Mr. GRAHAM: As a matter of fact the Premier can see something better than that; he can see what I said in the letter I addressed to the Lord Mayor when I was Minister for Housing. Photostat copies have been made of it and one copy appears in the official brochure of the Perth City Council. All I was indicating as Minister for Housing was that the housing requirements of the athletes and officials would be provided, and that the city council could give that assurance to the games people who were making the determination specifically as to whether Adelaide or Perth should receive the award.

Mr. Ross Hutchinson: Your criticism now is not doing the Games Village any good, or the games themselves any good.

Mr. GRAHAM: I do not think what I am saying has any bearing on that. The Minister is not being very fair.

Mr. Ross Hutchinson: I am fair; you are the one.

Mr. GRAHAM: I do not think the Minister is being very fair. I have served on committees for a period of three years —committees which meet frequently; I have been down there taking 2s. from people who wanted to see over the Games Village; I have been from door to door on the door-knock campaign; and I have been out at nights for many hours at a time working for the appeal.

Mr. Ross Hutchinson: And now you are virtually destroying it.

Mr. GRAHAM: Nobody is virtually destroying it. I have waited until the appeal has been concluded, and I have waited until the village is practically completed. The genesis of my complaint is that the Minister will not be forthright in his answers; and if there is any complaint on the part of the Chief Secretary let him admonish the Minister for Housing.

Mr. Ross Hutchinson: There is no complaint about that, but I do complain about knocking the Games Village.

Mr. GRAHAM: I daresay that the thousands of people who have seen the village both from inside and out have expressed their opinions with regard to the types of homes that have been built there. For the life of me I cannot see that anything I have to say will have any effect whatever on the conduct of the games.

Mr. Ross Hutchinson: Your words here get more prominence than those of the people in the street.

Mr. Brand: Headlines tomorrow morning!

Mr. GRAHAM: I am certain that if members generally go there and have a look for themselves they will come to the same conclusion as I have. I shall not say any more, and I would not have risen to speak on housing, or any other matter, had I received better treatment in respect of the questions I have asked concerning housing, but with particular reference to the Games Village. I trust that now I have put them back on the notice paper in a slightly different form, the information which thousands of people are waiting for will be made available to this Chamber, and through it to the public generally.

Progress

Progress reported and leave given to sit again, on motion by Mr. Norton.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Returned

Bill returned from the Council with an amendment.

House adjourned at 6.17 p.m.

Legislative Council

Tuesday, the 9th October, 1962

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CONTENTS—*continued*

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

BILLS (11): ASSENT

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

1. Police Act Amendment Bill.
2. Pharmacy and Poisons Act Amendment Bill.
3. Pilots' Limitation of Liability Bill.
4. Child Welfare Act Amendment Bill.
5. Guardianship of Infants Act Amendment Bill.
6. Justices Act Amendment Bill.
7. Interstate Maintenance Recovery Act Amendment Bill.
8. Western Australian Marine Act Amendment Bill.
9. Metropolitan Market Act Amendment Bill.
10. Judges' Salaries and Pensions Act Amendment Bill.
11. Companies Act Amendment Bill.

QUESTIONS ON NOTICE

WAR SERVICE LAND SETTLEMENT

Leasehold Valuations in Kojonup District, etc.

1. The Hon. G. C. MacKINNON asked the Minister for Local Government:

   (1) For leasehold valuation purposes, will the Minister advise what is the estimated income of a farm in the Kojonup district with 1,000 acres of cleared land?

   (2) What net cash return is regarded as a reasonable standard of living?

   (3) In view of the concern expressed by the Minister for Agriculture in his 1957 speech moving that the recommendations of the Royal Commission on War Service Land Settlement be given early effect at the evidence of maladministration, is he satisfied that no settler has been, or is being penalised by loss of equity due to the delayed completion of planned works and the consequent delay in the issue of leasehold valuations due to this cause?

   (4) Are the answers to questions (2) and (3) of Item No. 3 recorded in the Legislative Council Minutes dated the 18th September, 1962, based on the proposition that where the total cost of development is so great portion has to be written off to arrive at a reasonable capital value?

   The Hon. L. A. LOGAN replied:

   (1) There is no set estimated income for farms in the Kojonup district or other areas.

   (2) The amount used for the economic calculation is £725 per annum in cash after providing for the working expenses of the farm and the repayment of the instalments on the advances for the purchase of all structures, stock, and plant in addition to the annual rental.

   (3) Yes.

   (4) The basis of all war service land settlement valuations is that portion of the cost apportioned to the holding, subject to the economic test.

2. *This question was postponed.*

SHIRE COUNCILS

Medical Officers for Health

3. The Hon. R. H. C. STUBBS asked the Minister for Local Government:

   (1) How many shire councils do not have an appointed medical officer for health?

(2) Which are the shire councils concerned?

The Hon. L. A. LOGAN replied:

(1) Thirty-four.

(2) Black Range, Chittering, Coolgardie, Cranbrook, Cuballing, Dandaragan, Dundas, Gingin, Halls Creek, Kondinin, Koorda, Kulin, Kununoppin - Trayning, Marble Bar, Menzies, Mt. Magnet, Mukinbudin, Mullewa, Murchison, Nullagine, Nyabing-Pingrup, Perenjori, Phillips River, Shark Bay, Tambellup, Upper Gascoyne, Victoria Plains, Wandering, Westonia, Wickepin, Wiluna, Woodanilling, Wyndham, Yalgoo.

"HILLSTON" BOYS FARM SCHOOL: ABSCONDERS

Number and Recommittals

4. The Hon. C. R. ABBEY asked the Minister for Local Government:

Will the Minister inform the House—

(1) (a) The number of absconders from *Hillston* Boys Farm School over the past twelve months; and

(b) the number recommitted after escape and further apprehension?

Number of Sex Offenders

(2) Of the figure in (a) how many have convictions for sex offences?

The Hon. L. A. LOGAN replied:

(1) (a) For the period the 30th September, 1961, to the 1st October, 1962—48 boys.

(b) 26 boys.

(2) Three boys who absconded had been committed for a sex offence. No absconder committed a sex offence. In effect, those that have absconded have not committed any sex offence while at large. I might mention that the offences in the three cases mentioned were of a minor nature.

STATE RENTAL HOMES

Erection outside Metropolitan Area on Guarantee

5. The Hon. J. M. THOMSON asked the Minister for Mines:

Further to my question of Thursday, the 27th September—

(1) Has the Housing Commission erected rental homes outside the metropolitan area for employees where the rent has been guaranteed by—

(a) local authority;

(b) private employer; or

(c) State Government department?

(2) If the answer to No. (1) is "Yes," how many houses have been erected under this agreement for—

(a) local authorities;

(b) private employers; and

(c) State Government departments?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) (a) 14.

(b) 288 (including 165 at Wittenoom).

(c) 139.

PARLIAMENT HOUSE SITE

Approval for Alterations

6. The Hon. A. L. LOTON asked the Minister for Local Government:

With reference to my question on the 2nd October concerning Permanent Reserve Number (A↑1162), which referred to work other than that in connection with parliamentary buildings, will the Minister inform the House whether parliamentary approval will be necessary for any works on this reserve which are not related to parliamentary buildings?

The Hon. L. A. LOGAN replied:

Subject to section 31 (4) of the Land Act, 1933 parliamentary approval should be obtained for works which do not conduce to the purpose of the reserve—see Down v Attorney-General of Queensland (1905) High Court decision—2 Commonwealth Reports 639.

SHIRE COUNCILS

Employment of Health Inspectors

7. The Hon. R. H. C. STUBBS asked the Minister for Local Government:

(1) (a) How many shire councils do not employ a qualified health inspector; and

(b) which are the shire councils?

(2) (a) Are any shire councils employing officers as health inspectors who are not as yet qualified; and

(b) if so, which are the shire councils?

The Hon. L. A. LOGAN replied:

(1) (a) 41.

(b) Ashburton, Black Range, Broome, Cue, Dalwallinu, Halls Creek, Kondinin, Koorda, Kulin, Lake Grace, Leonora, Marble Bar, Meekatharra, Menzies, Mingenew, Morawa, Mt. Magnet, Mt. Marshall, Mukinbudin, Murchison, Nannup, Narembeen,

Nullagine, Nungarin, Nyabing-Pingrup, Perenjori, Phillips River, Port Hedland, Roebourne, Shark Bay, Tableland, Tambellup, Three Springs, Upper Gascoyne, West Kimberley, Westonia, Wiluna, Woodanilling, Wyndham, Yalgoo, Yilgarn.

(2) (a) Two that the department knows of.

(b) Three Springs and Dalwallinu.

8. *This question was postponed.*

BILLS (5): THIRD READING

1. Public Trustee Act Amendment Bill.
2. Criminal Code Amendment Bill.
3. Prisons Act Amendment Bill.
4. Education Act Amendment Bill.

   Bills read a third time, on motions by The Hon. L. A. Logan (Minister for Local Government), and passed.

5. Child Welfare Act Amendment Bill (No. 2).

   Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Child Welfare), and transmitted to the Assembly.

BILLS (2): FURTHER REPORT

1. Mental Health Bill.
2. Bush Fires Act Amendment Bill.

Further reports of Committee adopted.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines [4.48 p.m.]: I move—

That the Bill be now read a second time.

There are two main reasons for the introduction of this measure: firstly, for the better administration of the Act; secondly, for the better control of illegal betting.

Clause 2 of the Bill amends section 26 of the Act for administrative purposes. Under section 26, the board is required to pay into a separate bank account at the beginning of each month funds amounting to 1¼ per cent. of the total amount of all bets made by or through the board. Those funds are reserved to meet the capital expenditure incurred by the board in the establishment of totalisator agencies, and repayment of moneys borrrowed by the board, and to meet any losses incurred by it in the operation of the agencies and, in addition, for the establishment of reserve funds for any of those purposes.

Certain expenditures are necessary by way of leasehold improvements, such as repairs and maintenance to buildings, and equipment, furniture, fixtures and fittings conducive to maintaining high class premises for betting. These are charged against the capital fund, while depreciation and writing off of assets are charged against a liability account called the reserve account, as distinct from the original account called the reserve fund. Though the auditors concur in these charges being booked against the reserve account, the board desires, through the introduction of the amendment in clause 2, to have statutory authority; and that explains the object of adding the new passage to section 26 which will now specify such items to be included amongst the purposes for which the appropriation of 1¼ per cent. of the monthly turnover is made.

The purpose of the amendment in clause 3 is to remove the restriction which, up to the present time, has prevented a punter establishing a credit account with the board at any time of the day after the beginning of a race meeting on which he desires to bet.

Punters in this State are disadvantaged in this direction because of the time lag between Perth time and Australian eastern standard time. For instance, a main race in the Eastern States might be scheduled to be run at, say, 1 p.m. Perth time, whereas the race meeting itself had commenced at 10 a.m., our time. It will be appreciated that under those circumstances—and they occur regularly—the punter here is disadvantaged considerably by the time limit on establishing a credit account to enable bets to be placed by letter, telegram, or telephone.

In the light of experience, it is considered that the restriction is not necessary, and furthermore, it is most likely its retention in the Act does, in fact, encourage backers to seek out illegal bookmakers. The subterfuges which some of these operators have indulged in, makes it necessary further to tighten up the provisions of the Act.

