Legislative Council

Thursday, the 4th November, 1965

CONTENTS

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

PRESIDENT'S BIRTHDAY

Acknowledgment by Members

THE HON. F. J. S. WISE (North—Leader of the Opposition) [2.33 p.m.]: With due respect, Sir, I am sure the House will join with me in wishing you many happy returns of the day.

THE PRESIDENT (The Hon. L. C. Diver) [2.34 p.m.]: Thank you very much, Mr. Wise, and members.

BILLS (2): INTRODUCTION AND FIRST READING

1. Guardianship of Infants Act Amendment Bill.
2. Child Welfare Act Amendment Bill.

Bills introduced, on motions by The Hon. L. A. Logan (Minister for Child Welfare), and read a first time.

QUESTIONS (3): ON NOTICE

1. *This question was postponed.*

OSBORNE PARK AND HAWTHORN HOSPITALS

Bed Accommodation, and Extensions

2. The Hon. H. R. ROBINSON asked the Minister for Health:
   (1) How many beds are provided at—
      (a) the Osborne Park Hospital; and
      (b) the Hawthorn Hospital?
   (2) Have plans been completed to extend the Osborne Park Hospital?
   (3) If so—
      (a) when is it anticipated tenders will be called; and
      (b) how many additional beds will be provided?
   (4) Is it intended to provide additional beds at the Hawthorn Hospital in the near future?

   The Hon. G. C. MacKINNON replied:
   (1) (a) 58.
   (b) 31.
   (2) No, but working drawings have been finalised.
   (3) (a) January, 1966.
   (b) 41.
   (4) No. Extensive remodelling at this hospital is reaching completion.

COLLIE HOSPITAL

Bed Accommodation

3. The Hon. S. T. J. THOMPSON asked the Minister for Health:
   Will the Minister inform the House—
      (a) The number of beds in the Collie Hospital, excluding the unlined verandah and maternity sections?
      (b) The bed average for the hospital over the last 12 months, excluding maternity cases?

   Expenditure: Past and Future
      (c) What amount has been spent on this hospital over the last five years?
      (d) Is there any proposal to spend money on this hospital in the near future?

   Plan for Development
      (e) Has the department a master plan for the future development of this hospital?
      (f) If the answer to (e) is "No", would the department give consideration to the preparation of such a plan?

The Hon. G. C. MacKINNON replied:

(a) 49.

(b) 36.4.

(c) £43,360, including minor repairs.

(d) Yes—dependent on the availability of loan funds.

(e) and (f) As with all hospitals, there is a basic master plan. The preliminary drawings of the immediate future needs of the Collie Hospital have been completed.

ADMINISTRATION ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice [2.38 p.m.]: I move—

That the Bill be now read a second time.

This is a small Bill. It has been brought to the notice of the Government that, in order to preserve the existing arrangements for the reciprocal enforcement in the Supreme Court of Western Australia of judgments of countries that were the subject of an Order-in-Council under the Reciprocal Enforcement of Judgments Act, 1921, a small amendment to the Foreign Judgments (Reciprocal Enforcement) Act of 1963 is required.

Orders-in-Council made under the 1921 Act, which was repealed by part VIII of the Supreme Court Act of 1935, were preserved through appropriate provisions in the 1935 Act. However, the Foreign Judgments (Reciprocal Enforcement) Act of 1963 repealed part VIII of the Supreme Court Act, and, while preserving Orders-in-Council made under part VIII of that Act, did not further preserve the Orders-in-Council made under the 1921 Act.

It accordingly appears that those Orders-in-Council will cease to have effect when the 1963 Act comes into operation. The amendment contained in clause 2 of the Bill will rectify the matter. If this amendment were not made, we would have to make new arrangements with certain countries with which we share reciprocal benefits.

Some new arrangements will have, of necessity, to be made because of changing circumstances in some parts of the world —the Malaya-Malaysia change is indicative of this need. Nevertheless, the bulk of existing arrangements need only continuity in our legislation to maintain them intact, and this measure attends to those which would otherwise be affected by the operation of the 1963 Act.

The amendment in clause 3 need not concern members at all. It is merely a correction of a printer's error in the title of the Scots court.

Debate adjourned, on motion by The Hon. E. M. Heenan.

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West —Minister for Child Welfare) [2.44 p.m.]: I move—

That the Bill be now read a second time.

In moving the second reading of this Bill I would like to tell members that it looks more formidable than it really is. I do not intend to read all the notes which I have in my hand.

The present amendments continue the efforts of the Government to improve the law dealing with the care of deprived and delinquent children and their families in conformity with modern concepts of child care and with the developing facilities of the department to carry out its obligations to children.

These amendments fall into four groups. The first group includes those concerned with the transfer of maintenance, affiliation and custody matters from the jurisdiction of the Children's Court into the ambit of the Married Persons (Summary Relief) Court.

There has, in each of the Australian States in recent years, been an effort to bring under one jurisdiction in each State all those matters concerned with family disturbances. In Western Australia that jurisdiction is the Married Persons (Summary Relief) Court. Decisions as to the guardianship and the custody of children as between disputing parents, decisions as to the paternity of children and decisions as to the maintenance to be paid for children are all matters more appropriate to this court than to a Children's Court. It is now proposed to transfer them from the one court to the other by appropriate amendments of the Married Persons (Summary Relief) Act, but it will be consequentially necessary to remove part V and certain other sections from the Child Welfare Act.

The second group of amendments seeks to modernise the treatment of deprived and delinquent children by deleting from the Act the provisions under which children's courts can commit children directly to nominated institutions. The need for this change is well illustrated by reference to the present section 32 of the Act. This section empowers a children's court faced

with an uncontrollable or incorrigible child to do one of two things—either to place him in an institution or place him on probation. Neither of these courses will necessarily secure the appropriate treatment for the seriously disturbed child.

The appropriate course is to commit the child to the care of the department and so open the way for a professional diagnosis of his difficulties and for the proper treatment, whatever it may be. It must be realised, too, that the children's institutions themselves do not want to have difficult children suddenly placed in their care to the disruption of their general work.

An even more obviously outdated section is 41 which blankly states that "destitute and neglected children shall be sent to institutions." These and similar sections were originally framed in 1907 and, though modified somewhat since, are now no longer needed in the modern Child Welfare Act. It is proposed to remove them.

The third group comprises amendments arising from parts of the report presented by a Government committee. These amendments are concerned with the protection of young offenders from the publicity given to their court appearances and to the conditions under which children can be imprisoned.

The Act at present ensures that no publicity shall be given to offences by children at the time of their court appearance except by permission of the court, and that publicity given at any later time shall be regarded as an offence. These provisions at present are so rigid that if a young person while still a child, or even when an adult, commits another offence and comes to an adult court the magistrate, or the judge, then is prevented from knowing of his early offences.

This state of affairs is carrying the protection of juvenile immaturity too far and in fact it impedes the proper administration of justice in the superior courts. While immature juveniles need some protection from publicity of their court appearances, the knowledge of their offences should be freely available to any court before which they subsequently come and to those people legally concerned with their welfare. This the proposed amendments will ensure.

As it now stands, the Child Welfare Act prevents a child under the age of 14 years from being imprisoned, even if his offence be murder. It is obvious that some provision must exist for the long and secure detention of those rare but inevitable cases of very serious crimes perpetrated by children. The committee recommended amendments to both the Criminal Code and the Child Welfare Act which will provide for such cases. Those amendments are included in the present Bill.

The fourth group of amendments consists of unrelated items each designed to improve the department's procedures for caring for unfortunate children.

This Act shall come into operation on the date on which the Married Persons and Children (Summary Relief) Act 1965, comes into operation. In both the Matrimonial Causes Act and the Married Persons (Summary Relief) Act, power is given to judges and to magistrates, respectively, to place children in the custody of a person not a party to the marriage and in the custody of the Director of Child Welfare. These powers have been exercised.

In the opinion of the Crown Law Department, the Director of Child Welfare has in such cases all the responsibilities of a parent over such children placed in his care and he may use the facilities and staff of the department in exercising his responsibility. Such a child is for all practical purposes a "ward" of the department and in the opinion of the Crown Law Department should be made one in fact. This can be effected by extending the present definition of the word to include children placed in the custody of the director.

Clause 4, section 17: This section contemplates that children may be committed by court to some particular institution established by a church for the exclusive use of children of that religion. Because the committal of children directly to institutions is no longer regarded as good child welfare practice, the section is rephrased to delete reference to committal.

Clauses 5 and 6, sections 20 and 20A: Both of these sections are amended by deleting those provisions which heretofore gave children's courts jurisdiction in regard to the guardianship of infants, which is now transferred to the Married Persons (Summary Relief) Court. These amendments are entirely consequential on that transfer.

