

in New South Wales and Victoria are taking charge of similar Bills in those States; and likewise the same legislation is to be introduced later in Queensland and Tasmania. A decision to adopt the new constitution by the South Australian church has been held up somewhat because of the appointment of a new bishop there. Acceptance of the constitution in that State is considered by church authorities to be only a matter of time. The church is hopeful of the early passing of this Bill so as to enable the promulgation of the constitution at an early date.

I understand that a question was asked in another place as to the reason for the reference in the Bill to the Church of England in "Australia and Tasmania". I am informed that this title belongs to the very old days when Australia and Tasmania were separate countries. The new title of the Church of England in Australia is, of course, incorporated in the new constitution, and so rectifies the matter. The church is anxious to and desirous of retaining the name.

On motion by the Hon. W. R. Hall, debate adjourned.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines): I move—

That the House at its rising adjourn till Tuesday, the 13th September.

Question put and passed.

House adjourned at 5.21 p.m.

Legislative Assembly

Thursday, the 1st September, 1960

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The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS ON NOTICE

PUBLIC WORKS DEPARTMENT

Albany High School Plans and Specifications

1. Mr. HALL asked the Minister for Works:
 - (1) When plans and specifications are being prepared by the Public Works Department, how many copies are made?
 - (2) How many copies of plans and specifications were made for the additional classrooms at Albany High School this year?

- (3) What number of plans and specifications were made available for contractors' perusal at the Public Works Department Office at Albany?

Removal of Plans and Specifications from P.W.D. Offices

- (4) Are copies of plans and specifications permitted to be removed from P.W.D. offices?

Plans and Specifications for Water and Sewerage Connections.

- (5) Is a separate set of plans and specifications prepared for water and sewerage connections when calling tenders for public works?

Mr. WILD replied:

- (1) 7-12, depending on the size of the work.
(2) 8.
(3) 4.
(4) Yes, for periods not exceeding 7 days.
(5) No.

STATE ELECTRICITY COMMISSION

Auditing and Adoption of Accounts

2. Mr. TONKIN asked the Minister for Electricity:

- (1) On what date were the accounts of the State Electricity Commission for the year ended the 30th June, 1959, adopted by the commission?
(2) Are the accounts of the State Electricity Commission adopted prior, or subsequent, to audit by the Auditor-General's Department?
(3) Have the balance sheet and profit and loss account for the year ended the 30th June, 1960, been made available to the Auditor-General's Department?

Mr. WATTS replied:

- (1) The 17th September, 1959.
(2) The accounts are adopted prior to audit.
(3) Accounts are being presented to the commission today and, if adopted, will be submitted to the Auditor-General.

RAILWAY CROSSING FUND

Income and Likely Expenditure

3. Mr. GRAHAM asked the Minister for Transport:

- (1) What moneys are available in the metropolitan area railway crossing fund account at the present time?
(2) What amount has been paid into the fund since its inception?

- (3) What amount was paid in during the last financial year?
(4) Are there any projects in mind similar to those at Lord Street and Moore Street level crossings?
(5) If so, what are they, and when is work on them likely to commence?

Mr. PERKINS replied:

- (1) £26,578.
(2) £75,248.
(3) £30,758.
(4) No.
(5) Answered by No. (4).

RENTAL HOMES

Increased Payments by Pensioners

4. Mr. GRAHAM asked the Minister representing the Minister for Housing:

What increase in rent, if any, will the proposed raising of pension payments impose upon—

- (a) a married couple in receipt of the full age pension only;
(b) a single person in receipt of full pension only?

Mr. ROSS HUTCHINSON replied:

- (a) 2s.
(b) 1s.

SLEEPERS

Tenders for Supply to Railways Department

5. Mr. GRAHAM asked the Minister for Railways:

- (1) Has a decision yet been made in connection with contracts for the supply of sleepers to the W.A.G.R. this year?
(2) If not, why not?
(3) Does he realise that the delay in finalising this matter is causing concern, uncertainty, and dislocation of milling activities to certain sawmillers?
(4) Were tenders called on a firm basis without a rise-and-fall clause?
(5) Is it a fact that tenderers some weeks ago were given an opportunity of revising their prices owing to basic-wage adjustments?
(6) Has this procedure been followed previously?
(7) Is it intended that for all contracts extending over periods of a year or more the same practice will be followed?
(8) If not, why not?
(9) Which sawmillers submitted tenders?
(10) What was the tender price submitted by each such tenderer?
(11) Who are the successful tenderers, the quantity to be supplied, and the prices, respectively?

Mr. COURT replied:

- (1) Yes. Subject to the answer to No. (11).
- (2) and (3) Answered by No. (1).
- (4) No.
- (5) The receipt of tenders was at or about the date that the recent basic-wage increase was announced, and because the variation formula was not consistent in all tenders received, the Tender Board asked each tenderer to quote a price adjustment for that basic-wage increase.
- (6) No; but in the past, in similar circumstances, contract rate adjustments have been agreed to.
- (7) and (8) This will depend on circumstances obtaining at the time.
- (9) and (10) Under the policy followed by the Tender Board, details of tenders such as this are not disclosed.
- (11) The Tender Board has recommended to Executive Council; and until this action is finalised, these details cannot be released.

PARLIAMENTARY SALARIES

Comparison with Those of Government Employees

6. Mr. GRAHAM asked the Premier:
How many persons are in the employ of the Crown whose salaries are in excess of the basic amount paid to members of Parliament, viz., £2,200?

Mr. BRAND replied:

There are 928 officers.

BASIC-WAGE FIXATION

Government Intervention

7. Mr. GRAHAM asked the Premier:
- (1) Is he aware that the Federal Treasurer is reported to have said on the 28th August that the Commonwealth Government had told the Commonwealth Arbitration and Industrial Commission this year why the basic wage should not be increased, and that his Government would intervene in the basic wage application before the commission next year?
 - (2) As the Western Australian Government similarly intervened this year, is it proposed to take like steps at the next hearing?

Mr. BRAND replied:

- (1) Yes; I did see a newspaper report to that effect.
- (2) The Western Australian Government did not similarly intervene. It merely placed information before the court. The Western Australian Government's position will be considered at the appropriate time.

PERTH CITY COUNCIL

Adjustment of Wards

8. Mr. ANDREW asked the Minister representing the Minister for Local Government:

- (1) When did the Government first intimate to the Perth City Council that it should correct the unbalance of its wards?
- (2) Is he aware that no effective action in the direction required has yet been taken?
- (3) Does he think that Perth City Council representation is fair and just when Victoria Park has three councillors and has 9,000 people on the roll, and some wards have as low as 1,800 on the roll with three representatives?
- (4) Will he take the necessary steps to instruct the Perth City Council to immediately implement the direction given by the Government and put its wards in balance?

Mr. PERKINS replied:

- (1) On the 29th September, 1958.
- (2) The Minister is aware that the Perth City Council has made a survey of the position, but has not yet completed its analysis of the ward position.
- (3) This will depend upon the result of the survey and analysis made, as referred to in reply to question No. (2).
- (4) The Minister has caused letters to be sent to the Perth City Council on this subject, and expects to be apprised of the council's decision within a reasonable time.

CARNARVON SCHOOL AND SCHOOL HOUSE

Disposal of Materials

9. Mr. NORTON asked the Minister for Works:

- (1) Has any decision been made regarding the old school building and schoolhouse at Carnarvon?
- (2) If so, when are they to be demolished?
- (3) Has he received any requests for the materials in the old school?
- (4) If so, when, and has he given these requests favourable consideration?
- (5) Is he aware that the Carnarvon boy scout group and the Carnarvon convent have made requests?
- (6) If so, on what date were these first made?

Mr. WILD replied:

- (1) Yes.
- (2) A definite date cannot be given. The school will be offered to the Carnarvon boy scouts for demolition and removal, with the exception of some plumbing fittings. It is proposed to call tenders for demolition and removal of the old teacher's quarters at an early date.
- (3) Yes.
- (4), (5), and (6) Request dated the 25th June, 1959 by the Carnarvon convent for certain plumbing fittings. Request dated the 11th February, 1960 by group scout-master for materials from old school building. These have been given favourable consideration.

BENTLEY HOSPITAL

Announcement Concerning Erection

10. Mr. JAMIESON asked the Minister for Health:

In view of the published statement in *The West Australian*, "South of the River" supplement of Wednesday, the 31st August, 1960, that an announcement should soon be able to be made with regard to a new hospital for the Armadale district when will he be in a position to make a similar statement regarding a south of the river hospital on the Bentley site?

Mr. ROSS HUTCHINSON replied:

This matter is under review by the State Health Council and the Town Planning Commissioner. I expect to receive a report towards the end of next month, following which an announcement will be made.

WONGAN HILLS RESEARCH STATION

Installation of Septic System

11. Mr. LEWIS asked the Minister for Agriculture:

- (1) Has an application been made to install septic systems at the Wongan Hills Research Station?
- (2) Can he indicate when these systems will be installed?

Mr. NALDER replied:

- (1) Yes.
- (2) Tenders are being called by the Public Works Department and close on the 4th October next.

MOORA WATER SUPPLY

Rates

12. Mr. LEWIS asked the Minister for Works:

- (1) On what basis is water rated at Moora?

- (2) What rate is payable by householders?
- (3) What rate is now charged to the Moora Road Board for use on the oval?

Revenue and Expenditure

- (4) (a) What was the revenue for each of the last three years; and
- (b) What was the expenditure for each of the last three years of the Moora Water Supply?

Mr. WILD replied:

- (1) On the annual value.
- (2) 3s. in the pound.
- (3) The annual charge in lieu of water rate for Moora oval is £7 10s. Water allowance for this charge is 37,500 gallons. The charge for excess water is 4s. per 1,000 gallons.
- (4) (a) 1957-58—£5,439.
1958-59—£5,382.
1959-60—£6,001.
(b) 1957-58—£7,081.
1958-59—£8,008.
1959-60—£9,825.

ALLAWAH GROVE NATIVES

Economic Self-help

13. Mr. BRADY asked the Minister for Native Welfare:

- (1) What provision (if any) is being made by the Native Welfare Department to interest natives in the Allawah Grove area in activities likely to improve their economic position?
- (2) Has any consideration been given to training male natives in handling of farm machinery, etc.?
- (3) Are the various organisations conducting kindergartens and rug-making, etc., being financially assisted by the Native Welfare Department?

Mr. PERKINS replied:

- (1) The department assists in an advisory capacity to give natives at Allawah Grove every assistance to seek and obtain employment; and if this is not available in the metropolitan area, they are encouraged and assisted to move to the country areas for rural employment.
- (2) It is not practicable at Allawah Grove.
- (3) The department subsidises the Kindergarten Union of W.A. at the rate of £15 15s. per child per annum for children attending kindergarten at Allawah Grove. Through the Native Welfare Council, sewing classes were held at Allawah Grove for which the department supplied two *Singer* sewing machines.

HOSTEL FOR NATIVES

Government Financial Assistance for Erection

14. Mr. BRADY asked the Minister for Native Welfare:

- (1) Has the Native Advisory Council approached the Government for financial assistance to build a hostel for natives in Perth?
- (2) Will he state what financial assistance (if any) has been promised to the Native Advisory Council?

Mr. PERKINS replied:

- (1) Yes.
- (2) None that I know of.

QUESTIONS WITHOUT NOTICE

COLLIE COAL

Inquiry by Sydney Engineer

1. Mr. HAWKE asked the Premier:

- (1) Is he aware of the leading article in today's issue of *The West Australian* which states that the Government is calling in a Sydney consulting coal engineer to conduct an inquiry into the Collie coal situation?
- (2) If this is so, what are the terms of reference for the inquiry?
- (3) Have the unions been notified and consulted on the proposed inquiry?
- (4) If not, would not this place the unions at a disadvantage?
- (5) How long is it expected the investigator will take to deal with the matter?
- (6) How long will the investigator remain in the State?

Mr. BRAND replied:

- (1) Yes.
- (2) The inquiry will take the form of a technical investigation covering all specific aspects. All parties concerned will be invited to make submissions.
- (3) The inquiry is to take place partly because of a request by the combined Collie unions.
- (4) Answered by No. (3).
- (5) and (6) The consulting engineer is of the opinion that the investigation will not take many days, but he will stay in the State as long as he is required to carry out his investigation.

NORTHAM REGIONAL HOSPITAL

Construction

2. Mr. HAWKE asked the Minister for Health:

- (1) Is he aware that in the Legislative Assembly on the 10th August, he told me no decision had been made

as to a commencing date for the construction of a regional hospital at Northam?