The first of these appears in clause 4 which includes a short amendment in paragraph (a) which renders it an offence for any person, other than an on-course bookmaker, to act as a bookmaker. The purpose of this amendment is to facilitate convictions being secured against illegal bookmakers whose techniques and subterfuges are rendering it more difficult for the police to establish evidence to prove that certain operators are, in fact, carrying on the business of bookmakers.

The police are often required to carry out investigations over an extended period in order to produce actual evidence of the existence of a bookmaking business. Smart practices by operators by way of coding, and the destruction of records, effectively obliterate the existence of a business as

such; but there is no doubt that when a person acts as a bookmaker, sufficient evidence to prove illegal betting having taken place will be produced by the police.

There is set out in subsection (1) of section 45, a penalty of £100 for a first offence of unlawful betting by either party to the bet, and imprisonment for not less than three months, nor more than six months, for a subsequent offence, and for up to twelve months for a third or subsequent offence—the latter through the application of subsection (2) of section 46. Those penalties are to be replaced by the new penalties contained in paragraph (b) of clause 4.

With particular reference to the word "bets" in paragraph (b) of subsection (1) of section 45, it is considered desirable, through the introduction of the amendment set out in paragraph (c) of clause 4, to define that word for the purposes of section 45.

The amendment which is proposed will give the term "bets" the same meaning as applies to the term "betting" in section 46, subsection (3). The necessity for this amendment comes about through the activities of some off-course bookmakers who are collecting bets in T.A.B. areas under the pretence of acting solely as the unpaid agents and friends of the backers. These bets are phoned through to licensed premises bookmakers operating outside the T.A.B. areas. It is believed these methods are being used purely as a "blind" to disguise illegal operations. The effect of defining "bets" will be that an agent, whether acting on behalf of the backer, or the bookmaker, or both, could become liable to prosecution for betting illegally, either as a backer or a bookmaker.

The penalty provided in section 46 for conviction upon being in a public place for the purpose of betting—excepting authorised totalisator betting—is £50 for a first offence. The purpose of the amendment in clause 5 is to substitute new penalties in respect of first offences.

The penalty for a first conviction for the offence of giving warning to illegal bookmakers or bettors of the presence or approach of the police, or even for a person situate in any position for the purpose of preventing the detection of any like offence, is a fine of £75. The penalty for a second or subsequent offence is imprisonment for not more than six months. That is in section 49. These penalties have been reviewed in the light of the new penalties proposed in respect of offences under sections 45 and 46. The amendment contained in clause 6 of the Bill will bring those penalties more into line with those fixed for illegal bookmakers and bettors themselves.

Under section 52 of the Act, it is unlawful to bet on any premises licensed under the Licensing Act of 1911, and, moreover, the person holding or entitled to exercise the licence commits an offence equally as the person convicted. There is a penalty of a fine of £25 for a first offence, and of £50 for any subsequent offence.

The purpose of the amendment contained in clause 7 of the Bill is two-fold. Firstly, it will subject the person who carries on business as a bookmaker, or acts as a bookmaker, on such licensed property to the penalties provided in section 52; and, secondly, to amend those penalties.

The review of penalties which has necessitated the introduction of this measure, clearly indicates that existing penalties have not constituted sufficient deterrent against illegal bookmaking. This is borne out by the fact that, though convictions have been made against both illegal backers and illegal bookmakers, it is considered that very likely the number of illegal bookmakers is much the same now as it was 12 months ago.

The widening of the scope of the penalties which is now proposed, is expected to dampen the ardour of those caught in the police net, at least to the extent that the risks now being taken will not be considered by operators to be worth while. It is hoped that this measure will receive general support, particularly with a view to ascertaining whether the discretionary power given to magistrates to impose either a fine or a term of imprisonment for a first offence will be sufficient deterrent substantially to reduce the ranks of the illegal bettors and their bookmakers.

Debate adjourned, on motion by The Hon. A. L. Loton.

BILLS OF SALE ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —*Minister for Justice*) [4.56 p.m.]: I move—

> That the Bill be now read a second time.

The purpose of this Bill is to extend the time to 30 days within which Bills of sale which are hire purchase agreements, must be registered.

Section 10 of the Bills of Sale Act, 1899-1957 sets out that all bills of sale must be presented for registration within ten days from the date of execution, when they are executed at a place not more than 30 miles from the City of Perth, and within 14 days where the distance is more than 30 miles, but not more than 200 miles, or within 50 miles of specified towns, etc.

The amendment proposed to this section will extend the time for registration to 30 days in respect of hire purchase agreements, irrespective of location, if situated not more than 200 miles from the City of Perth, or 50 miles from specified towns. The 30 days will commence as from the date of the signing of the agreement by the hirer, unless it is signed by more than one hirer, when the time shall commence on the latest date on which it is so signed.

It will be seen, therefore, that the amendment is limited to a bill of sale which is a hire purchase agreement within the meaning of that expression as defined in the Hire Purchase Act of 1959; it does not apply to all documents that are bills of sale, or to remote areas.

Hire purchase agreements used by finance companies in all States comprise a written offer addressed to the finance company, and that offer does not become a binding hire purchase agreement until it is accepted by the finance company in writing. The offer is not accepted until the credit worthiness of the hirer has been established by the usual form of inquiries.

It is contended that, in so far as hire purchase agreements are concerned, the periods at present provided in section 10, namely 10 days and 14 days, do not allow sufficient time to permit satisfactory investigations to be made before registration becomes statutorily compulsory.

Indeed, it has been assumed by some of the hire purchase companies that the date of the written offer, and not the date of the finance company's acceptance, is the day of execution for the purposes of meeting the provisions of section 10. Consequently, agreements are frequently out of time for registration because of the time lag between the offer and the acceptance thereof.

The purpose then of providing that the time for registration shall commence to run as from the date of the signing of the hire purchase agreement by the hirer is two-fold—firstly, as already stated, to extend the period for registration to enable proper enquiries to be made within the statutory period; and, secondly, to prevent an owner obtaining an execution for an agreement by the hirer, completing the execution of it by signing it himself and holding it for registration until such time as it suits him.

An important purpose of the amendment, therefore, is to cover those cases where owners obtain the signature of the hirer to a hire purchase agreement, but fail to register or submit the agreement until it is necessary, that is, where the hirer falls down on his commitment.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

LAND ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 27th September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [5 p.m.]: This Bill really gives an indication of the trends in agricultural development in land use, and speaks, I think, in terms of credit of the achievement of the Department of Agriculture in making the necessary adjustments to the Land Act of this State by which land is made available.

Western Australia has been very fortunate in leading Australia in its research, not only in the light land problems, but in matters associated with trace elements and minor soil deficiencies, to the degree that it would be a foolish person who would say that this land or that land situated in a certain rainfall area is unsuitable for agriculture in Western Australia; because if the land has a certain rainfall the agricultural knowledge and the scientific achievement within it has been such in recent years that we are able to say that there is no land which is so poor that it cannot be used in some way for closer settlement by agriculture in our South-West Land Division.

I can recall very intently the difficult days of the marginal area reconstruction; because I gave two or three years of my life in intense work both in the sphere of this State and in the Federal sphere, in trying to find a solution to keep people on the land; to expand their areas and to reconstruct their debts. We find that all of the country north and east of Merredin, which for many years was very questionable as to safety for settlement, is now, with the present means and methods of working, one of the more suitable areas available to the people who have risked their capital in those regions which are among the best areas in the State.

Many of us remember the State farm that was closed, but which penetrated the country almost as far east as Southern Cross, when a lot of the settlement there was determined only by the lack of rainfall. The principal amendment in the Bill is to adjust the areas permissible under the Land Act so that a sufficient area of light land can be brought together which would be outside the scope of the Act as it is at present. I feel quite sure that the knowledge our scientists have been able to put together, the studies they have been able to intensify, and the achievements that have resulted from their work in association with farmers will, in all the

country lying south of Dongara, right around the coast as far as the Gardner River in the safe rainfall area, pay everlasting dividends to the State.

There are a lot of people in this House who recall the criticism in the days when the late Sir James Mitchell pressed forward with south-west land development. He was criticised intensely and unfairly because of his vision in anticipating what the country could ultimately do. The only trouble of course, was that he was 10 or 15 years too soon in so far as knowing what to do with it was concerned. It was a costly experiment; but the State has been repaid in dividends from production from all of that experiment and for the very costly writings off of the sum under the old Industries Assistance Board. It has been repaid millions of pounds which have now proved to be sums invested in the development of the State.

Although there are several principles included in the Bill, the main one centres around the ability to be able better to use land by adding to areas now permissible under the Act; to make them living areas where they are situated in safe rainfall regions; because it is rainfall in Western Australia which is the determinant—that is before any application is made of trace elements or fertiliser, or before any analysis is carried out of the soil.

It is interesting to note that some of the principles of the old Act, which was repealed in my time as Minister, are being reinstated in this Bill. It appears to be a good thing that it is so, because it enables the procedural matters to proceed under the new proposed law in a simplified form in the allocation of land. So, in general, I think the Bill is a good one. I think it will facilitate both the administration of the Act, and the better use of land that might not be used if a smaller area which might prove to be an uneconomic area had to be the only size which could be allocated to new settlers. I support the Bill.

THE HON. A. R. JONES (Midland) [5.9 p.m.]: I wish to make a few comments on this measure and to say that it comes into line with my thinking of some years ago; because I recall suggesting at that time that there were tracts of country in Western Australia which, if limited to the acreage lawfully allowed at that time —and I think it was 3,000 acres but was later raised to 5,000 acres—would not be an economic proposition. I felt there were some tracts of land which could not be farmed economically on that basis, anyway, particularly with the knowledge we possessed at that time of agriculture and the development of such land.

I particularly had in mind people who were prepared to go away from areas of development, and right away from the railway line. I recall that there were some people asking for greater tracts of land to enable them to develop the land on an economic basis by the use of big machinery. The Government, however, was adamant that 5,000 acres should be the limit that one person could take up. It is therefore pleasing to find this Bill before the House. It is a pity a similar measure was not brought down many years ago, because we could have had quite a lot more of what is classified as light land brought under some sort of development.

I know that a committee recently reported on a certain area of land west of the Midland line; and I also know that that report was not a very rosy one. I would agree with Mr. Wise when he says that with the improvements in techniques, knowledge, and the technical advice which can be given to landowners by the C.S.I.R.O. and the departments of agriculture throughout Australia—and particularly throughout Western Australia—more land could quite easily be developed. We do not know from one day to another, or from one year to another, just what development is possible in some of these lands, or just what methods might be recommended for greater production.

Accordingly I feel this measure is a good lead to people with finance who will be able to take up these tracts of country up to 10,000 acres, with a view to watching the trend of things and the possibility of developing the better types of land included in the 10,000 acres, after following the advice given by the department and the C.S.I.R.O. Having done this they could then proceed to develop the other parts later.

It is very pleasing to see some of the results of the experiments carried out in this type of country in the experimental farm set up at Badgingarra. I think the area was selected on the basis that it would be some of the most variable land which could be found of light land and the poor type of light land is being fully developed. The work that has been done is a great credit to the department and to the men who are carrying it out. I feel that in a few years a great deal will have been learnt as to how to develop this type of country, and I commend the Government for bringing down this Bill with a view to providing an incentive to people to take up this type of land. After having taken it up, they will be able to develop the better areas and then, later, those which might not be quite so good. I support the measure.

