "Lawyers Criticise Ready Damages Plan," it states that the lawyers are overwhelmingly opposed to the setting up of a separate tribunal. The article then goes on to state—

> Some describe it as an attempt to save money for the Motor Vehicle Insurance Trust—

The Hon. L. A. Logan: That is just too silly. It is a silly statement.

The Hon. J. DOLAN: I am only reading the article. I will comment on it later. The article continues—

> —by cutting down the size of awards to accident victims. Law Society President, G. D. Clarkson, Q.C., said today . . .

I am sure I read the paper correctly this morning, and this is the same gentleman who has been appointed as a judge of the Supreme Court of New Guinea. Therefore, he must be a very worthy man in the legal profession because he has received such a high appointment. He had this to say—

The PRESIDENT: Order! The honourable member cannot quote from a newspaper report on a matter that is before the House.

The Hon. J. DOLAN: Very well, Sir.

The PRESIDENT: You cannot read from it.

The Hon. J. DOLAN: Very well, Sir. Mr. Clarkson, Q.C., would not go along with the idea of a tribunal. He felt it was usurping the functions of the law, and the law, of course, is held in the highest regard and esteem by all of us. In those circumstances I would be prepared to go along with Mr. Clarkson's views.

The Hon. L. A. Logan: That is not the view of all legal men.

The Hon. J. DOLAN: The tribunal proposed in the Bill is not required to decide the rights of parties according to law; it is empowered to adopt its own ideas on what the rights of the parties should be, and the position could be that of a permanent two-man jury. I understand the tribunal will have a legal man as its chairman and the other two gentlemen will not be required to have any legal training at all. As it is a majority verdict in each case the opinion of the two non-legal men could always override that of the chairman of the tribunal. In this case, too, there is no appeal, except on a point of law, against the decision of the tribunal.

The Hon. L. A. Logan: That is frequently the position with tribunals, of course.

The Hon. J. DOLAN: The Law Society questioned whether the tribunal could handle any more cases, or handle them more expeditiously than they are being handled today.

The Hon. L. A. Logan: Another silly statement.

The Hon. J. DOLAN: In that respect I might say that the Chief Justice has earned the commendation of many people for the plan he has formulated so that cases can be heard within a reasonable time. If a change in the procedure of presentation and the hearing of claims is desirable, there is nothing in the Bill which could not be achieved by a simple alteration of the court rules.

There are two highly-regarded bodies which can see little merit in the proposed Bill—I refer to the Royal Automobile Club and the Law Society of Western Australia. I believe it is desirable to support Mr. Heenan's motion because it will give representatives of these bodies, and other interested organisations, an opportunity to give evidence before the committee, and then recommendations could be brought to Parliament and these would be of lasting value in trying to reach a solution of what has become a problem with which every one of us is associated.

I suppose in a year there is no section of the community which is not in some way touched by this particular problem. When we have organisations such as the Law Society and the Royal Automobile Club which will not go along with a proposal—and this applies particularly in the case of the Law Society in regard to the section dealing with the tribunal, and the Automobile Club in more general terms—I believe we should be guided by them.

I can remember reading an article some time ago—I shall keep strictly to your ruling, Sir, and will not refer to the newspaper—where Mr. Burt, Q.C., came up with a scheme under which all parties who were injured would receive compensation. After I had gone through his scheme, which was in the form of an address to certain bodies which were interested in this particular matter, I found that he came up with certain suggestions which would provide for a general solution to the problem. I would like to mention a few of those suggestions.

He said that as far as he could see the main point was to minimise social loss which, at present, is a problem with which the law is in no way concerned. He said also that the problem could be resolved by abolishing the idea of fault for civil purposes in motor vehicle cases; secondly by making periodic payments to every person who sustains an economic loss as a result of his injuries, because he is unable to work as before; and the payment should be a percentage of the income loss. In the event of his death there should be an equivalent weekly payment to his dependants. The third proposal was to pay the outgoings—namely, the hospital, medical, and other expenses reasonably incurred—to enable the injured person to lead such a full life as his economic capacity permitted.