- (2) Was he responsible for the item in *The West Australian* newspaper of the 25th August which reported him as having given an assurance to a deputation from the Northam branch of the L.C.L., that a start would be made on a new multi-storey hospital at Northam in the 1963-64 financial year if loan funds are available?
- (3) If so, how does he justify the very misleading reply given to me on the 10th August?
- (4) Why is there any doubt about loan funds being available for the project in 1963-64?
- (5) Why cannot a commencement with the project be made in 1961-62; or, at the very latest in 1962-63?

Mr. ROSS HUTCHINSON replied:

I would like to thank the Leader of the Opposition for giving me some notice of this question. The answers are as follows:—

- (1) Yes.
- (2) Yes.
- (3) The reply was not misleading as at the date of the question by the honourable member no decision had been made.
- (4) There can be no assurance of loan funds being available in future years as this is a matter for the decision of the Loan Council and is outside the control of the State Government.
- (5) The Government is already heavily committed to planning hospital buildings involving substantial expenditure of loan funds during these financial years, and it is impracticable to include another major project.

NORTH AMERICAN VENDING MACHINE CO.

Operations in Victoria and Western Australia

3. Mr. GRAHAM asked the Attorney-General:

- (1) Having regard for the fact that the North American Vending Machine Co. Pty. Ltd. has been advertising extensively in this State and has no doubt attracted numbers of Western Australian investors, has he any knowledge of the basis of the reported action of the Victorian Attorney-General's Department of seizing the books of the company?
- (2) If so, will he advise whether he has any legal authority in the matter, and whether any action is contemplated by him?

- (3) If the answer to No. (1) is in the negative, will he cause urgent inquiries to be made?

Mr. WATTS replied:

- (1) to (3) I thank the honourable member for giving me some notice of these questions. In regard to No. (1) there has been no opportunity to obtain information from Victoria on this matter; and I therefore suggest that the honourable member place his question on the notice paper; or, alternatively, repeat it on Tuesday.

In regard to the other matters, consideration of some aspects relating to these companies was given by the Crown Law officers at the interstate conference on uniform company law and some provisions have been drafted into the proposed Bill in regard to them. Those provisions, however, have not been sufficiently drafted by the draftsmen—who are mostly in the Eastern States—for me to give to the honourable member at this stage a resume of their contents. However, I will endeavour to obtain that information and let him have it.

Mr. Graham: Thank you.

PERTH CITY COUNCIL

Adjustment of Wards

4. Mr. ANDREW asked the Minister representing the Minister for Local Government:

This afternoon, as part of question No. 8 on the notice paper, I asked the Minister—

Does he think that Perth City Council representation is fair and just when Victoria Park has three councillors and has 9,000 people on the roll, and some wards have as low as 1,800 on the roll with three representatives?

The Minister replied—

This will depend upon the result of the survey and analysis made, as referred to in reply to question No. (2).

Mr. ANDREW: Of course, that is no answer, as I was asking by that question whether he thinks the present representation is fair and just?

Mr. PERKINS replied:

Obviously, as the Minister for Local Government is in another place it is impossible for me to give the details required by the honourable member. I can only suggest that he place the question on the notice paper.

COLLIE COAL

Inquiry by Sydney Engineer

5. Mr. MAY asked the Premier:

Arising from the Premier's reply to the question asked by the Leader of the Opposition, in relation to the last portion of the question, to the effect that the consulting engineer is of the opinion that the investigation will not take many days, but that he will stay in this State as long as is required to make the investigation, does that reply mean that sufficient time will be given to the unions to prepare their submissions before the consulting engineer leaves the State?

Mr. BRAND replied:

As the unions made this request during their discussions with the sub-committee appointed by Cabinet for an investigation, I cannot commit the investigator to remain in this State at the will of the unions. They should have had their case prepared before this. According to the pamphlets which I have read around the streets, they have had their case prepared for months.

Mr. May: It had nothing to do with this matter.

Mr. BRAND: It was on the conflicting views with regard to the tonnages of open-cut coal to be available that, in the main, this specialist was called to this State. I am not therefore prepared to give any commitment as to the length of his stay as related to the desires of the union. I stated quite clearly that Mr. Marshall would remain in the State and complete his investigations.

6. Mr. MAY: Arising from that reply, does the Premier understand the unions were not given the terms of reference in regard to the inquiry by the consulting engineer, and this question arises as a result of their request?

Mr. BRAND replied: The unions are aware of the reasons for this investigation. They will have the opportunity to make their submission. I gather they will be given the same time and privileges as other parties who have requested the opportunity for making similar submissions.

PUBLIC WORKS DEPARTMENT

Inspection of Plans and Specifications by Contractors

7. Mr. HALL asked the Minister for Works:

Appertaining to my question asked today in regard to plans and specifications for the construction

of the Albany High School, in answer to the following portion of my question:—

How many copies of plans and specifications were made for the additional classrooms at Albany High School this year?

the Minister replied there were 8. In answer to the next portion of my question, which was as follows:—

What number of plans and specifications were made available for contractors' perusal at the Public Works Department, Albany?

the Minister replied there were four. There is dissension among contractors because sometimes they are not able to get plans and specifications, and some contractors are placed at a disadvantage, as compared with the contractor who is able to peruse the plans and specifications. Will the Minister therefore consider, in the drawing up of plans and specifications for major public works, giving plenty of time to contractors to peruse them?

Mr. WILD replied:

I can assure the honourable member that the department will do everything it can to give plenty of time to contractors to peruse plans and specifications. He will appreciate this is a matter of administrative detail of which I have little or no knowledge. I shall look into the question; and if it is possible to comply with his wishes, that will be done.

PERTH CITY COUNCIL

Adjustment of Wards

8. Mr. ANDREW asked the Minister representing the Minister for Local Government:

Further to my question regarding the balancing of Perth City Council wards, does the Minister consider that, when 1,800 electors have three representatives, it is fair that 9,000 electors should have the same number of representatives?

Mr. PERKINS replied:

I do not intend to give any reply to this question without consulting the department.

CHEVRON-HILTON HOTEL AGREEMENT BILL

First Reading

On motions by Mr. Brand (Premier), Bill introduced and read a first time.

BILLS (2)—THIRD READING

1. War Service Land Settlement Scheme Act Amendment Bill.

On motion by Mr. Nalder (Minister for Agriculture), Bill read a third time and transmitted to the Council.

2. Evidence Act Amendment Bill.

On motion by Mr. Watts (Attorney-General), Bill read a third time and transmitted to the Council.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Third Reading

MR. PERKINS (Roe—Minister for Transport) [2.37]: I move—

That the Bill be now read a third time.

MR. TONKIN (Melville) [2.37]: I wish to take advantage of this opportunity to register a further protest against this legislation being proceeded with. I have considered it very closely since the Bill was under discussion yesterday, and I cannot think of a precedent for its introduction at this stage. It is a Bill which is very closely related to the Government's proposals which are to be introduced in the land-tax measure later on; therefore it should be considered in conjunction with the latter Bill.

If this were a tax completely unrelated to the land-tax proposals I would have no grounds for complaint; but it is a land tax, and it will fall on the same people who are paying the normal land tax. We do not know at this stage on which of those people the proposals under the land-tax Bill will fall. The Government may have under contemplation some large-scale exemptions to be applied to people who at present pay land tax. If that is so, it would make a difference to what ought to be done in regard to this improvement tax.

The purpose of this tax is to enable steps to be taken in connection with regional town planning to bring about a more orderly and efficient development of the State. It is to be expected that the development will bring about appreciation in values from which some people will benefit far more than others; and we are entitled to know whether it is likely that those who will benefit most will pay least, or whether they will pay their due proportionate share. We cannot know that if there is a proposal to alter the incidence of land tax.

It is completely impossible for anyone properly to consider whether this particular tax ought to be made permanent in its present form when there are in contemplation proposals for alteration to the existing land tax. That is why I say there

is no justification whatever for this Bill being passed now. If the Government deferred it for consideration subsequent to the introduction of land-tax proposals—not necessarily until those new proposals have been adopted, but until such time as they have been made public—the Government would lose nothing in the meantime, but members would be considerably advantaged by being in a far better position to know what would be the proper and just action to take. In deliberately refusing members the opportunity of considering this question in relation to land-tax proposals, the Government is not facilitating the procedure with regard to other proposals.

I read carefully the debates which occurred in another place when this legislation was being considered there. A number of members—not all on the Opposition side—questioned the justice of this sectional tax. They expressed the opinion that it was an additional tax upon metropolitan landowners to carry out work which would have a far wider benefit than to the metropolitan area. However, under pressure from the Government, its members finally agreed to the passage of the Bill on the distinct understanding—and I repeat, distinct understanding—and very clear-cut assurance on the part of the Minister that within two years there would be an opportunity to review this legislation: not some other legislation, but this particular measure.

If this Bill is passed, what opportunity will be available to members to review the legislation? Precisely none. That is a complete abrogation of yet another assurance and promise which the Government just takes in its stride as if it amounts to nothing. This sort of action brings us to the position which I have mentioned before where we on this side of the House cannot accept the assurance of any Minister of the Government because we have had the experience that when it suits the Minister concerned he will deny having made a certain statement or will endeavour to prove that he meant something else. I am looking straight at the Minister for Railways, he being one who, by interjection, gave us an assurance in regard to re-distribution of seats.

Mr. Court: You are in another field now.

Mr. TONKIN: No. I mention it by way of illustration; and under Standing Orders I am allowed to do so. We notice that the Minister made no attempt to deny that he gave us that assurance, but merely endeavoured to have me prevented from talking about it.

Mr. Court: I am not going to get involved in this matter.

Mr. TONKIN: I can quite understand that the Minister desires to keep out of it in the circumstances.

Mr. Court: Anything I have told you I have always honoured.

Mr. TONKIN: Oh no you have not!

The SPEAKER: Order!

Mr. TONKIN: Because I was present on one of the occasions to which I have referred.

The SPEAKER: The Deputy Leader of the Opposition had better apply his remarks to the Bill before the House.

Mr. TONKIN: Mr. Speaker, surely you would not deny me the same right which you exercised before you attained the office which you now hold?

The SPEAKER: To a limited extent.

Mr. TONKIN: I am merely illustrating a point which I want to emphasise in connection with this matter, and which is very relevant. I am referring to the fact that in another place a Minister gave a solemn undertaking that within two years opportunity would be given for a review of this legislation. There is no getting away from that; and I am merely pointing out that because of previous experience about which the Minister for Railways has some personal knowledge, we know that such assurances mean naught. For that reason we on this side of the House cannot accept any assurance given from the Treasury bench. We know, unfortunately from sad experience, that as soon as it becomes a question of expediency rather than that which is right, the Government will adopt the expedient method as it has in connection with this matter.

The request of the Opposition with regard to this legislation is a most reasonable one. We have simply asked that before a determination is made which makes this legislation irrevocable, we should have an opportunity of giving consideration to the further land-tax proposals which the Government intends to introduce. Although the taxes are different in name, there is no difference in effect upon the taxpayer unless one happens to be in the category of those who are exempted from payment.

However, if one is a taxpayer under the Land Tax Act, one is a taxpayer under this metropolitan improvement tax; and surely it is very necessary to know, when one is considering the question of making a tax permanent upon a certain section of taxpayers, just how much tax they are to pay in other directions on the same land, and whether some are to be relieved of a burden which others will consequently have to carry. I could, by way of illustration, state that that is precisely what has been done in regard to water rates.

The Government, in endeavouring to raise an additional £400,000, must get it in the main from a section of the people who previously were not paying it, whilst another section of the people will scarcely pay any of it. To illustrate the point, I shall take my own case. Ordinarily I use

a fairly considerable amount of excess water and therefore pay something over and above the ordinary water rate. The increase in rates that the Government is responsible for this year will scarcely affect me at all; it will only amount to my paying for excess water in advance, because the additional rate I will pay will make available to me that quantity of water for which I previously paid an excess rate. So I will not contribute much more, if any more, than I previously contributed to the requirements of the department. But as the department is going to get £400,000 more than it previously received, some other section of the community will have to pay it; and the same thing could happen with regard to the land-tax proposals.

So we are entitled to know the nature of those proposals in order to be in a position to decide what is fair and equitable in regard to this tax. But despite the assurance given in another place, and despite the reasonableness of the Opposition's approach to this matter, the Government appears determined to proceed without giving a single reason in justification for its action. That is what irks me.

I may differ from a man in the course he proposes to follow; but if he can submit some valid reasons for that course, I will be prepared to accept what he does. But I do not accept the situation where a man says, "I am going to take this course of action"; and when he is asked why says, "Because I am," and does not give a reason to justify it.