THE HON. W. F. WILLESEE (North) [5.14 p.m.]: I intend to be brief in my remarks. I hold the view that where capital is invested in an area of land every effort should be made to enable the land to accumulate a return for the amount of money invested. I also hold that where

capital is invested, and backed by knowledge and years of experience, it is only fitting that the Government of the day should extend any benefit by way of land areas to that investment.

It is true today to say that we have a greater conception of land evaluation than we had in years gone by. That is directly due to the results of trace elements and their effect on the soil, and to the better cultivation of the land due to modern machinery. But the fact remains that the risk element is greater as time goes by. There is a greater need for more capital to be invested in these areas of land today than there was in those same areas many years ago.

Marginal lands are today difficult areas to work, for the simple reason that in putting an accumulation of benefit into the soil and in using machinery of a high degree of efficiency we more or less purchase the article to be sold before it is sold in the open market.

I am one who wishes the utmost success to any man who goes on the land. I wish him the ultimate in achievement of the greatest profits. My belief is that if he pays the stipulated figure of the dictates of the Arbitration Court and then reaps unto himself a profit, that is as it should be.

I am pleased to see this Bill takes cognisance of the fact that soils are not always equal—that there can be variations in land. However, if we can give an average factor of the basic capital content, there will be a return to the investor.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 25th September, on the following motion by The Hon. L. A. Logan (Minister for Town Planning):—

That the Bill be now read a second time.

THE HON. L. A. LOGAN (Midland—Minister for Town Planning) [5.19 p.m.]: I appreciate the approach to this measure by members, because we are not fully acquainted with all of its ramifications. However, I would like to refer to one or two of the remarks made by Mr. Watson and Mr. Wise in regard to the financial side so as to get the record straight. In his second reading speech, Mr. Watson said this among other things—

> . . . which reminds me of the original conception of only two or three years ago when it was proposed that the tax should be used for capital expenditure.

Of course that was not correct. Mr. Wise had this to say—

> Indeed, many members of this House will recall how vigorously some of us endeavoured to ensure that not one penny of the original tax collected would be spent as capital, but that all of it would be retained to service a debt. Now it is obviously conceded that we were right.

He also had this to say after I interjected and said, "I wish some other members had thought of that in 1959 when I was trying to get finance for this scheme"—

> I do not know to what the Minister is referring; but I do know that when in 1959, in connection with a certain tax, we found that the tax was going to be used for capital instead of for servicing a debt, we objected to such a thing, and we will continue to object.

I interjected and said, "You are wrong in that assumption." Mr. Wise then said—

> I am afraid that *Hansard* tells the story.

He also said—

> And *Hansard* tells the story of the objections and the basis for them.

We will now look to see what *Hansard* does say, because the first and only reference in 1959 to the funding of loans by this tax was in answer to an interjection by Dr. Hislop. Dr. Hislop interjected as follows:—

> Do you propose to spend the money or fund it in loans?

I replied as follows:—

> It will mainly be funded in loans. Obviously, £140,000 would not cover the expenditure.

That was the first mention of the funding of loans by the revenue which we were endeavouring to get at that time. One can go through the whole of the 1959 debate to find that that is the only reference to it.

When I introduced the two measures in 1960 in an endeavour to take the limitation off the regional authority and the regional tax, I then made reference to a report which I had received from the first meeting of the authority which had only just been set up at that time. In that report to me—also by way of deputation—it had recommended that the limitation be taken off both the authority and the tax to enable the authority to borrow

money so it could use portion of the tax to fund the loans it arranged. So at the end of the debate in 1959 and at the beginning of the debate in 1960 in regard to both the regional authority and the regional tax, I made reference to what we wanted to do so far as the original tax was concerned. Therefore, the remarks of those two members are far from being in accordance with the facts.

The Hon. H. K. Watson: You did, in fact, spend it all during the year.

The Hon. L. A. LOGAN: There was no option, because the tax was the only money available to the authority as it could not borrow. Not only did Mr. Wise and Mr. Watson tell us at that particular time not to spend the money on loans, they did everything possible to make sure we did not get any money. They did their best to reduce the tax; because if members look at page 3435 of *Hansard* for 1959, they will find that Mr. Wise wanted to defer or postpone the Bill. On page 3438 he wanted to reduce the tax from a halfpenny to a farthing; and he said that we should take it out of Consolidtaed Revenue.

The Hon. H. K. Watson: I said the same thing.

The Hon. L. A. LOGAN: Yes, in 1959. Now the honourable member is saying that he told us in 1959 to use the tax to fund loans.

The Hon. H. K. Watson: Out of Consolidated Revenue.

The Hon. L. A. LOGAN: How is it possible to get money out of Consolidated Revenue?

The Hon. H. K. Watson: How do you get it out for parliamentary salaries?

The Hon. L. A. LOGAN: Portion of the 1959 Bill reads as follows:—

> 39 (1) If the money represented in the Fund is insufficient at any time to meet expenditure incurred or proposed to be incurred by the Authority in carrying out its functions, the Treasurer with the approval of the Governor, who is hereby authorised to grant the approval, may make, and the Authority may borrow, from the Public Account advances of such amounts as the Governor approves, on such conditions as to repayment and payment of interest as the Governor imposes and is hereby authorised to approve and impose.
>
> (2) Where an advance is made under this section—
>
> (a) the Authority shall repay the amount of the advance; and
>
> (b) shall pay interest.

Therefore, how would the authority repay money borrowed from the Public Account without having revenue of its own?

What I have quoted was in both the 1957 and 1959 Bills; so I thought I should put the record straight in that regard. As a matter of fact, if members look at page 3129 of *Hansard* they will see where Mr. Wise moved for the deletion of the original tax from the authority Bill. As I said at that time, it was the only source of revenue that the authority had. The three sources of revenue were: proceeds of the metropolitan region improvement tax, money borrowed by the authority, and other payments made to the authority.

Money borrowed by the authority could be paid back only by revenue of its own. "Other payments" represented only money from incidentals such as rents and leases. Far from being told in 1959 by members of this House that we should use this tax to fund loans, every attempt was made to see that we did not get the tax.

At that stage the House agreed to an amendment moved by Mr. Wise that the tax provisions be deleted from the Bill. It was only at a later stage, as a result of a message from another place, that the provisions were reinserted; and it was not until 1961, when the limitation was taken off the regional tax, that the authority was able to borrow money. Up to that time it had to use its capital. It had no alternative, unless it was going to deny people their rights and tell them that they would have to wait for their money until such time as Parliament agreed to take the limitation off this tax to enable the authority to borrow money.

Two years would have been lost in paying some of these people; and they could quite easily have been suffering because of the regional scheme. I do not think it was the intention of Parliament that anybody should suffer as a result of the regional plan. Therefore, I think my remarks have, to a certain extent, put the record straight.

I think the two main features of this Bill are to put into the Act that where a person has to sell at a depressed price he will be compensated at that depressed price, plus the amount by which it was depressed. This is a somewhat new departure and we have not yet been able to operate under the present scheme. The only thing we have been able to do is what we have been doing for the past two and a half years; namely, that where a person has applied to undertake certain development, the authority has said, because of the cost involved, "All right, we will not allow you to develop, but we will purchase."

Those are really the only two features in this Bill. Both are attempts to assist —and I repeat, assist—an individual and not to hamper him. There is no doubt that we will strike difficulties here and there. But they will not be impossibilities and they will be overcome.

There is no intention in this Bill to deny the right of compensation. I think members will find that where a property is reserved under an interim development order, and the property is required at some future date, it will be taken over and full compensation will be paid at the market price. I think this principle has applied in all resumptions by Governments over the last 50 years. There is a safeguard in our Public Works Act of 1912 and our Arbitration Act of 1895.

There can be only one true basis for resumptions or acquisitions. We do not like to use the word "resumption", because we prefer to do all our business by negotiation and acquisition rather than by resumption. When I say that we have acquired 140 properties to the value of £500,000 without any recourse to arbitration, I think we have a set-up of a fairly high standard.

The Hon. H. K. Watson: I give you full marks for that.

The Hon. L. A. LOGAN: I hope and trust that we can continue to operate on that basis. The present interim development order which has been placed on the inner ring road resulted from an enquiry which showed that the geometrics of the original idea of using Roe Street as the inner ring road would not work. We engaged some of the best brains from America to have a look at our scheme. They reported that the geometrics would not fit in; that it was impossible to fit them in on the Roe Street road. They advocated going out further—in the area between Aberdeen Street and Newcastle Street.

It is all very well for members to say that we should not put an interim development order over the area. However, once we do so, the people concerned in that area are made aware of the fact; and they are then in a position to find out exactly what is going on. They are able to discuss the proposition with the regional authority. Last week Mr. Lloyd (the Town Planning Commissioner) spoke to a meeting of 100 members of the Leederville Chamber of Commerce. He explained the set-up concerning the western switch road and the continuation of that switch road on to the Yanchep road.

Negotiations are taking place almost every day, and certainly every week, with the people concerned. Usually, at the end of those discussions, everyone is satisfied that everything is going to be all right. Indeed, for some people in that area it has been a godsend. There are instances where businesses have been thriving because of the natural growth of the city.

A businessman might wish to expand, but finds that he has no room to do so; and he therefore decides to move out into an area where there is more space. Because of the fact there is an interim development order placed on his property, the businessman tells the regional authority that he has to move out and suggests that the authority should buy him out. Whether or not he would be able, under ordinary circumstances, to obtain the real market value for his property, I do not know. However, he has a ready market at today's market value.

We have already given individuals and business people in that area the right to make improvements, the right to expand. In certain of those areas we believe that it will be 10, 15 or 20 years before the scheme will put into effect. If a person wishes to develop or expand a fairly good business to the extent of £10,000 or £15,000, I do not think we need worry about that aspect. At the end of 15 years he will receive the market value for his property; and naturally the improvements which he has made to his property must be taken into account when the time comes to negotiate. However, if the proposed expansion was to the extent of £25,000 or £30,000, it might possibly be a different story; and it might be better for the persons concerned to get out while the going is good.

I do not think members need be quite as concerned as I understand they have been about this particular aspect. As I say, we are negotiating with these people and are endeavouring to make sure they are kept acquainted with the set-up. We do our best to ensure that public relations are of the highest standard. I venture to say—and I know that all members will agree with me—that public relations in connection with the business of town planning is one of the main principles in letting people know exactly what is going on.

The Hon. F. R. H. Lavery: It should be the main principle.

The Hon. L. A. LOGAN: As far as I know, it is. Anybody is welcome to go down to the office and discuss any of his problems with the Town Planning Department and the regional authority. I hope the House will give the Government the opportunity of going ahead with what it is endeavouring to do. As I said earlier, we have been acquiring property under the present Interim Development Order for two and a half years. I have already given the number we purchased and the cost involved.

I also mentioned difficulties. I think Mr. Davies will agree with me on this point: that very often there are people who, when new development is planned, are opposed to any change whatsoever. They do not like a change. They have a tradition. They say, "The family has been here for hundreds of years; why should I shift out?" When the time comes when one individual can hold up a whole redevelopment scheme, then I think we have to decide which takes preference.

