

THE HON. R. F. HUTCHISON (North-East Metropolitan) [5.25 p.m.]: I wish to support Mr. Willesee in all he says about the Kewdale area. It is sad to see the families who are there worried to such an extent that from a small area 60 or 70 people will attend a meeting to protest about what is happening in the vicinity of the airport. When Governments take people's land some better method of compensation should be found and more notice should be given to allow the people to look for somewhere else to live. They should be paid sufficient compensation to allow them to rehabilitate themselves in a proper manner.

Because of the position they are in the people in this area cannot sell their homes and it does not seem right that large companies and Government departments can do this sort of thing and leave the people to suffer. Such a situation should not be allowed to develop in a country such as ours, and particularly in a State like Western Australia. We have plenty of land—land which would have been much better for the building of an airport—and had the airport been established further from the city fewer people would have been inconvenienced. As it is, the Commonwealth Government has built its airport almost in the middle of a suburb, and the people in that locality are rendering a great service by supplying vegetables and fruit to the general public. In my view, much more thought could have been given to the position.

I realise that we are discussing this matter at a State level, whereas the problem mainly concerns the Commonwealth Government. However, if compensation is to be paid to the people affected, it should be adequate compensation; people should not have to struggle to provide some alternative for themselves.

In my career in Parliament I have never seen a group of people who have been so badly hurt and put to the expense that these people have been. It is very hard when one builds a home and rears a family and suddenly someone takes one's security away. Without any explanation at all, the Government simply established the airport in its present position. The women work in the gardens but they are experiencing such suffering at present that they spend almost the whole night thinking about what will happen to them and wondering what they will do. They feel they will be the losers, and it is almost certain that that will be the case. Some of these people have grown-up families; some are still rearing families; and it seems wrong that they should be browbeaten and moved by Governments.

It it were not possible to build the airport anywhere else one could have understood it, but in a State such as ours, where there is plenty of land available without disturbing anybody, the airport could have

been built further afield and buses used to move the people to and from the city. As it is, the airport has been built almost in the middle of a settled community; the people in the district have worked hard and if they wished to rehabilitate themselves elsewhere would find it almost impossible to sell their properties. They have no alternative but to go to the Government for assistance. Whether that assistance will be good, bad, or indifferent remains to be seen, but it is a perpetual source of worry to those concerned.

The women tell me that whatever they get will not be worth the worry they have had and are still having about their future. They take it for granted that in the long run they will be the losers. Whether that will be so, I do not know. That should not be the position and I trust that this Government will do something to help the people; that it will take some steps to ensure they are not wronged. I realise it is a Commonwealth matter, but these people should not be made to suffer. They should not be robbed of what they have worked hard to get. Only one who has worked in the kind of business in which these people are engaged can realise just how much hard work is involved.

I would like to congratulate Mr. Willesee on the speech he has just made. He made it very clear exactly what is going on in that area. I hope some concession will be made to help these people before they have to retire or lose their farms. They do not know. It is the uncertainty that matters. Although the Minister might smile, it is the uncertainty that matters and that breaks one's heart. I know that from experiences I have had. I support the motion.

Debate adjourned, on motion by The Hon. G. W. Berry.

House adjourned at 5.31 p.m.

Legislative Assembly

Tuesday, the 11th August, 1970

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

DEPUTY CHAIRMEN OF COMMITTEES

Appointment

THE SPEAKER (Mr. Guthrie): I wish to announce that I have appointed the member for Bunbury (Mr. Williams), the member for Stirling (Mr. Mitchell), and the member for Ascot (Mr. Toms) to be Deputy Chairmen of Committees during the present session.

BERNARD KENNETH GOULDHAM*Compensation: Ministerial Statement*

SIR DAVID BRAND (Greenough—Premier) [4.32 p.m.]: During the last session of Parliament the House carried the following motion:—

That in the opinion of this House the Government should re-examine the circumstances of the Bernard Kenneth Gouldham case to determine whether an *ex gratia* payment should or should not be paid to Gouldham: the result of the re-examination to be advised to this House early in the next Session.

The Government obtained the services of Sir Marcus Gibson, who is a retired judge of the Supreme Court of Tasmania. Sir Marcus was asked to examine the case of Bernard Kenneth Gouldham and to express an opinion as to whether an *ex gratia* payment should be made to Mr. Gouldham. His opinion is now to hand and a copy will be laid on the Table of the House. The Government reaffirms its decision not to make an *ex gratia* payment to Mr. Gouldham.

The document was tabled.

QUESTIONS (26): ON NOTICE**1. STAMP DUTY***Payments, Refunds, and Information*

Mr. MENSAROS, to the Treasurer:

In lack of retrospective Federal legislation so far regarding State stamp duties on receipts for goods manufactured in Australia—

- (1) Does he still advise taxpayers to pay duties which, according to the High Court's ruling, the States have no right to assess and collect?
- (2) Would he refund on demand by the taxpayer stamp duties paid since the High Court ruling on receipts for goods manufactured in Australia?
- (3) Could he give any other information to the House and the public regarding this matter?

Sir DAVID BRAND replied:

- (1) Taxpayers have been advised that, in the event of the Commonwealth Parliament passing legislation to impose this duty, it will become payable on the proceeds of the sales of new goods produced or manufactured in Australia from the 18th November, 1969.
- (2) A decision in this matter depends on Commonwealth action on its receipts duties legislation.
- (3) Not at this stage.

2.**ELECTORAL***Legislative Assembly Districts*

Mr. CASH, to the Minister representing the Minister for Justice:

- (1) What were the respective enrolments for each of the Legislative Assembly districts at the 31st July, 1970?
- (2) At that date what were the requisite quotas of electors for—
 - (a) the metropolitan area districts, and
 - (b) the agricultural, mining and pastoral districts?
- (3) When the voting age is reduced to 18 years, how many young people will be entitled to enrol for—
 - (a) the State;
 - (b) the metropolitan area districts; and
 - (c) the agricultural, mining and pastoral districts?

Mr. O'CONNOR replied:

- (1) The undermentioned were the enrolment figures for each of the Legislative Assembly Districts as at the 3rd August, 1970.

Ascot	12,909
Balcatta	17,478
Belmont	13,466
Canning	18,706
Clontarf	13,208
Cockburn	17,699
Cottesloe	13,294
East Melville	14,719
Floreat	12,601
Fremantle	11,780
Karrinyup	14,114
Maylands	11,895
Melville	12,679
Mirrabeeka	17,588
Mount Hawthorn	12,687
Mount Lawley	13,165
Nedlands	12,581
Perth	11,192
South Perth	12,015
Subiaco	12,782
Swan	13,622
Victoria Park	12,124
Wembley	14,521
Albany	6,418
Avon	5,742
Blackwood	5,697
Boulder-Dundas	6,163
Bunbury	6,866
Collie	5,509
Dale	10,734
Darling Range	9,358
Geraldton	7,150
Greenough	6,834
Kalgoorlie	6,044
Katanning	5,853
Merredin-Yilgarn	6,855
Moore	6,858
Mount Marshall	6,084

Murray	.....	7,636	3.
Narrogin	.....	6,118	
Northam	.....	5,965	
Roe	.....	8,014	
Stirling	.....	6,679	
Toodyay	.....	6,762	
Vasse	.....	6,248	
Warren	.....	6,253	
Wellington	.....	6,295	
Gascoyne	.....	3,032	
Kimberley	.....	2,994	
Murchison-Eyre	.....	1,798	
Pilbara	.....	4,649	

- (2) On the aggregate enrolment figures for the undermentioned areas as at that date, the quotas calculated in accordance with the statutory provisions of the Electoral Districts Act, 1947-1965, would be—

(a) Metropolitan Area	.....	13,775	4.
(b) Agricultural, Mining and Pastoral Area	.....	6,755	

- (3) Accurate figures on this basis are not available.

Information supplied by the Deputy Commonwealth Statistician on the estimated number of persons 18, 19, and 20 years of age at the 30th June, 1969, is set out hereunder. Estimates at the 30th June, 1970, are not yet available.

WESTERN AUSTRALIA

Census 1966—Persons of 18, 19 and 20 years of age: Statistical Divisions.

(Showing an extrapolation of the 1966 Statistical Division distribution as applied to the estimated population of persons aged 18, 19 and 20 years at 30th June, 1969.)

Statistical Division	Age Last Birthday (years)			Persons 18-20 years		Extra- polation Estimated Persons Aged 18, 19 and 20 years at 30 June 1969
	18	19	20	Number	Per cent of Total	
Perth	10,645	11,213	7,885	29,743	69.59	37,225
South-West	1,091	1,140	924	3,155	7.38	3,943
Southern Agricultural	760	784	611	2,155	5.04	2,896
Central Agricultural	999	1,054	810	2,863	6.70	3,584
Northern Agricultural	577	634	575	1,836	4.30	2,300
Eastern Goldfields	587	624	460	1,651	3.86	2,085
Central	61	75	59	195	0.46	246
North-West	37	57	49	143	0.33	176
Pilbara	124	142	124	390	0.91	487
Kimberley	103	170	135	408	0.95	508
Migratory	64	80	60	204	0.48	257
Total, Western Australia	15,028	16,023	11,892	42,743	100.00	53,492

Note: The Statistical Division data at the 30th June, 1969, are no more than hypothetical calculations based on the 1966 information. They are not issued as official statistics, and are not to be quoted or taken as such.

Bureau of Census and Statistics,
Western Australian Office.
30th July, 1970.

DROUGHT RELIEF

Farmers: Applications

Mr. BURT, to the Minister for Agriculture:

- (1) How many applications for drought relief have been received from farmers during the 1969-70 financial year?
- (2) How many such applications have been granted?

Mr. NALDER replied:

- (1) Two hundred and ninety-six applications for Drought Relief Delegated Agency loans.
- (2) Two hundred and twelve loans were approved.

DROUGHT RELIEF

Pastoralists: Applications

Mr. BURT, to the Minister for Lands:

- (1) How many applications for drought relief have been received from pastoralists during the 1969-70 financial year?
- (2) How many such applications have been granted?

Mr. BOVELL replied:

- (1) Nine.
- (2) All applications are currently under consideration by the Pastoral Areas Freight Concessions Committee. Information requested from applicants is awaited and when received finality will be expedited.

5. LOCAL AUTHORITIES

Vorox AA: Availability

Mr. YOUNG, to the Minister for Agriculture:

- (1) Is he aware that in the past local authorities have been able to purchase Vorox AA at reduced cost through the agency of the Department of Agriculture?
- (2) Has any direction or request been made to the department to stop this practice?
- (3) If (2) is "Yes" can he give the reason for such direction or request?
- (4) Can he indicate why a proposal by the Bush Fires Board to make bulk purchases of Vorox AA and make them available to local authorities wishing to make fire breaks by spraying has been dropped?

Mr. NALDER replied:

- (1) Yes, the Agricultural Protection Board supplies Vorox AA at reduced cost for primary noxious weed control.
- (2) and (3) No. Instructions have been given to ensure that issues are only for control of primary noxious weeds.
- (4) Difficulties are involved in the proposal for the extension of the concession to include spraying of firebreaks.
The Bush Fires Board has no facilities for repackaging and redistribution.

6. TIDAL POWER

French Consultant's Report

Mr. DUNN, to the Minister for Industrial Development:

Regarding the feasibility of tidal power production, is it the intention of the Government to make copies of the French consultant's report on tidal power in the Kimberleys available to the public in the State Library?

Mr. O'CONNOR (for Mr. Court) replied:

This report is a private feasibility study commissioned by the Public Works Department. It is not intended to release this information.

7. HOUSING

Building Societies: Advance of \$2,165,000

Mr. TONKIN, to the Minister for Housing:

- (1) Will he specify the building societies with their respective allocations which participated in the

advance of \$2,165,000 which the Government made as a preliminary allocation?

- (2) Was any stipulation made that the money could be used only for advances to persons to enable them to start new home buildings?
- (3) If no such stipulation were made is he able to state what amount out of its total allocation each society advanced for the purpose of enabling borrowers to purchase homes already erected?

Mr. O'NEIL replied: \$

(1) Bunbury Building Society	100,000
City Building Society	50,000
The First Federal Savings and Loan Building Society	30,000
Home Building Society	160,000
The Park Permanent Investment Building Society	30,000
The Permanent Investment Building Society	30,000
Perth Building Society	520,000
Town and Country Permanent Building Society	230,000
Statewide Savings and Building Society	30,000
Swan Districts Building Society	30,000
West Australian Savings and Building Society	195,000
	<hr/> 1,405,000

Allstate Building Society	50,000
Ascot Building Society	70,000
Civic Building Society	50,000
Premier Building Society	50,000
Security Building Society	90,000
United Building Society	50,000
Waratah Building Society	50,000
Westminster Kwina Building Society	70,000
W.A. Carpenters Building Society	60,000
A.E.K. Building Society	30,000
Albany Building Society	30,000
Cull Island Building Society	20,000
Esperance Building Society	20,000
South West Building Society	40,000
Carnarvon Building Society	50,000
	<hr/> \$730,000

In addition to these, an advance allocation of \$30,000 will be made to the Rural and Industries Bank for use in remote areas in which no building society was operating.

- (2) One of the conditions of the loans is:

First priority is to be given to applicants requiring advances to assist in purchasing homes to be constructed (contract homes). Priority is also to be given to

assist in the purchase of project homes, where the re-employment of the advance in the home-building industry is assured.

- (3) Quarterly returns identify the number of advances approved, for new homes to be erected or already erected and for previously occupied homes. Advances from the allocations will be included in returns ending the 30th September, 1970.

In a sample check of societies and involving \$1,380,000, 11 per cent. of the funds had been allocated towards the purchase of newly erected project homes, and 89 per cent. towards the construction of new homes. No funds were allocated to purchase previously occupied homes.

8. PORT OF KING BAY

Regulations

Mr. TONKIN, to the Minister for Industrial Development:

In view of the information given to Parliament that the advice of the Crown Law Department to the effect that any statutory regulations issued for the Port of King Bay should be in the form of by-laws had been accepted by the Department of Industrial Development, why has the advice not been followed and why have not by-laws been gazetted to replace the regulations covering the Port of Dampier issued in 1965?

Mr. O'CONNOR (for Mr. Court) replied:

The Leader of the Opposition, in answer to his question 44 of the 17th March, 1970, was advised that it may be desirable to defer promulgation of by-laws and regulations until the position regarding major developments approved for Dampier, including the proposed East Intercourse Island harbour facilities, was clarified.

The effect of these developments, which are at present proceeding, has still to be clarified and in the meantime the operation of the port is covered by the provisions of the ratified agreement and present procedures.

9. ELECTRICITY SUPPLIES

Fuel Oil: Price

Mr. TONKIN, to the Minister for Electricity:

- (1) On the occasion of the most recent price rise in motor spirit was the price of fuel oil supplied to the Government also increased?

- (2) If "Yes" did the increase apply to the fuel oil being supplied for the Kwinana power station?
- (3) By how much was the price of fuel oil increased?

Mr. NALDER replied:

- (1) No.
- (2) and (3) See (1).

10.

MILK

Supply to Government Institutions

Mr. TONKIN, to the Minister for Agriculture:

- (1) On what date was finality reached in regard to the supply of milk to Government institutions for the period subsequent to the 10th September, 1969?
- (2) Were tenders called and contracts allotted in relation thereto?
- (3) What additional cost to the Government is involved for 12 months' supply under present prices?
- (4) When will it be necessary to arrange new contracts?
- (5) Is it intended to call tenders?