That is the situation the Government is in with respect to this matter. It proposes to take this line of action because it wants to; but it does so without submitting one reason in justification.

The situation would be entirely different if delay meant a loss of revenue which could embarrass the Treasury. But a delay of two or three months in connection with this legislation would not embarrass anybody—unless the Government has some ulterior motive which it will not disclose. That could be a reason, although it would not be a justification. But up to date we have had no reasons given to us.

Mr. Perkins: That is not so.

Mr. TONKIN: Why does not the Minister give us just one reason for the abrogation of the assurance in another place, and the refusal to permit of joint consideration of the two land-tax proposals?

Mr. Perkins: When we bring down the land-tax legislation, you can debate it; and if you do not like it, you can persuade the Government to amend it.

Mr. TONKIN: But that does not permit us to do anything about this.

Mr. Perkins: This will be fixed and the other—

Mr. TONKIN: That is the trouble! This will be fixed all right; that is the Opposition's complaint!

Mr. Jamieson: With no chance of review.

Mr. TONKIN: What benefit will accrue to us in trying to give consideration to the new land-tax proposals on the basis of something that is by then already fixed and irrevocable?

Mr. Perkins: The land tax can be adjusted accordingly.

Mr. TONKIN: Under Standing Orders you, Mr. Speaker, might not permit any further reference to this taxation proposal when the other one is under discussion. You might rule that way on the ground that the matter has already been decided by Parliament; and that, therefore, it is not relevant to the issue under discussion.

I do not think it is fair of the Government to place us in the situation where we will be limited in our discussion and consideration of land-tax proposals; because although that tax may be different in name from the present one, it does not differ in its effect upon the taxpayer. It is quite likely that some of the people who are now paying land tax will, in regard to some portion of that tax, be relieved to a far greater extent than will some other people. In the meantime we will have agreed to a uniform tax—

Mr. J. Hegney: On a section.

Mr. TONKIN: —on a section of the community, with certain exemptions. That is the unreasonableness of the position; and I desire to emphasise it at every opportunity available to me.

I propose strongly to oppose the third reading of the Bill; and I hope that commonsense will yet prevail, and that Parliament will be given an opportunity of considering these closely related taxation proposals in conjunction with each other, instead of having one of them finalised so that no matter what we think about the new proposal we will not be in a position to do anything about it. It would be extremely difficult, if not impossible, to find a precedent for this action by the Government. But, of course, the Government is not worried about precedents; it establishes precedents itself as, for example, in the abrogation of straight-out, clear-cut assurances.

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

Ayes—25.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Burt	Mr. Naider
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neill
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Roberts
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
Mr. Mann	(Teller.)

Noes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Kelly
Mr. Curran	Mr. Moir
Mr. Evans	Mr. Nulsen
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Sewell
Mr. Hall	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. Norton

(Teller.)

Majority for—5.

Question thus passed.

Mr. Brand: Who wants a pair?

Mr. Graham: Keep on believing that!

Mr. Brand: Who banned the pairs?

Bill read a third time and transmitted to the Council.

METROPOLITAN REGION IMPROVEMENT TAX ACT AMENDMENT BILL

Third Reading

MR. PERKINS (Roe—Minister for Transport) [3.0]: I move—

That the Bill be now read a third time.

MR. J. HEGNEY (Middle Swan) [3.1]: I propose to take this opportunity, at the third reading stage, of expressing my opposition to the metropolitan region improvement tax. As I said previously, there is no doubt that, as a permanent measure, this will be a severe impost on people in the metropolitan area, because the revenue that will be derived from the operations of this tax will be very substantial. When he introduced the Bill last session, the Minister indicated that the amount of revenue to be derived would be in the vicinity of £130,000 per annum. The sum collected to the 30th June this year was £210,000; and that is over a period of only seven to eight months at the most. Therefore, I have no doubt that for a full year the sum collected would be considerably in excess of £350,000. That is a substantial figure.

So, during the life of the Act as it now stands, a total sum of £700,000 at least will have been collected without worrying about making the tax a permanent feature. The reason given by the Minister for wanting to make the Act permanent is that the town-planning authority cannot borrow money unless it becomes a permanent authority; and it must borrow money to enable it to implement the town-planning scheme. But having drawn from the taxpayers of the metropolitan area a sum of £350,000 for each year—and no doubt that sum will increase; because, as the days go by, residents of the metropolitan area will have to pay a higher tax in view of increased valuations—the authority will have a substantial sum to play with.

The Minister for Town Planning in another place gave a solemn undertaking that if members agreed to the passage of the Bill through the Legislative Council the matter would be reviewed within two years. He stated in no unmistakable terms that Parliament would be given an opportunity to review this legislation within that period. But, of course, as has been pointed out repeatedly by the Deputy Leader of the Opposition, no opportunity will now be given to review the legislation because all these two bills do is make permanent. There is no opportunity for members to review the activities of the town-planning authority, and apparently none is to be given. The authority will be a law unto itself; because, as the Minister pointed out, members of the authority indicated to the Minister for Town Planning that they required the Act to be made permanent so that they could proceed to borrow money.

As has already been stated, the Government could easily authorise this authority, as it does other authorities, to go on the market and borrow money up to a certain figure. That could have been done within the next six months, or within a lesser period if the authority wanted to borrow money at an earlier date. So these Bills are not really necessary, particularly at this early stage of the session. When we take into consideration that towards the end of last year, when the original legislation was being discussed—

The SPEAKER: Order! There is too much talking.

Mr. J. HEGNEY: I should think some of them should keep quiet. I cannot hear myself, which is remarkable, because most members can usually hear me.

Mr. Bovell: You are not missing much.

Mr. J. HEGNEY: I have been trying to talk them down. Apparently members opposite are not much interested in this legislation. All they are worried about is increasing people's taxes. Since we met this year the Government has done nothing else but put burden after burden on the taxpayers of this country. I am protesting about that.

Mr. Brand: You look at the list in *Hansard* of the taxes your Government put on the people and see how far you get then!

Mr. J. HEGNEY: I am not talking about that at the moment; the matter before us at present is the proposition introduced by one of the Premier's Ministers—that this tax should become a permanent feature rather than be reviewed within two years in the light of the land-tax proposals which the Minister has said will be submitted to Parliament. Before this legislation is made permanent, let us have a look at the land-tax proposals.

It is suggested that there will be a reduction in land tax. It will be interesting to see how this new rate will be applied, and whether the country people will get substantial relief; possibly those living in the metropolitan area will get no relief at all. If that is to be the position, I think members of this Assembly are entitled to know about it.

These two matters should be dovetailed so that we know what we are doing, instead of agreeing to these added imposts. There is no doubt that the people I represent will be severely hit by this tax. Valuations have already been increased by 25 per cent. for water-rating purposes.

All these increased taxes are a severe burden on young people buying homes. In the first place they buy land at an inflated value. They have to take out mortgages to enable them to build their homes, so that they can establish families; and they have to pay substantial interest rates on their mortgages. With all these added charges, they will have a bigger burden than they can bear. But this Government this session has done nothing else but increase the burdens of the taxpayers of this country. Increases have been made in fares and many other items.

Mr. Graham: Water rates.

Mr. J. HEGNEY: Not only that, but their confreres in the Federal sphere have now reduced the rebate that applied on Commonwealth income taxation, which will mean that the taxpayers of this country will have to pay increased income tax for this financial year. Also, do not let us forget that the present Premier went into the Arbitration Court, and his attitude was to prevent the basic wage from being increased.

Mr. Brand: The Premier didn't go into the Arbitration Court.

Mr. J. HEGNEY: The Premier was represented there to prevent the basic wage from being increased; and many people in the metropolitan area are basic-wage workers, or receive a wage which is just above the basic wage. From the income they receive they must pay these added burdens and charges which mount up against them. It is not fair. They have a sufficient burden to carry at the moment without an increase being added.

It would seem there are exceptions to be made under this law with respect to certain people around the metropolitan area. I refer particularly to horticulturists. There are a number of horticulturists living in my electorate, in the heart of the district. These people have substantial suburban land; and, immediately the price rises warrant their getting out, I have no doubt they will have their blocks subdivided and thus receive the enhanced prices obtaining.

Let us take the electorate of the member for Dale, where there are large properties used for stud purposes—the breeding of horses and the like. The same thing will apply there. When these people find the price is right they will subdivide their properties, sell, and go further afield. Under this proposition they will be exempt. It is not fair and reasonable that they should be exempt, while others are called upon to pay this added burden.

I am opposed to this increase because it is unjust and unreasonable. The Government is recovering sufficient by way of revenue today; besides which, this matter should be reviewed in the light of the proposed land-tax legislation which the Government has indicated it will bring down. When that legislation is introduced we will have an opportunity to sum up the position. I oppose the Bill.

MR. W. HEGNEY (Mt. Hawthorn) [3.12]: I intend to oppose the third reading of this Bill.

Mr. Graham: Hear! hear!

Mr. W. HEGNEY: At this late hour I am compelled to express my amazement at the silence of the members on the Government side—I refer now particularly to those private members who represent metropolitan constituencies. Nobody on the Government side has seen fit to say one word either in favour of the Minister's action, or against it. The Minister himself gave a paucity of reasons for his action. As a matter of fact, he had no valid reason at all, when asked to justify his refusal of the request made by the Deputy Leader of the Opposition for a postponement of the debate on this measure until such time as the House knew the intentions of the Government in connection with the land-tax amendment legislation.

As I have said, I am amazed at the silence of private members. You, Mr. Speaker, of course, represent an important constituency in the South-West. But you are not affected; nor are your electors in any way affected by this measure. But the same cannot be said about a number of private members on the Government side who represent large metropolitan constituencies. Immediately there comes to mind three representatives on the other side who are engaged in honourable professions: one is a schoolteacher; another, a doctor; and the third, a lawyer. They are the representatives of their electorates, and none of them has seen fit to express a view as to whether or not there should be a review of the proposed land tax; or whether there should be a delay until such time as the Government's intentions are known.

A great deal has been said about centralisation and decentralisation. When one considers the area mentioned in this town-planning scheme amendment Bill,

one finds that area is one within a 20-mile radius of Perth. I think it will be found that in that area there are between 370,000 and 400,000 people: approximately 55 per cent. of the people in Western Australia live within an area 25 miles from Perth. A substantial percentage of those people either own their homes or are paying for them. If one cared to look at the statistics of employment, one would find there is a tremendous percentage of those home-owners who are engaged in semi-skilled labour; and who, in many cases, receive some few pounds over the basic wage.

As far as I am able to do so, I will bring before the people I represent the injustice of this tax. The 400,000 I have mentioned will be obliged to pay this tax; but they will receive, personally, no greater or no lesser advantage than the people whom you, Mr. Speaker, represent; or the people whom the member for Pilbara represents; or those represented by any other country member.

We have the Minister in charge of the Bill—who represents the Minister for Town Planning—trying to bulldoze this measure through; and when, after persistent efforts, the Deputy Leader of the Opposition quotes the responsible Minister in another place and points out to the Government that the Premier made a distinct and definite promise that land tax would be reduced, we find the Premier instructing his Minister to make a bald announcement that later in this session the Government intends to introduce an amending land-tax Bill.

Does any member on the Government side, apart from the Ministers, know the contents of the proposed measure? Do they know who will be subject to this tax? Do they know who will receive relief under this Bill that has been envisaged, or who will have placed on them a further imposition of land tax?

The session is barely more than a month old; and, as other speakers have pointed out, an adjournment of this measure would constitute no disadvantage to the Government. The Government would not suffer financially at all. The authority set up under the town-planning scheme legislation would not be short of funds in the meantime. That has been admitted. If a delay, or a postponement, of this third reading were permitted until the Premier and Treasurer brought down the amending land-tax Bill we would then be in a better position to know what amendment the Government proposes to effect in its policy of reducing land tax.

I would like to know whether it is the intention of the Government, in partially giving effect to its policy, to reduce land tax in some directions and to increase it in others; or whether it is proposed to reduce the existing land tax on landowners in view of the fact that land values are

on an upward grade, and valuations in future will be much higher than they are now. That is a distinct tendency. If the Government proposes to act on that basis, it is quite obvious that the people on whom this tax will be imposed will pay much more in future than they do now.

Mr. Perkins: I cannot believe you are sincere in all this.

The SPEAKER: Order!

Mr. W. HEGNEY: The Minister judges everybody by himself.

Mr. Perkins: Where are your four members?