Clause 7, section 21: This section ensures that on the establishment of a children's court in an area, the jurisdiction in children's affairs which was previously exercised by other courts there shall cease. In the opinion of the committee set up by the Government to report on necessary alterations of the Criminal Code, and of other Acts, the two provisos which follow the main intent of section 21 are now unnecessary and confusing because they conflict with the true intention of the section. The Child Welfare Department agrees with this opinion. The deletion of the second of these provisos will also prevent juveniles who falsify their ages so that they can be tried before an adult court, where they hope for more lenient treatment, from taking advantage of the anomaly which this proviso permits.

Clause 8, section 23: This section attempts to protect delinquent children against the publication of their offences either by newspaper, radio, or by malicious or foolish gossip at the time when the child appears in court. It does this in subsection (1) by empowering the court to exclude the public from the court, and

in subsection (2) by forbidding the publication of any report on the proceedings unless the court authorises it or unless the report is made by a person in the performance of his official duties.

The committee considered that this section is overprotective of young offenders, and the Child Welfare Department agrees. Therefore, subsection (1) remains unchanged but subsection (2) is repealed and re-enacted so that only those reports made by the usual mass media of publicity; i.e., newspaper, and television, are prohibited unless authorised by the court itself.

Clause 9, section 25: This is another of the sections which refers to the committal of deprived children direct to institutions. As has been explained, this is no longer a desirable practice. Adequate power is given to children's courts in other sections to commit such children to the care of the department, which then has the duty of deciding and arranging the best type of care for each such child. It was first proposed to repeal this section entirely, but it is eminently desirable to leave in the Act a deliberate expression of the concept that children's courts should be concerned with the future welfare of children. The section as amended, therefore, will read—

> The court, in dealing with a child, shall have regard to the future welfare of the child.

Clause 10, section 30: This section also prescribes the ways in which a children's court may deal with a deprived child; viz., the court can—

(a) commit the child to the care of the department;

(b) send him direct to a specified institution;

(c) release him on probation.

For the reasons previously given paragraph (b) is deleted.

Clause 11, section 32: This section also empowers a children's court to place a child directly in an institution. The amendment removes this power and, instead, gives the court power to place the child in the care of the department.

Clause 12, section 34A: This section at present precludes the imprisonment of a child under 14 years, even for a crime such as murder, and even by the Supreme Court. This takes from the Supreme Court the most obvious means of dealing with serious offences. One of the consequences of this is that in theory the prerogative of mercy cannot be extended to a child murderer, for mercy can only be extended to those who are imprisoned.

Section 34A also has the effect of giving children's courts equal power with the Supreme Court to imprison children over 16 years of age, thereby making nonsense of a children's court committing a serious and older child offender to the Supreme Court for sentence. The Child Welfare Department agrees with the committee that section 34A should be repealed and re-enacted.

Clause 13, section 34C: Section 34C permits the Minister for Child Welfare to extend the period of probation imposed on a child by a court, but there is no authority in the Act for the Minister to release a child from probation. This is more difficult to understand when it is remembered that the Act has long empowered the Minister to release children from State control—a much more serious power. Experience indicates that many children placed on probation for long periods by court order are relatively quickly rehabilitated. The continuance of the probation order then becomes an embarrassment to them and their parents, especially in their finding employment, or in their attempted entry to the armed services. The Minister for Child Welfare is given authority to release a child from probation.

Clause 14, section 47: This section permits the committal of a child to an institution while awaiting appearance before a court. The word "committal" implies the placement of a child in the care of the Child Welfare Department for a substantial period, and the transfer of its guardianship from the parents to the director. This is not necessary or appropriate in the case of a child still awaiting court action. Such a child may need temporary detention, and provision is made in the amendment for that rather than for committal.

Clause 15, section 38: A large number of children are placed on probation by children's courts, each child having to comply with particular terms of probation. Not infrequently a probation officer will find that a probationer is defying the court by not obeying the terms. Section 38 provides that in these circumstances "the director may, with the written consent of the Minister without warrant, cause the child to be arrested and brought before the court" for breaking the terms of his probation. An officer who considers this necessary finds himself in the difficulty that, whilst he is securing the written consent of the Minister, his probationer has absconded or changed his address, or in some other way taken advantage of the delay occasioned by the proper procedure.

It is intended that the probation officer shall have the power of immediate apprehension of the recalcitrant child, but it is also important to retain the Minister's power to agree that the child shall be brought before a court. Therefore section 38 is amended, giving the officer immediate power of apprehension or authority to place the child in the reception home, but retaining the Minister's authority to bring the case before the court.

Clause 16, section 39: The purpose of this section is to authorise the direct committal to an institution of children over 16 years for periods up to two years even though that term would take them beyond their eighteenth birthday; but once again the committal should be to the care of the department rather than direct to an institution.

Clause 17, section 40: This section states—

> Except as in this Act otherwise provided, no ward shall be detained in any institution or be under the control of the Department after attaining the age of eighteen years.

This section is harmless but redundant in the Act. Children are made wards of the department by orders made in children's courts or, on rare occasions, by ministerial consent. All such orders specify the period for which the wardship shall last. At the termination of that specified period the child cannot be detained or controlled by the department. Because it is redundant it is proposed to repeal this section.

Clause 18, section 40A: Clause 25 of the Bill proposes that part V of the Child Welfare Act be repealed. This is because it is intended to take all maintenance proceedings away from children's courts and have them dealt with in the summary relief courts. However, it is felt that children's courts should retain the power to make maintenance orders against responsible near relatives of children at the time of their committal to the care of the department, and this clause has been framed for that purpose.

Subclause (1) makes provision for children's courts to order maintenance to be paid by near relatives—father, mother, stepfather, stepmother—at the hearing when a child is committed. Provision is made to cover part maintenance if required and also for future maintenance at a rate determined by the court. Subclause (2) prevents the court from making maintenance orders unless the responsible relatives are either present at the hearing or have been properly notified of the intention to seek maintenance orders against them. Subclause (3) lays down the procedure to be followed after orders for maintenance have been made when children are committed. The procedure is that certified copies of all such orders are to be sent to the nearest summary relief court for registration and future enforcement.

Clause 19, section 41: This section states that destitute and neglected children shall be sent to institutions. It is one of the most restrictive and outdated sections in the Act, for it denies to innocent children any other avenue of life except that provided by an institution. Fortunately, other sections of the Act have permitted the more enlightened care of deprived children, and there is no purpose in the retention of of section 41. It is therefore repealed.

Clause 20, section 43: This section is amended, as a consequence of the general acceptance of the proposition that committal direct to an institution is not proper, by deleting the references to institutions.

Clause 21, section 46: The present section deals with the situation when a ward absconds. It was devised at a time when most wards were in institutions or were placed in apprenticeships from the institution to which they were bound to return in any unforeseen circumstances. This state of affairs no longer exists. The section is repealed and re-enacted in the light of the present realities.

Clause 22, section 47: Section 47 of the Child Welfare Act, in its first paragraph, authorises the Minister for Child Welfare to order the release of any ward from the control of the department or from any institution. This is the authority under which wards are released to parents who have shown their fitness to resume the care of their children, and under which female wards who marry have their wardship terminated; and it is a very necessary and commonly used power.

Curiously, the second and third paragraphs of section 47 contemplate the situation that parents might oppose the termination of their child's wardship, and these paragraphs set out the procedure in that event. This is a circumstance which has not happened in the memory of any officer of the department. The general experience is in fact the reverse; parents want their children released from wardship rather than continued in it. While the second and third paragraphs of this section do no harm, they are redundant and are therefore deleted.

Clause 23, section 49: This section reads—

> The Governor may order that the period of supervision or of detention of any ward specified in any order shall be extended until such child shall attain the age of twenty-one years or for any shorter period, and such child shall be supervised or detained accordingly.

The interpretation of this section until very recently had construed the word "supervision" in its widest and most general sense, and the section has been used to extend the term of wardship of committed children where their best interest and their protection appeared to be necessary beyond the age indicated in their committal orders.

This has been a very effective method for the protection of mentally defective girls, children whose parents or close relatives are physically dangerous to them, children with no supporting relatives, and some very recalcitrant but immature children beyond the age of 18 years.

It now appears from Crown Law opinion that the words "supervision" and "detention" should be narrowly construed, and that the general power to extend wardship in the interest of the child does not, in fact, exist. This is one of the most important powers which the department has for the protection of very vulnerable children, and it is secured by the re-enactment of this section in plain terms.

Clause 24, section 62: This section, like section 46, derives from the time when children were regularly placed in institutions, placed out in apprenticeship with foster-parents, and returned to the institutions if anything went wrong. The section makes provision for the punishment of a foster-parent who ill-treats, neglects, or injures a ward, and this provision should remain.

Curiously, the section then empowers the court that has punished the foster-parent to arrange for the discharge of the apprenticeship agreement and the return of the child to an institution. The arrangements for the care of a ward whose foster-parents are unsatisfactory should be left to the Child Welfare Department. The last four lines of present section 62 are deleted.