Mr. Davies will know of a redevelopment scheme in Fremantle which the local authority has been trying to carry out for some time. There were one or two objectors to the scheme, and one person in particular did not want to have anything to do with it. That person put a price on his property of £75,000. The Taxation Department's valuation was £34,000. A private valuation was £35,000; but the individual wanted £75,000. The Fremantle City Council is using the taxpayer's money, just the same as the metropolitan region authority. If the local authority started throwing its money away wildly it would be put on the spot; and if the regional authority did likewise, the Auditor-General would immediately put it on the spot. Negotiations were finally agreed to regarding the person to whom I have been referring, and I think the final figure paid was £42,000.

I mentioned that illustration to show the difficulties which can arise because of the very high value some people put on their property in an endeavour to get something out of somebody else. When something is being provided for the benefit of a district, town or region, very often somebody has to give way in order that the whole community may benefit.

Let me say this: Town planning is not undertaken for the benefit of the Government or the Crown; it is for the benefit of the community entirely—for the individual, whether he is a householder, storekeeper, manufacturer, accountant, or anything else. The Crown does not get anything out of it. It is undertaken for the benefit of the community as a whole.

Certain powers in connection with the regional authority have been referred to. I suggest that members should read the whole report rather than specific paragraphs. They would then get a proper appreciation of all that is going on and all that we are trying to do.

The Hon. F. R. H. Lavery: If we read the whole report, certain paragraphs stand out.

The Hon. L. A. LOGAN: Yes; but the report must be looked at as a whole. If members will read paragraphs (19) to (22) on page 6 of the report, they will find the reason why the proposed amendments to the Act are now before the House.

The question was asked, "Why don't you go to the Loan Council?" Why should we not borrow so many millions of pounds and pay all those people now? It should be realised that we can borrow money from the Loan Council only within certain limits. Once a certain amount of loan money has been allocated to the State, we can spend that money only according to the needs of the community as a whole. If we want to get £1,000,000 from somewhere, it must be at the expense of something or someone else. It cannot be otherwise; and it is the duty of the Government to see that the loan money is spread over the whole of the community to the best possible advantage.

I can imagine the hue and cry if we took £1,000,000 from education for this particular purpose; or from water supplies; or from hospitals. We can borrow from the Loan Council only within certain limits, and we have to consider the needs of the whole community.

In 1961 we raised a loan of £200,000. Last year we raised a loan of £200,000; and at the moment we are negotiating another loan of £200,000. That is about the most which the market will supply at the moment. These loans are for a period of 40 years. People do not have to worry about paying the whole of the cost at the present time. The loans are being paid for over a period of 40 years. People living 40 years hence will be paying for the benefits which will accrue from today's decisions.

If we have a look at the personnel of the authority and of the finance committee, I do not know where we could could get any better brains to handle the situation. We have representatives from outside the Public Service comprising men like Walter Ashton, Alf Spencer, Ernie Smith (Manager of H. L. Brisbane & Wunderlich Ltd.), Dick Piercy, H. E. Marnie from Mundaring, and Mr. Cole of Canning. The departmental officers are: Mr. Lloyd, Mr. Leach, Mr. Kenworthy, and Mr. Camm. When we join those two bodies of men together we find it would be very difficult to get a better body; and they, plus, of course, the chairman, Mr. Hamer, who is the manager of an insurance company, comprise the authority.

The finance committee is composed of the Town Planning Commissioner; Mr. Walter Ashton, who replaced the late Mr. Tom Eilbeck; and Mr. Spencer, a councillor of the Perth City Council—and most members will agree that Mr. Spencer is a very successful businessman in this city—together with Mr. Digby Leach, one of the ablest administrators in Australia today—a man controlling a department with an expenditure of more than £10,000,000 a year—and Mr. Townsing, Under-Treasurer as co-opted member. Surely these men are representatives of a pretty solid bunch of chaps.

The Hon. F. R. H. Lavery: They have some very solid officers under them; Mr. Leach has.

The Hon. L. A. LOGAN: They certainly have.

The Hon. F. R. H. Lavery: Yes; second to none.

The Hon. L. A. LOGAN: I remind members that whatever the final decisions are, they are not arrived at until such time as they are sent back to the districts, of which there are four, plus the Perth City Council, which makes five; and they, in

turn, go back to their own local authorities—and the personnel of those authorities—of which there are 27. So the decisions that are finally agreed on by the authority have pretty well the solid backing of the 27 local authorities, and their representatives, plus the five district planning committees, and the regional authority itself.

The Hon. H. K. Watson: I know of one local authority which is in conflict with the Town Planning Board; or it was.

The Hon. L. A. LOGAN: I said there will be difficulties. There have been difficulties, but most of them have been overcome. They are not impossibilities. So when we get this weight of opinion behind a final result, I do not know what else we can do; and I do not know who else we can get who would give a better opinion than these people. At the moment I do not think we could get anybody better than these gentlemen to make a final decision.

I repeat that this regional scheme can only succeed by the fullest co-operation of the individual, the community, the Government, and Parliament; and I say that advisedly. It is only by the co-operation of everyone that the scheme can function as it ought to function and can succeed as it ought to succeed.

So I ask the House to give the authority and the Government the opportunity to carry on the work that has been carried on since the authority was formed in 1960. That is not a very long time for men to pick up the cudgels and make themselves knowledgeable in order to carry out the instructions of Parliament. But we have not experienced any great trouble in the last two and a half years, and I do not anticipate that we will in the future if we are allowed to go along as we ought to.

To endeavour to purchase the whole of the inner ring road and all the properties there, at the moment, would, in my humble opinion, create a dead end. Perhaps we could purchase them and lease them back to the people who now own them until we want them in, say, 20 years' time; but surely it is better to let the present owners carry on as they are until we require the properties; unless the owners, through circumstances, become unable to carry on and require the authority to buy the properties from them.

Although there are two amendments here, there is still one other provision that we have always carried into effect; and that is, where hardship is involved we have to provide for it; and we have done that in the past and we will continue to do it.

All I am asking is for this authority to be given the opportunity to carry on the good work with which it has been entrusted by Parliament and which, I believe, it has done since it was appointed; and I do not think anybody could ask for anything fairer or more just than that.

Question put and passed.

Bill read a second time.

In Committee, etc.

The Deputy Chairman of Committees (The Hon. E. M. Davies) in the Chair: the Hon. L. A. Logan (Minister for Town Planning) in charge of the Bill.

Clause 1: Short title and citation—

The Hon. F. J. S. WISE: It is perhaps wise to assist the Minister in getting the record straight; and it is as well to get the rest of the record in the same *Hansard* as the Minister's remarks will appear, and very close to the same page, because not all the story was told by any means.

The Hon. L. A. Logan: I could have told a lot more, but it was on my side.

The Hon. F. J. S. WISE: A lot was left unsaid.

The Hon. L. A. Logan: I did not want to weary the House with undue repetition.

The Hon. F. J. S. WISE: I do not intend to weary the House.

The DEPUTY CHAIRMAN (The Hon. E. M. Davies): Is the honourable member speaking to clause 1?

The Hon. F. J. S. WISE: Yes; I am speaking to the reference to the Metropolitan Region Town Planning Scheme Act in subclause (2). I recommend that members, in addition to reading the debate that is reported in the 1959 *Hansard* and referred to by the Minister, in which they will find the Minister did not at all like the long-term loans because it would require large capital sums to redeem them, should also read the 1960 *Hansard*, Vol. 2, page 1437 and onwards, and the 1961 *Hansard*, Vol. 2, page 1289 and onwards, and they will then get the full story.

On those occasions they will find that only good was said of the objectives of the Town Planning Board, and only good was said of the need for the board to get the requisite money to serve its purposes; and, in addition, it was said that the board should use all ancillary funds which could be brought into being—funds such as were used in the case of resumptions, for example, for the freeway. No-one should pass over lightly—because it is a difficult matter to face up to—the difficulties associated with getting the large volume of money which this authority must have.

Here we have an autonomous body given enormous powers by Parliament—no body in the State has been given more—so that without reference to Parliament it can handle large sums of money and make important decisions. Therefore it is necessary for us, as far as possible, to safeguard the needs associated with its

responsibility; and what I am saying is not an idle suggestion—far from it. This is a matter affecting every capital city of the Commonwealth, and it might properly be discussed at Premiers' level—as it affects all Premiers—prior to a Premiers' conference or a Loan Council meeting, for a very obvious reason; namely, that within this wonderful little city of Perth the expenditure envisaged in connection with this scheme is sufficient to put out of plumb the public works programme in any year.

There are so many public works associated with this scheme that I hold the view strongly that it is a matter for all Premiers to discuss, and ultimately for the Loan Council to discuss, as an item for all States—not that we should encroach on education, hospitals, or anything else. That is not the approach. This should be an Australian matter taken by the Premiers to the Commonwealth in respect of financing schemes such as those which are so necessary for the future.

As we believe in this matter, let us face it with all its magnitude; and in respect of finance, as one member said only a week or two ago, where is this money to come from? It is big money. Is it not worth while facing up to something that is a big responsibility rather than there being the possibility of the scheme breaking down at some point?

I think that without feeling; without heat; without any serious differences of opinion being expressed, we could dispassionately and logically approach this subject on a basis of needs and how those needs are to be supplied, because it is going to be in total the equivalent of a public works programme for one year.

Therefore, in my view, it is something commanding respect at a very high level, as was mentioned by Mr. Watson and as was discussed by me with many members on several occasions, because I believe that is the only level where the needs to give effect to this scheme, to facilitate the work of the men mentioned by the Minister, and to assist those men in their objective, can be dealt with.

The Hon. F. R. H. LAVERY: I had prepared quite a long speech on this Bill, but unfortunately I missed the call.

The Hon. L. A. Logan: I am sorry.

The Hon. F. R. H. LAVERY: It is not the Minister's fault; I was asleep and missed out. I was not exactly asleep, but was reading something else and missed the item when it was called. I want to support my Leader, not only in what he said—

The DEPUTY CHAIRMAN (The Hon. E. M. Davies): The honourable member will have an opportunity to address himself to the Chamber on the third reading; unless he wishes to speak to the clause.

The Hon. F. R. H. LAVERY: I thought I was speaking to clause 2. I am sorry, Mr. Deputy Chairman (The Hon. E. M. Davies).

The Hon. L. A. LOGAN: I trust the Committee was not of the opinion that I was speaking with heat whilst making my speech because, on the contrary, I thought I was endeavouring to convey to the Committee that no heat was engendered in view of the fact that I fully realise the magnitude of the task before us. I apologise to the Committee if I gave any indication that I was speaking with heat.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Section 36 amended—

The Hon. F. R. H. LAVERY: Despite what the Minister has said this evening about the large amount of investigation that has been carried out by the Town Planning Board and other bodies, there is no doubt that the next four or five generations will have to find this enormous amount of money which will be required to implement the town planning scheme.

At this point I would like to say that perhaps no city in the Commonwealth is blessed with a finer body of men than we have in the town planning authority which is attempting to carry out this great task. I would like to be alive in 20 years' time to see how the plan will be implemented, but I am sure the sum of £8,000,000, mentioned in one part of the excellent report that has been presented to us, will be increased many times before the complete plan is brought to fruition.

