Legislative Council

Tuesday, the 22nd October, 1963

CONTENTS

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

QUESTIONS ON NOTICE

RAIL AND BUS SERVICES

First and Second Class Fares

1. The Hon. R. H. C. STUBBS asked the Minister for Mines:

(1) What are the first and second class fares, including sleeping berths where applicable for—

(a) single; and

(b) return

tickets for the following combined rail and bus services—

Perth to Kalgoorlie;
Perth to Norseman;
Perth to Salmon Gums;
Perth to Grass Patch;
Perth to Scaddan;
Perth to Gibson; and
Perth to Esperance

and for the following bus services—

Kalgoorlie to Norseman;
Kalgoorlie to Salmon Gums;
Kalgoorlie to Grass Patch;
Kalgoorlie to Scaddan;
Kalgoorlie to Gibson; and
Kalgoorlie to Esperance?

(2) Is an increase in these fares contemplated and, if so, what will be the new rates?

(3) Is it correct that goldfields workers' concessions will be discontinued?

Privilege Tickets

(4) (a) Is it correct that railway employees are debarred from travelling on road bus services when using privilege tickets?

(b) If so, why?

Increase in Fares

(5) Is it a fact that all fares will rise on—

(a) W.A. Government Railways;

(b) W.A. Government road bus services;

(c) (i) first class; and

(ii) second-class sleeping berths?

(6) If the answer to No. (5) is in the affirmative, what percentage increase will it be in each case?

The Hon. A. F. GRIFFITH replied:

(1)

	(a) Existing Fare				(b) Fare as from 1/11/63			
	Single		Return		Single		Return	
	1st	2nd	1st	2nd	1st	2nd	1st	2nd
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Perth-Kalgoorlie	4 15 0	3 3 4	9 10 0	6 6 8	5 10 5	4 1 6	8 16 8	6 2 3
Perth-Norseman	5 10 11	4 1 3	11 1 10	8 2 6	6 16 1	5 8 8	10 14 8	8 3 0
Perth-Salmon Gums	6 3 0	4 13 4	12 6 0	9 6 8	7 13 0	6 5 7	12 0 1	9 8 5
Perth-Grass Patch....	6 6 9	4 17 1	12 13 6	9 14 2	7 18 3	6 10 10	12 7 11	9 16 3
Perth-Scadden	6 10 1	5 0 5	13 0 2	10 0 10	8 2 11	6 15 6	12 14 11	10 3 3
Perth-Gibson	6 13 5	5 3 9	13 6 10	10 7 6	8 7 7	7 0 2	13 1 11	10 10 3
Perth-Esperance	6 16 11	5 7 3	13 13 10	10 14 6	8 12 6	7 5 1	13 9 4	10 17 6
Sleeping Berths	1 1 0	11 0	2 2 0	1 2 0	1 5 0	*15 0	2 10 0	*1 10 0

* 4-berth Compartment. If berth occupied in 2nd Class 2-berth Compartment the charge will be £1.

	Single	Return	Single	Return
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Kalgoorlie-Norseman	1 6 6	2 13 0	1 17 1	2 15 8
Kalgoorlie-Salmon Gums	1 18 7	3 17 2	2 14 0	4 1 0
Kalgoorlie-Grass Patch	2 2 4	4 4 8	2 19 3	4 8 11
Kalgoorlie-Scadden	2 5 8	4 11 4	3 3 11	4 15 11
Kalgoorlie-Gibson	2 9 0	4 18 0	3 8 7	5 2 11
Kalgoorlie-Esperance	2 12 6	5 5 0	3 13 3	5 9 11

(2) An increase in fares will operate as from the 1st November, 1963, but in some instances the new return fares will be cheaper than at present.

(3) The present goldfields workers' concession is confined to return tickets and the fare is assessed on the basis of single fare plus one half. The new return fares, in effect, provide a similar concession which is available to everybody purchasing a return ticket.

There will, however, be a further concession to goldfields' workers as well as women's and children's excursion fares. The details will be announced before the new scale applies on the 1st November, 1963.

(4) (a) No. Railway employees in possession of privilege tickets are entitled to travel on both rail and road services without restriction.

Answered by (a) above.

(5) (a) and (b) Yes. A general increase in fares will operate from the 1st November, but in some instances the return fares will be cheaper than at present.

(c) (i) and (ii)—Yes.

(6) (a) Country—1st single approximately 24%, 2nd single approximately 38%, 2nd return approximately 4%.

(b) Single—29%.

(c) (i) 18%.

(ii) Approximately 36% 4-berth, 80% 2-berth.

In regard to (a) and (b) in the overall, first return rail tickets have been reduced by 1% and road bus return tickets by 3%.

SALMON GUMS RESEARCH STATION

Installation of Electric Power Generating Plant

2. The Hon. R. H. C. STUBBS asked the Minister for Mines:

(1) As the Salmon Gums Research Station is not equipped with an electric power generating plant and to enable the more efficient running of the station, plus the added comfort of employees in being able to install various electric household labour-saving devices such as refrigerators and washing machines, will the Minister give very early consideration to installing the necessary electric power generating plant?

(2) If the answer to No. (1) is "Yes", when is the plant likely to be installed?

The Hon. A. F. GRIFFITH replied:

(1) The benefits which would obtain from the provision of electricity at the Salmon Gums Research Station are fully appreciated. Several stations do not yet have this facility but these are being equipped as funds become available. In the current financial year, items of high priority have fully absorbed available funds.

(2) Answered by No. (1).

KALGOORLIE-ESPERANCE BUS SERVICE

Increased Daily Service

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

Further to my question on Tuesday, the 15th October, relating to the Kalgoorlie-Esperance road bus service—

(a) when did this service commence;

(b) what was the daily average number of passengers each quarter from commencement; and

(c) what has been the daily average since the 30th June, 1963?

The Hon. A. F. GRIFFITH replied:

(a) On the 26th April, 1962.

(b) Up to the 30th June, 1962 .... 34.1
30th Sept., 1962 .... 31.8
31st Dec., 1962 .... 32.1
31st Mar., 1963 .... 43.2
30th June, 1963 .... 29.3

(c) 29.7.

DISEASED ANIMALS

Prevention of Entry

4. The Hon. G. C. MacKINNON asked the Minister for Mines:

(1) What Federal and/or State department is responsible for policy with regard to animal quarantine and prevention of entry of diseases at—

(a) airports;

(b) shipping ports; and

(c) State boundaries?

(2) What Federal and/or State department is responsible for carrying out the work involved with regard to animal quarantine and prevention of entry of disease at—

(a) airports;

(b) shipping ports; and

(c) State boundaries?

Destruction of Waste and Sterilisation of Infected Articles

(3) What facilities exist for the destruction of waste and sterilisation where necessary of articles entering Australia at—

(a) airports;

(b) shipping ports; and

(c) State boundaries;

when such articles could possibly carry animal disease?

The Hon. A. F. GRIFFITH replied:

(1) (a) and (b) The Commonwealth Department of Health is responsible for general policy with regard to animal quarantine, and the importation of animals and their products from overseas into Australia, either at shipping ports or airports, is governed by the requirements of the Commonwealth Quarantine Act and regulations. Policy matters are discussed and formulated by the Commonwealth Director of Hygiene, together with State Chief Veterinary Surgeons acting in their capacity of Chief Quarantine Officers (Animals).

(c) The prevention of entry of animal diseases into Western Australia from other Australian States is a matter of State policy.

(2) (a) and (b) State veterinary services acting on behalf of the Commonwealth are responsible for carrying out necessary work with regard to animal quarantine and the prevention of entry of animal diseases from overseas. These activities are confined mainly to airports, and shipping ports, and in particular to those which are declared "first ports of call".

(c) The Animal Division of the Department of Agriculture is responsible, under the Stock Diseases Act, for quarantine and the prevention of entry of disease into Western Australia from other Australian States.

(3) (a) and (b) Waste food products such as garbage aboard overseas vessels and aircraft may not be landed into Australia. All foodstuffs of animal origin aboard overseas aircraft are, for example, seized at the first port of call, e.g., Perth Airport, and incinerated there. Ship's garbage on overseas vessels at Fremantle or other Western Australian outports may not be brought ashore, but must be landed into barges which are later towed out to sea, under the direction of the Harbour Master, where the garbage therein is dumped. Such articles of animal origin as may be permitted to enter Australia, subject to disinfection or sterilisation, can be so treated at the Animal Quarantine Station, Bicton.

(c) Articles of animal origin permitted to enter Australia from overseas may only do so at certain prescribed ports; it is thus not possible for such articles to pass State boundaries prior to their being cleared at these prescribed ports of entry.

INFANT MORTALITY

Number, Causes, and Localities

5. The Hon. R. H. C. STUBBS asked the Minister for Mines:

(1) Is it a fact that the infant mortality rate in Western Australia was 22.3 deaths per 1,000 live births during the year ended the 30th June, 1963?

(2) Is there any record of how many deaths were—

(a) aboriginal; and

(b) white

children; and, if so, what are the figures?

(3) To what causes were the deaths attributable?

(4) What districts or towns were concerned?

The Hon. A. F. GRIFFITH replied:

(1) to (4) This information is being compiled by the Government Statistician and will be made available to the honourable member when prepared.

MOORE AND AVON RIVERS

Catchment Area, and Annual Rainfall

6. The Hon. A. R. JONES asked the Minister for Local Government:

With regard to—

(1) the Moore River; and

(2) the Avon River

will the Minister advise—

(a) the total known or estimated catchment area;

(b) the average annual rainfall over the catchment area;

Expenditure to Improve Flow

(c) the total expenditure incurred by the Government in draining, snagging, and generally improving the flow of the river; and

(d) the expenditure, known to the Government, incurred by local government authorities in draining, snagging, and generally improving the flow of the river through their particular territories?

The Hon. L. A. LOGAN replied:

(a) The total known catchment areas located upstream of the improved sections of the rivers are as follows:

(1) Moore River—2,340 square miles.

(2) Avon River—18,950 square miles.

(b) The average annual rainfall over the catchment areas is:—

(1) Moore River—17 inches.

(2) Avon River—14 inches.

(c) Total expenditure incurred by the Government:—

(1) Moore River—£4,183.

(2) Avon River—£23,929.

(d) Expenditure, known to the Government, incurred by local authorities by way of maintenance of sections improved by the Government:

(1) Moore River—£1,510.

(2) Avon River—£1,800.

MAYLANDS AERODROME

Future Use

7. The Hon. H. R. ROBINSON asked the Minister for Town Planning:

(1) Will the Minister advise if a decision has been made in connection with the future use of the Maylands Aerodrome and whether it is intended to vest the area in the Shire of Perth for recreational purposes?

(2) If not, will the Government give consideration to the temporary use of the David Gray & Co. Ltd. hangar by the Maylands Youth Centre and the Maylands Basketball Club?

The Hon. L. A. LOGAN replied:

(1) Plans for the future use of the aerodrome are under consideration, but have not yet been finalised.

(2) The buildings which are being acquired by the State are required for governmental purposes. Remaining buildings are not required by the State; and whether or not one of these could be made available for temporary use by the Maylands Youth Centre and Basketball Club, is a matter for consideration by the Commonwealth Property Officer.

DIPHTHERIA, WHOOPING COUGH, AND TETANUS

Number of Deaths

8. The Hon. R. H. C. STUBBS asked the Minister for Mines:

How many deaths have been caused by—

(a) diphtheria;

(b) whooping cough; and

(c) tetanus

for each of the last ten years?

The Hon. A. F. GRIFFITH replied:

1953-1962—

Year	Diphtheria	Tetanus	Whooping Cough
1953	1	6	8
1954	3	8	1
1955	6	5	—
1956	1	10	3
1957	1	3	—
1958	—	4	—
1959	1	2	7
1960	—	6	5
1961	—	2	—
1962	1	2	—

SALMON GUMS RESEARCH STATION

Deficiencies in Housing and Machinery

9. The Hon. R. H. C. STUBBS asked the Minister for Mines:

In regard to the Salmon Gums Research Station—

(1) Is the Minister aware that—
  (a) the houses are badly in need of repairs and renovations;
  (b) the outhouses need attention;
  (c) there is a lack of machinery such as plow seeders for use on new land, particularly to carry out trial plots?

(2) Will the Minister advise—
  (a) when the research station was established;
  (b) the annual turnover of manpower since commencement;
  (c) the nature and age of plant and equipment;
  (d) whether it is intended to purchase any new equipment and plant in the near future; and
  (e) whether the houses have been provided with apparatus for the bacteriolytic treatment of sewage?

(3) Will the Minister investigate the matters mentioned, with a view to rectifying any deficiencies?

The Hon. A. F. GRIFFITH replied:

(1) (a) and (b) Funds for complete repair and renovations of all quarters and farm buildings and provision of septic lavatories in quarters were provided on this year's Estimates, and the Public Works Department advises that tenders will be called on the 5th November next.

(c) Answered by No. (2) (c).

(2) (a) 1926.

(b) Details of turnover of manpower since commencement are not available.

Over the past five years two managers have been appointed, and one of these has been transferred to another research station.

Twelve wages employees have been engaged and 10 have ceased employment. These figures do not include staff from the Esperance Downs Research Station and temporarily allotted duties at Salmon Gums.

(c) The station carries a range of farming machinery and equipment suitable for its functioning. Most of the machinery is modern: a considerable amount has been purchased within the past five years.

New equipment and plant is provided as required. Since the 1st July, 1958, the following has been supplied—

Chamberlain 14 disc plough.
Air compressor.
4-wheel trailer.
3-ton truck.
Grain silos and auger.
10 ft. header.
Shearing shed.
Workshop.
Reticulation of water to homestead.
35 h.p. tractor.
4-furrow disc plough.
4-farrow mouldboard plough.
12-run disc drill.

The last four items are supplied as semi-mounted machinery for use mainly on experiments.

(d) New plant is ordered as required. A grader blade and shearing plant will shortly be supplied.

(e) Answered by No. (1) (a) and (b) above.

(3) The matters mentioned had previously been investigated and arrangements made for deficiencies to be rectified.

SUPPLY BILL (No. 2), £22,000,000

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [4.49 p.m.]: I move—

That the Bill be now read a second time.

This is the customary Bill introduced as the funds provided from the initial Supply Bill become depleted, and pending the passing of the Estimates now under consideration in another place.

Of the £18,000,000 made available under the first Supply Bill for the Consolidated Revenue Fund, £15,759,000 has been expended, and General Loan Fund expenditure amounting to £4,036,000 has been met from the £5,000,000 allocated for expenditure under the General Loan Fund

A further sum of £4,731,000, in addition to this amount, has been expended from the Consolidated Revenue Fund on services which are authorised by State Acts. Such services include interest payments, pensions paid to retired employees, and other commitments of a continuing nature.

It has transpired that after taking into account total disbursements of £20,490,000 from the Consolidated Revenue Fund and allowing for revenue collections of £20,121,000, a deficit of £369,000 has been incurred in the first quarter of this financial year. This is in accordance with Budget expectations.

The purpose of the second Supply Bill now before the House is to grant to the State for a continuation of necessary services, an amount of £22,000,000. This is identical with the amount sought when the corresponding Bill was introduced last session. Of this amount, £17,000,000 is for the Consolidated Revenue Fund and £5,000,000 for General Loan Fund expenditure.

Debate adjourned, on motion by The Hon. J. Dolan.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.51 p.m.]: I move—

That the Bill be now read a second time.

The Bill before the House provides for certain amendments to the Local Government Act, and members of this Chamber may expect further Bills from time to time because local government is by no means static, but is rapidly changing, just as conditions in the State are changing, and this makes it necessary that amendments should be made to meet changed conditions, or to provide for the alteration of provisions which have been found to be faulty.

There is nothing contentious in the Bill, and it is possibly a Committee measure rather than anything else. Briefly, the amendments which are contained in the 33 clauses of the Bill may be summarised as follows: The first amendment is simply a machinery alteration in clause 2 to provide in the section dealing with the division of the Act into parts for a change in the numbering of the sections.

The next amendment is to provide that where a local authority has changed its status from a shire to a town, or *vice versa*, or a shire has become a city, the council may continue to use the system of electing the mayor or president which was in operation before the change of status. This amendment is considered desirable in that an authority may wish to change its status, but does not consider it advisable to change the method of election.

Then follows an amendment to meet requests from local authorities that the council should have the right to supply a copy of the roll to each member of the council, free of charge, and, likewise, to each candidate standing for election. This is considered reasonable; and, in most cases, councils have ample copies of the rolls so that there is not actual additional expense.

A further amendment is perhaps an important one, dealing as it does with the persons who are authorised to witness absent votes for local government elections. At the present time the right to act as a witness is confined to certain specified persons, but Assembly electors are permitted to act in all districts north of the 26th parallel, and also in other districts to which the right to do so has been extended by the Governor. The new amendment will permit Assembly electors to act as authorised witnesses anywhere in the State without any order from the Governor.

