Legislative Assembly

Thursday, the 14th September, 1961

CONTENTS

The SPEAKER (Mr. Hearman) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS ON NOTICE

MIDLAND ABATTOIR IMPROVEMENTS

Programme During Current Financial Year

1. Mr. BRADY asked the Minister for Agriculture:

   (1) What improvements are to be carried out at the Midland Abbattoir in the current financial year?

   (2) Have the improvements been commenced?

   (3) Is it anticipated the work will be completed in the current financial year?

   Mr. NALDER replied:

   (1) (i) Sheep and pig lairage extensions—first phase.
   (ii) Installation of new boiler.
   (iii) Saleyards extension.
   (iv) Casings department extensions.

   (2) Yes; but actual construction of casings department extension has not yet been begun.

   (3) Items (i) and (ii) will be completed this financial year.

   Saleyard extensions could be completed, subject to approval for road closure.

   The casings department extensions are not expected to be completed in this financial year.

2 to 5. *These questions were postponed.*

SENIOR HIGH SCHOOL AT NARROGIN

Students and Teachers

6. Mr. W. A. MANNING asked the Minister for Education:

   Further to my question and the answer given on the 12th September, would he now advise the figures applicable to the Narrogin Senior High School—

   (a) number of students;

(b) number of teachers;

(c) number of first-year teachers;

(d) proportion of scholars to teachers; and

(e) percentage of first-year teachers to the total staff?

Mr. WATTS replied:

(a) 596

(b) 32

(c) 7

(d) 18.6 per cent.

(e) 21.9 per cent.

MRS. DIXEY

Tabling of Housing Commission File

7. Mr. GRAHAM asked the Minister, representing the Minister for Housing:

Will he lay on the Table of the House for one day the file of Mrs. Dixey, of lot 47A Sydenham Street, Belmont?

Mr. ROSS HUTCHINSON replied:

Yes.

The file was tabled.

8. *This question was postponed.*

METROPOLITAN WATER SUPPLY DEPARTMENT

Expenditure on Reconditioning Mains and Sewers

9. Mr. TONKIN asked the Minister for Water Supplies:

(1) What was the annual expenditure by the Metropolitan Water Supply Department on reconditioning—

(a) water mains; and

(b) sewers;

during the period 1951-52 to 1960-61 inclusive?

Meter Readings

(2) Are there any consumers whose premises are metered who have not been furnished with at least one meter reading this financial year? If so, how many?

(3) How many consumers have already used the full amount of their water allowance and are on excess consumption?

(4) Will those consumers who are already on excess consumption have further meter readings this financial year? If so, at what intervals?

Mr. WILD replied:

(1)

	(a) Water Mains	(b) Sewers
	£	£
1951-52	48,088	10,593
1952-53	96,349	19,193
1953-54	54,660	15,936
1954-55	83,412	19,490
1955-56	92,745	41,510
1956-57	37,390	35,360
1957-58	24,848	49,949
1958-59	32,532	21,190
1959-60	25,590	11,540
1960-61	122,496	78,666

(2) Yes. Approximately 59,000.

(3) 865 domestic consumers at the 13th September, 1961, at which date 39,123 readings had been dealt with.

(4) Yes. At the final general reading (February-June) within approximately 7 months of the first or "interim" reading (July-November).

RAILWAY WAGONS

Contract for Bogies, Wheels, and Axles

10. Mr. TONKIN asked the Minister for Railways:

(1) From what sources will the bogies, wheels, and axles be obtained to permit of the fulfilment of the contract with Tomlinson Steel Ltd. for the construction of 150 general purpose railway wagons?

(2) Did the Commissioner of Railways suggest that this contract or any portion of it should be done at the Midland Workshops?

(3) Was the department permitted to tender for the work?

Mr. COURT replied:

(1) The bogies, wheels, and axles will be provided from a general order placed for project work with the successful tenderers, Hadfields (W.A.) 1934 Ltd., (bogies), George Wills and Co. Ltd., Perth, agents for John Baker and Bessemer, England (wheels and axles).

(2) and (3) The Commissioner of Railways has pressed for the construction of additional rolling-stock to meet current transport demand and to replace obsolete and over-age wagons.

Part of the R.C.B. programme is being done at Midland Junction Workshops and this tender is additional to a full programme of work allocated to the workshops. Therefore, the question of W.A.G.R. tendering does not arise.

BUILDING SOCIETIES

Source of Money Lent to Clients

11. Mr. HALL asked the Chief Secretary: Is it possible to identify the source, in individual cases, of moneys that have been made available to clients by building societies where such societies use their own funds as well as moneys drawn from the State Housing Commission, and where different rates of interest are charged?

Mr. ROSS HUTCHINSON replied:

No, except in the case of moneys made available under the Commonwealth-State Housing Agreement Act.

Scottish Building Society: Moneys from Housing Agreement Funds

12. Mr. HALL asked the Minister representing the Minister for Housing:

(1) On what dates were moneys drawn by Scottish Building Society from Commonwealth-State Housing Agreement funds?

(2) What sums were drawn in each case respectively?

Mr. ROSS HUTCHINSON replied:

(1) and (2)

1959-60

1959	£
November 5	13,460
November 18	3,500
December 7	2,665
December 17	1,100
December 29	1,400
1960	**£**
January 7	1,050
January 14	2,750
January 25	4,100
January 25	5,525
February 5	1,710
February 9	7,400
February 22	3,360
February 25	2,180
March 3	850
March 8	1,450
March 9	1,750
March 16	2,290
March 18	2,120
March 25	700
March 30	2,050
April 12	9,490
April 28	300
May 2	5,450
May 11	2,700
June 1	150
June 13	550
June 22	800
June 27	900
	£81,750

1960-61

1960	£
July 27	1,950
August 3	1,050
September 8	50
October 20	2,750
October 25	50
October 27	2,750
November 8	7,300
November 25	2,750
December 8	950
December 15	2,620
1961	**£**
January 10	4,340
January 31	10,370
February 6	2,910
February 17	2,900
February 27	1,150
March 3	1,880
March 9	2,400
March 24	200
March 28	1,100
April 6	920
April 13	260
April 14	2,750
April 17	2,070
May 9	4,850
May 10	480
May 17	1,960
May 25	2,870
June 7	80
June 8	1,970
June 9	2,750
June 27	820
June 30	2,060
	£73,310

1961-62

1961	£
July 20	2,150
August 3	4,030
August 18	330
September 6	260
September 11	150
September 12	2,070
	£8,990

LONG-SERVICE LEAVE

Payment to Former Employees of State Building Supplies

13. Mr. HAWKE asked the Premier: What progress has been made to date in payment of accrued long-service leave to former employees of the State Building Supplies?

Mr. BRAND replied:

Accrued and *pro rata* long-service leave has been paid to all former State Building Supplies' employees, who require payment, with the exception of the following—

	Employees
Victoria Park Yard	208
Armadale Brickworks	125
Byford Brickworks	50
Salaried Officers	125

Payment is being made as each section is checked by the Audit Department, and will be finalised by the end of next week.

COTTON GROWING IN WILUNA

Inclusion in Study Tour by Mr. W. J. Toms

14. Mr. BURT asked the Minister for Agriculture:

(1) In view of the fact that Mr. W. J. Toms, research officer of the Department of Agriculture, will soon leave for U. S. A. to study cotton growing, will he ensure that—

(a) aspects of cotton growing in the Wiluna area are included in the study;

(b) in due course he advises the House of many comments and findings of such study tour in relation to the future of cotton growing in Wiluna?

Experiments at Wiluna Research Site

(2) Will the department continue to experiment with cotton growing at the new research site in Wiluna?

Mr. NALDER replied:

(1) (a) Mr. Tom's inquiries will be concerned primarily with the present Kimberley cotton project, but the information obtained will have application to any development undertaken at Wiluna or other centres.

(b) Until further trials are conducted at Wiluna, a useful appraisal of possibilities at that centre is not possible.

(2) Cotton experiments are anticipated at the new research site at Wiluna when the district water supply has been evaluated and when irrigated facilities are available.

MAIN ROADS DEPARTMENT DEPOT

Establishment at Meekatharra

15. Mr. BURT asked the Minister for Works:

(1) Is he aware that the Main Roads Department engineer at Kalgoorlie has to supervise an area from Esperance in the south to Wiluna in the north, as well as the Western Australian section of the Eyre Highway?

(2) Will he give consideration to the establishment of a Main Roads Department depot at Meekatharra, including an engineer to supervise road construction and maintenance throughout the Murchison district and including the areas north of Meekatharra and south of Wiluna?

Mr. WILD replied:

(1) Yes.

(2) Consideration has been given by the Commissioner of Main Roads to the matter of establishing a Main Roads district centre at Meekatharra, together with engineer and depot, and it is considered that the area referred to is at present adequately administered from the Geraldton and Kalgoorlie Main Roads Department district centres.

NATIVE FLORA PROTECTION ACT

Policing

16. Mr. OWEN asked the Minister for Forests:

(1) Have court proceedings ever been taken against any person for the picking of wildflowers in contravention of the Native Flora Protection Act?

(2) If so, have there been any convictions, and what penalties have been imposed?

(3) As by proclamation under the Act, and published in the *Government Gazette* of the 14th September, 1956, all wildflowers or native plants within all roads within fifty miles of the G.P.O. Perth, are protected, and in view of the almost total disregard of this provision by many of the travelling public, will he make available the services of forestry officers to co-operate with shire councils in more strictly policing the Act, particularly in the hills area?

Mr. BOVELL replied:

(1) No.

(2) Answered by No. (1).

(3) Forestry officers are aware of their powers under section 12 of the Native Flora Protection Act, 1935-1938, and they police the Act in the course of their normal duties. Many honorary inspectors have been appointed, and additional appointments can be made at the request of shire councils to assist them in any campaign against alleged offenders.

SPEED OF MOTOR VEHICLES

Suspension of Licenses During August

17. Mr. OLDFIELD asked the Minister for Police:

How many drivers have suffered suspensions of license for speeding offences during the month of August, 1961, committed whilst driving—

(a) cars, utilities, and vans;

(b) trucks up to seven ton capacity;
(c) trucks over seven ton and up to 13 ton capacity;
(d) trucks over 13 ton and up to 20 ton capacity;
(e) trucks over 20 ton capacity;
(f) motor buses?

Mr. COURT (for Mr. Perkins) replied:
(a) 100.
(b) Nil.
(c) Nil.
(d) Nil.
(e) Nil.
(f) Nil.

FAUNA IMPORTATIONS

Ban

18. Mr. W. HEGNEY asked the Minister for Fisheries:
(1) Is it proposed to impose a ban on foreign fauna throughout the State?
(2) If the reply to No. (1) is "Yes," will he state the reason?
(3) Does he know whether other States in Australia have imposed the ban?

Advice to Aviculturists

(4) Have known aviculturists been communicated with recently in regard to this matter?
(5) If the reply to No. (4) is "Yes," will he state the nature of such communication?

Mr. ROSS HUTCHINSON replied:
(1) Following discussions between the Agriculture Protection Board and the Fauna Protection Advisory Committee, it has been agreed not to allow the importation of certain birds into the State.
(2) It is a world-wide belief that the introduction of exotic fauna of any kind into any country is undesirable. The introduced kinds, if at liberty, can virtually in all cases exist only at the expense, either directly or indirectly, of native species, as witness the fox, rabbit, goldfinch, etc. Furthermore it is practically impossible to control them. Many introduced birds are, or could become, grain feeders; and, as such, are inimical to agriculture. It is true that while these birds are caged no damage can be done; but in the case of the goldfinch, for example, the large colonies now common in the wild state in the metropolitan and near-metropolitan area are the progeny of escaped or liberated aviary birds.
(3) No.
(4) Yes.
(5) There have been two communications. One was sent by the Fisheries Department to all licensed aviculturists warning that undesirable exotic birds are likely soon to be declared vermin by the Agriculture Protection Board, and suggesting that trading in and breeding of the species concerned cease. The other was sent by the Agriculture Protection Board to organisations interested in aviculture, and to prominent bird-dealers, saying that a meeting would in due course be called to discuss the whole question.

TROTTING RACES

Re-runs: Terms Used and Club By-law

19. Mr. TONKIN: asked the Chief Secretary:
(1) In view of his ingenuity in detecting a difference between the terms "run over again" and "re-run" will he explain the difference between "starting a race over again" and "re-starting a race"?
(2) What particular by-law of the trotting club governs the position where a race has been ordered by the stewards to be re-run?