For example, I am concerned that the money which will be required for the inner ring road proposal alone from the time the work is commenced until it is completed will be multiplied several times, because we have already been informed of the alterations to be made in the plans for the inner ring road. Further, the money that will be necessary for implementing the other parts of the Stephenson Plan, taking into consideration the alterations that have already been made in the past two years will be enormous, and this proposition will have to receive great consideration.

Recently it was proposed that a gaol be built in the Coogee-Spearwood area. That plan has now been abandoned and the intention is to place the gaol on some other site. Again, 40 acres were to be resumed at Hilton Park for the construction of a new hospital, but that plan has now been put aside and the proposal is to build a new hospital at Bull Creek. As time goes on the town planning authority will be faced with other mounting problems and important decisions.

Because of the enormous amount of money required for the implementation of this scheme over a period of years, I think the time has arrived when a body

of men selected from the banking sphere, or some financial genius such as Mr. Richardson, who is regarded as one of the greatest financial brains in Australia, should be approached to take on the task of finding this money from a source other than the pockets of the taxpayers of the metropolitan area. This town planning scheme will benefit not only the people of the metropolis, but also the people of the whole State.

The Perth City Council, in spending a large sum of money on the construction of the new town hall, is erecting something not just for the benefit of Perth citizens, but for all the people of Western Australia. I believe that a finance committee, similar to the Commonwealth Public Works Committee, or the Commonwealth Finance Committee, should be formed because money required for this plan cannot be found from the people of this State at the moment.

Clause 5 has a bearing on the source of the finance for this plan, and I hope I can make it clear to the Committee that, as a member in the back benches, I represent the people of the State and, as such, I believe that the complete town planning scheme belongs to the people of the State and that the finance for such a scheme must be found from some source other than the taxpayers of Perth alone.

This question is so important that when the inner ring road proposal was placed before the Perth City Council it was extremely concerned about the ultimate cost to the council. The matter was debated on a high level by the Perth City Council and the following is an extract from an article dealing with this proposal published in the *News Review* of August, 1962:—

> In fact, Councillor Spencer (chairman of Council's Town Planning Committee and a member of the Town Planning Regional Authority) advised during the debate: "That at present it was impossible to get any further information. Nobody knew the overall cost of the scheme and this information would not be available for many years."
>
> After considerable debate, Councillor Spencer, in answer to a question, stated that: "The cost of this work, together with all approaches and exits would be defrayed by the Main Roads Department, and that the resumption of the land required would be the responsibility of the Regional Planning Authority."

As Councillor Spencer is one of the representatives on the town planning committee he should be in a position to realise what is envisaged, and if the Main Roads Department is to be responsible for a large part of this money this fact supports the claim for an approach to be made to the Commonwealth to provide some of the finance. Continuing with the newspaper report it reads as follows:—

> Finally Council agreed:
>
> That an inner ring road system appears to offer a solution for traffic movements in the Central Area of Perth.
>
> But it expressed objection to the plan for several reasons:
>
> The Council is against any proposal for the taking of any of its reserves for the purposes of the plan.
>
> The Council considers the proposals for public transport and bus stations are unacceptable.
>
> The Council strongly protests against proposals for the taking of any part of Supreme Court Gardens or the Esplanade Reserve.

So should every Western Australian. Continuing—

> The Council considers that the plans, before being finally adopted, should be the subject of advertisement to the public with a view to receiving and considering any objects which may be made, especially by persons affected by the proposals.
>
> With these facts before it the authorities concerned should give the plan further study, make an estimate of costs, period involved, methods of execution and other vital factors and take the people openly and frankly into their confidence. Then the scheme would surely have a much wider, general acceptance.

I have quoted that small portion of a newspaper report of a large scale debate by the Perth City councillors on the inner ring road proposal because, if the Perth City Council is concerned about these matters, members of the Committee can readily imagine how much more concerned are private landholders. I believe the Minister when he said tonight that adequate compensation will be paid to people because of the uncertain future with which they are faced, or for something of that nature. However, the present Minister or the present officers of the Town Planning Board may not be in office in 10 years' time. Any amendment to section 36, therefore, needs careful consideration and, if the amendment is agreed to, cognisance must be taken of the comments of the members of this Committee.

Sitting suspended from 6.15 to 7.30 p.m.

The Hon. L. A. LOGAN: I move an amendment—

> Page 4, line 9—Insert after the word "land" the words "or grants permission to carry out development on the land subject to conditions."

At the present time when the owner of land makes application to the authority for permission to develop the land, and the authority refuses, it is bound to purchase the property. Under this amendment, where an owner requests permission to develop his land and the authority grants permission under certain conditions, those conditions might not be acceptable to the owner. For that reason it has been decided to insert the amendment to safeguard the rights of the owner.

Amendment put and passed.

The Hon. J. G. HISLOP: I would like the Minister to give me some information in respect of proposed new subsection (4) on page 4. It states that before compensation is payable, where the land is sold, the person determining the amount of compensation shall be satisfied that, firstly, the owner has sold the land at a lesser price than he might reasonably have expected to receive had there been no reservation on the land; secondly, the owner gave notice in writing to the authority of his intention to sell; and, thirdly, the owner sold the land in good faith and took reasonable steps to obtain a fair price.

I am not clear as to the expression "in good faith." I know of cases where owners of land in the city have sold out, realising that their properties would not meet their needs in the future, and they took the best price offering. Under those circumstances would they be selling the land in good faith?

The Hon. L. A. Logan: Were their properties covered by the Interim Development Order?

The Hon. J. G. HISLOP: Yes. On the other hand, the owners of properties which are not covered by the Interim Development Order have sold out in a similar manner.

The Hon. L. A. Logan: We can only deal with properties which are covered by the Interim Development Order.

The Hon. J. G. HISLOP: If the owner of a property, who has had it up for sale for some time, decided to take a price offered, would he be selling the property in good faith? I want to be certain that the third condition, namely, selling land in good faith, will not become a loophole under which the authority can get out of a difficult position. I know of a recent case in which the owner of land which was within the area to be developed, hastily approached an estate agent to sell it. The agent offered a reasonable price for the property, and the owner accepted. I am not aware whether this land is covered by the Interim Development Order, but I do know that it is adjacent to the land which is already being developed under the scheme. This person did not have time to notify anybody of his intention to sell, or to ascertain whether he could have obtained a better price.

The Hon. L. A. LOGAN: This amendment is designed to assist the authority, and owners of property. If it is agreed to then transactions within the area covered by the Interim Development Order can take place. In respect of the condition relating to the sale of land in good faith, it is designed to bring into the field purchasers other than the authority. We wish to ensure that the owner of land does not have to sacrifice it by selling it cheaply to someone who will benefit in the years to come. We want to make sure that the owner receives the current market value. If an owner sells land in good faith, and he has a legitimate reason for selling it, this clause will ensure that he will not be the loser if the value of the land is depressed because of the existence of the Interim Development Order.

The Hon. N. E. BAXTER: If the owner of land, which is covered by the Interim Development Order, sells out, then he cannot hope to obtain the current market value, because the purchaser will not offer the current price as he has to gamble on what he will subsequently receive from the town planning authority. The problem is that there could be injurious affection to the land as a result of the Interim Development Order, and it affects not only the owner but any purchaser.

The Hon. L. A. LOGAN: This amendment will enable a person to purchase land covered by the Interim Development Order, where the authority is not in a position to acquire it. It might be land which the authority does not require for the next 10 or 15 years. If the owner sells in good faith, but is unable to obtain the current market value because of the Interim Development Order, this clause will ensure that the owner will not be the loser. Naturally the owner will have to make a claim and give his reasons to the authority. If he is able to prove the *bona fides* of his case the authority will, in effect, pay compensation.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with an amendment.

TRUSTEES BILL

Second Reading

Debate resumed, from the 26th September, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. E. M. HEENAN (North-East) [7.43 p.m.]: The Minister when introducing this Bill, mentioned that the trust law in this State is to be found principally in the Trustees Act of 1900, the Settled Land Act of 1892, and the Administration Act of 1903. He also pointed out

that the original provisions in these old measures, like so many others, were adopted from the English law which, in turn, was based on outlooks and notions relating to property which were current in the 19th century. We have had somewhat similar examples in this session of Parliament when we dealt with Bills to amend the Law Reform (Statute of Frauds) Act and others.

This session has been a more or less uneventful one in some respects; but at least it is meritorious in as much as we have attempted, and are still attempting, to deal with several Statutes which are now outmoded and require a complete overhaul. In my opinion this Bill has one chief merit, which I feel sure will appeal to other members. It will bring together under one Statute practically all the statutory provisions relating to trustees.

A reference to the first schedule which is at the back of the Bill will show that the whole of the Trustees Act and the whole of the Settled Land Act are to be repealed. Consequential amendments are to be made to a number of other Acts. Another merit is that the legislation will be brought up to date in the light of experience gained over the years in this phase of law not only in Western Australia but in other parts of the Commonwealth, in New Zealand, and in England. A perusal of the various clauses will indicate that the draftsman has drawn considerably on legislation particularly from New Zealand, New South Wales, and Victoria, where the various provisions have evidently stood the test of recent years.

Although this Bill has been described as highly technical, and although the average person does not normally have to make himself familiar with the law relating to trustees, the subject is by no means shrouded in mystery. Most people know, for instance, that a trust is usually created under the terms of a will although, of course, trustees are created in other ways and for various purposes. Most people also know that in the modern sense a trust is a confidence reposed in a person with respect to property of which he is given possession with the intention of holding it or disposing of it for the benefit of somebody else.

The ordinary meaning of the word "trust" implies quite a lot. We all know that when one acts as a trustee, one's conduct is required to be of a very high standard because a trustee deals with property which does not belong to him in his own right; he is holding it on behalf of someone else.

It has for a long time been found necessary to legislate in connection with trusts, not only to safeguard the interests of the beneficiaries, but also to safeguard and give guidance to the trustee; and also to provide for approaches to the courts when difficult and unforeseen circumstances arise from time to time. It can be realised therefore that the courts have been called upon to exercise a great amount of wisdom over a long period of years, with the result that a great deal of case law has been built up and many well-known principles established.

Members can realise the unforeseen and difficult situations that arise from time to time in connection with estates: people die unexpectedly, beneficiaries cannot be traced, properties change in value, and so on. Then again, there is the human element. All trustees do not prove to be honest; others, though honest, are careless or neglectful; some, though honest and conscientious, are poor businessmen; and so on. These matters and many others have had to be given careful consideration over the years; but, with experience, certain fundamental principles have been established and, by incorporating these as a basis, it has been possible to codify the law and set it forth in the way this Bill now attempts.

It has been mentioned that the measure has been recommended and sponsored by the Law Society of Western Australia, following on a report of a subcommittee appointed in August, 1960. Through the courtesy of the Minister I was supplied with a copy of this report which covers over 50 pages of foolscap. It is a most interesting and comprehensive outline of the subject. It clearly sets forth the need and the justification for this measure and gives explanations of the various proposed alterations in the existing law. It therefore seems a pity that all members were not given an opportunity of reading and studying this valuable document, because the case in the Bill now before us is completely set forth therein.

I would like to join in paying my tribute to the work carried out by the Law Society not only in this instance, but also in other instances. It does a lot of work and applies a great deal of skill for the public welfare, and in most cases its worthy efforts go unnoticed and unacknowledged by the community in general. The Bill now before us is a result of painstaking study and research over a long period, and I really believe it has achieved the object which the society sought to achieve.