The next amendment is an important one. It has been requested by the Local Government Officers' Association, and is supported by the associations representing the councils. It is to extend to traffic inspectors the same right of appeal as is at present provided in the Act for town and shire clerks, engineers, treasurers, and building surveyors.

Traffic inspectors, by reason of the type of their duties, must at times come into collision with members of the councils, or their relations; and unfortunately cases do occur where, perhaps because of the lack of tact on the part of the traffic inspector, but also because of the natural reaction to the threat of legal proceedings on the part of councillors, it has been found that officers doing this work have been dismissed from their positions.

The Hon. G. Bennetts: You are right there.

The Hon. L. A. LOGAN: It is therefore considered just and reasonable that they should be given the right of appeal and, as a result, section 158 is to be amended to ensure that they do enjoy this right.

A further amendment is to meet the request of the Country Shire Councils Association, and I might also add, Mr. Abbey, that where a mayor or president is elected by the councillors he shall have a deliberative vote, but no casting vote, in contradistinction to the position of a mayor or president elected by the electors who has a casting vote only, and no deliberative vote. The shire councils consider that as under the system of election of the president from among the councillors the person concerned represents a ward, the fact that he cannot exercise a deliberative vote when he is chosen as president means that his ward, and the electors of that ward, are deprived of the opportunity of adequately expressing their views in the council.

There is something to be said for this point of view and, even though it means there will be two different systems of procedure for the chairman of a meeting of a local government council by making this amendment, I nevertheless feel that in the interests of harmony it is desirable.

The next amendment provides power for a council, when appointing members of a standing committee, to appoint deputy members who can act when the permanent member is absent. The deputy, however, cannot act unless he is requested to do so by the person who is his principal.

The amendment following that is on similar lines and is in connection with advisory committees which are authorised under section 180, and the next amendment again is a similar one in respect of managing committees which are authorised by section 181.

There is a further amendment to correct a drafting error in the original legislation by merely changing the reference.

The next amendment is another one which is of importance to the farming community. At the present time local authorities, under section 281, are entitled to take gravel from a property for use within one mile of a spot where the property is entered, without having to obtain the consent of the owner. The council must, however, pay compensation for the gravel taken, provided it is the property of the landowner, but is not required to pay compensation in the form of an actual payment for the gravel itself in respect of the gravel which is used to repair the section of road abutting on the property from which the gravel is taken.

It is considered that this is unfair to the landowner concerned and that the community at large, which in this particular case must be regarded as the shire council, should be called upon to pay for all the materials taken for road construction. The landowner has his land damaged by the removal of the gravel and, as this is for the benefit of the community, the community should pay. The amendment, therefore, is to provide the right to compensation, and the value of the gravel taken, irrespective of whether it is used to repair the road abutting on the property or otherwise. The one-mile restriction, of course, will still apply.

The next amendment is in relation to the declaration of public streets, and provides that where a private street has had uninterrupted use for a period of not less than 10 years, the council may request the Governor to declare it a public street, and the Governor may do so.

If the owner of the street has permitted the public to use that street without let or hindrance for a period of at least 10 years, then it must be conceded that he has abandoned his right to regard the land in question as a private possession. Hence the council should be able to have the street made definitely a public street so that there can be no longer any question as to control.

The following amendment relates to subdivisions of land and is intended to tighten up a gap in the present legislation. Where a person subdivides land he is required to construct the streets before the lots can be sold, but if he chooses to sell the whole of the subdivision to some other person, then it has been stated that it is very doubtful whether the purchaser could be compelled to construct the roads as this was purely a matter for the original subdivider. The amendment, therefore, is to ensure that this gap will no longer exist, and a purchaser will be under exactly the same obligations as the original subdivider.

The next amendment is to correct a misspelt word. Following this there is an amendment dealing with that section which authorises the council to provide in the streets certain amenities such as trees, tree guards, kerbing, flower gardens, statues, etc., and traffic devices; and advice has been received by the Local Government Department that a council could be held liable, even though there was no negligence, because the question of what "unduly obstructs the thoroughfares" is always a matter of opinion. The amendment, therefore, is to delete the reference to the need for the amenities concerned not unduly to obstruct the thoroughfare.

This means that the council will then be authorised to provide these amenities in the streets without the fear of an action for damages, unless the council can be shown to have been negligent. In the case of negligence no protection will be given to the council, but the amendment will ensure that the council is not mulcted in damages simply by providing an amenity.

The next amendment is a corollary to an amendment made to section 364 in 1961, which provides that in certain districts which the Governor has specified in an order, right to compensation for removal of buildings behind a newly declared building line does not arise until the council

orders the demolition of the buildings in front of the building line. It has been suggested that although the Governor has an implied power to issue the order, there is no specific power; and the purpose of the new amendment is to provide that power as specifically as possible.

A further amendment deals with delays by councils in passing plans for buildings, or in refusing to approve plans for buildings. Cases have occurred in which the council has simply failed to say Yes or No., and the person wishing to build has therefore been unable to lodge an appeal; because the appeal could not be lodged until the council had, in fact, refused to approve.

The new amendment, therefore, is to ensure that when a plan has been submitted to the council, the council must make a decision one way or the other within 35 days, and if it does not do so the applicant may demand a decision within 14 days. If at the end of that extra 14 days the council has still not approved of the plans, it shall be deemed to have refused to approve, and the person concerned could then exercise his right of appeal.

Encroachments on streets by owners of adjoining buildings is dealt with in the next amendment, which faces up to the fact that there are certain decorative treatments on buildings which, although protruding beyond the face of the buildings for a small distance, and therefore protruding into the street, could not be regarded as encroachments in the true sense of the law, because they are always well above the level of the road. The amendment, therefore, proposes to allow the Uniform General Building By-laws to authorise some degree of encroachment in the form of projections on buildings, and it makes it clear that decorations such as string courses, cornices, copings, etc., projecting not more than 9 in., are not to be regarded as encroachments.

The next three amendments are to simplify the procedure of councils dealing with dangerous, neglected or dilapidated buildings. At present, after having served an order on the owner, if the council wishes to go any further, it must publish an advertisement in a newspaper and in the *Government Gazette*, and if the owner still fails to take action the council may then proceed to take the matter to court. The owner, of course, has the right of appeal to referees.

In order to reduce the cost of dealing with this matter, the amendment to sections 403, 408 and 409 provides that notice may be served on the owner and the occupier by registered post, and a copy of the notice affixed on the outside of the building. It is considered that this will afford ample cover to the owners and occupiers of the land, and certainly will reduce the expenditure of the councils.

The Bill also seeks to amend section 433 of the Act, which authorises the making of building by-laws. The proposal is to give a definite and specific power to make by-laws limiting the number of buildings that may be built on a prescribed piece of land and the extent to which that area may be built on. In other words, to provide for coverage restrictions and plot ratios. This power may be implied in some of the other paragraphs of the section, but it is thought wise to make it quite definite.

The next amendment in the Bill is to assist local authorities in the country to encourage builders, chief of whom would be the State Housing Commission, to build houses in the district for letting. Very often councils are of the opinion that if the State Housing Commission would provide a few houses, those houses would rapidly be let, but the State Housing Commission is not prepared to take the risk. It is therefore proposed to amend section 513 so that the council could give a guarantee to a builder, such as the State Housing Commission, in order to encourage the erection of the buildings, and could make up any deficiency from its municipal fund. This power has been requested by a number of country local authorities and it is considered desirable that they should have it.

A further amendment relates to ratable land and is to clear up a doubtful point. The amendment provides that where the term "occupied" is used, this means that the land is actually occupied and not simply deemed to be occupied by the owner simply because there is no other person in occupation. There have been quite a few cases where doubts have been expressed as to whether a property was properly ratable or otherwise, because it is required as a prerequisite of exemption that it should be unoccupied, and it was suggested that as the Act, by section 6, provides that the owner is the occupier of land where there is no other occupier there can, in fact, be no such thing as unoccupied land. This amendment will clarify that point.

Provision is made in the measure to correct a mistake in section 538. It is also sought to amend the Act in relation to the occupancy of land, and to the rates imposed on land occupied by pensioners. As all members of this Chamber are aware, pensioners are not required to pay rates on the property which they own and occupy. Cases often occur, however, where a pensioner resides on one piece of land and has other allotments in the town or district which he does not physically occupy, and it is considered unreasonable that this land should be held out of public use and rates allowed to accumulate, particularly as in the case of vacant land the rates could amount to more than the land is worth if they were permitted to accumulate for a long time. The amendment is therefore to provide the exemption from

rating only in respect of land which the pensioner actually occupies, i.e., which he physically occupies to the substantial exclusion of other persons.

The next amendment is to correct a printing error; while the next provides for a single debenture in respect of loans. The Act already allows the use of a single debenture, but it is considered desirable that a form of debenture should be prescribed, and the Act at present makes no authority for prescribing such a form. The amendment will permit the form to be prescribed.

A further amendment is to give a council definite power to invest, either for short term or long term, its trust funds or other moneys which are for the time being surplus to the council's requirements.

The next amendment seeks to bring section 660 into line with the provisions of the Limitation Act, by permitting a judge to allow an action against the council, even though the notice may not have been given or the action commenced within the prescribed time, if the judge is satisfied that there is a good excuse for failure to give the notice, or commence, or that in any case the council is not prejudiced by the failure.

A further amendment makes it quite definite that if a person drives a vehicle on a street which is closed for repairs or in other ways damages the surface of any street, he commits an offence for which he may be prosecuted.

The final amendment is to ensure that persons applying for absent votes specifically declare that they are natural born or naturalised British subjects. The existing forms omitted this provision, and experience has shown that it is necessary to ensure that persons not entitled to vote are not enabled to obtain an absent vote.

The Hon. R. Thompson: What about sections 45 and 105?

The Hon. L. A. LOGAN: They are all right if they are carried out in the right way.

The Hon. R. Thompson: Don't you believe it.

The Hon. L. A. LOGAN: If the shire clerk does his job, they will be all right.

Debate adjourned until Tuesday, the 29th October, on motion by The Hon. J. D. Teahan.

BILLS (2): RECEIPT AND FIRST READING

1. Totalisator Agency Board Betting Act Amendment Bill.

   Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

2. Government Railways Act Amendment Bill.

   Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

RURAL AND INDUSTRIES BANK ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [5.10 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to authorise the Commissioners of the Rural and Industries Bank of Western Australia to issue and handle debentures in the current manner. This would facilitate the bank making further contributions to the State's progress. An important one of these nowadays is in the field of housing. The Bill also provides for the issuing of inscribed stock.

Another matter dealt with in this legislation has to do with the bank acting as agent for the State Government. This is of particular importance at the moment for the reason that the bank is associated with current negotiations as the nominee of the Government with the Midland Railway Company of W.A.

It has invariably been accepted through the institution of delegated agencies that the bank can act as agent for the Government in its Government agency department. It has transpired nevertheless that the limitations of delegated agencies are restrictive to the point that it is now considered desirable to amend sections 46 and 70 of the principal Act in order to permit the bank to act as nominee or agent for the Government in either the rural or the agency department.

Opportunity is also being taken along parallel lines to permit the bank to act as nominee or agent for any customer or person and to hold property on trust for such person. The passing of these amendments would give the Rural and Industries Bank clients similar facilites to those available to customers of the trading banks.

Mention was made earlier of debentures. These and the interest coupons, which are usually attached to them, constitute bearer documents. All the risks and disadvantages of such documents go with them. The modern investor prefers to have his investment recorded in registers set up for this special purpose. He is satisfied to know that he has what is termed inscribed stock. As with debentures, inscribed stock can be negotiated on the Stock Exchange. It enjoys the same terms, interest rates, etc., as the associated or relative debenture issue. There is set out

in the second schedule of this Bill the manner in which it is proposed that debentures and inscribed stock be issued, transferred, and redeemed by the bank.

Section 26 of the Act limits the bank's funds to £12,000,000. The debentures or inscribed stock which the bank is to issue in fulfilment of the Government's negotiations with the Midland Railway Company would certainly mean that this now outdated ceiling of £12,000,000 would be exceeded.

The main source of the bank's funds arises from appropriations by Parliament. This measure proposes a second source, namely, the raising of debentures or inscribed stock. These may not be raised without the consent of the Governor in Executive Council. Consequently, with such a large and effective measure of control in the hands of Parliament, or the Governor, any ceiling figure is now considered to be redundant and should be abolished.

Despite interbank borrowing being an established and commonplace practice, the Rural and Industries Bank Act does not give power to the commissioners to borrow from another bank. It would be in the interests of the Rural and Industries Bank to be enabled to borrow from the Reserve Bank in exactly the same manner that trading banks do. This is considered desirable and the granting of such power is included in this measure.

In actual fact, such borrowings would generally be of a very temporary nature. The need would arise from a necessity to keep all funds gainfully employed on a day-to-day basis. It is proposed to enable the commissioners to conduct the bank's business on these lines.

The reason for the deletion of the interpretation of "Minister" in section 6 of the Act arises out of its redundancy, because the term "Minister" is adequately defined in the Interpretations Act. Officers of the Crown Law Department have suggested this amendment.

The Rural and Industries Bank is an important factor in the State's home finance set-up. The substantial funds which the bank has already made available for home building have stimulated the building trade and widened the outlet for building materials.

Up to date the Government has been associated with the bank in several one hundred small-home plans. The four schemes so far have resolved the problems of no fewer than 417 former home seekers. The bank has lent £8,560,000 over the past six years for the building, acquisition or renovation of homes. This Bill is commended to members for their earnest consideration, bearing in mind that the Commissioners of the Rural and Industries Bank consider that if they have access to more funds from the public, they will be able to assist home building and the building industry to an even greater extent.

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

IRON ORE (HAMERSLEY RANGE) AGREEMENT BILL

Second Reading

Debate resumed, from the 17th October, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North) [5.15 p.m.]: The Bill before us is primarily one for ratification of an agreement which was signed on the 30th July this year. Because of the parliamentary system which obtains in Western Australia, such ratification is formal and any comments which are made on the Bill are merely by way of approbation or seeking information, depending on the tone of the remarks made.

The overall picture of the agreement is the ultimate integration of iron ore into steel. This is a very long-term view and, according to the Minister's explanation, covers five stages of development involving an expenditure of many millions of pounds. It is no doubt a fact that the potential of the Pilbara fields will, in the long run, be proved; that is, with regard to the actual location of the minerals and the quantities, together with the mechanisation which would be necessary for ultimate integration. It seems that the fields are very rich. This is proved by the fact that the figure which is being aimed at for the commencement of production is 3,000,000 tons per annum.

As a layman, I assume that the biggest problem at the moment would be the difficulty experienced in selling the iron ore in a market which is growing almost daily. It seems that throughout the world iron ore has been found in unthinkable quantities compared with that discovered 10 years ago. The proximity of these fields to Japan will be an advantage in the ultimate sale of the iron ore; and, of course, the large deposits within the fields lend themselves to large-scale economies which would prove an advantage when bargaining takes place, which is almost at an international level.

One of the biggest problems in relation to this agreement would be in locating a port of sufficient depth to accommodate the vessels as listed by the Minister, these being of 100,000 tons capacity. The proximity of the port to the site of extraction is important because the closer it is to the site the better. We must also realise that the cyclones present a problem in the overall planning of this organisation.

I was interested to read in the agreement the reference to coking coal being available to the company. The point was brought out in the agreement that this was a natural advantage to the company, and I am sure that it will make use of it. I was also interested and pleased to realise that Western Australians will be able to participate in providing capital at a later and appropriate stage of the proceedings. I assume that not only Western Australians will be able to participate, but so also will Australians from all over the continent, even if it only consists of small unit holdings.

Although we know that the reward from this project may in the long term be great, I was interested to read the following extract from an article, dealing with this agreement, which appeared in *The West Australian* recently:—

EXPENDITURE

Under the agreement, Hamersley Iron would spend a minimum of:

- £800,000 by the end of next year on investigations and planning for the the export of 1,000,000 tons of ore a year. It had already spent more than £500,000 this year.
- £30,000,000 on all facilities necessary for ore exports, which must begin by the end of 1967. These would include a port capable of accommodating 100,000-ton ore carriers, a railway and towns.
- £8,000,000 on a secondary processing plant to treat 2,000,000 tons of ore a year before export. The plant must be planned within ten years of exports beginning and ready for production two years after that—by 1979 at the latest.
- £40,000,000 on an integrated iron and steel industry with a production capacity of at least 1,000,000 tons of steel a year. Complete plans must be presented within 20 years of the first exports and be ready for production within a further five years.

Therefore, in all probability, in 1967 there will be an export industry; in 1979, secondary processing; and in 1992, integration.

