

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

## Ayes—23

|               |                   |
|---------------|-------------------|
| Mr. Bovell    | Mr. Hutchinson    |
| Mr. Brand     | Mr. Lewis         |
| Mr. Court     | Mr. Marshall      |
| Mr. Craig     | Mr. Mitchell      |
| Mr. Crommelin | Mr. Nalder        |
| Mr. Dunn      | Mr. Nimmo         |
| Mr. Durack    | Mr. O'Connor      |
| Mr. Elliott   | Mr. O'Neill       |
| Mr. Gayfer    | Mr. Runciman      |
| Mr. Grayden   | Mr. Rushton       |
| Mr. Guthrie   | Mr. I. W. Manning |
| Dr. Henn      |                   |

## Noes—17

|               |              |
|---------------|--------------|
| Mr. Bickerton | Mr. Jamieson |
| Mr. Brady     | Mr. Kelly    |
| Mr. Davies    | Mr. Norton   |
| Mr. Evans     | Mr. Rhatigan |
| Mr. Graham    | Mr. Sewell   |
| Mr. Hall      | Mr. Toms     |
| Mr. Hawke     | Mr. Tonkin   |
| Mr. J. Hegney | Mr. May      |
| Mr. W. Hegney |              |

## Pairs

| Ayes         | Noes         |
|--------------|--------------|
| Mr. Hart     | Mr. Curran   |
| Mr. Williams | Mr. Fletcher |
| Mr. Cornell  | Mr. Rowberry |
| Mr. Burt     | Mr. Moir     |

Clause thus passed.

Clauses 3 and 4 put and passed.

Clause 5: Establishment of Committee—

Mr. ROSS HUTCHINSON: There are two small amendments to this clause which I would like the Committee to agree to—each is of the same type; that is, to change the words "Chief Engineer" to "Director of Engineering". It was intended that the head of the Public Works Department be deputed to be a member of the Fluoridation of Public Water Supplies Advisory Committee, and the Crown Law Department thought it was the Chief Engineer, which title has been changed and is now the Director of Engineering. The Chief Engineer actually is the Deputy Director of Engineering. Accordingly, I move an amendment—

Page 2, line 26—Delete the words "Chief Engineer" and substitute the words "Director of Engineering".

Amendment put and passed.

Mr. ROSS HUTCHINSON: The next amendment deals with exactly the same matter. Accordingly, I move an amendment—

Page 2, line 31—Delete the words "Chief Engineer" and substitute the words "Director of Engineering".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 6 to 12 put and passed.

## Progress

Progress reported and leave given to sit again, on motion by Mr. Tonkin (Deputy Leader of the Opposition).

House adjourned at 6.5 p.m.

## Legislative Council

Tuesday, the 18th October, 1966

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

## BILLS (9): ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Leslie Solar Salt Industry Agreement Bill.
2. Industrial Lands (Kwinana) Railway Bill.
3. Agricultural Products Act Amendment Bill
4. Fruit Cases Act Amendment Bill.
5. Legal Practitioners Act Amendment Bill.
6. Cemeteries Act Amendment Bill.
7. Evidence Act Amendment Bill.
8. Debt Collectors Licensing Act Amendment Bill.
9. Plant Diseases Act Amendment Bill.

## QUESTION WITHOUT NOTICE

## MIDLAND JUNCTION ABATTOIR

## Establishment of Meat Hall

The Hon. J. M. THOMSON asked the Minister for Local Government:

- (1) Has the Minister for Agriculture's attention been drawn to an article under the heading "Shock Meat Plan Hits at Country," appearing in *The Albany Advertiser*

stating that a meat hall is to be established at Midland Junction Abattoir?

- (2) Has an approach been made at any time to the Government to establish a meat hall at the Midland Junction Abattoir?
- (3) If the approach has been in recent months, has the Government considered the request?

The Hon. L. A. LOGAN replied:

Whilst this question is asked without notice, I did have some short notice of it and was able to contact the Minister for Agriculture. The reply is as follows:—

- (1) Yes.
- (2) Some years ago, but the proposal was not agreed to.
- (3) No approach has been made in recent months.

### QUESTION ON NOTICE PASTORAL LEASES

#### *Compliance with Conditions*

The Hon. S. T. J. THOMPSON (for The Hon. A. R. Jones) asked the Minister for Mines:

With reference to my question on Wednesday, the 14th September, 1966, regarding the activities of the Pastoral Appraisal Board, and as there were contradictory replies to parts (5) and (6) in view of the reply to part (4), I therefore repeat the question, and also seek further information as follows:—

- (1) How many station leases have been granted for pastoral purposes for the grazing of—
  - (a) sheep;
  - (b) cattle; and
  - (c) sheep and cattle?
- (2) How many station owners or managers have submitted the reports and information required by the new lease agreements?
- (3) How many owners or managers of stations have not complied with the requirements?
- (4) Why has so much time been allowed to pass without station lessees being instructed to comply with requirements?
- (5) Is it a fact that one of the stations leased to Vesteys, upon which the Government, in conjunction with the lessees, has fenced and carried out a programme of rehabilitation, has been the subject of dissatisfaction upon the part of the Government because of wrongdoing by the lessees?

- (6) Has the authority sufficient officers to carry out the inspections necessary to get a rehabilitation scheme underway speedily, so as to avoid further wrong husbandry on some of the leases?

The Hon. A. F. GRIFFITH replied:

The replies to questions asked on the 14th September, 1966, were not contradictory as the answer to part (4) is not related to parts (5) and (6). However, of the 27 converted pastoral leases within the 12-month period to the 13th October, 1966, eight plans of development have been submitted and 19 are outstanding.

Under the provisions of the amending pastoral lease legislation, the lessee is required to submit a plan of development within 12 months from the date of conversion to extended tenure. To the 13th October, 1966, 27 converted pastoral leases are in this category.

The figure of 14 quoted in reply on the 14th September included six plans of development submitted by pastoral lessees, but not statutorily required as the 12-month period had not yet elapsed; i.e., plans have been furnished in advance of a request from the department.

- (1) When all conversions are completed, approximately 630 station units will emerge, but the Act does not require that such leases will be stocked specifically with sheep, cattle, or a combination of sheep and cattle.
- (2) and (3) 27 stations were converted to the 13th October, 1965. Within the statutory 12-month period following this, eight lessees supplied the necessary information under the new lease agreement, while 19 are still awaited.
- (4) Follow-up action has been taken to obtain the outstanding developmental plans.
- (5) Action by Australian Investment Agency Pty. Ltd. has been reasonably in accord with the agreement signed in 1962.

Experience has shown, however, that to rehabilitate and safeguard the catchment area it will be necessary to exclude all stock for an extended period and to maintain long-term supervision of future grazing.

Accordingly, action is now proceeding under which the areas will be resumed. The resumption will include the Ord River lease, the Turner Grazing Company lease, and about half the area of the Flora Valley lease.

- (6) The authority has access to officers employed by the Lands Department on inspection duties sufficient for the purpose.

### **LOCAL GOVERNMENT ACT AMENDMENT BILL**

#### *Introduction and First Reading*

Bill introduced, on motion by The Hon. L. A. Logan (Minister for Local Government), and read a first time.

### **PUBLIC WORKS ACT AMENDMENT BILL**

#### *Third Reading*

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and returned to the Assembly with an amendment.

### **FISHERIES ACT AMENDMENT BILL**

#### *Third Reading*

**THE HON. G. C. MacKINNON** (Lower West—Minister for Fisheries and Fauna) [4.45 p.m.]: I move—

That the Bill be now read a third time.

Dr. Hislop asked a question with regard to the raking or cutting of seaweed. I referred this point to the department and I have been advised that both methods are used. However, it is the intention, where-ever possible, to insist on the method of cutting and gathering by light raking. The department is not sure in what areas this will be accomplished; but that is the preference.

Question put and passed.

Bill read a third time and passed.

### **SUPPLY BILL (No. 2)**

#### *Second Reading*

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Mines) [4.46 p.m.]: I move—

That the Bill be now read a second time.

Already \$61,000,000 of supply moneys have been granted this financial year consisting of Consolidated Revenue Fund, \$42,000,000, General Loan Fund, \$14,000,000, and advance to Treasurer, \$5,000,000.

In respect of the period of three months preceding the 30th September last, expenditure from the Consolidated Revenue Fund, which was incurred on services, amounted to \$52,889,000. Of this amount, only

\$40,346,000 was expended under the authority granted by the Supply Bill passed earlier in the session. The remaining \$12,543,000 was authorised by appropriations under special Acts.

The revenue collections during the same period totalled \$51,961,000 and expenditure during the same period exceeded this figure by \$928,000. The result of the first quarter of this financial year does not indicate any variation from the estimated deficit of \$618,000 provided in the Budget. It is normal for the deficit to accumulate in the early months of the year and to reduce later as certain items of revenue are brought to account.

General Loan Fund expenditure for the three months preceding the 30th September last totalled \$9,731,000. This rate of spending will, however, increase as capital works accelerate.

Additional supply to the extent of \$50,000,000 is required to enable the services of the State to be continued until the Estimates have been passed. These are before Parliament and they contain complete details of proposed expenditure from both the Consolidated Revenue Fund and the General Loan Fund.

Of the additional sum now required, an amount of \$40,000,000 is to be issued and applied out of the Consolidated Revenue Fund, and the balance of \$10,000,000 from money to the credit of the General Loan Fund.

**THE HON. H. K. WATSON** (Metropolitan) [4.48 p.m.]: Sir Robert Menzies is in the United States of America in residence at Virginia University, Charlottesville, where he will give seven lectures on the history of the Australian Federation. The first of these lectures was given last week and in it Sir Robert is reported to have said that the Australian people federated with reluctance. That was certainly true of Western Australia for, as the late Professor Shann once put it—

The Western Australian who knows the circumstances of his one-third of Australia . . . is well aware that Western Australia's entry into Federation was an historical accident, her leaders having been pushed and cajoled into it by two forces of external origin.

It was on the 21st August, 1900, that the Parliament of Western Australia passed an Address to the Queen informing Her Majesty that the people of Western Australia had agreed to join the Federation. I was not then in Parliament. But I was born on the following day; and when I heard of the Address, I kicked the bottom out of my cradle.

The Hon. A. F. Griffith: And then made a journey to the west to see what could be done about it.

The Hon. H. K. WATSON: Sir Robert's lectures in the United States, and recent statements in Australia by various not-

[Tuesday, 18 October, 1966.]

ables to which and to whom I will shortly refer, prompts me to offer a few thoughts on the Australian Federation as I see it today—with particular reference to the financial relations between the Commonwealth and the States.

I dealt with this question rather extensively in my speech to the Address-in-Reply on the 4th August, 1948. Most of what I then said could be repeated today. But I will not do so except to mention that on that occasion I pointed out that prior to the introduction of uniform taxation in 1942, three-quarters of the total income tax collected in Australia was State income tax and one-quarter was Commonwealth income tax, and by all the laws of reason, justice, and common sense the States should continue to receive three-quarters of the total amount collected from income tax under the combined uniform system.

Reviewing that proposition after the passage of 18 years, I can still say the proposition was a sound one and the refusal of the Commonwealth to face up to it, and the failure of the States to insist upon it, is largely responsible for the financial predicament in which the Treasurers of all Australian States find themselves today.

Reviewing that speech after the passage of 18 years, I find it contains only one mistake. The Chifley Government—or Mr. Chifley—was regarded as the arch-villain of heavy taxation; he soaked the rich; he soaked the poor; he soaked everybody. But the Chifley Government was then on the way out and, as a simple-minded liberal, I believed that with a change of Government in the Commonwealth Parliament the position would be rectified. I believed we would find in power men who would ease taxation and who would place the financial relationship between the Commonwealth and the States upon a more sound and equitable basis whereby the States would not be improperly deprived by the Commonwealth Government of revenue necessary to carry out the functions which, under the Commonwealth Constitution, are the concern of the States. That was the one mistake I then made.

We now find that whereas in respect of income tax reimbursements Mr. Chifley hornswoggled the States out of \$258,000,000 a year, his successors, Sir Arthur Fadden and Mr. Harold Holt, have taken the States for a ride to the tune of up to \$700,000,000 a year.

I notice that in its last publication the Institute of Public Affairs, in a learned discussion on the 1966-67 Commonwealth Budget, mentions that—

It is not perhaps generally realised that Government receipts from all sources including borrowings, now exceed 30 per cent. of gross national product compared with 26 per cent. in

the last year of Government, when spread clamour for re

Precise figures of total Australia, that is, Commonwealth and the year ended the 30th June, are not yet available, but they would be approaching \$5,000,000,000, collected approximately 90 per cent. by the Commonwealth and 10 per cent. by the States.

During the past decade the collection of Commonwealth taxation has more than doubled. It has grown from \$1,995,000,000 in 1955-56 to \$4,147,000,000 in 1965-66. In the year ended the 30th June, 1966, the taxation collected by the Commonwealth was \$4,147,000,000, comprising \$1,978,000,000 from income tax and \$2,169,000,000 from other taxes such as customs and excise, sales tax, payroll tax, estate duty, and gift duty.

In the year ended the 30th June, 1966, the Commonwealth collected income tax of \$1,978,000,000. The amount thereof paid to the States in that year by way of income tax reimbursement—or financial assistance grants as they are now grandiloquently described by the Commonwealth—was \$757,000,000, or considerably less than half of the \$1,978,000,000 which was collected by the Commonwealth as income tax. Now if the amount paid to the States had equalled three-quarters of the amount collected—which, as I explained as far back as 1948, would be fair and reasonable and *pro rata* to the respective collections of Commonwealth income tax and State income tax before the institution of uniform income tax—the States would have received the sum of \$1,484,000,000 in 1965-66, or nearly twice the amount of \$757,000,000 which they did receive.

The story in respect to each of the three preceding years is much the same. There in the simplest of illustrations members will find the root cause of the present financial predicament of the States.

It is nothing to the point to say that the Commonwealth paid a further \$360,000,000 to the States by way of special grants, road grants, specific purpose grants, and so on. Anyhow, even if that extra \$360,000,000 were deemed to be a supplementary reimbursement of income tax, and so added to the other amount of \$757,000,000, both these repayments would together still represent only about one-half of the income tax collected by the Commonwealth. But we know that the Commonwealth had plenty of tax revenue from other sources—over \$2,000,000,000 of it—from which to pay those supplementary grants of \$360,000,000.

For example, the largest, or one of the largest, single items in those supplementary grants was the roads grant of \$140,000,000, and we know that that was provided for—and indeed much more than provided for—by the petrol tax of \$204,000,000 collected by the Commonwealth and extracted from

the pockets of the motoring citizens of Australia.