The only other comment which I would make with regard to the Law Society is that it should not hesitate to supply individual members with its point of view on such matters as this. Other organisations follow such a practice which enables members to obtain a clear perspective of the pros and cons of the subjects that come before us from time to time.

I propose giving this Bill my full support at the second reading and Committee stages. Certain amendments may be

deemed necessary but I think they will be of a minor nature, and can be dealt with as they arise. I note that the proposed commencing date is set down for the 1st January, 1963, and I think this is a good thing because it will enable all who are interested in trustee law and the administration of trusts to familiarise themselves with this new measure.

No doubt time will reveal certain shortcomings and in the ensuing years we will have to make amendments in the light of experience. Of course that will not be uncommon in legislation such as this. At least we will, I hope, have a measure which adapts itself to modern requirements and which has been carefully compiled by a body which should be able to give a competent opinion on such an important matter. I support the second reading.

Debate adjourned, on motion by The Hon. L. A. Logan (Minister for Local Government).

MARRIED WOMEN'S PROPERTY ACT AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate, from the 26th September, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1: Short title and citation—

Progress

Progress reported and leave given to sit again, on motion by The Hon. A. F. Griffith (Minister for Justice).

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate, from the 26th September, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

TESTATOR'S FAMILY MAINTENANCE ACT AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate, from the 26th September, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

CHARITABLE TRUSTS BILL

Second Reading

Order of the day read for the resumption of the debate, from the 26th September, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

LAW REFORM (PROPERTY, PERPETUITIES, AND SUCCESSION) BILL

Second Reading

Order of the day read for the resumption of the debate, from the 26th September, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

MONEY LENDERS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 18th September, on the following motion by The Hon. H. K. Watson:—

That the Bill be now read a second time.

THE HON. A. F. GRIFFITH (Suburban —Minister for Justice) [7.59 p.m.]: In giving consideration to the amendment contemplated in this Bill, introduced by Mr. Watson, it is necessary to reflect to some extent on the year 1912 when the principal Act was passed. But first of all, let us examine the effect of the Bill itself on section 3 of the Act. A moneylender is defined in that section as a person, whether an individual, a firm, a society, or a corporate body, whose business is that of lending money; or, on the other hand, a person who lends money at a rate of interest exceeding 12½ per cent. per annum.

Certain categories of persons are, however, excluded from the provisions of the Act. They are—

(a) Pawnbrokers operating under their own Act;

(b) Friendly or building societies;

(c) Those statutorily empowered to lend money;

(d) Bankers and insurance brokers: Persons whose lending at rates not exceeding 12½ per cent. per annum is incidental to their business;

(e) Executors, administrators, trustees and attorneys statutorily empowered; and finally

(f) Any body corporate which has been proclaimed exempt from the Act.

Mr. Watson's Bill proposes the insertion of a new section 3A the purpose of which is to remove from the scope of the Act any loans raised or money borrowed by any incorporated company or body corporate in agreement with any moneylender. Then follows a definition of a loan.

When the parent Act was introduced as a private member's Bill in 1912 by the member for the North-East Province, The Hon. R. D. Ardagh, it was pointed out in support of the measure that moneylenders usually do business with those who are ignorant of business principles. It was implied that legislation of such a nature could be regarded as unnecessary interference in the freedom of contract between the parties concerned when those parties are well versed in the acts of commerce. The honourable member summed up the purposes of the measure as being such as to give some relief to those who are victims of extortion. Consequently, there was provision for registration of a person lending money in excess of 10 per cent. That figure has subsequently been increased.

It will be appreciated, then, that the prime purpose of the Money Lenders Act was to protect the poor and ignorant, rather than to interfere with legitimate business transactions between parties well versed in commercial law.

It will be remembered that, as a result of borrowings some few years ago at rates in excess of 12½ per cent., from unsuspecting parties, it was necessary in 1959 to amend the Act. Those amendments were put through in order to protect the lenders. Many of those were people who had invested their life savings at high rates in response to rosy-looking advertisements. They inadvertently became moneylenders —that is, moneylenders as defined in the Act. Through a Privy Council ruling they had lost the right to recover their money, with the result that the borrower, not the lenders, became suspect. That necessitated the Government's introducing the 1959 amendments. It will be remembered that the Bill as introduced was not completely received by this House, and there was some quite heated debate on one point in particular.

It will be seen, then, that the measure which was originally passed to protect the innocent from usury has, through the many avenues of investment at high rates of interest which are available to finance institutions, become a stumbling block to acceptable commercial practices.

In moving this Bill to remove loans to corporations from the general provisions and full effect of the Statute, Mr. Watson, for the reasons advanced by him, is worthy of the support of the Chamber. The measure anticipates a draft Money Lenders Bill which has been under preparation for some time under the guidance of the Standing Committee of Attorneys-General of the States and the Commonwealth, but that of itself does not constitute sufficient reason why the passing of the Bill as it stands should be opposed. The general provisions of the measure are considered acceptable, and there are good reasons why it should be proceeded with.

Subject to the amendments which the Government proposes, and which are to be found on the notice paper, this Bill will not be opposed by the Government. In supporting the measure it should be recorded that where a company—for example, an artificial person created for business purposes—borrows money in pursuance of those purposes, that company might reasonably be deemed to have a mind of its own. It would be fully aware of the significance of the contracts it makes in respect of its borrowings. Nevertheless, if a loan to a corporation is secured by a guarantor, or other collateral security given by an individual, the effect of the Act in its application to that guarantor should be left undisturbed; and that is one of the purposes of the amendments.

The reason for this is that it is hard to see why a guarantor who is a natural person, and who would originally receive protection under such safeguards as the Statute affords to him, should be denied those safeguards by agreement between the lender and the corporate borrower. It must be remembered that that is an agreement to which the guarantor is not necessarily a party. Furthermore, unless the individual is protected when he is in the role of guarantor, the "gate" would be open for dummying. By this is meant that an unscrupulous lender would be able to negotiate a loan, primarily intended for an individual, with a company as a dummy borrower. The particular individual who was the real borrower would be called upon to give personally the security for the loan. Such arrangement would be possible only with the connivance of all parties, but it would provide a fairly ready means of contracting out of the Statute.

There is this further point: It is important that the definition of "loan" contained in section 2 of the principal Act, be left to apply in and in relation to the amendment. The importance of this lies in the good reason that the effect of the amendment on the remainder of the Act be kept within more easily defined limits. I have an amendment on the notice paper which, if agreed to, will delete that part of the honourable member's Bill and insert other words in its place.

Mr. Watson advanced good reasons why the over-all provisions proposed in his Bill should become law immediately. Though a draft Bill is under preparation, it could be that some time—maybe a year, although I hope not more; but it may possibly be more—could elapse before a Bill, or Bills as part of a uniform plan, could be ready for consideration by Cabinet and submission to Parliament. On that basis the measure is supported by the Government, subject to the amendments on the notice paper which, if and when the Bill reaches the Committee stage, I shall move and endeavour to explain.

Question put and passed.

Bill read a second time.

In Committee etc.

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. H. K. Watson in charge of the Bill.

Clause 1 put and passed.

Clause 2: Contracting out—

The Hon. A. F. GRIFFITH: I move an amendment—

> Page 2, lines 3 and 4—Delete the words "raised or money borrowed whether" and substitute the words "whether made."

The Hon. H. K. WATSON: I have no objection to the amendment. As the Minister has explained, this amendment and the subsequent ones are more in the nature of drafting improvements. They do not alter the purpose of the clause, and I support the amendment.

Amendment put and passed.

The clause was further amended, on motions by The Hon. A. F. Griffith, as follows:—

> Page 2, line 6—Delete the word "by," and substitute the word "to."
>
> Page 2, line 9—Delete the word "raising," and substitute the word "making."
>
> Page 2, line 11—Insert after the word "agree" the words "in writing."
>
> Page 2, lines 23 to 29—Delete subsection (2) of proposed new section 3A and substitute the following:—
>
> > (2) Nothing in this section shall affect the operation of this Act in its application to a guarantee or any other collateral security given by a natural person in respect of a loan made to an incorporated company or a body corporate.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Assembly's Amendment

Amendment made by the Assembly now considered.

In Committee

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

The CHAIRMAN: The amendment made by the Assembly is as follows:—

> Clause 23, page 10, lines 11, 12 and 13—Delete paragraph (a). Paragraphs (b) and (c) renumbered (a) and (b) consequentially.

The Hon. L. A. LOGAN: Our original endeavour was to overcome an anomaly. We found that where a person had certain land willed to him he could not get the use of it until such time as the life tenant had left the district or had died, or whatever the case might be. It could be that the life tenant was an invalid pensioner, and therefore exempt from paying rates and taxes which accrued as a charge on the land; and by the time the legatee received the land the rates and taxes amounted to so much that it was out of all proportion to the value of the land. The life tenant had the benefit for his life at the expense of the legatee.

There are two principles involved: Should we exempt the life tenant who happens to be a pensioner, and in so doing reduce the capital value by legislative action to the eventual owner? Or should we say to the eventual owner, "It's too bad; there is a life tenant, who is a pensioner, on the land, and he is exempt from paying rates and taxes; but these will be a charge on the land when you get it"? In safeguarding one, we might cause hardship to the other.

There was an ex-member of this House who eventually came into some land which was in his wife's name. A considerable amount of rates and taxes had accumulated on the land over a number of years. The local authority said it was a charge on the land; that it was a recoverable debt; and that he had to pay it. Possibly the pensioner should be the person to get first consideration; because it might not be such a great hardship for the others to pay the amounts involved. I move—

> That the amendment made by the Assembly be agreed to.

The Hon. W. F. WILLESEE: I view with some doubts the remarks of the Minister. If a legacy is left to a person, and if there is to be a distribution of wealth—whatever that term might mean—in regard to a particular circumstance, then it should be along the lines that would follow as a result of death. I think the local authority should be permitted to accumulate the charges until its ultimate point of collection. The collection should be from the generation that follows rather than from the immediate successor on death. I believe the first of kin should have every preference in matters of this nature, and I doubt whether the situation proposed by the Assembly is the complete answer to this question.

The Hon. L. A. LOGAN: I agree with Mr. Willesee. It is not the complete answer. The matter was raised, and there were repercussions to it; but we propose to have another look at it between now and the next session. It is not necessarily the first of kin that will be the ultimate successor. There could be a pensioner life tenant, and the next of kin could be the recipient of the land. It is not an easy matter to solve and could create hardship on an invalid pensioner. I should have thought that in the case of rates and taxes left by a pensioner there would not be a charge against the estate. But we must remember that there could be pretty financial estates which might be exempt in this manner.

The Hon. W. F. Willesee: Commonsense will prevail. You do have the right to write the rates off.

The Hon. L. A. LOGAN: I agree. Application has only to be made to the Minister, and he will agree to it if it is a genuine case. But we will have another look at it.