It must be realised that, with the projected expenditure of such a vast sum of money, a good deal of planning and work will be involved during the course of which a tremendous amount of knowledge will be gained.

On page 26 of the agreement is a reference to a royalty of 1s. 6d. being made on fines not being locally used ore. It occurred to me that 1s. 6d. was probably the figure taken from the B.H.P. agreement which was made many years ago and that it seems a small amount to be imposed when taking into consideration the devaluation of the pound that has occurred over the last few years. However, the price has been arranged and nothing can be done about it; but I merely mentioned it because this figure has been the standard for quite a long time.

The provisions of section 96 of the Public Works Act will not apply to this agreement at present and I can see that we can do nothing but concur in this, because no one knows yet where the port will be located, and until we can get a line from A to B—A being the ore site and B being the port site—it would be physically impossible to produce any sort of a plan concerning a railway.

I also note that subsection (5) of section 227 of the Mining Act will not apply. Mr. Strickland made some reference to this and I have no doubt that further reference will be made to it later.

The Hon. A. F. Griffith: On labour conditions?

The Hon. W. F. WILLESEE: Yes. I consider that the companies concerned in the Pilbara field are very capable and have great resources. From what I have seen, I believe that if anyone could make a success of the project being undertaken, it would be these people. One can only wish them well. Now that we know there are great ore deposits in the area, I see no point in allowing them to remain idle. Who knows, but some years from now they may not be of any value? Therefore it is a matter of making haste and striking while the iron is hot. I feel sure these companies will continue the good employer-employee relationship which has existed up to date, and the high standard will be maintained. I congratulate the Government and the company on having made the agreement.

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

HALE SCHOOL LAND

Minister's Action on Subdivision: Motion

Debate resumed, from the 9th October, on the following motion by The Hon. F. J. S. Wise (Leader of the Opposition):—

> That this House deplores the action of the Minister for Town Planning in connection with the Hale School land subdivision at Wembley Downs in reversing the established requirements of subdividers, and in so doing overriding the Town Planning Board, and acting against the views and desires of Perth Shire Council, Wembley Downs Civic Association, and Wembley Downs Parents and Citizens' Association, and against the public interest in the matter of provision of adequate public open space.

THE HON. L. A. LOGAN (Midland—Minister for Town Planning) [5.27 p.m.]: I believe that I have been in public life long enough to appreciate that when a man takes on responsibility, particularly as a Minister of the Crown, certain of his decisions and actions will be open to criticism; and with that one can find no fault. But if, in that criticism, one's name, honesty, and integrity are challenged, as mine were on this occasion, then one has every right to object—and I object very strongly. I can hold my face to anyone in this State or the world without fear that anyone can prove my integrity has been at fault. Therefore, I object to such statements being made in regard to my honesty and integrity.

I think I might also complain about the tactics used. Not satisfied with moving such a motion in this House—there must have been an anxiety to gun me and have a crack at me—the same motion was moved in another place where I was not in a position to defend myself. One might call it a case of stabbing one in the back. Mr. Wise spoke for over an hour, I think, in this House on the motion. I would say that he must have been a very disappointed man next morning when he opened the newspaper to find his colleague had stolen all the publicity, and he did not get any.

The Hon. F. J. S. Wise: That doesn't worry me.

The Hon. L. A. LOGAN: His colleague made sure he did not get any publicity.

The Hon. F. R. H. Lavery: You mean, the editor made sure.

The Hon. F. J. S. Wise: Publicity never worries me.

The Hon. L. A. LOGAN: Under ordinary circumstances, whilst Mr. Wise was talking here the Press could have been making a note of what he was saying. Had the Orders of the Day been followed in another place, Mr. Graham would not have had the opportunity to speak when he did.

The Hon. F. R. H. Lavery: You are casting a reflection on another place.

The PRESIDENT (The Hon. L. C. Diver): I would draw the Minister's attention to the fact that he is on very thin ice.

The Hon. L. A. LOGAN: I said what I did because I know what took place. The honourable member arranged with the Premier who, unwittingly—not knowing what was going on—arranged for an alteration of the notice paper. Is there anything wrong in making such statements?

The PRESIDENT (The Hon. L. C. Diver): You previously referred to a debate in another place.

The Hon. L. A. LOGAN: Then I will not refer to the other place and I will be all right. It was because of that set of circumstances that the matter received so much publicity.

When asked, I did not hesitate to table the files. They were also tabled in another place for a week but could not stay there any longer because they were in use at the time. I had nothing to hide regarding these files; everything was fair and above board. So I do not know what all this fuss and bother is about. Reference has been made to the name of Mr. Stow. Surely when one is handling a situation such as this, one does not deal with an individual. I consider I was dealing with Hale School and the fact that Mr. Stow happened to be Hale School's representative does not make any difference so far as I am concerned. When one looks at the board of directors of Hale School one sees that it consists of the Honourable Leslie Craig; Mr. Fethers; Dr. L. Gray; Mr. Stow; Mr. H. F. Cooke; Mr. Simpson; Bishop Freeth; and the Archbishop of Perth, whoever he may be at the time. I would say they are all very honourable gentlemen, but even so I do not consider that I was dealing with them. I consider I was dealing with Hale School which has given a wonderful service to this community for about 100 years. That school desires to continue to give this service to the community.

And so I think that when these files were looked at, if it had not been for the fact that Mr. Stow had written to the Premier and his name was mentioned—his name seems to be like a red rag to a bull to some of the members of the Labor Party—possibly this motion would not be before the House. Exception was taken to the fact that representation was made to the Premier. I venture to say that even when Mr. Wise was Premier, he had people make recommendations to him. It has happened in the past and it will happen again in the future. Every Premier, irrespective of his political colour, has had representations made to him from people going over the top of another Minister; and naturally every Premier and every Minister in my position would refer them back to the department concerned.

Surely there is nothing wrong with representation. I get representations from all sorts of people: from agents and solicitors, from appellants themselves, and even from members of Parliament. I have many requests from members of Parliament even before a decision is reached. Very often they bring appellants to me to discuss a situation before the decision is made. Only the week before last I had a request from the member for Albany. He brought in two men and we considered their thoughts and ideas regarding an appeal, before they even lodged the appeal. Those men wanted some advice.

The Hon. H. C. Strickland: That is a member's job.

The Hon. L. A. LOGAN: I know; I am not complaining. Complaints were made because someone went to the Premier. I

venture to say that many members here, and from another place, have received general satisfaction from approaches made to me. Yet reference is made in this motion to the influence of the wealthy. Mr. Wise himself has come to me with a proposal. So these things are going on all the time. It is part of our job to assist people when it is possible.

So much has been said about open space at Wembley Downs that I would like to give members some idea of the amount of open space which is in that area. Using Henley Avenue and Weaponess Road junction as a starting point, we find that a quarter of a mile away there is an area of 1 rood 38 perches which is partly developed as a children's playground.

Within a half a mile there is an area of 1 rood 11 perches which is undeveloped; a quarter acre area undeveloped; an area of 3 roods 14 perches which was part of the condition in regard to the Hale School subdivisions; and within a mile radius of this area, there are 3 acres 1 rood 32 perches (this one is on the border of the half mile radius); an area of 16 acres 1 rood 26 perches which straddles the half mile radius and which is fully developed as an oval; an area of 1 acre 3 roods 29 perches undeveloped, another of 1 rood 24 perches undeveloped; another 1 acre 2 roods 15 perches with a small sump and children's swings on it. An area of 2 acres 5 perches with a small sump, the rest undeveloped; an area of 13 acres 17 perches fully developed for recreation, and which has a bowling green; 3.4 acres undeveloped and 6.4 acres undeveloped. There is an area of 3 acres developed for tennis courts.

Well within the mile radius and in the Empire Games Village area there is an area of 7 acres grassed and developed; four other areas consisting of one of 2½ acres, two of 3 acres, and one of 4 acres, well within the mile radius and the public open space area of the foreshore between West Coast Highway and the beach.

Again, on the fringe of the mile radius there is another 10-acre lot undeveloped, and also included within the half mile radius is the Wembley Park School which has an oval. Straddling the half mile radius and well within the mile radius are the Hale School grounds themselves, which contain three ovals, two hockey fields, and two tennis courts.

There is a large area belonging to the Perth City Council of which subdivision is to be undertaken shortly and in which it is anticipated open space will be provided. Churchlands Estate has also to be subdivided, and we must not forget the 1.6 acres set aside as one of the conditions of subdivision as a public utility for a water tower.

That gives an area of 39 acres 2 roods 3 perches which has been developed; a little over 3 acres which is partly developed; and 42 acres 2 roods 22 perches which is still undeveloped.

It seems strange to me that if there was such a shortage of open space for children's playgrounds—as has been stated—the Wembley Downs Civic Association should have entered into an agreement with the Perth Shire Council to use what they said was the only area available—3 acres—for tennis courts and a social bowling green. Why is it that if they were so short of land for children's playgrounds, they entered into an agreement with the Perth Shire Council to have this 3 acres used for a few tennis players and a social bowling green?

I think I can say that the next area of land which was to be made available by subdivision would have been used for a bowling green, not a children's playground; because one of the residents of that district, who was very anxious to get the tennis courts, wrote to the Shire of Perth objecting to the deal which provided for portion of the area being used as a bowling green.

In a letter replying to this person, Mr. Knuckey, the shire clerk, had this to say—

> In Bowling Club circles it is understood that, for a club to function economically and successfully, it is recommended that there be a minimum of three, or a maximum of five greens, with adequate space for buildings, parking, etc. Apart from Reserve 25999, the Council has not been successful in acquiring a reserve in the Wembley Downs area, suitable for development as a Bowling Club, but there are now subdivisions being planned and developed eastward of Wembley Downs, in which some provision is being made for reserves. This aspect is being watched by the Council with a view to allocation of reserves to alleviate the present shortage in the district.

So it is fairly obvious that the next area of land that was to be made available would be used as a bowling green, not a children's playground at all. Yet the Wembley Downs Civic Association entered into this agreement when it said there was no land available for children's playgrounds. In spite of the area I have quoted, and the area which is still undeveloped, we hear the associations squealing about no public open space for recreation purposes.

I have also been accused of not receiving a deputation. Let us have a look at the situation. I made my decision in regard to this appeal on the 24th April, but the first letter I received from the member for the district was dated the 31st May. It was not until the 16th June that I

received a letter in regard to a deputation. Surely no one would expect me, after making a decision on the 24th April, to receive a deputation some time towards the end of June, and then turn around and alter my decision. I think it is just too fantastic to think that any Minister—not necessarily myself—should receive a deputation after that lapse of time.

The Hon. F. R. H. Lavery: It is a big man who can change his mind.

The Hon. L. A. LOGAN: Not after that period, because so much can happen, between times. No useful purpose would have been served by my receiving the deputation at that time.

Let us have a look at the situation as I found it. I was asked by Hale School to receive one of its members. The spokesman happened to be the chairman, Mr. Stow, and he wished to discuss the Hale School appeal and the conditions laid down by the Town Planning Board in regard to the subdivision.

This was not an easy subdivision, and it had gone on for some time. There were bits and pieces everywhere, and negotiations were going on between Hale School and the Town Planning Board for some considerable time. Eventually it got to the stage where there were three items unresolved. One was the three acres for public open space; one was an area of almost an acre for drainage and open space; and one was an area of 1.6 acres which, as a condition of the subdivision laid down by the Town Planning Board, was to be set aside for a water tower for the whole area and not just for the subdivision—a public utility for the whole area; and it was on these three points that Hale School appealed to me.

For a start, I did not agree with the Town Planning Board that 1.6 acres should be set aside as a public utility. I think that if members will have a look at the subdivision they will agree with the decision I made, because if it was to serve just the Hale School subdivision the position would have been different. But this utility was to serve the whole area. I ascertained that there was no alternative to this; and so, in my opinion, I had no option but to accept the 1.6 acres as part of the conditions of the subdivision; but then it was necessary to give something else to Hale School in return.

If we look at the 1.6 acres we find that the land was on the highest point of the area, otherwise it would not have been selected for a summit tank or water tower. I was not going to give back to the school the smallest piece of land—one acre—so I returned to the school the three acres; at least, I did not give it back as it was never taken away; it was theirs all the time with a free title.

In effect I upheld the school's appeal not only on these aspects but in respect of every other part of it; and when we look at all the other parts of it, we find that mention has been made of an agreement in regard to limestone. I know there was an agreement in connection with a few thousand tons of limestone for the roads within the subdivision. But, believe me, there were thousands and thousands of tons which the Perth Shire Council used, but which were not subject to any agreement and for which no money was ever paid.

The school gave extra land, too, for a carriageway which was part of the scheme, or which was planned; and there was an area which had to be set aside for a water main.

So, we can take into consideration all the aspects: the water tower area; the limestone; the carriageway; the land for the road; and the exchange of land which took place early in the piece between Hale School and another Government, and in respect of which some people said the school had been treated very generously. But I do not find any fault with that, because I believe that Hale School is an institution which deserves some consideration; and I, for one, do not consider Hale School to be in the same category as a private subdivider who is subdividing for gain; and I say that quite frankly.

Here we have an institution which has been operating in this State for more than 100 years, and during the whole of that time it has given service to the community without reward. Surely one cannot classify Hale School as being the same as a land developer who subdivides for profit.

The Hon. F. R. H. Lavery: Its land was sold for gain.

The Hon. L. A. LOGAN: It was sold to pay some debts.

The Hon. F. R. H. Lavery: I had to sell some of my land to pay some debts.

The Hon. L. A. LOGAN: It was sold to enable this institution to serve the community.

The Hon. R. F. Hutchison: It is not a charitable institution; do not run away with that idea.

The Hon. L. A. LOGAN: Up to date Hale School has spent £550,000 on buildings in this area, and its present indebtedness is £225,000; and it still has to build a £60,000 boarding house and a gymnasium which will cost £10,000. When everything I have mentioned is completed and paid for, the Hale School authorities will have to build a chapel, which is an integral part of such a school.

The Hon. R. Thompson: What will be the value of the school's asset when it is completed.

The Hon. L. A. LOGAN: I do not think that comes into the picture, because when the school has sold all its land, its asset will not be any good to anybody except Hale School. There will be the school buildings and the recreation area, and who would want to buy them?

The Hon. R. Thompson: Why bring up the matter of costs if the asset will not be worth anything?

The Hon. L. A. LOGAN: I think it is most important to bring up the question of costs to show what is going on and what the Hale Shcool authorities are spending for the benefit of the community at large; and all these things were taken into consideration when I made my decision.

The Hon. G. Bennetts: The parents of the pupils would be paying plenty.

The Hon. R. Thompson: The Town Planning Board did not agree with your decision.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. L. A. LOGAN: Surely the honourable member should never have made that remark; because it was not very long ago that he came to me over a particular matter, and I went with him into his area, and I upheld appeals made by some of his constituents against the decision of the Town Planning Board. Surely he does not expect me to uphold the Town Planning Board in everything!

The Hon. R. Thompson: You cannot use that instance.

The Hon. L. A. LOGAN: Why not?

The Hon. R. Thompson: One is rural land.

The Hon. L. A. LOGAN: It was not all rural land.

The Hon. R. Thompson: Tell me which one was not.

The Hon. L. A. LOGAN: Why does the honourable member think the provision giving the right of appeal to the Minister is in the Act?

The Hon. R. Thompson: Which one was not rural land?

The Hon. L. A. LOGAN: The one concerning the three houses; and they were all appeals against the Town Planning Board.

The Hon. R. Thompson: Which one with three houses?

The Hon. L. A. LOGAN: Every one was an appeal against the Town Planning Board. I disagreed with the Town Planning Board in three instances when I went with the honourable member into his area on that occasion.

The Hon. R. Thompson: Provision is made for that—in respect of rural land—in the Act.

The Hon. L. A. LOGAN: Of course; and that is why I disagree with the Town Planning Board on this occasion—because of the provision in the Act. If anyone can prove to me that I have acted inconsistently with the Town Planning and Development Act, I will resign. But I know that no-one can do that.

This subdivision has been a very difficult one for everybody concerned. I have no axe to grind; as far as I am concerned, politics do not come into the question. When I deal with appeals I deal with the justice of the case.

The Hon. R. F. Hutchison: Says you!

The Hon. L. A. LOGAN: I think I can claim this: that I have given more consideration to representations from Labor members than anybody else; and if the honourable member cares to go through the files he will find that what I have said is correct.

Let us have a look at some of the accusations that were made and the fallacies on which they were based. Mr. Wise said this—

> I mentioned I would give one or two illustrations indicating the inequities that have occurred. We have the case of the widow, Mrs. Sweeting, the Hale School case, and the cases of many other people. It does not matter what one's name is, or how prominent one is in public life—and I do not say that one can influence decisions that are made—but it does strike one as strange when one considers the interests that have been favoured.