The Hon. L. A. Logan: Do you include that in your overall total?

The Hon. H. K. WATSON: That amount was included in the \$360,000,000 I mentioned. Thus, in respect of income tax, I will not readily accept or concede any proposition which denies that in recent years the Commonwealth Government has short-changed the States to the tune of over \$700,000,000 a year.

If anyone wants to argue the merits of my claim that the States have been grossly short-changed by the Commonwealth, he has the job ahead of him. On my reasoning the payments by the Commonwealth to the States are light by over \$700,000,000 a year. But even if that figure be cut in half, \$350,000,000 a year is still a pretty formidable sum. Indeed it is virtually equal to the total State taxation—land tax, stamp duties, probate duties, and so on—collected by all the States in 1962.

On the 7th September last the Governor of Victoria (Sir Rohan Delacombe), said in his Governor's Speech at the opening of the Victorian State Parliament, that the Commonwealth-State financial relations were unsatisfactory, and added—

Further discussions have recently been initiated with the Commonwealth Government with a view to securing a sound long-term solution to the problem of providing for the urgent revenue needs of the States.

Such a statement appearing in the usually prosaic Governor's Speech reflects the growing bitterness of the Victorian Government to what it regards as a Commonwealth Government attitude strongly biased against the States.

Then on the 14th September last Sir Henry Bolte, the Premier of Victoria, in bringing down a Budget which provided for numerous extra State taxes—some of which were of a startling and outlandish nature—said that the whole Commonwealth-State financial system was so patently crazy and loaded against the States that it was beyond comprehension how anyone could defend it.

A similar sorry story was unfolded by the Premier of New South Wales (Mr. R. W. Askin), when bringing down his Budget on the 27th September last. Mr. Askin said that substantial changes must take place in Commonwealth-State financial relationships if the States were not to look for new taxation fields to meet community demands. On the 29th September last Mr. Chalk, the Treasurer of Queensland, told a similar story in his Budget speech. The financial predicament of New South Wales and Victoria, and the extra State taxes which they have just imposed is, under present circumstances, of immediate and direct concern to the State of Western Australia. This is because unless our State

taxes its people with the same severity as New South Wales and Victoria there will be a reduction in the special supplementary grant which the Commonwealth makes to Western Australia.

That grant comes to us dolled up as something in the nature of a charitable gift. In my book it is, as I have already indicated, nothing more than part of a much larger amount to which we are entitled as of right by way of partial repayment to this State of taxes collected from the people of this State by the Commonwealth Government. That is my reply to Sir Henry Bolte who is inclined to run off the rails a bit, and who complains that such grant is a sop by the Commonwealth to Western Australia to buy off Western Australia at the annual Premiers' Conference. By the way, such a jibe comes rather unfortunately from one who at a recent Premiers' Conference in the Parliament House at Canberra went with Sir Robert Menzies behind the Speaker's dais and there sold his fellow Premiers down the river for 30 pieces of silver, as it were.

The Hon. J. Dolan: Typical Liberal tactics!

The Hon. H. K. WATSON: While on this theme, may I remind the House that Australia's overseas reserves would be in a pretty parlous condition, but for the efforts and contributions by Western Australia. In this connection the figures can only be regarded as remarkable.

For the year ended the 30th June, 1966, Western Australia had a favourable overseas trade balance of \$147,000,000. The rest of Australia had a combined unfavourable balance of \$326,000,000. In other words, Australia's unfavourable overseas trade balance was \$179,000,000, but it would have been nearly double that amount but for the effort of Western Australia. The story for the preceding year was much the same.

It is also well to remember that under Federation, Western Australia constitutes a very valuable captive market for manufacturers and merchants in the Eastern States, from whence last year we imported goods to the value of \$394,000,000, without much reciprocal trade.

Neither the Premier of Victoria nor the Premier of New South Wales, nor for that matter, the Premier of any other State, would have found himself in his present serious financial predicament had he received his proportionate share of the short-changed \$700,000,000 of income tax to which I have referred.

But the State Premiers are not altogether blameless in this matter. At most of the Premiers' Conferences I am afraid real statesmanship has been conspicuous by its absence. For too long there has been too much of each Premier being concerned not with long-term principles for fair and sound Commonwealth-State financial re-

lations, but rather with overcoming by hook or by crook his own immediate cursed lack of pence. Successive Commonwealth Treasurers have played one State off against another and have worked on the policy of divide and conquer—and of doling out only so much as will keep the States from going completely broke. Party politics have also played a part.

On this question, therefore—and not forgetting the shenanigans which have gone on for so many years—I am of the opinion that it is high time all the State Premiers presented a united front and honestly and earnestly fought out the question to a finish on the basis of each for all and all for each.

Let them thoroughly prepare for a real show down. If they want a motto, here it is—

*Flectere si nequeo superos, Acheronta movebo—*

The Hon. F. D. Willmott: Will the honourable member tell me what that means in language I can understand?

The Hon. H. K. WATSON: A free translation is—

If we cannot prevail upon the Gods we shall raise hell.

The Hon. V. J. Ferry: You now have your answer.

The Hon. H. K. Watson: In August last Sir Henry Bolte challenged Mr. McMahon to a television debate. I suggest it would be more to the point if, failing an early and acceptable pronouncement by the Commonwealth Government for an immediate correction of the chronic disequilibrium in Commonwealth-State financial relationships whereby the people of Australia are—in so many ways—having the shirt taxed off their back, Sir Henry Bolte at the forthcoming Federal elections, with the solid support and backing of every State Premier, contested the Higgins seat against Mr. Harold Holt. The fight to be on this issue and this issue alone. That should liven up what looks like being a very dull Federal election.

For my part, I would be prepared to contribute \$1,000 towards an election campaign fund for such a purpose, and I am sure many others would be willing to do the same. Such a contest would give the electors of Higgins an opportunity, speaking through the ballot box on behalf of the electors of Australia, to tell the Commonwealth Government where it could go and what it could do with its present discredited formula for returning to the States a wholly inadequate share of the taxes which it collects under powers usurped from the States.

The Hon. J. Dolan: How would Bolte react if he actually beat him?

The Hon. H. K. WATSON: We would have to reconsider the position.

The Hon. V. J. Ferry: Hold a by-election.

The Hon. L. A. Logan: We would have to make him Prime Minister.

The Hon. H. K. WATSON: The people of Australia should be told clearly and forcibly that most of this jacking-up of service charges, and these stunning extra taxes and imposts which are being levied upon them by the various State Governments, would be quite unnecessary if the States were to receive their just and equitable share of the taxation—swollen from \$2,000,000,000 a year in 1956 to \$4,000,000,000 in 1966—which is extracted from the people by the Commonwealth Government for the joint purposes of the Commonwealth and the States.

Let it be remembered that although foreign affairs and defence are the responsibility of the Commonwealth Government, it is the State Governments on which the responsibility rests for the enforcement of law and order, education, transport, health, housing, and so on, and for the Commonwealth to pass on to the States only one-quarter of the total tax collections of over \$4,000,000,000 a year is, as I see it, little short of grand larceny.

Let me now return for a moment to that part of the grants which are made to the States for specific purposes. No small part of those grants is made subject to the devilish condition that they shall be matched by the State which receives them. Now if we received a gift for that purpose from some other country, one could understand that condition. But the money so received by the States is simply money contributed by the people by way of taxation. Thus the taxpayer is taxed by the Commonwealth in order that such money may be passed on to the States for, say, roads, universities, and so on; but virtually subject to the condition, invented by the Commonwealth, that the taxpayer shall again be taxed by the State for the same purpose. Surely, in all the circumstances, and in fairness to the taxpayers, this is a condition which should be rejected out of hand.

The question may well be asked: What does the Commonwealth Government do with all this \$700,000,000 of income tax collections of which it has short-changed the States? The answer is simple. Much of it has, regardless of essential priorities, been spent on matters in which the Commonwealth was never intended to have a hand. This, of course, has been designed to build up the power and influence and prestige of the Commonwealth Parliament and its administration at the expense of the State Parliaments and their administrations.

Much of this money has been absorbed in a frightening increase and expansion of the Commonwealth Public Service, where economy counts for little and where Parkinson's Law is illustrated in a grand

style. Between 1956 and 1966 the number of persons employed in the Commonwealth Public Service, excluding the Postmaster General's Department, rose from 74,000 to 97,000. Last year the increase in numbers in the Commonwealth Public Service was an all-time record of over 5 per cent. Last year the salaries of the Commonwealth Public Service, excluding the Postmaster General's Department totalled \$295,000,000. In the space of 10 years there was an extravagant and unjustified increase in cost from \$149,000,000 in 1956 to \$295,000,000 last year.

A pretty good illustration how this occurs is furnished by the creation of still another department. I refer to the Trade Practices Department, which is in course of being set up by the Commonwealth. The Commonwealth appointed a Trade Practices Commissioner at a salary of \$15,000 a year, which is in keeping with the salaries of the host of other departmental heads; and it has advertised for two deputy commissioners at a salary of \$10,600 a year each. The commissioner is reported to have informed the Press that he envisages a staff of about 100, and he intends to draw specialised assistants from as many fields as possible. There we have a pretty clear picture. There will be over 100 highly paid men in that new department. Doing what? Either needlessly harassing the business community, or else—when not playing golf—sitting in their chairs shining the seats of their trousers and watching the clock.

And because of that—because the tax collections are for such purposes withheld from the States—the States find they have to increase stamp duties and all sorts of other charges.

That the bureaucrats of Canberra and their Ministers can be really dangerous to the best interests of our State and of Australia is well illustrated by their unprincipled and unwarranted interference in one of the iron ore contracts. Members may recall, our very industrious Minister for Industrial Development was sorely tried by the extraordinary attitude of the Minister at Canberra and the officers of the Department of Trade, or whatever it is called, who, although they had power to control exports, abused that power by refusing a license on the ground that the contract price of the ore was too low.

They virtually ordered the abrogation of the contract because, in their priceless opinion, the price was too low—a price negotiated by two very hardheaded business firms who have probably forgotten more than any civil servant at Canberra ever knew about the production of iron ore or the complex business of selling it. That was an extremely serious situation, because contracts between businessmen in different countries are pretty sacred things; and, that action, in my opinion, tarnished the overseas reputation of Australia's business morals and endangered future contracts.

It was interference simply for the sake of interference to say, "We are the Commonwealth Government."

A few months ago our Minister for Industrial Development was constrained to protest very vigorously against such action because he pointed out that the issues of interference were very clear. He said—

Unwarranted interference in the proper and logical commercial development of our iron fields and their markets for ore, processed ore, iron and steel affects the whole of Australia.

It cuts across our rights in Western Australia to the fullest benefit from maximum development on the iron-fields. It cuts across the rights of other States to the industrial benefits that our iron exports can give them.

As West Australians we jointly own the iron ore and other minerals within our borders. In the case of iron, we have such vast reserves as to make any restriction on sales meaningless. We should therefore have every right as a sovereign State to deal with it in a responsible manner.

Interference in this case has been a serious example of legitimate power misused in such a way as to minimise State rights and make them meaningless. This is not in the interests of the State or the Federation.

I wholeheartedly agree with everything said there by the Minister for Industrial Development.

The Hon. N. E. Baxter: I say there is a much more serious reason for this interference.

The Hon. H. K. WATSON: It was interference for interference sake; and the honourable member knows it.

The Hon. N. E. Baxter: No, it was not.

The Hon. H. K. WATSON: Because it happens to be criticism of a Country Party Minister we had an interjection from a member of the Country Party. I would remind every member in this House that the interests of the State are above party, irrespective of whether or not the Minister in Canberra who is being criticised is a member of the party to which we belong.

The Commonwealth Government continues to spend and spend and spend at an ever-increasing rate. For that purpose, its taxation collections have, as I have said, doubled within the past 10 years.

From *The West Australian* of the 10th September last, we learn that President Johnson has ordered a cut of many thousands of millions of dollars in the United States' federal spending. In an Australian operation of such refreshing nature to ensure sound and economic government, there is ample room—and without fear of much public disputation—for our Federal Treasurer to go all the way with L.B.J.—and to go part of the way with H.K.

To all the recent discussions, further interest has been added by the statement of Mr. A. A. Calwell, Leader of the Federal Opposition, as reported in the *Australian Financial Review* of the 23rd September last. Mr. Calwell is reported to have said that a complete readjustment of financial relationships between the States and the Commonwealth was vital, and that details of Labor's proposals in this respect would be made in his policy speech. However, he is reported to have said: "One thing which could be told now was that Labor steadfastly intended to return to the States all the money collected in petrol tax."

I would point out that since the inception of the petrol tax, the amount thereof short-changed to the States has reached the substantial sum of \$666,000,000. Therefore the last-mentioned assurance is of considerable importance and very gratifying, provided it is not hedged with matching conditions or some other wretched piece of nonsense for which the Commonwealth authorities have become notorious.

If Mr. Calwell's solution to the main problem turns out to be the return to the States of three-quarters of the income tax collections, then in the absence of something as good, or better, in the policy speech of Mr. Holt, my view—subject to the same reservation as I have taken in respect of the petrol tax—would be that we should place State before party and campaign and vote accordingly at the forthcoming Federal elections.

But, with plenty of commonsense, and with my feet firmly on the ground, I recall that Mr. Calwell was a member of the Chifley Government; and it was Mr. Chifley who foisted the uniform tax and its disastrous consequences upon the States. For the moment, therefore, I content myself with observing that up to date Mr. Calwell's idea of fifty-fifty is like that of the meat pie man, "one horse, one rabbit."

Then, too, I was quite unimpressed by Mr. Whitlam when he spoke during the Channel 7 news telecast on the 23rd September last in an interview regarding the forthcoming election. He suavely said this, or something to this effect: "We are spending much of our money on higher education. I am referring to our money. We spend more than all the States put together." The man said it with such patronising smugness that one got the impression it was really his own money and not tax moneys wrung from the pockets of Australian taxpayers and really intended, under the Federal compact, to be returned to the States and spent by the States as the States thought best. And of this, Mr. Lavery gave a pretty good example the other day when we were discussing the Education Act Amendment Bill.

The States were, before the Commonwealth was. The Federation began to get

out of hand 40 years ago, particularly in respect of Western Australia. Twenty years ago Federation got more out of hand in respect of all the States. Today, Federation is radically out of hand right throughout the continent.