Mr. NALDER replied:

- (1) The 3rd November, 1969.
- (2) Yes. A contract was let on the 18th February, 1970, for the supply of milk from the 1st March, 1970 to the 28th February, 1971.
- (3) Based on estimated requirements, the additional cost will be approximately \$3,090 on a total estimated cost of \$250,000 for 12 months.
- (4) Prior to expiration of current contracts on the 28th February, 1971.
- (5) Consideration will be given to the calling of tenders later this year.

11. KUNUNURRA CHAMBER OF COMMERCE

East Kimberley Living Costs: Submission

Mr. TONKIN, to the Minister for the North-West:

- (1) With reference to his statement that a submission had been received by him from the Kununurra Chamber of Commerce on living costs in the East Kimberleys, will he table a copy of the submission?
- (2) Has the Kimberley Division Consultative Council completed its study of the submission?
- (3) What action does he propose to take in connection with the matter?

Mr. O'CONNOR (for Mr. Court) replied:

- (1) When a study of the submission has been completed consideration will be given to tabling it.

- (2) No.
 (3) Action to be taken will be determined after the results of the studies are known.

12. STAMP DUTY

Receipts and Refunds

Mr. TONKIN, to the Treasurer:

- (1) What amount of receipt duty received during the last financial year related to the sale of goods produced or manufactured in Australia upon which duty was not legally exigible?
- (2) Has any estimate been made of the total amount of receipt duty received in respect of the sale of goods produced or manufactured in Australia since the amendment of the Stamp Act in 1966?
- (3) If "Yes" what is the amount?
- (4) If "No" when is it intended to have calculations made?
- (5) Is it proposed to refund the duty received to which the State has no legal entitlement?
- (6) If "Yes" when will he commence to do this?

Sir DAVID BRAND replied:

- (1) It is not possible to supply this information, as details are not supplied to the State Taxation Department by taxpayers of duty paid on the proceeds of sales of new goods produced or manufactured in Australia.
- (2) No.
- (3) and (4) No decision has been taken to have these calculations made, as this would involve seeking details of payments from all taxpayers.
- (5) and (6) A decision in this matter depends on Commonwealth action on its receipts duties legislation.

13. EDUCATION

Morley High School Site

Mr. TONKIN, to the Minister for Education:

- (1) What was the total cost to the Government of the purchase of the site for the Morley High School?
- (2) When was the purchase completed?
- (3) What was the total outlay during last financial year on the purchase of school sites—
 - (a) in the metropolitan area;
 - (b) in the country?

Mr. LEWIS replied:

- (1) \$163,835 for 14 acres 3 roods 22.8 perches. The remaining area—9 acres 3 roods 32 perches—not yet purchased.

- (2) Part purchase completed on the 12th June, 1970.
- (3) (a) \$2,317,495.
 (b) \$83,267.

14. HOUSING

Maddington and North Bassendean

Mr. TONKIN, to the Minister for Housing:

- (1) Will he specify the State Housing Commission's financial requirements in respect of houses at Maddington and North Bassendean made available on a first-come first-served basis and which many applicants were unable to meet?
- (2) What are the present financial requirements which apply generally to applicants of purchase homes?
- (3) With regard to the houses at Maddington and North Bassendean being made available by the State Housing Commission, what were the criteria of eligibility?
- (4) Were the prices being asked for these houses fixed on the basis of enabling the commission to make a profit on each transaction?
- (5) If "Yes" how much profit?
- (6) How much profit on each house was allowed for in the total price paid by the State Housing Commission to the builders from whom they were purchased?

Mr. O'NEIL replied:

- (1) It is assumed that the houses referred to were the 21 mentioned in an article in *The West Australian* newspaper of the 4th August, 1970. Of these, 18 were under construction at Lockridge (North Bassendean) and three were completed homes at Maddington purchased by the commission.

In accordance with a long standing procedure for allocation of purchase homes, 19 applicants whose turn had been reached were invited by letter to present themselves at the commission offices for the purpose of making a selection from these houses. The reason that fewer applicants are called forward than there are houses available ensures that even the last caller has some choice. The letter listing the houses available was posted in sufficient time to permit applicants to inspect properties offered prior to making a selection. Selection is on the basis of the first caller having the first choice.

The Maddington houses differed from those normally built for sale by the State Housing Commission, and could be regarded as comparable with homes built under the

commission's preselect scheme. In this scheme, an applicant requiring a larger and more extensively appointed home has to pay, in cash, the extra cost before the building contract is signed.

These three houses were sold at prices around \$11,700 on a deposit of \$1,000, plus approximately \$150 in fees.

- (2) Eligible applicants may purchase under either mortgage or contract of sale conditions.

Under the former method, the purchaser is limited by Statute to an advance not exceeding \$8,000. Under contract of sale conditions, advances may be made equal to \$6,500, plus the value of the land. By far the greater number of sales are executed under these conditions. In these cases, the deposit nominally is the difference between the cost of the house, plus the value of the land, and \$6,500, plus the value of the land. Where applicants have difficulty in meeting these requirements, the commission will consider lower deposits and will negotiate with individual applicants having regard to family size, income, and commitments, as well as its own responsibilities of home financing, waiting applicants, and current economic conditions. Such arrangements may result in deposits as low as \$200.

- (3) All these houses were allocated to applicants whose eligibility conformed to the requirements of the State Housing Act, 1946-1969.

(4) No.

(5) Answered by (4).

- (6) The commission, prior to negotiation for the purchase of the Mad-dington houses, estimated cost of construction and ascertained from the State's Chief Valuer the fair market value of the sites. The purchase price reflected these figures and accordingly, the commission is not aware whether or not the vendor made any profit.

The prices of the Lockridge houses were fixed by competitive public tenders called by the commission for group housing, plus land values independently assessed by the State's Chief Valuer.

15. SWAN RIVER FORESHORE

Construction of Dam by C.S.R.

Mr. TONKIN, to the Minister for Works:

- (1) Has the construction by the Colonial Sugar Refining Company Ltd. of a dam on the foreshore of the Swan River any association with a complaint made to the

Swan River Conservation Board on the 11th June that the company had been from time to time discharging effluent into the river in considerable quantities?

- (2) Have the processes at the company's works "accidentally overflowed" into the river at any time?
- (3) What is the justification for the action of the Swan River Conservation Board in granting permission for the construction of a dam on the Swan River foreshore?
- (4) Is it not possible that effluent pumped into the dam will seep into the river?
- (5) Was any limitation placed on the dimensions of the dam for which approval was given by the Swan River Conservation Board?
- (6) If "Yes" will he specify?

Mr. ROSS HUTCHINSON replied:

- (1) No. This dam has been constructed by the Colonial Sugar Refining Company on its own property to contain trade waste from the processing works. This waste is predominantly calcium carbonate and is produced at a rate of about 35 tons per annum.

No permit has been given by the board for this waste as it is not being discharged into the river. The company has a permit to discharge cooling water and boiler water, the latter being held in a concrete tank to settle out solids before being syphoned off into the river.

- (2) Yes. On two occasions there has been an overflow from the settling tank from its boiler cooling water. This resulted in a noticeable stain in the river. On both occasions the company acted promptly to rectify.
- (3) The dam has been constructed on company land outside the jurisdiction of the Swan River Conservation Board. However, the company is co-operating with the board and is grassing the dam and planting some 100 trees and shrubs on it.
- (4) No. The effluent is very concentrated and dries out into a clay consistency.
- (5) and (6) Answered by (3).

16. SEWERAGE

Belmont, Bayswater, and Bassendean

Mr. TOMS, to the Minister for Water Supplies:

- (1) Are any sewerage extensions listed in the works programme of 1970-71 for the districts of—
(a) Belmont;

- (b) Bayswater;
- (c) Bassendean?

(2) If "Yes" for any of the above districts, where, and to what extent are the extensions?

Mr. ROSS HUTCHINSON replied:

(1) and (2) (a) Belmont.—The following work is expected to be carried out—completion of Area 1 Pt. 4—extensions from the existing 21 inch diameter sewer in Acton Avenue.

The value of the work will vary between \$200,000 and \$300,000 depending on availability of loan funds.

(b) Bayswater.—Sewerage works, not yet definitely finalised, to the value of \$150,000 are proposed.

(c) Bassendean.—No major sewerage works are proposed as any new developments here must await the provision of the northern sewerage scheme into the district.

In addition to the above, minor sewer extensions may be made in all three districts.

17. TRANSPORT

Additional Ferry Service

Mr. MAY, to the Minister for Transport:

- (1) Is it the intention of the Government to allow an alternative to the present Government ferry service to operate between Barrack Street Jetty and Mends Street Jetty, South Perth?
- (2) Has any contract been negotiated with regard to the operation of this additional service?
- (3) What are the respective fares charged?
- (4) Does the Government fare include M.T.T. bus transport from Barrack Street Jetty to city?
- (5) Does the private fare include M.T.T. bus transport from Barrack Street Jetty to city?
- (6) Are charges being levied for use of Government facilities at Barrack and Mends Street jetties?

Mr. O'CONNOR replied:

- (1) Yes.
- (2) No.
- (3) M.T.T. ferry 10c. Hydrofoil 20c.
- (4) Yes.
- (5) No.
- (6) Yes. Under the Marine Act a fee is charged for the use of public jetties related to the carrying capacity of a licensed ferry.

18.

LIQUOR ACT

Amendments

Mr. MAY, to the Minister representing the Minister for Justice:

- (1) Has the Government received any requests to amend the liquor laws?
- (2) Is it the intention of the Government to amend the liquor laws during the current Session of Parliament?
- (3) In view of the many individual requests being received by private members, would it be possible for him to give details of proposed amendments at an early date?

Mr. O'CONNOR replied:

- (1) Yes.
- (2) and (3) The matters are under examination, the result of which will determine whether amending legislation is to be introduced.

19. ROAD MAINTENANCE TAX

Number of Persons Gaoled for Non-payment

Mr. GAYFER, to the Minister for Transport:

- (1) How many persons have been gaoled for non-payment of road maintenance tax?
- (2) What are the names, addresses, occupation and financial involvement of those concerned and to what length of sentence is each committed?

Mr. O'CONNOR replied:

- (1) and (2) The information sought in these questions would involve considerable time and research. If the honourable member has any particular cases he would like investigated, would he please advise, and I shall endeavour to obtain the relevant information?

20.

ABATTOIRS

Establishment of New Works, and Upgrading

Mr. GAYFER, to the Minister for Agriculture:

- (1) Is a new abattoir to be established at Katanning?
- (2) If so, when, and who is providing the capital and operating the works?
- (3) Is a new abattoir to be established in or adjacent to the city of Perth?
- (4) If so, when, where, and who is providing the capital and operating the works?
- (5) What has been done in respect of the upgrading of the Midland Abattoirs and Robbs Jetty meat works over the last 12 months?

Mr. NALDER replied:

- (1) Yes.
- (2) It is believed that the abattoir will be ready to operate during the latter half of 1971 but, whilst it is not known who is providing the capital, the abattoir is being established by the Westos Freezing and Packing Company with Mr. D. O. Rowlands as managing director.
- (3) Two companies are known to be interested in establishing new abattoirs in the metropolitan area, but definite proposals have not yet been received.
- (4) Answered by (3).
- (5) For the year ended the 30th June, 1970, \$1,344,000 was spent at the Midland Abattoir and approximately \$500,000 at the Robbs Jetty Abattoir on capital works programmes designed to upgrade these works.

21. NARROWS INTERCHANGE

Cost

Mr. TONKIN, to the Minister for Works:

What is the estimated cost of constructing the Narrows Interchange on the Mitchell Freeway in accordance with present plans?

Mr. ROSS HUTCHINSON replied:

Last Friday I announced the successful tenderer for the bridge superstructure contract in the Narrows interchange. Now that a firm price is available for this portion of the work the Main Roads Department is reviewing estimated costs for completion of the interchange. This will take a little time to prepare; however, in due course the information will be supplied.

22. MUSEUM

Purchase of Vintage Cars

Mr. HARMAN, to the Minister for Education:

- (1) When was the decision made for the Museum to purchase vintage cars?
- (2) How many such cars have been purchased?
- (3) What types of cars were purchased and how much each?
- (4) From whom were these cars purchased?
- (5) Were tenders called?
- (6) Are further purchases planned in the future?

Mr. LEWIS replied:

- (1) The decision to grant the trustees funds for the purpose was made by the Treasurer on the 13th November, 1969.
- (2) Twenty-two cars were purchased, and a vintage truck and five vintage motor cycles were donated.
- (3) See schedule below. The agreed consideration was \$180,000 on the basis of \$30,000 deposit and \$15,000 per annum for a period of 10 years free of interest.

Schedule

Date	Vehicle
1898-1899	Star, 3½ h.p. Vis-a-vis.
1904	Rover, 8 h.p. two seater.
1905	De Dion-Bouton, 8 h.p. two-seater.
1909	Sizaire Naudin, 12 h.p. two-seater.
1909	Renault, 20/30 h.p. limousine.
1909-1910	Minerva, 30 h.p. tourer.
1910	Hupmobile, 20 h.p. two-seater.
1920	B.S.A. chassis and engine.
1911	Peugeot, 20 h.p. tourer.
1911	Rolls Royce, landaulet.
1913	Delage, 12 h.p. tourer.
1914	Detroit Electric Brougham.
1920-1921	Studebaker, 23.4 h.p. tourer.
1921	Stanley Steamer 20/60 h.p. tourer.
1923	Vauxhall, 30/98 h.p. sports tourer.
1924	Morris Cowley 11.9 h.p. two-seater.
1924	Rolls Royce "Twenty" limousine.
1927	Ford T. 22.5 h.p. roadster.
1927	Packard, 29.2 h.p. sedan.
1928	Bentley, 25 h.p. sports tourer.
1933	Rolls Royce 40/50 h.p. continental sports sedan.
1937	Rolls Royce V12 40/50 h.p. limousine.
1904	Liberty motorcycle.
1906	F.N. motorcycle.
1923	Sunbeam motorcycle.
1923	A.J.S. motorcycle.
1927	Indian motorcycle.
1920	Thornycroft truck.

- (4) Mr. P. W. Markham.
- (5) No, as the Museum was dealing with the offer of a collection not the purchase of individual vehicles. Purchase was negotiated following a report and valuation of the vehicles by the Museum of Applied Arts and Sciences, Sydney.
- (6) No.

23.

MUSEUM*Objects from Historic Wrecks*

Mr. HARMAN, to the Minister for Education:

- (1) On how many occasions have objects allegedly from historic wrecks been produced to the W.A. Museum?
- (2) What sort of objects are produced?
- (3) Have some or all of these objects been returned to the persons producing such objects?
- (4) What is the estimated value of objects returned in the past 12 months?

Mr. LEWIS replied:

- (1) About 3,200 objects on 354 occasions have been declared as having been recovered prior to the Museum Act Amendment Act, 1964.
- (2) The majority of the objects are coins from the *Gilt Dragon* and the *Batavia* and the remainder are relics, such as cannon balls, bricks, musket balls, pottery and jugs, domestic metal objects, elephant tusks, etc., from the scheduled wrecks. In addition a small number of objects from non-scheduled wrecks have been produced.
- (3) The majority of such objects have been returned after recording and registration by the Museum; those not yet returned will be returned when registration is complete.
- (4) No estimate of the value of the objects has been made. However, the weight of silver could be ascertained from the records if required.