He suggested the scheme could be administered by a body similar to the Motor Vehicle Insurance Trust and financed by compulsory contributions levied on car owners. It would, within its limits, be a compulsory personal accident insurance, but if an individual wished to obtain greater cover that would be permitted so that anyone who wished to doubly secure himself would have every opportunity to do so.

The Hon. L. A. Logan: That is what I said the other night. It is moving away from third party motor vehicle insurance into comprehensive insurance.

The Hon. J. DOLAN: A person convicted of reckless or dangerous driving, and not merely negligent driving, he suggested, should be made to make some contribution to this insurance fund, and it should be a percentage of the amount which is paid out to vicitms of such dangerous and reckless driving.

This subject has very wide ramifications and I believe the appointment of a Select Committee would enable evidence to be taken from representatives of the motor industry, such as the R.A.C., representatives of the legal profession, in the shape of the Law Society, and individuals like Mr. Burt, who have thought out schemes and believe they have a solution to this problem. When this evidence had been taken, and it had been culled by the members of the committee, a report could be presented to Parliament. If that procedure were followed, it would be possible to arrive at a solution to a problem which is always with us.

This motion should be approached on completely non-party grounds. I noticed in the paper this morning the Dean of the Faculty of Law (Mr. Payne) had an article. I think he referred to what the Minister had to say in the House the other night when he was discussing the motion and said that he could not go along with it. However, I believe it is a problem which must be tackled now and that the Bill is not the answer to it, even though the Minister suggested that it would be.

The provisions of the Bill have been put before the organisations to which I have referred and they have come back with certain recommendations and have suggested that they could not go along with some of the provisions in the measure. If I go to two specialists in a certain field about some particular problem, and I receive their advice, and it is the same in both cases, I think I would be completely justified in following it. In this instance we have the advice of two well-known

bodies which have the interests of the community at heart. The Law Society in particular stands very high in the esteem of all of us because of the wonderful work it is doing to make it easier for people to get redress under the law. Special committees of that body are continuously at work trying to improve the position in this regard and when such authorities make suggestions we should take notice of them.

If Mr. Heenan's motion is agreed to, and a Select Committee is appointed, it probably will achive what we desire. There is plenty of time before the session ends for such a committee to carry out its work and submit a recommendation to Parliament. I know how keen Mr. Heenan has been over the years to try to get something done in this regard. As a matter of fact, when he moved a similar motion—I do not know whether it was last session or the session before—he requested that the spouse *versus* spouse provision should be tidied up. That has been done in the Bill which is to be presented to us. Therefore, it appears that some notice has been taken of his suggestion on that occasion and I can see no reason why some notice should not be taken of his requests in this instance. A Select Committee could do nothing but good in this regard. I support the motion and I ask members to think very deeply about the matter before they vote on it.

THE HON. E. M. HEENAN (Lower North) [9.41 p.m.]: It looks to me as if the fate of this motion is already decided and I begin my remarks feeling gravely disappointed because I think that my motion, which has been put forward with the utmost zeal and sincerity, deals with a most important and vital problem—one which affects almost every human being in the State of Western Australia. I feel disappointed because it is of the greatest importance and I do not think it has been treated in the proper manner.

I gave notice of my motion on the 2nd August this year. The Address-in-Reply debate then took place and I moved the motion on the 30th August. It is now the 25th October and we are about to take a vote on it. I do not know what good reasons can be advanced for the long delay that has taken place. What reasons could be advanced? Have we had a very busy session? Has there been insufficient time to deal with it? Is it of no consequence?

I cannot think of any other queries that I could submit; but I must come to the conclusion that it has not received the consideration due to it. I do not think the members of this House have received the consideration which should have been due to them. Nor do I think the people of Western Australia have received the consideration which a responsible body like this Chamber owes them.

I am therefore gravely disappointed with the debate. The only member who spoke against the motion is the Minister. I have been supported ably by my colleagues, but no other member in the Chamber has spoken to the motion. I would have expected that in a matter as far reaching as this the Minister for Justice would have expressed his views; I would have thought that the Minister for Health had an obligation to say something about it, because the hospitals and ancillary organisations are also involved.

But we have not had any contributions or any guidance or assistance from them whatever and, to put it mildly, I think it is most disappointing.

The Hon. F. R. H. Lavery: It is disgraceful.