Question put and passed; the Assembly's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate, from the 26th September, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

SIMULTANEOUS DEATHS ACT AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate, from the 26th September, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

WORKERS' COMPENSATION ACT AND MINE WORKERS' RELIEF ACT

Inquiry by Select Committee: Motion

Debate resumed, from the 4th October, on the following motion by The Hon. E. M. Heenan:—

That a Select Committee be appointed to—

(a) inquire into the adequacy or otherwise of existing provisions in the Workers' Compensation Act, 1912-1961, as they apply to men engaged in the mining industry who suffer from occupational diseases and their effects and if deemed necessary to make recommendations thereon;

(b) inquire into any incidental matters including the adequacy or otherwise of benefits payable to ex-miners under the provisions of the Mine Workers' Relief Act, 1932-1961, and if deemed necessary to make recommendations thereon.

THE HON. J. G. HISLOP (Metropolitan) [8.31 p.m.]: This matter has been a continuing cause with me over a number of years, but now it has come to the point where the subject is so vast that I find it difficult to estimate the starting point and how much to say.

Silicosis is not a modern condemnation. Pliny the Elder talked of the fatal dust; Celsus later talked of dust phthisis; Agricola spoke of the difficult breathing of miners in metal; Ramazzini spoke of miner's asthma; and Zenker invented the word "pneumonokoniosis"—spelt with a "k"—which is now abbreviated to pneumoconiosis, and spelt with a "c". So this condition has been one known throughout the history of man; and it was extraordinary that a first real investigation into silicosis did not occur until about 1912 in the United States of America.

The question of the amount of dust that is necessary to cause silicosis is still not completely known, but it is known that dust particles of the size of 10 μ

settle in the air and they are not unhealthy. From 10 down to 5 μ are removed from the air by the upper respiratory tract. Five down to 3 μ are deposited in the mid-respiratory tract; and from 3 to 1 μ go directly into the alveoli of the lungs; and the action of the dust below that size is very doubtful.

Most dust is got rid of by a continuing action of threadlike material in the respiratory passages. The mode of causation of silicosis still presents a problem to scientists, and a great deal of literature on the matter provides very interesting reading for those who are concerned in this matter because of the multiplicity of views. To put it briefly, up until recent times it was thought that the silica itself acted as an obstructing agent, but it is now thought that cases that show larger nodules of silicosis in the lungs are due to immune reaction within part of the human body.

Although one regards the lungs themselves as being of equal importance in all areas, it is interesting that the deposition of dust seems to take place mainly in the upper portions of the lung. I think in dealing with a subject such as this we should drop the word "silicosis" and adhere to the word "pneumoconiosis" because it covers a wide field of industrial diseases. There are major pneumoconioses which consist of the silica-caused conditions—asbestosis, caused by the asbestos fibre; talcosis by the powder of talc; and the coalminers' pneumoconiosis, which fortunately we do not see to any extent within the State.

All our lives we inhale dust with every breath. The city air is said to contain twice as much dust as country air; and most dusts on the whole are innocuous. In fact, the dust that one can see is innocuous. It is the very small particles of dust which, as I have said previously, cause this condition. I think of all these pneumoconioses of a major type, silicosis is probably the most widespread because silica appears almost everywhere throughout of the world; and silicosis can be said to be caused by the inhalation of free crystalline silicon dioxide. There are various types and forms of silicosis. The nodular type is usually caused by the particles between 3 and 1 μ; and the particles less than .05 μ produce profuse thickening of the lung and not silicosis. The smaller the particles the greater the potency.

Briefly the potency increases with the lessening of particle size; and, as a rule, the diffused type produced by the smaller particles occurs mainly in the upper portions of the lungs. At this moment I will leave silicosis and have a word to say about asbestosis, because this is entirely a different type of condition from that of silicosis.

Silicosis is a fatal disease once acquired. No matter at what stage the silicosis is when an individual leaves the mine, in practically all cases it proceeds either at a slower or faster rate. However, it is progressive, and there is no treatment. It is caused, as I have said, by the finer particles of dust entering into the lungs. On the other hand, asbestosis is caused by the larger fibres.

I do not know what, on the average, the length of abestos fibre is at Wittenoom Gorge, but I suppose it is more or less in keeping with the rest of asbestos fibres in the world which average 20 and 50 μ in length, and less than one in diameter. It is still a very small fibre, but lengthy in relation to other types. It is an interesting thought that if asbestos is ground into a powder of a very fine nature it loses its potency to cause trouble. Silicosis, in contradistinction to asbestosis, blocks the alveoli—the smallest air spaces of the lungs—and the disease then becomes progressive. However, it is said that if a miner leaves an asbestos mine with a certain degree of asbestosis, that degree remains and does not progress, because it is purely a destructive lesion through the smaller alveoli of the lung.

On the other hand, silicosis is a problem which proceeds by a chemical nature. Therefore, it is a progressive one in the great majority of cases. In fact, I think once silicosis has been diagnosed accurately, then the disease will always progress to a conclusion. One of the difficulties that arises in this condition is the mode of diagnosis of silicosis and the assessment of the invalidity caused by a concomitant disease such as bronchitis or emphysema which is a spreading of the chest with a widening of the alveolar space, to put it crudely, and right heart failure. These diseases so often accompany silicosis that it becomes a scientific problem to assess where the invalidity comes from in relation to the silicosis and the accompanying disease.

We, here, have laid it down so that silicosis is diagnosed by a radiological film of the chest; and the diseases accompanying silicosis such as bronchitis, emphysema, large heart, and right heart failure are not compensable and are regarded as non-industrial diseases. This is the point at which some inquiry should be made, because there is considerable divergence of opinion in other parts of the world as to what bases should be used for the compensation of these people.

First of all, I would like to read to the House the early symptoms of silicosis as laid down by a world authority—

> In the typical case of silicosis, the worker has been exposed for at least ten years, but usually much longer. The symptoms of his affliction are

> insidious; however, with simple nodular silicosis no symptoms are evidenced. The first symptom, dyspnea following mild exertion, may make no impression upon the silicotic who will often attribute it to "getting old." The next disturbance is that of a dry cough and this may be his reason for consulting a physician. A physical examination at this time usually reveals nothing of note. The x-ray films at this stage may show only a diffuse nodulation or, in addition, some diffuse but no massive fibrosis. This stage of symptomatology may be stationary over an indefinite period of time. However, with the passage of time and with continued exposure or, usually, the advent of tuberculosis, the disease progresses and massive conglomerate fibrosis develops. The dyspnea and cough become much worse.

The point I would like to make is that we see quite a number of men who are obviously in the early stages of silicosis, and because very little is revealed on their X-ray films they are not liable for compensation. At this stage they are possibly able to work, but quite a number of them are unable to carry on to the degree which is necessary if the work is to be accomplished in the ordinary manner. That creates a problem on its own.

I want to point out to the House, as I go along, the problems which arise and which would face a Select Committee in making an investigation into silicosis and its compensation. One of the greatest difficulties one encounters is in connection with the period of time in which an individual can make a claim. Since the passage of the last legislation I think we have become more confounded than ever.

I would like to stress that in bringing forward these facts I am not in any way reflecting on any Government which has had charge of this measure over the years. I think the matter has been both complex and difficult and many of us have felt completely frustrated in trying to do what is right and just for the miner and for the mineowner. I think the stage has been reached when a full-scale investigation should be made into these conditions.

I have wondered how far I should go in wearying the House with possible investigations into these conditions. Some authorities have at some stage or other pointed out the cohesion which exists between accompanying conditions of silicosis: how the blocking of the lungs by the silica will eventually produce other diseases of the respiratory system. They will produce a hypertension or increased tension affecting the lungs within the pulmonary area; and that will eventually be associated with an enlarging heart known as cor pulmonale and this is a condition which ends in heart failure and death.

I have seen all of these conditions in my time associated with miners. Bronchitis is one of the most common; and I can say quite definitely that, from my experience, bronchitis is much more frequent among coalminers and other miners than among ordinary citizens who live above ground. All over the world there are organisations trying to work out how to compensate for these conditions.

The Hon. W. F. Willesee: Would you say, in layman's language, that bronchitis is an aggravation of the common cold?

The Hon. J. G. HISLOP: Yes. It is a chronic disease brought about by congestion of the bronchial tubes, and, once established, is a continuing disease. Emphysema is where the lungs dilate. Members have seen the individual with the barrel chest, which cannot be expanded by inspiration. The individual concerned is desperately short of breath because there is no function or movement of his ribs, so his lungs do not inflate or deflate.

The Hon. R. Thompson: Is that where the cells break away—

The Hon. J. G. HISLOP: They all dilate and the mucous membranes disappear and thin out. I doubt whether I should weary the House with all these things. However, they do occur; and I think they could be investigated by a person who really knows this occupation as a lifelong job. I made a statement in this House on the 30th September, 1959 and it appears in *Hansard* Vol. 2 of 1959, page 1856. It is as follows:—

> The following paragraph from the journal of Industrial Hygiene and Occupational Medicine, going as far back as six years, states—
>
> > America's outstanding worker in this field, Dr. U. Le Roy Gardner, after his many years of intimate investigation of silicosis and diseases of the lung, strongly maintained to the very last that there is no such thing as partial disability in silicosis and that men did not become disable as the result of simple silicosis.

In other words, compensation should be paid for the pulmonary disability which follows as a result of the increase of silica in the body. At one stage I provided for the House the method of compensation used in South Africa; and earlier I provided the compensation which was granted in the United States of America and Canada; and in an amateurish way with a friend somewhat more gifted in languages than I we went through the journal of industrial health. We found that in France invalidity payment is determined by the type of sickness, age, general state, and physical and mental faculties, as well as professional qualifications and aptitude. This was not always used as

the official measurement of silicosis. At that stage they were at the point of making decisions on the matter.

In Germany the fifth rule of professional sickness has lowered the minimum silicosis compensation rate from 50 per cent. to 20 per cent. It is one of the interesting features of compensation that the number of actual cases of silicosis which one sees today is probably considerably less than one found years ago. This has been due to increased ventilation and preventive measures in the mines.

It is these accompanying diseases which are so difficult to assess in relation to their work. Germany had lowered the silicosis compensation rate from 50 per cent. to 20 per cent. Schneider agreed with this opinion, but said that the law, being fixed at 20 per cent. minimum compensation, had to be taken into account. A sickness from 20 to 30 per cent. had to be conceded to all the many cases of mild silicosis where the main trouble could be attributed to other pulmonary infections than silicosis.

From my reading of the journal, this means that they take these associated diseases into consideration in granting compensation. The difficulty of diagnosing the dependence between silicosis and bronchitis leads some to hold the opinion that pneumonia, bronchitis, and emphysem must be considered as one lone professional sickness of miners and, as a result, indemnified together as a whole even if the pneumonia is hardly visible or not even radiologically visible. The pneumonia referred to in the journal is pneumoconiosis.

In quite a number of other countries there is a tendency to associate these accompanying medical conditions as being compensable. Those are the things which should be considered by anyone undertaking an investigation of diseases among miners. One of the vast problems associated with the period in which to make a claim is that a considerable number of years may elapse between the time that a man leaves a mine with a clear X-ray, and later on when silicosis is discovered.

Tomorrow evening I hope, with the consent of the President, to be able to show members some films of the chests and lungs of miners afflicted in this way. I will produce a series of three films, one being of a man who left a mine 10 years ago with no radiological evidence of silicosis, but today there is presence of nodular silicosis.