Clause 25, part V of Child Welfare Act to be repealed: This part of the Act provides machinery by which the maintenance of children can be sought and secured from their near relatives in a children's court. It is proposed to transfer this function from children's courts to the Married Persons (Summary Relief) Court, and amendments of the Act establishing that court have been or will be enacted. The whole part therefore becomes unnecessary in the Child Welfare Act and is repealed.

Provision will, however, remain in the Child Welfare Act for maintenance to be sought by the Child Welfare Department for a ward at the time of his committal, thus obviating the inconvenience of two separate court actions: one for committal, and the second for maintenance. Provision will also remain in the Child Welfare Act to deter near relatives from leaving children without adequate maintenance arrangements having been made. With these two exceptions, all actions for the maintenance of children are to be transferred to the Married Persons (Summary Relief) Court.

Clause 26, section 128: With section 23, this section endeavours to protect young offenders from the malicious thoughtless, or even well-intentioned gossip or report concerning their past offences. Unfortunately, the section as now worded is overprotective to the extent that the superior courts dealing with a hardened and repeating young adult offender are prevented from knowing of his earlier juvenile record. This in turn prevents the adult courts from giving proper consideration to the sentence, and to the conditions of probation and/or parole to which the adult should be subjected.

The department does not believe that the protection now given to young offenders by this section should be completely removed, but it does agree that all courts of law and persons authorised to consider the welfare of young offenders should have access to their records of early offences. Therefore section 128 is repealed and re-enacted.

Clause 27, section 130: This is the section which sets out the punishment which can be inflicted on near relatives who unlawfully desert, or leave without, or fail to provide, adequate means of support for their children.

Two amendments are proposed here. The first is the insertion of the word "wilfully" before the offence of "leaving without or failing to provide adequately for a child". There are many cases where parents are unable to provide adequately for their children, but the failure could not be described as wilful. It is the parent who wilfully leaves his children without support who deserves prosecution, and the addition of this word to the section will clarify the position beyond all doubt.

The second amendment seeks to delete the second paragraph of the section and to substitute another which is couched in more straighforward terms. As the section reads at present, it is possible to prosecute a father for failing to provide for his child, even if there is a maintenance order in existence for that child's support with which the father has failed to comply. The proper course of action in such circumstances would be to enforce compliance with the order by issuing warrants of commitment as provided for in the Justices Act. The proposed second paragraph makes it clear that where a maintenance order against a near relative of a child is in existence, punitive action against the responsible party cannot be taken under this section of the Child Welfare Act.

Clause 28, section 131: It is necessary to delete the words "Sections 77 and" and to substitute the word "Section" because of the repeal of the whole of part V of the Act. Section 77 is one of the sections in that part.

Clause 29, section 131A: This section becomes unnecessary in the Child Welfare Act with the transfer of jurisdiction in maintenance matters to the Married Persons (Summary Relief) Act. It is therefore repealed.

Clause 30, section 136: This section provides the Children's Court with an alternative method for dealing with near

relatives who have contravened the provisions of section 130 by deserting, leaving without, or failing to provide, adequate means of support for their children. Section 130 provides for imprisonment, but this section enables the court to make a maintenance order against the near relative concerned if it appears desirable to do so. This Bill contemplates the repeal of part V of this Act and therefore two amendments to section 136 will be necessary.

The first is to insert the words "whether committing the child to the care of the Department or not", and the second is to substitute "Section 40A" for "Section 69". The only power left to a children's court to make a maintenance order is at the time a child is committed to the care of the department, and this has been provided for in the new section 40A which has already been explained. Section 69 occurs in part V which is to be repealed, and therefore the insertion of section 40A in lieu of section 69 is essential.

It is desired that children's courts should continue to deal with offenders against section 130, and thus the addition of the words "whether committing the child to the care of the Department or not" have been inserted to make it clear that the court still has this power.

Clause 31, section 137: This section is the authority for court action against persons who contribute to the neglect of a child, and it is frequently used against men who promote the sexual misbehaviour of girls. Cases have arisen in which a man promotes the further or continued misconduct of a girl who has already been declared neglected. In such cases it has been a successful defence for the man to claim that he did not contribute to the girl's neglect as she was already neglected.

It is obvious that a wayward girl should not be exposed to further temptation and her condition aggravated without some protection in law. The first paragraph of the section as amended now reads as per the Bill.

I think members will realise there is a certain amount of repetition in this, but with a Bill of 31 clauses I thought it necessary to explain each one as I went along. I think during my remarks I made reference to a special committee to inquire into the Child Welfare Act. This committee was also charged with the responsibility of making recommendations on the Criminal Code and the Offenders Probation and Parole Act. The Minister for Justice in due course will be presenting to Parliament Bills containing certain amendments to these two Acts. He asked me to mention this because of the reference in his speech to the committee and some of the amendments contained in this Bill. I do not doubt the Minister will tell the House exactly what the situation is in regard to the other amendments.

Debate adjourned, on motion by The Hon. W. F. Willesee.

BETTING INVESTMENT TAX ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 3rd November, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. J. DOLAN (South-East Metropolitan) [3.12 p.m.]: This Bill proposes to amend the Betting Investment Tax Act, under which there are two rates of betting tax, one for a tax of 3d. on bets of £1 and less, and the other 6d. for bets of more than £1. The amendments proposed are that a standard rate of 3c should be fixed and that the Bill will come into operation on the 14th February next year, the date on which decimal currency comes into operation.

I feel there are certain principles involved in this measure and I would ask all members to study it very carefully because of those principles. In order to present the points I wish to emphasise, I want first of all to analyse some of the figures associated with this tax so members can get a clear picture of what I want to put to them.

Might I first of all say that there are two sources of income for this tax—one from the T.A.B. shops, and the other from licensed shops in districts where T.A.B. shops have not yet been established.

In 1962-63 the total revenue from this tax was £209,192. In 1963-64 it was £221,581, which is up £12,000-odd or six per cent. In 1964-65 the total was £258,867 which is up another £37,286 or an extra 17 per cent.

I want to analyse the revenue figures for the year 1964-65 because they are the latest ones available. The total income from the tax in the last financial year was £258,867 made up of £251,910 from T.A.B. shops and £6,957 from licensed shops. It was difficult to find out just how many bets involved a threepenny tax and how many involved a sixpenny tax. It was impossible to get those details from the T.A.B., but I was told with reasonable accuracy that the proportion of threepenny tax bets by comparison with the sixpenny tax bets was about 7 to 1; in other words there was one sixpenny tax bet out of every eight.

Worked out on that ratio there would have been in the last financial year 16,107,280 bets that brought in 3d. each in tax, or a total of £201,341; and 2,301,040 bets that brought in 6d. each, or

a total of £57,526, making a total number of bets for last year of 18,408,320 for a return of £258,867.

For a basis of comparison as to how the position would have been if the tax for the last financial year had been 3c, if the same number of bets were made and the uniform tax of 3c was charged on each ticket, there would have been a return of 55,224,960c or £276,124 16s., or an increase, by using the proposed rate, of £17,257 16s. or an extra seven per cent.

If the 3c general tax had operated for this financial year—that is from the 1st July, 1965, to the 30th June next year—presuming, of course, it comes into operation on the 4th February, but extending this time to the 28th February to make it easier for calculation without making any appreciable difference to figures, that would make the present rate of 3d. for bets of £1 and less, and 6d. for bets of more than £1 operative for two-thirds of the year, and for the remaining third of the year I will take the proposed tax of 3c.

The 16,107,280 threepenny tax bets would have returned £241,609 4s. or £40,268 4s. more, or an increase of 20 per cent. It could be worked out simply on the fact that the tax will go up from 3d. to 3c or 3.6d., and that is 20 per cent. The sixpenny tax bets would return £34,515 6s. or £23,010 less or a decrease of 40 per cent. That is easy to follow because the decrease is from 6d. per bet to 3.6d. which works out at 40 per cent.

Quite a lot of play was made in the Minister's second reading speech of the fact that there was quite a reasonable return being made from the tax and that it was intended to try to get somewhere near a reasonable amount in the future. I am going to take for the particular case I wish to build up the supposition that the tax on the £1 bets and under was dropped to 2c and that the normal tax of 5c or 6d. remained on the other bets.

Worked out on the basis I instanced a little while ago, and applying the present tax for the first eight months of the current financial year to the 28th February next, and a tax of 2c for the remainder of the financial year for all bets of £1 and under, and 5c or 6d. for all bets over £1 there would be a return of £245,444 compared with the amount of £258,867 for 1964-65. So in order to make the two amounts equal for the two years—last year and this current year—there would have to be a rise of between 5 per cent. and 6 per cent. in receipts.