The Hon. E. M. HEENAN: Apparently the die is cast. I approached this matter with no ulterior motive whatever, and yet it has been treated—or so it would seem—as though it is in opposition to something the Government wants to do. We all know that a Bill was introduced in another Chamber by the Minister for Agriculture on the 24th November last year, and the Minister, when introducing it, said—

> In view of the fact that these amendments create a new departure from the present procedure, it is intended that this Bill, after introduction, be not proceeded with this session. This will enable a thorough study of the proposed Bill by all sections of the community.

There was an undertaking given in good faith and adopted in good faith by the representatives of the bodies most concerned in the community. They have studied it and have made comments about it. The comments are not altogether unfavourable; they are critical of certain aspects of the Bill. Early in the session, and in all good faith, I thought what a good idea it would be, and how opportune the time was, for Parliament to set up a Select Committee not composed of one party, but composed of six members—a couple of members from all parties from both Houses.

I thought it would be a good idea for them to have a look at the Bill, and if there was anything to add or subtract we would be able to get the best advice and guidance in the community, so that we could pass that guidance on during this session; because this is a very vital question.

I thought that was a good idea, and I did not think it would divide us politically. Even when I continue tonight my object is not going to be one of criticism. I am not out to traduce the Government or to criticise its proposed Bill in a violent way; I am going to try to be objective and point out what is involved, and what care should be taken in dealing with the matter. I thought such a proposition would appeal to everyone.

It is hard work serving on these Select Committees. There is not much to be got out of them except hard work. Members who usually serve on these committees are imbued with the highest ideals of service; the ideal to achieve something. We all know that there have been Select Committees which have achieved quite a lot; which have been responsible for a great deal of beneficial improvements to our legislation.

I thought those motives would be accepted. I know that Select Committees at times come up with preposterous claims and absurd proposals; but can we imagine six responsible members from the two Chambers putting up anything that was foolish, untenable, or embarassing to the Government?

I do not think that would have been the result. The Government could have examined the proposals and perhaps said that some of them were very good, but others were impracticable; that they were untenable; and that they would have to wait for a few years. We would have understood such an answer from the Government. But here we have nothing. Presumably we are to have a Bill submitted to us—one that was presented in November; one which we have read; and one which the public has studied, and which has brought forth considerable criticism.

We are dealing with the lives and with the well-being of just about everyone. The General Manager of the R.A.C. is Mr. W. H. Minors, F.A.I.M., M.A.I.M.E., A.I.A.A.E. I do not know what those qualifications are, but Mr. Minors is well known in this community. As I have said he is the General Manager of the Royal Automobile Club, a body which represents the great majority of car owners in this State. At the 1966 Annual Conference of Rotary District 245 held at Kalgoorlie from the 30th April to the 3rd May he gave an address from which I would like to read the following extract:—

> Mr. Minors said that despite the activities of Government and local authorities, road safety councils, motoring organisations, and many other groups in the spheres of education engineering and enforcement there continued to be an alarming number of fatalities and injuries arising out of motor vehicle accidents.

He went on—

> While we are pressing on with efforts to reduce the accident rate, it is estimated that the number of vehicles in use in Australia will rise from the present 3,800,000 to more than 5,900,000 by 1975, and the proportion of vehicles will become one to every 2.3 persons compared with the present one to 3. It is conceded by all authorities that whatever measures may be taken and whatever improvement is achieved the occurrence of motor vehicle crashes will continue.

There is a prominent judge in Victoria—Sir John Barry—who gave an address to the Southern Tasmanian Bar Association in 1964. The following is an extract from it:—

> Since the founding of our nation in 1901 we have been involved in four wars in which the flower of our manhood was decimated in defence of our national security. Each year on Anzac Day we mourn the deaths of these national heroes and pay tribute to their honoured memories. But the total casualties incurred in the four wars—the Boer War, the First and Second World War, and the Korean War—were only half the total of Australian citizens killed and wounded on our roads during the same period.