Mr. W. HEGNEY: I understand one is in hospital.

Mr. Perkins: Where are the other three?

Mr. W. HEGNEY: That is the business of your Whip.

Mr. Heal: What is it to do with you?

Mr. Roberts: What has our Whip got to do with it?

The SPEAKER: Order!

Mr. Tonkin: It is your business to see where your members are. Never mind about ours.

The SPEAKER: Order! We cannot have a discussion about where certain members are while we are dealing with a Bill of this nature. The member for Mt. Hawthorn will continue.

Mr. W. HEGNEY: I agree with you, Mr. Speaker; but the Minister does not know where he is. He says I am not sincere because four members are absent. There are times when members from the other side of the House have been absent. As I was saying, before I was interrupted by the Minister, if the Government proposes to obtain from the land tax only the same amount as it is now receiving, having regard to the tendency for values in the metropolitan area to increase, it is obvious that the people who are going to continue to pay this tax will pay a substantially greater amount in the future, even if the rate in the pound is not increased.

The Minister gave us figures last year which showed that about £140,000 would be collected as a result of the imposition of this tax. This figure was well out; and I do not blame the Minister, because he made an estimate. The figure eventually submitted to this House as being authentic was £210,000. One only has to visit the outskirts of the city, south of the river, north of the river, in a westerly direction, or in an easterly direction to the foothills of the Darling Range—an area, much of which will be covered by this tax—to see great housing projects; and it is obvious that land values are going to rise, and rise steeply.

Therefore, as the values increase, so will the revenue return to the town-planning authority. If a tax of ½d. in the pound were imposed, it would return about £110,000

at the present time. As time goes on, the amount would rise to £200,000. If the tax were ½d. in the pound I have no doubt that the amount would rise to well over £300,000 before very many years.

I have expressed my view sincerely, despite the Minister's sneer. I repeat that the Government would be well advised to leave this third reading stand in abeyance until the land-tax Bill has been introduced. As it now stands, the Act will be effective until the 30th June, 1962. That also applies to its sister Act, the third reading of which was just agreed to. Nothing will be lost if the Government does not introduce the Land Tax Act Amendment Bill for another month. It will not take long to deal with that Bill; and this Bill can then be dealt with in the light of the tax proposals contained in the land-tax Bill.

It would be a different proposition altogether if the Government were up against it for finance and it had this avenue open to it. However, the parent Act will remain in force for another two years and current assessments can be sent out to taxpayers; and next year's assessments can also be sent out. I am very sorry that those on the other side, to whom I have referred, have not declared themselves in the interests of their electors; and I suggest to the Government that it might delay this Bill until such time as the Land Tax Bill has been considered by this House.

MR. TONKIN (Melville) [3.25]: I have no intention of traversing the same ground as I did in connection with the previous Bill. My remarks on that Bill had relationship to the Bill now under consideration.

Mr. Ross Hutchinson: A more direct application to this one.

Mr. TONKIN: Maybe; but in case the Minister is in any doubt about the relevance of those remarks, I would draw his attention to Part VII of the Metropolitan Region Town Planning Scheme Act, which reads as follows:—

For the purposes of this Act the provisions of the Land Tax Assessment Act, 1907, relating to land tax and land so far as they can be made applicable with all necessary modifications or adaptations apply to the Metropolitan Region Improvement Tax and land situate within the metropolitan region.

That is in the Bill which was the subject of the previous motion. Therefore my reasons for wanting a deferment of the consideration of that Bill are precisely the reasons I want a deferment of this Bill; but the Minister cannot understand that.

Mr. Ross Hutchinson: Do not be objectionable all the time; you manage to do so well without trying.

Mr. TONKIN: When the Government has an argument to advance against a case presented here, invariably it tries to advance it. It is very significant that, with

regard to the arguments advanced by the Opposition on these two Bills, no attempt whatever has been made by any Minister to face up to the arguments advanced. The two main arguments are these: Firstly, a definite assurance was given in the Legislative Council that within two years there would be a complete review of the legislation.

One would have thought that some attempt would be made on the other side of the House to answer that assurance. There was no question that the assurance was given; and its intention was to placate those members who supported the Government but who were inclined to oppose the legislation. Their support was gained by that review being promised. They were given an assurance that if they agreed to an amendment limiting the life of the legislation to June, 1962, within two years an opportunity would be given to review the legislation.

Mr. Brand: What do you think was meant by a review?

Mr. TONKIN: An opportunity to give consideration to the proposals involved so that they could be altered if thought desirable and necessary.

Mr. Brand: They will be given that opportunity in the course of a debate.

Mr. TONKIN: They cannot get that opportunity now because this Bill has been brought forward; and it does not permit of a review of its provisions in its present form.

Mr. Watts: What form of Bill would enable the review that you seek?

Mr. TONKIN: A Bill to vary the tax.

Mr. Watts: I am thinking of the first Bill—the regional improvement Bill as opposed to the tax Bill.

Mr. TONKIN: An alteration of the exemptions with regard to it. If a Bill is brought down for the re-enactment of the provisions or an alteration of some of the provisions, there is an opportunity to review those sections that have a distinct bearing on this matter. There has been no attempt on the part of the Government to answer the Opposition's case on that point.

Members of the Government do not deny that an assurance was given; they do not attempt to explain what it meant; they do not say whether it was given in error; and they do not say why they have abrogated it. They take no notice whatsoever of that charge which comes from this side of the House; so one can only assume they have no answer to it.

The other point is that the Government will lose nothing by deferring consideration of this measure. There is no urgency. It will lose no revenue, and administration will not be hampered in any degree. So there is no apparent reason why the passage of this Bill in November would

not be as satisfactory as its passage now. If there is a reason why the Bill cannot be deferred, we are entitled to know it.

The Minister earlier gave one reason why he considered it was necessary to get this limitation removed from the present Act as quickly as possible—to enable the authority to proceed to draw up its programme of loans. The answer to that is to be found in the report of the finance committee. It has no intention of giving any consideration to that aspect until the first quarter of 1961.

Mr. Perkins: It is planning now. You are entirely misreading the report, as usual.

Mr. Watts: Is the honourable member sure that the whole body agrees with the finance committee, supposing he is right in his interpretation?

Mr. TONKIN: The Minister relied on the finance committee's report.

Mr. Perkins: I relied on the body; and they desired this legislation to be made permanent. In a letter from the Perth Road Board—

Mr. TONKIN: What has that to do with it? I could get a letter from Mukinbudin. The Minister advanced the argument that it was essential not to delay the passage of this measure because the authority was anxious to proceed with the raising of loans.

Mr. Perkins: And it is planned.

Mr. TONKIN: The authority proposes to raise loans in the future because it feels that it is the fairer and better way of financing these acquisitions; with which I agree. It cannot proceed, and does not desire to proceed, at present. It cannot proceed to raise these loans without a guarantee from the Government; and the Government will not give a guarantee on Treasury advice until it is assured that the legislation setting up the authority has permanence, and that it will not disappear in two years' time. That is understandable. The Minister said we should give consideration to this legislation now, because if we did not the authority would be hindered in the raising of these loans.

Mr. Perkins: It is now planned.

Mr. TONKIN: It will not be hindered.

Mr. Perkins: It will.

Mr. TONKIN: This report is available for any member to read.

Mr. Brand: It cannot plan ahead unless it is certain it can raise its loans.

Mr. TONKIN: We will see what it says itself.

Mr. Brand: Read all the report.

Mr. TONKIN: I have no desire to read all the report; it is on the Table for any member to read. If the Minister thinks I am taking it out of context, it is simple for him to read it himself. I am going to read the sections which have a distinct

bearing on what I am saying. I commence at paragraph 11 of this report, on page 2—

The committee therefore considers, on the basis of those three conclusions discussed above—

with regard to acquiring land and so on—that the authority should in principle use its Improvement Tax Revenue to fund long-term loans to finance the Region Scheme.

That revenue will be available whether this Bill is passed this year or next year. The passing of the Bill now does not affect the situation. It is going to plan its "Improvement Tax Revenue to fund long-term loans to finance the Region Scheme." The time of the passage of this Bill in no way affects that planning or that position.

Mr. Perkins: That is just where you are wrong, of course.

Mr. TONKIN: Tell me where I am wrong; that is all I want the Minister to do.

Mr. Perkins: If I did that, I would close the debate and you would not be able to speak.

Mr. TONKIN: I would not mind that, so long as the Government makes an attempt to answer the arguments on this side—if it has any answer. If I am wrong, it is up to the Minister to show me where I am wrong. The report continues—

The Authority is authorised to raise loans but in practice is not able to do so without Government guarantees of repayment of principal and interest. The Treasury is not prepared to recommend to the Government such guarantees so long as there is no security of corresponding revenue from the Metropolitan Improvement Tax beyond the initial three years duration of the Metropolitan Region Town Planning Scheme Act.

That only affects the Government. That is saying that as things stand, because the tax is limited to the 30th June the Government will not undertake to guarantee loans. All right. The report goes on—

A fourth conclusion therefore is that the Authority should represent to the Government the necessity, if the Authority's functions are to be effectively carried out, of eliminating the provisions in Section 46 which limit the duration of the Act to a period ending on 30th June, 1962.

That is in no way affected by a decision being made in two months' time.

If the Government agrees to such a course the Committee envisages the implementation of the Region Scheme over several cycles of years. Assuming a continued £200,000 per annum Tax revenue and with controls over loan raising limiting the amount which could be raised in each year it appears likely that the raising of

loans in line with the full repayment capacity would be spread over a period of seven or eight years. In the early years of this period—

And those are the years with which we are immediately concerned. It continues—

Part of the tax revenue would be available for direct expenditure—

and I would emphasise that is still available whether we pass this Bill today or in two months' time—

—decreasing each year until the full amount of loans had been raised. Thereafter for a period of years depending upon the term of the loans all the revenue would be committed to loan repayments. A fresh cycle of loan raising would begin when the first loan had been repaid and part of the revenue became available for further loans.

Although that appears to be the theoretical pattern of finance which should be followed a programme of loan raising each year would depend on a corresponding programme of estimated expenditure.

There is the first requirement: A programme of estimated expenditure. The report continues:

It is too early to attempt such close estimates —

How is a delay of two months going to affect their capacity to do that?

Mr. Perkins: There is a vast programme immediately in front of us now. If money were available, a great deal could be spent immediately.

Mr. TONKIN: That is in variance with what is stated here.

It is too early to attempt such close estimates with a view to any early loan raising.

The Minister's argument was that these people were anxious to get on and raise loans, and if we did not pass this Bill we would hamper their objective. But they say here it is "too early to make such close estimates with a view to any early loan raising." So they have no early loan raising in contemplation; and it is idle for anybody to say that unless we pass this Bill now, and do not defer it, we will interfere with the loan raising of this authority.

Mr. Perkins: I can easily reply to that.

Mr. TONKIN: The report goes on—

In any event, only a small proportion of the tax revenue for the current year has been expended and no provision has been made for loan raising in the financial year 1960-61.

The Minister spoke of a vast programme which the authority wanted to get on with, but which it did not have the necessary money to put into effect. In this report the authority has said that in any event only a small proportion of the tax revenue

for the current year has been expended, and no provision has been made for loan raising in the 1961-62 financial year. I have to assume that no provision will be made even though this Bill is passed today.

Mr. Perkins: You are quite wrong! The authority is very anxious to get on with the planning.

Mr. TONKIN: It does not say that here.

Mr. J. Hegney: You should not mislead.

Mr. Perkins: What is the sense of planning if it is not known whether the revenue is going to be permanent?

Mr. TONKIN: There is such a thing as planning in anticipation. I have no doubt the Minister has done that at different times—planned in anticipation. What he ought to be doing now is planning in anticipation of being in Opposition. The report continues—

The authority will thus have a substantial sum available to it from revenue until the year 1961-62. The authority should be in a position during the first quarter of 1961 . . .

I emphasise that in view of the statement made by the Minister that it has a vast programme now which it wants to get on with. I might ask here, if you will permit it, Mr. Speaker: Will the Minister, next Tuesday, table an outline of this vast plan which has already been drawn up?

Mr. Perkins: It is not a plan in detail. It cannot be done until the authority knows its revenue is going to be permanent.

Mr. TONKIN: Where is this vast plan the Minister is talking about?

Mr. Perkins: I will tell you something about it when you sit down.

Mr. Brand: Read the Minister's speech; that is, the ex-Minister's speech! That will give you some idea of the plan! If you do not know then you will have forgotten what the Minister said.

Mr. TONKIN: Is the present Government adopting the plan of the previous Government on these matters?