Seeing that two years ago there was a rise of 6 per cent. and last year there was a further rise of 17 per cent., it would be reasonable to assume that in the current year there will be a rise of at least 5 or 6 per cent.—it probably will be more—so the return for the current year will be proportionately more.

I am a little worried about the way the Government has gone about this Bill. I have in mind that when the Commonwealth Government proposed to introduce decimal currency it was somewhat worried about the effects of the changeover, and it felt there would be a lot of people who would try to take advantage of the situation; and it did everything it possibly could to convince traders and other people—and I feel there are certain moral principles involved here—not to take advantage of the introduction of decimal currency.

The Commonwealth Government itself has given a valuable lead because it proposes, for example, that the normal 5d. stamp will be replaced next year by a 4c stamp rather than a 5c stamp. In other words, the Postmaster General's Department will lose .2d. on that stamp. That small sum on each stamp involves many thousands of pounds. That is one way by which the Commonwealth Government has given a lead in the matter of avoiding inflation and showing its sincerity, and showing that it does not necessarily want profits to be made out of the changeover.

This is the first opportunity the State Government has had to use decimal currency as a reason for bringing down a Bill. The Government proposes to remove the 3d. tax on bets of £1 or less, and replace it with a 3c tax. Every decimal currency reckoner, and every statement by the Decimal Currency Board, or by any other authority, shows that when decimal currency comes into operation 3d. is to be superseded by 2 cents.

I have here a decimal currency conversion table issued by the Decimal Currency Board, and it shows that 3d. will be converted to 2c. I can mention other official publications which show the same thing; but this Government is replacing 3d. with 3c.

I suggest that what the Government is doing here sets a very bad example to those people who might be inclined to take advantage of the changeover and call their pence cents. They might be inclined to say that an article which costs fourpence will cost four cents, and that one that costs fivepence will cost five cents, and so on.

I make those remarks deliberately, because the Decimal Currency Board, which was set up by the Commonwealth Government, states in all its publications and instructions that the correct number of cents for 3d. is 2c; but this Bill provides for 3c.

I want to go through the Minister's second reading speech because I doubt whether I have ever, in a second reading

speech, found so many statements that I could not reconcile with fact. Starting at the beginning the Minister said—

> The introduction of this measure is necessitated by the proposal to change over to decimal currency as from the 14th February next. A tax of 3d. is imposed under existing legislation where the amount of money paid or promised as the consideration for a bet does not exceed £1. The tax is 6d. where the amount of a bet exceeds £1. In order to anticipate the introduction of the new currency which contains no exact equivalent of 3d. it is necessary to strike a new rate for bets not exceeding £1.
>
> Members will be aware that the 6d. tax on bets exceeding £1 converts exactly to 5c so that there is no problem in that regard.

That is the actual statement of the Minister; so he creates a problem. There is no problem with 6d.; it converts automatically to 5c; so a problem is created by getting rid of that amount and bringing it back to 3c; but 3c is not an exact substitute for 3d. To continue with the Minister's remarks—

> Nevertheless, it is desirable to consider this rate in association with the amount to be paid in future on bets of £1 or less. The Treasurer, when introducing this measure in another place, pointed out that there was not "much rhyme or reason about the present rate of 6d. because it applies equally to bets of 25s., £10, £100, or for that matter, £1,000."

So he proposes to bring in a different tax which will be uniform, and a bet of 5s. will be placed on the same scale of tax as a bet of £1,000. If there is not much rhyme or reason in the first statement, surely there is none in the tax that is to be paid, because it is preserving exactly the situation referred to. The next statement has me baffled—

> The idea, when originally conceived, was to tax the bigger punter at a higher rate.

If that was the original purpose, why suddenly change horses? Why, instead of taxing the bigger punter at a higher rate, bring him down to a 3c tax? I always understood that, if possible, a tax should be levied in such a way that the greater burden is carried by the people who can most afford it; and a person who can put £100 on a horse can afford more than can a man who can only put five bob each way on a horse.

I will come to a suggestion I wish later to make to the Government; because if one of the objects of this Bill is to raise more money, a valuable opportunity has been lost here; because there is a chance to impose an equitable tax, and one at which, I think nobody could cavil. The Minister goes on to say—

> Consequently, a number of alternatives have been considered.

I am going to suggest one that probably the Government considered but did not do anything about. Further on the Minister said this—

> In considering these alternatives, it was thought desirable to minimise the impact of the decimal currency changeover on the Treasury and on the punter.

I do not know how we minimise the impact on the punter if we put a bigger tax on him; and I think the impact will be just a little bit more. I might be wrong, but I have that feeling. The Minister also said this—

> Having regard for the purpose of the measure, it is considered that the rate of tax to be levied with the introduction of decimal currency should be the one which would give a total return not significantly different from the present return.

I have already given the figures; and if we take last year's figures and apply a 3c tax, we find there is an immediate difference of £17,000.

The Hon. A. F. Griffith: Is that calculated on a percentage of bets over £1 and bets under £1?

The Hon. J. DOLAN: No; it is on the actual number of bets in the last financial year—approximately 18,000,000. Members will see that under the proposed system, the 3c tax would have resulted in an increased revenue of £17,000. In the coming year it will be even more if the rate of bets increases at the percentage I quoted: namely, a 6 per cent. increase two years ago, and a further 17 per cent. last year. If there is a further increase this year we can expect the amount of increase to be more than £20,000.

It is decided to give a total return not significantly different from the present return; but I think an amount around £20,000 is significantly different.

Simplicity of collection is also desirable. I am amazed to know how simple the present system of collection is. I understand that if a punter goes into a betting shop and has a bet of less than £1 he has to pay 3d. tax. I contributed only one 3d. of this tax last Tuesday, when having a bet on the Melbourne Cup, and that was all I was asked to pay. Do not tell me that is hard to collect! If it is desired that the system should be more simple, I do not know how it could be done.

I consider the Bill is one which aims at effecting a certain purpose. I do not know whether that purpose is to be that the poor pay more, and the fellows who can afford to pay more pay less. I thought an equitable approach would have been to

impose a tax, if necessary, of 2c on every bet of £1 or under and then 2c in the pound, if necessary, on every bet in excess of £1 with a maximum of 10c or 20c.

No-one can tell me that anyone who can afford to put £100 on a horse would oppose the extra tax involved. It would not be in any way unjust. It is one opportunity the Government has missed to make the man who can afford it pay the tax, instead of imposing the same amount of tax on the man who likes his little bet as the man who can afford to bet in hundreds or thousands of pounds.

I believe the moral issues involved in the measure would not permit me to support it and, consequently, I oppose it.

Debate adjourned, on motion by The Hon. J. J. Garrigan.

MARRIED PERSONS AND CHILDREN (SUMMARY RELIEF) BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [3.34 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to consolidate, in one Act, the maintenance provisions of the Child Welfare Act, 1947—which was referred to a few moments ago by my colleague when he introduced a Bill to amend that Statute—and the Married Persons (Summary Relief) Act, 1960, the Interstate Maintenance Recovery Act, 1959, and the Reciprocal Enforcement of Maintenance Orders Act, 1921. It is proposed to effect this by reposing the jurisdiction with regard to the matters covered by those Acts in one court of summary jurisdiction.

At the present time, it is possible to make maintenance applications under any one of the four Acts consecutively and, in some cases even, concurrently, as a refusal under one of them, of the order sought, is not a bar to an application under another of them.

Further, it appears ideal that the Children's Court should exercise a jurisdiction of a corrective nature only, both as regards children and adults. Members will appreciate that affiliation proceedings—those brought to establish the paternity of, and to make provision for the maintenance of, illegitimate children—involve adults only and there is no argument for their being brought in a children's court. Again, in any situation where two or more courts are able to make maintenance orders, the systems of accounting have to be multiplied, leading to wasteful and, in some cases, unwieldy procedures. There are cases in existence under which a person is making periodical payments to both the Children's Court and the Married Persons' Court. Without making any change of consequence in the existing law, this one measure will eliminate all those undesirable features.

The succeeding Governments since 1963 have had it in mind to bring down such a measure, but circumstances militated against and even prevented this. I refer to the fact that the several States and the A.C.T. have, since 1961, been working on a measure to bring uniformity to maintenance legislation in Australia. While this State has never been wedded to uniformity and certainly never committed itself to uniformity in every aspect of this subject, it was clear that in one field we would have to conform. That is the field of reciprocal enforcement of maintenance orders, interstate and overseas; because, without uniformity, these provisions become—as, indeed, they have in the past—unworkable or, at best, difficult to apply.

Deliberations on these uniform provisions, unfortunately, were protracted and it was not until late last year that they were finally settled with the result that the A.C.T., Queensland, South Australia, and Tasmania have introduced their measures this year only. New South Wales and Victoria managed to secure the passage of their Bills at the end of last year.