I take strong exception to that, because I favour nobody. I have made every decision on the justice of the case. The honourable member later said—

> I have pages of inconsistencies where some people have been very seriously prejudiced; and those who have been seriously prejudiced are not people in high places, or with much authority or influence; they are the humbler folk.

Again I take strong exception to such remarks. Let us have a look at Mrs. Sweeting's case which, of course, never came to me. The Minister had nothing to do with it, yet I am accused of treating a humble person, such as her, in the manner described. The only knowledge I had of this subdivision came from a letter I received from Mr. W. Hegney, M.L.A., in regard to a Mr. and Mrs. Pymm; and, in reply to Mr. Hegney's letter, I wrote as follows:—

> In response to your letter of the 8th August and your representations on behalf of Mr. and Mrs. Pymm, owners of lot 44, Pt. Perthshire loc. AU, I have thoroughly examined the case.
>
> Arkana Way, the apparent cause of the concern to the Pymms, forms part of an overall subdivision prepared by

Miss Feilman on behalf of several owners, including the State Housing Commission.

There was never any proposal for acquisition of the land by any Government department. The private owners entered into agreements with an estate agency with a view to securing a joint subdivision.

However, due to a number of difficulties including dissension among themselves, the venture failed, and only after protracted negotiation my department managed to see that most of the subdivision was completed.

Mr. and Mrs. Pymm were party to the original application but only the eastern half was affected by the immediate application. They should, therefore, be well aware of all the implications involved in the proposal.

This case never came before me by way of appeal, and I made no decision whatsoever in regard to it; yet this is one of the cases mentioned in the House. I have here a letter, dated the 9th February, 1963, from the Shire Clerk of the Shire of Perth; and this is the final episode of Mrs. Sweeting's case. The letter reads—

re T.P.B. 15575,
Lots 40/41, Amelia Street;
Messrs. Sweeting & Markham;
Estates Development Coy. Pty. Ltd.

This is to advise that all moneys have been paid to this Council on behalf of Messrs. Sweeting & Markham. This includes Sweeting's open space contribution, both parties' drainage contribution, and road costs. Road construction will commence immediately.

It is understood that Markham has prepared a transfer for the open space, from Markham to the Crown. When this has been registered, the open space moneys held in trust will be transferred to Markham. This will leave an amount outstanding of £57 to be paid by Pymm when the latter subdivides his land. Markham is aware of this.

This means that for all practical purposes this protracted affair is now finalised.

I, as the Minister, had nothing whatsoever to do with that matter.

Mr. Wise mentioned the Shoalwater Bay subdivision, but I do not know why, because it never came before me, and I had nothing whatsoever to do with it. I only deal with appeals. The honourable member made the following observation:—

I can cite another case where a proposed subdivision of 248 acres into approximately 10 acre lots was approved without any demand for public open space; but in two other cases not far removed from the one I have mentioned, a gentleman was obliged to give 20 acres within a subdivision of 200 acres into 10 acre lots. But in the other case where 248 acres was cut into similar areas no public open space was demanded.

I do not know anything about that matter; I would not have a clue, because it did not come before me, and I had nothing whatsoever to do with it. Yet, these are the cases in respect of which I am accused. Getting back to Mrs. Sweeting's case, this is the information which was given to me when I first made inquiries about it —

This lady voluntarily put her land, along with seven other owners, into a town planning scheme in order to get the best subdivisional design. This scheme was under the supervision of the Perth Shire Council and the Town Planning Board. Mrs. Sweeting became dissatisfied with the negotiations over P.O.S., etc., but at no time did she come into contact with the hon. Minister. However, Mr. Hegney, M.L.A., wrote to Hon. Minister . . .

I have already mentioned the letter that honourable member wrote to me, and according to my information Mrs. Sweeting has now agreed to the subdivision. That was covered by the letter from the Shire Clerk of the Shire of Perth, which I have read to the House.

During the course of the debate on this motion, the Miami subdivision has been mentioned. I do not know whether members are aware of the consideration that was given to the appeal by the Miami syndicate, but that syndicate has the same right as any other person or body that has been presented with the conditions laid down by the Town Planning Board; namely, the right of appeal to the Minister. Despite the numerous conditions prescribed by the Town Planning Board, the Miami syndicate saw fit to appeal to me on one issue only. This appeal dealt with two areas set aside: one of 10 acres and another of 20 acres for public open space. It may be that if the syndicate had appealed against some of the other conditions laid down, I would have upheld them. However, I had to deal with only one appeal.

I studied all the ramifications of the conditions laid down. After due consideration, in effect, I reduced the 20-acre area to 15 acres, which meant that the Miami syndicate was able to have another five acres of land which could be subdivided into 20 residential lots. If one would care to work out the cost of a block of land in Miami one will appreciate how much better off the syndicate was financially as the result of the decision I made on its appeal. Those are the facts surrounding that application.

Somewhere else—not here, I admit—reference was made to a subdivision at Ravenswood. I will now review the position in regard to that subdivision. It was mentioned that I allowed a subdivision of land right down to the water's edge.

The Hon. R. Thompson: It was not mentioned here!

The Hon. L. A. LOGAN: I did not say it was.

The Hon. F. J. S. Wise: The trouble is the Minister is slithering along.

The Hon. L. A. LOGAN: I am not slithering along. I mentioned this early in my speech. This reference to the subdivision was made in another place and I could not defend myself, so now I have to do the best I can in the circumstances; and so long as I do not infringe the Standing Orders and incur your displeasure, Sir, I intend to do so. I did not allow the subdivision right down to the water's edge.

The position is that of a total of 340 acres, 120 acres were transferred to the Church of England boys' school; 106 acres were transferred to the Church of England girls' school; 19 acres were transferred to the Civil Service Association and other similar bodies; 73 acres remained rural land, and nine acres along the foreshore were contained in one block as a reserve and leased back to the original owner for 21 years, after which time it will revert to the Crown. Therefore, the syndicate—the subdivider—subdivided exactly 13 acres. That is the true situation in regard to that decision, and I feel sure that it would be fairly difficult for anyone to find fault with it.

Dealing with appeals, generally, when members have a look at those I have dealt with since I have been a Minister, I think they will appreciate the magnitude of the task one has to face. All in all, I have dealt with 454 appeals since I have been Minister for Town Planning. Of that total, 181 appeals were dismissed; 187 were upheld unconditionally, and 95 were upheld conditionally. So I think members will appreciate that in making those 454 decisions I was never right; either my decision was against the Town Planning Board's ruling, or against the appellant. Therefore, one cannot be right both ways. In fact, one cannot ever be right in matters of this kind.

The Hon. H. K. Watson: No arbitrator ever can.

The Hon. L. A. LOGAN: I do not think he should ever try. In addition to the decisions I have made on town planning matters, in the last two years alone I have dealt with 192 appeals on local government matters. So once again one can appreciate the difficulties attached to the task of Minister for Town Planning and Local Government and the problems one has to face in trying to find an answer to all questions.

I repeat that I dealt with the Hale School subdivision in the same way as I dealt with the other 453 cases which have come to my notice. If the same set of conditions was presented to me in the same manner tomorrow, I would make exactly the same decision; because I think it was made as I considered it should be made, and in the same way as I have made all my other decisions. I have been subjected to this criticism about public open space in Wembley Downs, but when one considers that the Wembley Downs Civic Association (Inc.) stated that this was the only area of 3½ acres available for a children's playground, and when one considers what the shire council would do with every three acres of public open space available, one realises that they had no thoughts of a children's playground until such time as this question was raised.

I have no doubt that there is still land there available to be subdivided. There is still a great deal of land in the possession of the City of Perth which is yet to be subdivided, and surely some can be reserved for the benefit of children in the area. Therefore, I will leave the matter at that. I feel sure, too, that when members reflect they will agree with me that it would have been pointless for me to meet the deputation after a period of seven weeks when all the answers were already known.

I have nothing to hide and nothing to fear. I made the decision I did in full knowledge of the situation, having taken everything into consideration, which fact I have set out in my letters to various people. I considered all aspects, and as a result of my consideration I made my decision. So I repeat, I have nothing to hide and nothing to fear. I had to satisfy only my conscience that I was doing the right thing when considering these appeals, and on this occasion I have satisfied my conscience that I have done the right thing; and I certainly hope the House will not agree to this motion.

Sitting suspended from 6.9 to 7.30 p.m.

THE HON. H. K. WATSON (Metropolitan) [7.32 p.m.]: Mr. Wise in his time has moved quite a number of useful motions, but this is not one of them. In his time he has also made some notable speeches in this House, but the speech he made in moving this motion was not one of them. I could find some extenuating circumstances in the fact that his speech was either a re-run or a pre-run of a speech in another place. Inasmuch as the speech which was made by Mr. Wise contained rather serious aspersions against the Minister for Town Planning. I was rather

pleased to hear the vigorous manner in which the Minister defended his action in this matter.

I think we all know that whatever decision the Minister may make on a matter coming within his province, whilst he may not be—and I suppose he never claims to be—always right, he at least acts with complete integrity and to the best of his ability and judgment.

The genesis of this resolution is to be found in section 24 of the Town Planning and Development Act; and I think it is well for us to remind ourselves of what section 24 of the Town Planning and Development Act says and permits. I would remind the House also that Mr. Wise and myself are at one in agreeing that it permits the Town Planning Board to do things which were never within the contemplation of this Parliament when it passed the Act. Section 24 is the section which relates to the necessity for approval by the Town Planning Board of any plan of subdivision which is submitted for its approval.

Before I read the rest of the section, I would remind members just what a subdivision is, and I would remind them also that the Act in its application refers to each subdivision as such. It is not concerned with two subdivisions or three subdivisions; each subdivision has to be taken separately, dealt with separately, applied for separately, and approved separately; and finally, at the Titles Office, registered separately.

A subdivision may consist of an area of, say, 200 or 300 acres, which is being subdivided into residential blocks, playing fields, school areas, and so on. When a commercial subdivider is dividing an area of land of 200 acres or more, it is generally a commercial proposition for him to say that of the 200 acres he is going to have 20 or 30 acres for a school, a playing field, a civic centre, or something like that, because the creation of these amenities in a large undeveloped area of land will naturally increase the value of the residential blocks which he intends to sell. That is one illustration of a subdivision.

Then we come to the other extreme. One finds a person and his neighbour, each living on, say, a quarter acre block, and for some reason or other, one desires to buy a 3 ft. frontage of the other's land. One agrees to sell to the other a 3 ft. strip of that block and make it part and parcel of the adjoining block. The separating of that 3 ft. strip of a quarter acre block is a subdivision; and, there, I think I have mentioned the two extremes. Every block of land which is subdivided and which is, within the meaning of the Act, a subdivision, and, also, within the meaning of the Act, has to be dealt entirely separately from any other subdivision.

Having made that point, I come back to section 24 of the Town Planning and Development Act. The board may—

> . . . . approve or reject such plan, and may affix such conditions as the Board may think fit, which shall be carried out by the owner before the plan is approved by the Board.

We know that over the years there has grown up a practice requiring subdividers to transfer one-tenth of their land to the local authority for some other purpose. That practice has probably developed from the practice which I mentioned of the experienced subdivider of a large area of land automatically applying five per cent. or 10 per cent. of the land to communal purposes. But when section 24 said that the Town Planning Board could enforce such conditions as it saw fit, the Act clearly had in mind conditions of subdivision such as the width of roads which were to be created, whether they were to be kerbed with concrete or wood, whether the corners were to be truncated and so on. It was never intended that the Town Planning Board should be able to say to a man who was subdividing an acre of land that one-tenth of that acre had to be transferred to the Crown. Nor was it intended that the subdivider of 10 acres or 20 acres should automatically or willy-nilly transfer to the Crown free of charge 10 per cent. of the land he was subdividing.

When I speak of that 10 per cent., I mean 10 per cent. over and above the land which automatically goes to community purposes for roads and such things in a normal subdivision. But for some time now we have seen the Town Planning Board imposing a penalty of 10 per cent., or expropriating 10 per cent., of a person's land in the event of a subdivision. I say expropriating, because it is a form of burglary. Whether it is legalised burglary or not, there is room for a diffence of opinion; but it does amount to taking something from a man without payment for it.

A couple of years ago, Mr. Wise and myself both waxed eloquent on the injustice of this section and of the necessity of having it redrafted, because its meaning was still pretty obscure. This section was first considered by the Supreme Court of Western Australia and subsequently by the High Court of Australia. The judge who heard the case in the Supreme Court decided the section did not permit this legalised burglary of land. Unfortunately, when the case went to the High Court, that court held to the contrary; and if I would chide the Minister on any question at all, it would be on taking that decision of the Supreme Court to the High Court.

I would have much preferred him to bring down an amendment to section 24 to prescribe, encompass, and define just what the board's power was in respect of approving a subdivision; and

to make it quite clear that whether it be a 5-acre block in the metropolitan area or a 50-acre block on the way to Toodyay, there was not the power and, in most cases, no reason to say that 10 per cent. of the land should be transferred to the local authority.

When we were discussing this matter two years ago I mentioned a case in the area of Toodyay where land had been divided into 100-acre blocks and where one-tenth of it had to be diverted to the local authority. I said to my friend, the owner, "What is it used for?" He replied, "For breeding kangaroos." So it is that we have this extraordinary position under the Act. For the reasons I have said, and for the reasons which Mr. Wise and I advanced in this House two years ago for an amendment to section 24, I am surprised and astonished that Mr. Wise should have moved the motion which we are now discussing. To my mind it runs completely counter to the very sound and logical views which he expressed a couple of years ago on this particular question.

As I understand it, the facts are these: There is no question here of a subdvision of 30 acres—no question at all. As I understand it, Hale School has 10 small and separate areas of land which are the subject of these subdivisions. These areas range in size from one acre to nine acres. They are as far apart as half a mile in some cases. In no case do they join each other. We have not one subdivision, we have nine subdivisions; and had any of those subdivisions been submitted separately, as Hale School was perfectly entitled to do, we would have seen the real absurdity of the decision of the Town Planning Board.

Let us take the case of the one acre. Hale School could have satisfied itself with putting nothing before the board but a subdivision for one acre, and no one in his right senses would have attempted to clip 10 per cent. off that land by way of the usual routine of the board. So it is with each of the other subdivisions. Had they been put up one at a time, even in respect of the largest lot, the 10 per cent. racket would not have been a logical proposition for the Town Planning Board to have applied. Even taking the largest area—the nine acres—10 per cent. of that would be only nine-tenths of an acre, and I cannot see that nine-tenths of an acre would be of much use to anyone.

The fact that the nine subdivisions were submitted simultaneously is quite beside the point. We still have to consider each subdivision on its own. The fact that the nine subdivisions were all in the Wembley district had no more bearing on the case than if there were a subdivision in Wembley and another at Rockingham, both of them put in the same day by the same owner. Both would have to be considered separately. Clearly that is what was required under the Town Planning Act.

These subdivisions were not treated separately as the law requires them to be. The town planning experts said, "Well, here we have these nine blocks. All together they amount to something like 30 acres. We want our 10 per cent. Never mind what we want it for, we want it. Therefore we are going to take 3 acres out of one of these subdivisions."

The Hon. H. R. Robinson: No; the shire council suggested that.

The Hon. H. K. WATSON: If the shire council suggested it, then it shows that the shire council lacked appreciation of these matters. I do not care who suggested it. I say that the proposition was unlawful; and if not unlawful, then outrageous.

There was one subdivision covering 6 acres, and the Town Planning Board, apparently at the suggestion of the shire council said, "We want 3 acres out of those six." That is what this proposition becomes. The Town Planning Board is looking at a subdivision of 6 acres, and it has to look at each subdivision in isolation. It says, "From those 6 acres we want 3 acres; that is, 50 per cent." And if those 6 acres had been only 3 acres, presumably the shire council and the Town Planning Board would have said, "We want the whole 3 acres."

That is what the Town Planning Board decided and that is the decision which the Minister overruled. I suggest that had the Minister not overruled the decision he might have deserved a vote of censure, but because he did overrule that action—which I say was illegal from the beginning, or if not illegal, then outrageous—we find this motion brought forward deploring the Minister's action. For my part, I applaud the Minister's action. I applaud it and I trust it will be the forerunner of, and will constitute a precedent for, any future appeal that is made to the Minister.

If the Perth Shire Council wants open spaces for playing fields, or for anything at all, and the space is not there, then its course is clear, or the Government's course is clear. If the land is required for a school, it should be resumed and the owner should receive payment for the land. That is the natural thing to do. If we are going to depart from that principle, we are departing from first principles.