Mr. Brand: It is an identical Bill.

Mr. Perkins: Why are you opposing it if you think that is the case?

Mr. TONKIN: I am not opposing it. I have not said one word in opposition to the *£d.* tax.

Mr. Brand: There have been some divisions here.

Mr. TONKIN: Not on the question of the *£d.* tax.

Mr. Brand: There has been opposition to the two Bills.

Mr. TONKIN: My opposition is that the Bill ought to be suspended for the time being for consideration with other land-tax proposals regarding which promises

have been made that consideration will be given to them later in the session. I defy any member on the other side of the House to produce a single argument I have used in opposition to the continuance of the authority. As a matter of fact, I gave voice to the utterance that it was unthinkable that it would not continue in existence. It has to continue in existence, and has to have funds from somewhere to finance its operations.

I am opposing the consideration and the finalisation of this Bill now because I contend it is unreasonable and unfair in view of the fact that there are other land-tax proposals to be brought forward for consideration later on which will affect the same people, and we will have no opportunity to direct our attention to what is involved in this Bill because it will be irrevocable.

That has been the argument I have advanced at every opportunity when I have spoken on these measures; and it is the one I am continuing to advance now. I think I have satisfactorily debunked the only argument the Minister put forward for the urgency of this Bill; namely, that we could not hinder the authority in its loan raisings, and that that is why we had to push on with the Bill. I have shown there is not a tittle of substance in that argument.

Mr. Perkins: Only to your satisfaction; not to the satisfaction of anyone else.

Mr. TONKIN: I can only leave it to the commonsense of people to judge the logic of my submissions. That is all one can ever do. I have merely quoted what these people themselves say. They say it is too early to get down to detailed estimates; that they have no intention of giving attention to early loan raisings; that they propose to give consideration to this in the first quarter of 1961, and that they have made no provision in the programme for 1960-61 for any loan raising.

Sitting suspended from 3.45 to 4 p.m.

Mr. TONKIN: I was proceeding to illustrate that no attempt has been made by the Government to meet the arguments which have been advanced against these two Bills. I have dealt with the argument the Minister submitted earlier; that is, that the reason for a decision to be made immediately is that the authority should not be hindered in its loan-raising programme. I sought to show by quoting from the report that the passage of the Bill before us two months hence would in no way hinder the authority in its loan-raising programme, because it has no intention of considering that question before the first quarter of 1961. That was what the authority stated in its report.

As far as I can gather, this financial committee to which I am referring is not some outside body. It is the finance committee of the regional town-planning authority, and the authority must have adopted the report of the finance committee; otherwise the report would not have been submitted to the Minister and tabled in this House. The fact that the Minister tabled this report as coming from the finance committee indicates that the report has been adopted by the town-planning authority and represents the view of that authority.

I emphasise what the report has said. A portion of it states as follows:—

The Authority will thus have a substantial sum available to it from revenue until the year 1961-62. The Authority should be in a position during the first quarter of 1961 to assess with sufficient clarity the likely expenditure during the ensuing financial year to determine then what amount of loan raising should be undertaken, assuming, of course, the removal of the present obstacle to any loan raising at all in the limited life of the Act.

The following are the recommendations:—

- (a) representations to be made to the Government, based on the substance of this report, that the limitation on the life of the Authority and the Metropolitan Improvement Tax be removed;
- (b) in principle and subject to the Government action on the representation above, the Authority should seek to meet the cost of implementing the Region Scheme through long term loans;
- (c) that estimates be prepared in due course of likely expenditure for the year 1961-62 with a view to a programme of loans being initiated during that financial year.

The Minister said that plans have already been drawn up and the authority is anxious to get on with them. The committee states in this report—

Estimates to be prepared in due course of likely expenditure for the year 1961-62—

I submit to the House that a delay of two months in the consideration of the measure now before us will in no way affect the preparation of the estimates for that year. The report concludes by saying—

with a view to a programme of loans being initiated during that financial year.

That is to be initiated in 1961-62. In view of that programme, surely there is a responsibility on the Government to rebut the arguments of the Opposition that

consideration of this Bill should be deferred, so that the proposals can be considered all together. It cannot be argued that there is any great urgency to pass this Bill, or that a delay in its passage will hurt anyone in the meantime.

It is because I claim the right to have the advantage of considering all the proposals jointly that I am taking the stand which I now take in connection with the two Bills on the notice paper. I urge the Government to drop the Bills lower down on the notice paper, and to bring them to the fore again when the land-tax proposals are before Parliament. If that course is adopted, nobody will suffer; nobody will be disadvantaged. On the contrary, that course will be to the advantage of every member. Therefore I must oppose the third reading in order to register my protest against the course which the Government seems determined to follow.

MR. FLETCHER (Fremantle) [4.7]: I want to express my opposition to the third reading of this Bill, which is related to the following similar measure on the notice paper. They appear to be measures imposing taxes upon taxes. I claim the public is already experiencing sufficient difficulty as a result of the imposition of additional taxes by the present Government. It is difficult enough for them to make ends meet on their present wages and salaries. It appears that the pocket of the public will be detrimentally affected by both these measures.

We have just disposed of the Firearms and Guns Act Amendment Bill. I liken the present situation to a double-barrelled shotgun. The public does not get hit with one barrel, but with both, in respect of this taxation. The unfortunate public is already carrying too many burdens.

In black headlines of practically one inch, *The West Australian* today tried to imply there will be some future alleviation of taxation in that the Government proposes to introduce during this session legislation aimed at reducing the land tax. I heard members on the Opposition side of the House say a great deal last night on the two measures, but there is very little reference to their speeches in today's newspaper; yet that newspaper publishes an implied promise of future alleviation of taxes. Perhaps that was done to sweeten the pill of this further tax upon the people.

What I particularly dislike about this tax is the provision to perpetuate it. Under clause 2 of the Bill provision is made to extend the Act in perpetuity. As it is, the situation is bad enough without the prospect of perpetuating this tax.

Many members on this side have made reference to the increased taxes and charges which have been imposed by the present Government—water rates, drivers' licenses, rail freights—and to the increased

cost of living as a result of the increase in the price of bread, butter, cheese, milk, and sugar. All these increases have made it very difficult for the public. It is the general public which suffers enough now without a further imposition of the tax proposed under the Bill.

It is assumed by the Government that the public has a short memory. The Government is introducing this Bill at a time when it hopes the public will forget about it before the next elections in 18 months' time. I have heard sufficient dissatisfaction in my electorate, in regard to water rates, drivers' licenses, rail freights, etc., to realise that the public will have a long memory on this occasion.

Mr. Brand: You were not here when the Labor Government increased those rates.

Mr. FLETCHER: I have followed the programme of the Labor Party for over half my life.

Mr. Brand: Too long.

Mr. FLETCHER: It is not too long. I shall continue to follow the Labor Party for the rest of my life. I am absolutely sure that the policy of the Labor Party is correct. I submit that our party represents the entire public of Western Australia, while the present Government represents only the sectional interests which are diametrically opposed to the interests of the people.

Mr. Brand: Not if you were to read a few of the speeches made recently.

Mr. FLETCHER: I agree with the Premier that some taxes are necessary, but there is a limit to the imposition of taxes.

Mr. Brand: That was what I said when the Labor Party was in office.

Mr. FLETCHER: In extending this legislation beyond 1962 the Government is taking action which is most unsavoury. Consequently it should be opposed. The wrong people are being taxed.

Mr. W. A. Manning: Are you opposed to the regional-planning scheme?

Mr. FLETCHER: I am not opposed to any town-planning scheme. I said the wrong people were paying for it.

Mr. W. A. Manning: Who should pay for it?

Mr. FLETCHER: Industries should pay for it.

Mr. W. A. Manning: Which industry?

Mr. Brand: The industries down at Fremantle?

Mr. FLETCHER: I submit that industries could absorb this.

Mr. Brand: Are those industries which are to establish dry docks and shipyards the ones that should be taxed?

Mr. FLETCHER: I have no doubt that the profits made by the dry docks or any other private enterprise could quite easily pay for this instead of the tax being imposed on a certain section. That is not only my own feeling but also that of the people in my electorate. I would like to ask members whether they would deny that industry is thriving in Western Australia.

Mr. W. A. Manning: Would you like it otherwise?

Mr. FLETCHER: If it is not, I suggest to the member for Narrogin that he have a look at the finance pages of *The West Australian*. If industry is not thriving, those pages and sections of other papers are deliberately misleading, because a perusal of them indicates that companies are making exorbitant profits. I believe that taxation should be obtained from those industries rather than from the ordinary man in the street who is, as I said before, the least able to pay it.

I also take exception to the manner in which this money is disbursed. I might deviate slightly, with your permission, Mr. Speaker, and say that it has been proved in regard to economies that Government departments can manufacture certain articles in W.A.G.R. and other Government workshops for half the price for which they are being obtained outside.

Unfortunately, this tax will be imposed and the money so gained will be disbursed, not to Government undertakings but to private enterprise; so that instead of the public benefiting they will suffer because they will have to pay the tax and will not receive any benefit from the money so gained.

There is no need for the imposition of this taxation on the section on which it is proposed to be placed, and there is no excuse for the tax being made permanent. On those grounds I oppose this Bill.

MR. GRAHAM (East Perth) [4.18]: I join with my colleagues in making this final protest against the action of the Government in persevering with this Bill notwithstanding the most logical and reasoned requests that have been made by many members on this side of the House. I have been endeavouring to work out to my own satisfaction the reason for the adamant attitude of the Government, and I think the answer is to be found in the Ministers of this Chamber. Of the eight in this House, only one is a metropolitan representative, while the entire Ministry contains only two; and as this tax has no

application to country districts, the whole Ministry could not care less. It is not affected; and because of that fact one would have expected at least the metropolitan members who sit behind the Government to give voice to some concern on behalf of the people they are supposed to represent.

Mr. Bovell: There are at least two metropolitan Ministers.

Mr. GRAHAM: Now that the Minister for Lands has regained consciousness let me repeat that I stated there was one only in this Chamber and two in the entire Ministry.

Mr. Perkins: No; there are two in this Chamber.

Mr. GRAHAM: The Minister for Works has a rural constituency. His quota is half and half.

Mr. Bovell: What about Nedlands?

Mr. GRAHAM: I have heard of that place.

Mr. Roberts: And Cottesloe?

Mr. GRAHAM: If we look at a list of shareholders we will find that most of them live in Nedlands or Dalkeith. One could say that they are a race apart. As I think I indicated last night, 12 metropolitan seats are held by members on this side of the House and nine by those who constitute the Government at the moment; and we on this side of the House are at least speaking on behalf of our people. However, those who sit behind the Government appear to be gagged, bound, and everything else. This is a proposition to put a permanent tax on the metropolitan area only, excluding all of the other people.

Mr. Bovell: You said all this before on the second reading.

Mr. GRAHAM: At least I am saying something with regard to this piece of legislation which affects my electors; but apart from rudely interjecting, the Minister for Lands has not made a single contribution and not one of his constituents will be taxed one farthing.

Mr. Bovell: They are helping to stabilise the economy of the State.

Mr. GRAHAM: The private members who sit behind the Government are dumb while the Government imposes a permanent tax on the people they represent—a tax for all time. There is no means test about this. There is no question about the ability to pay. One of the members on this side of the House is aware of a constituent of his who is compelled to sell his house—the home in which he lives—because the sum total of land tax, local authority rates, water rates, and this new

set of impositions, is costing him in the total approximately £2 a week, which he cannot afford. No doubt that case is one of many which could be found in the metropolitan area—the ordinary people, as distinct from those who are more favourably circumstanced. Yet every member from the metropolitan area on the other side of the House remains silent whilst this sort of action is being taken.

And what is the request of the Opposition? Not that the Government should withdraw the legislation; not that those sitting behind the Government should vote against it; but only that the Government should hold its hand until such time as we have had a look at the proposals in connection with land tax applicable in the metropolitan area. Do we know whether it is the intention of the Government to apply a reduction to everyone? Or is it the intention of the Government to give some relief to those people who will not be paying a penny of this tax? I am talking of chicken farmers, and so on. Is it the intention of the Government to lift the land tax off wealthy sections of the community and make it a little heavier on the workers and wage-earners generally?

What are the proposals of the Government? I think we are entitled to know them, because it could be that this legislation we are considering at present will be rank injustice taken in association with the new proposals about which we know nothing, except that the Government stated earlier—and has repeated the information in recent days—that legislation is to be introduced to reduce taxation. That promise will be honoured if the Government reduces the tax in respect of some people, and some people only. Therefore, is it something impossible or unreasonable that the Opposition is asking the Government to agree to?