If the Australian Federation is to be preserved, some real sense of Federation must somehow be knocked into the heads of the Commonwealth Government. If the State Premiers cannot do that by polite and orthodox means, then they should resort to unorthodox means. Indeed, any means; even to borrowing a few ideas from Mr. Ian Smith, whose country went into and out of a Federation, all within the space of 4,000 days.

In conclusion, I would urge the State Premiers to get stuck into this matter and proceed to move by the most compelling motive—that motive which, in the classical words of Sheridan, makes it base for a man to suffer when he ought to act; that feeling which tells him that resistance to power usurped is a duty which he owes to himself and his neighbour; that principle which tells him that all power is delegated for the good and not for injury of the public; and when the compact is broken, the right is to be resumed.

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

## FIREARMS AND GUNS ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 12th October.

**THE HON. E. M. HEENAN** (Lower North) [5.30 p.m.]: Perhaps I could commence my remarks by repeating Mr. Watson's closing quotation to the effect that all power delegated should be for the good of the public and on behalf of the public.

If anyone makes a close study of the Firearms and Guns Act, he will find it a very interesting piece of legislation and, of course, so it should be because we are all aware that any matter relating to the use of firearms and guns comes very close to being in the interests of the public. When having a look at this small Bill which is now presented to us, I was rather surprised to ascertain that in the State of Western Australia there are now 74,417 licenses issued to individuals who own and use firearms. It is also estimated that there are between 7,000 and 10,000 firearms for which licenses are not required. Those figures are rather astonishing.

I cannot help wondering why such a great number of people find it necessary to hold those licenses. It appears to me that in the past a license to use firearms was issued more or less as a matter of course. I can well remember when I was



a boy at Esperance just about every one of us used a rifle of some sort. There were plenty of ducks to shoot at and we used to go out to the islands and shoot geese and rabbits. I am sure that almost all of our fathers owned guns or rifles and the boys were allowed to use them.

I repeat, however, that in this State of Western Australia—which has developed vastly over the past few decades—it seems unnecessary and perhaps an unwise state of affairs that there should be close on 75,000 licenses issued. In years gone by, of course, there were a number of people in the country, and in the more distant parts of the State, who found it more or less essential to use a rifle for the purpose of protection, and also for the purpose of providing themselves with food. We can all agree that state of affairs still exists in various parts of the State.

As I see it, the purpose of this Bill is further to tighten up the provisions which are designed to deal with the indiscriminate shooter. He is the vandal; the person who shoots indiscriminately and harms domestic animals, and who inflicts damage to property, and so on. I think we can all go along with the provisions of the Bill in that direction.

Experience has shown that the Act, as it now stands, falls short in some respects and this Bill gives the police further powers. For a start, we find that if the Bill is passed the Act will cover the whole of the State. At the present time certain more distant portions of the State are exempt and I think the reason those areas will now be covered by the Act is that there has been considerable development in the north and in districts such as Esperance; and the reasons which formerly justified those places being exempt no longer exist.

I do not think I can challenge the necessity for that provision. If anyone wants to use a firearm in the Kimberleys, he should be licensed and he should conform to the requirements of the law. On the other hand, we have to be careful that his rights are protected and that we do not impose obligations and hardships which will tend to bring him into conflict with the law. I will have something to say about that as I proceed further.

The next provision with which I will deal is the amendment to section 11 of the Act. Section 11 already provides that any person found in possession of a firearm can be required by the police to give his name and address, and produce his license. The amendment proposes that if in those circumstances such a person cannot then and there produce his license the firearm can be confiscated and held until such time as he does produce his license. The provision is not mandatory: We do not compel the police officer to seize the firearm, but we empower him to do so.

I think some discretion will be given to the police in those circumstances. However, as I point out, we do grant further power to the police by empowering them, in those circumstances, to take possession of the firearm and keep it until the license is produced. It could well be imagined, of course, that a person caught in those circumstances may not be carrying his license. It is extremely likely that the person, in the country, or in the outback, at any rate, will not be carrying the license. I do not know what members think of that; whether the end justifies the means is debatable.

We have to remember that firearms are dangerous and I know, in portions of the goldfields, and in the Murchison, and in the districts I know, I have repeatedly had it brought to my notice that damage has been done to tanks and signs and so on by irresponsible and indiscriminate shooters who cause a lot of harm. I suppose there would be only a handful of them, but the decent people have to suffer for them. That seems to be the way it is in this life.

I hope the police, for whom I have a lot of respect, and in whose judgment I have a lot of faith, will exercise this provision wisely, if it is included in the Act.

Another provision in the Bill empowers the police to seize and take possession of a firearm if it is found to be unsafe or unfit for use. I must admit I cannot find much wrong with that provision, either. If there is any criticism to be made against the provision, it is that we give the police discretion to decide whether the firearm is fit or unfit. If a firearm is unsafe, or unfit for use, it is my view that someone—and that "someone" should be the police—should ensure it is not used.

The next amendment is to section 12 of the principal Act. That section outlines a number of offences—there being 16 of them. It is now proposed to add a couple of others. For instance, one of the new ones added deals with a person who alters a firearm so that its calibre, character, or kind differs from that existing at the time a license was first issued to possess it. I think the idea behind that is to deal with someone who, perhaps, has stolen a rifle or who has come by it unlawfully, or who has committed some offence with it and wants to cover up. I do not think I could criticise that proposal.

There is already a provision in the Act to deal with anyone who uses a firearm without the consent of the owner or occupier of the land on which it is being used. But it is now proposed to add a further offence, carrying a penalty of \$20, for anyone carrying a firearm other than on a road open to the public, without reasonable excuse, onto or across land that is used for, or in connection with, primary production, without the express or implied consent of the occupier or of some person apparently authorised to act on behalf of the occupier.

A rather simple and easy interpretation of that would be that it will be an offence to carry a firearm on any portion of another person's farm, cattle station, sheep station, or mining lease, without the occupier's express or implied consent. That is a fairly far-reaching provision. The police would not have to prove that one had ammunition, or that one had used the firearm; all that would have to be proved would be that one had a firearm in one's motorcar or on one's saddle, and that one was on some other person's land which was used for primary production. However, it is perfectly all right if one has the owner's or occupier's consent, whether it be expressed or implied.

I do not know how one would get implied consent. I know that some of these stations cover vast areas and one would have to travel miles to interview the owner or occupier of such a property. But if one does not get his express consent then it has to be implied; and I suppose circumstances where it would be implied would be where the owner or occupier knew one was there, or knew one had been there on a former occasion and had not protested about it. I ask members to give that amendment some consideration. In favour of it, of course, is the main motive of dealing with irresponsible and indiscriminate shooters or vandals who shoot tanks and, I am told, even sheep and horses and take them away at night and use them for devious purposes.

The Hon. F. D. Willmott: They shoot them for fun, too.

The Hon. E. M. HEENAN: Of course, we can have no sympathy with that sort of behaviour. But we also have to weigh up the possibility of doing some injustice to the *bona fide*, decent individual; and I adjure members to give that point some consideration. I am all for the underlying purpose of the Bill, however, but I think the Government, or whoever administers the Act, should check upon the vast number of firearms scattered throughout the State.

The Hon. A. F. Griffith: What do you mean by "check up"? They are checked each year because the licenses have to be renewed each year. You mean a physical check?

The Hon. E. M. HEENAN: There have been a number of tragedies through the use of firearms and, from time to time, there have been shooting incidents which seems to indicate that many people who own firearms are careless in leaving them lying around. Anyone who wanted to start out on a rampage and shoot people, or rob a bank, would find it easy to get hold of a firearm. Of course, it is easy to be critical but it seems to me the time has arrived when it might be advisable to give some consideration to restricting the granting of licenses except in worth-while and deserving cases.

The Hon. A. F. Griffith: It is very difficult to control where a person has a criminal intent.

The Hon. E. M. HEENAN: I agree.

The Hon. A. F. Griffith: If a person comes from the east to the west with a criminal intent, and he has with him a firearm concealed in his luggage, it is difficult to detect it.

The Hon. E. M. HEENAN: That is so. On the goldfields there are many station owners who have valuable properties and undoubtedly they have suffered a great deal of damage and deprivation through the activities of vandals. However, on the other hand, life on the goldfields is fairly hard and a number of people like to go out shooting at the weekends. In certain circumstances prospectors find it hard to live and we have to safeguard their rights and points of view. Therefore, in considering this Bill it is advisable for all of us to weigh up the respective rights of these people.

The Hon. R. Thompson: With the prospector a gun would be his only means of protection.

The Hon. E. M. HEENAN: Yes.

The Hon. A. F. Griffith: Against turkeys?

The Hon. E. M. HEENAN: I shall now make way for other members who may care to speak to this interesting measure.

**THE HON. T. O. PERRY** (Lower Central) [5.56 p.m.]: The previous speaker has given the amendments in this Bill a fairly wide coverage so I shall confine my remarks mainly to that portion of the measure which deals with the carrying of a firearm onto land used for primary production without the express consent of the owner or occupier. I think this measure will be welcomed by the primary producer and the responsible shooter because it will help curb the activities of the irresponsible shooter.

When introducing the Bill in another place the Minister for Police said that in the rugged pioneering days it may have been necessary for a large percentage of the population to possess firearms; and that was certainly so. When my father managed the Oobagooma cattle station, which is about 60 miles north of Derby, every year the natives came in from the King Leopold Range and attacked the station homestead. On one occasion they speared the station's Chinese cook; and so it was necessary for almost every person in the north, man or woman, to be armed for his or her protection.

It was about this time that Pidgin, a police boy, murdered a policeman, when out on patrol, stole the policeman's rifle and ammunition and escaped into the rugged country north-east of Derby, out in the King Leopold Range area. Constable Filmer from Derby was

sent out to capture this escaped police boy and at this stage I would like to hand to the Minister who introduced the Bill into this House a cartridge which was reported to have been carried by the policeman at that time. With it is another cartridge which is used for the destruction of parrots in the orchards in this State. I would like the Minister to compare the size of the two cartridges. The larger cartridge is over 80 years old and it was brought down to the metropolitan area in about the year 1890.

The Hon. A. F. Griffith: All I can say is that you have pretty big parrots up your way.

The Hon. T. O. PERRY: It is the other one which is used for parrots. I think it took Constable Pilmer over a year to capture Pidgin and bring him to justice. Pilmer was well known among the early settlers in the Kimberleys as a wonderful athlete and bushman. He was also spoken of as being rather ruthless in his handling of the natives; but I suppose, in view of the conditions under which people lived in those days that was understandable.

The Hon. H. C. Strickland: The natives were always chained—neck to neck.

The Hon. T. O. PERRY: When they were captured they were chained and they were fed on flour and water.

No license to possess a firearm was required until 1931 and in that year, I think it was, Parliament passed an Act relating to firearms and pistols which made it compulsory for a person to hold a license to possess a firearm. The Act applied throughout the whole of the State but provision was made for the Governor-in-Council to proclaim certain specified portions of the State exempt from the Act.

I think the area north of the 26th parallel was exempt from the provisions of the Act until the early part of this year when the legislation was amended, and the whole of the State came under the one Act.

I found it difficult to follow the thinking of some members when debating this Bill in another place. I would like to read some of the statements made. One member said—

I appreciate the Minister's desire to have the Bill passed, but we must have regard for the Australian way of life, and if people are prevented from entering a private property to engage in some shooting occasionally with a rifle then I fear for the future of the Australian way of life.

Surely it is only common courtesy for people to seek permission before they go on to a property to shoot. The honourable member then referred to the collection of mushrooms, and further said—

At the moment there are thousands of youths being trained every other

night of the week to fire a .303 rifle and, naturally, after they have gained some proficiency they become a little trigger-happy and keen to go out into the country for some rifle practice. However, if this Bill is agreed to, any youth who attempts to practise rifle shooting on private property without permission will be prosecuted.

The honourable member refers to these youths as being trigger-happy, and yet complains that the same trigger-happy youths are not allowed to shoot without permission. As the Act stands at present nobody is allowed to shoot without seeking the permission of the landowner. The present legislation only refers to the carrying of firearms on private property without the owner's permission. Surely it is not unreasonable to require people to obtain the permission of the owner!

As we pass up and down our roads and highways we see the damage done by these trigger-happy people, who shoot at road signs, safety signs, and insulators on telephone posts. Just east of Collie recently a train crew noticed that the railway flashing lights were not working. They reported the matter to the railway authorities at Collie and, on examination, it was found that someone had shot out the flashing lights. People depend on these flashing lights to indicate the approach of a train, and the absence of these lights could have cost a life.

The Hon. A. F. Griffith: Not one life but dozens of lives could have been lost.

The Hon. T. O. PERRY: It is to curb this sort of thing that these amendments to the Firearms and Guns Act are being introduced. It is being done to control the irresponsible type of person who will shoot out flashing lights at railway crossings, and who will not hesitate to fire at water tanks on private property.

I understand that on some stations the stock have been left without water for a considerable time, because the water tanks have been fired at by people using high-powered rifles, with the result that no water has been left in the tanks. If a responsible shooter calls at a homestead and seeks permission to shoot, I am sure the majority of landholders will not refuse such permission. Very often they will direct the shooter to a paddock where there is no stock, or to one where there is game to be shot. But there are some people who shoot on properties without having regard for the stock or for anything else. There are others who enter the back way, without permission, and naturally the owner gets suspicious of what they are doing there.

Those property owners who have had their water tanks shot at, and who have had their stock destroyed, or left without water, will not permit shooters on their properties; and we cannot blame them for that.

The Hon. L. A. Logan: They will probably have a shotgun ready for such purposes.

The Hon. T. O. PERRY: I understand some members have said they have never been approached in connection with indiscriminate shooting. I think Mr. Heitman will agree that the Country Shire Councils' Association has had requests from time to time to support legislation of this nature.

I think the President of the Mount Magnet Shire Council has said that in that area weekend shooters have been known to go out and destroy stock from time to time; and they have also been known to shoot at water tanks, which means that the water escapes and the stock are left without water.

I can agree with one statement made by the Minister for Police when he was referring to members of rifle clubs. He said that it was not necessary for members of rifle clubs to have a license for .303 rifles when they were shooting on the range. He also said that members of rifle clubs usually owned more than one rifle. This part of his statement is correct. But then he added that such people usually keep one rifle for competitive shooting and another rifle for sporting purposes, and with this remark I cannot agree because by this he conveyed the impression that he thought the majority of riflemen do this. I have no doubt that in isolated cases rifle club members may do this, but it is not correct to say that it is usual for such a member to have one rifle for the range and another for shooting in the bush.