Then he gives the figures. The total killed, wounded, and p's.o.w. in all wars is 555,003, while the total killed and wounded on the roads is 1,012,000. He goes on—

> When one reflects on these shocking figures one wonders whether the Federal Government should not proclaim a day of national mourning for the victims of our neverending civil war.
>
> The magnitude of the grim harvest of the roads may be stated in another graphic way. Recent figures have shown that, according to the average rate, a road death happens in Australia about every four hours, a road casualty every ten minutes, and a reportable accident every five minutes. Therefore, striking an average for each day, it is certain that on every morning of the year six healthy Australians who rise from bed and venture out on the roads will not see another day.

So we are dealing with a very important subject which is going to impress itself on us more and more and become more acute every year that passes.

Tonight, I was greatly impressed by Dr. Hislop's speech on the new medical centre. He always impresses me when he speaks on subjects such as that, but I wonder how many patients in the Royal Perth Hospital tonight are there as a result of motorcar accidents?

The Hon. R. F. Hutchison: Hundreds.

The Hon. E. M. HEENAN: I am sure members realise the importance of the subject, without my stressing it any further. We have set up a Motor Vehicle Trust. The Minister spoke about this trust; and I think the Minister in another place mentioned that the Minister for Local Government has, for some considerable time, been making investigations into all aspects of the Motor Vehicle (Third Party) Insurance Act, and these investigations have included 14 items.

The PRESIDENT: Order! Is the honourable member reading from a current *Hansard?*

The Hon. E. M. HEENAN: It is last year's.

The PRESIDENT: Very well, the honourable member may proceed.

The Hon. L. A. Logan: I said that the other night, so you do not have to go to *Hansard.*

The Hon. E. M. HEENAN: These matters were taken up with the trust. However, one vital matter is not included in the 14 items which the Minister referred to the trust. I refer to the very important question as to whether or not it is feasible to evolve some scheme whereby we can compensate all victims irrespective of whether they can claim negligence on the part of the person who injured them. The Minister did not refer that very important aspect of the matter to the trust.

The Hon. L. A. Logan: I think you will find that I have.

The Hon. E. M. HEENAN: It is not among the 14 points. The Minister should look at *Hansard.*

The Hon. L. A. Logan: I gave it the other night.

The Hon. E. M. HEENAN: Who is the Motor Vehicle Trust? I am going to say now that it is a reputable body. I have had a number of dealings with it in my profession as a solicitor and nothing I say here is to be imputed as any criticism of the members of the Motor Vehicle Trust. There are five members on this trust; one is the General Manager of the State Government Insurance Office; three are nominated by the Fire and Accident Underwriters Association of Western Australia—that is the body to which most of the insurance companies belong—and the fifth is a nominee of the insurance companies that are not members of the underwriters' association. So we have the representatives of five insurance companies, and where does the money come from? Those members do not put in anything.

The Hon. L. A. Logan: The motorist.

The Hon. E. M. HEENAN: The Government does not put in anything. The money comes from the public of Western Australia. Everyone who owns a car has to take out third-party insurance; and it is the public of Western Australia that pays the money, and I do not think it is incumbent on us to look for guidance and ideas from this trust.

The trust members are put there by Act of Parliament and carry out their duties reliably and honestly within the ambit of this Act of Parliament; I am therefore not impressed when the Minister tells the House that the Motor Vehicle Trust does not think there is any necessity to submit this Bill to a Select Committee. We are not going to ask the Motor Vehicle Trust about it; we are going to ask the people of Western Australia who provide the money and who are most concerned.

We heard Mr. Lavery point out how the hospitals have vast sums of money owing to them. We heard Dr. Hislop tonight say that the cost of beds is going to increase and a contributing cause to that state of affairs must assuredly be the great number of people who are injured and get hospital treatment for weeks and months and who cannot pay for it because they get no compensation. Is not that a state of affairs we should have a look at? That is only one aspect of it.

Fancy a man being permanently injured, concussed, broken up, his body shattered, and his being in hospital for months and then his claim denied! As I said when I moved this motion, it is not easy to prove a lot of these cases because they are doubtful. A person receives a great deal of treatment but may not obtain one shilling even though for the rest of his life he is crippled and a burden on his family and on society.