24.

DROUGHT RELIEF*Exploratory Water Drilling Programme*

Mr. GAYFER, to the Minister for Agriculture:

Because a large area of the State is in a worse position in respect of water in dams and other catchments than it was at this time last year, would he make every endeavour to continue immediately the exploratory water drilling programme under the drought relief conditions that have pertained over the last ten months?

Mr. NALDER replied:

The matter dealt with by this question is partly the responsibility of the Minister for Lands; but as it affects the situation in relation to drought I am answering it.

The Farm Water Supply Advisory Committee is watching the position closely and will act as the season warrants.

25.

EDUCATION*Student Enrolments and Provision of Teachers*

Mr. RUSHTON, to the Minister for Education:

Will he give a clear understanding of his department's estimates of total number of primary, secondary, and technical students expected to enrol for each of the next ten years and of its plans and programme to train and obtain teachers to match this growth?

Mr. LEWIS replied:

Enrolment predictions in Government schools on the basis of the 1969 August census are as follows:—

	Primary	Secondary	Technical (full and part-time individual enrolments)
1970	124,100	52,150	72,800
1971	127,750	54,160	76,700
1972	131,400	56,650	78,200
1973	136,350	59,500	80,500
1974	141,200	63,000	84,300
1975	148,100	66,400	88,900
1976	155,550	70,150	93,500
1977	164,650	72,200	97,200
1978	176,250	72,850	101,200
1979	185,700	73,850	103,400

Programme for Training and Recruiting Teachers:

- (a) Provision of new teachers' colleges—
Mt. Lawley (Under construction)
Churchlands (Planned for completion of Stage 1 in 1972)
South of the River (no definite plan at this stage, but probable opening date 1975)
- (b) Recruitment of teachers from overseas will be actively pursued.
- (c) Efforts will continue to encourage ex-teachers to return to the department.
- (d) Conversion courses will be offered to enable teachers to upgrade their qualifications.

26.

HOSPITAL*Armada-Kelmscott*

Mr. RUSHTON, to the Minister for Health:

Will he advise the extent and timing for upgrading the X-ray facilities at the Armada-Kelmscott District Memorial Hospital?

Mr. ROSS HUTCHINSON replied:

The upgrading of the X-ray facilities at the Armadale-Kelmscott District Memorial Hospital must be planned in association with the remodelling and extension of the outpatients' section of the hospital as a whole, though it is anticipated that the work associated with the X-ray department may be carried out ahead of the other alterations.

Though some planning has been done the scheme has not yet been finalised and it is not possible to give a definite time for the upgrading of the X-ray facilities to be carried out. However, it is hoped that this will be before the end of 1970.

QUESTIONS (2): WITHOUT NOTICE

1. Mr. J. C. R. McMANUS

Police Court Charges

Mr. TONKIN, to the Minister for Police:

- (1) In relation to the case in the Fremantle Police Court yesterday when James Cornelius Ronald McManus pleaded guilty to being disorderly by creating a disturbance at Rottnest on Saturday and it was reported that he had been ordered to pay 20 cents costs, what was the nature of the cost which amounted to this trifling sum?
- (2) Was McManus called upon to appear in a court convened at Rottnest in the early hours of Sunday last?
- (3) How many charges were preferred against McManus in the court at Rottnest?
- (4) When McManus appeared in the Fremantle Police Court which of the charges preferred against him at Rottnest were withdrawn and what were the reasons for the withdrawal?
- (5) How was McManus transported from Rottnest to Fremantle and what was the cost involved?
- (6) What was the reason for the change of magistrates which took place between McManus's appearance at court on Monday morning and his further appearance at the afternoon sitting?

Mr. CRAIG replied:

- (1) to (6) The Leader of the Opposition was good enough to give me notice of his intention to ask this question.
- Unfortunately I have not had time to obtain the information he seeks because the question involves myself, my colleague the Minister for

Justice, the Police Department, and the Crown Law Department. If the Leader of the Opposition will be good enough to put the question on the notice paper I assure him it will be answered.

2.

EDUCATION

New Classrooms

Mr. TONKIN, to the Minister for Education:

How many new classrooms were constructed during the financial years 1968-69 and 1969-70 respectively?

Mr. LEWIS replied:

I thank the Leader of the Opposition for giving me some notice of this question. The answer is as follows:—

1968-69, 439.

1969-70, 371 and, in addition, there were 56 transfers of demountables and Bristols.

I would point out that in 1969-70 emphasis was given to the construction of a new teachers' college and new high schools.

COMMITTEES FOR THE SESSION

Appointment

On motion by Sir David Brand (Premier), the following sessional committees were appointed:—

Library.—Mr. Speaker, Dr. Henn and Mr. Norton.

Standing Orders.—Mr. Speaker, the Chairman of Committees (Mr. W. A. Manning), Mr. Burt, Mr. Bickerton and Mr. Gayfer.

House.—Mr. Speaker, Mr. Bickerton, Mr. Dunn, Mr. Jamieson, and Mr. Mitchell.

Printing.—Mr. Speaker, Mr. Fletcher, and Mr. I. W. Manning.

SITTINGS OF THE HOUSE

Days and Hours

SIR DAVID BRAND (Greenough—Premier) [5.06 p.m.]: I move—

That the House, unless otherwise ordered, shall meet for the despatch of business on Tuesdays and Wednesdays at 4.30 p.m., and on Thursdays at 2.15 p.m., and shall sit until 6.15 p.m., if necessary, and, if requisite from 7.30 p.m. onwards.

MR. DAVIES (Victoria Park) [5.07 p.m.]: At precisely the same hour, on the 5th August last year, the acting Premier moved precisely the same motion as has been moved every year since I have been in this House.

On that former occasion I expressed some concern that the hours which we were sitting were not the hours which were most suitable to us. Indeed, I went back to 1898 and pointed out that with the exception of two minor alterations the proposed hours have remained unchanged. The first alteration I refer to was the extension of the tea suspension by a quarter of an hour. The second alteration was made by the Hawke Labor Government in 1953 when it was decided to sit at 2.15 p.m. on Thursdays instead of at 4.30 p.m., and to continue the sitting after tea, as had been the case to that time.

Last year I was supported in my remarks by the member for Pilbara.

Mr. Bickerton: Whose mind is unchanged on the subject!

Mr. DAVIES: I see he is still with me on this occasion. Although I spoke at some length last year—approximately 15 minutes—the Acting Premier on that occasion did not consider my remarks worthy of a reply. However, perhaps a member of the Government may have taken some notice of my remarks and this year some consideration will be given to the suitability of our present sitting hours, which have been in operation for something like 72 years.

I appreciate that change comes slowly in these matters but I feel the changes which have occurred in general living standards, in general community needs, and, indeed, in the individual requirements of members—if they are to be considered at all—should be taken into account. Most important, we should consider the changes which have been made in communications. I use the word “communications” in the broadest sense to include transport, and I think that the changes which have occurred in communications demand that this House sit at more reasonable hours.

On the last occasion I spoke I pointed out that having started work at about 9 a.m., just like others in the community, it is a little unsatisfying for a member to look out of a window at 5 o'clock in the afternoon—when he is expected to do another four or five hours' work—and see the rest of the citizens taking it upon themselves to go home. I do not suggest that if members were not sitting in this House they would be home watching television. Indeed, they would be attending meetings in their electorates and trying to provide some service.

The excuse which has been given consistently over the years is that it is inconvenient for Ministers to attend the House other than during the hours we have always sat. That excuse no longer exists. The implication has been that all Ministers must be in their seats at all times to listen to the debates. We know

that does not happen and that on many occasions when Ministers are away from the House for extended periods, for all kinds of reasons, dealing with the matters of the State—they may be within the State, interstate, or even overseas—the House is able to get along without them. Indeed, very few Ministers ever take part in any debates other than those associated directly with their portfolios.

The accommodation at Parliament House now is such that Ministers can confer in private with their staffs or secretaries. Ministers can be excused from the House for any length of time and are able to dictate—perhaps not dictate, but arrange with the Premier the order in which their business can be placed on the notice paper so that they are able to be present when it is being discussed.

Although I have not been in Government at any time, I can appreciate that there is a multitude of items requiring the personal attention of Ministers. However, I also appreciate that the House has to meet at what are certainly out-of-date hours merely to conform to the requirements of Ministers. As I have said, Ministers can be absent from the State for extended periods and their departments carry on without very much change.

I can also appreciate that Ministers like to be present in the House as much as possible but, of course, the fact remains that they are not always present in the House. Only during question time, and shortly after question time, is the front bench usually full.

I think it is time for a review of our sitting hours. Seventy-two years is a long time without any marked change. The only occasion the matter was discussed was in 1951 when the present Deputy Leader of the Opposition—then the member for East Perth—brought forward a motion seeking a review of sitting hours. On that occasion the Deputy Leader of the Opposition was careful enough not to state any particular hours, so that he could get an expression of opinion. The motion was defeated, I think, by 17 votes to 11, which is a fairly wide margin.

There are very few members in the House now who were here in 1951. I do not want, by way of a motion, to initiate any move for a review of the hours. I think that is unnecessary; but I do think it is necessary for the Government, which has control of the hours, at least to look at the position to see if we cannot sit during what could be considered more reasonable hours.

I was disappointed that my previous remarks had no noticeable effect. I hope that if we agree to the present motion—as no doubt we will—the matter will be given some consideration in the future.

MR. BICKERTON (Pilbara) [5.13 p.m.]: I cannot allow the member for Victoria Park to resume his seat without his receiving the same strong support he received on the last occasion. It is time that someone had a look at our sitting hours. Apparently our present hours are a legacy from our earlier Legislatures when this Parliament consisted mainly of businessmen who had to run their own affairs. Sitting at some time late in the afternoon undoubtedly suited them.

We must also realise that in those times there was not nearly the amount of legislation going through Parliament as there is at the present time. Sooner or later we must come down to a more practical time of sitting. One could not run a business, I submit, if one's employees appeared at 4.30 p.m., after presumably having done a reasonable day's work, and then worked through until a very late hour at night or until the early hours of the morning, as is sometimes the case with our sittings.

It seems rather a ridiculous situation and the time has come for us to look at it. There is no reason why Parliament should not sit at 11 a.m. and rise at, say, 6 p.m. There is nothing to prevent Parliament doing that. I have mentioned before in the Chamber—and I repeat now—that I have seen, particularly in the closing stages of the session when important legislation is being dealt with, members in a state, if I may put it that way, of perhaps not being sufficiently mentally alert to study the important legislation before them.

I know the excuse is always given that Ministers must attend to their many duties during the daytime. However, as the member for Victoria Park says, Ministers seem to be able to hang plaques, attend openings, and be out of their offices for long periods when the House is not sitting. Of course, all these ministerial activities are necessary, and I am not levelling criticism at them. However, if this is possible when the House is not sitting, it is also possible when Parliament is in session.

Apparently Queensland manages under this system and rarely, if ever, does the Queensland Parliament sit after 6 p.m. The normal sitting hours are from 10.30 a.m. or 11 a.m. until 6 p.m. Perhaps the fact that Queensland has only one House of Parliament has something to do with it; I do not know. If that is the case, we should look forward to abolishing the other House of Parliament; that may be a solution.

There is no necessity for us to utilise the hours of sitting which were laid down so many years ago when circumstances were vastly different and when the work and legislation which came before Parliament was very much less than it is today. I agree with the member for Victoria Park,

and I think it would be worth the Premier's while to have someone look at this to see if there is any possibility of a change to suit modern times.

I know the Opposition is always accused of keeping the House sitting by prolonging debates. However, the Government has the numbers and the power to do something about this at any time. That is the Government's prerogative. It is the Opposition's prerogative to level points of criticism—constructively, we hope—which may attach to any of the legislation.

It is the Government's task to run the House, and the Opposition does not deny the Government that right. However, I do not think it is necessary to maintain the hours which suited Parliament so long ago. It is high time something was done about it. The problem does not affect only members of Parliament, although they have been referred to directly. We should bear in mind that it affects all our staff as well. Some consideration should be shown because, as the years go by, the kind of staff that Parliament requires will be harder and harder to come by.

I hope the Premier will give this matter some consideration and not do what was done last time; namely, brush aside the remarks made by the member for Victoria Park. A start should be made towards reform which, although it may not eventuate for some time, would be beneficial to the Parliament.

Mr. Ross Hutchinson: An eight-hour day for politicians!

SIR DAVID BRAND (Greenough — Premier) [5.20 p.m.]: Although the Deputy Premier might not have replied to the case put up previously by the two members who have spoken, I am sure it was not ignored; there was simply no action taken.

In order that I may not be accused of ignoring speakers on this occasion I shall say that I believe that we, as a Parliament, could give some consideration to more acceptable hours. Goodness only knows, Ministers would like more convenient hours than the present ones, if this were possible. It might be possible if there were offices in Parliament House which Ministers, together with their staff, could use. If there were a loud speaker or amplifying system, debates could be heard in each office. This system applies in the Federal House, where Ministers listen to debates and come into the Chamber to deal with any matters which concern them.

It is not only this problem. If there were to be any alterations to the sitting hours of the House to accommodate daytime attendance, I think it would be important and necessary to further amend Standing Orders so that an enthusiastic Opposition—whatever the party—would not keep us sitting not only all day but

all night, too. It would be necessary to have Standing Orders something along the lines of those which exist in the Federal House, where the gag is moved regularly and certain measures are even guillotined. I do not think we can have it both ways.

I am sure the Leader of the Opposition will agree with me, because he has had quite a deal of experience in ministerial office, when I say that it would be most demanding for Ministers to attend Parliament at 10.30 a.m. each day and keep up with the ever-increasing demands for personal attention to be given to so many matters. The question of receiving deputations is one major problem.

Certainly the sitting hours are not convenient, and I agree that it would be extremely desirable to attend Parliament at 10.30 a.m. and finish at 5 p.m. I am not sure whether offices are available to Ministers in the Queensland Parliament. I have not been to that Parliament and I do not know. All these matters would have to be considered.

However, let me say that there will be an election next year and whichever party is elected to the Government benches will have an opportunity to look at the question.

Mr. Bickerton: I should hope so.

Question put and passed.

GOVERNMENT BUSINESS

Precedence on Tuesdays and Thursdays

On motion by Sir David Brand (Premier), resolved:

That on Tuesdays and Thursdays, Government business shall take precedence of all motions and Orders of the Day.

SUPPLY BILL

Standing Orders Suspension

SIR DAVID BRAND (Greenough—Premier) [5.25 p.m.]: I move—

That so much of the Standing Orders be suspended as is necessary to enable a Supply Bill to be introduced without notice and passed through all its stages in one sitting, and to enable this business to be entered upon and dealt with before the Address-in-Reply is adopted.

Question put and passed.

BILLS (3): INTRODUCTION AND FIRST READING

1. City of Perth Endowment Lands Act Amendment Bill.

Bill introduced, on motion by Mr. Davies, and read a first time.

2. Chiropractors Act Amendment Bill.
- Bill introduced, on motion by Mr. Bertram, and read a first time.

3. Local Government Act Amendment Bill (No. 4).

Bill introduced, on motion by Mr. Davies, and read a first time.

SUPPLY BILL

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

Introduction and First Reading

Bill introduced, on motion by Sir David Brand (Treasurer), and read a first time.

Second Reading

SIR DAVID BRAND (Greenough—Treasurer) [5.27 p.m.]: I move—

That the Bill be now read a second time.