The Minister has made a point—and he well made the point—that this is not the case even of a commercial go-getting subdivider. Even if it were, I would stand here and defend the Minister's action just the same, because the commercial go-getting subdivider is entitled to his rights and to his own property. If he is going to have his property taken from him, he is entitled to just compensation for it. But as the Minister said, this is not the case of a commercial go-getting subdivider, but the case of a school—a very honoured educational institution—erecting school buildings, putting itself into debt, and

realising some of its land by subdividing, either to pay for the debt or to extend the school. Yet, because it has done that, and because the Minister overrode the Town Planning Board's attempt to breach the law, we are asked to support this motion.

I think the Minister did nothing but natural justice in giving the decision which he gave. I will go further and say that the Minister's decision did not do full justice to Hale School, for the following reason: In addition to the 3 acres which it was sought to take from the school, we find that 1½ acres were taken from the school. The school was forced to surrender, and it did surrender free of charge, 1½ acres; not for town planning purposes, but simply because the Water Supply Department wanted as part and parcel of its general water supply system in the area—not for Hale School, but for the whole Wembley area—a water tower to serve the area.

I have no objection to the Water Supply Department obtaining land to erect a water tower, or for any other purpose connected with the water supply and drainage system of the metropolitan area; but I protest against the provisions of the Town Planning Act being prostituted to supply the Water Supply Department with land free of cost. That land should have been taken under the ordinary powers of the Public Works Act; the ordinary powers of resumption. The Water Supply Department should have served notice on Hale School, resumed the land, and allowed Hale School to receive full compensation as agreed between the parties or adjudged by arbitration.

Even now we find that Hale School, notwithstanding the Minister's decision, has not received full justice, and I am certainly going to oppose the motion.

THE HON. H. R. ROBINSON (Suburban) [7.58 p.m.]: I oppose the motion. In doing so I consider that the Minister has given a very good explanation as to why he made his decision. There were exceptional circumstances in the case of Hale School. I happen to know all about the matter because for a considerable period I dealt with it as President of the shire council.

Emphasis has been laid on the fact that Mr. Quinton Stow, received some privileged treatment, which of course, is complete nonsense. I understand that he is at present the Chairman of the Board of Governors. When I received two deputations from the Governors of Hale School, the chairman of governors was The Hon. Leslie Craig. Certainly, Mr. Quinton Stow was a member of the deputation. It also included Mr. R. Ainslie, Q.C., Mr. Justice Hale, and the Bursar of Hale School, Brigadier Rush. The matter was discussed on the basis of Hale School, and not on the basis of Quinton Stow or any other individual. It was discussed on the basis of a request from Hale School that the shire council recommend that it be released from the 10 per cent. condition. The council did not recommend that at all, and it had the right to appeal to the Minister, the same as any other individual. That right was exercised. I think it is a poor show when this nonsense is raised about some preferential treatment being given to Quinton Stow.

The Minister covered practically all the ramifications of the Hale School subdivision, and in doing so mentioned the question of the quarry. The Perth Shire Council—and this is information which I gave to public meetings that I had to chair, including one in Wembley Downs—had a legal agreement with Hale School regarding the extraction of limestone, and under that agreement the shire council agreed to pay a royalty of 6d. a yard. Actually no money changed hands because, as time went on, it was mutually agreed between the shire and Hale School that certain subdivisional roads would be constructed after the quarry had been levelled.

According to the figures submitted to me by the shire engineer, over 200,000 yards of limestone were extracted from the quarry; and having in mind that the agreement with Hale School provided for a royalty payment of 6d. a yard, had the shire gone on to the open market and purchased its limestone the minimum cost to it would have been in the vicinity of 3s. 6d. a yard. That meant a difference of over £30,000.

As has been pointed out, there were exceptional circumstances connected with this case of Hale School, and the Minister had the right under the Act to review the position. If he wishes to make a decision he has the right to do so and, as Minister, he can review the circumstances.

During his speech, Mr. Wise said that there was great agitation in Wembley Downs regarding the position, and he mentioned a Sunday meeting. I attended that meeting—I was invited to go there—and although he quoted the number of people who attended as 110, and said there was great Press, TV, and radio publicity about this agitation in Wembley Downs, the number was nowhere near 110 people present, notwithstanding the fact that the Press next day printed a statement saying that there were 110 people there. There was nothing like that number.

Also, at an electors' meeting which I had to chair at Scarborough, the group concerned submitted 110 names on a petition; and in regard to this fact, too, there was a lot of publicity, so much so that I gave instructions that an additional 130 chairs be hired and placed in the hall.

The hall had something like 100 seats and we decided to hire 130 more to cater for those who were to attend. But at that meeting only 67 people turned up

The Hon. L. A. Logan: The paper said there were 132.

The Hon. H. R. ROBINSON: There was nothing like 132 people. We had a count of the number, and the shire minutes for the meeting recorded the correct number of electors who attended that night. Again it was a great exaggeration, because only 67 people attended the meeting.

There is only one other point I would like to make. The Minister has covered the question of Hale School and its tradition going back over 100 years, and I think all members here would agree that Hale School has done a tremendous job in regard to educating boys in this State over many years. Yet the school is now being subjected to criticism. When the Hale School Act, which was introduced by a Labor Government, was passed, that Government must have felt that the school was doing a good job in the State, because at that stage the Government put a section in the Act exempting the school from rating. Section 12 of the Hale School Act reads—

> Vacant land held by the Board and land held by the Board and used exclusively or mainly for the purposes of the School shall be exempt from rating under the provisions of the Road Districts Act, 1919 and the Metropolitan Water Supply, Sewerage and Drainage Act, 1909 and from assessment for taxation under the provisions of the Land Tax Assessment Act, 1907.

Once the land was sold, of course, it would provide revenue—a considerable amount of revenue—for the Perth Shire Council. So at least at a time when the Act was passed —in the days of a Labor Government— the Government must have felt that Hale School was doing a worth-while job for the State.

They are the main points I wanted to emphasise. As regards the question of subdivisions, I think Mr. Watson covered the position very well when he emphasised the fact that there would have been seven subdivisions, and pointed out that if Hale School had submitted seven applications for subdivisions the Perth Shire Council would have finished up with seven small plots of ground.

It was at the suggestion of the shire town planning engineer that the area be consolidated into three acres, and I think that is a point well worth keeping in mind. I very strongly oppose the motion and I feel that the Minister, by the moving of the motion, has come in for unjust criticism.

Debate adjourned, on motion by The Hon. R. Thompson.

BILLS (4): RECEIPT AND FIRST READING

1. Land Act Amendment Bill.
   Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.
2. Betting Control Act Amendment Bill.
3. Spencer's Brook-Northam Railway Extension Bill.
4. Railway (Portion of Tambellup-Ongerup Railway) Discontinuance and Land Revestment Bill.

   Bills received from the Assembly; and, on motions by The Hon. A. F. Griffith (Minister for Mines), read a first time.

FLUORIDATION OF PUBLIC WATER SUPPLIES BILL

Second Reading

Debate resumed, from the 17th October, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

> That the Bill be now read a second time.

THE HON. A. R. JONES (Midland) [8.11 p.m.]: It is not my intention to speak at length on this subject because I feel I am not competent to do so. In the first place I am one of those who cannot readily understand all the matters which have been placed before us, for and against the fluoridation of public water supplies. It strikes me as strange that laymen are asked to consider a matter of this magnitude and to express an opinion after having so many of its advantages or disadvantages placed before them by one side or the other.

As I have just said, in view of these various opinions I do not feel competent to assess whether one party is right or whether one party is wrong. Therefore I shall place my confidence in those whom we employ as administrators of our health department and those who lecture at the universities. I think we should take notice of those who are learned in matters of this kind.

When a considerable number of people sitting on boards, and who are executors of our health department, come to the Minister for Health and say, as they have done, that after lengthy study they believe the Government should introduce fluoride into the public water supplies of Western Australia in an endeavour to combat decay in children's teeth, I believe it is my duty to take cognizance of the fact. If men with learning and an understanding of the position have thought fit to bring this matter before the Minister in the first place and the Government in the second

place, and believe that our water supplies should be fluoridated, I think we should take notice of their opinions.

The Hon. R. F. Hutchison: Don't you think you should make any enquiries yourself?

The Hon. A. R. JONES: I thought I had made it clear that I had read most of the information obtainable, and which has been sent to me—and that has been considerable, as the honourable member would know because she would have received the same literature as I have done—and I do not feel competent to judge. It is a strange thing that we have so many people who are members of boards, and so many professors, on the one hand telling us that this is a good thing and giving us a hundred and one reasons why it is a good thing, and, on the other hand, we have other people, some possibly just as learned, telling us it is not a good thing, and giving us reasons why they say so.

So, as I said, I am going to rely on the commonsense and good judgment of the people whom we in Western Australia employ to look after us, and guard our health. If they say this is a good thing, after they have gone into the matter thoroughly, then I think it is up to me to take cognisance of their opinion.

The Hon. R. Thompson: What about the opinions given by people in other parts of the world where fluoridation has been discontinued?

The Hon. A. R. JONES: I will let the honourable member tell us about them. I have not been to other countries and am therefore unable to speak about conditions there. The suggestion is made that we should have a referendum and let the people decide. That is a very noble thought.

The Hon. R. F. Hutchison: It is the democratic way.

The Hon. A. R. JONES: There may be no doubt about that. But because it is the democratic way does that mean it will bring the correct answer? If we had an expression of opinion of the people of Western Australia, would that be the right opinion? I will admit there are some things which could be put to a referendum, because they deal in cold facts which need not be analysed. For instance, if we had a referendum to decide certain definite things, such as whether one should jump off a cliff or not, that would be a different matter altogether, and a referendum would do no harm, as a decision could easily be reached.

But when it comes to asking people—and in saying that I include myself—who have not the education or the training to make a decision on the points involved, to say whether they are for or against fluoridation, they would be as incompetent as I to make that decision. I am not casting a reflection on anybody, because I am sure that only about one-twentieth of us would be able to judge and analyse the matters that have been put before us.

I do not intend to take up the time of the House. No doubt those who are learned enough in this matter, and those who have been able to make a study of it, will be able to inform the House of the pros and cons of the case, after which I hope members will reach the conclusion that I have reached. As I have said, I will lend my force to supporting this Bill.

THE HON. R. H. C. STUBBS (South-East) [8.19 p.m.]: In speaking to this Bill I want to make it plain at this stage that we, of the Labor Party, will support the measure if referendum provisions are inserted. We believe that individual water boards should have the right to ask the people whether or not they want their water supply fluoridated. We do not believe in complete compulsion of the people of the State. We know there are some who are for fluoridation and others who are against it, and we respect the views of both parties. Indeed, in our party there are people who are for it and others who are against it. We respect each other's views.

As I have said, the water boards concerned should be allowed to decide by way of referendum whether or not their water supply should be fluoridated. If the people do not want fluoridation they should not be compelled to have it. We do not want a referendum of all the people in the State, but merely of those affected in particular water board areas whose water supplies are to be fluoridated. I believe in fluoridation, and I do not care who knows it. I have faith in the opinions of scientists, but I also respect the other fellow's point of view; and I consider a person should be given the right to say whether or not he wants the water supply in his area fluoridated.

When I spoke recently on this matter I gave both sides of the argument, and I also gave authority in support of my views. I will not reiterate all I said. I merely wish to add that we will support the Bill if referendum provisions are inserted. If this matter is not to be decided by referendum of the areas to be affected, then Labor will not support the legislation.

The Hon. A. F. Griffith: You are speaking for the party?

The Hon. R. H. C. STUBBS: Yes. Coming close to home, we have fluoridation of water supplies in Tasmania, New Zealand, and New South Wales. I have gone to some pains to get information which I will read to the House. This is an extract from a letter from the Minister for Health in Hobart. I will read only portion of it,

because I read the entire letter when speaking on this matter previously. This is what he had to say—

> The Government assists municipal authorities in the establishing of fluoride schemes to the extent of 60 per cent. contribution by the Government to 40 per cent. by the municipality, and in addition assists with maintenance costs on a £ for £ basis.

They are conducting a public education campaign in fluoridation, and by addressing members of various communities they are endeavouring to enlist the co-operation of the authorities. That is something similar to what we as a party believe. We think that if this is introduced by referendum in certain areas the experience might teach other people, who will also adopt fluoridation.

I also want to quote a circular from the Board of Health in Wellington, New Zealand, to stress the fact that that city also leaves it to the people to decide. I quote—

> It is recognised by the committee that the decision on whether or not to fluoride the local water supply is one properly to be made by your council.

That means the shire council, or the water board. To continue—

> Nevertheless the committee is aware that fluoridation has proved to be a controversial subject and it is apparent that there are many questions councillors would like answered before sanctioning the addition of fluoride to the water supply.

There again the water board is being encouraged to adopt this method; it is not being compelled to adopt it. The committee is merely proffering advice.

I have here a letter from the secretary of the Board of Health, New South Wales, which says in part—

> Under the Act it is a matter for the Water Supply Authority to decide whether a particular water supply will be fluoridated and its proposals are subject to approval by the Board of Health.

Again there is no compulsion. The people are given the opportunity to have fluoridated water, and they are assisted in the matter. It is, however, left to the local option to decide whether or not they have it.

I would now like to quote part of a letter from the Minister for Health in New South Wales. I read the entire letter in my previous address. This discusses legislation; and I quote—

> The final decision as to whether a scheme for artificial fluoridation of a community water supply in a particular area shall be implemented or not lies with the local Council when it is also the Water Authority; provided that if it is decided to proceed with a scheme of water fluoridation the scheme proposed must first be approved by the Board of Health.

There again the water supply authorities are encouraged by being assisted on a pound for pound basis in the purchase of land and equipment. Again there is no compulsion.

The Hon. A. F. Griffith: What did you advocate in Norseman?

The Hon. R. H. C. STUBBS: I advocated the fluoridation of water supplies.

The Hon. A. F. Griffith: With or without a referendum?

The Hon. R. H. C. STUBBS: With a referendum.

The Hon. F. J. S. Wise: Don't let the Minister sidetrack you!

The Hon. R. H. C. STUBBS: I want to make this clear: We called a meeting to tell the people the story. A committee was formed, and I am on that committee. When the committee met we decided we wanted fluoridation of water supplies, and we also decided that it should be done by referendum.

We find that Mr. Sheehan, the Minister for Health in New South Wales, when speaking on a Bill for the Fluoridation of Water Supplies said, when introducing the measure—

> The object of the measure is not one of compulsion but of protection.

Later he said—

> The Bill does not compel any council or water supply authority to introduce fluoridation. However, the measure does not propose that the Metropolitan Water, Sewerage and Drainage Board, or any local council, should fluoridate its water supply. That is purely a matter of choice for the local authority.

He continued—

> Gallup polls in New South Wales show that public opinion supports fluoridation of water supplies.

I am sure that if this matter went to a referendum here the public would support it. He continued—

> Gallup polls in Victoria, Queensland and Tasmania all support the fluoridation of water. In the meantime the Government must respect the opinions of those who may object to it.

Mr. Askin, of the Liberal Party Opposition said—

> The Minister has agreed there is a minority of medical opinion which says that tampering with the water is dangerous. It must be borne in mind that the minority view has often been proved correct.

He then went on to speak about X-rays and said—

> Until recently having one's feet X-rayed to see whether a new pair of shoes fitted was a common procedure.
>
> Parents often had their children's shoes fitted in this way, having been assured by the medical profession that there was no cause to worry. Now grave doubts have arisen over the safety of even this simple process, and many shoe-store proprietors have discarded their X-ray apparatus. The Minister for Health referred to what happened in the Army. I recall when I was in the Army being required to taken atebrin to combat malaria. The troops were assured by medical lecturers that they could take this drug without fear of adverse effect. Many had doubts about the matter, but in the Army one does not have much say. The troops were lined up and an officer stood by to see that the atebrin tablets were swallowed. Responsible medical opinion now attributes many of the ills of ex-servicemen, including various kinds of dermatitis to the taking of atebrin.

So it shows the minority opinion should be carefully guarded; and I have put forward our point of view on this question. We will support the Bill if the Minister will, at this stage, agree to the holding of a referendum; that is, to have local option by local water authorities; because we do not want to see the measure defeated. We believe that if there is any merit in the Bill its provisions will eventually be adopted by all the people in the State. I appeal to the Minister not to allow the Bill to be defeated.

THE HON. G. C. MacKINNON (South-West) [8.31 p.m.]: On this question of the fluoridation of water supplies there are two methods of legislation; one is to pass enabling legislation, and the other to pass positive legislation. As the speaker for the Labor Party view in this House, Mr. Stubbs pointed out that New South Wales had passed enabling legislation. To say the least, this is a wishy-washy method of approaching a serious problem, such as the fluoridation of water supplies. I have no doubt that The Hon. Mr. Sheahan of New South Wales can put forward excellent arguments to justify the type of legislation his Government has adopted.