I know there have been cases where unlicensed rifles have been found in the possession of unauthorised people; and where these rifles have been obtained from rifle club members. This matter is not easy to police. I think I have held almost every executive position in a rifle club, and I know that this matter is most difficult to police. For instance if a member of a rifle club in Darkan decides to go to Broome, it is not possible to take his rifle from him when he has paid for it. After a few months, however, it may be discovered he has not gone to Broome at all; he has gone somewhere else. It is thus very difficult to keep track of these rifles.

If a rifle club member becomes unfinancial, or leaves a club, he is generally asked to hand his rifle in; but if he is proceeding to another district, and gives an assurance that he proposes to join a rifle club in that district, the club has no authority to take his rifle from him.

*Sitting suspended from 6.8 to 7.30 p.m.*

The Hon. T. O. PERRY: I was saying before tea that I did not think the average member of a rifle club would use firearms indiscriminately away from the firing range. The main reason for mem-

bers of rifle clubs owning more than one rifle is that the .303 rifle as turned out by the manufacturers is far from accurate over long distances. The barrels have to be rebedded. As we know, the bullet which passes through the barrel is slightly larger than the bore, and every time a shot is fired the barrel expands. With this being done constantly the bedding of the rifle shifts.

In rifle-shooting competitions, very often a competitor changes over to another rifle half way through because the one he is using is not accurate enough. In the last championships held at Swanbourne some competitors had five or six rifles which they used in turn. If a competitor was not successful with one rifle he would use another.

Some time ago a friend of mine at Manjimup drew my attention to the fact that in this State there is not a license known as a collector's license. A person is allowed to own and keep rifles, but before a firearm can be classified as an antique it is generally rendered unserviceable by destroying part of the mechanism or by filling the barrel with lead. I understand that in every other State of the Commonwealth collectors' licenses are issued.

Sportsmen and firearms' owners who come to Western Australia from other States or countries are amazed at the lack of provision for collectors' licenses. Recently a doctor from New Zealand who had taken part in big game shooting in practically every country in the world brought with him a collection of guns and rifles. On arriving in Western Australia he was told that he would not require the firearms and he was not issued with a permit. He asked about a collector's license, and whether he could store the firearms if he did not use them. They had been in the possession of his family for years and were valuable. He was refused a license and he had to send his collection back to New Zealand.

I have heard of other people who were placed in the same predicament. I understand that a chemist in Kalgoorlie owns a number of rifles, but he is not permitted to bring them into this State. The honourable member on my right knows of a person in Wagin who is placed in the same plight. He brought some rifles over from South Australia but was refused a license in Western Australia. Consideration should be given to the issue of collectors' licenses, because they are available in the other States. I would like to put in a plea that responsible people be allowed to obtain collectors' licenses for firearms.

Personally I own every model of the .303 rifle that has been manufactured, from the single shot lever action type to the long rifle used before the First World War.

As long as I am a member of a rifle club I can hold on to the rifles I own, but should I leave the National Rifle Association I would have to hand in these rifles. Although I will not be any less responsible than I am now I will not be permitted to own them. I put in a plea that when this legislation is being amended on some future occasion the introduction of collectors' licenses should be included.

**THE HON. J. J. GARRIGAN** (South-East) [7.37 p.m.]: In speaking to this small Bill I cannot find very much wrong with it with the exception of item 13B in clause 5 relating to the carrying of a firearm, other than on a road open to the public, without reasonable excuse, etc. During my stay on the goldfields this weekend I was approached by some of the genuine type of shooters. Their fathers had been shooting in that area for 50 years, and they have followed in the footsteps of their fathers. These people were shooting in the bushlands of the goldfields long before the settlers went on to the stations.

For years there has been an amicable arrangement between the genuine shooters and the station owners. The shooters have been allowed on the properties, without the need to give any notice. They now feel that they have become the victims of circumstances, through the exploits of the bodgie type of shooter who uses a pea rifle or a small bore rifle and causes damage.

The genuine shooters go onto a station with a .303 or a .44 rifle or an automatic shotgun to shoot game, and mostly they are successful. Should anything on the station be in need of attention while they are around—such as a windmill being out of order, sheep in a bog, or cattle caught up in fences—they would attend to it. If they cannot rectify these things themselves they notify the station owner.

On other other hand there is the bodgie type of shooter, or the larrikin who arms himself with a small bore rifle. Such people will not go into the hills to shoot kangaroos, or onto the blistering plains to shoot emus. They generally go to the nearest water hole, billabong, river, lake, or dam, knowing full well that at these waters they will find the small birds congregating. With their .22 rifles they massacre these small birds, and when they are satisfied they go on to shoot up water tanks, windmills, and everything else within range. Mr. Perry pointed out that they shoot the insulators off telephone posts, and thus cut off communication between the stations and the nearest town.

The Act governing the issue of licenses for small bore rifles is in need of a general overhaul. There must be thousands of these licenses in Western Australia, but this type of firearm is of no value to the genuine shooter. They are very dangerous

if used by irresponsible types. Sometimes I have thought that this type of license should be revoked. Perhaps during the next session of Parliament strong action should be taken to enable small bore firearms to be called in. If that were done the bird life and much private property in Western Australia would be preserved. With those comments I support the Bill.

**THE HON. R. THOMPSON** (South Metropolitan) [7.41 p.m.]: I have not any great objection to the Bill other than the proposed amendment to section 11. I think this amendment is rather impracticable from the point of view of a duck-shooter. As a duck-shooter I say that is the only amendment in which I am interested. Sometimes it is not uncommon for this class of shooter to leave camp at 2 or 3 a.m. and to return at 11 a.m. or 12 noon, during which time he follows the water-courses and waits until he is in the right position to shoot at the ducks. Very often these shooters have to tramp and run through water. Not many people have gun dogs and I certainly have not one.

The firearm license is made of light cardboard and has to be carried on the person. Those of us who find difficulty in keeping cigarettes dry while out on these jaunts will realise how difficult it is to prevent firearms licenses from being damaged. I should point out that these licenses are issued for a 10-year period.

**The Hon. A. F. Griffith:** In which pocket do you keep your cigarettes?

**The Hon. R. THOMPSON:** Usually in my cap, if I have one on. Something should be done about the damage caused by the irresponsible shooter, as was mentioned by Mr. Garrigan. I noticed that lads who a couple of years ago caused much damage have become less wild with the passage of the years. My place has been shot up three or four times while I was in bed, and I am aware that other houses have received similar treatment. I think a mistake was made earlier on in the introduction of firearms licenses when lads of 16 and 17 years of age were permitted to own firearms.

Before firearms licenses were introduced the young lads in the 1920s and the early 1930s were taught by their fathers how to use guns. If my memory serves me correctly, when licensing was introduced in 1931—it was not completely enforced until 1934 or 1935—all firearms had to be licensed, otherwise they were confiscated. In those days a son could use his father's gun, and that was a rather good provision in the Act, because a father could teach the son how to use a firearm before he could own one.

I started to shoot when I was about six or seven years old, and on not one occasion when I have been out on my own, or with others, have I seen an accident because all those concerned were taught how to fire a gun.

Over the past 10 or 15 years the police have clamped down on young shooters. Those desiring to obtain a license must provide proof that they have the right to shoot on someone's property. That is very good. I have given such proof to the police concerning young lads with whom I have gone shooting. However, there is nothing to stop them the next week from going onto someone else's property to shoot it up if they so desire.

I feel the police are doing a good job at present, but I cannot agree with the provision under which, if a person is unable to produce a license on demand, his firearm will be confiscated until such time as he does so. I think that is rather unreasonable. A person could be on an extended holiday, or a long journey up through the north-west, or at Kalgoorlie, or in the Lakes area. He may have obtained permission to shoot on one or more properties. However, he may, through some unforeseen circumstance, have left his license at home and, as a consequence, his firearm could be impounded until such time as he produced the license.

I think the provisions concerning gun licenses should be the same as those for a driver's license. The police do not impound a car if the driver is unable to produce his license. I do not think there is much difference between the two circumstances. Most people are honest. There are not too many dishonest people in comparison with the honest ones. Therefore, I think this provision should be reconsidered and brought into line with the similar provision in the Traffic Act. Apart from this, I support the Bill.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the Opposition) [7.48 p.m.]: I merely wish to enlarge upon the closing remarks of Mr. Ron Thompson. I feel that paragraph (a) of clause 4 should be more elastic. A person on holidays could easily leave his license at home and he should be given a reasonable time in which to produce it if requested to do so. I feel that would be sufficient to meet the situation.

The possibility exists also that if a person were required to carry his license at all times, it would become almost indecipherable. I have here a license which is typical of those issued today, and it has to be kept for a period of 10 years. Interim receipts are issued from year to year and these must be kept inside the license. If a duck-shooter is required to keep his license with him, it is quite likely to get wet and would then be of very little value because it would not be decipherable.

**The Hon. R. Thompson:** It costs 10s. to get another one.

**The Hon. W. F. WILLESEE:** As Mr. Ron Thompson has just said, the person concerned would have to pay another 10s. to replace the license. I think a reasonable

answer to the question would be to provide that a person must produce his license, within seven days, to the nearest police station, if he has been requested by a policeman to produce it and is unable to do so on the spot.

A person could be involved in considerable cost if he has not his license in his possession and, as a consequence, his firearm is confiscated until such time as he produces the license. It might be necessary for him to freight the firearm some considerable distance. For instance, a person from Perth could be on holiday in Roebourne or Port Hedland. Roebourne is a popular venue at the moment, and if he had to forfeit his weapon immediately because he could not produce the license, and subsequently he produced the license, he would then be faced with the cost—it could be considerable—of getting his rifle back into his possession.

Therefore I am wondering whether the Minister would give consideration to this point and amend the appropriate clause to allow a period of time—perhaps seven days—in which the license could be produced to the nearest police station.

**THE HON. F. R. H. LAVERY** (South Metropolitan) [7.51 p.m.]: I support the Bill in principle, but wish to make a few comments on it. Before I do so, I would like to state that some years ago I sat on a Select Committee concerning guns and firearms. Certain recommendations were made and adopted at that time and amendments were made to the Act. This was necessary because of the industrial growth south of Fremantle. People were accustomed to shooting on the lakes at Mandogalup and the Peel Estate because at that time only about 15 or 16 people were living there. These shooters had permission to go on to properties to shoot ducks or rabbits. However, with the establishment of Medina and the complex of industry which moved into the area, the population increased to about 5,000, and it was at this time that indiscriminate shooting became a very serious problem.

The Select Committee recommended that certain powers should be given to the police to allow them to take action when unwarranted shooting was involved. Under section 11 the police have many powers. They can demand the name and address from any person having in his possession a firearm for which a license is required. They can take possession of any firearm; they can stop, search, and detain a person, and can arrest any person; they can question any person, and examine any firearm. The provisions under section 11 at present give the police wide powers.

I have no doubt that this Bill has been presented to us because the northern parts of the State in which people used to shoot without worry are becoming much more densely populated.

With regard to the Bill, I want to support the two previous speakers' remarks concerning the production of a license on demand. This provision could be very awkward for genuine people. Much is said these days about tourism, and tourists naturally include people from other States as well as our own folk who travel north. In almost any magazine we read these days, including *Walkabout* and other Australian publications, are articles concerning tourists travelling across from Queensland and Darwin down our western coast. Many of these tourists have firearms with them, and the provision concerning the production of a license could be very awkward for them.

A previous speaker referred to Roebourne. A visitor from Victoria or Queensland could be stopped by the police in that town and asked to produce his license. He could explain that he was from Ipswich, just out of Brisbane, and that he had a license, but had left it home. However, it is quite possible for him to send a telegram to request that the license be forwarded to him on his journey.

I believe in a situation like that the police would be expected to use a certain amount of discretion. However, under paragraph (b) of clause 4, the policeman concerned would be compelled to confiscate the person's weapon until such time as the license was produced. I am not sure that this is what is intended by those who drafted the legislation. They are desirous of dealing with those shooters who do damage.

During the hearings of the Select Committee we were told of a case of a young farmer in the Ongerup area who had a license for a rifle. When he was working for some people on a land settlement farm he took his rifle with him, but when he next went to license it he was ordered by the policeman to hand it in because he could not be granted a license in that area. That incident indicates the police already have sufficient power in connection with firearms. I have already listed the powers the police have under section 11 to deal with those who have nothing better to do than keep firing their guns until they run out of ammunition, regardless of the damage they do. They are the people for whom the Act has been amended.

I support the suggestion that the Government give consideration to allowing a certain period during which a person must produce his firearm license if he has not been able to produce it on demand, without providing that the firearm be confiscated in the meantime.

I am in agreement with the provision in clause 5 concerning the altering of a firearm. Those concerned have no right to a license under any circumstances, unless the Government says they must go to Vietnam, in which case they will be issued with a license, gun, and all that goes

with it. However, under ordinary circumstances, no-one should be permitted to alter a firearm, except in the instance referred to by Mr. Perry. He, as captain of a rifle club, would have full control of the equipment and the men under his care. However, normally the altering of a firearm should not be allowed. The police have the right to more power to deal with those who do, as in the case of the young man who recently attempted to take the life of a public figure. Such a person has no right to a license under any circumstances.

With regard to item 13B in clause 5, I agree with other speakers that a number of irresponsible shooters attempt to cause damage to other people's stock. However, there are other people who are rendering a great service to this country—I refer to people such as hunters in the northern part of the State.

I know of one man in particular who is earning in the vicinity of \$10,000 to \$12,000 per year, after all his costs have been deducted, through the shooting of kangaroos and the sale of the skins. That particular chap has been known to the local community for a period of from 10 to 12 years, and he is known over a fairly wide area. Possibly, he would not have much trouble in convincing some other property owner that he was, in fact, doing the country a good service.

It has to be remembered, of course, that many of these amendments have been incorporated in order to protect the primary producer. However, the primary producer was always happy, when he was faced with an over-supply of rabbits on his property which were causing a tremendous amount of damage to his crops, that someone was prepared to shoot them. In fact, he welcomed these people who earned their living through shooting. However, nowadays farms have reached a more developed level and there is not so much land which is available for the purposes of shooting. In these times there is more cleared land and, consequently, the farmer does need protection.

I am rather surprised that a Bill of this nature should be brought forward to amend an Act which already has so many references to offences. Under section 12 of the principal Act 16 offences are referred to. One of the main offences, surely, is when people bring their firearms home and, firstly, leave them in a position where they can be reached by little children and, secondly, leave them loaded. Over the last few years three children in the metropolitan area have lost their lives because loaded firearms have been left within their reach.

Nowadays, one can go into a shop and buy pop-guns and guns which produce a flash. Every little child around the place points one of these toy guns at someone as soon as he gets it. I mention the sad

case which occurred in Swanbourne a few weeks ago.