Apropos of my remark that it is not easy to prove these cases, a man, woman, or child could walk from behind a car in Hay Street and a motorist who is not negligent could knock that person over, and that person would not get anything. It is all very well to say it was that person's fault, or why did he not look where he was going; but everyone makes mistakes. I also pointed out that cars collide, but who admits to being in the wrong? Both drivers will stoutly claim the other was to blame. Then there is the case of the man who is in hospital for months and months and who has suffered concussion and does not remember a thing about the accident. He is useless in telling the court what has happened. After the months, and possibly years, have gone by before the matter can be brought to court, where are the witnesses? In many cases the witnesses have vanished into thin air and the lawyer has to try to start off from these premises and establish the person was injured because of someone's negligence.

Professor Goodhart is the Professor of Law at the Oxford University. He is one of the most eminent lawyers in the world, and this is what he had to say last year—

> These principles may have satisfied our forefathers when there were very few accidents, and when it was comparatively easy to determine what had caused them. But today all that has changed. The principle has broken down because, as Lord Parker has pointed out, in the large number of cases, and in nearly all of those that come to trial, it is not possible to say with any certainty who is the wrongdoer. For one thing the accident may happen at such speed that, even if there are any neutral witnesses, they may be mistaken in what they

thought they saw. Interested witnesses are even more untrustworthy; either consciously or unconsciously they may be governed by what Lord Hewart once called "l'esprit de wagon." If two cars collide, the passengers in each car almost always testify that it was the other driver's fault. If there is a gap of two or three years between the accident and trial, the evidence becomes even more unrealiable. Is it surprising that these cases clog our courts? The situation would be even worse if it were not that many persons with valid claims now give up in despair.

Judges and writers, and people who have studied this topic, say that the goal to be achieved is to do away with the obligation to prove fault and to compensate all road victims except those who wilfully bring about their own undoing. That, as the Minister pointed out, is going to be costly, but will it become more costly than the present set-up where we have thousands and thousands of pounds owed to doctors, hospitals, chiropractors, and the others, and we have a lot of people living in penury and difficulty with their families suffering for the rest of their lives? Is the community prepared to pay something more? What will it cost? I do not know and I have not the answer to these things, but I think they are calling out for investigation. That was my aim and objective in introducing this measure.

The Minister, in his reply, said that I had concentrated almost the whole of my argument on this topic. But I do not think he was quite correct in saying that. The Bill which the Government is going to bring to Parliament introduces a very radical principle and I think every member in this House needs to give it the greatest consideration. At the present time we have in Western Australia seven judges. They are men of the highest integrity and they have been appointed to this high office because of their outstanding ability. Just a week or a fortnight ago we increased their salaries. I think this Chamber agreed unanimously to that Bill.

At the present time, about one-third of the work of the judges deals with motor vehicle claims. There is no undue delay so far as the courts are concerned. One often hears public criticism of settlements in these cases. However, if a man is seriously injured he is sometimes in hospital for months or years. He might undergo a series of operations and then he might have to have treatment after he leaves hospital. His lawyers and the courts cannot settle his claim until treatment is finished. That is where the delay occurs. I know it is hard on hospitals, doctors, and others who sometimes have to wait long periods for their fees, and I think something should be done about that state of affairs.

Usually such people have to wait until the whole claim is settled and the individual concerned is compensated. So criticism of the courts for delays is quite erroneous.

The Hon. L. A. Logan: Who is criticising the courts for delays?

The Hon. E. M. HEENAN: I do not apply those remarks to the Minister, but the general public do not always realise these things. There is criticism of the trust, and it is undeserving criticism because these claims just cannot be settled in a week or a month, or sometimes in a year.

It is now proposed to take this jurisdiction away from the courts and to confine it to a tribunal which is to be set up. The chairman of the tribunal is to be a judge or a lawyer of high standing and with long experience. Then there are to be laymen, and I think the Bill says "with experience in assessing claims." Where do we get such people?

There is to be no appeal from the findings of the tribunal. I think that two members of the tribunal can disallow or admit a claim. If there is some argument as to how much damages should be allowed, two members of the tribunal can decide the issue and there is no appeal. Is this wise? The Law Society says "No."

The Hon. L. A. Logan: It is not unusual in the case of tribunals. It is their general policy.

The Hon. E. M. HEENAN: If a jockey is rubbed out on a racecourse he has the right of appeal.