In this State, we are faced with a more difficult task than that of repealing one Statute and re-enacting another. Owing to the intricate overlapping of our current Statutes, we found ourselves placed in the position of having to amend both the Child Welfare Act and the Guardianship of Infants Act, 1926. The latter presented little difficulty but the former contained provisions which, although the same in their ultimate effect, were based on different legal concepts and needed to be adapted before they could be transposed to another Statute.

Added to this, the Child Welfare Act was the subject of an inquiry relating to the punishment of, and the publication of proceedings with regard to, juveniles. The committee appointed for that task has only recently been able to submit its recommendations, with the result that work on the Child Welfare Act Amendment Bill was delayed and, as a consequence, the completion of the subject Bill was also delayed. I mention this only by way of explanation to members for the lateness in presenting a Bill of this magnitude, at this stage of the sitting.

Fortunately, the Bill contains very few new legal concepts. The greatest change the Bill makes is that of incorporating the provisions of 129 sections existing in the four Acts I have mentioned in a new measure of 111 clauses; and such few changes as there are, need not, in my view, engage the House as long as might at first appear.

I shall now proceed to examine these changes in general terms. Members will find an interpretation that originally appeared in section 74 of the Child Welfare Act as "confinement expenses", now appearing in the Bill as "preliminary expenses". The relief given by this interpretation has been extended beyond that now applying as it makes provision for the maintenance of the mother of an illegitimate child two months prior to, and three months after, her confinement. The existing provision in the Child Welfare Act provided for maintenance two months after confinement only. This, in any event, is merely an enlargement of the discretion of the court.

As the law now exists, parties to a polygamous marriage cannot obtain relief. This means that the State may be faced with the necessity of giving assistance to the wife of a Muslim marriage—Muslim merely being mentioned as an example—without any recourse against her husband. This, of course, gives him an advantage not enjoyed by the husband of a Christian marriage. All States have now adopted a provision to be found in this Bill whereby such persons do not escape their obligations.

The Bill then proceeds to take in all the existing provisions of parts II, III, and IV of the Married Persons (Summary Relief) Act, with some necessary additions.

As the provisions of the Guardianship of Infants Act will not be included in this measure, it has been found necessary to include a provision allowing persons, other than parents, to apply for the custody of a child or children. However, this provision is restricted by requiring those persons to obtain the leave of the court to bring the proceedings, so as to eliminate the interfering busybody. This is a necessary and, at the same time, working provision.

Following this, members will find three clauses—17, 18, and 19—that take over sections 68, 69, 73, and 74 of the Child Welfare Act. These relate only to illegitimate children, because children of the family are already covered by the preceding clauses taken from part III of the Married Persons (Summary Relief) Act.

Next we find new provisions relating to the enforcement of orders by attachment of earnings. These are to be found in part V of the existing Act but have now been amended in conformity with those to be found in the Matrimonial Causes Act, 1959, of the Commonwealth. As the State courts are already enforcing the latter provisions, it would be an anomaly to have different provisions in our own Act on the same subject matter.

All States have subscribed to this view. The big change, of course, is that whereas our existing attachment of earnings provisions can only be imposed with the consent of the person whose earnings are to be attached, in the new provisions that person will have no say in the matter if he is a persistent defaulter. This is, in my view, a much more realistic approach.

The power of the court to require a defaulter to enter into a recognisance, with sureties, if necessary, for the payment of maintenance has been widened. This is necessary in a large State such as this, and also to cover cases of persons leaving the State perhaps for overseas, without making adequate provision for the payment of maintenance.

One of the biggest changes is to be found in part V of the Bill. This replaces the Interstate Maintenance Recovery Act, 1959, and the Reciprocal Enforcement of Maintenance Orders Act, 1921. As I have said earlier, we took a big part in the framing of these provisions which will virtually be identical in every State and Territory. They are designed to streamline what were very tedious and ill-functioning provisions in the various States. I am hopeful that the House will see fit to adopt this part *in toto*, as it is intended that it will operate throughout the Commonwealth next January. I am also anxious to see the Bill gain a passage through this Parliament to enable us to come into line with the projected date.

Parts VI, VII, and VIII of the Bill require little comment, as they provide a re-enactment of those parts in the Married Persons (Summary Relief) Act, 1960. I must, however, mention the inclusion in part VII of the provisions of section 73 of the Child Welfare Act prohibiting the adjudgment of a person as the father of an illegitimate child on the uncorroborated evidence of the mother, or where the mother is a common prostitute.

Another effect of the Bill will be to make the putative father of an illegitimate child a compellable witness at the instance of the complainant. This is the position in the United Kingdom, but there is some doubt as to whether this is the case here. It is not a provision that would be abused, as a complainant would not generally be well-advised to call the defendant as her witness. On the other hand, the strict rule as to the requirement of corroboration makes this an equitable provision.

Finally, the Bill contains a provision that does not now exist, whereby the wife of a deceased husband can recover arrears of maintenance in respect of any period up to six months prior to his death, by action against his estate. The only provision at all similar to this is to be found in the Testator's Family Maintenance Act, 1939, and this is not applicable in all cases. Other than the matters that I have detailed, the Bill can be taken as making no revolutionary changes and I commend it to the House.

In conclusion I might say that members should give consideration to this Bill, to the Child Welfare Act Amendment Bill, introduced by my colleague earlier in the

afternoon, and also to the Guardianship of Infants Act Amendment Bill which he will introduce later, having regard for the fact that the framing of this legislation has been done in collaboration with each department, taking out by specific arrangement from one piece of legislation and placing in another the parts which were thought more appropriately to belong in the Acts in which they will be placed with the passage of these Bills.

Debate adjourned until Wednesday, the 10th November, on motion by The Hon. E. M. Heenan.

Sitting suspended from 3.46 to 4.5 p.m.

ROAD MAINTENANCE (CONTRIBUTION) BILL

Second Reading

Debate resumed, from the 3rd November, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. R. H. C. STUBBS (South-East) [4.5 p.m.]: As a country member representing mining and pastoral areas, I am very concerned about this Bill. The area I represent—the South-East Province—relies heavily on road transport. The only rail linkage is from Coolgardie to Esperance and the rest of the vast area is served by road transport from Esperance.

Apart from some of the mining areas in the north-west, I would say the area I represent makes the most extensive use of road transport. It is a developing area, and land is being developed east and west of Esperance right to Scaddan and Grass Patch. This requires vast supplies of materials such as fencing, and so on, and the passing of this measure will mean an added financial burden on the people developing these blocks—a burden which they can ill-afford to carry. The cost of land development at the moment is very high.

As I said before, the transport costs in the South-East Province will naturally have to be passed on. Somebody will have to pay them; and it will be the farmer, the grazier, and the wage earner. People in remote areas will certainly get it in the neck. Decentralisation will be placed in mothballs as it will be something in which we will have only an academic interest.

Firstly, I will attempt to deal with mining. Naturally when the standard gauge railway is operating, the 3 ft. 6 in. line between Southern Cross and Kalgoorlie will go. At the present time a lot of the mining timber is carried over that line; but it will have to be transported by road and this will naturally add to the cost of mining. It will also add heavily to the costs of mining in remote areas, because most of the mines are a long way from a railway. The mining industry will have to pay extra in regard to fuel costs, and so on, and it can ill-afford to do this. As a member representing mining interests I am most concerned about the position.

A lot of mines now cart their ore by means of heavy trucks. It is carted from the shaft to a central mill; and if the truck exceeds eight tons, those operators will have to pay, too. There is a copper-mine at Ravensthorpe. At the present time it is a borderline proposition, and the added burden of increased fuel freights because of the road tax could be the means of that mine closing down. I would hate to see another mine in Western Australia close down.

When we no longer have the 3 ft. 6 in. line and when the standard gauge line is in operation, it will not serve the pumping stations, of which there are four along the track. These pumping stations will have to be served. They have always obtained their timber by road from adjacent bush, but we have to consider the fact that they will have to obtain supplies of fuel and other things by road transport. I presume some heavy haulage contractor will do this. In view of all I have said, I am very concerned about the costs.

This heavy haulage tax will be a burden that will certainly not be happily received as I do not think the farmers and graziers are receiving much return at the present time. A lot of them are ploughing their money back into their properties in order to develop pastures, and that sort of thing, and this new tax will delay any return which they could hope to receive for some time. Most of the farmers are putting money back into their properties by way of improvements and I think this impost will hit the Esperance district very hard.

The farmers there depend on heavy transport to cart their super. It is only possible to cart it 50 miles by road adjacent to the rail; and east and west of Esperance, out into the outlying areas, it has to be carted all the way by road. There are many heavy haulage trucks in the district to do this work. Therefore the farmer will have to pay added costs for his super. Then there is the movement of his stock and sheep. He also has to cart his wool to the stores in Albany.

There are all sorts of added costs to be taken into consideration; and these will hit the building industry in Esperance pretty hard. That industry obtains its timber from various mills and it is carted overland to the housing projects. The bricks come from Albany; so there will be added costs in regard to housing.