Mr. ROSS HUTCHINSON replied:
(1) An explanation of the terms mentioned by the honourable member is completely unnecessary, as phrases can be understood fully only in the context in which they are used.
(2) By-law 94, which is thought to have no application to a re-start as distinct from a re-run. However, it is not for me but for the stewards, under by-law 98, to determine any dispute.

20. *This question was postponed.*

SOUTH FREMANTLE POWER HOUSE

Reversion to Coal Fuel

21. Mr. MAY asked the Minister for Electricity:
(1) Having regard for his statement that the Government requires 31,500 tons of coal fortnightly for S.E.C. and railway purposes, and the advice that the two producing coal companies have sufficient manpower and can produce in excess of 41,000 tons of coal per fortnight, will he state, in order to eliminate any risk in the reduction in the work force at Collie, when the back-lag of coal has been achieved, whether the South Fremantle power house will revert to coal fuel?

Contracts for Supply of Oil

(2) Will he advise the House whether the Government has signed contracts with any of the oil companies to supply oil to the South Fremantle power house, and the period of such contracts?

Mr. WATTS replied:

(1) and (2) The two commissions (Railways and Electricity) are at present investigating their coal requirements. It is expected that as a result there will be an increase in coal orders.

The South Fremantle station is being used only for peak period and standby generation as, owing to the lower cost of coal at Bunbury, it is is more economical to generate as much as possible at that station.

It is not expected, however, that South Fremantle will revert entirely to coal as there is an arrangement between the Electricity Commission and the oil company for limited supplies of oil for a period.

BOAT ACCIDENTS

Drownings, and Damage to Craft

22. Mr. CROMMELIN asked the Minister for Police:

(1) How many drowning fatalities were there in each of the five years ended the 30th June, 1961, caused by mishaps to powered boats on the Swan River?

(2) How many drowning fatalities were there in the open sea off the coast between Sorrento and Safety Bay caused by mishaps to powered boats in this area in each of the same five years, irrespective of licensed boats?

(3) How many licensed fishing boats and crayfish boats suffered loss or damage in the pursuit of their work in each of the same five years?

(4) How many drowning fatalities have occurred in each of the same five years as the result of boating mishaps at—

(a) Geraldton;
(b) Busselton;
(c) Bunbury;
(d) Albany;

not including licensed boats?

Mr. COURT (for Mr. Perkins) replied:

(1) 1957—Nil.
1958—Nil.
1959—Nil.
1960—Nil.
1961—1.

(2) 1957—1.
1958—Nil.
1959—1.
1960—3.
1961—Nil.

(3) Fishing boats and cray fish boats wrecked and lost—
1957—5.
1958—9.
1959—11.
1960—11.
1961—30.
I should add that out of the 30, two were salvaged. Unfortunately, that information has not been included in the written answer.
No record is kept of the number of fishing and crayfish vessels that were damaged in the pursuit of their work during that period.

(4) 1957—Geraldton 2; Albany 3.
1958—Nil.
1959—Busselton 1.
1960—Albany 1.
1961—Albany 2.

TRAFFIC INSPECTORS

Employment by Local Governing Bodies: Tabling of Returns

23. Mr. WATTS (Minister for Education): On the 29th August the member for Warren sought certain information from the Minister representing the Minister for Local Government in regard to traffic inspectors. This information was not available, but I now have the returns and ask that they be laid on the Table of the House.

The returns were tabled.

HEARING AIDS

Supplies to Pensioners

24. Mr. ROSS HUTCHINSON (Chief Secretary): Two days ago the member for Albany asked me to investigate a matter concerning hearing aids. I have the results of that inquiry which are as follows:—

The Royal Perth Hospital has never supplied hearing aids to patients, but on occasions ear, nose and throat clinics do refer patients requiring hearing aids to the Almoner Department for investigation. This is done in a purely advisory capacity and in an endeavour to obtain the appliance at the lowest cost and on the best terms for the patient.

I am advised that some suppliers have supplied hearing aids at a very low figure and, in some cases, free of charge.

If the honourable member considers it desirable, he may cite the individual case to the hospital and further inquiry can be made.

QUESTION WITHOUT NOTICE

IRON ORE: MT. GOLDSWORTHY DEPOSITS

Tenders

Mr. BICKERTON asked the Premier:

(1) Is he in a position to give the House any details regarding the tenders which have been called for the Mt. Goldsworthy iron ore?

(2) Does he consider all or any of them satisfactory?

(3) If he is not in a position at this stage to give any details, when can we expect to know the outcome of the tenders?

Mr. BRAND replied:

(1) to (3) The tenders are voluminous in themselves — they are really large documents—and a committee has been appointed to deal with them. It will certainly be some time before any final decision is made. It is a matter of assessing the value of the cash and kind offers that have been made. I should think it will be about three weeks at least, or a little longer, before any decision is made.

BILLS (2)—INTRODUCTION AND FIRST READING

1. Church of England (Northern Diocese) Bill.

2. Churches of Christ, Scientist, Incorporation Bill.

Bills introduced, on motions by Mr. Watts (Attorney-General), and read a first time.

COMPANIES ACT AMENDMENT BILL

Second Reading

MR. WATTS (Stirling—Attorney-General) [2.36 p.m.]: I move—

That the Bill be now read a second time.

This Bill is produced to the House in advance of the proposed uniform company legislation, notice of which is already on the notice paper, for the reason that the movement towards uniformity of company law which has taken place as a result of conferences of State and Commonwealth Ministers on a number of occasions has exposed and high-lighted a Western Australian local anomaly, which it is thought only just should be cleared up or rectified in the manner proposed in this Bill, before the uniform companies Bill is introduced.

The anomaly in question deals with the matter of registration under the existing Act of 1943—and, indeed, going back to the original Companies Act of 1893—of foreign companies which are carrying on banking or life assurance business in Western Australia.

By section 5 of the Companies Act, 1943 it is provided that the other provisions of the Act do not apply to banking and life assurance companies incorporated outside the State; and accordingly they have been exempted from the need to register in this State. They have, however, been carrying on in this State perfectly lawfully for half a century or more—in some cases much longer than that. But, as I said, the same position as pertains under the 1943 Act pertained under the better-known earlier Companies Act of 1893.

This exemption from the obligation to register in respect of the foreign companies carrying on the particular businesses I mentioned is peculiar to this State. Similar provisions have not existed in other States. If a company of that nature registered in New South Wales, carried on business in Victoria as a foreign company it would have been requisite for it to register and pay the registration fees there applicable. That was not so in Western Australia.

Mr. Nulsen: It never has been.

Mr. WATTS: No; it never has been; and it was isolated in that particular regard. Also we must bear in mind, in anticipation of the uniform companies legislation that the obligation to register will be imposed on these people under the new uniform Companies Act, if and when it becomes law. Therefore the exemption will disappear. Banks and life assurance companies will then be required to register and it is thought, so far as the uniform agreement is concerned, that there is no logical reason why this local immunity should continue.

In this State there are 10 banking companies, and they will be affected—and most of the life companies will be affected—by the change in the law when it takes place; and they will, when registered, become liable to pay fees based on the nominal capital or, in the case of a company not having share capital, on the number of its members at the rate to be prescribed in the new measure.

A mutual life assurance company will not be seriously affected because its fee would be based on the number of its members; and, in all probability, the fee would be something in the vicinity of £60 for the average company. But, as I have said, banking institutions which carried on without registration in this State quite lawfully without the payment of registration fees would become liable to a payment of £40,000. It is therefore considered that that would not be a fair proposition in view of what our law has provided hitherto.

At this stage I might say, too, that any life assurance company which will have its fee based on share capital could also be relatively in the same position. I referred before only to mutual life companies. As I have said, it has been regarded that that state of affairs, if it is allowed to continue—as it would if this amendment was not brought forward at this stage—would be grossly unfair. We are advised that we cannot offer these companies registration under the existing law because it is quite clear from section 5 of the Act that there is no obligation or any right for us to register them.

On the assumption that the present proposals contained in the uniform Bill which is about to come before the House will not be altered because there is a general desire to maintain that degree of uniformity which has been reached, it is thought some reasonable relief should be offered to those companies in the matter of registration fees enabling them to register now before the coming into operation of the uniform legislation and to pay a reasonable fee for that purpose. If they came under the existing Act without any specific registration fee being provided they would be registered at a fee of £25. That fee was fixed many years ago; and, in all the circumstances of the case, it is considered to be rather inadequate at present.

The great disparity between the maximum amount chargeable, which I have mentioned, and the amount that would be charged under the proposed uniform scale, necessarily brings up the idea that there should be some special rate or fee. That special fee has been set down in this Bill at £100; and it would be prescribed as a new item to be added, by way of this amending Bill, to the tenth schedule of the Companies Act, 1943.

This Bill, then, proposes to enable these companies to register under the existing law, which hitherto has not enabled them to do or required them to do and, in applying for that registration, to obtain it on the payment of a fee of £100—assuming, of course, that other requirements have been complied with. That is what the Bill contains, and it seeks to remove an anomaly which occurred in rather unusual circumstances.

Debate adjourned, on motion by Mr. Nulsen.

CRIMINAL CODE AMENDMENT BILL

Second Reading

MR. WATTS (Stirling—Attorney-General) [2.46 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill to amend the Criminal Code; and I think I might safely say that, in reality, it is in three parts. The first part is to abolish the death penalty in respect of the crime of murder and to retain it in respect to the crime of wilful murder. It is quite clear that the last-mentioned crime, as defined by the Criminal Code, involves an actual intent to kill, and that is clear from the definition, which reads, "the unlawful killing of another intending to cause his death or that of some other person."

I wish to make it clear that the amendment in this Bill will in no way limit or abrogate the right of Executive Council to recommend that the penalty of death be commuted to a lesser penalty in the same way as has always been available if it appears that there are circumstances which warrant such recommendation. In that regard, there is nothing to affect the Royal prerogative.

Hitherto it has been mandatory for judges, when a person has been convicted either of wilful murder or murder, to impose or record the death penalty. If this measure passes this will be the case only with regard to conviction for wilful murder. In respect of convictions for murder a sentence of life imprisonment will be imposed. This, as most members know, means imprisonment for the term of the person's natural life, and not for any period of years.

It is considered that the dividing line between these two types of crime should be retained. That is to say, the dividing line between premeditated cases, which come within the category of wilful murder, and those killings done in the course of some wrong-doing where no intention to kill can be proved which, broadly speaking, covers the definition of "murder" as contained in our Criminal Code.

It must, of course, be also borne in mind that a person charged with wilful murder can be convicted by the jury, as is the present position, of a lesser crime, other than murder or manslaughter; and the effect of this Bill, as members will obviously see, will not depend upon what the person is charged with but what the jury convicts him of. We want to make that perfectly plain.

The next provision is to ensure that a person convicted of murder, or convicted of wilful murder, and whose sentence has been commuted, cannot be released under 15 years unless within that period the Governor is satisfied that there has been a miscarriage of justice, or, on account of the serious ill-health of the person, he deems it proper that he should be released earlier. This is subject to the proviso that the Governor must be satisfied that it is unlikely the life of any person will be endangered by the release.

Hitherto, but not under any statute or regulation but merely by administrative Acts, it has been customary for the file of every person under sentence of imprisonment for life to be reviewed by

Executive Council every five years, and therefore possible to release such a prisoner at the expiration of five, 10, or 15 years, or any time in between.

There are on record cases where persons have been convicted of murder, and wilful murder, who have been released long before 15 years: in one case in as short a period as five years. There is a very heavy responsibility, I would submit, imposed upon anyone who would release a person who has been convicted of wilful murder, and whose sentence has been commuted —or who has been convicted of murder— upon the public until he has served a very considerable period of imprisonment; because I think we must continue to regard in a way of life such as we know these two crimes as the two most serious—or at least included in the most serious—in our calendar.

So I think we must hesitate very strongly before we let loose upon the public any person who has been so convicted without a considerable period of imprisonment having been served; and this Bill with the exception of a miscarriage of justice, or in the case of ill-health of the person, both of which must be taken into consideration—particularly the first, of course—provides no such action can be taken within 15 years.

The third proposition in the measure is to clear up some doubt which has been expressed by the Chief Justice as to the authority of judges of the Supreme Court, when dealing with offences in which the use of a vehicle is an element of the offence, to suspend the driver's license and/or disqualify the convicted person from holding a license.