The Hon. L. A. Logan: I am talking about tribunals.

The Hon. E. M. HEENAN: If one is committed in the traffic court on a driving offence, one has the right of appeal to a couple of courts. If someone runs into my car and causes damage, I will be able to go before the Supreme Court and, if I am dissatisfied, I will be able to appeal to the Full Court.

In the case of a farmer, if a fire is lit on the property next door and it escapes and burns adjoining properties, the owners of those properties can go to the Supreme Court, and if dissatisfied, will be able to go to the Full Court on an appeal.

The Hon. E. C. House: If you can afford it.

The Hon. E. M. HEENAN: That is so; it is costly, but my word, what a precious privilege it is. If one is convicted of stealing or convicted of murder, one can go to the highest courts in the land. In innumerable other cases one is able to appeal to higher courts. If one enters into a contract to sell a house and there is some dispute, one can go to the Local Court in the first instance, and can then appeal to a judge of the Supreme Court, and then go on to the Full Court.

The Hon. E. C. House: Would this be the only instance where there is no right of appeal?

The Hon. E. M. HEENAN: I cannot think of any other cases. With the Workers' Compensation Board there are limited rights of appeal; and with the Licensing Court there are also limited rights of appeal. I just cannot think of any others.

Some young person could be knocked down or injured by a motor vehicle and his life and career shattered, to say nothing of the financial burden involved. And yet he would go before this tribunal and have no right of appeal.

The R.A.C. President (Mr. Campbell) said the Government had been asked to submit the matters covered by the Bill to a representative body such as a parliamentary Select Committee. He said the idea of a third party claims tribunal was wrong in principle. It would usurp the functions of the court and deny the parties involved the right of appeal.

The Chief Justice has expressed his view on the situation. The President of the Law Society at this moment is Mr. Gresley Clarkson who has just been accorded the honour of being appointed a judge in Papua, New Guinea. Other eminent lawyers, whose names I need not mention, are on the committee of the Law Society. What motive would they have in criticising the appointment of this tribunal? We have seven eminent judges in whom the community has the greatest faith. No-one for a moment doubts their integrity and their skill in assessing and deciding these accident cases.

Already one-third of their work consists of dealing with these claims. The appointment of this tribunal will mean that one-third of their work will be taken away from them with a view to its being given to a lesser body. This will prove to be costly. We are seeking to establish a tribunal of three and this will necessitate the appointment of a registrar, and the employment of clerks and typists. Further, premises to accommodate such staff will have to be found. Why take such action?

The. Hon. E. C. House: That is the $64 question.

The Hon. E. M. HEENAN: I want to be objective. I can appreciate the Minister's motives. He has been guided by the Motor Vehicle Insurance Trust, and, in obtaining guidance from it, he has allowed himself to be misled.

The Hon. L. A. Logan: Not necessarily by the trust.

The Hon. E. M. HEENAN: The Bill was not submitted to the Law Society so that it could offer its guidance. It was not submitted to a Select Committee.

The Hon. L. A. Logan: We could not submit every Bill to a Select Committee or to the Law Society. The Government is running the State, not the Law Society.

The Hon. E. M. HEENAN: The Minister says the present system creates delays. There are no delays in the courts. This tribunal will not circumvent cases that will take a couple of years to determine. A man may be in hospital for an indefinite period because he has to undergo two or three operations. How could he be brought before a tribunal whilst he is so incapacitated? Also, is this tribunal to make periodical visits to the country to give service to country people?

At the moment we have seven judges who are available to hear these cases and yet we are seeking to establish one tribunal to handle them. The Minister says that the establishment of such a body will avoid delay; that the cases will come before the tribunal and that will be the end of them. He also stated there will be some uniformity, but I cannot see how there will be uniformity, because cases differ greatly. If a young woman has her face cut about in an accident, there is no uniformity between her case and that of an elderly woman who has her face cut. Again, there is no uniformity between a young man being crippled for life as a result of an accident and an elderly man being crippled for life.

The Hon. A. F. Griffith: What I am wondering is how you are able to make such a speech on a Bill which is not before the House.