In my view, if a Government seeks to legislate for a particular course of action it is infinitely better for it to take a positive stand, as is being done in this State, and to legislate firmly on what it proposes to do. It is interesting to note that the viewpoint of the Labor Party favours fluoridation.

The Hon. G. Bennetts: Not all of us.

The Hon. G. C. MacKINNON: Mr. Stubbs, who claimed to be speaking on behalf of the Labor Party on this question, said the Labor Party was prepared to vote for the second reading of the Bill, and would continue to support it provided a provision was inserted to enable local option, in the form of referenda, to be exercised. To my mind this presents certain difficulties. For example, if the town of Collie votes against fluoridation, but towns further along the Wellington water scheme vote in favour, how will the introduction of sodium fluoride into the water supply be implemented to comply with the decisions of the various towns served by that pipeline? I wonder if a subsequent speaker from the Labor Party will be able tell me how local option, in those circumstances, can be put into effect?

It would also be interesting to find out how fluoridation of water supplies can be implemented in towns served by the Mundaring Weir-Kalgoorlie pipeline. I can see difficulties arising in the conducting of a poll on this question. Whilst I am not familiar with the districts between Mundaring and Kalgoorlie, I suppose parts of some districts are on the water scheme, but other parts, say, half-a-mile out, are not. Eventually, I suppose a census of only those served by the water scheme in a district will be taken.

Bunbury has its own water supply, in which there is natural fluoride at about 0.4 parts per million, and we can deal with the question under a referendum; likewise, Busselton. In most of the towns in the south-west it would be comparatively easy to make a determination under a referendum, although the town of Darkan which draws its water from the Wellington-Narrogin pipeline presents some difficulty. I have no doubt there are other centres in the State where similar difficulty would be experienced.

Under a referendum, are the people in some country towns who use rainwater for drinking purposes, and who use the town water supply for gardening purposes, to be given the opportunity to vote? I am referring to towns such as Dunsborough. I hope a speaker from the Labor Party will explain how such a position can be overcome.

Personally, I am completely sold on the idea of the fluoridation of water supplies. If I had not been sold on the idea previously, then the discussions which I had yesterday on this question clinched the matter so far as I was concerned. Yesterday a doctor practising in my province rang me, because he was very concerned about the publicity given to this matter in the weekend newspapers. He told me that he had treated two emergency cases of fluoride tablet poisoning, and pointed out that bottles each containing 100 tablets, were purchased by many households. He

said that 100 fluoride tablets were a lethal dose for a child, but in his view if water supplies were fluoridated the use of fluoride tablets in households would automatically cease.

Seventy per cent. of the community have, through Gallup Polls, indicated their support of fluoridation; therefore it can be taken for granted, more or less, that up to 70 per cent. of the households in this State acquire bottles of fluoride tablets for the use of their members. Generally these tablets are given to the children each day, and some of the tablets are prepared with an attractive flavour. I gathered that even in the most disagreeable form these tablets are not obnoxious

Only last weekend one child in a town in my province took 70 fluoride tablets, but fortunately he took them on top of a full meal at a party, so the doctor was able to have the stomach pumped out, and up to date there has been no apparent ill-effect.

The Hon. G. Bennetts: That was negligence on the part of the parents.

The Hon. G. C. MacKINNON: The same problem arises with young children swallowing kerosene and other household things. Most parents are careful in the storing of poisons, and keep them out of reach of children. But fluoride tablets are accepted by many people, and they do not seem to be regarded as being poisonous by young children, because the children themselves consume them every day.

The Hon. N. E. Baxter: The bottles are clearly marked "poison."

The Hon. G. C. MacKINNON: In many households children see bottles being taken down and the contents used, and no doubt many members have seen young children climbing up on chairs to get at bottles of various sorts in cupboards. A person has only to leave a bottle containing poisonous material in a wrong place, and a danger is created. As I mentioned, there was a doctor in my province who treated two cases of fluorine poisoning. He said he was not surprised there were two cases; what he was surprised at was that there had not been more than two cases up to date. This very person had some doubts in the early stages about the introduction of fluorine into water supplies; his doubts were based on the infringement of the rights of the people; but he told me yesterday that these doubts had been removed, because through the fluoridation of water supplies the danger of fluorine poisoning from the taking of tablets would be removed.

This medical man has considered very thoroughly the dangers of fluoridation to the old and sick people, and he has made a very thorough study of the subject. He has read far more widely on this question than I have; furthermore, he is better trained and educated to assimilate knowledge on this matter than any member in this House, with the exception of Dr. Hislop. He assured me that the biochemical effects of the fluoridation of water supplies at one part per million would be nothing but beneficial. He rang me yesterday, and saw me subsequently, because he wished to influence me on the matter before us, but there was no need for him to do so as I had made up my mind. I told him I would point out what he had told me in the hope that other members in this House might be influenced.

What this Bill seeks to achieve is to benefit young children—those who are under 14 years of age, and who have no vote in a referendum.

The Hon. G. Bennetts: Does it not matter how elderly people are affected?

The Hon. G. C. MacKINNON: Of course it does. If it can be proved that fluoridation is bad for elderly people then we will have to weigh that argument against the benefit of fluoridation to young children. Most of us, as responsible people, have to make up our minds on this question, and although we may not all agree, at least we should study the evidence and come to a conclusion.

The Hon. F. R. H. Lavery: I wonder what will happen to Swan lager beer?

The Hon. G. C. MacKINNON: It already has the required amount of fluorine.

The Hon. J. J. Garrigan: It could have a psychological effect on people.

The Hon. G. C. MacKINNON: It could. A large number of people will be able to vote on the question of the fluoridation of water supplies in a referendum, but those whom fluoridation will benefit most will not have a vote, and they are the young children, although their parents will have a vote. The important point is that the very people directly affected, who will benefit most, will not have a vote.

To summarise what I have said, I would like some member of the Labor Party to speak on the first point I raised: namely, that bottles of fluoride tablets, usually containing 100 tablets, are in common use in many households, and the contents are lethal. The other point I raised relates not only to the mechanics of the holding of a referendum, but also the mechanics of introducing sodium fluoride into particular water supplies which serve more than one district. From what I have said it is quite clear I intend to support the Bill all the way.

THE HON. H. C. STRICKLAND (North) [8.43 p.m.]: I was very interested in the remarks of the previous speaker, because he wanted to know how the idea of the Labor Party for the holding of a referendum could be implemented. Of course,

we do not claim it can be applied fully. The only practical way in which fluoridation can be implemented is through local water schemes. The honourable member asked why people who live in districts served by a particular water pipeline, should accept fluoridation after they have voted against it; or, alternatively, why those who have voted for fluoridation should not receive fluoridated water. It is very simple to answer the points raised, because he has no compunction in supporting this measure which will compel all people to accept fluoridation, whether or not they are in favour of it.

The Hon. G. C. MacKinnon: That is right.

The Hon. H. C. STRICKLAND: That is rather amazing. I have always been amazed at the attitude of this Government, which told the people very forcibly from the hustings during election time that it was a great believer in the freedom of the people, that it did not believe in regimentation, and that it did not support restriction of the people. On many occasions during elections we have heard that sort of nonsense from the Government. Then we have presented to us a Bill of this nature under which a chemical, which the honourable member who has just resumed his seat states is a poison, will be injected into the water supply and every one must take it.

The Hon. D. P. Dellar: Ramming it down their throats!

The Hon. H. C. STRICKLAND: They must take it whether they want to or not. The Labor Party believes that people should please themselves—

The Hon. R. F. Hutchison: Hear, hear!

The Hon. H. C. STRICKLAND: —whether or not they give their children fluoride. I believe that it should be a matter for the Commonwealth health authorities. It should be supplied in the same way as drugs are supplied—through the medical scheme. If people desire to use fluoride tablets then let them go along with a prescription and obtain them free. They do not cost very much anyway. Why ram it down the throats of the people? I am surprised at Mr. MacKinnon being afraid of the poison in the bottles of tablets lying around in the house. What about the bottles of Alophen pills, castor oil, Epsom salts, or anything which if taken in too big a quantity will knock children out?

The Hon. G. C. MacKinnon: They are not taken every day.

The Hon. H. C. STRICKLAND: The risks are exactly the same. Why only consider it necessary to hide the fluoride tablets and nothing else? It is just too ridiculous. That sort of argument does not for one moment convince me that every person in Western Australia should, if the Commissioner of Public Health so decides, drink fluoridated water. I do not believe that is a fair proposition at all.

With all due respect to the knowledge of the professional men, their opinions do differ in many ways. As Mr. Willesee explained to us last Thursday when the Bill was introduced into this House, directors of public health in other countries have, after years of experience of fluoride, changed their minds and regretted that they ever sanctioned the use of it. Therefore, while the opinions of the professional men must be respected, this does not necessarily mean that such opinions must be forced upon the community.

I know of two different families the children in which have been given fluoride tablets all their lives. The children of one of the families are too young yet for anyone to be able to forecast the final results. The first teeth of these children are going much the same way as do the first teeth of most children. They were also kept off sweets, or at least they were given a very reduced ration of sweets right through. Their first teeth were not perfect but they might have been above average. To decide just exactly how good the fluoride really is in connection with these children we must wait until the permanent teeth come through.

With regard to the children of the second family, about whom I have been authoritatively informed, they developed some chest complaint or respiratory complaint. Their doctor could find no reason for it so he suggested that the parents cease the use of the tablets. This the parents did and for a while the chest complaint cleared up. When the children were again given the tablets, the chest complaint returned.

Therefore, it appears that some children are allergic to fluoride, and if this is the case, would it be fair to fluoridate the water which those children must drink? We say it is not. We say that people should be able to voice their own opinions in the matter because some are for it and some are against it.

The Hon. G. Bennetts: Do you know what quantity they intend to put into the water?

The Hon. H. C. STRICKLAND: Mr. Bennetts has referred to the question of the quantity, and this draws my attention to one of the many letters I received in connection with this Bill. It is from a doctor living in the West Province and he took a poll of the doctors in that electorate in order that he might advise the members of Parliament for the district just what the medical men think down there. The wording of the question he put to them is rather intriguing. I will read it in order that it might go on record, because I believe

it is rather good. The letter, dated the 13th September, sent by this doctor to his fellow medicos reads as follows:—

Re Fluoridation

All the general practitioners listed as practicing in the Western Province of the Legislative Council are being sent a copy of the attached letter.

The numerical results of this poll will probably be made known to the eight members of the State Parliament whose electorates lie within this area.

As the First Reading of the Fluoridation Bill has taken place, your early reply would be appreciated.

The following is the question he put to them:—

I believe that * fluoridation of the public water supply of the metropolitan area would bring about a considerable reduction in the amount of dental caries and that it would not cause or aggravate illness in the community.

.....
Signature.

* To bring the concentration of fluoride ion up to 1 p.p.m.

The doctor sent that letter out to 53 practitioners and he received 40 replies—37 in favour, one undecided, and two in disagreement. The other 13 were apparently not interested. He claims a 92 per cent. favourable poll, but I find it a bit hard to see how he calculated that. Actually he received 33 per cent. who said No. From that information it can be realised that the doctors in the West Province are not wholeheartedly behind the belief that 1 ppm of fluoride in the public water supply will not cause or aggravate illness.

This brings me to Mr. Bennett's interjection as to quantity. Mr. MacKinnon and others opposed to the tablet form, claim that overdoses can be given to children. That could be so, but parents who are really interested in giving fluoride to their children would surely ensure, the same as with any other prescribed medicine, that the children received the correct dose. But how can the correct dose be assured in the water supply? How does one know whether a child will drink six or seven glasses of water a day or whether he will drink 60 or 70?

The Hon. G. C. MacKinnon: You certainly would not get the equivalent of 70 tablets.

The Hon. H. C. STRICKLAND: I am not arguing about that. I am asking how can the quantity be regulated. If he drinks too much he will get poisoned, as Mr. MacKinnon said.

Point of Order

The Hon. G. C. MacKINNON: I never at any time said that if they drank too much they would get poisoned; and I request those words to be withdrawn.

The Hon. A. F. Griffith: He knows you didn't say them.

The Hon. H. C. STRICKLAND: My exact words were that if they drank too much they would get poisoned, as Mr. MacKinnon said.

The Hon. G. C. MacKINNON: I never at any stage suggested that if they drank too much they would be poisoned, and again I request that the words be withdrawn.

The Hon. H. C. STRICKLAND: I am not suggesting he has said so.

The PRESIDENT (The Hon. L. C. Diver): Will the honourable member please withdraw his words?

The Hon. H. C. STRICKLAND: Would the honourable member please listen carefully to what I am saying? I say that if the child drank too much of the water he would be poisoned, as Mr. MacKinnon suggested. I am not saying that Mr. MacKinnon said the child would be poisoned by the water.

The Hon. G. C. MacKINNON: In view of the fact that these words appear in written form, I leave the interpretation to you, Mr. President; but I still request the words to be withdrawn.

The PRESIDENT: (The Hon. L. C. Diver): Would the honourable member please clarify the position so he does not retain that inference?

The Hon. H. C. STRICKLAND: What I am saying is that if a child drank too big a quantity of the water there is a possibility that he would get poisoned, the same as he would, as Mr. MacKinnon suggested, if he had too many tablets.

The Hon. A. F. Griffith: That is entirely different to what you said before.

Debate (on motion) Resumed

The Hon. H. C. STRICKLAND: Therefore, even among our local medical men—and I understand their organisation is behind compulsory fluoridation—there is a divergence of opinion. Consequently we cannot place confidence in the submission that no reaction will be felt as a result of fluoridation. I personally have heard of two cases one of which has shown beneficial results but the other has indicated some allergy. Therefore, I believe that the question should be left to the parents themselves; and I honestly believe that it should be supplied through the medical health scheme as are other drugs.

THE HON. J. G. HISLOP (Metropolitan) [8.58 p.m.]: This is a very involved matter, made much more involved by what has been said both for and against fluoridation. I think, however, that I had better make my position quite clear from the

start, because I have received several letters asking me to stand up for freedom. This I propose to do. I propose to take the side of the vast majority of people who are in favour of fluoridation—

The Hon. R. F. Hutchison: How do you know?

The Hon. F. D. Willmott: If you listen you might find out.

The Hon. J. G. HISLOP: —and the side of those children who cannot speak for themselves. Those of us who have seen the mouths of children in this State—in fact in the entire country—gone beyond repair at a very early age; those of us who have seen boys and girls of 15 wearing dental plates; and those of us who have seen deformed mouths, would do anything that was reasonable in order to prevent the continuance of such conditions.

When we take the words of those who have presented the documents both for and against fluoridation, I think we should look at some of their statements and their qualifications; because all round the place I hear that eminent doctors have said this and that. I want to read what some of these eminent doctors have said, and when I have done so members may alter their opinion.

Last week, immediately following the introduction of the measure, Mr. Willesee spoke and referred to a case before the High Court, Dublin, where an action was brought by a Mrs. Gladys Ryan (housewife), of Grace Park Road, Drumcondra, Dublin. Mrs. Ryan sought a declaration that The Health (Fluoridation of Water Supplies) Act of 1960 was repugnant to the Constitution and invalid, mainly because it introduced fluoridation.

This yellow sheet, which I have here, was sent to a large number of people, and on the front page we find statements made by Professor Anton Gordonoff, Professor of Toxicology and Pharmacology, at the University of Berne, Switzerland. I will just quote one of his statements—

> The damage by fluorine in the water to the thyroid gland took the form of reduction of function. It could cause goitre. That was enough.

Let us see what a very eminent doctor, Doctor Purves, Director of Endocrinology Research, Medical Research Council, England, had to say when giving evidence before the New Zealand commission of inquiry. He said—

> I do not know who did the analysis and who was responsible for the logic, but there is no logical conclusion to be drawn from their observations. They have in this particular region in North Western Cape Province an area where there is endemic goitre and where the local water supplies vary in fluoride content; some are high and some are low, but one, of course, has no reason to deduce from that, that it is the fluoride that is the cause of the goitre there.

Everybody knows that the cause of goitre is a disturbance of iodine and not fluorine. Even when I was a youngster, the question of goitre in Queensland was known to be due to an absence of iodine in the soil.

The Hon. G. C. MacKinnon: Iodine is a poison too, is it not?

The Hon. J. G. HISLOP: Yes, it is. On the other hand, toxic goitre is activated, to a large extent, by a nervous disturbance. So when we find that a man makes a statement of that sort, and we know that someone of much greater eminence makes the statement I have just read, we wonder why this man includes quite a number of other conditions; and I doubt whether he can produce any proof of them.

The Hon. F. R. H. Lavery: The first doctor you quoted published 235 original works on this matter.