It is proposed by this measure to grant supply to Her Majesty of the sum of \$180,000,000 for the services of the State in the year ending the 30th June, 1971.

Action is proceeding to prepare the Revenue Budget and the Loan Estimates for 1970-71 and these will be presented to the House, with respective Appropriation Bills, later in the session.

In the meantime, there is need to carry on State services, and the Bill now before the House is for the purpose of providing the required funds.

An issue of \$145,000,000 is sought from the Consolidated Revenue Fund and \$30,000,000 from moneys to the credit of the General Loan Fund. Provision is also made in the Bill for an issue of \$5,000,000 from the Public Account to enable the Treasurer to make such temporary advances as may be necessary.

The proposed issue from the Consolidated Revenue Fund is greater by \$25,000,000 than the provision in the Supply Act of 1969. The amounts to be drawn from the General Loan Fund and the Public Account are the same as were provided last year.

The increased issue from the Consolidated Revenue Fund is required to finance higher expenditure on Government services brought about by rising costs and expansion of these services. The main factor contributing to increased costs is the continued rise in salary and wage rates and, indeed, but for increased Commonwealth grants last year, we would have incurred a substantial deficit in 1969-70.

As it turned out, the deficit recorded for last year was kept down to \$712,000 which was a reasonably satisfactory result in the circumstances. Nevertheless, the upturn of expenditure in 1969-70, and continuing in 1970-71, gives rise to concern, particularly as we cannot count on supplementary assistance from the Commonwealth during the course of this year. This is

unlikely to be forthcoming in view of the revised grant arrangements which operated from the 1st July last.

I will have more to say about these new arrangements when the Budget is brought down later this session. At that time I shall table the Estimates of Revenue and Expenditure for this current financial year which, of course, will detail proposed outlays and the means by which they are to be financed.

This is more or less a formal measure which is introduced each year, and we have debated it for a number of years now. There is little more I can add with regard to seeking the supply the Government requires, and I commend the Bill to members.

MR. TONKIN (Melville—Leader of the Opposition) [5.33 p.m.]: As the Premier said, this is a formal measure which is regularly brought before the Parliament at the opening of the session. It should be noted that substantial amounts are being asked for by the Premier—vastly increased amounts compared with those asked for last year. I do not altogether agree with the reasons given by the Premier for the increase in these amounts, because I think that a large part of the increase is due to the extravagance of the Government.

Sir David Brand: Aha!

Mr. TONKIN: Yes. If one looks at the number of ministerial appointments which have been made outside the public service—I understand it exceeds 200; tomorrow I hope to get the exact figure—one will see that a substantial cost is involved in this exercise in which the Government has indulged. I can understand, too, why an extra amount of money is required because the Premier, although he will not face up to the question, will sooner or later be obliged to disgorge much of the money which he is collecting and has no right to collect.

Sir David Brand: As is every other State in the Commonwealth.

Mr. TONKIN: I am referring to the receipt duty on goods purchased and manufactured in Australia. Let us leave aside for the time being—and I have very definite views upon this matter—the stamp duty paid in the years prior to the decision of the High Court. However, there is no justification at all for continuing to receive money by way of receipt duty under an Act which has been declared invalid.

Sir David Brand: There is every justification whilst there is a possibility of the Commonwealth Government being able to put through legislation.

Mr. TONKIN: How much possibility is there?

Sir David Brand: There is a possibility and until such time as this matter is cleared up, it would be stupid for us to do anything by way of refunds.

Mr. TONKIN: I will tell the Premier now that when it is cleared up the position will remain exactly as it is at the present time. Let us have a look at the situation. The Australian Constitution provides that taxation shall be uniform between State and parts of States. That is clear, definite and unequivocal. The legislation which has already been introduced once in the Federal Parliament would have resulted in taxation being unequal as between States.

Sir David Brand: How?

Mr. TONKIN: Because it proposed to impose in Queensland a tax retrospectively at a rate which did not previously apply.

Sir David Brand: That matter was looked at, and it was agreed to by Queensland.

Mr. TONKIN: I do not care whether or not Queensland or anybody else agreed to it.

Sir David Brand: Queensland happens to be in charge of Queensland, whether you care or not.

Mr. TONKIN: Whether or not Queensland agreed to it, one still has to take the Constitution into account.

Sir David Brand: We had the legal advice of the Commonwealth and the States. No doubt that advice is worth while noting.

Mr. TONKIN: Yes, the Premier had a lot of legal advice when he imposed the tax—

Sir David Brand: Of course we did.

Mr. TONKIN:—which was subsequently declared invalid.

Sir David Brand: But only by a very narrow margin; the decision could easily have been the other way.

Mr. TONKIN: That is a funny way to argue.

Sir David Brand: The decision could easily have been the other way, as you well know.

Mr. TONKIN: Many of the results at the race courses could easily be the other way, but they pay out on the results.

Sir David Brand: That is quite right.

Mr. TONKIN: We have to deal with the situation as it is.

Sir David Brand: That is no proof that the High Court decision was right.

Mr. TONKIN: Let us see how many of us can understand plain English. If the Constitution lays down that taxation must be equal between States and parts of States, does that mean it can be unequal?

Sir David Brand: It means that the legislation which the Commonwealth was prepared to put forward on the advice of its officers would have proved to be quite valid.

Mr. TONKIN: Well, if for the time being the Premier finds any solace in that view, he can accept it.

Sir David Brand: I hope I can.

Mr. TONKIN: The Premier hopes he can! Hope springs eternal in the human breast! However, sooner or later one has to face up to reality, and the Government will not do that at this stage. I am examining, firstly, the possibilities; and, secondly, the probabilities. When I read that the Constitution states that taxation must be equal between States, I will not accept the possibility that that means taxation can be unequal under any circumstances whatever. The legislation which was introduced by the Commonwealth in order to validate this tax retrospectively would have resulted in a rate of tax being imposed in Queensland which would be different from that imposed in the other States.

Sir David Brand: The Queensland Government agreed to this, and to have it uniform.

Mr. TONKIN: That has nothing to do with it.

Sir David Brand: Of course, it has everything to do with it; and it just happens that you were not there.

Mr. TONKIN: I would say this: If such legislation had passed it would have been open to immediate challenge by any businessman in Queensland on the ground that it was unconstitutional inasmuch as it would impose an unequal tax as between States.

Sir David Brand: If that was as obvious as you say, why didn't the Commonwealth Attorney-General and the State Attorneys-General advise those present?

Mr. TONKIN: We will go on to the next point.

Sir David Brand: So far you have not made any.

Mr. TONKIN: That is the legal situation. Here is the next point, and possibly it will have more impact: The situation in the Senate is that the Government has not a majority and more often than not it depends upon the vote of certain Queensland senators, some of whom will shortly be coming up for election.

Just imagine a Queensland senator being responsible, by his vote, for imposing a retrospective tax in Queensland for some months which previously business people of that State had not been paying, because the Queensland legislation had not imposed such a tax! This is where the human element enters the

situation. One of these senators happens to be Senator Gair whose situation is somewhat precarious to say the least. I cannot imagine Senator Gair putting himself in the position of being responsible for imposing throughout Queensland a tax which the business people previously did not have to pay, and calling upon them to find out of their pockets substantial sums by way of retrospective tax.

So leaving the legality of the situation aside for the time being, let us look at the probability of the Commonwealth Government succeeding where it has already failed once. It has been put to the test. There is a further aspect. The Commonwealth legislation did not attempt to make the tax retrospective behind the High Court decision, and if one reads the High Court judgment carefully one must come to the conclusion that if the tax were declared invalid it was invalid from its inception and therefore was not legally exigible; and, if we take the Bell Bros. case as a guide—and we are entitled to do that—the Government is under an obligation irrespective of whether any Commonwealth legislation is passed or not, and I say it will not be.

The Government is liable to refund the tax that had been paid for a number of years previously in the same way as the Shire of Jarrahdale was obliged to refund to Bell Bros. the whole of the license fees paid for many years for the right to quarry stone. The decision had no regard whatsoever to the date of the High Court judgment on this matter for this question did go to the High Court. Bell Bros. were paid not only the money that had been paid in license fees back to the date of the decision, but were also repaid the money involved from the inception of the first payment of the license fees, because the decision meant that the license fee was not legally exigible, and that is precisely the situation in regard to this matter.

Sir David Brand: This situation does not apply only in Western Australia.

Mr. TONKIN: But I am in Western Australia and I am dealing with the Premier's liability to repay this money. I have my hands full to handle the situation here without worrying what is happening in the other States.

Sir David Brand: I just thought I would mention it, that is all.

Mr. TONKIN: So for a start the Premier should be commencing to refund money from the inception of the tax up to the date of the High Court decision at least, even though I believe his responsibility extends beyond that. But if he intends to cling to the very slim chance of validating legislation being passed by the Commonwealth Government, I cannot do anything about it, except to point out that he is clinging to a rotten reed, and eventually he will be called upon to repay this money, and it runs into millions of dollars.

The unfair part about it is that some of the big boys who have access to legal opinion have already stopped paying this tax. I know some of them who are not paying the tax. But the little people who are looking to the Government for a lead on the question are paying the tax which the Government is still receiving. I know a request has been made to the Government for a refund of the tax, and the persons who have asked for it have not had the courtesy of a reply. They have not been told whether they can expect repayment; whether the matter is being considered, or anything else. There has been no acknowledgment of their request for repayment.

Obviously, the Government can take no action against those who have stopped paying. They have every right to stop, because they are under no legal obligation to pay, but surely the situation is most unfair and unreasonable when one section of the community is continuing to pay the tax and another section—possibly a more influential one with greater access to legal advice—has ceased paying. They are not just idle words on my part.

Let us look at the figures. The estimate for stamp duty for 1969-70 was \$27,640,000 and, in my view, this figure would have been exceeded if the decision had not been made that the tax was invalid. Only about one-quarter of that amount would be receipt duty paid under the relevant legislation. The amount received by the Government fell far short of the estimate. It was only \$25,864,241, and it is my view that that falling off was, in the main, due to a falling off of the receipt duty, because the more knowledgeable people had stopped paying receipt duty.

Let us look at the cash receipts for the month of June, representing the stamp duty collected. The figure was \$1,769,187. However, for the previous month the amount was \$1,843,539. So one can readily realise the falling off of the figures in that month.

For the month of April the amount was \$2,201,000, so one can note the gradual dropping off of receipts from month to month as more and more people stopped paying. But the unfair position is that many of the people who are scared of the law and afraid of some penalty that might be imposed upon them are still paying the tax and the Government is allowing them to pay it. What is more, the Government is encouraging them to pay it by telling them that eventually they will have to pay it anyhow and they might as well pay it in advance. This is despite the fact that the Government's case is the flimsiest possible, because the matter has already been tried once in the Federal Parliament and it failed. I would not like to take the odds about it succeeding on the second try; that is, assuming the Government will have a second try!

I could go on with a further comparison by quoting figures obtained in the last financial year. In that year we find that the receipts from stamp duty were \$2,876,000 above the estimate. It has been the usual pattern for stamp duty to exceed the estimate, but in the last financial year it was below the estimate—substantially below the estimate—because some people had ceased to pay it.

The fair, equitable, and reasonable thing for the Government to do is to tell the people to stop paying a tax which they are not legally liable to pay. If in the most unlikely event it subsequently transpires that this tax is validated back to November, 1968, the people concerned will then have to pay. The chance of that happening, however, is, as I have said, very slim indeed.

Some of the big boys have already taken advantage of the situation, because they know beyond any shadow of a doubt they can suffer no penalty. If the Government will not tell the people concerned I will do so on my responsibility. I will tell them they can suffer no penalty if they stop paying this tax, because it is not legally exigible. The law on this question of stamp duty or receipt duty being due on goods manufactured in Western Australia or in Australia is that no stamp duty or receipt duty can be demanded by the Government and no penalty can be imposed on the people concerned if they do not pay.

My advice is for the people in question to stop paying this duty forthwith, just as a lot of people have already done. If they continue to pay it they are foolish. Furthermore, I suggest that they immediately make a request to the Government for a refund of the tax they have paid up to the date of the High Court decision, because there is no possible doubt about the Government's liability to refund such tax.

You might already have appreciated, Mr Speaker, that my very great interest in this matter rests in the fact that should there be a change of Government at the next election I do not want to find myself in the position of having to refund the money that the present Government should have already refunded.

It would be a most unfair situation if an incoming Government, different from the present one, had to meet the debts of this Government merely because the Government would not face up to its responsibility.

In my opinion, the answers given by the Treasurer this afternoon to the member for Floreat were answers which evaded the question. They were not straightforward answers at all. The Treasurer made no attempt to give the information to which the member for Floreat was entitled. The answer the Treasurer put up was a clear evasion; it was unworthy of the Government in this situation.

Accordingly, I hope the Government will take a more realistic view of its tax position and that it will do the right and proper thing without any more shilly-shallying.

MR. HARMAN (Maylands) [5.54 p.m.]: I wish to take the opportunity during the debate on the Supply Bill to highlight some of the Government's extravagances in financial matters; extravagances which I feel were not necessary and which could easily have been avoided had the appropriate action been taken at the right time.

To illustrate the point, I would like to refer to the purchase of certain land at Morley for high school purposes. Members may recall that the other day the member for Mirrabooka stated that the school which was to be built shortly would become one of the best high schools in Australia. One has only to look at the amount of money paid for the land to appreciate that this school will certainly be one of the best high schools in Australia, because it seems that the Government is prepared to pay \$250,000 for the land alone.

Mr. Ross Hutchinson: How would you get it? How would you pay for it?

Mr. Williams: They would resume it.

Mr. HARMAN: I will get to that point in a moment.

Mr. Cash: Tell us now.

Mr. Williams: Yes, tell us now.

Mr. HARMAN: To place the matter in its proper perspective it should be appreciated that the particular deal to which I refer involves four blocks of land, two of which comprise an area of approximately 9½ acres each, while the other two each consists of an area of approximately two acres.

Mr. Rushton: Different owners?

Mr. HARMAN: I will make the speech. As the honourable member said, however, the four blocks are owned by different owners, though I cannot see the significance of his remark.

Let us deal with the blocks individually. The first block is lot 35 which was purchased by the owner for \$2,000 in 1959. This is an area of land comprising 9½ acres in a deferred urban area. As has already been mentioned, the Government has not finalised its dealings on this particular block.

The next block is lot 36 which the previous owner purchased in 1961 for \$10,000. This also comprises an area of 9½ acres.

Mr. O'Connor: Was that Baker's land?

Mr. HARMAN: It is in that area. A couple of months ago the Education Department purchased lot 36 for \$109,250.

Mr. O'Connor: Do you consider that fair value?

Mr. HARMAN: As I have said, the same block of land was purchased nine years ago for \$10,000.

Mr. Cash: It is fairly built up.

Mr. HARMAN: The person who received that amount for the sale of his land certainly made a good deal.

Mr. Toms: How could it be built up if it were a deferred urban area?

Mr. Rushton: Would you resume it at the price he paid for it?

Mr. HARMAN: The third block consists of an area of two acres which was purchased by the previous owner for \$6,100 in 1964. This land was sold to the Crown in May, 1970, for \$22,000. The fourth block—lot 7—was purchased by the previous owner in September, 1968, for \$25,500. This block comprises an area of 2½ acres. We find that in February, 1970, this land was sold to the Crown for \$32,585.

Mr. O'Connor: On what they paid for it the indication is that the value is right.