The Hon. E. M. HEENAN: That is mere quibbling. That is the only contribution the Minister for Justice has made to this debate.

The Hon. R. F. Hutchison: That is quite correct.

The Hon. E. M. HEENAN: The Minister himself did not deny that the Bill was introduced last year for the sole purpose of discussion, and he has said he will reintroduce the measure. It contains some good features. It will extend third party cover to the spouse. It will seek to increase the amount of damages that will be paid to injured passengers. I do not want to be critical of the measure, but I am pointing out these matters to indicate to the Government that it would be advisable to allow a Select Committee to consider the matter.

Possibly the principle of establishing a tribunal has some merit, but on the other hand the Law Society does not favour the proposal. I do not want to propound my own views altogether, but are we prepared to give away our democratic right? If one is faced with a murder charge, or is involved in a civil case, and is not satisfied with the decision given, one can go elsewhere to seek justice, but if one is injured or crippled for the rest of one's life, is one to allow one's destiny to be decided forever more by such a tribunal? Those are matters which I submit should be considered.

Professor Payne, the Dean of the Faculty of Law at the Western Australian University has said that he considers the Govern-

ment should give this proposal a second thought. Those are his own words. The Government, in my view, has a tremendous responsibility to give it a second thought. I know it is a little late in the day, but even now I think it would be wise to appoint a Select Committee, a Royal Commission or some person to investigate the proposal thoroughly. Even if the Bill were postponed until next year it would be better than making a false step at this stage by allowing it to become law.

If a Select Committee were appointed I do not think the Government could regard such an appointment as a vote of no confidence in itself. In fact, the community would applaud such action. The Dean of the Faculty of Law, the Law Society, the Royal Automobile Club, and I am sure the men and women of this community who are most vitally interested, expect us to give it that consideration.

It is for those reasons, and with no desire to be critical, that I have moved this motion. I do not know the answers. It is very simple, as I have said tonight, to say that we should compensate all victims. I am sure all members of the House would agree with that contention, but we cannot always accomplish all we would like to accomplish. However, this matter is so serious we should have another look at it. It has been stated that if the people are prepared to pay the cost of such added benefits they can have them. I do not know whether the people are prepared to pay. Are we prepared to make these additional benefits available to everyone, or exclude those who are drunk, or those who have been injured as a result of their own negligence? Those are aspects that could be investigated.

I hope members will give this matter a second thought. I do not know who would be the members of the Select Committee if it were appointed, but we could rest assured that it would be representative of all parties. The committee would be composed of six men with sound and practical ideas and I am sure the recommendations they would make would be appreciated by this House. If it is not practicable to give insurance cover to everyone we can say so. Everyone knows that motoring is costly enough now and we cannot continue to load the motoring public with increased costs, but we have to consider whether the end justifies the means.

Further, there is the vital matter of the tribunal. Are we justified in taking that aspect for granted or should it be given further thought? Those are questions for members to ponder deeply.

Although I started out on a pessimistic note, I hope that I can end on a more optimistic one. I do not want to impute criticism of any member who has not spoken in this debate. I did say I was disappointed that certain members had not spoken, but I regret having made that remark because I realise this is a very involved and difficult subject. One does not solely make a contribution to a debate by speaking. After my long period in this House I realise that one can make a contribution by listening and by weighing up the arguments, for and against. If, therefore, I imputed criticism of any member who has not spoken in this debate, I am sorry.

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

Ayes—9.

Hon. J. Dolan	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. R. H. C. Stubbs
Hon. F. R. H. Lavery	*(Teller)*

Noes—18

Hon. C. R. Abbey	Hon. L. A. Logan
Hon. N. E. Baxter	Hon. G. C. MacKinnon
Hon. G. E. D. Brand	Hon. N. McNeill
Hon. V. J. Ferry	Hon. T. O. Perry
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. C. E. Griffiths	Hon. J. M. Thomson
Hon. J. Heitman	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. E. C. House	Hon. H. R. Robinson
	(Teller)

Pair

Aye	No
Hon. F. J. S. Wise	Hon. A. R. Jones

Question thus negatived.

Motion defeated.

House adjourned at 10.49 p.m.

Legislative Assembly

Tuesday, the 25th October, 1966

CONTENTS

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