The Hon. J. G. HISLOP: In a minute I will tell the honourable member something about a man who has published 500 pamphlets; I will tell the honourable member about a man not very far from home who has written 500 pamphlets, and I will tell him what is thought about that gentleman. In order to bring the matter back home, if the honourable member wants that, let us look at the statement of a Mr. Jaffrey, who holds the position of the President of the New South Wales Anti-fluoridation Committee. He published an article, and by some means or other it got to the editor of *The Medical Journal of Australia*. Let me read what the editor says of this man's work—

> Recently we received through the post a Press release containing a statement attributed to the Chairman of the Anti-fluoridation Campaign of New South Wales, Mr. K. S. Jaffrey. This related to the fluoridation project in the city of Hastings, New Zealand, which has had continuous fluoridation of its water supply since 1954. It referred to comparisons that had been made between the state of the teeth of children in Hastings and that of the children in the nearby city of Napier and indicated that, according to recent findings, the Napier children had much better teeth than the Hastings children who had been drinking fluoridated water. The statement brought forward serious grounds for questioning the value of fluoridation, and we read it with interest and some surprise. Indeed, so interested were we that we decided to get more information about the matter. It is just as well that we did, as the facts that have been made available to us by those with first-hand knowledge of the position in Hastings and Napier show that the main points in Mr.

> Jaffrey's statement are quite wrong. This may not be his fault, as he may have been wrongly informed, but the fact remains that the information in the statement which we received, and which presumably was released to the Press in general, bears only a tenuous relation to the facts.

Mr. Jaffrey replied to the editor; and anyone can read his letter, which is reproduced in this journal. After Mr. Jaffrey's reply, the editor had this to say—

> We confine our remarks to Mr. Jaffrey's criticism of our leading article.

Mr. Jaffrey complained that this was the only one that had been questioned, and he pointed out that he had published about 500 others. To continue—

> This "one Press release" is the only one we have ever received, and we criticised it because of its astonishing inaccuracy. The misstatement about the fluoridation at Napier, with its insinuation about "the authorities", is not the "lone error". Some of the many others were pointed out in the leading article.

Then a table is included in order to show Mr. Jaffrey just where he made his errors. The reply concludes—

> All the reports are consistent in showing this pattern and offer no support whatever to Mr. Jaffrey's assertions. We do not understand his statement that "according to your article, these two reports contradict each other."

I would not like that sort of statement made about me if I published anything in a scientific journal. Let us have a look at some of the others; and some of the background of these people is interesting. I will describe to the House shortly the views published by a man named Waldbott. The statement I am now about to read was made by Dr. J. Roy Doty. I will not read all his assertions, but just this comment—

> It may be noted that a serious charge can be directed at the circular because of the inaccuracy with which it reports the context of medical literature and that relating to physiology. The errors are so profound that it is difficult to believe that the writer, a physician, could have had the original articles before him for examination at the time of writing the circular. The following examples may be verified by direct comparison of the circular and the original publications:

They are here to be read by anybody who wishes to do so. I would not like that said about me, and I think it must be unique in the history of scientific publications for a man like Waldbott to have had this sort of thing said about him.

If that is the only basis on which the anti-fluoridationists can defeat fluoridation then I think theirs is a lost cause. Quite a number of the other so-called authorities base their views on those of Dr. Waldbott, Dr. A. Rapaport, and Dr. Spira; and the *Nation* of the 13th July, 1963, has this to say—

> In a short paper published three years ago, Professor Polya cited two American reports which suggest that the use of fluoride in the water supply may not be safe. These reports come from Dr. G. L. Waldbott of Detroit and from Dr. A. Rapaport in Wisconsin. These two reports are cited wherever the fluoridation battle is afoot, and the complications that counterclaims give rise to explain why the argument on this subject is so prolonged.
>
> The claim of Dr. Waldbott, a specialist in allergic diseases, is to have discovered a syndrome of a variety of complaints, including visual disturbances which may be due to fluoride in food and water, as well as some other physiological disturbances. According to last year's official report of the British Ministry of Health on fluoridation, Dr. Waldbott did not accept offers from health organisations to investigate his claims. Later, he submitted his own claims to Councils of the American Medical Association, but failed to convince them of the health hazard of fluoridated water at the officially recommended level. The British Health Ministry claims that doctors practising in its study areas reported no harm from fluoridation. Meanwhile, Dr. Waldbott has become an advocate of the anti-fluoridationist cause on other grounds as well. He sees in fluoridation a move towards socialising medicine, and devotes most of a popular book, written with another doctor, to this argument.

So members can get some idea of Dr. Waldbott's status in his own country; or at least, how he is regarded there.

A number of other authorities have been quoted by the anti-fluoridationists who have placed evidence before the New Zealand inquiry on the fluoridation of public water supplies, the report of which is a most precise document and one that is regarded very highly as a summing up of the evidence for and against fluoridation.

It would probably take me far too long to go through the whole of the evidence, but we note that a Dr. Hill—a woman medical practitioner in New Zealand—gave evidence. She was asked why she had used the expression "rat poison" in relation to fluoridation proposals; and the report of the New Zealand Commission of

Inquiry on the Fluoridation of Public Water Supplies has this to say at page 100—

> I do suggest to you that it would be a great pity to unnecessarily frighten people about this subject. This is a serious matter? . . . . It is a serious thing, and the more they are frightened the more they will investigate it, and the truth will make them free.
>
> You think they should be frightened a bit? . . . . They certainly should and many of them are.

That is the basis of much of this evidence for anti-fluoridation. I cannot see any reason why there should be this attempt to destroy fluoridation. In another part of this publication Dr. Eva Hill is reported as giving evidence, and she is asked whether she is really satisfied that it is the fluoride ion that is absorbed in the body and not the sodium fluoride, and she makes the startling reply, whilst giving evidence, that she does not know enough about the subject to answer the question.

Surely that is one of the most remarkable features in the whole story, and one of the features which has been so misinterpreted in a number of these documents. In many of them the statement is made that calcium fluoride is better than sodium fluoride because sodium fluoride attacks the bones. One must realise that sodium fluoride is not stored in the bones; it is the fluoride ion.

Someone sent me this green paper I have in my hand and I read a great deal of it with interest and dismay. I thought I would look up my little dossier to find out what it had to say about this Dr. Charles Brusch, director of the Brusch Medical Centre, Cambridge, Massachusetts. He makes all sorts of statements. In one, he says—

> The following are some of the harmful toxic effects of fluoride:
>
> (1) Damage to the brain and nerve cells.
>
> (2) Harm to the reproductive organs with resultant lowering of birth-rate.
>
> (3) Affect the thyroid gland and damage the liver.
>
> (4) Create a high incidence of bone fractures.

The Hon. D. P. Dellar: You say that he does not know what he is talking about.

The Hon. J. G. HISLOP: We will have a look at his background, to see who he is, because it is an interesting background.

The Hon. D. P. Dellar: Is he a member of the American Medical Association?

The Hon. J. G. HISLOP: The following is some information on him:—

Dr. Charles A. Brusch

From *The Hartford (Conn.) Courant*, July 3, 1956:

> Recently the Hartford Council, setting out to study both sides of the fluoridation question—just as though there were two sides—succeeded in hearing a single medical doctor who would oppose fluoridated water. He was Dr. Charles A. Brusch of the Brusch Medical Center, Cambridge, Massachusetts.

This is a man who has been making a good deal of his income out of what one could call spurious scientific proposals. I make that statement believing in what has been stated here, which is as follows:—

> Through courtesy of the Massachusetts Medical Society *The Courant* can now give its readers a thumbnail description of this licensed physician. The Society's dossier on Dr. Brusch begins in 1952, when a Boston advertising firm prepared a glossy print of Dr. Brusch together with a pretty patient and apparatus described as "the revolutionary new Guarino kidney." According to the announcement, widespread use of this apparatus would in twelve months save "four to five million lives." The "significant discovery" was announced by Dr. Brusch. Physicians at the Peter Bent Brigham Hospital said the conclusions in the article were not warranted. Dr. Brusch denied that the publicity material was ever used, but did not disavow the publicity that appeared in several magazines.
>
> In 1953 the Health Commissioner of Massachusetts brought to the attention of the Massachusetts Medical Society a six-page article by Dr. Brusch on the dangers of fluoridation. This article has been used frequently by other anti-fluoridation people, including the Fairfield Pure Water Committee. Among other things Dr. Brusch said: "Continued use in the drinking water of children would in time render them more susceptible to the ordinary diseases of childhood . . . It would also render them highly sensitive to leukemia, polio, diabetes, tuberculosis and cancer."

Then he went on, apparently, to use these words—

> ". . . This is so far-fetched that there is no sense in it."

This article on Dr. Brusch continues—

> On May 2, 1955, Dr. Brusch was one of a group who announced their scientific findings that "vodka, made

> in this country, leaves less of a hangover than bourbon whiskey, gin, or rum."

I ask members: Should we believe a man such as that? These are the kind of statements that so disfavour the anti-fluoride group. They do not know where to stop. I have here a document that was sent to me by a very nice person, judging by the handwriting and the plea that is made. How in the name of fortune can one believe that fluoride is likely to cause cancer of the thyroid gland when it takes, I think, about 50 parts per million to have any effect whatsoever on the thyroid gland? This document then goes on to say that fluoride causes premature birth, dry birth babies, Mongolism, and deformities.

It is statements such as those which make me feel that a referendum would get us nowhere, especially if similar propaganda is to be handed to the public. If members wish to look at the report of the court in the paper which I first read, I would like to point out that this yellow piece of paper which I have in my hand was published by a man named Mr. Harding of Rockhampton. He sent out a good deal of this propaganda on which a report had been made following an inquiry, but he forgot to send out the cross-examination of his witnesses. I do not think it would have paid him to send that out because, for the information of members, the following is the finding of the judge:—

> Mr. Justice Kenny's oral judgment, which was given on the 65th day of the hearing, took two hours and 10 minutes to deliver. A very great deal of scientific and medical evidence had been given and reports and articles from all over the world had been admitted as evidence.

This article then goes on to say—

> Mr. Justice Kenny criticised some of the plaintiff's witnesses on the basis that throughout their evidence there was an air of passionate conviction and that they were determined at all costs to make a case against fluoridation and not to consider any of its advantages. He was satisfied that in the manner proposed and in a temperate climate fluoridation was not dangerous to anybody. Many people in U.S.A. and Western Europe had used fluoridated water for many years and there had been no evidence whatever of any ill effects. Counsel for the plaintiff had elicited the fact that 10 per cent. of the children in this country might have mild mottling of their teeth at the concentration proposed, but it would be of a degree discernible only to experts. Witnesses for the plaintiff had contended that fluoridation was damaging to enzymes and caused heart, kidney and other ailments. He was satisfied, however, that from the evidence, while this might be the case in very high concentrations, it was not so in concentrations from one to five parts per million.

The whole proceedings of the court are recorded as having cost about £250,000, or 250,000 dollars. In any event, it was an enormous sum.

The Hon. F. R. H. Lavery: Is that a report of the court case held in London?

The Hon. J. G. HISLOP: This is a report of the court case in Dublin. I am sorry I have to weary the House with these quotes, but I must cite one last case which illustrates how this propaganda can be carried on. The New Zealand Commission of Inquiry presented its report on the Spira syndrome. Among other things it said this—

> In medical literature a group of signs and symptoms, which are said collectively to represent the effect of a single morbid cause, constitutes a "syndrome". We use this term to cover the signs and symptoms collectively, although it should be emphasised that any one person may not exhibit all these manifestations or all simultaneously.

I am not going to read the whole of these findings because it would only bore the members of the House. However, I want to read the summary which this committee of inquiry made on Spira's theory. It is as follows:—

> In this statement Dr. Spira has propounded a theory of fluorine intoxication in which the primary harmful action is said to be upon the nervous system. He regards the nervous system as being affected in two ways:
>
> (1) An effect at the centre with secondary effects by way of nervous connections to certain endocrine organs (parathyroid and adrenal glands). The alleged effects on the endocrine organs are in turn supposed to bring about the signs and symptoms in those parts of the body which the glands are supposed to control. For example, the skin and its appendages (teeth, nails, and hair) are said to be regulated by the parathyroid glands; and
>
> (2) A direct effect on peripheral nerves, or an effect at the centre with secondary effects on peripheral nerves, causing sensations of "pins and needles" and other manifestations.

He goes on to say—

> The factual basis of Dr. Spira's belief is found substantially in two publications (Spira, 1942, 1944). Dr.

> Spira conducted an examination of 5,019 military personnel, men and women, drawn from all over Britain. He states that 1,099 (20.9 per cent.) of these persons were afflicted with mottled tooth enamel.

When we see mottled enamel we cannot take it for granted that it is due to fluoride. There are many conditions in life which will cause mottled teeth.

What is a syndrome? If any member in this Chamber can tell me that he is completely free of any of these symptoms or syndromes, then, on Spira's findings he is not suffering from fluoride poisoning. However, if any member is suffering from any of these symptoms he must be suffering from some form of fluoride poisoning. That is my interpretation of the reports on his work. Dr. Spira states—

> In interrogating those afflicted with mottled enamel teeth, great care was taken to select only such signs and symptoms *as could not possibly be subject* to any mistake or to psychological influences.

Here are the seven questions—

(1) Do you take salts, pills, or any other aperients? Do you suffer from constipation?

(2) Do you ever have "pins and needles" in your fingers? Do they go dead and numb?

(3) Have you ever had any boils?

The Hon. F. D. Willmott: My oath!

The Hon. J. G. HISLOP: The honourable member is all right. Continuing—

(4) Do you at any time have heat spots, heat bumps, or rashes?

(5) Do you ever notice loose, shrivelled skin between the toes? Does it peel?

Then comes those in my lot—

(6) Does your hair fall out?

(7) Are your fingernails brittle? Do they break easily?

This is the syndrome of symptoms these men, in company with Waldbott, set down as the signs of fluorine poisoning. In regard to this inquiry there was this final statement—

> After careful consideration of all this evidence we are satisfied:—
>
> (1) That Dr. Spira did not prove that 21.9 per cent. of the service personnel he examined suffered from dental fluorosis;
>
> (2) That he did not establish a correlation between dental fluorosis and the signs and symptoms of the syndrome under discussion; and
>
> (3) That the failure to establish these points removes the factual basis which Dr. Spira has claimed for his theory, and which is described in his own words at paragraph 315 *supra*.

We have read that. Dr. Eva Hill believed this statement of Dr. Spira; and she goes on to add that it has a very definite effect on the adrenal glands. So this terrible element must do everything that is wrong to the human body. Fuorine, of course, is a poison. Everybody knows that; but we live on poisons taken in the proper amount. I would not like to see anyone take too much salt, because one would alter one's whole electrolyte balance very quickly; and one of the gravest things in a serious illness is this disturbance of the electrolyte balance brought about by too much fluoride, too much salt, and too little of other things—potassium, and so on.

All of these things taken in excess can poison an individual, but they are necessary for his health. If one takes vitamin A in excess, it will disturb one pretty badly, and if one takes vitamin D, which controls the calcium deposition, one will have joints that are in a sorry state. Some years ago there was a method of treatment for certain joint conditions, but it was seen very rapidly that there was an excess of calcium accumulating in the bones. Therefore, the treatment was rapidly stopped before it could do any great harm. However, if this treatment had been persisted with there would have been disastrous results because of excessive calcium deposition. We must look closely at the position when we are dealing with dangerous drugs.

Fluorine is practicable; and to a certain extent it is present in the majority of water supplies, but not in the appropriate amount. We are not trying to compel everybody to drink fluorine when they have never drunk it before. They have drunk it for most of their lives. All we are asking is that the amount of fluorine be brought to the required medical level. That is all that is being asked. To me, that is a very simple way of handling this problem.

There are many things that have been said in the community which I could refute, I understand that in a week-end paper, Mr. Jack Thomson expressed alarm about aged people. I heard it expressed again here tonight. This is due to the fact that fluoride deposits in the bones are thought to make the bones brittle and that people will suffer with broken bones.

The Hon. L. A. Logan: It is fear.

The Hon. J. G. HISLOP: It is a fear campaign, because it does not happen with one part per million of fluoride in water. Let me go a little further and say this: There is a complaint called acute fluorosis of bones. Crippling fluorosis, they call it; but it requires 20 to 80 milligrams per day for a period of 10 to 20 years before such

a thing could happen. However, nobody will take anything approaching that amount.

One of the investigators who was looking into the question of fluoride in bones was surprised to find that in quite a number of cases the elderly people had a better vertebral column than was expected, and that fluoride, therefore, was having some beneficial effect on the bones of the aged people. About three months ago, Professor Jean Mayer, who is senior dietician at the Harvard Medical School visited this State, and I had the pleasure of having him in my own home. He is a firm believer in fluoride, and I think he had a great deal to do with the making up of the minds of the people in Hobart.