Mr. HARMAN: Before we start talking about whether people are being paid the proper value or whether the Government is paying the appropriate amount, we must take two points into consideration. This is essential before we start discussing values.

The first point is this: When the Government wishes to resume land for a school it usually takes action through its resumption authority. We often see in the *Government Gazette* a notice of intention to resume land, in which the purpose is set out. In some recent issues of the *Government Gazette* a notice of intention to resume land for the Noalimba occupational centre is found. The land which is required comprises some 4½ acres.

Mr. Tonkin: That would come under the same Minister.

Mr. HARMAN: Yes, the same Minister.

Mr. Cash: What was the compensation paid?

Mr. HARMAN: In another *Government Gazette* of August, 1970, appeared a notice of intention to resume land for the Northmoor Primary School. In a later issue another notice of intention to resume land for the Kewdale Primary School appeared; and later again a notice of intention to resume land for the Crestwood Senior High School also appeared. However, I looked in vain in the *Government Gazette* to find a notice of intention to resume land for the high school at Morley. I am sure I looked through the *Government Gazette* carefully, but I could not find any such notice.

Mr. Lewis: Supposing there was a notice, would it result in a cheaper cost?

Mr. Tonkin: Most likely. Why does the Government resume land for industry?

Mr. O'Neil: You have complained that when we resume land we pay too little for it.

The SPEAKER: Order!

Mr. HARMAN: This has been the policy of the Education Department: to resume land through the procedure of publishing a notice of intention. Why was this procedure changed on this occasion?

Mr. Ross Hutchinson: We always negotiate in the first instance.

Mr. Tonkin: Always? Did your Government negotiate for the land at Kwinana?

The SPEAKER: Order! The member for Maylands is addressing the Chair.

Mr. HARMAN: The second point I wish to make is this: Why is it necessary for the Government, in 1970, to be purchasing land in the metropolitan area—land which is 10 to 12 miles, if that, from Perth?

Mr. Cash: This land is six or seven miles from Perth.

Mr. HARMAN: Why is it necessary, in 1970, to do this, when the Government in the last 10 years, as a result of its planning, has been aware that this area of land north of the city was developing?

Mr. Lewis: If your Government had resumed this land years and years ago we would have it available now.

Mr. Tonkin: That is a fine argument!

Mr. O'Neill: That is the same argument which the Leader of the Opposition has advanced.

Mr. Lewis: Could not the Government of which the Leader of the Opposition was a member see that far ahead?

Mr. Tonkin: If Lord Forrest had resumed this land in his time nobody at present would have need to worry about the land.

Mr. Lewis: Your Government came much later than Lord Forrest.

The SPEAKER: Order!

Mr. HARMAN: What the Government seems to forget is that the taxpayers' money is involved. Does the Government intend that from now on it will wait until an area begins to develop to find out how many children are living in the district, to wait until the high schools in the area are overcrowded, to wait until it is required to build a high school at an existing high school—as is the case at the Embleton High School where the Morley High School is functioning in temporary accommodation—before it buys the land that is required at a price which it claims to be the market price? Is this the present policy of the Government?

Mr. Lewis: It is exactly the same policy which the Labor Government would follow if it did not have the land available in a particular area. If it needed the land it would either resume it or negotiate to buy it.

Mr. HARMAN: This Government has been in office for 11 years, and it has had the advantage of advice from the Town Planning Department and the other experts; yet it has not been able to foresee

the need to provide for high schools, and probably for primary schools as well, in this area which is about seven miles from the city.

Mr. Rushton: Why not make predictions all around the place?

Mr. HARMAN: It seems to be the policy of the Government to wait until it finds there is a necessity for building a high school, because of a buildup in the population in the district, because the area has been zoned as residential, and because the local authority has adopted a town planning scheme, before it seeks to acquire the land.

Mr. Lewis: That is being done.

Mr. HARMAN: But the Government sits back.

Mr. Lewis: It is doing that and it has been doing that.

Mr. Rushton: What credit have you given the Government for setting aside land at Rockingham, which is 30 miles away, for this purpose?

Mr. HARMAN: We want to be assured of this.

Mr. Lewis: Your Government could not see seven miles ahead in respect of resuming land for this purpose.

Mr. Jamieson: It was the industrial smog that stopped us!

Mr. HARMAN: It seems that I have raised a pretty touchy subject.

Mr. Lewis: Would you develop the price aspect a little more?

Mr. HARMAN: I could finish up on this particular point by developing this subject: A block of a similar size—lot 34 of 9½ acres—was sold in December, 1969, for \$97,000.

Mr. Lewis: At what price would you resume it now?

Mr. HARMAN: The Government purchased the block next to this one for \$109,000 a few months later. Another block—lot 35 also comprising 9½ acres—was sold in November, 1969, for \$77,650. So we find there are three blocks, all of about the same acreage, involved.

One 9½ acre block was sold in November for \$77,000. The next block of the same acreage was sold in December, 1969, for \$97,000. The last block, the one purchased by the Government this year, cost \$109,000. In that space of time the Government, by agreeing to the purchase at that amount, allowed the price to rise from \$77,000 to \$109,000.

Mr. O'Neill: What control did the Government have over the first two sales?

Mr. Lewis: At what price would you have bought it had you been in office?

Several members interjected.

Mr. HARMAN: Let us look at this another way. This fellow owned 9½ acres. Assuming 25 per cent. was taken for oper-

space and another 10 per cent. for roads, he would be able to subdivide that particular block into possibly 40 building sites which he could dispose of.

Several members interjected.

Mr. Tonkin: The Government has no idea of values. Look at what it paid for air space over the Swan Brewery.

Mr. HARMAN: If we consider that he could sell 40 blocks at, say, \$4,500, he would net \$120,000, if he could sell them. However, no-one could convince me that any person would have a chance of selling land for a building site in that locality for \$4,500. It is just not the case. The Bayswater Shire conducted a sale a few weeks ago, and that land was much closer to the city than the land under discussion. It has all the amenities available, but only one block out of about 30 was sold.

Mr. Cash: You are misrepresenting the case.

Mr. Lewis: Are you suggesting the person concerned does not know his job?

Mr. HARMAN: I am not suggesting anything of the sort.

Mr. Lewis: What are you suggesting?

Mr. HARMAN: This is what happened, and it would not have occurred had the Government done its job and been informed, as it should have been informed, that this area was going ahead, that the schools were overcrowded, and that another high school was required. All this information should have been known a long time ago.

Mr. Lewis: It was known 10 years ago when your party was in office.

Mr. Tonkin: You are not serious are you? Are you really serious?

Mr. Lewis: I am; but there was no need for it then. There was no development. The cobwebs were all around then.

Mr. Tonkin: It has been known for 10 years has it?

Mr. HARMAN: I think this matter should be highlighted. The Government has fallen down on this particular item. The Government assures me now that this is not what it intends should happen; that this is not what it is planning. Well, we can only wait and see.

Mr. Lewis: You have to pay a fair price whether you buy it or resume it.

Mr. Cash: This Government does, anyway.

Mr. Tonkin: Why bring in special legislation to resume land for industry, if that is so?

Mr. Lewis: We resume land, too, if the owner is not willing to negotiate.

Mr. Tonkin: You brought in special legislation to give more power to resume because you would have had to pay more if you had bought the land the other way.

Several members interjected.

The SPEAKER: Order! The member for Maylands will continue.

Mr. HARMAN: I want to leave this particular subject on this note: If the Government intends to go about in this fashion, purchasing land for schools and, indeed, for other Government purposes, then it is understandable that the Premier will have to raise more funds, and I think it is quite understandable also that the taxpayer will object because he would expect a Government to plan these things ahead. If the Government does not know the trends in the metropolitan area, who else will? The Government has all its facilities, advisers, and departments available, and should know in advance where schools will be required in years to come.

I hope that the statement that this type of planning is taking place is a valid one; and only time will tell whether we will experience a repeat of this performance by the Government in the purchase of land seven miles from the city for \$250,000. Incidentally, one block has not yet been purchased.

Mr. Lewis: You cannot predict precisely where people will live, and the numbers.

Mr. HARMAN: Because of the services available in various areas, surely it is possible to predict to some extent where people will live and also to some extent the number of children who will be involved.

Mr. Tonkin: The Minister said that you cannot predict, but also he said a few moments ago that this information was known 10 years ago.

Several members interjected.

The SPEAKER: Order! The member for Maylands will continue.

Mr. HARMAN: If members desire to deal with planning, I could speak on this subject for a few moments after tea.

Mr. Lewis: I do not mind.

Mr. HARMAN: I am pointing out the situation in Balga, which is not in my electorate, thank goodness, although something similar occurs in Maylands. In Balga there is only one area set aside for playing grounds where children can play sport. This is in an area which obviously is teeming with people and children, because the State Housing Commission is building quite a large number of houses there.

Mr. O'Neil: You mean there is only one area developed.

Mr. HARMAN: Yes.

Mr. O'Neil: Have a talk with the Perth Shire Council then. It is its responsibility. The land has been made available.

Mr. HARMAN: Has it? What sort of land?

Mr. O'Neil: The 10 per cent.

Mr. HARMAN: The cost to develop that land is fantastic.

Mr. O'Neill: Do you think the Government should develop it and take more responsibility away from local authorities?

Mr. HARMAN: I do not want to start making any points now.

Sir David Brand: No. It is a bit late. In fact it is almost 6.15.

Mr. Ross Hutchinson: Can we take it that no Labor member will represent in future that a person should get more money than is being offered for resumed land?

Several members interjected.

Mr. Ross Hutchinson: That is rather a pertinent question, because many members on the other side represent just this very thing.

Mr. HARMAN: What I am saying is it is not necessary, and that is the point I am trying to make.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. HARMAN: The next matter I wish to discuss, briefly, is one which I regard as being most important. It hinges upon the priority of Government spending, and I refer to the work being done amongst the youth of Western Australia.

Are we satisfied that sufficient work is being done by the Government for our youth? When we ask ourselves this question we must keep in mind the background in which our youth are growing up. During the last session of Parliament we passed legislation to allow young people to have access to liquor when they reach the age of 18 years. We believe that during this current session legislation will be introduced to allow people of 18 years of age the right to vote. It has been suggested that legislation may be introduced to allow young people down to the age of 18 years to enter T.A.B. shops. It has also been forecast that legislation will be introduced to increase the penalties imposed on those associated, in some way or other, with drugs and drug addiction.

So, against this background are we satisfied that we are providing sufficient diverse activities for our young people? Members might know what is happening in their own electorates. I speak of my own electorate, and I have made many inquiries in other electorates.

When considering this subject we should bear in mind that we do have the National Fitness Council which was the brainchild of a Labor Prime Minister. The council has been developed over the years since the Chifley regime. We also have the Youth Council of Western Australia which has been established only in recent years.

When we consider the opportunities available for our youth within our own electorates are we satisfied that sufficient playing areas—equipped and developed—are provided? Are we satisfied that there

are sufficient recreational centres and halls where young people can enjoy indoor sports? Are we satisfied that there is a sufficient number of youth education officers, not only in the metropolitan area, but also in the country areas? Are we satisfied that those youth education officers have the qualifications to carry out the work we expect from them?

Are we satisfied that the officers are receiving a sufficient salary, and are enjoying the conditions of service we would like them to receive for carrying out their tasks? Are we satisfied that they do not need further instruction, such as a course at, perhaps, the Western Australian Institute of Technology?

In answering these questions I am not satisfied that sufficient is being done. In fact, I believe the youth of Western Australia are at the crossroads and it is the responsibility of the Government to ensure that the organisations we have established are operating at their maximum to provide for the needs of youth.

I will refer to my own electorate of Maylands. Within the area from Garratt Road to the Mt. Lawley subway, and from the railway line to the Swan River—an area which covers Maylands and part of Bayswater—there is only one playing field large enough for young boys to play football. That field has only been established in the last two years, and it is not equipped with change rooms or toilets.

The Minister for Housing has said that is a responsibility of the local authority. It may be the responsibility of the local authority but do we, in Parliament, just shrug our shoulders and say it has nothing to do with us? If that is to be our attitude we might as well all go home. If we are to be responsible leaders in Western Australia we must face up to the responsibility of our youth.

Mr. Lewis: You have a very good youth centre in Maylands, set up by the Government of Western Australia. I refer to this Government.

Mr. HARMAN: That is right, but how many other areas have functioning youth centres?

Mr. Lewis: Not all, but give them time; they are coming. Maylands is not the only one.

Mr. HARMAN: Many things are happening in our community but if we allow—

Mr. Lewis: Some of those things never happened before the election of this Government.

Mr. HARMAN:—youth organisations to procrastinate then in two or three years' time the damage will be done. Now is the time when we should get our priorities in order.

Mr. Lewis: Would you sooner have the money spent on youth centres than on classrooms?

Mr. HARMAN: I would rather see the money spent on youth centres than spent on antique cars costing \$180,000. Mr. Markham got a good deal.

I will now refer to the opportunities available for young girls to play basketball in my electorate. We have an insufficient number of basketball courts in Inglewood and Mt. Lawley. I am also told that this situation exists in a number of other areas.

Mr. Lewis: There is a very fine court at the youth centre; the best in Australia.

Mr. HARMAN: It is very good, but we need another one because it is not big enough. Girls who show above-average ability at sport are able to participate in competitions. However, the girls who are average, or below average, are not able to take part in competitive sports, and for that reason we should be examining this aspect of our youth.

An article published in *National Fitness* 1969 indicates that in October, 1968, a Playgrounds and Playcentres Committee was established. The committee commenced regular meetings in July, 1969; it has been operating for only 12 months.

Mr. Lewis: They have had associated sporting committees and youth committees for years.

Mr. HARMAN: This particular committee has been operating for 12 months only.

Mr. Lewis: That is right.

Mr. HARMAN: I will be interested to learn how successful the committee has been. I am not sure of the committee's terms of reference, but I would like to see the Government say, "We recognise that we have a responsibility to youth and towards allowing youth to take part in sporting activities. Has the Playgrounds and Playcentres Committee looked at the total situation in the metropolitan area? Should we go further? Should we try to get together with local authorities in different areas to see what the needs are and how we can assist as a Government through the National Fitness Council?"

Mr. Lewis: The youth council does that very thing.

Mr. HARMAN: How much money does the council allocate? It is not very much.

Mr. Lewis: The money is spread around in accordance with the list of priorities.

Mr. HARMAN: Is the council satisfied that it has sufficient money? Does the Minister think it should have some more? Does he know what the needs are?

Mr. Lewis: There is not one avenue of Government that could not spend more money.

Mr. HARMAN: This is a question of priorities.

Mr. Lewis: There will always be a difference of opinion as to what are priorities.

Mr. HARMAN: I am stressing what should be a priority.

Mr. Tonkin: Did not the Minister say he would have to look at priorities himself?

Mr. Lewis: Yes.

Mr. Tonkin: What is the Minister gobbling about?

Mr. Lewis: It does not mean that I would go along with the priorities seen by the member for Maylands.

Mr. Tonkin: The member for Maylands is suggesting that the existing order is wrong.

Mr. HARMAN: The argument must surely come down to the fact that there are children—boys and girls—in the metropolitan area who do not have the opportunity to play in a competitive sport because of the lack of playgrounds and other facilities, and there is a resulting lack of competition because of the lack of playgrounds. Surely that argument suggests that the Government should take a thorough look at the services which are available for youth in the metropolitan area. No matter what the Minister says, he will never convince me on the evidence I have now that things are going along at a reasonable level and everything will be all right if we give the Government time and still more time.