I think people who bring loaded guns to their houses are the ones who should be charged with negligence of the highest order so far as firearms are concerned.

Like some other members in this Chamber, my father was a goldfielder and he always had his double-barrelled guns for duck shooting and, in addition, his rifles. He taught my brothers and myself to shoot and he took us to Southern Cross and Bullfinch where we learned the art of shooting and became quite proficient at it. However, later on I lost my interest in shooting and I suggest this is the case with anyone when he reaches another stage of his life, or when he shifts to another district—he completely forgets about his previous interests.

In bringing the Bill forward at this time, I feel the Government has missed this one point. There should be a penalty for the people who bring their firearms home and leave them in a dangerous state and, more particularly, within the reach of children. Secondly, I believe the Government should give consideration to amending clause 4 to the effect that the individual should have the right to produce his license within a few days.

An amendment appears on the notice paper in connection with clause 2 and, probably, in Committee the Minister will comment on the necessity for this amendment.

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Mines) [8.5 p.m.]: There seems to be only one point at issue in relation to this Bill, and that is in regard to clause 4. With respect, I think the point has been missed. Bearing in mind that section 11 of the Act empowers the police to do certain things, if the policeman is not able to make a demand that the license should be produced then and there, he may, in fact, lose his opportunity to take the firearm from the very person who is holding the firearm, or who is using the firearm, or who has the firearm in his possession—that is the very person whom he wants to apprehend.

I do not think the genuine holder of a firearm license need have much to fear from this provision. If the policeman suspects that somebody has a firearm in his possession which is not licensed, then this is the very firearm which the policeman wants to be able to take possession of.

**The Hon. W. F. Willesee:** In effect, if the policeman did not consider he had received a reasonable reply.

**The Hon. A. F. GRIFFITH** That is correct. As Mr. Heenan indicated, the police exercise a discretion in these sorts of things and they simply do not march in, demand, and take possession of a firearm

without good cause. A good deal must be left to the discretion of the police in matters of this nature.

However, I think the point is perhaps well made and I suggest to the House that the Bill should be allowed to go through Committee after the second reading stage has been completed. However, before the third reading is taken, I will confer with my colleague, the Minister for Police, and obtain his views in connection with putting something else into clause 4. Perhaps the clause could be amended to include the words, "on demand," or, "within such period as the officer may require." In any event, something along those lines may be acceptable.

However, I must say that, whilst this appears to be a reasonable suggestion, I would like to reserve the right of explanation to the House after I have spoken with the Minister who knows more about this sort of thing than I do. As a result of my inquiry of the Minister for Police, he may correct me on this point.

**The Hon. W. F. Willesee:** Perhaps we should give an alternative—that one and the one the Minister more or less suggested.

**The Hon. A. F. GRIFFITH:** I have suggested that an approach be made to amend the clause to include the words, "on demand"; or, "within such period as the officer may require"; or something to that effect. The honourable member can argue this point with me when the Bill is in Committee. However, I ask that members should not hold me to this as an undertaking. I would like the chance to confer with the Minister for Police to ascertain his views.

**The Hon. R. Thompson:** The point I forgot to make is: All firearms are licensed through police stations in the metropolitan area.

**The Hon. A. F. GRIFFITH:** If the honourable member is correct, this may be all right but the fact remains that all firearms are not—repeat, "not"—licensed.

**The Hon. R. Thompson:** I said, "in the metropolitan area."

**The Hon. A. F. GRIFFITH:** I repeat that not all firearms are licensed. If they were, the trouble would not occur to the same extent as it is now occurring.

In respect of Mr. Ron Thompson's own personal firearm license, and in fact, the firearm license of anybody else. I think the man who embarks on a journey and purposely takes a firearm with him should have sufficient regard for the fact that he has the firearm with him. In order to protect himself against circumstances which might well prevail during the course of his journey, he would be well advised to take the firearm license with him. If Mr. Ron Thompson is accustomed to getting into deep water, which he sometimes does, of course—



The Hon. R. Thompson: Nevertheless, the Minister never pulled me up on that point.

The Hon. A. F. GRIFFITH:—I suggest he might leave the firearm license in the glove box of his car and, being a reasonable person, as I am sure he is, he would be able to say to the policeman, "I do not have it with me because, as you know, I get into pretty deep water when I am duck shooting. However, it is in the glove box of my car and if you give me an opportunity, I will produce it."

In those circumstances—and I say this seriously—I am sure this kind of explanation would be accepted by a policeman. On the other hand, if the policeman is suspicious, he must have the right to say, "Very well, I want this firearm until you produce the license." If the man is genuine he would then tell the policeman that the license is in the glove box of his car, or in his wallet, or somewhere else.

The whole purpose of this amendment is to enable the police to deal with the sort of people who are causing the trouble which so many members in this Chamber have mentioned.

The Hon. F. R. H. Lavery: Does the Minister think that the addition of item 13B. will protect the hunter?

The Hon. A. F. GRIFFITH: That is the part which reads—

13B. Carrying a firearm, other \$20. than on a road open to the public, without reasonable excuse, onto or across land that is used for, or in connection with primary production, without the express or implied consent of the occupier or of some person apparently authorised to act on behalf of the occupier.

This item, as it originally appeared in the Bill, was amended in another place.

The PRESIDENT: I think the clause which the honourable member has mentioned might well be dealt with in Committee.

The Hon. A. F. GRIFFITH: I quite agree with that, Mr. President. I think there is no purpose in my saying any more because I have covered the points which have been raised. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *In Committee*

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

Clause 1 put and passed.

Clause 2: S.3 amended—

The Hon. A. F. GRIFFITH: I have an amendment on the notice paper. Accordingly, I move an amendment—

Page 2, line 4—Insert immediately after the word, "any," the words, "thing manufactured specifically as a."

Just by way of explanation, I think this tidies up the drafting more effectively. The words would then be—

or anything manufactured specifically as a component of ammunition.

It was found necessary to include this and my colleague, the Minister for Police, has asked me to move the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3 put and passed.

Clause 4: Section 11 amended—

The Hon. W. F. WILLESEE: If we allow the Bill to pass through Committee, do we put suggestions to the Minister, or do we make them to you as Deputy Chairman, Sir, so that you may submit them to the Minister?

The Hon. A. F. GRIFFITH: I will talk to the Minister in another place about the amendment. When the discussion has concluded consideration of the Committee's report will be made an order of the day for the next sitting of the House. If the Minister in another place agrees to the amendment the Bill can be recommitted, but if he does not, I will explain to members why it is undesirable. The Leader of the Opposition can rely upon me to do that.

The Hon. W. F. WILLESEE: I understand this issue was to have been taken up in another place at the third reading stage. If we propose something reasonable to the Minister for Mines, I understand it will be treated in the proper light. In the course of the Minister's remarks, and having regard for what Mr. Heenan said previously, the suggestion made would add to the bald seven-day period which I had in mind. I just thought we may be able to eliminate one of the two suggestions.

The Hon. E. M. HEENAN: My suggestion would be to insert after the word, "demand" in line 14, the words, "or some satisfactory explanation for its non-production is not given." Sometimes a policeman wishes to act on the spot in appropriate cases, but we want to protect the genuine man who is not carrying his license by permitting him to make a reasonable explanation.

The Hon. A. F. GRIFFITH: It is important that I have an opportunity to ascertain if the amendment is acceptable. If it is there will be no difficulty in drafting some appropriate words.

The Hon. H. K. Watson: If the principle is all right the Minister will bring down an amendment?

The Hon. A. F. GRIFFITH: Yes.

The Hon. S. T. J. THOMPSON: We have to bear in mind that the Bill is being introduced to take action against the extraordinary person and that this provision is to enable a policeman to take immediate action in some cases. If this period is extended these people may be able to escape scot free, and they are the ones we want apprehended.

The Hon. A. F. GRIFFITH: The Minister for Police is well aware of the objective of the Bill. If he considers the amendment is not warranted the Committee will be told; but if he has no objection to it an appropriate amendment will be moved. I will meet the requirements of the Committee to the best of my ability.

Clause put and passed.

Clause 5: Section 12 amended—

The Hon. J. DOLAN: Item 13B, in this clause, contains the words, "on a road open to the public." Item 13A, which is already contained in the table which follows section 12 of the Act, contains the words—

Without lawful excuse, knowingly discharging any shot, bullet or other missile, firearm onto, from or across any road.

I would like to know the difference between the words "from or across any road" and the words "open to the public." Further down in this proposed new item 13B the words, "without the express or implied consent of the occupier" also appear. If the Minister could explain what is meant by "implied consent" I would be grateful.

The Hon. A. F. GRIFFITH: As I understand the position, when the Bill was in another place objection was taken to the fact that the position had to be absolute and no implication could follow. The item was not written as it is now, and this was the basis of the amendment.

The Hon. R. Thompson: The word "implied" was in the original wording.

The Hon. A. F. GRIFFITH: The wording of proposed new item 3B means that a person carrying a firearm from one place to another without reasonable excuse would not have obtained permission to carry such a firearm across one's property. On the other hand, implied permission may not in fact be absolute because the person using the firearm may have taken it for granted that the farmer on whose property he was carrying the firearm had no objection to his doing so. However, the words "without permission" mean that a person is travelling over a farmer's property and discharging a firearm in any way he thinks fit without first obtaining permission.

In my opinion it is most essential that a person carrying a firearm should first obtain permission before entering one's property. Does that satisfy the honourable member?

The Hon. J. DOLAN: I am not so much concerned about the implied consent, but in item 13A of section 12 of the Act provision is made to cover the man who fires a shot from a vehicle or who fires across a road to the danger of the public.

The Hon. A. F. Griffith: You are referring to item 13A already in the Act?

The Hon. J. DOLAN: Yes, and item 13B in the clause will be an added item. Item 13A in the Act refers to a person using a firearm and firing a shot across a road.

The Hon. S. T. J. Thompson: That is an offence.

The Hon. J. DOLAN: Yes I know, but in this proposed new item 13B a certain penalty is implied because it is to be placed in the penalty provisions. I want to know the difference between a road open to the public and another type of road.

The Hon. T. O. PERRY: Along our rivers we have surveyed roads which are not always open to the public. Duck-shooters travel up and down the roads shooting ducks. If one were not permitted to shoot on any road, one would not be allowed to shoot along our rivers when hunting ducks. Therefore, this provision is inserted to permit duck-shooters to travel along our rivers.

The Hon. A. F. Griffith: There is a road running along the vermin-proof fence also.

The Hon. F. D. WILLMOTT: There are many surveyed roads which have been in existence for years and which pass through various private properties. These are not open to the public. Action is being taken in many areas at the moment to try to get many of these roads closed, because whilst they are surveyed roads it is very difficult to get anyone to leave one's property, because legally he is on a surveyed road. I think that is the explanation for the use of this wording in the proposed new item.

Clause put and passed.

Title put and passed.

Bill reported with an amendment.

## METROPOLITAN REGION IMPROVEMENT TAX ACT AMENDMENT BILL

*Reference to Select Committee*

Debate resumed from the 12th October.

THE HON. L. A. LOGAN (Upper West—Minister for Town Planning) [8.29 p.m.]: When moving for the appointment of a Select Committee, Mr. Strickland stated he was not trying to deprive the Metropolitan Region Planning Authority of any tax; that all he was endeavouring to do

was to assist the authority to raise more revenue by way of tax. Whilst I appreciate his objective, I am inclined to think he would be unable to carry out the task properly in the time available. Once the field of taxation, together with all its ramifications, is entered—bearing in mind that some of the suggestions Mr. Strickland made concerned land which at the moment is exempt from this particular tax, and also the hostility that may be engendered with this tax—one must expect to encounter many snags. Therefore, the result would be that the Select Committee would be unable to report back to the House in the required time.

I have had this matter looked into by the department and by the Deputy Under Treasurer; and I have also done quite a lot of thinking about it myself over the weekend. As a result, I am not prepared to take the risk of a Select Committee, because I do not want to wait another 12 months without this additional tax. I would advise the House that the authority recommended to me last year that the tax be increased. I passed on these recommendations, but to no avail.

Members will recall that in the first place this tax was subject to a great deal of investigation. If one goes back to page 250 of the 1955 report of Professor Stephenson, one will find that he deals with the implementation of the report and its financing. As a result of this report an all-party committee was set up. I would suggest that if you, Mr. President, vacated your Chair and came to the floor of the House you could tell us a great deal in regard to the investigations that went on in regard to the tax, as I know you were a member of that committee and, to my knowledge, spent many hours discussing this proposed tax in order to give the authority some teeth and something to work on. It is not as though this tax came out of the air; it was the result of long investigation, and agreement by Parliament.

A committee comprising the commissioner himself, the Under Treasurer, and the Commissioner of Main Roads has been asked by the authority to investigate ways and means to improve the finances of the authority. Mr. Strickland mentioned this fact the other night. I think we can leave it to their good sense to investigate the situation to see if they can find some way out of the present situation. I am sure the Under Treasurer will be only too happy if this is so. I suggest we leave things in their hands so they can thoroughly investigate the situation, because I am absolutely certain that in the time available, a Select Committee could not do that.

I would like to refer to a leading article in *The West Australian* last Saturday morning which stated—

No doubt the move in the Legislative Council for a select-committee exam-

ination of the metropolitan region tax is foredoomed . . .

On this point I might agree. I hope it is. Not that I do not appreciate the fact that Mr. Strickland was trying to assist in this matter. The leading article goes on—

At the new rate the tax will bring in \$900,000 a year . . .

I think Mr. Strickland mentioned an increase in the tax of 60 per cent. If one works it out it is almost exactly 60 per cent. If my arithmetic is correct, the addition of 60 per cent. of \$490,000 does not make a total of \$900,000. If we allowed for the fact that there would be some increase in the amount of tax to make it \$500,000, even then a 60 per cent. increase would make a total of only \$800,000 and not \$900,000. The leading article goes on—

An obvious question to be settled is whether the planning authority should raise more money than it needs to meet its commitments in any one year.

The authority has never raised enough money to meet its commitments in one year, let alone raise more than enough for use in one year. Apparently the leading article has made the same mistake as Mr. Strickland. If no increase in tax takes place, at the end of 1971 all the tax will be used in the repayment of loan funds; and the authority will have no money until one of the loans runs out.

I have already given these figures to the House; and an investigation will show that at least \$3,424,000 will be required for the next 12 months. If, with the increase, the total received is \$800,000, plus a maximum of \$1,000,000, the total revenue will be \$1,800,000.

The Hon. R. Thompson: *The West Australian* could be right with the revaluations that are continually taking place.