We discussed the question of bones, because, for a long time, I have been interested in a disease known as osteochondritis, which occurs in children and in a disease, osteoporosis, of the aged. Professor Mayer said that I would be interested in the discussion of this fluoride organisation, because larger doses of fluoride were now being given to aged people in order to control osteoporosis—the thinning of the bone. Therefore, I think one can say quite frankly that aged people will not suffer any ill effects from fluoridated water.

The Hon. D. P. Dellar: That is only one medical opinion against another.

The Hon. L. A. Logan: Ninety-nine per cent. to one.

The Hon. J. G. HISLOP: Let me say this: I should say that Professor Jean Mayer is probably one of the outstanding dieticians in the United States of America, and we invited him here on post graduate education. He was so highly regarded in America that we asked him to come here to talk to us. Therefore, I would say that this man has a background that can be accepted.

I want members to realise that silly statements can be made by people. I go back to Waldbott, because he has made so many. In the early part of the article he said that fluoride is stored in the soft tissues. There is practically no storage of fluoride in the soft tissues. It is not stored in the body in soft tissue. I have had it said to me, "What about this thickening of the arteries?" I have said, "It is not stored in the soft tissues." We have to realise that in this State we have thickening of the arteries galore; and this from water with a very low fluoride content.

The incidence of this complaint will not be increased, because fluoride has no application to it at all. It is a completely different substance which is formed in the arteries, and has no bearing on this particular subject.

The Hon. F. R. H. Lavery: How does it affect the teeth if it is not stored?

The Hon. J. G. HISLOP: It is stored in the skeleton. It is in the bones of the body, but it is not in the soft tissues—and that is where the point comes in. One other feature was regarded as being difficult, and it was this: What effect would fluoride have on people with a kidney disease? From what I have read in the reports that I could gather, the kidney naturally is the organ which puts out quite a considerable amount of fluoride. Some is passed out by the alimentary tract; and even if a large dose is taken, it is excreted within a matter of hours. Within about 12 hours, most of the fluoride taken in by mouth has been excreted by the kidneys or the alimentary tract.

What happens if the kidney is thoroughly diseased? Investigations carried out over a number of years point to the fact that an accumulation of fluoride only occurs in a severe case of nephritis. The kidney disease would kill—and does kill—long before the fluoride intake could. It is only in severe cases that it accumulates. Therefore, it would have no effect on a child who drinks an excessive amount of fluoridated water. One of the difficulties about the tablets is that they must be given regularly. If one forgets for a period, some damage is done. It has to be fixed in the minds of parents that the dose must be given as required by the doctor of a particular child. The tablets must be given in a regular fashion.

I believe—to put it in Mr. Strickland's corner—that it has been said by one of the authorities that if one tries to give oneself an excessive dose at one part per million fluoridated water, one will have to drink more than one bathful of water. Therefore, members can see the amount that is required.

The Hon. C. R. Abbey: Per day?

The Hon. J. G. HISLOP: Yes; and it would be almost impossible to do it.

The Hon. G. Bennetts: Only elephants can do that.

The Hon. N. E. Baxter: What sized bath?

The Hon. J. G. HISLOP: A full length bath; not one that is five feet long. In conclusion—I have spoken longer than I thought I would—let me give the findings of the expert committee on water fluoridation. Perhaps I had better steal some of the thunder of my friend, Mr. Dolan. The World Health Organisation does not, as an organisation, ever accept as its view, the views of its contributors. It could not accept the views of everybody, because it is a world-wide organisation. However, it does not publish a report without some credence being given to it. The summary is as follows:—

1. Dental caries is one of the most prevalent and widespread diseases.

2. There is no hope of controlling the disease by present treatment methods alone.

3. Among the numerous preventive methods, the fluoridation of drinking-water supplies is the most promising.

4. The effectiveness, safety, and practicability of fluoridation as a caries-preventive measure has been established.

5. 1 p.p.m. fluoride has been shown to give maximum benefits: first, by epidemiological studies where fluoride occurs naturally in the water, and, secondly, where fluoride has been added at optimum concentrations through mechanical means.

I might add that the result of investigation has been the same where water was naturally fluoridated, and where fluoride was added up to the point of one part per million. Continuing—

6. Hundreds of controlled fluoridation programmes are now in operation in many countries.

8. Fluorides penetrate cells and in sufficiently high concentrations inhibit certain enzymes, but no evidence of enzymal inhibition has been found in persons drinking fluoridated water containing concentrations of fluoride optimal for dental health.

Many other minerals lead to the same thing and later destroy enzymes. We live by enzymes and I would say that a large intake of fluoride could destroy enzymes just as many other things could do likewise. I will continue to read—

9. Most of the fluoride absorbed into the system is rapidly excreted, principally in the urine; the rest is deposited in the minerals of the bones and teeth.

I have previously mentioned bone changes. Quoting further—

Adequate factors of safety guarantee the absence of these changes when water containing 1 p.p.m. fluoride is drunk.

11. Toxic doses of fluorides (50 times that used in controlled water fluoridation) injure the kidneys. There is no evidence of kidney injury or of any effect on concurrent kidney disease in the populations drinking fluoridated water where fluoride con centrations range up to 5 p.p.m.

12. No relation between thyroid disfunction and naturally fluoridated water has been established.

So it goes on—

13. Growth and development, somatic and psychic, are normal in children drinking water contalning 1 p.p.m. fluoride.

14. The formation of teeth and even their resistance to caries and their appearance are improved when water containing optimal concentrations of fluoride is consumed.

There were similar findings by the New Zealand inquiry. I do not think there is anything more that one can add to what has already been said. In the summary of conclusions at page 149 of the commission's report, there is given a number of medical questions. They read as follows:—

Fluoridated water does not cause or aggravate any of the following disorders:—

(1) Disorders of the brain and nervous system, disorders of the special senses, and disorders of the mind.

(2) Disorders of the heart and blood vessels.

(3) Disorders of the kidney and urinary tract.

(4) Cancer.

(5) Diabetes or disorders of the thyroid gland.

(6) Disorders of the gastro-intestinal tract and liver.

(7) Disorders of pregnancy and labour or developmental defects in children.

(8) Disorders of bones, joints, and the bone marrow.

(9) Irritation of the eyes or irritation of mucous membranes.

If I thought that what would be given to the public would be sound scientific information, then a referendum might have some purpose. But if the people are going to be fed with all the material I have read and with all these unscientific articles, and then we provide them with scientific details, they will become more bewildered than Mr. Jones. There could be no answer to a referendum because the public would be swayed one way or the other from what was in their minds. If all these pieces of paper which have been sent to us could be used to form the opinion that their view was unscientific, then we might get somewhere.

I hope I have said enough to convince members of the House that this is a reasonable proposition from the point of view of local dentists and the vast majority of medical practitioners.

Mr. Strickland read out a circular which was sent to doctors. It was fortunate that 53 copies were circulated and 40 replies were received. Had I sent out that number I would not have received half the number of replies. I think it displays great interest on the part of medical practitioners in the West Province.

I believe that in years to come this measure will be looked upon as one of the greatest that public health authorities have introduced. There are always people who are "anti". It is in the nature of human beings to be anti. I am anti on some things myself.

I recall the time when I fought for the pasteurisation of milk and the Minister in charge of the Bill fought me. Many hours were spent in conference before the committee accepted pasteurisation of milk in sealed bottles.

I do not think anyone in the House is now opposed to pasteurisation, in view of the degree of health conferred on children and the diseases which have been combated. We all realise that children generally have improved tremendously since we introduced pasteurisation. I recall the days when I was Superintendent of the Children's Hospital and milk was not pasteurised. I do not wish to see those days again, when I had to ring up the hospital sister and ask whether any children had died because others were waiting for the beds. Those days have disappeared because of a public health measure. I heartily support this Bill.

Debate adjourned, on motion by The Hon. N. E. Baxter.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 17th October, 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. R. THOMPSON (West) [9.52 p.m.]: This Bill brings about drastic changes to the Water Supply Department which, in the past, has been administered by the Minister of the day. The Bill provides that control shall be handed over to a board. After studying the Bill I am of the opinion that there would be little purpose in such a board. We have been told that the Water Supply Department should not be hampered by politcial humbug. The Minister will have as much control over the proposed board as he has over the department. The board will be powerless to act unless the Minister approves, and the Minister will be able to veto almost anything that the board wishes to do.

A similar Bill was placed on the notice paper in another place some twelve months ago and it was left to die a natural death. Perhaps the Government parties did not see eye to eye on the matter; or perhaps the Darling Range by-election was still fresh in their minds.

The Hon. A. F. Griffith: Like the Labor Party on fluoridation!

The Hon. R. THOMPSON: Yes; when it wants justice done by allowing the public to record their democratic votes as to whether or not they want fluoridation.

The PRESIDENT (The Hon. L. C. Diver): Will the honourable member please address himself to the measure.

The Hon. R. THOMPSON: I was speaking to the measure. With all due respect, Sir, I think you should have pulled up the Minister.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. R. THOMPSON: There is very little in the Bill that is objective. The onus of responsibility for levying increased charges on water rates is to be removed from the Government. The Minister will now be able to blame the board for any increases in charges. That is not a reasonable attitude for the Government to adopt. I think it is a squirm. Neither the Minister nor the Government is prepared to accept responsibility for its actions.

This Bill proposes to create a bureaucratic board. That will be its function. I do not know whether Western Australia is becoming famous or infamous for the number of boards that it is setting up. The Minister claimed that the proposed board would be free from political control. If that is so, then why are the board's borrowing powers limited and subject to the Minister's approval? In every clause of the Bill the Minister has the final say on what shall be done.

In short, the Bill says that the Minister shall appoint a general manager to the board and any other officers that are necessary; he will have to give approval to any loan being raised in excess of £50,000; the method of raising the loan, the interest payable, and the method of repayment; and he will have to give his permission for the letting of contracts exceeding £50,000, to the purchase of property exceeding £50,000, and to the selling of property exceeding £50,000.

The proposed board will be hamstrung, rather than being free from political control. The Minister will be able to overrule the board at all times. A Bill of this nature is bad. We are taking the control away from the Minister.

The Hon. F. R. H. Lavery called attention to the state of the House.

Bells rung and a quorum formed.

The Hon. R. THOMPSON: I was making the point that a Bill of this nature is bad; it is bad for the Government, whichever Government is in power, and it is bad as far as members of Parliament are concerned. Long before I came into politics a member of Parliament had some say in his province, or in his constituency, regarding what could be done and when it should be done.

Water is one of those problems that has been of prime concern to members of Parliament over the years, and to take

away from a member of Parliament what little say he might have to assist his constituents and hand this over to a board is in my opinion quite wrong. In the past the Metropolitan Water Supply, Sewerage, and Drainage Department has given courteous attention and over the years it has been most efficient in the handling of members' problems, and also the problems of the State in respect of water.

The Hon. A. F. Griffith: What makes you think it will be less courteous now?

The Hon. R. THOMPSON: I think a Bill of this nature is a slur on the Water Supply Department, on its management, and on its employees.

The Hon. A. F. Griffith: Is the S.E.C. a slur on its employees?

The Hon. R. THOMPSON: The S.E.C. is a totally different proposition, and the Minister cannot draw an analogy between a department that has been completely controlled as a department since its inception, and the S.E.C. If the Minister wants to branch off and have a look at the S.E.C. he will find that at one time various local authorities throughout the metropolitan area controlled different phases of electricity supply. There were electricity trusts or undertakings in various places, and to bring those trusts together the S.E.C. was formed. I have no complaint about that, because it brought all these undertakings under one control, but the supply of water is under one control at the present time.

As I previously said, and I reiterate, this Bill is a slur on a competent department that has given a service to Western Australia, and its management, although this has changed from time to time, has done an excellent job for Western Australia. This Bill is aimed at making the board a scapegoat for an irresponsible Minister who will not have the courage to say, "We are going to increase water rates" when rates have to be increased.

The Hon. A. F. Griffith: Don't talk rot!

The Hon. R. THOMPSON: If the Minister looks at it from a constructive point of view he will see that that is quite so. As Mr. Dolan pointed out, the money that will have to be borrowed—and money is not easy to borrow these days, particularly when it is an undertaking of this size—will cost more.

The Hon. A. F. Griffith: How much more?

The Hon. F. J. S. Wise: At least a half per cent.

The Hon. R. THOMPSON: If the Minister looks at the tables—

The Hon. A. F. Griffith: A half per cent. is a lot different from another figure we heard.

The Hon. R. THOMPSON: It will cost a lot more than a half per cent. because, as was pointed out by Mr. Dolan, brokerage fees have to be taken into account. Even a half per cent. on a loan of £500,000 —and that is only a small sum for an undertaking of this size—over a term of repayment of 20 years, 30 years, or whatever the term might be, with a flat rate of interest, would cost thousands and thousands of pounds. Somebody has to pay for the extra thousands of pounds involved.

The Hon. A. L. Loton: The S.E.C. has reduced its charges.

The Hon. A. F. Griffith: Twice.

The Hon. R. THOMPSON: That is quite correct.

The Hon. F. J. S. Wise: But for a different reason.

The Hon. R. THOMPSON: A different reason entirely.

The Hon. A. L. Loton: But it is a concern which borrows money.

The PRESIDENT (The Hon. L. C. Diver): Will the honourable member please address the Chair?

The Hon. R. THOMPSON: Yes, sir.

The Hon. L. A. Logan: You have not yet told us how much it will cost.

The Hon. R. THOMPSON: A close look at the Bill will show that the board is to be a body corporate, and that it shall have a seal. It is to have power to acquire, hold, and dispose of real and personal property for the purposes of the Act; and it shall not, without the approval of the Minister, acquire any property the cost of acquisition of which exceeds £50,000, or in any manner dispose of any property of a like value, or enter into a contract the consideration of which exceeds that amount.

The whole administration of the Act—everything in it—is subject to the Minister: so why are we led along and told that the board is to be free of political control? As far as I am concerned it is a committee measure because there are many features in it that I do not like, such as the appointment of members to the board. The Bill says that one member is to be appointed from the Perth City Council, and there are two other persons from local authorities, all nominated by the Minister. He will even control the personnel of the board, including the manager and every other person on it. From looking at the measure I would say that nothing will be free from political control.

The Hon. A. F. Griffith: What do you think will happen to this, if it becomes law, in the event of a change of Government.

The Hon. R. THOMPSON: Let us decide that in about 18 months' time.

The Hon. A. F. Griffith: In other words, evade the issue again.

The Hon. R. THOMPSON: Let us decide that in about 18 months' time. The Bill says that members of the board will be appointed to it from local authorities, but nowhere in the Bill does it stipulate how long a local authority member, whether he be a president, a mayor, or a councillor, shall serve. A member could be appointed to the board at the end of this year, and next March, April, or May, whenever the elections are held, he could lose his seat. Yet from the way I read the Bill he could remain on the board at the pleasure of the Minister.

The Hon. L. A. Logan: No, you have not read it right.

The Hon. R. THOMPSON: If I have not read it right I would like the Minister to point out where I have read it wrongly.

The Hon. A. F. Griffith: Any doubts can be cleared up quite readily, surely.

The Hon. R. THOMPSON: There are a lot of doubts about which the Minister cannot satisfy me. It says here that a member is eligible for reappointment.

The Hon. L. A. Logan: Providing he has the qualifications.

The Hon. R. THOMPSON: It does not say that. It says that once having been appointed to the board a member is eligible for re-election.

The Hon. L. A. Logan: Provided he has the qualifications.

The Hon. R. THOMPSON: He could be a defeated member of a local authority.

The Hon. L. A. Logan: No, he could not be.

The Hon. R. THOMPSON: I say yes. If he has to be re-elected to his position with the local authority it does not say so in the Bill.

The Hon. A. F. Griffith: How many times when a Bill has been in Committee have you asked for clarification of something?

The Hon. R. THOMPSON: Quite a few times and I will keep on asking for it.

The Hon. A. F. Griffith: Of course, and usually the position is clarified if there is any doubt.

The Hon. L. A. Logan: I have no doubts about it because I checked on it this morning.

The Hon. R. THOMPSON: That is the point I am making.

The Hon. L. A. Logan: I checked it with Crown Law.

The Hon. R. THOMPSON: You have?

The Hon. L. A. Logan: Yes.

The Hon. R. THOMPSON: That is not set out in the Bill, and Ministers change from time to time. Unless a thing is stated in the Bill I do not like it. It should be put into the Bill so we will know how the measure will operate.

I do not intend to support the measure, because I do not like its contents from start to finish. I think it is only putting on the shoulders of the members of the board—an ill-conceived board might I say—responsibility which should be that of the Government of the day in regard to water supply operations and the levying of rates. I oppose the measure.

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

House adjourned at 10.13 p.m.

Legislative Assembly

Tuesday, the 22nd October, 1963

CONTENTS