Mr. Lewis: At least if the member for Maylands is fair he will admit that things are going along much better now than they did under the previous Government.

Mr. HARMAN: How many times do we hear that sort of argument? Every time the pin pricks, the Government comes back to what happened in the period from 1953 to 1959.

Mr. Lewis: At least we have done something positive.

Mr. HARMAN: Surely the Government must have done something positive. Any Government that has been in office for 11 years would have done something.

Mr. Lewis: I am glad the member for Maylands acknowledges that.

Mr. HARMAN: It is a long way from what needs to be done.

Mr. Burke: The Government is not spending enough on recreational facilities.

Mr. HARMAN: I am told that there are seven youth education officers in the metropolitan area. I would like to see the Government consider the possibility of instituting a course, which could be undertaken at the Institute of Technology, to train more youth education officers. They should be trained and when they graduate from the institute given some sort of certificate as evidence of their

training and what they have accomplished at the institute. This would give them status in the community and a much greater advantage in dealing with youth than they now have.

I believe that the existing youth education officers are competent and very dedicated men and women. However, I also believe that with further training—some of an academic nature and some of a practical nature—the youth education officers could be even better. That is one aspect at which the Government should look very closely so that the youth of the community will have the advantage of more experienced youth education officers.

I hope I have made my point clear to the Minister and that positive steps will be taken by the Government in the next few months by way of legislation in contradistinction to the introduction of means by which people can be attracted to alcohol. I am told that even some of the youth clubs have witnessed a fall-off in numbers at youth centres—and that some of this fall-off comprises young people below the age of 18—since the introduction of the new Liquor Act on the 1st July. Whether or not these young people are being attracted to hotels is another matter. The point is that there has been a fall-off in attendances at youth centres since the 1st July by people under the age of 18.

Mr. Lapham: They are probably playing darts at the local.

Mr. HARMAN: If we are going to lead young people into a situation where they can gamble legally, and have the opportunity to do many other things, I think there is something extremely wrong with our priorities if no diversion is provided for them. I hope the Government will take heed of what I am saying, take a look at the systems which operate, and see if there is some way of improving facilities for the youth of this State.

MR. CASH (Mirrabooka) [7.46 p.m.]: I join in this debate simply because of some of the remarks made by the member for Maylands when he referred to the site on which the new Morley high school is to be situated.

It is of interest to recall that the site is actually 24 acres 3 roods 10.8 perches in area. The site has been acquired in four sections. The first two sections total 12 acres 3 roods 18.8 perches and the other section, which was under purchase by agreement, is 2 acres, making a total of approximately 14 acres for which the Government has paid \$163,000.

The remaining section totals 9 acres 3 roods 32 perches. The purchase arrangements have not been finalised because, as revealed in an answer to a question asked by the Leader of the Opposition earlier

this year—let alone any other information—the owner of that land is overseas.

Mr. Tonkin: Then actually that land has not yet been acquired.

Mr. CASH: I have not said that. The information given to the Leader of the Opposition was that the owner of the land was overseas.

Mr. Tonkin: What is the Government doing, building on land which it does not own?

Mr. CASH: It is for the simple reason that the occupancy of the entire area has been made available to the Public Works Department and the Education Department. It seems a reasonable agreement and the piece of land, which is approximately 9 acres in area, is land on which probably no buildings are to be erected in the near future. The high school is to be erected in several stages and I have no doubt that the 9 acres will not be used for some years or until the completion of various other stages. The Leader of the Opposition is fully aware of that arrangement.

In speaking of school sites, I want to point out that the previous Labor Government selected the highest possible locations for school sites. One has only to look at suburban areas, and particularly those near the coast, to see that this is so. Where there is a high piece of land in a residential suburb the Education Department has wisely recommended this type of site for a school building. It is better for the children for all sorts of reasons. Certainly that policy has been followed by the present Government.

The member for Maylands attempted to colour his argument by pointing out that the land purchased by the Education Department seemed to be at a higher price than that paid for adjoining land. I have here a map which was supplied by the Bayswater Shire Council, the appropriate shire for the area. If members care to look at the map they will clearly see that the land which was purchased by the Education Department for the Morley high school building is the highest land available within reasonable range. Therefore, the land referred to by the member for Maylands would be much lower land and obviously would be sold at a lower price.

Mr. O'Connor: It is probably a swamp.

Mr. CASH: The population explosion in the area meant that the Government had to take action to buy this land when it became available. The Government prefers to buy on an offer and acceptance basis—a normal agreement—rather than the resumption tactics used by previous Governments.

Again, the member for Maylands attempted to colour his argument by referring to the price of local residential blocks. He quoted a sale conducted by the Bayswater Shire Council and said that only

one block, out of a certain number, sold at \$4,300. The member for Maylands knows now, if he did not know when he spoke before the tea suspension, that the land he is talking about has nothing at all to do with the site for the Morley high school. It is some miles away and there is no relevance in making a comparison in terms of price.

At a sale held in the Bayswater shire some weeks prior to that—as the member for Ascot knows—land in the school area sold at a considerably higher price than the price which was received for that block in the Embleton part of the shire. The land at that sale, as the member for Ascot well knows, was sold for something like \$4,750 to \$5,300, for varying types of land, averaging close to \$5,000. Private land only a street away from the Benara Road end of the Morley high school site is being sold for \$6,000 to \$6,500.

If one makes an assessment as to how many blocks the school land would comprise, one would find that the potential residential value of the land is far in excess of the amount paid by the Education Department, or the Public Works Department, or whoever purchased the land.

I think the Government made a very wise move in trying to meet the population explosion in the Dianella-Morley area by quickly acquiring and establishing that high school site and by having plans flexible enough to ensure that nothing but the finest high school is built there. The people of the Morley-Dianella area have been visiting the site and having a look at the building going on, and those who have looked at the plans of the project have been very impressed.

I can assure members of the Opposition that many people involved in the various P. & C. associations have seen the plans and they have nothing but the highest praise for the Government for establishing such a fine high school in that area. If a high school on the university campus style is to be built, it is logical to have the best land available in the area, both in location and elevation. If \$1,000,000 or \$1,500,000 is to be spent on a high school, there is no sense in putting it on the poorest land that can be found.

I think the member for Maylands has brought this matter up for the same reasons that it has been brought forward previously. I can assure members of the Opposition it will not do them any good. Most of the remarks made by the member for Maylands have not been based on fact; certainly his figures are incorrect. I can only commend the Government for building this type of high school in this area.

MR. JAMIESON (Belmont) [7.53 p.m.]: I am indebted to the member for Mirrabooka for drawing my attention to a salient feature of this particular high school site; that is, in respect of the nine acres which

he refers to as having not yet been acquired. If ever a Government leaves itself open to ransom it is a Government that indulges in this sort of purchasing by barter. If the high school is built on the site and the Government plans to extend it, this particular person—or his heirs in succession—can demand almost whatever he likes.

Mr. Ross Hutchinson: No, he can't.

Mr. JAMIESON: It creates its own value.

Mr. Ross Hutchinson: If a notice of resumption has been gazetted, the time is from then.

Mr. JAMIESON: This is not a fair valuation for deferred urban land. The member for Mirrabooka speaks about subdivided land, which is obviously not deferred urban land, as a basis for his comparison of prices being paid.

Mr. O'Connor: There were improvements on that land, too.

Mr. JAMIESON: Irrespective of whether there were some improvements. There probably would be. There are some cowsheds out at Newburn; they would be improvements on that land, I suppose. But for the purposes of comparison, this is deferred urban land.

People who look forward to benefiting by subdivision and by a change of zoning from deferred urban to residential must be prepared to go along with providing the necessary public amenities. This is where the difficulty arises with the Government's action, as I see it. On one hand it resumes industrial land at Kwinana for wealthy companies that could well afford to pay the ransom prices. On the other hand, where an amenity is required for the people, the Government does not resume land; it barter and pays whatever price the seller wants. The Government might have had an argument about it but it still paid a certain figure that is very high. This seems to be the pattern everywhere.

There is the instance of the Swan Brewery land, about which we have heard so often. Nobody can prove to me that the Swan Brewery, through any court, would have got more than \$200,000 for that site, but the Government paid more than that. There is the instance in South Perth, where the Housing Commission acquired land at excess figures. The Government says it was a fair valuation for high density building but it is not fair and reasonable when compared with the prices that are being paid. This induces the general public to do exactly as the Government is doing, and go beyond their means and capacity to pay for land. We then have the Premier complaining that he has not enough money to do this and to do that. Of course he will not have it if—

Mr. Ross Hutchinson: Many of your members have accused us of not paying enough.

Mr. Harman: That is for resumed land.

Mr. JAMIESON: That is in respect of resumed land. I have never heard this argument used in connection with barter land—this free purchase land. This is a case in point. On many occasions I have dealt with the Minister's officers who handle resumptions.

Mr. Ross Hutchinson: You know of a case, associated with my own name, when the Government was accused of not paying enough.

Mr. JAMIESON: That is so. I was about to deal with that. The matter very often concerns the situation in which Government officers are placed. In the case of the marshalling yard resumptions, and perhaps all these others to which the Minister is referring, there was a Budget limitation in obtaining the land. The valuers were doing their best for the Government and I give them full credit. They tried to make the best deal they could within the means that the Government allowed them. In some cases, when it was able to be proven clearly that the valuations were low, they were increased. I am not complaining about that.

In many cases, under the terms of the resumption and because of the circumstances prevailing in respect of the project that is being developed, the amount of money allocated to cover the whole project might not be sufficient. One lot might be paid for out of railway funds, one lot might be out of something else, and if the officers have not enough money they have to go back to the Government and ask for more to cover the resumptions. It is true that many of these organisations—the Kewdale Development Authority, for instance—find that they have to pay considerably more than they had estimated for the land. However, in the Kewdale area they have had no trouble, after developing it, in providing the necessary access roads and services at a very reasonable price.

Mr. O'Connor: What do you consider would have been a reasonable valuation of that land—the 10 acres?

Mr. JAMIESON: At Morley?

Mr. O'Connor: Yes. What do you consider would have been a reasonable valuation there?

Mr. JAMIESON: I consider that for any public purposes the Government is entitled to resume and argue as to what the figure should be on the basis of value figures, the same as it did in respect of the railways.

Mr. O'Connor: It would have been resuming it from a married man with eight children.

Mr. JAMIESON: He would not have been left destitute, that is for sure.

Mr. O'Connor: Well, I do not think he was paid more than it was worth.

Mr. JAMIESON: I do not know; the Minister argues this. However, that seems to be a high price to pay for any deferred urban land.

Mr. O'Connor: I know the area very well.

Mr. JAMIESON: Yes, the Minister might; but land is land wherever it is. When an urban area is being developed we have to have school sites and so the Government is entitled to pick a site and say, "This is the optimum suitable site in the district, we want it," and argue about the price afterwards. The same thing applies in regard to roads. The Minister knows that he is running into trouble in this regard where there are long truncations in farming areas and various farmers are involved in negotiations with the Main Roads Department. At all times Government departments are too apt to negotiate on too high a figure when creating a public utility and be held to ransom by various people.

There is far more justification for taking land for such projects than there ever could be for taking land for industrial purposes. The point at issue is that when it comes to providing schools, hospitals, and other amenities which the public may need for their betterment, the Government is entitled to adopt a different procedure from that which it adopts when providing land for industry or other activities which are not directly responsible to the community. I will leave it at that with regard to this particular high school site and say little more except to remind the Government that it could well be held to ransom for the bulk of the land if it is not prepared to do more than negotiate with the person who still holds the land.

I refer momentarily to the matter dealt with by my leader; that is, the subject of the receipts duty and the Treasurer's complaint that all States were on an equal basis and, therefore, complied with the Constitution, which gives the Commonwealth powers to make laws for taxation, but so as not to discriminate between States or parts of States. There is a difference between the States, one in which the Commonwealth will be involved, and one which the Commonwealth surely cannot legislate to overcome, and that is the receipts tax on wages which is imposed in this State. The Treasurer might say straightaway that this tax does not apply to manufactured goods. That is true, it does not apply, but this tax affects the pocket of the Commonwealth and, therefore, causes a differentiation between the States in that regard.

However many dollars one might pay in a financial year under this tax, the Commonwealth, in effect, has to subsidise the tax by recouping it to the taxpayer. The Taxation Board of Review found that it could not disregard the tax as exemptible for income tax purposes. Therefore, the

Commonwealth has to subsidise this State at the rate of whatever amount in the dollar the taxpayer pays. As a consequence there is a differentiation between this and other States.

It is true that Victoria had a similar system, but it has since repealed it and is now in line, I understand, with what is required for uniformity with the other States. However, that does not apply, nor has it applied, in this State; and this would create an obvious and hard-to-overcome problem in law if it were taken to the courts. So do not let the Treasurer think that we are on an equal footing with the other States in regard to this tax, because we are not.

I would like to see some other system of financing adopted in this State. For too long have we seen royalties begin to come in from oil, nickel, and iron ore only to disappear into the Consolidated Revenue Fund and be used to buy blocks of land for the Morley high school site, or some other project. I think that when the various agreements pass through Parliament we should allocate the funds which will be derived from them to serve a certain purpose in the community. Then, and only then, will it be apparent that the community in general is receiving benefit from such arrangements.

The more money that goes into the Consolidated Revenue Fund, the more the Government manipulates these various undertakings. This is not an unusual feature of finance; for instance, the proceeds of the Lotteries Commission are specified to be spent in certain directions, and the proceeds from the T.A.B. are channelled into specific directions. Here I would draw attention once again to the over-large percentage which race clubs in this State receive from this avenue. The clubs in this State receive a far larger percentage than those in the other States, and it is high time the Government clipped off some of the funds in this lucrative field. It is all very well to have inbuilt colour television, new grandstands, the best of facilities, and all the rest of it so that people from the Eastern States come over here and say, "However can you provide that. We do not see anything like that on our racecourses."

I think first things must come first, and if finance is available through this medium, the Government should take a greater share and give the race clubs less.

Mr. Craig: And trotting clubs too?

Mr. JAMIESON: When I refer to race clubs I refer generally to all such activities. They have had a pretty good go so far and it is high time the bonanza came to an end. It is time such clubs received a reasonable share of the profits, but not an excessive one. We need more money. The Premier always says that at every Loan Council meeting and at every Premiers' Conference. There is no limit to

what we could do if we had the money to develop various projects and necessities for the State.

However, we just do not have that money, and if we disregard our need for finance and continue to provide luxuries for some sections of the community, then we are always going to be in this position. I would hope that when the Budget is brought down it will include some provisions to clip some of the excess moneys which go towards providing luxuries for certain sections of the community. Horse racing must surely be considered to be one of the luxuries in our community, and it is one that we can still tax. The Commonwealth has never hesitated to tax luxuries such as liquor, tobacco, and the rest of it.

Mr. Ross Hutchinson: Actually, racing is a pretty important industry which gives employment to many people who might otherwise be looking for jobs.

Mr. JAMIESON: Yes, I suppose we have to keep the touts employed. If we do not, they may become an unruly element in the community. Of course, many people are employed in racing activities—jockeys, trainers, and the rest—but there are also a terrible lot of hangers-on who are always present at racetracks. Many people who enjoy the pleasure of owning horses do so as a pastime and not as an occupation. It is true that a few may be able to get by living on the proceeds from their racehorses, but it is a pretty dubious game if one has nothing else to back one up. I would say that racing is a luxury in our community and, like all other luxuries, it must provide employment.