It has already been indicated that there is no terrific urgency in connection with this matter. It is appreciated that the town-planning authority will, no doubt, be compelled—if some of the gigantic proposals are undertaken—to borrow money, particularly in regard to the acquisition of land. But this legislation is not something that must be passed by the 10th September, 1960. Whether the authority is given the power in October, November, or December, will not interfere in any respect with its work and activities; because apart from other factors, as has already been pointed out, it has only spent half of its income in the year just concluded. In addition, further revenue is pouring into its coffers, and therefore it has enough to go on with for at least a few weeks until we have had the opportunity of looking at this matter.

I have already stated, but take advantage of the opportunity of repeating it, that the Legislative Council will not be meeting

for a period of 12 days; and accordingly, if we postpone further consideration of this matter until next Tuesday week, the passage of the legislation through Parliament will not be interfered with or delayed by so much as one minute. But here we have the Minister for Transport, who is in charge of the Bill, after the glorious exception last night of allowing a few words to be altered in a piece of legislation, returning to his old form. He feels that irrespective of what the circumstances might be, or what arguments might be produced, it is his bounden duty to have this legislation passed in its existing form and at the time he desires, without any interruption whatever.

Surely that is grossly unfair. This legislation, as all members are aware, is to be a permanent measure on the statute book. Certainly injustices sometimes have to be borne for a period; and no doubt that is the reason Parliament decided just a few months ago that the legislation should have existence only to the 30th June, 1962, so that we might gain some experience of the impact it will have on the people, but at the same time allow the authority to develop some of its plans. In addition we would gain some idea of the amount of money which would be obtained.

The legislation has been in operation for less than 12 months, and therefore we have not had a proper opportunity of gaining an appreciation of the situation. But we know this, if we did not know it before—and some of us did know it previously: that the impact of the taxation is grossly unfair.

There are people who will pay not so much as a dime for the preparatory work in connection with the replanning and redevelopment of the metropolitan area. But because there is nothing to prevent them, they will make for themselves tens of thousands of pounds from subdivisions to be made later on, and they will be the persons who will derive a terrific benefit without any contribution having been made by them.

What is the position with regard to the ordinary, average person who owns his property and home? As the member for Mt. Hawthorn said last night, even if the development of the plan has the effect of improving the value of his property, he will not be concerned, because he has built his house or purchased his house, or is in the process of purchasing it, not by way of an investment or speculation; he has acquired it for the purpose of having a home for himself and family. If the value of the home is increased as a result of this development, the net result will be, of course, that he will pay more land tax, more town-planning tax, more water rates, and more local authority rates.

Let us have a look at the other side of the picture—the industrial aspect. As everybody is aware, the producers and manufacturers in the metropolitan area add up all their costs and allow a margin for profit, and that becomes the selling price. The imposition of this tax will mean that their costs of production will be slightly increased; and to that extent, as a minimum, their prices will be increased. But, as is generally known, because the cost factor increases by a certain amount, if the margin of profit is 10 per cent., they will make 10 per cent. profit on the tax which is paid.

Therefore the ordinary average person will pay not only his own town-planning tax; but, together with others in similar walks of life, he will pay—by way of increased prices and charges—the tax which should be met by the business and commercial concerns.

We should appreciate that at this juncture it is midnight madness to perpetuate these anomalies for all time; and when I say that I mean it, because a Labor Government would not be able to effect any changes. The Legislative Council is dominated by property considerations; and as a consequence, the Liberal Party members and the Country Party members comprise the majority there; and they would not agree to a process which would compel the payment of this taxation by the people they represent—the vested interests—in order to give something approaching justice to the ordinary people. That Chamber, if anything, is more class-conscious than are the Liberal Party and Country Party members in this Chamber.

This Government has indicated by its activities that it is not short of money; yet it seeks to look generations ahead by imposing this legislation for all time. Concern was expressed by the Government in connection with some debts against the allocation made to Western Australia based on the Commonwealth Grants Commission formula. For that reason the Government announced that the institutions which cared for migrant children were to be denied 23s. 6d. per week. There appear to be some second thoughts in connection with this matter—

Mr. Brand: None whatever.

Mr. GRAHAM: —because now a sum of 14s. a week is to be paid; but in any case the amount is certainly a tremendous reduction on what is being paid at the moment.

Mr. Brand: It applies only to the children from now on.

Mr. GRAHAM: The amount totals £58,000. The Premier said that this was being done in order to avoid being penalised by the Grants Commission. But, as

I indicated last night, the Government was not concerned about the loss of its own revenue and the further penalising of the Government by the Grants Commission when it handed out a cool £53,000 to the motion picture operators—the people who will now charge the workers, the pensioners, and the rest of the ordinary people the price of admittance plus the amusement tax; and they will pocket the amusement tax.

Mr. Brand: Do you not agree with the relief which was given?

Mr. GRAHAM: I do not, when measured against other considerations. As with other matters that have been mentioned here, this is a question of proportion, of perspective, and of timetabling so that we deal with first things first. Nobody on this side of the House is, I suppose, opposed to an East-West road, but those who protest do object to its being dealt with before more important roads, necessary for the development and the productive operations of the State.

Mr. Brand: Who decides these priorities?

Mr. GRAHAM: I think commonsense does. One would think there would be a modicum of that element contained in at least a majority of the members of this Government; but their actions and statements give the lie to that assumption. The Government is able to hand out to a handful of people the sum of £53,000 with the thought that the Grants Commission can go hang—because this Government does not concern itself with the fact that it is losing £53,000 and might be penalised to the extent of another £53,000; it is not worried about that aspect because some of the big boys have been assisted again.

Mr. Brand: Little boys, too.

Mr. GRAHAM: If the Government is so flush with money in its revenue account, why does it not make some grants to the town-planning authority? There is no need for it to use loan moneys. I have already indicated by way of interjection that the Main Roads Department has acquired, within 200 yards of where I stand, land in George Street for the purpose of widening that street in connection with the western switch road proposition. As the Premier is aware, revenue moneys, not loan moneys, were used.

Mr. Brand: Why didn't your Government refuse the proposition? Why did it say it had to have the tax; that the money could not be taken from other funds?

Mr. GRAHAM: Nobody is saying otherwise. I am endeavouring to develop the proposition that there is not the galloping urgency in connection with the passage of this Bill that the Minister represented to

us. First of all, the authority is not short of money; and secondly, if in the course of the next two or three months it does happen to become short of money, as the Government has distributed largesse amongst the upper crust in Western Australia, this indicates to me that it has some money to spare, and accordingly it could at least make temporary accommodation available to this authority until such time as we have had a look at the proposed new land-tax legislation.

We could then consider this Bill on its merits. But we are asked now to agree that a tax shall be imposed for all time. If we assume that the land tax and the town-planning tax, when taken in conjunction, are now fair and equitable, the position could be disturbed by the provisions of the proposed new land-tax Bill. Therefore it is a commonsense and businesslike approach to allow Parliament to look at both measures. Nothing will be interfered with; nobody is asking the Government to drop the legislation.

Surely if a suggestion comes from the Opposition side of the House for the Government to adopt the sensible and practicable approach to a certain problem, the Government could be expected to take some notice of it. Or is it so completely removed from reality, with its head in the clouds, that it will not deign to accept a suggestion from this side of the House, irrespective of how worthy the suggestion might be?

Let me conclude on this note: that I am certain—as certain as I am that today is the 1st September, 1960—that a majority of those sitting on the Government side agree with the contention of the Opposition in this matter; but they would disagree with us if we proposed that the legislation should be defeated. It is true that we have been voting against this type of legislation; but that has been as a protest because all our pleadings to the Government have been in vain. The proposition submitted by the various Opposition speakers has been logical and conclusive; and nothing the Minister has said when he has risen to his feet, or by way of interjection, has denied the strength of the Opposition's argument.

Is this the new order: that in respect of matters that are not basic; that are not part of an election pledge; that are not part of a party platform, but are matters that emanate from the Government, every individual supporting the Government must stand firm and must refrain from speaking; or if he speaks he must still vote for the Government, however ridiculous or absurd the Government's proposition might be?

Mr. Roberts: There have been neither ridiculous nor absurd propositions.

Mr. GRAHAM: What I have said I would not expect to penetrate the skull of the member for Bunbury.

Mr. Roberts: Don't get personal.

Mr. Guthrie interjected.

Mr. GRAHAM: I would not expect that, because the honourable member has given so much evidence of the fact that he would not know what proposition is submitted, and that he is incapable of absorbing any propositions. That is to be found in *Hansard* in 101 cases. Having said that, may I have a repeat from the member for Subiaco?

Mr. Guthrie: I made my remark quite loudly.

Mr. Watts: We could say the same about you at times, but we refrain from that sort of statement.

Mr. GRAHAM: I do not think that could be said.

Mr. Watts: I do.

Mr. GRAHAM: I am certain it could not. I would like some evidence of it.

Mr. Watts: There is as much evidence of it as there is of your statement about the member for Bunbury—there is probably none in either case; but there is just as much.

Mr. GRAHAM: No. I reaffirm—

The SPEAKER: Order! The honourable member cannot make personal reflections on other members in the Chamber.

Mr. GRAHAM: The Deputy Premier is the last person to speak in that way. When he became a Minister and introduced one of his first Bills—a Bill to consolidate the Child Welfare Act, if I remember rightly—I and the then member for Warren—

The SPEAKER: Order! Has this anything to do with the Bill?

Mr. Brand: Nothing whatsoever.

Mr. GRAHAM: It has everything to do with the Bill. Because of the logic of the argument on that occasion, the member for Warren and I voted contrary to our colleagues; we supported the Government. That is not the only example. I can point to many cases where the Government of which I was proud to be a member was defeated by private members—supporters of the Government—joining the members of the Opposition. But those days are apparently gone.

Mr. Ross Hutchinson: Do you remember what happened to the late member for South Fremantle when he did that?

Mr. GRAHAM: In reply to the Chief Secretary, I qualified my remarks by saying that where there was an election pledge to the people, or where it was a plank of the political party's platform, one would expect complete loyalty. That was the position in regard to the incident mentioned by the Chief Secretary. But in regard to more or less administrative or machinery matters, surely members are entitled to form a judgment for themselves; and surely members, particularly metropolitan members, have some responsibility to the people they represent. That is all I am saying.

Even if everything I have said is to be disregarded, at least the case submitted by the Deputy Leader of the Opposition, which has not been contravened should be considered; and surely the rank-and-file members supporting the Government—and indeed the Government itself—should pay some attention to it.

When it can be demonstrated, as it has been, that there will be no loss of dignity to the Government; no question of the defeat of the legislation; and no question of interfering with the programme of the town-planning authority, it is reasonable to expect that consideration will be given to our submissions. What we have asked for is reasonable, and I do not propose to reiterate the reasons that have been advanced by us; but to me it becomes a little disgusting when the Opposition can be so completely disregarded.

In other words, it would appear that debate in this Chamber means nothing whatever if the Government has made up its mind. However trivial the matter or whatever the circumstances, if it has made up its mind that is the end of it. No change can be made and no amendment will be accepted, and nobody supporting the Government is free to express his viewpoint; in any case, it is still my intention to express my viewpoint.

Mr. Ross Hutchinson: A Bill was re-committed last night for the benefit of the member for Middle Swan.

Mr. J. Hegney: A wonderful Bill that is; one of the ancients.

Mr. GRAHAM: I am referring to the actions of the Government generally, and to this Bill in particular. I do not want any further interjections, because I am anxious to conclude.

Government Members: Hear, hear!

Mr. GRAHAM: Above all else, the Minister for Town Planning gave an unequivocal assurance to the Legislative Council—

Mr. J. Hegney: A solemn undertaking.

Mr. GRAHAM:—a solemn undertaking that at the expiration of two years, or within two years, Parliament would have an opportunity of reviewing the legislation. I would suggest it was on account of that assurance that a compromise arrangement was entered into and certain Liberal Party members in the Legislative Council decided to vote the way in which they did, one of them turning a complete somersault in connection with this very Bill.

Therefore, the Government has not been fair to Parliament as a whole, and it has definitely been unfair to some of its supporters who, no doubt, went through some most embarrassing moments, which I do not intend to recount here. I am aware of some of the circumstances surrounding a meeting held during the sitting of Parliament in order, as some people said, to bring out the whips and bring those persons to heel.