The building stone has to come to Esperance from the Ravensthorpe district. The houses down there are pretty expensive at the present time because of the heavy freight costs; and there

will be additional costs because of this impost. I presume the railway road buses will have to pay.

The Hon. F. D. Willmott: No.

The Hon. R. H. C. STUBBS: The interpretation of "commercial goods vehicle" is as follows:—

> "commercial goods vehicle" means any motor vehicle (together with any trailer or trailers for the time being attached thereto) that is used or intended to be used for carrying goods for hire or reward.

Every bus down there has a trailer with a compartment for goods.

The Hon. A. F. Griffith: What sort of goods?

The Hon. R. H. C. STUBBS: Machinery parts and general goods; mail, and that type of thing.

The Hon. F. J. S. Wise: Foodstuffs.

The Hon. R. H. C. STUBBS: Yes. Every one of them has a two-ton trailer plus a compartment for goods.

The Hon. A. F. Griffith: What would be the total weight of the truck and trailer?

The Hon. R. H. C. STUBBS: It would be a heavy bus similar to the Pioneer buses—about a 32-passenger bus. I presume the Minister will reply to this and let me know about it. As member for the district I am concerned; and it is my right to bring up this matter and ask for an explanation.

The only passenger connection between Kalgoorlie and Esperance is by road bus; and the only passenger connection between Esperance and Perth via Ravensthorpe is by road bus. No passenger trains serve Esperance at all. Therefore the Minister can tell me about the point I have raised when he replies. I know the people in my area are concerned.

I have attempted to obtain some figures; and my research tells me—to the best of my knowledge, it is correct—that a prime mover with a semi-trailer with an overload permit will have to pay about £300 for a 20-ton load. That is for a tandem axle. With a single axle the registration fee is £47 for the prime mover, £120 for the trailer, and the overload permit is £80. The total is £247. So from my research I find that it could cost £247 to £300 for the registration and the permit for a vehicle carting in excess of the legal load. When long distances have to be travelled and heavy loads carted, I think the permit is needed.

I am told that this new tax or charge will increase or add sixpence or sevenpence a mile to the cost. In addition, if this is a fact it is obvious that people in remote mining and pastoral areas, and farmers in the south-east province, are going to be hit hard. Their highway is in my area, and great development is going on in the province. Virtually all the land is taken up and there is a lot of fencing going on, and considerable numbers of stock are being transported. People are frequently coming through with stock for their properties.

The Hon. A. F. Griffith: Coming through from where?

The Hon. R. H. C. STUBBS: Some of the stock is brought by train to Kalgoorlie and then carted by road.

The Hon. A. F. Griffith: Eastern States trucks?

The Hon. R. H. C. STUBBS: Some are, but mostly State trucks. There are contractors in Esperance who cater for this type of carting, and they have specially constructed trucks. I know that if a vehicle is an interstate truck, it can operate in the State without paying any license.

The Hon. A. F. Griffith: Do you think the owner ought to pay something?

The Hon. R. H. C. STUBBS: I heartily agree that he should. I think he should pay, but I also think that people in the remote areas should not have to pay. Referring to the carting of stock, my information is that a 90-ton load on a 60-mile lead will add £16 to the cost. Of course, people close to the markets are not affected because they probably convey their stock in trucks of less than eight tons. But when there is a long lead, such as Esperance to Perth, which is nearly 600 miles, or to Eucla, which is about 900 miles, the cost is considerable. Stock does come from that area. The costs to the people who live in the remote areas are being increased.

I am concerned about the added cost to contractors who use heavy vehicles for road construction—vehicles which, I think, are well in excess of eight tons. If their cost is increased, it will be added to the cost of the roads; it will have to be passed on. So I am concerned about the heavy tax on the transport industry. It will affect my area, and I think my area will be hit harder than any others, except perhaps for some in the north-west. If I did not protest in this House I would be remiss.

There will be another impost on the farmer where super carting is concerned. Super is another must to the farmers, and most of it is carted by the heavy hauliers under contract. The farmer does not cart much himself. I should imagine that the contractors will carry heavy loads and exceed the required weight, and they will pass the cost on to the farmer. So the farmers and graziers in my area are going to have added costs. This will probably be the biggest tax paid by the farmers, graziers, and mining people. I think that the people in the remote parts of the State will certainly be hit hard.

The Minister asked if I thought the Eastern States contractors should pay. I think there is a way to make them pay, and I would suggest that perhaps we could try a road toll method. It has been successful in the other States and countries, and I cannot see why those heavy vehicles cannot pay on the border or at Kalgoorlie. If they are using our roads they should pay. I do not think the people who are developing areas should have to pay.

That is my contribution for the moment, and I will certainly vote against the measure as it stands at present.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [4.21 p.m.]: Several members have touched on some of the effects of this Bill. My colleague, Mr. Strickland, an ex-Minister for the North-west, gave an excellent review as to the likely effects of this legislation on the State in general and on the north in particular. Other speakers have half-heartedly supported the Bill, because in spite of its deficiencies they could do nothing to sacrifice the matching money temptingly dangled before the State.

The Bill is designed to impose a tax on users of heavy haulage vehicles of eight tons, together with trailers, or without trailers, and clause 6 of the Bill is quite specific in this regard. The first schedule of the Bill deals with the imposition of the rate per ton mile. This provision by intent and design ropes in all hauliers operating at present within the State who come within the prescribed limits of the Bill. It means that in the imposing of the tax on interstate operators, all State operators who are within the weight category are affected.

It means that a heavy burden will be imposed on local hauliers, local residents, and local governments, particularly local governments of remote areas that depend so substantially on the earnings from vehicle registrations within their districts. Members who have looked at this legislation closely will know—although the rebate of 50 per cent. of the license fee may sound tempting as a counter to the burden of the tax—the people that it is going to affect. It is going to affect the revenue of people who, in my view, are paying very dearly for the money they may expect to get from the matching moneys.

This morning I had a look at the legislation of a similar kind which operates in other States. Victoria, New South Wales, and Queensland provide for vehicles of four-ton capacity. South Australia, in its recently introduced legislation, has provisions similar to ours; namely, eight tons. It is thought, and has been said by the Minister introducing this Bill, that if we strike a rate for vehicles appropriate to the South Australian Statute, it will be sufficient for our purposes.

The Eastern States legislation, some of which dates back for many years, was evolved after High Court decisions in the challenging of the ability to impose within a State a tax on vehicles travelling interstate. The constitutional requirements have been met in the manner in which those Statutes are now drafted so that the charges which are to be made can only be something to provide a fair recompense—and those are the words used—for the amount of maintenance costs required to maintain the roads of such users; to counter the wear and tear. But the moneys collected must be confined to the cost of maintenance and upkeep.

I noticed one or two members endeavouring to point out how difficult it would be for this State if we threw away this opportunity—I will analyse that opportunity a little later—of getting matching moneys which would enable us to extend the bitumen and do all sorts of things in road construction. Nothing of that kind! This money must and shall be used to overcome the wear and tear involved and to provide money for maintenance. If we go beyond that point, the constitutional matters must be looked at very seriously, and I suggest they will be.

Those people who are involved in this matter must be taxed simultaneously within the State as compared with those who are coming in from without the State. All vehicles in the State at the time of the passing of this Act, which come within the ambit of clause 6 will be included. I repeat, it is very specific that moneys collected cannot be used for other than road maintenance unless there is to be the capacity for a challenge because of the provisions which, State by State, this legislation is designed to meet. If, under the High Court ruling, collection costs are charged on the revenue received, the whole of the proceeds will not then be used for road maintenance; and if members will look at clause 13 of the Bill they will find the reason for the clause being included. I will deal with the Bill in detail later.

In regard to matching moneys there is nothing in the measure to say that the Bill itself, or the tax it will impose, is for the purpose of obtaining moneys for matching moneys from the Commonwealth. There is not one word in the Bill in regard to matching moneys. Mr. President, I would draw your attention to the conversation that is proceeding on your right. It is most disturbing to me.

The **PRESIDENT** (The Hon. L. C. Diver): Order, please!

The Hon. F. J. S. WISE: The Minister for Transport in another place, and the Minister who introduced the Bill in this place, said that the new system of matching money on a five-year basis means that we must obtain £3,800,000 for matching money over the next four years. As there

is no mention in the Bill of matching moneys, but there has been ample reference to that matter by Ministers in both Houses, I presume that the principle of matching money may be discussed, and I am wondering whether you consider I am in order, Mr. President?

The PRESIDENT (The Hon. L. C. Diver): I would think the honourable member is in order as we may consider the Bill really as a parallel to the offspring of the matching money legislation passed some years ago. The honourable member is in order.