The Chief Justice has, on more than one occasion, and in writing, expressed doubt as to whether the authority to suspend a license exists beyond three years; although it is on record that judges of the Supreme Court have, after a conviction for negligent driving causing death, involving the use, of course, of a vehicle, ordered that the license be suspended for life. But there appears little doubt that they are concerned as to the validity of these decisions. This Bill proposes to place the matter beyond doubt, and it gives a judge authority to suspend a license, which is already held, for such period as he thinks fit and declare the person disqualified; and also provides that if the person does not hold a license he may be disqualified from obtaining one.

It has been considered desirable, however, to apply the same principles to this measure as were applied in the Traffic Act Amendment Act, 1959, under which, as members will recall, magistrates were able, having regard to the circumstances, to grant a restricted or limited license for certain hours or routes; or whatever type of restriction the magistrate thought fit, including an inquiry as to the safety of the public; so that the difficulty which has been experienced where the exercise of the Queen's prerogative might be used of the license having to be restored *in toto* could be overcome.

There have been a number of applications to magistrates, and reports that have reached me in regard to those applications reveal that the legislation passed in 1959 has worked satisfactorily. I understand there has been only one case out of the great number that have come before the magistrates, and out of those where a restricted license has been issued that has returned to the court subsequently because of a further offence under the Traffic Act.

In consequence, it is regarded by magistrates as having been a very desirable and useful contribution towards the solution of a very difficult problem. Similar principles are proposed to be applied in this measure, bearing in mind of course that the order is being made by a judge of the Supreme Court in the first place and therefore any review must be by a judge of the Supreme Court also; and that no review can be asked for within six months of the original order. Otherwise the powers of the judge will be similar to those contained in section 33A of the Traffic Act which, for the purposes of this amending Bill, is deemed to be incorporated in this legislation.

I might say that the Bill is a genuine attempt to amend the Criminal Code in respect of these three matters in such a way as to enable reasonable justice to be done. As I think is well known to members of this House, the English law has the death penalty in respect of crimes known as capital murders under the Homicide Act, passed some three or four years ago. The terms of that Act seem to be most unsatisfactory; and I gather that the curious situations that it creates have brought it to some degree into disrepute and I will endeavour to explain shortly why I say that.

For example, a killing connected with theft, even though it may have been quite unintentional, is capital murder. A killing with a pistol or explosive is capital murder whereas a killing of a brutal nature with a club or a knife is not such, unless it is a killing of a police officer or prison officer or in course of theft.

So, as will be readily observed, there is considerable risk—and that risk is apparent to some people—of grave anomalies arising under that particular legislation. My observation has led me to believe that there is dissatisfaction with the existing law because of the anomalies that could be created, and the proposals in this Bill seem to be an advance along lines which are eminently sensible and desirable. In the circumstances, I move the second reading of the Bill.

Debate adjourned, on motion by Mr Graham.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

MR. WATTS (Stirling—Attorney-General) [3.1 p.m.]: I move—

That the Bill be now read a second time.

Despite its title, this Bill has nothing to do with judges' salaries, but only with pensions. For some considerable time the judges have requested that their pension entitlement should be brought into line with the pensions payable to judges of the High Court.

Prior to 1950 a Supreme Court judge was entitled on retirement at 60 years or over, to a pension equal to one-half of the annual salary of his office; and if he became permanently incapacitated he would be entitled to the same rate. Prior to 1950 a pension was not payable to the widow of a deceased judge.

In 1950 a new idea was approved by Parliament under which a judge serving at that time could elect for, and a judge appointed after that time would be entitled to, a maximum pension of 40 per cent. of the annual salary on retirement, depending on the length of service; and the widow of a deceased judge would be entitled to 20 per cent. of the annual salary, or one-half of the judge's pension. That is where the situation now stands.

In New South Wales, South Australia, Queensland, and Western Australia, judges must retire on attaining the age of 70 years. In Victoria the compulsory retiring age is 72. There is no compulsory retiring age in Tasmania, nor is there for the High Court. The maximum pension on retirement as a percentage of salary is 60 per cent. in New South Wales; 50 per cent. for the High Court, Tasmania, and South Australia; and 40 per cent. in Western Australia, Victoria, and Queensland.

The maximum pension for permanent incapacity is 60 per cent. in New South Wales; 50 per cent. for the High Court, Tasmania, and South Australia; and 40 per cent. in Western Australia, Victoria, and Queensland. For the widow, the maximum pension as a percentage of salary is 25 per cent. for the High Court, Tasmania, and South Australia; and 20 per cent. in Western Australia, New South Wales, Victoria and Queensland.

So it will be apparent from most aspects that, at this juncture, the benefits permitted in Western Australia are lower than those permitted in several of the other States. It has to be said that in South Australia a contribution is made by the judges; that is the only State in Australia where such a scheme applies. There is no such contribution in the other States. In Western Australia the pension system, based on the same principles, if not exactly the same in details, has been in operation since 1896.

This Bill proposes to adopt the scheme now applying to judges of the High Court; that is, for retirement at the age of 60 or over a pension equal to 50 per cent. of the annual salary will be payable after a minimum of 10 years' service, instead of 40 per cent. after 15 years' service as at present. A pension of 27½ per cent. is now payable after 10 years' service.

For retirement by reason of permanent disability or infirmity the following is a comparison of the rates which would be payable:—

Service	Present Rate %	Proposed Rate %
Less than 2 years	15	14
Two years	15	18
Three years	15	22
Four years	15	26
Five years	15	30
Six years	17½	34
Seven years	20	38
Eight years	22½	42
Nine years	25	46
Ten years	27½	50 (max.)

The existing provision would continue in respect of the widow of a judge, where the death of the judge occurs after retirement; that is, a widow's pension equivalent to 50 per cent. of the judge's pension.

Those remarks fairly set out what is proposed in this Bill, which follows the procedure in existence in the High Court of Australia; which provides for a little less than the provisions that are applicable in New South Wales; and which contains the same provisions as applying in Tasmania, and no doubt applying in South Australia except for the fact that in that State there is some contribution payable by the judges.

I think it can be said in all the circumstances that this proposition is a reasonable one, which can be adopted by this House, and which I trust will put an end to the controversy which has been taking place for quite a time in respect of this matter. It will place the question of pensions of judges on a firm basis for a long time to come.

It is essential that we should regard the judiciary of the Supreme Court in this State as worthy of complete assurance of their solvency, as it were, and their ability to maintain themselves after they have finished their term of office, or after they have been compelled to retire through ill-health. There is no doubt that the strain upon these honourable gentlemen is very much greater than is normally appreciated, particularly in these days when the work in the Criminal Courts is increasing very considerably, as indeed is the work of the Civil Courts also increasing, and imposes considerable obligations upon the judges.

There is therefore a feeling in my mind that just as the strain is being felt more and more, as the years go by, by responsible members of Parliament—whether they be

on the Government side or the Opposition side—so the same remarks apply to judges of the Supreme Court. We should recognise this and put this question of judges' pensions on a firm basis for once and for all.

Debate adjourned, on motion by Mr. Hawke (Leader of the Opposition).

BILLS (2)—MESSAGES

Appropriation.

Messages from the Lieutenant-Governor and Administrator received and read recommending appropriation for the purposes of the following Bills:—

1. Coogee-Kwinana (Deviation) Railway Bill.
2. Judges' Salaries and Pensions Act Amendment Bill.

METROPOLITAN REGION IMPROVEMENT TAX ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th September.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [3.10 p.m.]: There are two proposals in this Bill and two proposals only. One is to reduce the rate of metropolitan regional tax from ½d. to ⅜d.; and the other, to make the tax permanent.

I am sorry the Minister is not here, because I am going to take him to task for a slap-dash second reading speech. If ever a Bill required some information to be provided in connection with it, this one did. Here is a proposal to make permanent a tax which was limited to next year. But not a single figure did the Minister give to show how much revenue had been received under it; how much was likely to be required; whether there was a plan of expenditure; or anything else.

As a matter of fact, during the course of the Minister's speech the member for Middle Swan said to him, "Have you the total amount of the revenue you collected last year?" The Minister replied, "It will be necessary to take those figures from the files, because any answer I give will need to be accurate." Of course it would; but why did not the Minister take the information out of the files before he brought the Bill here?

The Minister went on to say this—

> I would suggest that queries such as this, from the member for Middle Swan, or from any other member, be placed on the notice paper, or mentioned to me privately, to enable me to obtain the necessary information.

I have never heard the like of it before in my life! The Minister comes here with no information at all, and throws the onus on members to put their questions on the notice paper. No doubt, in reply, they would be told it is not the policy of the T.A.B. to tell it. Having delivered himself of no information at all, the Minister concluded by saying—

> At this stage, I do not think there is anything more I need say . . .

Having said scarcely anything, he did not think there was any need to say any more, so he sat down. The only statement which was worth while, and which appears to be completely ignored by the Minister and by the authority, is this one—

> Essentially, the capital cost of implementing the metropolitan region scheme should be met through long-term loans.

I want members to keep that statement in mind, because it seems to have been completely disregarded by the authority and by the Government. I have here the report of the finance committee of the Metropolitan Regional Planning Authority, which was tabled on the 25th August last year.

In this report the committee dealt with two questions: (a) What is the likely total expenditure to be met from the metropolitan improvement fund?; and (b) Should the authority, as a matter of policy, proceed by way of expenditure of revenue comprised in the fund or by way of funding loans, and what factors are relevant?

I was impressed by that approach to this question. It was most sensible and logical, and indicated, at that stage, that the authority was going about this business in a proper fashion. With regard to (a) this is what the authority reported: It considered it was too early for an exact estimation of costs and so it made general estimates only, and it estimated it would require a total of £6,650,000, plus any money necessary to meet compensation for injurious affection, and plus the cost of any works which it might be obliged to undertake. It estimated it would receive a revenue of £200,000 per year.

Paragraph 8 of this report had this to say—

> The object of the regional plan is to secure major improvements in the metropolitan area and additional facilities in accordance with long-term plans to be realised step by step with the growth of the region and the State.
>
> The second conclusion, therefore, is that the costs of such improvements and facilities should logically be spread over the extended period of realisation of the plan and that it is neither feasible nor desirable to attempt to meet the whole cost at the outset and wholly at the expense of the present taxpayers.

Now I could not agree more. Ideas such as that, I think, are most proper. If long-term planning is being carried out, the benefit of which is going to be experienced

over many years in the future, it is quite wrong in principle to load the present taxpayers with the total cost of the scheme, and the burden should be spread as far as possible over those who will benefit. That is the principle we follow with regard to public works generally, water supply extensions, the building of roads, and the like.

What amazes me is that after expressing such a point of view, the authority should completely depart from that policy and load the cost on to the existing taxpayers in the way it is doing—and I shall say something a little later on about that.

Having delivered itself of that statement which I have just read from paragraph 8, the authority had this to say in paragraph 11—

> The committee, therefore, stresses on the basis of these three conclusions expressed above that the authority should, in principle, use its improvement tax revenue to fund long-term loans to finance the region scheme.

But what has the authority done? It has spent every bob of the revenue it received up till now and has not raised a single pound by way of loan.

Mr. Brand: You cannot get a long-term loan, because the authority is not assured of an income as yet.

Mr. TONKIN: What a lot of nonsense!

Mr. Brand: It is all very well for you to say it is nonsense, but it is cold fact.

Mr. TONKIN: That is a lot of nonsense.

Mr. Brand: Where does the income come from?

Mr. TONKIN: The Government could guarantee it the same way as it did the turf club and trotting association.

Mr. Brand: From general revenue?

Mr. TONKIN: Yes.

Mr. Brand: That is not sufficient in any case.

Mr. TONKIN: It could be permitted to raise a loan in anticipation that Parliament would give its approval, and it could be guaranteed in the meantime.

Mr. Court: But it does not have a separate income.

Mr. TONKIN: It does.

Mr. Court: Only as approved from time to time.

Mr. TONKIN: The Government has the authority in Parliament.

Mr. Brand: Get back on the track.

Mr. TONKIN: The Premier is stymied.

Mr. Brand: I am not stymied.

Mr. TONKIN: Of course you are!

Mr. Bovell: What would happen if Parliament did not approve?

Mr. TONKIN: The authority had no right to use every penny it had.

Mr. Brand: That is the only way it could exist.

Mr. TONKIN: No; it is not.

Mr. Court: It could not raise long-term loans.

Mr. TONKIN: Yes it could, on the same basis that the Government allowed Hawker Siddeley three years free of interest.

Mr. Brand: When you introduced the measure, what did you have in mind in regard to finance?

Mr. TONKIN: That it should raise loans and finance the loans from revenue.

Mr. Court: What about the tax?