It might be reasonable for the Government to do that from time to time in order to get its legislation through; but if in the process it gives an undertaking to Parliament, and particularly to its own colleagues and supporters, then it has more than a moral obligation—it has a bounden duty to give effect to that undertaking. Have we reached the stage where a Minister in this or the other place can give a solemn assurance to members of Parliament and it means not a snap of the fingers to the Government which has made it?

I well remember an instance where an assurance had been given by a Minister in the Hawke Labor Government. In the following year the Government was most anxious to do something different; but, because the assurance had been given, the late Government decided it would not depart from that; in other words, it would not breach a confidence with members of Parliament, irrespective of who they were. But apparently morals and principles do not mean much to this Government. I think it is a shocking thing, and I hope and trust that there will be strong talk not only on the part of Labor members but also Liberal Party members in the Legislative Council when this Bill reaches that Chamber, because it is certainly warranted.

MR. PERKINS (Roe—Minister for Transport—in reply) [4.49]: There are one or two points to which perhaps I should reply. I think the first part of the case put up by the Opposition was that there is no urgency to get the legislation through; and the Deputy Leader of the Opposition, in particular, said that there was no urgent need for funds on the part of the authority concerned. Regarding the urgency matter, I do not think the Opposition has put up a very material case for

delaying this particular legislation. It seems as though some members on the other side have a very strong feeling about the form that the amendment to the land-tax legislation should take.

Surely that can be discussed on its merits at the time that legislation is introduced. Members by then will know what this legislation is; and obviously it is the other legislation which can be adjusted to fit in with the general financial pattern of the State, particularly the rates of land tax being levied, of which, of course, this is one. Regarding the need of the authority for this money—

Mr. Graham: No. Finish the urgency part first. Would a few weeks make any great difference to it?

Mr. PERKINS: As regards the desirability of it, as I said, a discussion on that matter can take place when the Premier and Treasurer introduces the other legislation.

Mr. Graham: It will be too late then; this will have been passed.

Mr. PERKINS: This legislation will remain as it is. I heard members over there say that there was a suggestion about altering the rate in this legislation. Those members said they were satisfied with the rate being levied in this measure; but apparently they feel that some of the exemptions and so forth that appear in the land-tax legislation should be discussed in some detail. But that can be done at the time the other legislation is introduced, if it does not meet with their exact approval.

As regards the other point—the need of the authority for the money—the Deputy Leader of the Opposition has been most illogical in his approach; because, when he brought his legislation down in 1957, he recognised that there was a need for permanent legislation, and it was not suggested then that this was the type of legislation that we could have today and perhaps lose tomorrow. It is necessary for the authority to do its planning over a very long period; and if it is to do that, it must be sure of its finances.

Some members on the other side, particularly the member for Maylands, complained about the form that the implementation of the Stephenson plan is taking, and the hardship it is causing to owners of land. We as a Government recognise that; and we recognise that interim development orders should not be allowed to stand for longer than is necessary. But the only way to take the further action necessary with these interim development orders is for the authority to have the necessary funds available to it.

Mr. Graham: It could have satisfied twice as many claims in the last 12 months with the same sum.

Mr. PERKINS: Maybe it could on a small number of claims, but I am dealing with the other point. The interim development orders that have been issued deal with phases of development that are urgent; and, if they had not been issued, it could mean, if the position were allowed to drift, that further expenditure would be incurred by the owners of the properties in question, and the cost of acquiring those properties by the authority would be very much greater at a later period and could cause very much greater inconvenience to the private owners.

Mr. Toms: It could not cost much more than it has up to date, because they cannot sell their properties owing to the orders.

Mr. PERKINS: The passing of this legislation will enable the authority to take the action necessary to finalise those particular cases. Therefore, I say that members like the member for Maylands should welcome the passage of this legislation as quickly as possible.

Mr. Toms: I am not opposing the tax. What I am decrying is the fact that it is to be a permanent measure.

Mr. PERKINS: If it is not made a permanent measure these interim development orders will be carrying on for a much longer period, because the amount of finance available to the authority will not be sufficient to deal with all these cases, and it will have to make use of interim development orders as a means of preventing further development in those particular areas. That may be much more costly to the State at a later stage.

Mr. Graham: Why didn't you think of that last year?

Mr. PERKINS: If members paid close attention to what has been published—and I think a reasonable picture has been given in the published statements in the last few months—about what is intended in the way of dealing with the necessary reservations for development around the city and suburban areas of Perth, they would realise that it is a very vast field. One instance we might take is the western switch road. Some of the reservations have been made for that; but there is planning going on all the time, and amendments are made from day to day.

But it is vitally necessary, if those property-holders affected are to be fairly treated, that firm action should be taken as soon as possible.

We know that some of the land affected by the resumptions for the western switch road is valuable property; and the authority will need vastly greater sums

of money than the amounts referred to by the Deputy Leader of the Opposition as being available to it, in order to effect the reservations in that particular instance. So if members will stop to think for a moment, they will realise that this authority has a very big job to do in the implementation of the Stephenson plan.

As they have come to have a close look at it, I think members of the authority have become more and more impressed with the necessity for making this legislation permanent and allowing them to get on with the necessary planning. That is the point: it is a matter of getting on with the necessary planning.

Mr. Toms: They have already started.

Mr. PERKINS: The fact that so many local authorities in the metropolitan area have been approaching members representing their districts and asking them to support this legislation is an indication that those local authorities are well ahead of members on the other side in their appraisal of the importance of this legislation, and the necessity for bringing it into effect as quickly as possible.

Mr. Graham: A matter of a few weeks!

Mr. PERKINS: I cannot help feeling that there is quite a deal of shadow sparring taking place on the other side. A lot of words have been spoken; and I cannot help feeling that they have been spoken more with the idea of embarrassing the Government than to affect the passage of this particular legislation.

Mr. Graham: That is unfair.

Mr. PERKINS: I am supported in that by the result of the division which was taken in this Chamber. The Leader of the Opposition, one of his ex-Ministers, and the Whip apparently did not think it worth while to come in and record a vote. That is an indication that there is not the sincerity on the part of members of the Opposition in regard to this measure which one would expect in dealing with such an important question as this.

Mr. Graham: Who was the ex-Minister? I think all the ex-Ministers were here.

Mr. PERKINS: I think it was Mr. Kelly.

Mr. Graham: I think he was here.

Mr. PERKINS: I might have been mistaken.

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

Ayes—25.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neill
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Roberts
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
Mr. Mann	(Teller.)

Noes—21.

Mr. Andrew	Mr. Jamieson
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Moir
Mr. Curran	Mr. Norton
Mr. Evans	Mr. Oldfield
Mr. Fletcher	Mr. Nulsen
Mr. Graham	Mr. Sewell
Mr. Hall	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May
Mr. W. Hegney	

(Teller.)

Majority for—4.

Question thus passed.

Bill read a third time and transmitted to the Council.

BILLS (2)—REPORTS

1. Absconding Debtors Act Amendment Bill.

Further report of committee adopted.

2. Firearms and Guns Act Amendment Bill.

Report of committee adopted.

CORONERS ACT AMENDMENT BILL

Second Reading

MR. WATTS (Stirling—Attorney-General) [5.31: I move—

That the Bill be now read a second time.

This Bill proposes to do five things, three of them relating to a vital principle in connection with the conduct of inquests; and two of them, although of lesser importance, nevertheless worthy of consideration whilst the principal Act is being amended.

The first proposal deals with the acceptance of evidence by affidavit in a coronial inquiry. The amendment is along the lines of section 38 of the Tasmanian Act. It will be noted by members that discretion is vested in the coroner as to the acceptance of affidavits. Where he does not deem it necessary to exercise that discretion he may demand the personal attendance of the witnesses. There is the merit of convenience in accepting evidence by affidavit, since often the evidence which the witness can give is purely formal, or is not in dispute, and its value is wholly unrelated to the expense, inconvenience and delay involved in compelling personal attendance of the witness.

Therefore, and since a coroner has no jurisdiction to pronounce a final judgment conferring civil rights on anyone, the advantage of the suggested amendment will outweigh its disadvantages, and it could be expected that the coroner will use discretion in exercising this power. The second and most important aim of the Bill, proposes to alter the existing law where the coroner has concurrent jurisdiction with a court of petty sessions in regard to a committal for trial of a person who appears to have caused the death of another. In the view of the Solicitor-General of this State, and former Chief Crown Prosecutor, where a person has been arrested for an offence of that kind it is better for the administration of justice that the committal proceedings be conducted under the Justices Act rather than under the Coroners Act.

I think there should be strong support for this view, substantially based on the fact that at a coronial inquest evidence may be admitted which may not be admissible at a trial, and where that inadmissible evidence is published before the trial—as it frequently is—the fair trial of the accused is liable to be prejudiced.

It may be of interest to members if I were to read some extracts from a copy of two observations made on this subject by the Chief Crown Prosecutor some 18 months ago; and which, I would say, found favour with the honourable gentleman who preceded me in charge of the Crown Law Department—the member for Eyre. At that time, when this report was presented to him, he expressed himself as being in agreement with it. I do not propose to offer to the House the whole of the document, but there are two very relevant paragraphs which I ought to read. I quote—

Quite often indictments are preferred as the result of a coroner's inquest, but this gives rise to difficulties. Proceedings in the coroner's court may be, and in fact are, fully reported in the Press. However, the coroner is not bound by the rules of evidence which govern the conduct of the trial, and it may well happen that he reaches his verdict after hearing certain evidence which cannot be given at the trial. The accused is then gravely prejudiced before his trial opens. To avoid this, it has for some time been the practice in England for a coroner to adjourn an inquest which is likely to result in a verdict against a named person until that person has been tried. More recently, South Australia has passed an Act prohibiting coroners from recording any finding of guilt against a named person and from committing any person for trial. Either of these expedients would much

improve the administration of justice in this State, but it would be preferable to abolish the office of coroner outright.

In regard to the last few words there is no such intention in this measure. It is intended, however, to modify, along the lines approved elsewhere, the powers of the coroner in relation to inquiries into matters where the death of the person is involved; or, in some cases, where arson is involved.

Mr. Nulsen: This Bill is founded on New South Wales legislation.

Mr. WATTS: It is founded on legislation in the Eastern States; and to some extent in England. Another paragraph states—

The power of the coroner's court to commit a person for murder, manslaughter or infanticide is an unusual one going back to the days when coroners were first established and before there were police forces or a fully established judicial system. The continuance of the power of the coroner's court to commit in these days when the apprehension and committal for trial of accused persons is regarded by most people as the province of the police and the magistrates' courts, is thought by many people to be anomalous.

There is a further note from the Solicitor-General which says—

In my opinion, where the police have seen fit to arrest a person on a charge of wilful murder, murder or manslaughter, then such person should be dealt with in the ordinary manner for dealing with charges of indictable offences, and his case should not be subjected to the loose and relaxed rules of evidence which may obtain before the coroner.

It is the purpose of this Bill, therefore, to bring just that recommendation about.

Mr. Nulsen: It would not cover the publication of police court proceedings.

Mr. WATTS: It does not restrict the Press at all; but in regard to the police court or petty sessions proceedings the strict rules of evidence are to be complied with; and therefore, as I see it, one grave disadvantage of the coronial inquiry is removed.

It is also thought highly desirable that a coroner's findings or expression of opinion should not prejudice any subsequent proceedings for damages, or suggest that a

person has committed an indictable or simple offence. The Bill provides the methods and the aspects on which the coroner can reasonably comment, and they are set forth with limitations in the measure. This will not of course prohibit a coroner from committing a person for trial where he finds that a person has been unlawfully killed or where a person has committed arson. A similar provision is contained in the Queensland and Tasmanian Acts.

Another provision seeks to give power after the imposition of a fine upon a defaulting witness to issue a warrant for the attendance of that witness. The Coroners Act empowers a coroner to impose a fine upon a person who does not attend an inquest in answer to a summons; but there is no clear power in the Act to issue a bench warrant to compel the attendance of a material witness. The amendment therefore seems to be desirable.

The last amendment arises from the fee prescribed for depositions of inquests. The amendment increases the fee from 4d. per folio to 1s. per folio for coronial depositions, and this charge will then be in line with other rates. The 4d. fee has been of long standing; ever since the Coroners Act was passed, 40 years ago. This will not alter the position where a person charged, or his counsel, may, after a coronial inquiry, obtain a free copy.

The provision for the free copy will still remain for those people. The outsiders who require them, as in the existing law, will have to pay the shilling instead of the fourpence. As I said, a copy of all depositions will be supplied, free of charge, to persons committed for trial.

The remainder of the Bill gives effect to the provisions I have mentioned.

On motion by Mr. Nulsen, debate adjourned.