Mr. Ross Hutchinson: It provides very useful employment for some people.

Mr. JAMIESON: How many, in comparison with the rest of those employed in the various callings and occupations in the State? In fact, there are very few employed in this industry. At a rough guess, I would say there are approximately 2,000 people who would be employed full time, and I am sure they could be gainfully employed elsewhere. However, for the sake of those who like racing and trotting as an entertainment I would not like to see them close down completely. It is something which people are entitled to enjoy if they so desire, but if racing is to be taxed, the tax collected should go to the Government and not to the racing and trotting clubs as it has done in the past and, what is more, in too great a proportion. I hope the Premier will heed what I have said and have a look at this matter before he brings down his Budget.

MR. BICKERTON (Pilbara) [8.11 p.m.]: Whilst the Minister for Lands is in a peaceful mood, there is a little matter I would like to bring to his attention. If I

waited until the debate on the Address-in-Reply he might, as he appears to be at present, be otherwise engaged. We have a land problem, mainly in the Roebourne-Point Samson area. This has been brought about, of course, by the development that is anticipated under the Cleveland-Cliffs iron ore agreement. This company has had five or six years to make up its mind whether it will develop its leases and, fortunately for the area in question, it has made up its mind in the affirmative. This decision has been made at a time when people have been expecting blocks of land to be allocated to them on which they could build houses. They are now being told that the blocks cannot be allocated until the iron ore company decides what land it wants.

I do not think this is fair. If people live in these areas and have made applications for land which belongs to the Lands Department and has already been surveyed, they should be entitled to buy those blocks—especially when their applications have been lodged for some considerable time—at whatever price the Lands Department places on them. There is no reason why a large iron ore company should be given preference over those who have applied for blocks of land, especially when the company is still not sure what land it will require.

I could possibly understand such an attitude being adopted if this were the first time such a situation had been created, but we went through this sort of thing at Port Hedland where the Mount Newman Iron Ore Company took some considerable time to make up its mind whether it would go ahead with the development of the Mt. Whaleback iron ore deposits due to negotiations on finance, changes in the consortium, and so on. On that occasion there were people in Port Hedland who had applied for blocks of land and who had to wait until the Mount Newman Iron Ore Company decided what land it wanted. If there was an excuse for not granting blocks of land to individuals at Port Hedland, there is certainly none to be made in regard to the Roebourne-Point Samson area. I cannot blame the Lands Department for this state of affairs, because the Minister lays down the policy and he has had plenty of time in which to do something about it.

I have raised the matter in the House on a number of occasions, and there is no reason why extensive surveys could not have taken place with the object of making land available for housing instead of forcing people into a situation where there is a limited number of blocks offering, which results in prices being inflated. If the Minister made a check he would find that at Point Samson there is still a number of blocks available for housing. They are being held by the Lands Department, and the excuse given to those who

wish to buy this land is that the Lands Department will not act until such time as it has a complete overall plan submitted by Cleveland-Cliffs.

If I were living in an area such as that and I realised that to build a house there would cost me double what it would cost me to build one in the metropolitan area, and someone told me I could not get a block of land until Cleveland-Cliffs decided what land it wanted, I would complain bitterly about the situation.

I agree that we must welcome these new industries but not at the expense of those who are residing in the area in which the industry is to operate. If local residents are prepared to outlay money for the erection of homes, surely there is an obligation on the Lands Department to ensure that they obtain land on which to erect them, and, in so doing, free the Minister for Housing from the worry of having to meet the housing needs.

This may not sound very important to the Minister for Lands, but I can assure him that it is, and when an opportunity is available to him in this House, if he can tell me why a person who wants to erect a house at Point Samson is not allowed a block of land on which to erect it, I will be very interested to hear him, provided the argument he puts forward is logical and that his reply is not along the lines of "Until such time as we know the desires of the company, or the overall complex of planning, or the infrastructure that has to go with it"—a term we have heard a good deal of lately.

Provided the answer given by the Minister is logical and not along those lines, I would be pleased to hear it, for I can assure him there are good Western Australians at Point Samson who wish to erect homes there, and at the earliest opportunity I would like the Minister to tell me why they cannot get blocks of land on which to build.

MR. BOVELL (Vasse—Minister for Lands) [8.17 p.m.]: This is the earliest opportunity I have to reply—

Mr. Bickerton: I hope it is logical.

Mr. BOVELL: —and my remarks will be quite logical. As the House knows, I never make a contribution to any debate unless there is logic in my statements.

Mr. Tonkin: Self praise is no recommendation!

Mr. BOVELL: This is not self praise, but absolute fact.

Mr. Bickerton: If you make a statement such as that, please be logical.

Mr. BOVELL: The development of the north-west is fantastic. In the whole history of Western Australia, no development can parallel the development that has taken place in the last decade, particularly in the north-west of this State.

The member for Pilbara referred to the position at Port Hedland. When large industries are being established it is necessary to have orderly planning. Might I remind the honourable member that in recent times blocks of land have been made available at Point Samson and he has made reference to this in the debates that have taken place in this House. However, we have a north-west planning authority and we are—

Mr. Bickerton: Get rid of it if you cannot supply blocks of land!

Mr. BOVELL:—advised that it is planning the whole of the area in an orderly fashion. The member for Pilbara knows that in the Governor's Speech it was mentioned that a new town named Wickham is to be established in the vicinity. We are endeavouring to complete the orderly planning of the whole area and immediately this is done—and a number of departments are involved apart from the Lands Department, because it is necessary to ensure that all sections of the community are fairly treated—

Mr. Bickerton: You are completely clouding the issue! Why cannot a person buy a block of land in Point Samson?

Mr. BOVELL: Because the planning of the area is proceeding following a complete review of it by the north-west planning authority.

Mr. Bickerton: I think you could have done better than that.

Mr. BOVELL: The matter will be completed as soon as possible. The member for Pilbara knows that great development has occurred all over Western Australia during the time this Government has been in office, and it is necessary to have orderly planning; by co-ordinating the efforts of all departments it is necessary to ensure that all sections of the community have equal opportunities.

Mr. Bickerton: Why cannot someone buy a block of land at Point Samson? Why do you dodge the issue? You have a town at Wickham for the company.

Mr. BOVELL: It is necessary that it be done by orderly planning, and this orderly Government will continue its orderly planning.

SIR DAVID BRAND (Greenough—Treasurer) [8.20 p.m.]: The Leader of the Opposition touched briefly upon a matter which is of great concern to all State Governments in Australia. I refer, of course, to the question of receipt duty which has been the subject of decisions by the High Court and one on which many conferences have been held.

At the moment I believe the position could be described as most embarrassing to State Governments and one which is very difficult for the people at large. I

would like to say at once that the sooner the difficulty is resolved and some solution is found the happier I will be as Treasurer of the State.

The facts are that one State after another introduced legislation to impose the 1c in \$10 receipt duty, and this was considered to be a very attractive sort of tax; one which could be described as a growth tax.

For many years the States have been looking around and doing a great deal of research in order to obtain a tax which they could impose and which would augment the very meagre amounts being granted each year from the central source. Indeed, so far as this State is concerned it was a tax that was generally accepted by the people without a great deal of resentment. We all know, of course, that no tax is popular, but nevertheless my experience over the years I have been Treasurer has been that the people at large have fairly well accepted this tax.

One after the other the States introduced that tax until the point was reached where Queensland was the only State without it. I would point out to the Leader of the Opposition that at the present time legislation has been introduced in Queensland and it only awaits proclamation in order to become law; a law which applies in all the other States.

Mr. Tonkin: At the same rate?

SIR DAVID BRAND: At the same rate. The reason it was necessary to introduce legislation was that a different rate existed in Queensland.

Mr. Tonkin: Two cents in the \$100, with no tax to \$10?

SIR DAVID BRAND: That is right. At the meeting of the Treasurers with the Prime Minister on the 18th November, in Canberra, at which the problem was discussed and the need for uniform taxation recognised, the Premier of Queensland and his Treasurer gave an undertaking that they would be prepared to amend their legislation and bring it into line with that of the other States. This undertaking having been given, the Prime Minister undertook to introduce legislation which would validate the law throughout the Commonwealth.

Mr. Tonkin: From what period?

SIR DAVID BRAND: From that date.

Mr. Tonkin: From the 28th November, 1968, until some date to be determined?

SIR DAVID BRAND: The Prime Minister undertook to validate this law from the 18th November—the day of the meeting, and he announced it would be retrospective.

Mr. Tonkin: To the 18th November?

SIR DAVID BRAND: That is right. This was done so that the people would understand the position and be prepared to meet the back payments if the legislation became

law. I think it is generally conceded that retrospective taxation is not altogether acceptable, but it was decided at that meeting that one way to overcome the problem was for the Prime Minister to announce what he intended to do.

The rest is history. The legislation did not go through the Senate, for all the reasons of which we are aware, which were mainly political. I regret that so many of the State representatives who were there to represent the States on equal terms and with equal numbers—irrespective of the population or the area of the individual States—did not take advantage of the opportunity to give to the States of the Commonwealth the right in a certain field of taxation which was urgently needed by those States.

If the States are prepared to accept the responsibility, that is the sort of outlook we want. We would not so much want the outlook of having to press the Commonwealth to raise money and hand it to us to spend. Because of the urgent need for more money the States were prepared to give the undertaking to which I have referred.

I regret the decision that was made. Whether Senator Gair was responsible for this as leader of a political party, or whether anybody else was responsible, the fact still remains that from my point of view it was a great opportunity missed by our representatives in the Senate to give us a taxation law which we urgently need.

At the same meeting the Prime Minister repeated what he had said during the election; that the Government was prepared, in the event of our not being able to impose the tax, to come to our aid by way of a grant or some other financial assistance and thus make up the loss which, of course, would have run into several millions, though I am not quite sure how many. This would help us out of a most embarrassing situation.

Mr. Tonkin: Did the Prime Minister undertake to make up the loss prior to the 18th November?

Sir DAVID BRAND: No, he did not give any specific terms. The States pointed out to the Prime Minister and the Treasurer that they would be without the necessary money to carry on; money which had been listed by way of expenditure in their Budgets on the assumption that the tax would be available. The Leader of the Opposition will recall that the final appeal was rejected on the 28th October.

In this predicament, however, the States were prepared to co-operate with the Prime Minister in the hope that he would be able to assist them. At the present time I think there could be some possibility of the legislation going through the Senate, thus legalising the Act. The Leader of the Opposition says there is

not much chance of this. I regret to say that I do not feel very confident about this, and it would be stupid to be so.

Because the States requested the Prime Minister to introduce legislation again he undertook to do so and we are not prepared to accept any decision until that legislation has been accepted or rejected.

This brings me to the point of refunding money. By way of interjection I said to the Leader of the Opposition that if we were to refund the money now and by chance the legislation became law and the tax became valid—and it will not be long before the legislation comes before the Senate—we would again have to tax the people and recoup the money. This would not be worth while for the sake of a month or two.

We felt that it would be better to carry on as we were doing even though the position might be embarrassing and difficult. Incidentally, the position in which we in Western Australia find ourselves is not peculiar to this State, because every State, apart from Queensland, finds itself in the same position.

Mr. Tonkin: Were not we the first State to impose this tax?

Sir DAVID BRAND: We were.

Mr. Tonkin: Have we not a greater liability than any other State?

Sir DAVID BRAND: Of course not.

Mr. Tonkin: Because it covers a longer period.

Sir DAVID BRAND: What absolute nonsense.

Mr. Tonkin: We will see whether it is absolute nonsense.

Sir DAVID BRAND: Victoria claims that it was the first State to think of it. It is a very good State tax.

Mr. Tonkin: That has nothing to do with the legal situation.

Sir DAVID BRAND: It has nothing to do with the legal situation, and nothing to do with the fact that Western Australia was the first State to introduce this law.

Mr. Tonkin: It is important to know what is the amount of refund.

Sir DAVID BRAND: The Leader of the Opposition will find that this applies to all the States.

Mr. Tonkin: That is not the point at all. I am saying that if you are liable to refund the receipt duty that was received prior to the time at which the Commonwealth is aiming to validate the tax, it will be the amount received for several years prior to the 18th November.

Sir DAVID BRAND: This is a matter which has to be resolved.

Mr. Tonkin: I assure you it has already been resolved.

Sir DAVID BRAND: It has not been resolved. Every State has a vested interest in the decision that has been made on this matter.

Mr. Tonkin: There is a High Court decision on this question.

Sir DAVID BRAND: If the Leader of the Opposition is referring to the fact that this matter will apply back to 1966 —

Mr. Tonkin: That is correct.

Sir DAVID BRAND: — it is one on which we will have to be advised by the best legal authorities not only in Western Australia but throughout Australia, because such a large sum of money is involved —

Mr. Tonkin: Exactly.

Sir DAVID BRAND: — that it will have to be looked at very closely. I am pointing out that in the matter of refunds Western Australia is not the only State which faces this issue. It is the hope of the States that an early decision will be given, so that we may be able to decide on the question of refunds and on the period involved. Certainly the States will have to stick together.

In Victoria very little has been done about this question. I do not know whether any refunds have been made in New South Wales, but certainly in South Australia some undertaking has been given about making refunds. Here again I think Western Australia is in a very difficult financial position, and we are hesitant to move on the question of refunds until some overall decision has been made.

Mr. Davies: Would it not be courtesy on the part of the Commissioner of Taxation to acknowledge all the claims for refunds that have been submitted to him?

Sir DAVID BRAND: By and large the people appreciate the fact that if a decision is made finally, under which refunds are to be given, a tremendous amount of work will be involved—irrespective of the period—in ascertaining what money should be refunded, having regard to the fact that in respect of services it is quite legal for receipt duty to be imposed. To draw some distinction between goods manufactured in Australia on which there is no receipt duty, and services and certain other situations in respect of which the tax is valid, will be a colossal task. No-one can deny this. Therefore I believe that until a final decision is given we should not become more involved, and add greater confusion to an existing difficult situation.

Mr. Davies: To acknowledge the letters would not be confusing the situation. It would merely be an act of courtesy.

Sir DAVID BRAND: I am sure that the State Taxation Department is mindful of the problem, and is taking all the required action to assist in the event of the State having to make refunds. This is a matter on which it has to take some action right now, to save itself a great deal of work.

The member for Belmont mentioned the fact that in this State wages and salaries are still taxed, and that in the event of Western Australia standing by this law a constitutional problem will arise, because there will be the problem of different levels of taxation. In the event of the legislation passing through the Senate—and thus becoming a Federal law—it will be a simple matter for Western Australia to come into line by repealing its law governing receipt duty on wages and salaries. I do not see any real problem, even though this particular tax was imposed way back in the beginnings of the State, and in the meantime has not been challenged. This is another reason why I believe the State could be expected to accept this as a valid law, as it has stood the test of time over all of those years.

In respect of the suggestion of the honourable member on royalties, and that in the agreements which are drawn up certain royalties should be earmarked for certain works, I can see many difficulties arising if the suggestion is carried out to the full. He mentioned that moneys received by the Lotteries Commission are earmarked for certain purposes. There could be other instances where moneys received from rates and taxes are also earmarked for special purposes. However, if we adopt the suggestion of earmarking the royalties—which amount to millions of dollars—for special purposes then I think a very difficult situation will arise within the Treasury. I cannot think of a more acceptable arrangement than for all the moneys to be paid into a central fund, or the General Revenue Fund, to be allocated as the Treasurer, on the advice of the Under-Treasurer thinks fit.