Mr. TONKIN: From the tax.

Mr. Court: A special tax?

Mr. TONKIN: Yes, a special tax.

Mr. Court: And a continuing tax?

Mr. TONKIN: Yes.

Mr. Court: That is right. It is the key to it.

Mr. TONKIN: It is not the key.

Mr. Court: Of course it is!

Mr. TONKIN: The key to my argument is that if it financed itself in the proper way this tax could be reduced still further because it would be getting ample to finance long-term loans in the proper way that it should. But because it is living this way it has to start off from scratch next year without a shilling in the Treasury and then use the money raised from the tax next year to finance any loans it has raised.

Mr. Court: Everything is dependent upon the volume of work that it does, too, of course.

Mr. TONKIN: The proper course for it to adopt would have been to raise loans at the commencement and use its revenue for sinking fund and interest, and it could then have reduced the burden upon the taxpayer. But no! The Government preferred this method against its own dictum —that it should spend the whole of the revenue received up to date.

Let us have a look at the figures. Up to the end of August this year, it received £435,211 in revenue from the tax and it expended £432,964 by way of actual payments or commitments—practically the lot. Is that spreading the burden over the taxpayers of the future, or heaping the burden on all the taxpayers of the present period? For the year 1960 to 1961 it collected £221,217. As I have already said, it had not raised a shilling by way of loan, so it has done all its financing from revenue.

The Minister did not give us a plan as to what it proposed to do in the future in regard to this matter, so I asked for information. This information, which is very illuminating, reads as follows:—

> On the advice the authority has been given of the likely availability of loan money, the authority intends to

seek a loan of £200,000 in the current year, followed by similar loans in the succeeding two years. On this basis the authority estimates it will have available to it:

The information in the remainder of the answer revealed that in 1962-63 the tax revenue would be £165,000; loan, £200,000; committed to interest and sinking fund, £26,000; total funds available for capital expenditure, £339,000. Therefore it proposes next year to spend its revenue again. It is estimated that in 1963-64 the tax revenue will be £165,000; loan, £200,000; committed to interest and sinking fund, £39,000; and total funds available for capital expenditure, £326,000.

Therefore its plan is to go on spending the whole of the revenue from year to year and to raise £200,000 a year by way of loan. That is quite contrary to the original concept of how its financing was to be done. Of course, if Governments did that generally they would be in a nice mess!

The general plan in all these things, where the benefit is to be spread over many years, is to have the work carried out by loans and then service the loans from revenue. Take the Metropolitan Water Supply Department, for example. What a fine mess we would be in if every time the department built a new reservoir or laid mains to carry the water, it put the rates up in order to find sufficient money to pay for the capital expenditure!

The situation is ridiculous; and what obviously must be done is that loan money must be used, the loan money to be serviced from revenue from which it will obtain interest and sinking fund payments. In that way the burden would be kept as low as possible on existing taxpayers, and all those who are likely to benefit to any degree would carry some of the burden of expenditure.

If this authority had financed its work properly, it would have raised loans immediately; and instead of spending its revenue it would have used it to service the loans which it anticipated raising and in that way the tax could have been very substantially reduced.

Now I quarrel again with the Minister and the Government because the Minister, in apologising for his lack of information, said that he would arrange for the chairman of the authority to be present when the discussion on this Bill was to take place. Where is he? I cannot see anyone here to take heed of the criticism and give the answers to the questions raised.

Mr. Brand: Better to have it in black and white.

Mr. TONKIN: The Premier should have told the Minister that. As it is, this is another assurance which means nothing.

Mr. Brand: Do we have to hold Parliament up until everyone comes to listen?

Mr. TONKIN: Why does the Minister make such a promise if he does not intend to carry it out?

Mr. Brand: He has had to go to the Eastern States.

Mr. TONKIN: It is in line with the other promises the Government makes. It does not mean a thing! The Government knows that increases in valuations are being currently made and that the basis of valuation upon which the tax will be levied next year will be a higher basis than that of the current year. Well, that should have been taken into consideration by the authority when it was calculating the amount of revenue it was going to receive from the reduced tax. But it did not do that; all it did was to take three-quarters of the existing amount.

Mr. Court: Isn't that an improvement on the halfpenny?

Mr. TONKIN: What is the point in that?

Mr. Court: I am only very mindful of the fact that you, or your Government, introduced a Bill which provided for a halfpenny tax.

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

Mr. Court: Yes it has; it was a continuing tax of a halfpenny.

Mr. TONKIN: They are making an estimate here of their financial requirements. This is an estimate supplied to Parliament for its guidance; and it is an incorrect estimate. What some previous Government did with regard to its proposals has got nothing whatever to do with information supplied here, which is misleading.

Mr. Court: It has a lot to do with the argument you are advancing.

Mr. TONKIN: The information here is misleading, because the anticipated revenue quoted is less than the revenue that the authority will receive. The Minister knows full well that increases in valuations are being currently made.

Mr. Court: I don't know, actually.

Mr. TONKIN: Well, the Minister ought to know. I know, and I am not in the Government. The Minister must be pretty sleepy if he did not know. I thought I read last week in *The West Australian* where one of the Minister's electors complained about increases in valuations.

Mr. Court: We do not always take notice of what we read in the newspaper. I am getting back to the point that you advocated a Bill—

Mr. TONKIN: But that has nothing to do with this argument; namely, that the authority, in setting out a plan here for future expenditure—which is the important

criterion in any consideration of what the tax ought to be—has understated its income. There is no excuse for that.

Mr. Court: It still does not get away from the fact—

Mr. TONKIN: I say that we have to anticipate that because valuations will increase approximately 33⅓ per cent. the authority will still get £200,000 from the reduced tax; and so, in effect, it is no reduction at all.

It is not much satisfaction to the taxpayer to be told that his tax has been reduced from ½d. to ⅜d. if he is given a bill for the same amount; and that is what is going to happen in most cases in connection with this.

Mr. Court: I suppose changed values are affecting all forms of tax: Land tax; local authority ratings, etc.

Mr. TONKIN: That may be; but what that has to do with this, I do not know.

Mr. Court: It has a lot to do with the fact that you introduced a Bill for a continuing tax of ½d.

Mr. TONKIN: If the Minister has any ideas on this subject, he should take advantage of his privilege as a member of this House and stand on his feet and make a speech on those ideas.

Mr. Court: I am mindful of what you said. You introduced a Bill for a continuing tax of ½d.

Mr. TONKIN: I am mindful of what the Minister said when we altered the charges for water rates.

Mr. Court: I remember it very well.

Mr. TONKIN: I am surprised the Minister had the temerity to open his mouth after such an utterance.

Mr. Court: When you change words—

The SPEAKER (Mr. Hearman): Order!

Mr. TONKIN: If you asked any group of persons, Mr. Speaker, to give consideration to increasing taxation, would you not feel in duty bound to tell them beforehand how much you anticipated raising from the tax you proposed to levy? And what would you think, Mr. Speaker, if you were misled, and given an understatement of the income which you could reasonably anticipate getting? Would you feel very pleased about that situation?

Anyone who is at all awake knows quite well that revaluations are currently taking place in the metropolitan area; and if anyone likes to inquire and make comparisons in other departments, it is a reasonable anticipation that the increases are of the order of about one-third. Well, if one increases the basic valuations by a third, one finishes up with exactly the same total in one's bill as one had when the tax was ½d. instead of ⅜d. on the lower valuation.

Therefore, I submit to the House that the authority can reasonably anticipate receiving about £200,000 next financial year from the reduced tax. Apparently it is the authority's intention to spend the lot of it, instead of using the money to service loans. I think the authority should be obliged to follow the very sound policy which it laid down last year—and which the Minister has repeated in his speech—and not use its current revenue completely for the purpose of capital expenditure; but use that money for servicing loans.

I have read from the Minister's speech earlier, and I ask members to bear it in mind. I now propose to read from it again. The Minister, in his second reading speech, said—

> Two conclusions which can be deduced from previous debates as no longer contentious are that the Metropolitan Region Planning Authority must have available to it sufficient funds to do the job entrusted to it; and that essentially the capital cost of implementing the metropolitan region scheme should be met through long-term loans.

There is no misunderstanding those words; and the Minister conceded that those principles were no longer contentious, implying that he accepts them.

Look at the situation we are in! The Minister, on behalf of the Government, is saying that essentially the capital cost of implementing the metropolitan region scheme should be met through long-term loans; and, at the same time, the authority has not raised a shilling. It has spent all of its revenue received up to date—about half a million pounds—and it proposes to spend it all for the next three years. What a situation!

We cannot believe what we are told. It is just beyond me that a Minister can stand up and give utterance to a statement like that and say it is no longer contentious—"we accept it"; and then his policy is the very opposite.

On my calculations, the Government can reduce this tax still further, and should do so; because if it is reduced to ¼d., £100,000 will be sufficient to service the loans which the authority would need to make; because initially its proposed expenditure was £6.65 million plus the cost for injurious affection and capital work over the whole of its work for many years to come, and if it borrows only £200,000 a year its commitment for interest and sinking fund on each £200,000 would be only £13,000 per annum.

Just imagine! It has already spent £432,000 of its revenue, but it could service a loan of £200,000 for an expenditure of £13,000 a year. So it has already spent as much money as would have enabled it to service a loan of many millions! And, of course, that is what it should have done.

Any prudent financier would have dictated that that should have been done, if not *in toto* then considerably in that direction. But instead, not one shilling has been raised by way of loan, and almost £500,000 of revenue has already been expended; and the Government proposes in effect not to lift the burden at all.

Of course this so-called reduction from ½d. to ⅝d., because of the increase in valuations will scarcely be a reduction at all. I submit to the Government that this tax could be reduced to ¼d. without the slightest difficulty.

Mr. Brand: Then why did you introduce a Bill providing for ½d.?

Mr. TONKIN: Because at that stage we had no plans before us as to how much money would be required; and it would have been open immediately—

Mr. Brand: Why didn't you introduce it at ¼d. and go up? What is more, you said that it was a very low tax.

Mr. TONKIN: —upon experience to effect a reduction.

Mr. Brand: Aren't they doing that now?

Mr. TONKIN: It is not enough.

Mr. Brand: Not enough? How easy!

Mr. TONKIN: Of course it is not!

Mr. Brand: How simple!

Mr. TONKIN: I will give the Premier an opportunity to show where my argument is not valid.

Mr. Brand: I am just comparing the present position with what you did when you were Minister for Works. You introduced the same Bill.

Mr. TONKIN: Why not take the situation as it is—

Mr. Brand: I am taking it all right as it is.

Mr. TONKIN: —and deal with the figures as we have them? Take the revenue which the authority has received, and which it has already expended and compare that with what it could have done had it raised money by way of loan and used its revenue in the way it said it was going to do, to service the loans. Had it done that it would have been able to raise as much money as it has already expended, and it would have as a surplus at present more than £400,000—had it done as I suggested.

Mr. Brand: It did not raise the money because it did not have any permanent income.

Mr. TONKIN: I do not accept the validity of that argument at all.

Mr. Brand: Why not?

Mr. TONKIN: The Government has guaranteed numerous bodies in regard to loans. The Government has guaranteed the T.A.B.

Mr. Brand: That had an income.

Mr. TONKIN: Yes; but it has no guarantee of continuity.

Mr. Brand: Why not?

Mr. TONKIN: Because it might go phut.

Mr. Wild: Like the bookmakers!

Mr. TONKIN: Definitely.

Mr. Brand: Is that so?

Mr. TONKIN: We have already said that this thing will not function.

Mr. Brand: I think the Leader of the Opposition was more guarded than that.

Mr. TONKIN: The Government is already financing racing clubs from revenue. What a marvellous success the T.A.B. is! The Treasury figures will show that. That is a great thing to crow about.

The SPEAKER (Mr. Hearman): Order!

Mr. TONKIN: With all due respect to you, Mr. Speaker, if the Premier will throw these red herrings across the trail—

The SPEAKER (Mr. Hearman): The honourable member should not take any notice of them.

Mr. TONKIN: Perhaps not, but a passing reference is not out of place.

Sitting suspended from 3.45 to 4.8 p.m.

Mr. TONKIN: I was endeavouring to show, before the House suspended, that the authority had departed from the principle which it itself had laid down; and, instead of financing its capital expenditure from loan funds, as it intended to do, it was financing that expenditure from revenue. The Premier sought to show that the reason why the authority did not borrow previously and spend all of its revenue was that it had no guarantee of the permanency of the tax. But there is no point in that argument; because in the figures supplied to me, and with the statement which supports the figures, the authority has said that it still intends, for the next three years, to spend all of its revenue.