The Hon. L. A. LOGAN: They were not very great last year.

The Hon. R. Thompson: They will gain momentum as time goes on.

The Hon. L. A. LOGAN: No. I have signed two approvals; one for \$96,000 and one for \$33,000. They are for two properties. Negotiations to the 30th June this year for properties totalled \$1,280,733. They were under discussion at that time. So how anybody could get the idea the authority would have more money in one year than it could spend, I do not know. This is something we could go on discussing for some considerable time.

The Hon. R. Thompson: Read the last paragraph of the leading article.

The Hon. L. A. LOGAN: I will read it—  
Not many people will accept Mr. Logan's philosophy . . .

I did not know I had a philosophy. I would recommend to the new members of the House that they read Professor Stephenson's report, because it is import-

ant, and is still recognised throughout the world as being a masterpiece.

The Hon. F. R. H. Lavery: Would you have copies for new members?

The Hon. L. A. LOGAN: I do not think so. There are two copies in the House; and they can borrow my copy if they will return it.

I would like to refer to something Mr. Ron Thompson mentioned the other night if I may, Mr. President, with your concurrence. He was dealing with resumptions; and some of this money is used to pay for resumptions and properties.

The Hon. R. Thompson: I hope you are not going to take my remarks out of context as you did the other night.

The Hon. L. A. LOGAN: I did not take them out of context. The honourable member asked: How many valuations were accepted on the first offer? He continued and said an emphatic "None."

The Hon. R. Thompson: You are wrong again. I said I did not know of any.

The Hon. L. A. LOGAN: That is almost the same as saying there are not any.

The Hon. R. Thompson: Mr. Strickland said there were none.

The PRESIDENT: Order!

The Hon. L. A. LOGAN: No. To put the record straight I want to remind Mr. Ron Thompson that the other night I said I did not know because I was not prepared to make a statement without finding out something about it. I knew the honourable member was wrong because I read all the minutes. I checked on the minutes of the last meeting of the authority when it dealt with 15 properties and I will give the result. One was referred back to the land resumption officer because the valuation at that time was two years out of date. He was asked to bring the valuation up to date. Six of the owners never bothered to put in a valuation, despite the fact that one was received from the land resumption officer.

In three cases the valuation was exactly the same as that of the land resumption officer; and in three other cases the valuation of the land resumption officer was higher than that of the owners. On only two occasions out of 15 were the land resumption officer's valuations lower than the owners. This is typical of what goes on.

The Hon. H. C. Strickland: Mr. President, I am getting a little perturbed and I am wondering which question we are on.

The Hon. L. A. LOGAN: I would remind Mr. Strickland that the other night, when we were dealing with public works, he did nothing but talk about town planning. If he reads his speech he will appreciate that that is what he did.

The Hon. J. Dolan: You could have objected then.

The Hon. L. A. LOGAN: I did not want to object. We are now dealing with the tax and what is done with the tax. Whether Mr. Strickland does not like one of the members of his own party being corrected, I do not know.

The Hon. R. Thompson: If you were correct, I would agree; but you are not. You are on a different Bill altogether.

The Hon. L. A. LOGAN: I am not on your motion; I am dealing with the metropolitan region tax. Mr. Strickland mentioned the fact that he would have liked to see the whole of the State brought within the ambit of this tax; but we are dealing with a regional scheme and a regional tax.

The Hon. H. C. Strickland: At no time during my speech did I mention that the whole of the State should be brought in.

The Hon. L. A. LOGAN: If that is the case, I apologise to the honourable member. However, if he reads his speech I think he will find that he did mention it. I think he ought to check it.

The Hon. F. R. H. Lavery: Was Mr. Strickland referring to those people with properties that become enhanced in value?

The Hon. L. A. LOGAN: He mentioned the State, and talked about people who are not paying the improvement tax. He mentioned that some are getting enhanced valuations and yet are not paying the tax. I accept the fact that a few of those who are exempt from this tax are getting something out of it, but in the circumstances that is something which is unavoidable. The main idea of those people being exempt is to make sure that market gardeners and those producing for the metropolitan markets are not subject to so much taxation that they would be forced to apply for a subdivision.

But that is what is happening today, even without this tax. Unfortunately the valuations have gone sky-high. Even in tonight's paper we read about the Osborne Park area. Those people, because of valuations, are being forced to apply for a subdivision instead of using their land as market gardens. I appreciate the point raised by Mr. Strickland.

Ever since town planning has been in vogue, attempts have been made to find some way to overcome the problem of betterment. Unfortunately, nobody yet has come up with any real solution to the problem. I have an officer working on it at the moment to see whether he can find an answer.

I hope the House will not agree to a Select Committee as we cannot afford the time at the moment. As I said before, this tax was the subject of a long discussion and investigation by an all-party committee of which you, Sir, were a member. The committee set up by the Metropolitan Region Planning Authority comprises the commissioner himself, the Under Treasurer,

and the Commissioner of Main Roads; and I am sure they will endeavour to find an answer to this problem. If they find that amendments to the Act are necessary, it could be amended during the next session of Parliament. I oppose the motion for a Select Committee.

**THE HON. H. K. WATSON** (Metropolitan) [8.45 p.m.]: The Minister has told us that before this tax was introduced it was the subject of considerable investigation and examination. When it was introduced, it was also subject to considerable opposition because, if I remember rightly, I found myself alongside Mr. Strickland voting against the measure.

I was opposed to the tax for much the same reason as Mr. Strickland mentioned in moving this motion—its peculiarities, its locality of application and so on. Although Mr. Strickland said that he did not say the tax ought to be applied to the whole of the State—although there seems to be some confusion as to whether anyone said that the tax should be applied to the whole of the State—in order to clear up the doubt I feel that if the tax is to be applied, then it ought to be applied to the whole of the State. However, I feel it should not be applied at all.

In the controversy over the Barracks Archway we have had it drummed into us quite a bit that Perth belongs to all the people of Western Australia. So it does; until we come to such things as the metropolitan region tax.

For my part, I am not so sure that if a tax is to be imposed for this purpose, it should not be attached to motor vehicles rather than to land. After all, 90 per cent. of the money raised is used to finance resumptions for roads.

**The Hon. L. A. Logan:** The owners of motor vehicles are paying their share now, as you know.

**The Hon. H. K. WATSON:** Basically, I look upon this tax as an irritant. I maintain, as I said earlier this afternoon, if we were deriving our fair share of revenue from the Commonwealth as a return of income tax, this irritant would not be necessary. Then originally I took the further point that even if it were necessary, it ought to come out of general revenue. If we resume land between Merredin and Kalgoorlie for the standard gauge railway, a Yilgarn improvement tax is not imposed in order to pay for the resumption. The resumption is paid for out of ordinary Consolidated Revenue and my view is that the payment for the services in the development of the metropolitan region should, likewise, be made out of general Consolidated Revenue.

However, my views did not prevail and I will say that I agree with the objections that have been raised by Mr. Strickland. The tax, as I have said, is an irritant. I have made a couple of calculations and looked up some figures and I find that on

an unimproved block of land, the value of which is \$3,400—that is an ordinary suburban block, which is of pretty fair value—the metropolitan region tax is increased from \$5.31 to \$8.50. That is not very great; but when it is added to land tax of \$40, water rates of \$15, and municipal rates of \$67, it is not funny.

Then we come to a city block with an unimproved value of \$150,000. The metropolitan tax on land of that value goes up from \$236 to \$377. That is not funny when it is added to land tax \$2,683, water rates \$3,287, and municipal rates \$1,597.

Nevertheless, I do feel that if this Bill were referred to a Select Committee it could not do much more than bring to the notice of the House the various matters to which Mr. Strickland has already very pointedly referred. Even then, the report of the Select Committee would not have the force of law; it would simply lie on the Table of the House. The anomalies to which Mr. Strickland has referred are pretty clear to everybody. It rests upon the Government to give effect to them and I feel that if this Government is not prepared to give effect to them then we will have to wait until Mr. Strickland is Minister for Local Government and I have no doubt he will then do something with this Act which will prove to be quite satisfactory.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the Opposition [8.52 p.m.]): I am somewhat surprised that the Minister saw fit to doubt the possibility of Mr. Strickland being able to honour his word with regard to reporting back to Parliament before this session ended. As an ex-Cabinet Minister, and being used to situations such as this, he would not give that undertaking lightly. The House can be safely assured that he could easily accomplish what he said he could do. If what the Minister said is the basis of why this Select Committee should be refused, I think it is a flimsy objection. Why look a gift horse in the mouth?

A Select Committee would be composed of all parties in the Chamber and would look at this question on the basis of Mr. Strickland's suggestions. He said that he wished to look for a wider avenue for the imposition of this tax. Surely it would be a help to the Minister to have a greater field of operation, put forward and supported by a Select Committee. To say that it might be done in the future because of the recommendation of an officer, in my opinion is not sufficient. In fact, it is idle to make that suggestion because the officer has had nine years, while this Government has been in power, in which to make a recommendation of that type and he has never got around to doing so.

It would be reasonable to assume that if this Bill is passed we would not get an-

other one next year increasing the tax again, for obvious reasons. So I say that nothing has been put forward against the proposals presented by Mr. Strickland, particularly in view of his assurance that he could report back to Parliament before this session ends.

**THE HON. R. THOMPSON** (South Metropolitan) [8.54 p.m.]: I agree with the previous speaker that the Minister did very little to counter the move made by Mr. Strickland which, I consider, is a most worthy one and one to which the House should give consideration. Firstly, he has put up a definite proposition which might prove to be an advantage to the authority. Just because one happens to be a Minister controlling a department does not mean to say that one is always right, or the authority is always right. Tonight the Minister proved he is not always right. If he looks at page 1149 of *Hansard* he will see that it was I who interjected and said, "You are making the tax State-wide." To that interjection the Minister replied, "No; it is still within the region. We are dealing only with the region." Mr. Strickland, when moving his motion, had this to say—

However, this Bill does not cover the State, but only the metropolitan region. Unfortunately, in my opinion, a large number of people within the region are going to enjoy an unearned increment on their properties as the result of the implementation of this scheme, but they are not required to contribute one cent towards it.

The Hon. L. A. Logan: That is what I said; he said, "State-wide."

The Hon. R. THOMPSON: It was not he; it was I who interjected with the question while the Minister was making his speech. From time to time we have come up against all the problems that people are facing. Mr. Strickland has given instances; he gave an instance of a person in the hills with 10 acres of land which were to be resumed by the Metropolitan Region Planning Authority for public open space. I have raised the question of properties on the southern extremity of the existing freeway which the authority has not the money to pay for at this particular time.

If increased moneys can be found, or different methods of finding these moneys investigated before this session ends, we should give Mr. Strickland the opportunity to carry out his suggestions. The suggestions are worthy and I feel sure that if members allow this motion to go through, and a Select Committee is appointed, with the co-operative spirit which always exists here it would be possible for members to gather sufficient information to make this suggestion a reality before the session finishes. I support the move by Mr. Strickland.

Question put and division taken with the following result:—

| Ayes—9               |                        |
|----------------------|------------------------|
| Hon. N. E. Baxter    | Hon. H. C. Strickland  |
| Hon. J. Dolan        | Hon. R. Thompson       |
| Hon. E. M. Heenan    | Hon. W. F. Willesee    |
| Hon. R. F. Hutchison | Hon. R. H. C. Stubbs   |
| Hon. F. R. H. Lavery | (Teller)               |
| Noes—15.             |                        |
| Hon. G. E. D. Brand  | Hon. L. A. Logan       |
| Hon. V. J. Ferry     | Hon. N. McNeill        |
| Hon. A. F. Griffith  | Hon. T. O. Perry       |
| Hon. C. E. Griffiths | Hon. S. T. J. Thompson |
| Hon. J. Heltman      | Hon. J. M. Thomson     |
| Hon. J. G. Hislop    | Hon. H. K. Watson      |
| Hon. E. C. House     | Hon. F. D. Willmott    |
| Hon. A. R. Jones     | Hon. H. R. Robinson    |
|                      | (Teller)               |

| Pairs               |                      |
|---------------------|----------------------|
| Hon. F. J. S. Wise  | Hon. O. R. Abbey     |
| Hon. J. J. Garrigan | Hon. G. C. MacKinnon |

Question thus negatived.

#### In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. L. A. Logan (Minister for Town Planning) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 4 added—

The Hon. H. C. STRICKLAND: I move—

That the Assembly be requested to make the following amendment:—

Page 2—Add after proposed new section 4, the following proviso:—

Provided that all land reserved for public work as defined in Section 2 of the Public Works Act, 1902, is exempt from tax under this Act.

In 1963 a motion similarly worded in one part was moved and carried in this Chamber. Had the Government taken any notice of that motion it would have exempted landowners whose properties were under reservation for purposes of a public work from payment of the regional tax. It would certainly be introducing some justice into our legislation if persons whose land is reserved, and then finally taken over for a public work were exempt from paying that tax. It seems to me a ridiculous situation that people in this position should be asked to pay a regional tax, and apparently members in this Chamber thought so in 1963. It is ridiculous that a person whose property is to be acquired for a public work should have to pay a tax to bring about his own destruction while his neighbours' properties are increased in value as a result.

No person whose property is to be taken over for the benefit of the community as a whole should have to pay a regional tax on that property, especially as it brings about an unearned increment for his neighbours as a result of his destruction. By paying the tax, people whose property is being resumed are paying to bring about their own destruction.

Section 2 of the Public Works Act sets out the interpretations, and there are 27

headings for a public work. I do not propose to read them but the interpretations cover every conceivable public work including roads, agricultural research stations, drains, wells, schools, and so on. This section covers all public work other than railways.

The Hon. L. A. Logan: Railways come under it, too.

The Hon. H. C. STRICKLAND: I am referring to private railways and not the Western Australian Government Railways. As a matter of consistency one should ask members again to voice their opinion on this question of property owners who are to lose their land continuing to pay tax until their properties are taken from them.

One could go on and cite many anomalies, particularly in small towns where people are paying the regional tax. At places like Byford or Gingin one can see small weatherboard houses whose owners are paying the metropolitan region tax, and right alongside them are prosperous baby-beef farms which are exempt from the tax. My requested amendment would not overcome that sort of anomaly, and there is no doubt that if a property is rented the tenant will pay the tax because the owner will pass it on by way of rent. However, although there has not been much of an outcry from property owners about this question, the amendment, if agreed to, will have the effect of removing one injustice.