I think this is a much better way. Under this arrangement the whole State will share the moneys. I can see no useful purpose being achieved by earmarking, let us say, the royalties for hospitals and schools, because if the Government's policy is to give priority to education and hospitals that will be implemented in the normal way in the allocation of the moneys. I could imagine many amendments being made to such an agreement, because the fortunes of industries change from time to time, as do the priorities in respect of schools, hospitals, and other requirements. To me it is a much better idea to enable the General Revenue Fund to be built up of moneys received from all sources, and to make the required allocations each year through the Budget.

Mr. Jamieson: How about getting a little more out of the T.A.B.?

Sir DAVID BRAND: As Treasurer I do not overlook opportunities such as this. The Minister for Works interjected to say that the Turf Club and the Trotting Association provide work of the kind for certain people who have difficulty in obtaining employment in other fields. I believe this to be a commendable policy.

I do not think that when the Treasurer is looking around for more revenue he should overlook the fact that a great deal of money is going to the Turf Club and the Trotting Association. If the money going to them is increasing as times goes on, then there is a level at which some action will have to be taken to obtain a little more of the money for the Government so that it can be put to good use. I think it is fair to say that in Western Australia we have seen some very real improvements effected by the racing clubs and the trotting clubs. They have provided attractions for tourists and visitors; and in this State people can see something different and something a little better than is to be found elsewhere. We have operated very satisfactorily under the present arrangement.

I can only come back to the fact that if there will be more and more money, from the T.A.B. activities, then I can assure members that the Treasury will be looking at this as well as looking at similar situations.

I do not wish to make any comment on the speech made by the member for Maylands, who was endeavouring to make his point. All I can say is that once again the Government is never right in this respect. If it resumes, it is wrong, and if it negotiates and pays a price, it is wrong; and we all know this. However, I can assure the honourable member that if there is anything this Government wishes to do more than another, it is to plan ahead to meet the rapid growth which is taking place. Nothing is more embarrassing than to find a school is needed, but there is no land available or that large amounts must be paid for it.

Therefore, allowing for human frailties and weaknesses in the whole matter, I can assure members we are anxious to set aside such land as is necessary for hospitals, schools, or any other services, as we go. I might say, although the member for Pilbara is not present at the moment, that I recently travelled to the north and saw for myself the number of houses being built right now. The growth that is taking place is at an almost unbelievable rate, as most members of this House would have seen when they were up there recently. It is very easy for authority to be caught out and not have the necessary land set aside when a school is found to be necessary overnight.

I went to Karratha, and I had not been there for two years. There was nothing there then. However, I attended the school on this occasion. I have forgotten how many pupils were there, but the number was over 100. It is a huge school and a fine building and only emphasises the fact that it is so easy to be wise after the event. At the same time it is so easy to be caught in such rapid growth without

the necessary facilities for education, hospitals, water supplies, or whatever we like to name.

Whilst we learn from these experiences, I can assure the honourable member we are anxious to avoid paying one more dollar than we have to. It is so hard and embarrassing to raise that we are not giving the money away.

It has already been pointed out that we want good sites—the best—for schools if we are to spend the millions being spent right now on some very attractive buildings worthy of the name of schools and colleges.

I thank members for their support of the Supply Bill. We need supply to carry on until we get the Budget through, and so I have pleasure in commending the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

SIR DAVID BRAND (Greenough—
—Treasurer) [8.45 p.m.]: I move—

That the Bill be now read a third time.

MR. TONKIN (Melville—Leader of the Opposition) [8.46 p.m.]: If the Treasurer fully appreciates the position he is in with regard to receipts duty, his reply did not indicate that he fully understands it, and this is a time when we have to understand it because such a large sum of money is involved. There are two periods involved. There is the period during which the receipt duty was paid from 1966 until the date of the Premiers' meeting on the 18th November, 1969, and there is the period from the 18th November, 1969, looking forward to a date upon which the proposed Commonwealth legislation will be passed, and such period is generally referred to as the transitional period.

The Prime Minister's undertaking was that retrospective legislation referred only to the transitional period and to no other period, so at no stage has any undertaking been given by the Commonwealth that it will endeavour to pass legislation with retrospective effect covering the payment of receipt duty prior to the 18th November, 1969—at no time. Therefore, whether or not any Commonwealth legislation is passed, there is upon the State a liability to refund the tax obtained under the section of the Act which has been declared invalid.

This matter was raised in the Federal Parliament and I quote the following article from *The West Australian* of the 17th June, 1970:—

No talks on refunds, says Bury

Canberra, Tues: The Commonwealth would not initiate discussions with the States about refunds of receipts tax paid before November 18, 1969, Treasurer Bury said today in a written reply to Senator C. L. Laucke (Lib., S.A.).

Senator Laucke asked if only those taxpayers who registered objection to the tax, when submitting their initial returns, qualified for remission of tax paid up to November 18.

Mr. Bury said that there were special provisions in the proposed legislation on the transitional period beginning on November 18 and ending on a date to be proclaimed.

The effect of these provisions was that liability to receipts duty on receipts during the transitional period would be determined by references to the receipts duties laws of the States in force, whether validly or invalidly, during that period.

It is perfectly clear that at no stage are we entitled to believe there will be Commonwealth legislation with retrospective effect covering the period prior to the 18th November. I maintain—and the Premier has indicated he is not very hopeful of it being otherwise—that there will be no Commonwealth legislation passed covering the transitional period, and that will leave the States liable for a refund of the whole of the tax received. This State will be affected from 1966. The reason I have raised this question is that our State was the first to impose the tax. Obviously, as we commenced in 1966, we will have to refund back to 1966. The States which came in during 1967 and 1968 will not have to refund back to 1966, because they did not impose the tax in that year.

As there is no possibility of the State escaping the liability to refund the tax obtained for the period from 1966 to the 18th November, 1969, the Government should not be waiting to calculate how much money is at stake; it should have already calculated that amount, because there is no possible hope of escaping the liability.

This matter was settled, definitely, by a High Court decision. In 1967 the High Court delivered a judgment declaring a by-law of the Serpentine-Jarrahdale Shire invalid. The case was taken by a man called Marsh. Bell Bros. had been paying license fees under the by-law during the period 1961 to 1966 prior to the decision in the Marsh case. Following the Marsh decision Bell Bros. took a case to the court here which went before Justice

Negus. Justice Negus found against Bell Bros. on the ground that their payment was voluntary.

The case then went to the Full Court, and the Full Court upheld the decision of Justice Negus and refused Bell Bros. application on the ground that the payment was made voluntarily. Bell Bros. then appealed to the High Court, in 1969. I have with me a copy of the judgment which I shall quote as follows:—

BELL BROS. PTY. LTD. V. SHIRE OF SERPENTINE-JARRAHDAL

Before Barwick C.J., McTiernan, Kitto, Menzies and Windeyer JJ.

The court determined unanimously—not by a split decision which might have gone one way or the other—that because of the 1967 decision in the Marsh case Bell Bros. were entitled to the refund of license fees paid from 1961 to 1966. The case is completely analogous with the present case with regard to receipt duty. I will quote a few points from the judgment. Chief Justice Barwick said—

The applicant's claim was that the respondent had no authority to demand such fees for the grant of such licenses without which the applicant could not lawfully quarry on such land.

He further stated—

I entirely agree with my brother's reasons for that conclusion and agree that the payments by the applicant were obtained by that kind of extortion commonly covered by the description of payments exacted *colore officii*. I agree that the appeal should be allowed.

Justice McTiernan said, in part—

The claim as put in the statement of claim is for: "... moneys payable by the defendant to the plaintiff for moneys had and received by the defendant for the use of the plaintiff being (a) moneys unlawfully demanded by the defendant *colore officii* and paid by the plaintiff involuntarily in that it was illegally exacted from the plaintiff by the defendant as the condition of a license issued to the plaintiff to win gravel and stone which license the plaintiff ought to have been granted without such payment;

The judgment goes on—

The action was fought on the basis of a statement of agreed facts to which were annexed the by-laws in question and the correspondence between the parties and their legal representatives which was considered relevant.

The following are admitted facts: Both parties at all material times believed the by-law under which the charges were levied to be valid.

The judgment continues—

The correspondence when viewed with the by-laws may not support these admissions, but the parties wished the case to be heard on the basis of those admissions.

I am of opinion that it is enough in a case such as the present for the plaintiff to show the relationship of the parties. This case falls squarely within the dictum of Abbott C. J. in *Morgan v. Palmer* (1824) . . . "It has been well argued that the payment having been voluntary, it cannot be recovered back in an action for money had and received. I agree that such a consequence would have followed had the parties been on equal terms. But if one party has the power of saying to the other, 'That which you require shall not be done except upon the conditions which I choose to impose,' no person can contend that they stand upon anything like an equal footing," to which Bayley J. added: "I entirely agree with the observations of my Lord Chief Justice, which show, that the payment was by no means voluntary".

Justice Kitto, *inter alia*, had the following to say:—

I need not discuss the second of the applicant's propositions, for in my opinion the claim should have succeeded upon the first. The contrary opinion of the learned judges of the Supreme Court resulted from a reading of the judgments delivered in this Court in *Mason v. New South Wales* (1959), 102 C.L.R. 108, as involving that money which has been paid in order to obtain a licence which the payer needed, and which the recipient had power to grant but no authority to charge for, is not recoverable unless a conclusion be drawn from additional circumstances that the payment was involuntary. But the case was not of that kind, and the judgments do not support the proposition.

This is the important part—

A State, under legislation passed by its parliament, had taken fees for permits to carry goods on interstate journeys, but the purported prohibition of carrying goods on such journeys without a permit was constitutionally invalid and consequently persons who had paid fees for permits could not rest their case for recovery on the ground that a need to obtain permits to make desired journeys had rendered payments of fees for such permits involuntary. It was argued against them that having in truth no need of permits they yet had paid the fees, freely choosing to do so rather than to proceed on their interstate journeys and resist any prosecution for not having permits. To answer that

argument, it was necessary for them to show circumstances of compulsion, and in order to do so they pointed to the existence of statutory provisions giving power to officials of the State to seize the vehicles of persons acting in breach of the purported prohibition, and to the conduct of such officials thereunder. The Court considered that in the circumstances it was reasonable for them to apprehend, as they did, that seizure of their vehicles would follow any exercise of the right to make their journey without permits, and the conclusion followed that they had not been on equal terms with the State, and that for that reason the payments had not been voluntary and were recoverable.

Then it goes on to say—

The right of recovery after a demand *colore officii* rests upon the assumption that the position occupied by the defendant creates virtual compulsion, where it conveys to the person paying the knowledge or belief that he has no means of escape from payment strictly so called if he wishes to avert injury to or deprivation of some right to which he is entitled without such payment.

Finally, it says—

A plaintiff's right to recover in an action for money had and received such as this depends upon proof that the moneys were paid by him involuntarily, that is, as the result of some extortion, coercion or compulsion in the legal sense. Exactions *colore officii* are a form of extortion.

Mr. Speaker, you know as well as I that the stamp tax legislation provides for a substantial penalty and double tax if the person does not pay. That is the compulsion. Therefore, it is not a question of whether they protested or not, or whether they paid voluntarily or not. By this unanimous judgment, every person who has paid stamp duty under the section which has been declared invalid is entitled to a refund of his money and is bound to get it. The Commonwealth does not contemplate enacting retrospective legislation to cover the period prior to the 18th November, 1969. Therefore, the State knows at the present time that it is liable to refund the tax covering that period and the Government ought to be calculating the amount at the present time—not waiting to see what the Commonwealth does or does not do with regard to legislation covering the transitional period.

It is idle for the Premier to take the stand which he is taking and to say that confusion and all sorts of difficulties will result if he does anything about refunding the money now. The situation is crystal clear; it cannot be altered. At the present time the State is liable to refund the tax

paid under the section mentioned by me covering the period from 1966 to the 18th November, 1969. In my view, it will also be liable to refund the tax paid for the period subsequent to the 18th November, 1969, because I cannot, in the existing circumstances, see the Commonwealth succeeding where it has already failed.

SIR DAVID BRAND (Greenough—Treasurer) [9.04 p.m.]: I simply want to say that the States—and, doubtless, the Commonwealth—will seek the advice of the best legal authority available in the Commonwealth. I am no lawyer and, therefore, I am bound to rely on the best legal advice that can be obtained in respect of any decision to be made. It must be extremely clear to everybody who thinks sensibly on this matter that the States must act together. Whether one State introduced legislation a year or a month earlier than another State does not matter; the decision will be based on the same principle.

If Western Australia has to refund a little further back than some other State, this will be done, of course. Nevertheless, the overall decision will have to be taken by the States as a group, for several reasons. Firstly, I refer to the immense amounts of money involved. Secondly, there is only one way through which the States can get relief if the legislation is once more rejected in the Senate; that is, through the Commonwealth aid which was promised by the Prime Minister at the last election. That is where the matter rests.

As far as I am concerned, I repeat that I am very anxious indeed to have some final decision made, but I believe it is best left until something definite comes from the Commonwealth on this matter.

Question put and passed.

Bill read a third time and transmitted to the Council.

House adjourned at 9.06 p.m.

Legislative Council

Wednesday, the 12th August, 1970

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

QUESTIONS (13) : ON NOTICE

1. CLOTHING REPAIRS

Allegation Regarding Charges

The Hon. R. F. CLAUGHTON, to the Minister for Justice:

- (1) Is the Minister aware that recently an overseas visitor was charged \$100 for alterations to trousers?

- (2) Is he also aware that the visitor has now left the State without the clothing referred to in (1) above?
- (3) As this matter must reflect badly on the State's reputation, would the Minister undertake to have the allegations investigated?

The Hon. A. F. GRIFFITH replied:

- (1) An article which appeared in the "Weekend News" of the 8th August, 1970, and to which this query appears to refer, was brought to my notice as a result of this question.
- (2) No, I am not aware that this is so.
- (3) It occurs to me that this is a problem which has arisen between the parties concerned, and over which I have no control.

2. WORKERS' COMPENSATION *Pneumoconiosis Medical Board*

The Hon. J. J. GARRIGAN, to the Minister for Mines:

- (1) During the year ended the 30th June, 1970, how many applications for workers' compensation, pursuant to Section 8(1) (d) of the Workers' Compensation Act, were referred to the Pneumoconiosis Medical Board?
- (2) How many men were examined by the Board during this period?

The Hon. A. F. GRIFFITH replied:

- (1) Statistics in this respect are maintained on a calendar year basis. During 1969, there were 345 applications, including 150 new claimants and 195 reviews.
- (2) All of the above applicants were examined.

3. *This question was postponed.*

4.

MINING

Iron Ore Royalties

The Hon. H. C. STRICKLAND, to the Minister for Mines:

- (1) What royalties were received for the last financial year from—
 - (a) Mt. Goldsworthy;
 - (b) Mt. Newman;
 - (c) Hamersley Iron; and
 - (d) Australian Iron and Steel Ltd.?
- (2) Are these amounts for a full year?

The Hon. A. F. GRIFFITH replied:

- (1) (a) Mt. Goldsworthy—\$2,287,889.82
- (b) Mt. Newman—\$2,966,029.89
- (c) Hamersley Iron—\$6,941,137.10
- (d) Australian Iron and Steel Ltd.—\$638,817.44
- (2) Yes.