I will now quote from this answer which I obtained to a question, and which shows that up to the end of 1964 it will have available to it from revenue, and from three loans of £200,000 each which it proposes to raise, a sum of £1,132,000. The authority makes this statement—

> The Authority anticipates that the whole of this money will be expended within this period.

So for the full period to the end of the financial year of 1964 it proposes to spend every shilling of its revenue. I cannot justify that method of financing by a public authority in any shape or form.

Mr. Court: Did it not say that it proposes to spend its revenue plus the loan?

Mr. TONKIN: But all the revenue!

Mr. Court: That is the measure of the effort through that board.

Mr. TONKIN: Well, why not borrow more money? Surely that is the obvious answer. Instead of loading the burden on the present taxpayers which results from spending all the revenue, why not keep the revenue, use the loan money, and service the loans over a period, as is always done with regard to capital expenditure in the departments?

Why should this authority go against all its own concepts and obtain the major portion of its finance from revenue? In no shape or form can that be called prudent finance. It will mean that the authority, when its loans become much more substantial, will have no money available to it with which to service those loans.

Mr. Court: Yes it will.

Mr. TONKIN: I can remember the present Minister for Railways saying on a former occasion words to the effect that taxation was getting so high that it was becoming an intolerable burden.

Sir Ross McLarty: There is some truth in that, too.

Mr. TONKIN: Of course there is! Here is a situation where, without putting anybody in difficulty, and without imposing any burden on the Crown, a substantial reduction in taxation can be given to property holders.

In addition to raising £200,000 per year by this special tax and spending it all each year, the authority can raise £200,000 —an equivalent amount—by way of loan, and it would only need £13,000 a year by way of revenue to finance that loan. In the light of those figures it would be possible—and I say this in all seriousness—to reduce the tax to ¼d. It would still be perfectly safe because ½d. would bring in £50,000 a year, and only £13,000 is required to finance a loan of £200,000. So if the authority borrowed £200,000 this year it would still have a further £36,000 over from its revenue to be added to a further £50,000 next year; and so it could keep abreast of its sinking fund and interest requirements on a tax of ¼d.

Mr. Court: When you originally put this proposition of a tax to Parliament you made it very clear that they would need all their tax and borrow as well.

Mr. TONKIN: At that stage that was how it appeared.

Mr. Court: And I think the initial tax you would get in a year was about £120,000. You said that in addition to that they would need to borrow. This authority is putting forward no different proposition from that.

Mr. TONKIN: No; but it has departed from its concept. I will read the Minister its final recommendation which was made as late as 1960. It is as follows:—

> The committee accordingly recommends—
>
> (b) in principle and subject to Government action on the representation above the authority should seek to meet the cost of implementing the region scheme through long-term loans.

There is no room for argument about that. Those are not my words; that is the recommendation from the finance committee of the authority, with which I am in complete and whole-hearted agreement.

Mr. Court: Did they put it forward as being immediate or in relation to a prospective scheme?

Mr. TONKIN: Those were its recommendations above the signature of the chairman and tabled in this Parliament on the 26th August, 1960—about 12 months ago. Now it has departed completely from that recommendation; and I have a suggested plan here which shows that the authority proposes to spend every bob of its revenue up to the end of the financial year 1964. I did not ask for it beyond that. I only asked for the plan up to that stage.

Is that financing its plan from long-term loans? Surely this requires some explanation! I repeat there is absolutely no justification for retaining the tax at this level upon the properties. All the authority has to do is to raise the prospective amount set out there by way of loan, and it will only cost it £13,000 a year for each £200,000 borrowed; and it can do that on a tax of ½d.

Mr. Court: You have completely changed your ideas from the time when you introduced the original Bill.

Mr. TONKIN: Do not forget that was four years ago! And also, the amount being received now is double that calculated at the time that legislation was introduced.

Mr. Court: And what you foreshadowed when you originally introduced the Bill.

Mr. TONKIN: Surely the Minister is not going to put forward the proposition that because something is originally introduced on the basis of incomplete data, no matter what transpires subsequently, the policy should not be altered! Where would we get if we were to reason in that manner? At the time those proposals of the Hawke Government were put forward there was no information such as we have now before us to guide us in what we could do. But these figures I am now quoting are as a result of information supplied to me upon

request; and on these figures it is clearly demonstrated that the authority has departed from its own recommendation, and that it is in effect loading the burden of development upon existing taxpayers, instead of spreading it as was intended, and as indeed is proper. That is my complaint.

Mr. Court: If it has departed from its own proposition—which I do not admit—it is still consistent with the proposition you put to this Parliament originally.

Mr. TONKIN: No it is not. There is no need for the authority to be guided in the slightest degree by the proposals that were introduced to Parliament four years ago. All we have to take into consideration at the moment is whether loan funds are available to it; what it would cost to finance loans; and should it, as a matter of principle, adopt a principle which it has enunciated under this Government, and finance its requirements from long-term loans; or whether it should finance them from revenue and therefore impose a burden upon existing taxpayers.

That is all we have to consider. I say most definitely that in my view there is not the slightest justification for the authority to go on raising £200,000 a year by way of taxation, and spending the whole of its revenue every year, instead of obtaining long-term loans in accordance with its expressed policy, and servicing those loans from revenue. If it does that it could with safety reduce this tax right down to ¼d., and it would have ample margin to obtain all the finance necessary for it to carry out the programme of work which it envisaged.

I do not think the Government can find an answer to that criticism. It is all very well to say, "What did you do four years ago?" That has nothing to do with the situation that confronts us at the moment; and as a matter of calculation on figures I put this question to the Government: Does it, or does it not subscribe to the Minister's statement that essentially the capital cost of implementing the Metropolitan Region Scheme should be met through long-term loans? That was what the Minister said in his second reading speech. I want to know whether the Government agrees with his statement, or is the statement merely so many words which we need take no notice of?

If the statement means what it says then there is an obligation upon the authority to finance its requirements from loan, and not from revenue. If it does that, it can reduce this tax to ¼d. without the slightest worry or concern. That is what I am advocating should be done in the existing circumstances.

The Premier earlier "pooh-poohed" the idea that Mr. Lloyd should be present when this discussion was on, and said something to the effect that visitors can not be exected to be present when debate are in progress. Whether or not that ca be done, I do not know; but that wa what the Minister said. He said that h would arrange for the commissioner, M Lloyd, to be in the Chamber to hear th second reading debate. I ask: Where i he?

Mr. Court: You have to have some re gard for the fact that the Minister ha to go to the Eastern States.

Mr. TONKIN: The Minister said, "I wi arrange for him to be present." If I sai that, I would not care if I were in Americ I would tell the commissioner to watch th notice paper and to be present in th House when the debate took place.

Mr. Court: You can be sure it was onl an oversight on the Minister's part.

Mr. TONKIN: Like all these broke promises; they are oversights!

Mr. Roberts: As the Premier said—

Mr. TONKIN: What did he say?

Mr. Roberts: —the commissioner wi read the debate in black and white.

Mr. TONKIN: Why did not the Minist say that to the House? Why did he n say, "I will not ask the commissioner t be here. He will be able to read the deba in black and white"?

Mr. Court: You are making a mountai out of a molehill, and making a nation issue out of this.

Mr. TONKIN: That exemplifies th manner in which members opposite r gard promises and assurances; they rega them as of no importance at all. Althoug this may not be a matter of national im portance, it ought to be a basic princip of conduct of members, especially of Mi isters. This is another instance in whic we can completely disregard any assuran or promise given on behalf of the Gover ment, because it will always find a way t get out from under.

Mr. Court: The commissioner will b able to read your remarks before the Mi ister replies.

Mr. TONKIN: I hope the Minister w not say, "The T.A.B. will not let me repl It is against the public interest that should make the information available

Mr. Court: He might be right, too.

Mr. TONKIN: He might be. To co clude, I want to point out that the Mini ter took a most remarkable stand, becau he went to some length to say how nece sary he felt it was that full informati should be made available to members that they could consider this matter. B he did not supply any of it. What

extraordinary attitude for the Minister to adopt! He said, "I desire that you shall have all the figures and all the information to enable you to give proper consideration to this question, but I am not giving you any. If you want the figures and information you ask for them, or talk to me privately, and I can extract them from my files."

Mr. Hawke: Or he may say, "See me at my farm over the week-end."

Mr. TONKIN: That is typical of the way in which this measure has been thrust upon the House. No attempt has been made to justify the amount of tax proposed to be imposed; no attempt to explain the departure from policy; no attempt to explain the complete contradiction of the Minister's own statement with regard to what was essentially required and what actually was being done. His attitude was, "Here is the imposition. The Government has the majority, and that is the way it is going about this matter." I am wondering whether this Bill will have a smooth passage in another place, when members there realise the implications in it and realise the fact that this tax is not necessary at the proposed level if proper financing is utilised by the authorities.

Whether or not the commissioner of the town-planning authority reads what I have said is beside the point. I submit there is an obligation on the Government to show why it cannot reduce this burden on the taxpayer, and finance the capital requirements of this authority through loan in accordance with its expressed policy. I say the burden is definitely on the Government to do that, if it is to be justified in asking Parliament to agree to the proposition in the Bill. Instead, the Minister has said, "We are making it a permanent tax. You accept it." That does not go down with me. I want to know why the tax cannot be further reduced. I make the definite statement that in my opinion it can be reduced to at least ¼d., and the authority will be in no difficulty with regard to its financial requirements.

Mr. Court: I am sure it cannot proceed with the objects of the tax at the levy you suggest, and make reasonable progress.

Mr. TONKIN: Yes it can. It would only cost £13,000 a year to service a loan of £200,000.

Mr. Court: In your own concept of this proposition—and the main concept has not changed—it needed all the tax and the borrowing.

Mr. TONKIN: So we thought at the time.

Mr. Court: The concept has not changed.

Mr. TONKIN: The amount of money and the opportunity to borrow have changed. The Government has to face up to the actuality of the present situation; that is, it is possible for the authority to borrow money if it receives a continuity of the tax. Previously the Premier argued about the authority not having any guaranteed income, so it could not raise money. That argument is not valid, because the Government could guarantee the loans. Suppose I concede for a moment that it is valid. If the tax is made permanent in accordance with this proposal the objection disappears; so we have to assume that the authority can borrow money. Furthermore, should it borrow money?

The authority said, and the Minister said that that was to be the policy. So we say that the authority should borrow money. If it were to borrow it would require only £13,000 a year to service a loan of £200,000; but its income from the tax is £200,000 a year. In the face of those facts, how can the Government justify the continuation of the tax at the level proposed?

Mr. Court: Unless you want to proceed at half-rate or at quarter-rate with the development.

Mr. TONKIN: Then borrow more money!

Mr. Court: There is a limit to borrowing more, and there is a limit to the discretion in borrowing.

Mr. TONKIN: I suggest to the Minister that it would only require the borrowing of £400,000 instead of £200,000. An amount of £26,000 would be required to service the higher loan. A tax of ¼d. would raise £50,000 a year; so the authority could, by way of borrowing, double the amount of money which is available to it from revenue. It could service the loan and still have a margin left over, with a levy of ¼d.

Why should it not do so? That is what I want to know; and I think Parliament should oblige it to do so as it has stated that is its express intention. I have yet to have justified to me the placing of the burden on the existing taxpayers for projected development to benefit people for many years to come. It is a new principle of Government if it is to be introduced now.

Mr. Court: Apparently you were introducing a new principle.

Mr. TONKIN: No we were not.

Mr. Court: You said you would need tax and need borrowing.

Mr. TONKIN: That is so; and taxing and borrowing are still required—but not taxing at the level proposed.

Mr. Court: I would blush if I were making the speech you are making now in view of what you said before.

Mr. TONKIN: Tax is needed only in order to service the long-term loan; and it does not matter how much calculation the Minister tries to make, he cannot make it come to any more than £13,000 a year for each £200,000.

Mr. Hawke: The Minister knows you are right.

Mr. Court: It is the first time I have heard the Deputy Leader of the Opposition admit that he was wrong.

Mr. TONKIN: The Minister has not heard it yet.

Mr. Court: You said that circumstances or something had changed since you advocated it.

Mr. TONKIN: I have definitely not said I was wrong.

Mr. Court: You said that it was necessary for full expenditure plus tax and borrowing.

Mr. TONKIN: That is so.

Mr. Court: Now you say that is wrong.

Mr. TONKIN: And an anticipated revenue of £140,000 a year.