A second problem arises when we look at the asbestosis side of pneumoconiosis. We find ourselves in a somewhat difficult position. Dr. O. A. Sander of Milwaukee, writing in the journal *Archives of Industrial Health* says that little attention should be paid to the first-stage diagnosis; that little, if any, disability has been shown to exist with the borderline stages. Workers may be kept at their jobs, but direct control should be improved. Persons under 40 should, when the diagnosis is clear-cut beyond the first stage, be moved to a non-dusty job. Where progression is seen on serial films, regardless of age, less dust exposure is clearly indicated and exceptions may be made if dust control is improved.

In a series of investigations in an industry where asbestos was being milled, it was found that there had been no cases of acute invalidity after 10 or more years' work in the asbestos area. Kenneth Smith said that an X-ray survey of 708 employees in a milling operation showed that the majority had normal patterns; that 10 or more years of exposure were necessary to produce X-ray changes; and that no cases of asbestosis were found among those who had worked less than 20 years under dusty conditions. The reason I say we are faced with a problem so far as our asbestos workers are concerned is that I have seen at least one man who reached the stage of being an invalid pensioner after only five years work in the asbestos mines.

It would appear it is quite possible that in that area we are dealing with a problem which combines asbestos and silica, and that these two irritant materials together are producing a much greater rate of invalidity in that part of the world than has been known in the areas of Canada and America to which the articles refer.

I have also seen an interesting case of an individual who mined for about four months in Italy prior to the war, and after the war worked in the asbestos mines here for some four or five years, and did some other more or less unimportant types of work, and who now presents marked silicosis without any evidence of asbestosis. So the position could arise, as I have said, that we are dealing with a difficult area where we have the double problem of asbestosis and silicosis. These two diseases thus make it necessary for expert investigation to be called for; and I do not think we can allow the conditions to continue if they can be remedied.

I have not been fortunate enough to act as an investigator in the mines at Wittenoom Gorge, but I have been told that considerable effort has been made to control the dust problem, but that it is still a problem.

The Hon. W. F. Willesee: It is very expensive.

The Hon. J. G. HISLOP: It will be very expensive, I should think. We might leave the more intricate problems alone at this stage, and we might go on to deal with the fact that our recent amendments

—those of last year and the year before —have produced a rather chaotic situation in regard to who is eligible for compensation and who is not. Individuals get conflicting letters asking them to produce certain evidence for the State Government Insurance Office, and then they are told they have no right to compensation. Then another question is asked of them, and when their replies are probed they find they still have no right to compensation. But the person whose letters I have in my hand was eventually granted 30 per cent. compensation. At no stage of this man's applications did he receive a certificate to state that he was suffering from advanced silicosis. He received form (1) as follows:—

> Take notice you are reported as having developed silicosis in the early stage and that further employment underground at a mine may be detrimental to your health. February, 1949; November, 1949; November, 1954; November, 1957.

Then at the end it states—"Receive 30 per cent. compensation." One would have thought there would be some increase in forms; and I realise, of course, that the forms which are provided and which show that a man is afflicted with silicosis to the point of being completely unable to work would be based on a type of X-ray film which leaves no doubt whatever that the individual could not do a day's work under any consideration; and therefore those people who show lesser degrees should remain on the early silicosis ticket.

But the question of compensation must surely not be considered in this case on the basis of giving a man a certain amount of money which soon runs out. It is very little use saying to a man, "You have 30 per cent. silicosis," and giving him £5 or £6 a week. That runs out within a short space of time and he receives no further compensation, and is still unable to work. Some form of continuing compensation for these people should be devised, and it should be on the basis of the Government, the miner, and the mine owner contributing; because, after all, when it comes to the question of Government contribution one must realise that this money which has been brought out of the earth—over £500,000,000 since the mines started—has conferred untold benefits on the whole of the people of the State. I for one would not begrudge any small amount I might be called upon as a single citizen to contribute to such compensation.

It is interesting to know that in South Africa—a conference on silicosis and its problems was held in 1959 in Johannesburg—a form of compensation was formulated and presented as coming from South Africa; namely, pneumoconiosis benefits under the new Pneumoconiosis Act.

In the first stage—and I need not bother reading the conditions of the first stage—a lump sum of £480, which would be sterling, would be given to the miner; in the second stage a monthly pension would be given to the miner and to his dependent children under 18 years of age. The miner would receive £12, his wife £3, and other dependants £1 10s., sterling. In the third stage the miner's pension would rise to £18, the wife's to £6, and the pension for each child would rise to £3. In the fourth stage the monthly pension would rise to £25 for the miner, £6 for the wife, and £4 10s. for each dependent child, making a total of £36 sterling a month. This would continue as a pension benefit during the rest of that man's life.

This journal also includes definitions of the various stages at which these pensions are available. That scheme seems to me to provide a much broader and better basis than the present granting of compensation on a percentage basis, as it is almost impossible to suggest what percentage of the invalidity is due to occupational disease and what percentage is due to non-industrial disease; because there is, as far as I can see, no basis whatever existing in the State on which to discuss the percentages apart from the appearance of the lungs from the X-ray film. Nothing is taken into account as to whether the patient's condition is accompanied by high blood pressure, a large heart, bronchitis, or any other disease. If nothing can be found on the film, or if the film is insufficient to diagnose that the man is suffering from silicosis, he receives no compensation. He may leave the mine and receive nothing, but be in great danger of acquiring advanced silicosis as the years go by. I do not think that is quite a fair way to compensate an individual.

What I have tried to do is very sketchily to emphasise that a person of vast experience in this disease is required to settle the problems that face every one of us. I have discussed case after case with my colleagues at the Chest Clinic, and I find them just as bewildered as I am in regard to what measures can be taken to assist these individuals.

The Mine Workers' Relief Fund makes the position a great deal more difficult than otherwise, because we have to explain to the miner that he only gets something back from the Mine Workers' Relief Fund if he has received compensation for his silicosis and the compensation has run out. He receives nothing whatever for the ancillary or accompanying diseases. A man's family are always distressed at such a condition, and it is extremely hard to explain the basis of it to them.

In order that this might be put on to a scientific basis, I intend to move an amendment to the motion. I think Mr.

Heenan's motion is a most commendable one, but I believe it can be improved by the amendment I suggest; namely—

> Delete all the words after the word "that" and substitute the words—
>
> this House requests the Government to appoint a Royal Commissioner (or Commissioners) with extensive overseas experience of the diagnosis of pneumoconiosis, and compensation of workers afflicted with pneumoconiosis, to inquire into the bases of diagnosis of pneumoconiosis, and compensation of workers afflicted with pneumoconiosis in Western Australia, and make any recommendations deemed necessary as a result of the investigation which should cover medical conditions associated with, and, or, subsequent to, affliction with pneumoconiosis.

We were very fortunate in 1960 to have a visit from Dr. G. W. Schepers of Dupont. He reviewed the conditions at Kalgoorlie; and I would like to couple with his name the names of some idividuals who, I think, might help us considerably in regard to the problems that face us.

The Hon. W. F. Willesee: Those of us on this side of the House have not a copy of Dr. Hislop's amendment. With due respect to the honourable member, I think we are entitled to follow him closely, and we would be able to do so if we had before us what is written on the page that he is reading from.

The Hon. J. G. HISLOP: I apologise for not having copies of my amendment available, but I did not think the motion would be brought on tonight. I received only short notice that it would come forward, and I wrote out my amendment as rapidly as I could.

Point of Order

The Hon. A. F. GRIFFITH: On a point of order, I do not desire to be obstructive; but I think that if Dr. Hislop has moved his amendment he should stop talking in order that you, Sir, might have an opportunity to state the question. I am quite prepared to accept the fact that he has not yet moved the amendment and that he will move it at the termination of his speech.

The PRESIDENT (The Hon. L. C. Diver): I point out to the Minister that Dr. Hislop is entitled to speak after he has moved the amendment; that in moving his amendment he can speak to it.

The Hon. A. F. GRIFFITH: With respect, Sir, Dr. Hislop is moving an amendment to the motion moved by Mr. Heenan, as I understand the position. Therefore it is not a substantive motion on its own account but merely an amendment to a motion on the notice paper.

The PRESIDENT (The Hon. L. C. Diver): He is allowed to speak to his amendment.

The Hon. A. F. GRIFFITH: After having moved it?

The PRESIDENT (The Hon. L. C. Diver): I was not aware that he had moved it.

The Hon. A. F. GRIFFITH: I have a copy of it; but again I do not want to be obstructive, but to keep this matter in its right perspective.

The PRESIDENT (The Hon. L. C. Diver): I would point out to members that Dr. Hislop, in moving his amendment, if he resumes his seat will not have any further opportunity of explaining the purpose of the amendment. Therefore, he must be given every opportunity to do so.

Debate Resumed on Motion

The Hon. J. G. HISLOP: For the information of members I would point out that the purpose of my amendment is merely to convert the appointment of a Select Committee into a Royal Commission. The wording of the amendment is much the same as that in the motion and has exactly the same objective.

Point of Order

The Hon. W. F. WILLESEE: On a point of order, Mr. President, may I ask that we at least have a short suspension to consider this amendment? This is an extremely important issue, and surely the members of this House should be allowed to acquaint themselves with the amendment that has been moved by Dr. Hislop.

The Hon. A. F. Griffith: It will not be proceeded with, anyway, this evening. The debate will be adjourned.

The PRESIDENT (The Hon. L. C. Diver): The amendment is not before the House at present, and I have not stated the question. When I have done so it will be competent for any member to move for the adjournment of the debate, and the amendment will then be printed on the notice paper for the next sitting of the House when all members can acquaint themselves with its contents.

The Hon. W. F. Willesee: Thank you, Mr. President.

Debate Resumed on Motion

The Hon. J. G. HISLOP: All I was trying to say in conclusion is that there are a number of individuals who are quite capable of giving us all the help that we require. I would just briefly select one or two names from those who were present at the South African conference to which I have referred, and on that note I will conclude. At the same time I will move the

amendment which I propose. The names of the persons who come readily to mind after reading through the names of those present at this conference are as follows:—

Dr. Rutherford T. Johnston, M.D.—Consultant in Industrial Medicine, University of California.

Seward E. Millard, M.D.—Director of Industrial Health, University of Michigan.

H. O. Jacobs, M.D., M.R.C.P.—Specialist Physician, Pneumoconiosis Bureau.

If more than one specialist physician were appointed, he could be accompanied, perhaps, by—

J. S. Harrington, Bachelor of Science, Ph.D.

Those two men together would make an excellent combination of specialist physicians. I propose to hand over this journal to the Minister at the conclusion of my speech so that he may peruse it at his leisure. I am merely suggesting the names of those men who, I feel sure, would be of real assistance to us.

Amendment to Motion

The Hon. J. G. HISLOP: I move—

That all words in the motion after the word "That" be deleted and the following words substituted:—

this House requests the Government to appoint a Royal Commissioner (or Commissioners) with extensive overseas experience of the diagnosis of pneumoconiosis, and compensation of workers afflicted with pneumoconiosis, to inquire into the bases of diagnosis of pneumoconiosis, and compensation of workers afflicted with pneumoconiosis in Western Australia, and make any recommendations deemed necessary as a result of the investigation which should cover medical conditions associated with, and, or, subsequent to, affliction with pneumoconiosis.

Debate adjourned, on motion by The Hon. A. F. Griffth (Minister for Mines).

House adjourned at 9.21 p.m.

Legislative Assembly

Tuesday, the 9th October, 1962

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