The Hon. F. J. S. WISE: Thank you, Mr. President. I would point out that last year this State received £530,000 in matching money. The State's contribution came from loan funds, £400,000, plus £130,000 from road finances, which came from increases in road fund revenue. In the basic grant for the year 1964-65 this State received £10,973,000, and for the financial year 1965-66 it will receive £11,306,000. This is quite apart from, and has nothing whatever to do with, matching money. These amounts are paid under the authority of the 1964 legislation under which road grants are made to the States.

In my view the matching money principle is wholly wrong. Under an agreement weighted in our favour, because of area, we get £11,000,000 out of £62,000,000 which the Commonwealth collects from motor vehicle users in all States. As we know, there is not merely the tax on petroleum products; an enormous sum is available to the Commonwealth from sales tax imposed on motor vehicles. In any case, it is the States' money collected within the States, from the people of the States—the users of motor vehicles in the States—and instead of disgorging a few millions to supplement the distribution to all States, legitimately, the Commonwealth says to the States, "We will provide you with a sum of money based on the formula which operates, provided you find the same amount of money from this or from some other source within the State."

I suggest that the Commonwealth Government could, without the winking of an eye, hand back to the State the £7,600,000 involved in the next four years; and it could also hand back to the other States their proportions without this matching money provision.

The Hon. H. K. Watson: As it did for about 20 years.

The Hon. F. J. S. WISE: After all, where did the petrol tax money come from initially? Initially it was collected by the States—it belongs to the States, but now it goes directly into Commonwealth revenue.

The matching money principles are full of inequities. All the States are very hard held by the Commonwealth in regard to reimbursement moneys from income tax or from any other form of taxation, but in respect of that the wealthy States of New South Wales and Victoria have within their capacity the ability to overmatch, by many millions, any Commonwealth funds put up. They certainly have a much greater ability to match or overmatch than has Western Australia with the limited taxation facilities which are open to it. The money is very easily available to the Commonwealth, which has a £1,300,000,000 or £1,400,000,000 Budget, and it could quite easily ensure that a generous proportion, or a fair proportion, if one likes, is returned to the State or States, the source of the money, without imposing a condition of this kind.

There is no doubt that any suggestion of matching money for any purpose must impose a burden on the people of Western Australia. Once the principle is accepted and introduced, what will be the next step? It will be a condition by the Commonwealth that moneys, not for this purpose, but for any other, or for all other, purposes will be provided so long as the States match it pound for pound.

For many years I was privileged to sit around Loan Council tables with other Treasurers, and representatives of the Commonwealth, and I would like to give a simple illustration of what happens. Whether it be for unemployment relief, drought relief, or for any other purpose, where there is a consistent demand from all States, the Commonwealth produces a sum and it could be likened to the production of a turkey. The Commonwealth puts it on the table and, knowing how difficult it is for the States to agree among themselves, it says, "You carve it up." The Commonwealth knows how difficult it is for the States to agree on a matter of this kind, because their relative demands are disproportionate; but it absolves itself from any responsibility.

However, after the carving up has taken place to the satisfaction of State Treasurers, and under-treasurers, a new condition is applied: "All right; you have decided on your portions but you cannot have those portions unless you match them with another turkey." What sort of principle is that? But it is a perfect illustration of what transpires today. Is that a fair thing for those who hold the purse strings to do? I say that if we proceed with this principle, on this or any other financial matter, it must lead the State into bankruptcy in the long run; because not only will we have the States, but also interests within the States, vying with each other for the support which they can get only after the State matches the Commonwealth money from some other source.

That is not a fair proposition under any circumstances, and I suggest that if this carrot, to which Mr. Strickland referred, which is being dangled before the State's eyes is snapped up and we take a big, or even a little, bite, in the long term we will find it to be very indigestible.

I suggest there might be others in this House who share my views in regard to matching moneys. If they do, I hope they will express them. I also suggest that this carrot, which they pretend is largesse, and something pleasant to take, will become more indigestible as the years go by; and I contend that we are subdued to accept this principle by fear or by coercion; because unless we find some more money from somewhere in this heavily taxed community we will not get money which the Commonwealth will make available to us.

The cost of getting this matching money is very high in so far as the State's prestige and the State's rights are concerned; and there are also heavy costs associated with its collection. I would suggest that the cost of collecting this money might even be 10s. in the pound. The Bill provides for any number of people who are available to inspect and see that there are no evaders.

Mr. President, I again draw your attention to what is happening on your right.

The PRESIDENT (The Hon. L. C. Diver): Order, please!

The Hon. F. J. S. WISE: I have no objection to persons being present but surely they must behave themselves.

The PRESIDENT (The Hon. L. C. Diver): Order! I would ask everybody within the precincts of the Chamber to refrain from talking while the honourable member is speaking.

The Hon. F. J. S. WISE: Thank you, Mr. President. I do not want to go to extreme ends but I will if it is necessary. Because of inspectorial charges, which are inevitable; because of the multitude of checks that must be made; and because of the records that must be kept and checked, there is no doubt that what will constitute a permanent work force will be established, and the charge for it will be placed against the State co-ordination fund. It is all very well for those who think I have finished my statement to smile and be smug about it, but the situation is very clear that if the money collected is used for any other purpose but road maintenance it could be challenged in the High Court. Therefore whatever costs may have to be incurred for the collection of this money, and for the servicing of the fund they will be charged to an existing fund which contains moneys paid in annually from other types of motor vehicle imposts.

There is a clause in the Bill which is of very great interest to Dr. Hislop, and to all of those who object to one Bill amending three or four Acts, and indeed repealing sections of Acts as this one does. I shall draw attention to this aspect later.

The term used is "matching money." I suggest that is an ingenious term used by the Commonwealth to put considerations and strictures on the use of finance which is available to the State. It exercised great ingenuity in devising a plan such as this to pretend to give the opportunity to the States to obtain more money. It is a mere pretence and a sham, if it is analysed basically. As I said earlier, the money has been taken from this very section of the community by the Commonwealth.

The Hon. H. K. Watson: It would be a different proposition if the money came from, say, the U.S.A. or Great Britain.

The Hon. F. J. S. WISE: We would have a medium under which a burden could be fairly imposed; but this is the money of the States, and money within the Commonwealth. I feel that we are pushing forward very vigorously—not counting the cost and without full consideration of the ultimate consequences—by imposing this tax merely for the purpose of obtaining matching money. To do so cannot be wholly right.

The impact on all the other avenues of development which require the same sort of plant; the same sort of materials; the same sort of labour; and the same sort of operatives such as those employed on road construction, will be very heavy indeed. It must result in a substantial increase in costs of development; in costs of production; in costs of road maintenance; and in costs of the type of machinery, the type of artisans, and the type of materials on which consistent demands are made.

Every Saturday we read in the newspapers advertisements calling for highly skilled people to operate road plant, to operate heavy haulage machinery, and such like; and calling for mechanics who are highly qualified to undertake specific tasks. The demand for these workers is now very high and the competition is keen. The demand in one industry—no matter how intertwined are its interests—affects others.

The advertisements to which I have just referred offer, at times, extraordinary attractions to get men from one industry which is already functioning satisfactorily, for the purpose of diverting them to another which is involved in a state of progress. I do not want to be misunderstood under any circumstances with regard to what I think about the Main Roads Department being able to cope with whatever responsibility is placed upon it. If it was a question of £11,000,000 or £15,000,000, I would say the engineers and those in charge, including their subordinates, will give the same service as they have given to the State throughout the years, and from which the State has benefited. But that is not the point.

If the Main Roads Department is in the position of having to spend £500,000, £1,000,000, or more, it will be confronted with the very problems in regard to the

competitive nature of attracting people doing the kindred type of work which I have outlined. It is a wrong principle. In my view the seeking of matching money will bring in its train extraordinary results in relation to the cost of money, and to the reduced availability of money in funds put there for other purposes to meet the cost of this expenditure. All these things in the ultimate will come to pass side by side, to the very great detriment of the State.

Looking round this Chamber I can see men who are perhaps more capable than I of putting a case forward against the principle of matching money. With due respect I would like to hear you, Mr. President, on the floor of the House speaking on this subject.

The third point I wish to deal with is the burden of the tax and its effect. My colleagues—Mr. Strickland and Mr. Stubbs—have provided ample evidence of how seriously and realistically some people, industries, and districts, will have to bear the extra burden when this Bill becomes law. In another place the members representing remote districts also raised this matter.

I am afraid that the high costs in remote areas are not at all appreciated by the city dweller, or by those who do not have to operate the services that obtain. Mr. Strickland referred to places like Wittenoom. There is a case in point; this is a small, consolidated town of about 1,000 people in which one company operates, and that company owns the hotel, the stores, and the mine—a company which has experienced a shaky existence in the past because of the overseas competition.

That company has had to struggle for its existence because of the high cost structure attached to anything it requires. It is 168 miles from Roebourne, and it is serviced by a truck from Meekatharra once a week bringing in perishables. This year it is arranging to shift between 24,000 and 40,000 tons of asbestos over 186 miles to the port, and to cart back petroleum products. Very big vehicles are used by this company.