Mr. Court: Yes.

Mr. TONKIN: Do not forget that that was at that stage, and not for three years afterwards did the authority have a plan. Just listen to the following, which I quote from report No. 5 of the Finance Committee:—

> The first conclusion which must be reached therefore, is that the proceeds of the tax for three years only is insufficient to meet the financial commitments in implementing the region scheme. The object of the regional plan is to secure major improvements in the metropolitan area and additional facilities in accordance with long-term plans to be realised step by step with the growth of the region and the State. The second conclusion therefore is that the costs of such improvements and facilities should logically be spread over the extended period of realisation of the plan and that it is neither feasible nor desirable to attempt to meet the whole of the cost at the outset and wholly at the expense of the present taxpayers.

With regard to what is the likely total expenditure to be met from the metropolitan improvement fund—and do not forget that this was the question contemplated in 1960, not when I introduced the Bill—the committee had this to say—

> The regional plan is in many respects subject to modifications in detail before it is established in a form in which it can be adopted and submitted for approval. The main components of the scheme are in process of examination by the authority in collaboration with the district committees. A period of time must necessarily elapse before finality is reached. In these circumstances it is considered that exact estimation of costs is neither practicable nor necessary at the present time. It appeared sufficient at this stage to appreciate in general terms the likely costs under certain main categories.

Now I emphasise that that was some two or three years subsequent to the time when I introduced the Bill; and so it must be readily appreciated by anyone who is reasonable that at the time the Bill was introduced by the Hawke Government there was insufficient data available to enable a proper appreciation to be made of the financial requirements, so a commencement had to be made. But the situation now is entirely different, because it has a plan of proposed expenditure. The authority has actually received the revenue, which turned out to be considerably more than it believed it would get; and loan money is available to it.

Therefore the situations are in no way comparable and the position is that the Government has to find an answer to the criticism that the authority has departed from the plan which it itself supported, and which the Minister a few days ago enunciated in this House, but which apparently is not to be followed; because on the authority's own statement, up to the end of 1964 it proposes to spend, in addition to some loan money, every bob it receives by way of revenue.

I do not hesitate to say that that is bad finance; not only bad finance but unfair finance, because it is imposing upon existing taxpayers a tax burden which is not necessary. If the tax were reduced it would not leave the authority short of funds but would oblige the authority to follow its own concept and raise the money by way of loan, and then service the loan from revenue.

I propose at the appropriate time to attempt to have the Bill amended so that the tax will be reduced and the burden on the taxpayers lowered accordingly.

MR. OLDFIELD (Mt. Lawley) [4.37 p.m.]: I would say that this tax which has been imposed upon the people of Western Australia, or certain people of Western Australia, is possibly the most discriminatory tax which has ever been imposed upon anyone in Australia. This has been a contentious taxing measure from the time it was first mooted. The only argument which could possibly be submitted is that the people who are going to benefit most should be the ones to pay. However, if

that principle is to be subscribed to now, we must subscribe to it in all facets of legislation.

But in a State such as Western Australia—and, indeed, in a counrty such as Australia—where it is necessary to develop under-developed areas to the stage where they can be self-sufficient, it has been the custom in past years for State and Federal Governments to adopt the principle that everyone assists with the job in hand. Therefore the principle of taxing we have become accustomed to in Western Australia has been that everyone assists with the job in hand.

So the principle of taxation as we have become accustomed to it has been that if a bridge is required across the Avon River or a new main road is necessary to take passing traffic through, the local road board does not bear the cost. It comes from the funds of the State department concerned, and is therefore shared equally by all sections of the community. Likewise the Narrows Bridge. That was not built out of metropolitan regional tax money or funds raised and paid for by people of the metropolitan area. It is an asset to the State, and therefore the whole of the State is expected to pay. The loan funds provided will be repaid over the years by the whole of the State.

However, under this discriminatory taxing measure, those in areas which are going to derive the most benefit will not pay one penny in tax. The ordinary little householder in, say, Maddington, who goes to work at Chamberlain Industries, and lives on a quarter-acre block on which he grows a few oranges and keeps a few fowls, must pay the tax because he is not using his property for rural purposes, or he is not a full-time farmer. But we find members of Parliament having about five acres and a few roosters or capons, and they are entirely exonerated from paying any tax under this measure.

The money expended in the district as a result of these taxes will greatly enhance the value of the area by the time development takes place by way of arterial roads, better bridges, better town planning, large-scale drainage schemes, and so on; and the large holdings on which a little lucerne is grown and a few fowls are run will be subdivided and sold at a great profit. Yet the people who will benefit from these increased values are not paying a penny; but their neighbours are, and so are the workers in the metropolitan area—the people who are purchasing war service homes, State Housing Commission homes, etc. Among other taxes they are paying a tax for the development of their own areas and other areas, such as those at Maddington, Gosnells, and Maida Vale, where the landholders, or a large number of them, will be exempted.

Therefore, this is the most shameful tax placed upon the people of Western Australia. It should be applicable to all the land in the State; or, as the Deputy Leader of the Opposition has suggested, these improvements should be carried out through raising a loan. If £200,000 a year can be serviced by the sum of £13,000, that amount could easily be taken from the land tax which the Government now collects, instead of by means of this additional tax.

But even then, if we do not take the view that it is to be a State-wide responsibility but purely a metropolitan region responsibility, the tax should apply to every acre of land in the metropolitan area, irrespective of the purpose for which it is being utilised, or whether it be vacant land or land that has been built upon. The tax should be on the unimproved value of the land, and everybody should share accordingly, and no exemptions should be allowed; then the people who will benefit will pay their share.

These matters have been dealt with at length, and we are now dealing with the question whether this should be a permanent measure or not. I can only support the Deputy Leader of the Opposition in his outlook that all expenditure from this authority should be made from moneys raised by way of loans and serviced either from money now being collected through the land tax, or by a small tax amounting to, say, £13,000 or £14,000—whatever is required—and spread over all ratepayers within the metropolitan region.

There is another thing about the Bill that I do not like: This measure is just another example of what the present Government is trying to do with all legislation—it is making permanent for all time certain things it knows it will not be here to deal with next year. I do not think this Government has any moral right to make permanent a Bill of this nature when the measure could just as easily be brought down next year.

The Act does not expire until the 30th June, 1962; and the new rates will not be applicable until the 1st July, 1962, and they will apply until the 30th June, 1963. Therefore any Government elected next year—next March or April—if it wishes to reimpose the tax, will have ample time in which to do it and make it retrospective to the 1st July. So there is nothing whatever to be lost by delaying this measure until the parliamentary session of 1962.

But this Government must rush in and make the legislation permanent now, knowing full well that when the change of Government comes about next year, it will have the Upper House to protect its interests; that the Act will continue in its discriminatory form; and those members of this House who have a few acres

on which they run poultry will enjoy, for ever and a day, all the exemptions contained in the legislation.

Mr. Brand: That is what the party that you now belong to introduced when it was in government—exemption of agricultural industries.

Mr. OLDFIELD: Yes; but there are a few modifications and alterations. Some were made by the Upper House.

Mr. Brand: And it was a higher tax than the present one.

Mr. OLDFIELD: It has all been explained. Incidentally, that Bill did not go through.

Mr. Brand: It was introduced by the Minister for Works of the Government at that time.

Mr. OLDFIELD: It was never accepted by Parliament.

Mr. Brand: That is beside the point.

Mr. OLDFIELD: I am not talking about what was introduced, but what was accepted. It is what Parliament decides that matters.

Mr. Brand: Doesn't your party believe in the Bills it introduces?

The SPEAKER (Mr. Hearman): Order!

Mr. J. Hegney: You are out of order.

Mr. Brand: I am right in order.

Mr. Roberts: It was passed by the Assembly.

Mr. OLDFIELD: I am sorry these rude interruptions keep emanating from the front bench.

Mr. Hawke: Opposite.

Mr. OLDFIELD: Yes, opposite. It is well known that if you hit a raw wound, so the patient squeals. We have read an advertisement concerning the squeals of members opposite; and so we know them! And the Premier is a classic example of his own headlines; and so is the member for Bunbury, who sits there and laughs, interjects, and snipes, but who never has the fortitude to get on his feet and make a speech! The only time he has spoken while sitting behind the Government has been to move the gag.

Mr. Roberts: What is wrong with that?

Mr. OLDFIELD: Why does not the honourable member make a worth-while contribution to the debate?

Mr. Roberts: I might get up and move the gag on you.

Mr. OLDFIELD: Must the honourable member keep on interjecting; or is he going to let me make my speech; or is he going to get up and make a speech when I sit down?—if he is capable of making one, instead of talking of parochial things concerning the little town of Bunbury! Premiership material he was referred to as being at one stage—look at him!

The SPEAKER (Mr. Hearman): Order! This has nothing to do with the Bill.

Mr. Roberts: I appreciate the support you gave me in 1955.

The SPEAKER (Mr. Hearman): Order! I have called for order; and I have now asked the member for Mt. Lawley to get back to the Bill three times. I am going to have no more of these interruptions! The honourable member will have to address the Chair, and I will ask the Government benches to allow him to proceed.

Mr. OLDFIELD: Thank you, Mr. Speaker. I will close on this point: This is the most discriminatory measure that has ever been introduced and applied to the taxpayers. It is not necessary to have it introduced this year; it could well be left until next year. But the Government knows now what will be the result of the next election, and knows that it will not be here to do some of the things it would like to do; and so it is making this legislation permanent; and with the protection of the Upper House it will keep the measure on the statute book so that the Minister for Works will have his property protected. But we will have to continue paying this tax for the improvement of his region.

Mr. I. W. Manning: What protection has the member for Mt. Lawley got?

Mr. OLDFIELD: None, because I have only a quarter-acre block, which is not being utilised for rural purposes. A taxpayer who merely lives on his land, or owns a quarter-acre block, has to pay the tax; it is the person living on large acreages, and who can earn large revenue, who is exempt.

Mr. J. Hegney: Or who runs a poultry farm.

Mr. OLDFIELD: Yes; or fig trees, or anything else. Therefore I oppose the measure on the grounds I have outlined, and I trust the Upper House will show a little bit of democracy and knock out the Bill—as it knocked a similar one out on a prior occasion—so that it will be left until next year to decide what shall be done about the metropolitan region.

MR. W. HEGNEY (Mt. Hawthorn) [4.50 p.m.]: I propose to follow a consistent course in my attitude towards this Bill; I opposed a similar one on a previous occasion. In fact, the Act from

which this legislation stems was brought down in 1959 by the Minister for Transport on behalf of the Minister for Town Planning, and it was ruled out of order in another place. There were at least three Bills introduced dealing with the Metropolitan Town Planning Scheme before the Government finally had the legislation adopted.

As I said on a previous occasion, there was a good deal of bungling and confusion shown by the Government, and it did not know where it was. Eventually, however, a taxing Act was introduced, and the Parliament of the day decided there would be a time limit on the tax. That time limit will expire on the 30th June, 1962.

It has been said by the Minister, and I presume the authority itself contends, that there should be an element of permanency about this taxing measure so that planning can be made for future requirements. However, at this stage I believe that a time limit should continue to be placed on this Act; and if the authority desires to raise funds then, as the Deputy Leader of the Opposition has said, the Government can, for the time being, guarantee any appropriate loans which the authority might seek to raise.

The Act exempts from taxation certain rural properties within the metropolitan region. In the present circumstances that is inequitable and is one of the points I have against the Act. In direct contrast to that, we have an area within the metropolitan region at North Fremantle where many of the properties will be resumed for the requirements of the Fremantle Harbour Trust and the Railways Department, and where the resumptions have not been finalised the owners of those properties will be subject to the tax. That is most unfair and unjust.

I am raising opposition to the Bill on behalf of the electors of the Mt. Hawthorn district. I have received numerous complaints about increasing taxes to which the ratepayers of my electorate—and I am sure this also applies to the ratepayers of other electorates in the metropolitan region—have been subjected. I know I would be out of order if I enumerated all the increases in taxation that have been imposed, but some of them are increases in motor-vehicle registration fees, driver's license fees, and so on. But in co-relation to this type of Act, which is based on unimproved values, we also have the local authorities imposing taxes on the people in the Mt. Hawthorn district, and the tendency will be for further increases to be made in local authority rates for the purpose of financing the Commonwealth Games organisation.

Then again, there have been complaints, many and varied, by Mt. Hawthorn electors—I am again speaking of those people who have communicated with me personally, by letter and by telephone—against increased rates. Those same people have to pay all of these additional taxes.