The Hon. L. A. LOGAN: A short while ago the honourable member was endeavouring to assist me to get more money by way of tax; now he is endeavouring to assist me to get less. Dealing firstly with the resolution passed by this Chamber, it was forwarded to me by the Clerk of the Parliaments. I took it to Cabinet and the Government decided that it would take no action. If my memory serves me rightly, I replied to the Clerk of the Parliaments to that effect. I wanted to set the record straight to show that I was not remiss in carrying out my duties in that respect.

I am not at all sure that the honourable member is in order in requesting the amendment because it is in the Metropolitan Region Town Planning Scheme Act that the exemptions are set out. This is purely a taxing measure and the authority for applying the tax is in the other Act to which I have just referred. In my view the requested amendment is not in order. However, I will deal with the points raised by the honourable member instead of dealing with that aspect of the question.

If there are 10 properties adjoining one another, and the owners are all paying regional tax, because of the regional scheme and the increase in the prosperity of the State values are increasing all the time. These owners are paying land tax, local authority rates, income tax on their

businesses, and so on. Therefore, why should we exempt them from one tax when they have to pay all the others because at some time in the future their properties may be taken over for a public work? In the meantime, their values are increasing all the time and, because of the increased values the taxes they are paying are helping to increase the unearned increment which they will get in the long run once they have been taken over and paid out.

We are not depriving anybody of anything. Neither I nor the authority knows whom Mr. Strickland is trying to exempt. Even though a blanket cover is put over certain areas only portion of those areas will be taken over for the purposes of controlled development. Neither Mr. Strickland nor I knows how much land will be taken and used for public purposes in regard to the blanket cover which was mentioned last Saturday.

The Hon. A. R. Jones: That is the rotten part of it.

The Hon. H. C. Strickland: Values have been depressed.

The Hon. L. A. LOGAN: I do not think members can tell me of one property in which the value has gone down. I have dealt with many transactions in connection with properties in every suburb south of the river, and in not one case has the value gone down.

The Hon. F. R. H. Lavery: The people in Stock Road complained that their properties have been devalued and they had a meeting about it.

The Hon. L. A. LOGAN: That was the cry when the Kwinana Freeway was being built. These things are stirred up by certain people. If members tried to buy a block of land in the vicinity of the Kwinana Freeway they would see whether the value had been depressed or not. If the Main Roads Department decides there should be a bridge across the river from Point Resolution, and that Stock Road is to be continued as a freeway, a blanket cover will be put over that area. But we will not know how much land will be required for public purposes. At the moment there is an overseas firm examining the Leederville proposition but nobody knows how much land will be taken until the final route is decided. Why should we allow people to spend money on development of land which is to be resumed for the benefit of the community? That is not right. I hope the Committee will not agree to the amendment.

The Hon. A. R. JONES: Let us suppose that I owned land amongst a group of others who also owned land which had to be resumed, and we were told by the department that we were unable to improve our land because it was to be resumed in the future. Let us suppose that the notice was issued today. When the decision to resume was made in three or four years'

time would I be able to claim back the rates and taxes I had paid to the authority after I was told that the land was to be resumed?

The Hon. L. A. LOGAN: If Mr. Jones makes application to develop land which he owns and it is refused the authority must buy that land. That is the position under the Act.

The Hon. A. R. JONES: It may have been developed already.

The Hon. L. A. LOGAN: It does not matter whether it is developed or otherwise. The authority will not issue a resumption order unless it wants the land. If the property has been developed, and it has been worked as a developed property the honourable member will still get a return from it, whether it is a business, or a farm, or anything else. The council tax will still be paid as will the income tax. We cannot exempt people from the payment of one tax and make them pay all the others.

The Hon. A. R. JONES: Let us say the land is developed, and my house together with others stands on it. The authority may not know how much land it requires. It may be for a road four chains wide. Some of the houses will go by the board when the route is determined. Do these people live there without developing their properties in the hope that the road will by-pass them? When the decision is made in two years' time will the tax they have paid be refunded? I know of a case where a man was notified that his land would be resumed four years ago, but no action has been taken to date. Surely he will not be asked to pay this tax. Why should a person be asked to pay tax on land which is to be resumed for public purposes, when the person alongside, who is not inconvenienced, pays his tax and reaps the benefit?

The Hon. L. A. LOGAN: The man whose property is resumed will get the current market value. This question of exempting people from paying tax does not apply anywhere else in the world. It would not work. When land was resumed for the marshalling yards the owners were paid out handsomely, and they did not mind then that they had been paying this regional tax. The fellow next-door who is not subject to resumption will have to pay the increased tax once his values go up. He will be paying the tax all the time.

The Hon. H. C. STRICKLAND: It is very nice to be a Minister and have the numbers to do what one wants. The Minister is inclined to twist things around. I do not think he is quite fair. He asks how the authority will know who is and who is not to pay. Surely my proviso is clear enough; surely the authority would know what it intends to do within the metropolitan area, and where its roads and bridges are to go! No blanket cover has been put over Stock

Road. It is only a rumour that the authority will take land in that area.

My amendment will have no effect until land is actually reserved. If a person has his land taken from him why should he continue to pay a tax to buy his own property? The Government says there is nothing unfair about this, and the Minister states that it does not happen anywhere else in the world. I am sure there would be trouble if it did. The Minister says there has been no depreciation in the value of properties; but I have heard the Minister say that the authority had not yet had any claims for injurious affection although it was expecting some, and that it would need more money to meet the position it is likely to face.

The Minister must be aware of properties which have been affected. I could point to the Riverside Motel and the flats at the Narrows Bridge. With the construction which is now taking place the people in those buildings cannot see the river, and others on the footpath in Mount Street are not able to see the buildings in the city, except the tops of a few. For those reasons I contend that the land values have certainly been depressed.

The Minister says there are no depressed land values, but I would remind him of the remarks he made when he introduced the Metropolitan Region Town Planning Scheme Act Amendment Bill in 1963. On page 717 of *Hansard* of that year he is recorded as having said—

Let us assume two comparable properties worth £5,000, one of them affected by a reservation and resumed after, say, 10 years. In valuing the two properties, the valuer may well find that the affected property—because of the effect of the reservation—is worth only £4,000. The amendment provides for this apparent decrease in value to be disregarded and for the unaffected value of £5,000 to be paid.

At that time the Minister agreed there were depressed values, but during this session he introduced legislation under which no compensation will be paid for the increased value of a severed property brought about by work on the other portion. The authority realises appreciations and depreciations in values take place, and has done its best to amend the Act to meet such cases. The Government does not feel inclined to rectify this anomalous position. The reason given by Cabinet in 1963 for not rectifying the anomaly in the incidence of the tax was that no anomaly existed. The Minister told us that he notified the Clerk of Cabinet's decision.

The majority opinion of the members was ignored by the Government, because no statement was made in this Chamber on the motion that had been carried. The position was only reviewed after the



Leader of the Opposition in another place asked a question without notice. It seems that the Government is becoming somewhat dictatorial by ignoring the opinion of this Chamber.

The Hon. L. A. LOGAN: I explained to members that the resolution of the House was conveyed to me by the Clerk, that I took the resolution to Cabinet, and that Cabinet decided what should be done. I wrote back to the person who had submitted the minute to me, but that is not ignoring the opinion of the members of this Chamber. I have not discussed the amendment with any member, and it may be that members have changed their minds since 1963.

Regarding injurious affection, not only land but businesses also can be affected and that is the reason for the provision in the Bill. Admittedly I did introduce a provision in a measure to make it easier for owners to get rid of properties if they found difficulty in disposing of them, but not because of depressed prices. All that will apply to the value of a property is the current market price.

If a property is reserved for public works and exemption from land tax is agreed to, in 10 years' time the property might not be required for public works. Will the owner have to pay the tax for the 10 years during which he was exempted? This is one anomaly that will arise if the amendment is agreed to.

The Hon. A. R. Jones: The tax could be paid, but if the land was resumed it could be refunded to the owner.

The Hon. L. A. LOGAN: A charge paid to a local authority cannot be refunded just because the property has been resumed; similarly land tax cannot be refunded under the same circumstances.

The Hon. A. R. Jones: The department pays the tax from the time it resumes.

The Hon. L. A. LOGAN: Only the adjustments for the 12 months. Very few of the areas which have been reserved are resumed. Possibly less than 10 per cent. have to be resumed; the rest is acquired by negotiations.

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

## Ayes—9

|                      |                       |
|----------------------|-----------------------|
| Hon. J. Dolan        | Hon. H. C. Strickland |
| Hon. E. M. Heenan    | Hon. R. Thompson      |
| Hon. R. F. Hutchison | Hon. W. F. Willesee   |
| Hon. A. R. Jones     | Hon. R. H. C. Stubbs  |
| Hon. F. R. H. Lavery | (Teller)              |

## Noes—14.

|                      |                        |
|----------------------|------------------------|
| Hon. N. E. Baxter    | Hon. L. A. Logan       |
| Hon. G. E. D. Brand  | Hon. N. McNeill        |
| Hon. V. J. Perry     | Hon. T. O. Perry       |
| Hon. A. F. Griffith  | Hon. S. T. J. Thompson |
| Hon. C. E. Griffiths | Hon. J. M. Thompson    |
| Hon. J. Heltman      | Hon. H. K. Watson      |
| Hon. J. G. Hislop    | Hon. H. R. Robinson    |
|                      | (Teller)               |

## Pairs

| Ayes                | Noes                 |
|---------------------|----------------------|
| Hon. F. J. S. Wise  | Hon. C. R. Abbey     |
| Hon. J. J. Garrigan | Hon. G. C. MacKinnon |

Amendment thus negatived.

Clause put and passed.

Title put and passed.

## Report

Bill reported, without amendment, and the report adopted.

## STRATA TITLES BILL

## Second Reading

Debate resumed from the 13th October.

THE HON. J. G. HISLOP (Metropolitan) [9.44 p.m.]: In the main this Bill could best be discussed in Committee. It covers practically all that is required for the introduction of strata titles in this State. I wonder whether it does not prescribe too much, and whether some of the provisions do not duplicate others.

I wish to discuss a few points in this Bill which are, I think, of considerable interest. There seems to be a demand upon the owners or proprietors of these units to prepare a rather extravagant presentation in order to achieve a strata title. Subclause (6) of clause 5 provides that a strata plan lodged for registration shall be endorsed with or accompanied by a certificate in the prescribed form of a licensed surveyor, the Town Planning Board, and the appropriate local authority; and that the building must comply with the by-laws of the local authority.

Further on in the Bill is contained a list of the valuing departments, and it appears to me that it might mean a considerable amount of rushing around from one department to another in order to achieve the whole plan to place before the Titles Office. This could quite easily impose a difficulty on certain individuals who possibly would not be knowledgeable as to where these departments could be found.

The Hon. A. F. Griffith: What is the alternative?

The Hon. J. G. HISLOP: I have talked with a number of people interested in strata titles, and they suggested that there should be one organisation in which all the requirements could be placed and then from that office an individual would present them to the appropriate departments and boards so that the individual could have his strata title without chasing around all over the place. The same sort of thing applies to architects who say they have quite a large number of plans to prepare and they have to send their plans to various departments. Quite a considerable time elapses before they get them back. I heard of a case recently where a person had to wait two and a half months before he obtained the authority from one of the departments in order that the process of building could commence. If this is the case, I think we should consider this aspect with a view to suggesting to the Government that it provide a single office to which these people who are asking for strata titles can go to present the documents required. That would, I think, enhance this Bill tremendously.

Somewhere towards the end of the Bill I noticed that two plans must be presented. I cannot find the provision at the moment, but that is exactly what does happen. A number of these plans must be provided and they can be costly. I would like the Minister to ascertain for us the cost of applying for a strata title.

The second point I and others would like to know is whether the proprietors of all these unit flats which have already been erected—and have been erected for some years—have to go through the whole circuit to request strata titles, or is it possible for those who have purchased their units and have lived in them to obtain a simple title? After all, all these requirements surely must have been presented to the various departments before the erection commenced.

The Hon. H. C. Strickland: They issue a type of title now.

The Hon. J. G. HISLOP: That is a purple title which has no real value. A strata title will give the right to borrow money, and banks will recognise it for that purpose. As I said when opening my address, it is much easier to go through this Bill clause by clause and to discuss the meaning of them because then we could gain a great deal of information. The schedule, on pages 32 to 38, contains the provisions for the conduct of the company and of the council which must be appointed when the strata titles in a building have been accepted.

I can imagine that in a building with about 50 flats, like the one in South Perth, it would be necessary to have a council representing the proprietors in the building. In the circumstances it would be necessary to accept and follow completely the details in the schedule. However, when a smaller block of flats is involved containing about four units, and the four proprietors know each other and manage the affairs of the flats amicably, I do not think the formation of a council is necessary, and it would not be worth the effort involved in complying with the requirements of the schedule.

For instance, I myself live in a building in which there are three other units. The owners of those units and I are extremely well known to each other and we meet in one of our loungerooms and decide what the maintenance will be for the next six months. We write out a cheque for the amount and undertake to look after the property, and so on. It is all simplified to a considerable degree.

However, to have to hold meetings regularly and then jot down every resolution we agreed upon, and the amount of payment with regard to maintenance, would be a little burdensome to a small organisation such as I have outlined. It may be that the Minister can impress upon us that it is absolutely necessary for all this to be done, but it will, in my opinion, deter a number of smaller organisations

from applying for strata titles. It would be very much better if we could ensure that the proprietors of every building of this type containing units, would form themselves into a company or a council, because the strata title means very much more to the individual than does a purple title.

There is only one other point I wish to discuss at the moment. As I have said previously, we can go through the other points during Committee. Provision is made for unanimous resolutions when any decision is required by the owners of units. Subclause (2) of clause 10 on page 9 reads—

(2) All the proprietors by unanimous resolution may direct the company to transfer or lease common property, or any part thereof.

If a unanimous decision is required, one person could hold up the sale of a unit. Because of human nature, I would say it would be almost impossible to obtain a unanimous answer all the time. No matter what the discussion, someone is likely to have a different opinion and therefore one person could prevent a sale. I would like the Minister to consider whether something less rigid than this could be provided.

The Hon. A. F. Griffith: And yet you think it might be rigid to get this same group of people to agree to a simple matter of maintenance.

The Hon. J. G. HISLOP: Disabilities will always be encountered in this regard, and people will always differ. However, if a unanimous decision must be made on everything it will be more difficult still.

Subclause (3) of clause 10 commences—

(3) The company, if it is satisfied that the resolution was duly passed, and that all persons concerned have consented in writing to the proposed transfer or lease, shall execute the appropriate transfer or lease and thereupon—

If one person can hold up the sale of a unit that will make it difficult for the individual who owns the unit. He will be unable to sell it because a unanimous decision is involved.