What will happen to the costs incurred? The cost of living at Wittenoom is extraordinarily high because of unusual circumstances. The turnover of manpower employed by the mine is as high as 70 to 80 per cent. each year. The costs of maintaining and servicing the community, of maintaining the shire council, and of serving the district will be materially affected by an increase in the license fee. The men will also be affected by this burden. The cost of produce sold at the stores—at present very much above the Perth rates—must rise further, and this will affect the home and the family man and woman, as well as all those things associated with their livelihood. That cannot be denied.

What is the position with regard to the cost of cattle transport? There is no doubt that the Broome meatworks and the Wyndham meatworks to which cattle are hauled by road trains will have to bear a further burden of 10s., 12s., or 15s. per head of cattle. Does that matter? It does not matter to those who live in the nice climate and the pleasant conditions of Perth; but it does matter much to those who have pioneered the outback areas—in industry or in personal exertion.

I could weary the House on the point as to how the burden will affect the individual, from the banana grower to the pastoralist in the Gascoyne. Mr. Brand suggested some of the cost will have to be passed on, but some will have to be absorbed. If this sort of cost can be absorbed, then at the present moment an enormous profit must be made. This sort of increased cost cannot be absorbed, and it certainly is a very unfair burden to place on the services of the Crown or on the community, because the longer the haulage is from Perth the greater will be the burden. There is to be no telescopic rate, and nothing in conformity with Country Party principles.

Let us pass from this year to the next year. It is anticipated that this Bill will raise between £500,000 and £600,000, but the matching money available in the next four years will be £3,800,000. So next year there will be over £1,000,000 to be raised. Where will that come from? I safely and assuredly forecast that it will have to come from other than through normal growth, although some of it will come through normal growth. I can tell members where the money will come from: It will come from the simple alteration of the term "eight tons" to "four tons" in the legislation. That is where the money will come from. An attempt will be made to bring in all vehicles of four-ton capacity. I would like my country friends to bear that in mind. Just wait and see! Once this Bill is passed this State will be involved irrevocably in accepting this principle, and that it what I object to.

The Hon. R. F. Hutchison: So would anyone.

The Hon. F. J. S. WISE: Three other States of the Commonwealth now have the four-ton limit, and three other States —in regard to traffic passing through them and over their borders—charge interstate hauliers ½d. per ton mile for the use of their roads. There are experienced hauliers in this Chamber and they know what I am speaking about. Is the operation of a four-ton vehicle exactly identical with the operation of an eight-ton vehicle? Are their replacements, in part or *in toto*, similar? Are their operating costs identical? Are their replacements of tyres similar?

Although this Bill is designed, with the Acts of other States, to defeat the constitutional provision in section 92, I suggest that before very long very likely we will see a challenge made to the action of the Government, because these rates

are not parallel or consistent between the States. Is that taking the long view? Is that drawing the long bow? If what I predict comes to pass we will be faced with the simple expediency of roping in our country friends and us of the north, by altering the eight tons to four tons. South Australia has not done that yet, and I predict that this State and South Australia will be in the same position. We will see what happens.

The Hon. H. C. Strickland: The Bill makes provision for that to be done.

The Hon. F. J. S. WISE: The Bill makes provision for some variance to be effected by proclamation. A person using a six-ton capacity vehicle to haul eight tons will be involved very quickly. That is in the Bill.

All those people engaged in building ports, harbours, and railways in the north, and all those from other States and within the State who are hauling enormous tonnages by road, will not find the circumstances so difficult as the individuals who are now residents. The company with the millions of tons of iron ore in prospect, and the company expending £100,000,000 or £200,000,000 will not be much affected. They will be paying for it in a review of haulage rates. We are very concerned with the individuals, both in business and out, because this Bill will raise the living costs and all private construction costs.

This Bill gives no exemptions, but other States do. The following is the provision in the second schedule in the Queensland Act:—

> Journeys exempted are journeys while the vehicle is being used solely for any or some of the following purposes, or while travelling unladen directly to or from the business premises of the owner of the vehicle so as to be so used or after having been so used, such purposes being the carriage of milk or cream and, on the return trip, any empty containers used on the outward trip for the carriage of either such commodity.

The Hon. A. F. Griffith: Does Queensland provide for any reduction in license fees?

The Hon. F. J. S. WISE: No; but that one is a snare and a delusion. That is not going to help the local governing bodies of Western Australia. It might help the haulier involved in the one-third of a penny per ton mile. The provision in the Victorian Statute is almost identical with the provision in the South Australian Act which exempts—

> The carriage of berries and other soft fruits, unprocessed market garden and orchard produce (other than potatoes and onions), milk, cream, butter, eggs, meat, fish or flowers, and, on the return trip, any empty containers used on the outward trip for the carriage of any such commodity.
>
> The carriage of livestock to or from agricultural shows or exhibitions or from farm to farm.

The Hon. A. F. Griffith: Did you say the South Australian provision was almost identical with the Victorian provision?

The Hon. F. J. S. WISE: Yes. I will read it if the Minister likes.

The Hon. A. F. Griffith: No.

The Hon. F. J. S. WISE: I would not have the Minister doubt me for one minute.

The Hon. A. F. Griffith: Is it identical in the weight of the vehicle?

The Hon. F. J. S. WISE: The sixth schedule of the Victorian Act exempts—

> (1) the carriage of berries and other soft fruits, unprocessed market garden and orchard produce (other than potatoes and onions), milk, cream, butter, eggs, meat, fish or flowers, and, on the return trip, any empty containers used on the outward trip for the carriage of any such commodity;
>
> (2) the carriage of livestock to or from agricultural shows or exhibitions, or direct from farm to market or from market to farm or from farm to farm . . .

The Hon. A. F. Griffith: What is the weight of the truck?

The Hon. F. J. S. WISE: I do not know.

The Hon. A. F. Griffith: Can I tell you that I think it is four tons?

The Hon. F. J. S. WISE: I know that.

The Hon. A. F. Griffith: Therefore you cannot claim that it is identical or almost identical with the South Australian provision.

The Hon. F. J. S. WISE: The provision is identical. It is no good the Minister trying to be a little smart on that point. I have already discussed weights of vehicles, so he can be under no illusion as to what I am thinking in that regard. I have compared it from a constitutional angle. What he is trying to imply is only fiddle-faddle.

The Hon. A. F. Griffith: I am not being smart.

The Hon. F. J. S. WISE: The Minister is trying to be smart.

The Hon. A. F. Griffith: I merely tried to point out the difference in the weights of the vehicles in the two States.

The Hon. F. J. S. WISE: I had already said that 24 times. We can check *Hansard* to ascertain the exact number.

The Hon. A. F. Griffith: You do not mind being reminded about some things, do you?

The Hon. F. J. S. WISE: No, but the Minister is trying to influence the House into thinking there is a vast difference between the exemptions.

The Hon. A. F. Griffith: I was not trying to influence anyone. I merely asked you a question. Obviously I should not because you get angry.

The Hon. F. J. S. WISE: Only if the Minister says things unfairly.

The Hon. A. F. Griffith: That is your opinion.

The Hon. H. K. Watson: I understood you to say that those items you read out were exempted from the tax—whatever it was.

The Hon. F. J. S. WISE: That is right. It had nothing to do with the weight of vehicles.

The Hon. A. F. Griffith: I asked whether the weight was the same or different.

The Hon. F. J. S. WISE: The weight in Victoria is four tons and in South Australia it is eight tons.

The Hon. A. F. Griffith: We are not at cross purposes then.

The Hon. F. J. S. WISE: No, that is better. I have a telegram from the Gascoyne which indicates very clearly that the Shire of Carnarvon anticipates a serious effect on its budget by the loss of revenue under this Bill. It anticipates under some headings a loss of £7,500 and a total in excess of £12,000. This telegram which was sent to Mr. Norton outlines how very seriously this Bill, if passed, is going to affect it.

I do not wish to pursue lines which were taken by my colleagues. Suffice to say that on three grounds I oppose this Bill very deliberately. If I were asked whether I would be prepared to sacrifice the matching money, my answer would be, "Yes, definitely," because if we extend that further, what is going to be the effect in the unfair incidence of matching money as supplied by other States because we are tied through the Grants Commission to two standard States? I realise very fully that this State would be asked to bear a burden because of the unfairness of the matching money incidence. However I will have much more to say in Committee on the Bill and I oppose the second reading.

Debate adjourned, on motion by The Hon. A. R. Jones.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Returned

Bill returned from the Assembly without amendment.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Assembly's Message

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

WEIGHTS AND MEASURES ACT AMENDMENT BILL

Assembly's Message

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

House adjourned at 5.11 p.m.

Legislative Assembly

Thursday, the 4th November, 1965

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