Last night I spoke against the discriminatory treatment that has been meted out to a certain company by the introduction of another Bill. This legislation is also discriminatory. It is confined to people who own property in what is known as the metropolitan region. I have said before, and I repeat, that no matter how many switch roads are put through, how many hotels are bulldozed down, or how many underways or overways are constructed, that is not going to add one penny of value to the properties in places such as Nollamara, Tuart Hill, and other suburbs. Yet the people living in those parts will have to pay this tax.

The activities of the Town Planning Authority will not add one penny of value to the properties owned by those people. They will continue to reside on their properties and use the sites for their residences, but they will enjoy no great benefit from the imposition of the metropolitan region improvement tax.

It will be necessary to carry out certain developmental works, but this discriminatory tax should not be imposed to finance those works. It should be imposed on a much wider basis. Many of the exemptions provided in the Act should be removed so that less discrimination is shown.

The Deputy Leader of the Opposition has dealt extensively with the figures, which would seem to indicate that the amount of tax is non-existent. It was ½d. in the pound, and it is considered that valuations will be adjusted upwards. As a result—in the same way as occurred with the water supply rates, which were increased by at least 25 per cent., and in many cases 90 per cent., to the people of the metropolitan region—the same people will be required to pay added taxation on the increased valuations.

There should be a time limit placed on the Bill. I would prefer to see it deferred until next session, but I am not entirely in favour of that. Nevertheless, the duration of the Bill should be only until the 30th June, 1963; or, at the most, for two or three years, because that would give the Parliament of the day an opportunity to examine the position in the light of changing circumstances. It would have the benefit of the report from the Town Planning Authority; and if the Government of the day felt it incumbent upon it to increase or reduce the tax, I have no doubt it would introduce a Bill in an endeavour to advance a reasonable case for any action it might feel disposed to take.

In conclusion, at this stage I am going to oppose the Bill. I hope the Deputy Leader of the Opposition will proceed to implement the suggestion that he has made; namely, to move that the rate be reduced and, possibly, that the time limit be also reduced.

MR. JAMIESON (Beeloo) [4.58 p.m.]: Before the passage of the Bill goes any further I also intend to protest against the exemptions that are provided in the Act, because I consider they are most unjust; and, indeed, if there is to be a developmental tax it should apply to all those people residing in the area to which it appertains.

Further, if it is a developmental tax for a city, there is no reason why it should not be levied on a small scale over the whole of the State; because, after all is said and done, the capital city of any State has some connection with other parts of the State. The city is developed in an orderly way in the interests of the people, irrespective of whether they live at Bunbury, Albany, or Wyndham, because the capital is something that must be developed in an orderly way so that proper administration can be maintained over those outlying parts. If the tax were applied to people living in all parts of the State the amount would be so small as to be almost negligible and would be no great burden on the people paying it.

Mr. Owen: What about the city people paying for country development?

Mr. JAMIESON: They do now. By far the greatest proportion are the motorists, of course, who come from the metropolitan area and who pay a considerable amount in petrol tax which is used to construct the country roads. I agree that one should help the other. I see no reason why there should be a sectional tax which allows people such as the member from Darling Range to run a few acres of orchard or conduct a poultry farm, or which allows any other member to obtain some specific exemption from the Act and, at the same time, enjoy the privileges that result from improvements made in the metropolitan area and the enhanced valuation that accrues through its development.

I draw the attention of the House to the fact that one group of persons who are exempt under this provision are nurserymen. In the Beeloo electorate there are many nurserymen operating along the Canning River, and it was not so long ago that the old-established firm of Wilson and Johns made an offer to the Canning Shire Council of a tract of land of less than 18 acres. That firm offered to make the land available to the Canning Shire Council for £51,000. The council was definitely interested in this land for future civic development in that area.

It was an impossible price, but that was the amount the company demanded. That is the type of person or firm that is completely exempt from the payment of this tax. I might add, in mentioning how high that demand by the company was on the Canning Shire Council, that it continued to lower the price until it reached a figure of about £25,000 for this area of land. If people consider the valuations of the businesses they are transacting are worth while and so high surely they should be obliged to pay that percentage towards the development of the metropolitan area by way of a metropolitan regional tax.

That is an example of how the exemptions apply to certain sections of the community which in my opinion should be paying them. These people should be brought within the scope of the tax. Indeed there are many rural pursuits which, due to high taxation brought about by rates and the like in the metropolitan area, are obliged to go further afield. There is nothing wrong with that principle. The equity in the land they sell pays for their ability to reside in new and more modern surroundings.

If these values are improved for the people concerned, they should be subject to the tax. But as the Act now stands they are not. If they were subject to the tax it would be quite an easy thing, even within the bounds of the present limitations of those obliged to pay the tax, for the Government to charge a lesser tax for the purpose of the metropolitan regional scheme.

My main objection—as was the case when the original legislation was introduced—is against the exemptions. While I think it is undesirable at such an early stage of the metropolitan regional plan to fix a permanent tax, I feel the most objectionable feature is that some people who are within its scope and who gain advantages from the tax are to be exempt from paying it. In those circumstances I would be opposed to any furtherance of the legislation proposed in this Bill.

MR. J. HEGNEY (Middle Swan) [5.5 p.m.]: One of the most remarkable features of the Minister's introduction of the Bill was the paucity of information given to us. He practically gave us no information at all, except for the bald statement that it was proposed to reduce the tax from ½d. to ¾d. per pound. I interjected during the Minister's speech and asked whether he had information about how much revenue was collected last year. The Minister replied—

> It will be necessary to take those figures from the files, because any answer I give will need to be accurate. I would suggest that queries such as

> this, from the member for Middle Swan, or from any other member, be placed on the notice paper, or mentioned to me privately, to enable me to obtain the necessary information. It is obviously desirable that all members should have information of that nature, if they are to discuss the legislation in an objective manner.

Why did not the Minister when submitting his case to Parliament give us the information then, of his own volition, rather than depend on an interjection from a private member soliciting such information? The Minister went on to say—

> I am most anxious that all information should be available to members on this matter. So if there are any queries as to the financial operations of the authority, or as to technical details, or if members have any amendments they might like to suggest, I trust they will give me some notice of them, because members will appreciate that I represent the Minister in another place when dealing with this legislation; and I admit frankly that I am not altogether conversant with the details, and will have to obtain them from the files.

One would have thought that the Minister's advisers would make certain that all the information was available to him before he introduced this Bill. The Minister gave practically no financial information in respect of the operation of the tax. Although he was representing another Minister I have no doubt that the latter has his advisers who could have provided the Minister in this House with all the information required. It only goes to show how scant is the information made available to Parliament by the advisers to the Ministers. Parliament is called upon to make the final decision, and it should have all the information available to it.

The Minister also said, "I will arrange for the commissioner (Mr. Lloyd) to be in the Chamber and to hear the second reading debate." As the Deputy Leader of the Opposition said, Mr. Lloyd is not here, and of course the Minister himself has gone out of the State on Government business. But the Minister's absence surely did not prevent his making Mr. Lloyd available to hear the debate, and to advise the Minister on the various aspects that were discussed, so that the Minister himself would be fully apprised before replying to the debate. We also had the Minister saying that Mr. Lloyd would be available to answer any queries that might be raised by members when the Bill was in Committee; and he added that at that stage he did not think anything more need be said on the matter.

The most important point is that the Minister gave us very little information when introducing the measure. He did, however, lay down three points that were the basis of discussion in the metropolitan region improvement scheme; and he selected the last proposition, which was to bring in this sectional tax to which I have referred.

I oppose the Bill because it is sectional taxation; as I did the last time such legislation was introduced. From information subsequently supplied by way of question and answer it has been shown that the Government is getting a substantial increase in revenue for the purpose of this scheme.

It has also been emphasised that town-planning development in Western Australia will need the expenditure of large sums; but the funds required should be raised by way of loans, and the present generation should not be called upon to meet all the obligations of these schemes, particuarly when future generations will also benefit from the activities of the town-planning authority.

It is unfair, I think, to have a total impost placed upon the community in these days. It should be spread more reasonably so that future generations may also make their contribution towards reducing the loan. That would be the sensible way to finance this scheme.

Last year the Premier sought to reduce the land tax throughout the State and to give the people in the country areas relief from the payment of this tax. Now his Government brings down this legislation to place a special impost on the people of the metropolitan area. As has been pointed out, the people holding land for agricultural purposes within the metropolitan region are to be exempt from the payment of this tax. There are many poultry farmers and persons engaged in horticulture in my territory who have large tracts of land. They are in the metropolitan area; and with the increase in land values the time will come when they will, of course, get a rake-off. But in the meantime they will make no contribution to this tax. Accordingly, it is a dicriminatory tax.

Mr. Owen: They are in the rural areas and cannot even subdivide their land.

Mr. J. HEGNEY: The member for Beeloo gave a concrete instance of negotiations that have taken place between the road board and the people in the area where Wilson & Johns' nursery is situated. We have been told of the very high prices they have asked for their properties, which were required by the road board for developmental purposes, and the capital value of which has been reduced considerably

But they are exempt from the payment of tax, though when they want to sell they will get all the benefits of the increased values created by the activities around them.

This is an unfair tax, and as a metropolitan member I will oppose it. If I cannot defeat the Bill I will support any proposal to reduce the rate of tax.

MR. BRADY (Guildford-Midland) [5.14 p.m.]: I wish to join forces with the previous speakers in opposing this Bill. Earlier, I spoke against the introduction of similar legislation, and one of the main reasons I advanced against its introduction then was that the people in the industrial areas cannot pass on the tax as can those in the business areas.

The people in St. George's Terrace, Hay Street, and Murray Street can pass this tax on to the public through the commodities they sell, and the services they give to the community. But the people in the industrial areas must pay this tax out of their wages and salaries. That is one reason that can be advanced for not passing this legislation. It is a discriminatory tax, because it taxes only one section of the community.

Mr. Brand: Did you think it was a discriminatory tax—

Mr. BRADY: The Premier should not show his ignorance. I showed him up the other night and will do so again if he is not careful.

Mr. Brand: Let me have a go! When it was introduced by the Labor Government, did you think it was a discriminatory tax? You heard that: answer it!

Mr. BRADY: The Premier is trying to be a smart aleck. I will not satisfy the Premier by answering his interjection. That might teach him a lesson. He has been rude lately. As soon as a member gets up to speak the Premier interjects. He should show a better example.

Mr. Brand: I did not intend to be rude.

Mr. BRADY: As I was saying, this tax is discriminatory. Some capital has been made by certain speakers that people living within the green belt cannot subdivide their land and should not, therefore, have to pay the tax. In my experience over the last 12 months, quite a number of subdivisions have taken place in regard to land situated in what was previously called a green belt. No doubt these people obtained their exemptions. However, I wonder whether they paid retrospective metropolitan region tax! I bet a pound they did not.

What took place in Sydney two or three years ago will ultimately occur in the metropolitan area here, because young people who are thinking about getting married and who are planning for their future cannot afford to pay £400, £500, or £600 for a block of land and then build a house. Therefore, the so-called green belt will have to be subdivided to allow people to build in those areas at reasonable prices. In the meantime, the shrewd alecks are buying these green-belt areas for so-called apiaries; so-called poultry farms; and so-called vegetable production, and they are not paying the tax. However, the Phil Garlicks in the industrial areas of Fremantle and Midland Junction are paying the tax out of their wages and salaries.

I recently met a woman who sold a block of land at Morley Park. She thought she had made a profit of £20 or £30, but nine months after she sold the land she received notice that she had to pay land tax and metropolitan region tax. She came to me to see whether I could do anything for her, and I told her I did not think she had a chance of getting out of paying it. I rang the Taxation Department and was told that if she owned the land in June, 1960, then she had to pay the taxes.

It is a discriminatory tax: its effect is not felt equally by all sections. Why should not the primary producers, who come to the city and use the facilities that town planning will give, pay this tax? That is not the position in respect to other forms of taxation, so why should this tax be selective? I feel I would be failing in my duty to the electors of Guildford-Midland if I did not protest against their paying this tax.

If you recall, Mr. Acting Speaker, when this tax was before the House some 18 months ago I moved an amendment that, so far as its application to the areas I represent was concerned, the tax be cut in half. When I failed to get that amendment through, I subsequently moved another amendment to exempt the Guildford-Midland electorate from its incidence. Again I failed. Therefore, it can be said I am consistent in opposing this tax. As I said before, it is most unfair and most unrealistic to have business people paying the tax and then passing it on to the rest of the community—some people not paying the tax at all; and others having to pay it out of their wages and salaries. As I said before, I protest against the imposition of this tax.