The Hon. E. M. Heenan: The individual's rights have to be safeguarded.

The Hon. J. G. HISLOP: Oh yes, quite; but I would find it difficult if I wanted to sell my unit and was prevented from doing so because of the action of one of the other unit holders. It seems unfair that because of one person alone, the other 49 unit holders, in a big institution like the one in South Perth, could not follow a certain course.

Of course it is the company we are discussing here, and not the council. The council consists of all the proprietors, but subclauses (3) to (7) refer to the company. The big companies must also be unanimous in anything which is done. I feel that

some of us who hold units would like to feel that we had some security over them. We like to feel we could dispose of a unit when we so desired.

It is possible, of course, that a company might not want to accept a certain person because it might think that that person might not fit in with the group, but even that could present difficulties.

I am very much in favour of this Bill. I think if we can just look at one or two of these points and sort them out a bit to see whether we can lessen the amount of work necessary in a company which has only a small number of units, and obviate the necessity to produce a whole lot of plans, and alterations of plans to meet the requirements of this Bill, then I think we will have in our possession a very fine piece of legislation which will help a large number of people—not only those who hold units now but also those who will in the future, erect units. I support the Bill.

**THE HON. H. C. STRICKLAND (North)** [10.1 p.m.]: I have very little to say on this measure apart from one or two queries which I would like to raise. There is a title issued to the proprietors of home units but, in some cases—I think in most cases—the titles are not issued until all the units have been sold. Although these titles come from the Lands Department, the agents who may be selling the units will not deliver a title to a purchaser until all of the units have been sold.

In my opinion, that seems to be a little strange, but it is an experience with which I am familiar. In company with Dr. Hislop, I am not quite clear on the point of where titles are already issued to purchasers and the purchasers have paid registration fees, and so on. If the title is then substituted by one of the strata titles, will the owner be required to pay additional registration fees? Will the owner have to go through the same procedure or will it be a matter of the department exchanging the title already issued to the owner for the unit; that is, exchanging the title which has been already issued for the strata title when it becomes available?

The Hon. L. A. Logan: Where did you say the title comes from now?

The Hon. H. C. STRICKLAND: The Lands Department.

The Hon. L. A. Logan: Does it?

The Hon. H. C. STRICKLAND: Yes; they are Lands Department titles.

The Hon. A. F. Griffith: Lands Department, or Titles Office?

The Hon. H. C. STRICKLAND: I am sorry—they come from the Titles Office. I had a glimpse of one and to all intents and purposes it looked exactly the same as any other title, except, of course, it covers only the block of land; then there are so many shares in that block of land, and the buildings which are on the block.

The shares are divided up and a person has his allocation of shares according to the amount he has paid for his unit.

The Hon. J. G. Hislop: Those are shares in the company.

The Hon. H. C. STRICKLAND: One could not borrow on it but, nevertheless, it is a title—it is issued by the Titles Office. I do not have one in my possession but I will try to procure one to show to the Minister.

The Hon. A. F. Griffith: I do not doubt the honourable member, but the only legal title I am aware of is one which is over land.

The Hon. H. C. STRICKLAND: Yes, that is so.

The Hon. A. F. Griffith: There is no title to the 16th storey of a block of flats, other than the share title which might be given by the company.

The Hon. H. C. STRICKLAND: That is so, and it is only in connection with the registration of the title of the land on which each proprietor pays his proportion of the registration fees. When the strata titles are issued, will there be any charge upon proprietors for the strata title? I think that is the point Dr. Hislop wanted to make.

**THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice)** [10.5 p.m.]: First of all, I would like to deal with the point raised by Mr. Strickland. I repeat, the only legal title of which I am aware is a title over the surface of land. The right to what is built on the land is contained in the title itself, and the title, in fact, may not necessarily show a building on the title.

The Hon. E. M. Heenan: I think the members' queries were in relation to charges.

The Hon. A. F. GRIFFITH: What has happened up to date is that the syndicate, or the company, or whatever arrangement exists in relation to the building of a block of flats, or units, which are commonly referred to as home units, has only been able to issue a title, which is a share certificate or some certificate of ownership, in respect of the position of that particular unit. There is, in fact, no legal title and until this Bill becomes law, there will not be any legal title. I am open to correction on this, but I say that whatever charge has been made up to date would be merely an internal charge arrangement existing in that company. I do not think the Titles Office would make any charge—in fact, I do not think the Titles Office is empowered to make any charge.

The only thing the Titles Office can do is to issue the title in the name of the person, company, or whoever else is going to hold it. I would think this is the case but I will inquire into it and make sure

as to whether there undoubtedly will be a charge in respect of strata titles.

The Hon. E. M. Heenan: Of course there would be.

The Hon. A. F. GRIFFITH: I think it is reasonable that there should be a charge.

In respect of the first point raised by Dr. Hislop about a person having—to use his expression—“to chase around somewhat” to get to the point, or authority, in the construction of a block of units, I see no real hardship in this at this stage. If one wants to put up a building in a local authority area, one goes from department to department in order to make sure that one has the permission of those various departments to build. First and primarily one goes to the local authority; then to the water supply department; then to the sewerage department in order to make sure that one is not going to build on the type of land on which there will not be a sewer; and then wherever else one goes in order to get the water put on the block, and also to have the electricity connected.

I cannot see how it is possible to overcome the necessity to do all these things, except by the appointment of some individual whose job it would be to do the work and thus eliminate the responsibility of the people who want the title for themselves to go from local authority to local authority. This individual could do the work for them, but quite frankly this is not going to be something which is done very frequently and, there again, I think it would be the responsibility of the architect to see that all this business is put in train for the construction of the building.

In respect of a building which has already been erected, and which is transferred to strata titles, when application is made for this to be done, I think I am correct in saying that there is no obligation in this regard. I think Dr. Hislop could continue to own his quarter share of the block of flats which he mentioned without necessarily applying for a strata title, if his partners or members of the board are satisfied to have such an arrangement and to carry on with that arrangement. I do not think there is any obligation for any change to be made.

The Hon. J. G. Hislop: Co-livers!

The Hon. A. F. GRIFFITH: Yes. The fact remains, of course, there has been considerable pressure—and very real pressure, in a way—for this type of legislation to be introduced. What I suggest to the honourable member is that we go through this Bill clause by clause. If in the Committee stage we come to any clause on which a question is raised, I would like to have the opportunity of taking a note of it, and of postponing the further consideration of that particular clause, with a view to finding out and conveying the correct information to the honourable member who may raise the

question. One must bear in mind this is essentially lawyer's law; this is draftsman's law. That is the way in which I would like to deal with the Committee stage in order to ensure that I give the correct information. With that in mind, I thank the House for the reception the Bill has received. I feel that when it becomes law, it will be a useful piece of legislation on the Statute book and of which, as time goes by, more and more people will take advantage. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Interpretation—

The Hon. W. F. WILLESEE: I have a query with regard to the meaning of the words “registered proprietor.” Exactly what is the registered proprietor? Is he the person who holds the title to the land itself?

The Hon. A. F. Griffith: Would the honourable member mind telling me where he is?

The Hon. W. F. WILLESEE: I refer to the definition of “land” which appears at page 2 in clause 3. The definition reads—

“land” means land that is under the operation of the Transfer of Land Act, 1893, and held by the registered proprietor thereof in fee simple;

The Hon. J. G. Hislop: That is the proprietor of a unit; each unit holder is a proprietor.

The Hon. W. F. WILLESEE: Yes, but who is the holder of the land?

The Hon. J. G. Hislop: The proprietor has his portion allotted under the strata title.

The Hon. A. F. Griffith: Some of it is common property.

The Hon. W. F. WILLESEE: Yes, but who is the holder?

The Hon. A. F. GRIFFITH: I am of the opinion that some of this land will be common property. The title of the land on which the building stands is established by those who own the building. The common property is the land which is around the building and is used for the common purposes of all. The registered proprietor ought to be one of those persons who has a home unit or a unit registered in his name.

The Hon. W. F. WILLESEE: Perhaps I could make myself clearer on this point if I were to give an illustration. I assume the situation where there is a strata building, which has a strata title and

everything else which goes with it, and this strata building is comprised of 10 units. Perhaps there is some destruction and the 10 units disappear. However, the land would still remain. The situation would be that there would be 10 people with strata titles who, in effect, would have titles to nothing. Previously they had titles to a superimposed building. Would these 10 people be tenants in common to the title of the land itself or is the registered proprietor, in effect, the nominee of the other people and, as such, he would hold the title? Is this the situation whereby the owner of the land is established? My query is: Is the land jointly owned?

The Hon. A. F. GRIFFITH: I think, in such a set of circumstances, the registered proprietors would have a collective interest in the land.

The Hon. J. G. HISLOP: I would refer Mr. Willesee to clause 11 on page 10. That clause provides certain conditions which I think will assist him to appreciate what is done in the event of the destruction of a building. Later on partial destruction is referred to on page 11.

The Hon. W. F. WILLESEE: That is not relevant to the issue I raised with the Minister which relates to the actual structure itself. The clause to which Dr. Hislop referred is self-explanatory. I wanted to know what happens to the land and who owns it.

Clause put and passed.

Clauses 4 to 12 put and passed.

Clause 13: Incorporation of proprietors—

The Hon. W. F. WILLESEE: In subclause (5) I noticed the words "replacement value" used in regard to insurable interest. This is a new term to me. I find it very difficult to insure a building at its replacement value. Do these words mean the replacement value of the building at the time of destruction or its value at the time it was built?

The Hon. J. G. HISLOP: One could never guess the increment value of a building such as this. One could only insure in the hope of picking up the increment value in the case of fire or destruction. I cannot imagine an insurance company taking out such a policy. It would only insure the building at its original price.

The Hon. J. HEITMAN: The term "replacement value" appears in many insurance policies where only part of the building is insured, such as glass or interior decorations. An insurance company cannot place the value on any portion of the building.

The Hon. A. F. GRIFFITH: I would like to make sure that the information given is correct. Is the Leader of the Opposition prepared to allow clause 13 to be passed? I will give an explanation to him before the Bill goes right through.

The Hon. W. F. WILLESEE: Yes.

Clause put and passed.

Clause 14 put and passed.

Clause 15: By-laws—

The Hon. W. F. WILLESEE: My reading of the Bill in regard to the standard clause adopted by the company is that I think this covers the provision for smaller companies, in that they can contract out or do what they will with all the large number of provisions in the schedule. Therefore one could adopt and abide by the rules for the particular company one was handling.

Clause put and passed.

Clause 16 put and passed.

Clause 17: Insurance—

The Hon. J. G. HISLOP: The question of replacement value is again raised in this clause. To me it would seem a proprietor could cover himself quite well by having a policy which did not quite fit the replacement value of the building, but he could make certain that his property would be insured for its true value. I do not think he could go beyond that.

The Hon. W. F. Willesee: No. I do not think so, but this is a new concept which is being written into this legislation and it is a very good one.

The Hon. J. G. HISLOP: Subclause (3) enables a proprietor to bring his insurance policy up to the replacement value where initially the building was insured for less than the replacement value.

Clause put and passed.

Clauses 18 and 19 put and passed.

Clause 20: Certificates relating to subdivision strata plan—

The Hon. J. G. HISLOP: The period of 40 days provided in subclause (2) seems to be an unduly long time to allow one department to consider whether it will accept or reject an application; because after all is said and done the matter is a simple one. If this period has to elapse with every application to various departments, certain difficulties will arise. I was wondering whether the period could be lessened, otherwise the matter could drag on for a couple of months. It will be noticed that the applicant, within 30 days of the refusal of the application, can appeal in the prescribed manner.

The Hon. A. F. GRIFFITH: I will have a look at this subclause and advise the honourable member, because I know most of the building committees of the various local authorities meet only once a month.

Clause put and passed.

Clauses 21 to 28 put and passed.

Schedule—

The Hon. W. F. WILLESEE: On page 34, subclause (7) of clause 4 of the schedule provides that the council shall elect a chairman at the commencement of each meeting. This struck me as being

an unusual procedure, in company practice at any rate; that is, to elect a chairman at the commencement of each meeting. I was wondering whether there was any particular reason for that provision.

The Hon. J. G. HISLOP: I would refer Mr. Willesee to the top of page 34 because in this provision it states that the council shall consist of not less than three nor more than seven proprietors, and as far as one can see all the decisions must be unanimous. In a block of four units, and if the decisions must be unanimous, why cannot there be four in the company? Because with three making the decisions, with one person left out, three possibly could change their minds after four to six months; but one proprietor out of the four would find himself in the position of having no say in regard to the block of units. I think a small number like four would be sufficient.

The Hon. A. F. Griffith: Before you sit down, would you mind being specific on the point.

The Hon. J. G. HISLOP: It says the council shall consist of not less than four and not more than seven. If we have a big block of 50 flats, such as in South Perth, the council appoints its representatives up to the number of seven; and that is quite acceptable because they are elected. However, it seems that when there are four, three are elected, and one has to sit out. I think it might be easier, in the case of small numbers, to alter the whole thing altogether.

The Hon. L. A. Logan: It is not less than three and not more than seven. Four could be on it.

The Hon. A. F. Griffith: There could be elected three, four, five, six, or seven; but where it is not more than three, the council shall consist of all the trustees so that one man could not make up the minds of two.

The Hon. J. G. HISLOP: Leave it as it is and see how it works.

The Hon. E. M. HEENAN: I would point out to Dr. Hislop that where unanimous decisions are necessary, if the individual has a mortgage he does not get the vote; it is the mortgagor who has the vote. It will not be the individual unit owner who will vote where unanimous decisions are required unless he is free of debt. If he has a mortgage, he does not get a vote; it is the mortgagor who votes for him.

Schedule put and passed.

Title—

The Hon. A. F. GRIFFITH: I shall do my best to answer the questions which have been raised.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

*House adjourned at 10.38 p.m.*

# Legislative Assembly

Tuesday, the 18th October, 1966

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

## QUESTIONS (7): ON NOTICE

### MEAT

*Lamb: Guaranteed Price, and Subsidy*

1. Mr. MITCHELL asked the Minister for Agriculture:

- (1) Is there a guaranteed price for export lamb in operation this season?
- (2) If so, what would be the price per pound of lamb at works in accordance with this guarantee?
- (3) Who receives the subsidy, if one is paid, to bring the price up to guaranteed level?

Mr. NALDER replied:

- (1) Yes, but only for lamb sold to the United Kingdom.
- (2) Approximately 14.3c per lb. shipped from the 1st September up to the 30th November, and 12.8c from that date to the 28th Feb-