RADIOACTIVE SUBSTANCES ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Health) [5.17]: I move—

That the Bill be now read a second time.

This is rather a simple Bill, containing one main provision; and I doubt whether any controversy will be raised over it. It will be noted that the parent Act was introduced in 1954 by the member for Eyre, who was then Minister for Health. It was interesting for me to read his speech and, in particular, the preamble to it.

The Act has played its part in attempting to guard the public against radiation hazards, but it contains a small gap in the defence against those hazards. It is intended that this gap shall be filled in so far as it can be by this amending Bill. The member for Eyre, when he introduced the parent Act, informed the House that the Bill was being introduced largely at the request of the Federal Minister for Health.

No doubt, the Federal Minister for Health was advised in this regard by the Commonwealth Health and Medical Research Council; and at that time similar legislation was introduced in all other States. Now a request has come from the Commonwealth sphere through the Commonwealth Health and Medical Research Council, on the advice of its specialist committee on radiation hazards, to bring forward an amending Bill in all States.

It may be remembered that the parent Act provides, in the main, that a person who possesses irradiating apparatus must obtain a license from the Radiological Advisory Council. The Act also provides that a register will be kept of the licensees. It sets out the composition of the council, and gives a general direction as to its powers and duties. However, under the Act there are two classes of persons who are exempted from having to obtain a license to possess this irradiating apparatus. These are medical practitioners and dentists; that is, those who use the irradiating apparatus solely for X-ray photographs.

In order that the Radiological Advisory Council can have complete knowledge of all apparatus to which I have referred, it is intended, through this legislation, to ensure that doctors and dentists register their names as owners of this apparatus. In the past, there has been a lack of real knowledge as to whether all apparatus was included on the register. That, virtually, is the sole purpose of the Bill: to ensure that doctors and dentists register the apparatus which they own.

Mr. J. Hegney: They must register the apparatus they use.

Mr. ROSS HUTCHINSON: Yes; but they do not have to have a license. This Bill sets out the registration procedure; and it will, as I say, close the gap in the defence previously referred to and enable a better inspection check to be made regarding irradiation and the methods used in the interests of general public health.

Mr. J. Hegney: Only doctors are allowed to use them.

Mr. ROSS HUTCHINSON: Yes; they may do so at present. Any doctor, and certain other people, will be allowed to use irradiating apparatus provided they register within 14 days of obtaining it.

Mr. J. Hegney: They are using it now.

Mr. ROSS HUTCHINSON: Yes.

Mr. W. A. Manning: What about chiropractors?

Mr. ROSS HUTCHINSON: Chiropractors have to apply on the prescribed form as stated in the schedule—I have one here—and they may be granted a license. The same applies to veterinary surgeons, biochemists, physicists, and the like. The University, for example, has to have a license to use its irradiating apparatus. All that remains for me to say is that the Commonwealth Health and Medical Research Council has asked all States to introduce this amending legislation.

Mr. Brady: Can the Minister tell us why?

Mr. ROSS HUTCHINSON: Yes. I thought I had already stated the reason; but perhaps I was not as clear as I should have been. The purpose is to ensure that all irradiating apparatus is on the register so that the Radiological Advisory Council will know where all the apparatus is located.

Mr. Brady: For what reason? What has been happening? Has somebody been burned?

Mr. ROSS HUTCHINSON: No particular incident has arisen which would necessitate this legislation. As I have said before, it is only to close the gap in the defence against general radiation hazards. Irradiating apparatus is used for healing purposes. I do not want to speak about this at any great length; but I would emphasise that the use to which irradiating apparatus is put gives advantages which far outweigh any disadvantages that may ensue by virtue of radiation hazards. Nevertheless, it is important that whatever radiation hazard there might be is combated to the fullest extent.

Mr. J. Hegney: You are requiring them to register, but not necessarily preventing the apparatus from being used.

Mr. ROSS HUTCHINSON: That is so. Doctors and dentists have been exempted from obtaining a license in the past. They have had complete training in the use of the apparatus to which I have referred, and they will still be exempted under the Bill as is now the case under the Act which was introduced by the former Government.

Mr. Hall: In the case of civil defence, such as you have witnessed in the Eastern States, will it be possible to have a demonstration with a cobalt bomb?

Mr. ROSS HUTCHINSON: One would have to have a license.

Mr. Hall: Even for instructing in civil defence?

Mr. ROSS HUTCHINSON: Quite so. One would have to secure a license by filling in one of the forms which I have here and it would then go to the Radiological Advisory Council.

Mr. Hall: Who would police it: the council?

Mr. ROSS HUTCHINSON: Yes; the council as set up by the former Government. I could give the honourable member the composition of the council, if he wanted it. I commend this Bill to the House.

On motion by Mr. Nulsen, debate adjourned.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

MR. WATTS (Stirling—Attorney-General) [5.26]: I move—

That the Bill be now read a second time.

This Bill contains only two amendments to the Legal Practitioners Act; but it will, I think, in fairness to honourable members, require a considerable amount of explanation, which I hope to be able to give sufficiently well to satisfy them. The first provision is to enable the secretary of the Law Society, if authorised by resolution of the council of that society, to make complaint in writing to the Barristers' Board that a practitioner has been guilty of illegal or unprofessional conduct or neglect or undue delay in the conduct of his professional work, and authorises the society to appear and be heard at any inquiry by the board held in consequence of such complaint.

The Barristers' Board has indicated its agreement with the suggested amendment, the main object of which is to avoid the position in which the Barristers' Board sometimes finds itself of being not only judge but also investigator and prosecutor.

Under section 25 of the Legal Practitioners Act, any person may complain to the Barristers' Board on any of the matters previously mentioned; and under section 26, the board has jurisdiction to inquire into any such complaint which, under the rules, must be in writing verified by statutory declaration. The board can then proceed to an inquiry. A complaint may be made by a private person or by the secretary of the Barristers' Board by direction of that board.

It has been found that if a complainant puts his complaint in proper form and is represented by counsel, the board has no difficulty in conducting the inquiry. In some cases, however, the complainant gives the board some information to show a *prima facie* need for an inquiry. In these cases the board often has to instruct its own solicitor to assist the complainant to put his complaint into proper form, and later the board's solicitor assists the board at the inquiry by examining the complainant and witnesses, and cross-examining the practitioner. The board considers that even in these cases it would be more satisfactory if such solicitor were a solicitor employed otherwise than by the board.

In other cases the Barristers' Board is given certain information concerning a practitioner, and no formal complaint is made, but the board considers there is sufficient to justify the board itself making a complaint. The board's solicitor then prepares and presents the case. It is particularly in these cases that the board feels it is in the somewhat unsatisfactory position of acting as investigator, prosecutor, and judge.

If the amendment to the Act is made as suggested in the Bill, it will have another beneficial effect in saving certain unnecessary inquiries. The board sometimes has cases such as one which arose recently where a practitioner had informed a client that a certain land transaction would be completed in a few days. There was a delay of some months, and the client complained to the board.

The practitioner's answer to the complaint fully explained that the delay had occurred because of unforeseen requests by the Land Titles Office; and despite considerable effort by the practitioner, it had not been possible at the time to meet the Titles Office requests, as I believe overseas personnel were involved.

In cases such as that, the board—in order to avoid being investigator as well as acting in a judicial capacity at the inquiry—refrains from making its own preliminary investigations; and the fact that the practitioner has a perfectly good answer is not known until a good deal of expense and trouble have been incurred, not only by him but by others also.

It is felt that if an independent body such as the council of the Law Society could make preliminary investigations concerning any complaint, cases which have no substance could be settled in a friendly way at an early stage; and in other cases, where it is proper for the Barristers' Board to proceed with an inquiry, the members of that board could act judicially without any preconceived ideas concerning the case in question.

I think it is pretty clearly established—in fact, quite clearly established—that the aim of the Law Society is to maintain the status and standing of the legal profession at the highest possible level; and therefore it is most unwilling that there should be any practices by legal practitioners which should pass unnoticed if they are such as to warrant the wrath of the Barristers' Board if brought before it. Therefore, it is unquestioned in my mind—and that opinion has been confirmed by its activities in several matters in the last 18 months—that the Law Society can be most effectively entrusted with this preliminary right of inquiry. That disposes of the first amendment.

The second amendment is to overcome a difficulty which faces the Crown in regard to recovery of costs. It has been the practice for very many years for courts to allow costs in favour of the Crown and instrumentalities of the Crown whenever the litigant is successful and the Crown or the instrumentality is represented by salaried officers of the Crown Law Department.

Similarly, in conveyancing matters where the department acts for the vendor on a sale, the lessor in respect of a lease and the mortgagee in respect of a mortgage, costs have been charged and paid by the purchaser, lessee, and mortgagor as though the salaried officers of the department were solicitors in private practice; but, in recent times, doubts have been expressed as to the authority for the Crown and its instrumentalities to recover costs as indicated; and this legislation is to clarify the position.

On the 4th December, 1953, following expressions of doubt as to the authority of Crown counsel, when salaried officers, to be granted fees or costs, order 65, rule 9 of the Supreme Court rules was promulgated, which provided that in all actions or matters in which a law officer employed by the Crown or any instrumentality of the Crown shall act in his official capacity, the party for whom he acts shall be entitled to recover costs in the manner and to the same extent as if the law officer were a private practitioner engaged by such party.

As a result of that rule, there has been no difficulty in charging and collecting costs in respect of successful litigation where our salaried officers act for the

Crown or any instrumentality of the Crown. However, when one of our salaried officers appeared for the Land Agents Supervisory Committee on an appeal to Mr. Justice Jackson by a land agent against the cancellation of his license, the judge refused to order costs on the grounds that the Land Agents Supervisory Committee was not the Crown, or an instrumentality of the Crown.

It seems, therefore, that when a salaried officer appears for an agency of the Crown, or a statutory body which is not actually the Crown or one of its instrumentalities, if the agency or statutory body is unsuccessful, costs may be awarded against it which, in most cases, have to be paid from Consolidated Revenue; but if the litigation is successful, costs will not be awarded in favour of it where it is represented by a salaried officer of the Crown in the Supreme Court. Therefore, where the Crown loses it can be made to pay, but where it wins it cannot recover costs if it uses one of its salaried officers; and if it does not use one of its salaried officers additional fees have to be paid for outside counsel. But if outside counsel were employed at expense to the Crown costs would be awarded.

Until very recently the right of the Crown Law Department to charge conveyancing costs to a purchaser, lessee, or mortgagor, has never been queried. However, recently this right has also been queried, and I will give members the reasons. Sections 76, 77, and 78 of the Legal Practitioners Act prohibit the performance for reward of legal work by other than a certificated practitioner; that is to say, a practitioner who pays to the board every year the annual practising fee and gets an annual practising certificate. It does not mean that it is an unqualified person. In the first instance the certificate is obtained annually, as the member for Eyre well knows.

No salaried Crown Law officer is personally entitled to recover costs in respect of work which he performs as a Crown officer, and thus very few of our salaried officers have ever taken out an annual practising certificate. There is doubt, however, as to the authority of the department to charge and recover the costs in respect of conveyancing matters and

where a person who is asked to pay them refuses to do so there is grave doubts as to whether an action could be taken to recover the amount, particularly where the salaried officer is not a certificated practitioner within the meaning of the Legal Practitioners Act.

It has been strongly recommended therefore, that the authority of the Crown and its instrumentalities and statutory bodies, such as those to which I have referred, to recover costs in respect of legal work performed by salaried practitioners should also be cleared up by this Bill. Past uniform practice and judicial pronouncements are to the effect that it is only fair that the right to costs should be mutual so that if the Crown accepts liability for costs if it loses it should have the right to recover where it is successful. In regard to normal conveyancing practice it should receive the usual charges notwithstanding the Crown's legal practitioners are salaried officers.

There are considerable objections to the appointment of outside practitioners, particularly in some instances; but if no costs are allowed in respect of the services of the salaried officers, a tendency for the Crown to brief private practitioners might easily arise, and these briefings-out would involve the disclosure of Government files to outside practitioners or offices, which is undesirable as many of these files contain confidential information which, normally, it is undesirable for outside people to see, particularly for those generally engaged in practitioners' offices, apart from the practitioners themselves.

I should like to make one point very strongly in regard to this matter; and that is that, in regard to the services of other Government professional officers—for example, surveyors—in respect of services rendered to members of the public, the cost of those services have always been charged to the public without query. The provisions in the Bill are designed to overcome both of the difficulties to which I have referred and to place the matter beyond doubt.

On motion by Mr. Evans, debate adjourned.

House adjourned at 5.40 p.m.