MR. TOMS (Maylands) [5.18 p.m.]: I, too, want to voice my protest against this measure, and direct the attention of the House to the fact that last year when a similar measure was being discussed in August, it was pointed out by the Minister

that the expected receipt from the ¼d. in the pound tax would be £135,000. However, the actual amount collected was £210,000.

It may read all right in the Press that a reduction of 25 per cent. is to be made in the rate of this tax, but the taxpayer himself will not notice this reduction when he gets his assessment, because of increased valuations in land that have taken place. If his assessment is not more, he will find that it will be at least the same as it is at present. I am always amazed that people can be so gullible as to swallow hook, line, and sinker, an announcement in the Press that a reduction in tax is to be made. They certainly get a rude awakening when they find, as I said before, that their assessment is either the same as it was previously or more.

I am not at all happy about the way this tax is being used, particularly in the area I represent, where people are not being relieved by having compensation paid to them. Many of these people will be affected by what is known as the interim development order. Because they come under that order they are suffering at the present time and are unable to subdivide or sell their land. I feel the money collected could have been put to better use if the individuals living in the area I represent, and in the areas represented by other members, had been relieved instead of large sums of money being paid to people who could wait. They are receiving these large sums of money even though the land is not going to be used at present; but people in my electorate have to stay where they are until such time as roads are put through.

It is the people on the bottom rung of the ladder who should be relieved. Many people in my electorate will have to stay put for perhaps 10 to 15 years before the roads are put through, whilst other people are being paid large sums of compensation for land that will not be used until approximately that time.

I oppose this tax. The fact that the sum collected in the first year exceeded the estimate of £135,000 by £75,000 indicates that the tax, in the first place, should have been cut in half to ¼d. in the pound. With increased valuations of land, the amount of £135,000 would still have been collected. I will support any move to reduce the rate of this tax because I believe that posterity should pay through loan for any development that takes place in the metropolitan area which will benefit the whole of the people of the State.

Debate adjourned, on motion by Mr. Brand (Premier).

GOLD BUYERS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Court (Minister for Industrial Development), read a first time.

FRUIT CASES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th September.

MR. MAY (Collie) [5.25 p.m.]: This is one of those pieces of legislation which the member for Eyre would describe as a little Bill.

Mr. Nulsen: Is it important?

Mr. MAY: Yes; I think it is important to the people it concerns. It provides for a small amendment to the Fruit Cases Act and affects section 8 of that Act by repealing paragraph (ii) of the proviso to subsection (1). In effect it deals with the use of banana, pineapple, and other tropical fruit cases.

As the Act stands at present these cases must be treated if they are to be used a second time. However, the need for this is not so great now because much of the fruit is packed loosely and consigned direct to the purchasers, particularly to supermarkets. I do not think there is anything worse than the producer having his goods or produce going through a middleman before they reach the consumer. Therefore I am in favour of this amendment, which will obviate that necessity to a certain degree.

The Department of Agriculture and the Fruitgrowers' Association have agreed to this amendment, according to the Minister when he introduced the Bill. Both of those bodies are satisfied that by the deletion of this paragraph no harm will be done to anyone. In those circumstances I am quite satisfied with the amendment. Much of the fruit these days reaches the consumers in very loosely packed containers, and this does away to a large extent with the need for packing cases; and the need, when packing cases are used, for them to be treated if they are to be utilised a second time. I understand that for some time now these cases have not been treated, and therefore this amendment will merely legalise the present procedure. I intend to support the second reading.

MR. NORTON (Gascoyne) [5.29 p.m.]: As stated by the Minister and the member for Collie, this Bill is merely to allow the use of second-hand fruit cases which bring bananas and pineapples into the State from the Eastern States.

The main idea, I understand, is to enable the bulk handling of the fruit from the grower to the retailer, particularly supermarkets. While I agree to some extent with the member for Collie, that it is better to have the produce going more or less direct to the consumer, I believe it is a disadvantage in the long run because it will take away from the markets, where the bulk of our produce is sold, a number of the large buyers. Therefore the smaller buyers will be left to compete for what fruit and vegetables there are on the markets, at the same time not knowing the price which is being charged by those large sellers in the supermarkets. This will mean that the smaller buyer will have to be very careful as to the prices he pays.

I think growers should take a very close look at the situation before they depart from our excellent system of selling fruit by auction. I have had the opportunity of witnessing these auctions in this State, having operated on them as a grower. I have also seen the private treaty system of sales in Victoria; and in addition I have attended the sales in South Australia. I am quite satisfied that our auction system here is the best, and I therefore issue the warning to growers to be careful of doing too much bulk selling to supermarkets.

There is only one assurance which I desire from the Minister. For a number of years now it has been the custom that none of these second-hand tropical fruit cases have been forwarded to Carnarvon unless they have been treated to do away with any disease or insect larva which might be in them. At present we are fortunately free of the fungus disease known as squarter; and although it is not absolutely certain that cases do carry this disease, it has not been totally denied. Therefore I ask the Minister to ensure that Carnarvon is protected by not having these cases forwarded there. Groceries would probably be the commodity which would be packed in them mostly, as well as some vegetables.

MR. NALDER (Katanning—Minister for Agriculture) [5.33 p.m.]: I thank members for their acceptance of this amending measure. I am very pleased to be able to give an assurance to the member for Gascoyne that the cases to which he refers will not be allowed to go into Carnarvon. I understand that under the Act at present, it is provided that second-hand cases must not go within 30 miles of Carnarvon. I assure the honourable member that we have no intention of amending the Act to alter that provision. Every precaution is taken to ensure that, no matter how remote the possibility might be of introducing some pest or disease, no chance is taken in this connection. I give the honourable member this assurance and advise him that he can pass the information on to his growers.

The Government is anxious that the position as it exists at the moment shall continue. I have noted the comments of the honourable member, although the matter is of no direct concern to me under this amendment. The idea, as I outlined at the second reading, is to allow the use of these containers. They are very strongly constructed and have quite a number of uses, as has been mentioned. They are a handy size and can be used for the bulk handling of fruit and vegetables, and it is mainly in and around the metropolitan area that this occurs. As I have said, they have been used during the last year or so.

It has been decided, by agreement between the Fruitgrowers' Association of Western Australia and the Department of Agriculture, that no harm will be done by amending the Act in this way.

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.

COOGEE-KWINANA (DEVIATION) RAILWAY BILL

Second Reading

Debate resumed from the 12th September.

MR. CURRAN (South Fremantle) [5.38 p.m.]: As my electorate is vitally concerned in this matter, I wish to make a brief comment on the construction of the Coogee-Kwinana deviation railway line. I made a tour of inspection of the proposed line, and I cannot see that it could inconvenience anyone in any way. However, I am concerned at what the Minister said in his second reading speech. He said—

> There was an original line from Coogee to Kwinana, and this represents a deviation. Had this deviation been desired when the line was actually being constructed it would not, of course, have required any legislative sanction, because there are certain permitted deviations inherent in any approval for the construction of a railway line. However, on this occasion it is thought necessary and desirable to have a Bill to ratify the deviation of this line so that it can go around the back of the refinery site.

There is provision made for further deviations, and I am concerned about the encroachment of heavy industry in that area to the detriment of holiday resorts.

We can envisage the establishment of marshalling yards in East Rockingham; and, from information I have recently received, the construction of slipways in Rockingham proper. It seems that Rockingham is going to be endangered as a holiday resort by the encroachment of heavy industry so far south.

I feel that the Government, in its plans for the development of this area, should give due consideration to the maintenance and preservation of such a wonderful holiday resort as Rockingham and its adjacent areas. I think that all due precautions should be taken, and that the Government should, as far as possible, preserve the amenities of the people in the South Fremantle area.

MR. COURT (Nedlands—Minister for Railways) [5.40 p.m.]: Replying briefly to the member for South Fremantle, I am afraid that the question of Rockingham is so far removed from this particular area that it would not be appropriate for me to deal at length with the future of Rockingham. However, the whole question of the Cockburn Sound-Kwinana area has been the subject of examination by a special committee, with the object of clarifying the industrial use of the area so as to make clear to the public and to all local authorities involved what is intended. That report is the subject of consideration, and every effort will be made to release the information as quickly as is practicable. It will be appreciated that it is a major task.

The points raised by the honourable member have been taken into account by the committee concerned, and I do not think that at this stage I can go further than refer to the fact that this investigation has been carried out. I do not think the area he has referred to is directly related to this measure, although the points made by the honourable member have been noted by me.

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.

METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th September.

MR. GRAHAM (East Perth) [5.45 p.m.]: As the Minister for Transport has told us, the purpose of this Bill is to clothe the Metropolitan (Perth) Passenger Transport Trust with the same powers—as for many years were enjoyed by the Tramways Department when it was in existence—in the matter of the disposal or sale of unclaimed lost property. I have no objection to the Bill, which contains exactly the same principles—although couched in slightly different language—as the sections which were in the Government Tramways and Ferries Act.

However, there is one point I would like to bring before the notice of the House. We were informed by the Minister that there is a great accumulation of unclaimed property, far more than many of us would appreciate. I can understand that; and I think perhaps to some extent it is brought about by the fact that certain Government departments have their own arrangements in the matter of the restitution of lost property where owners claim it.

But in the great majority of cases I believe people tend to go to the police. A busy housewife with a number of children, for instance, who had been out shopping for the day, and who had lost an article, would probably have no idea where it had been lost; and would probably hazard a guess that it had been left in some store or other, or dropped in the street. Accordingly she would make her approaches to the police, who would inform her that no such article had been received by them. It might not occur to that same woman to make inquiries at the office of the M.T.T.

Whilst accepting the statement of the Minister that the Police Department has not the facilities to cope with the tremendous volume of lost articles, I think it would be far better if consideration were given to what I might call a central clearing house; in other words, one place which, in my mind, would properly be the Police Department. After all, in respect of other governmental activities—apart altogether from the M.T.T.—in the various Government offices, if some property or possession has been left by a member of the public expeditious action is taken to acquaint the police, and the article is deposited with them.

Surely it would be of convenience to the public in pursuing their inquiries, and I feel sure it would be responsible for returning to the original owners a far greater percentage of lost property, if there were a central place to which people could refer instead of, as the position is at present, being required to call at perhaps half a dozen different places.

Those are my thoughts with regard to the matter of lost property: firstly, that it may be possible to return far more of the goods; and, secondly, that there would

be a lesser necessity to dispose of, by burning or whatever means might be taken, or sell the goods; and, thirdly, and perhaps more importantly, the convenience to the public. In any case, in the absence of any arrangements such as those, I have no objection to the Bill and accordingly support the second reading.

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.

House adjourned at 5.53 p.m.

Legislative Council

Tuesday, the 19th September, 1961

CONTENTS

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

QUESTIONS ON NOTICE

NATIVES

Liability for Taxation

1. The Hon. J. D. TEAHAN asked the Minister for Mines:

   (1) Is a native not possessing citizenship rights liable to pay—
   (a) Income tax; and
   (b) Land tax?

Taxation Deductions

   (2) Is a person who employs a native not possessing citizenship rights liable to make taxation deductions from wages paid to such native?

The Hon. A. F. GRIFFITH replied:

(1) (a) and (b) Yes.

(2) Yes.

ENEABBA TOWNSITE

Survey, and Availability of Blocks

2. The Hon. A. L. LOTON (for The Hon. A. R. Jones) asked the Minister for Local Government:

   (1) Has the townsite of Eneabba been surveyed and pegged?

   (2) If the answer to No. (1) is "Yes," when will blocks be made available for purchase?

The Hon. L. A. LOGAN replied:

(1) Yes.

(2) Eneabba Lots 5, 6, 8 and 9 are now available for sale for residential purposes; Lots 50 and 51 are available for sale for business purposes, and Lot 53 is available for sale for the purpose of a "School Bus Depot."

LEAVE OF ABSENCE

On motion by The Hon. F. R. H. Lavery, leave of absence for six consecutive sittings granted to The Hon. E. M. Davies (West) on the ground of ill-health.

DIVIDING FENCES BILL

In Committee, etc.

Resumed from the 12th September. The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 5: Interpretation—

The CHAIRMAN: Progress was reported after the clause had been partly considered.

The Hon. N. E. BAXTER: I move an amendment—

> Page 4, lines 32 to 37—Delete all words after the word "any" down to and including the word "Act," and substitute the following:—"any substantial fence reasonably deemed sufficient to resist the trespass of great and small stock including sheep, but