

Particulars of land allocations to the private sector will have to be notified by the authority in the *Government Gazette* within one month of the Governor's approval of the allocation.

Subsection (5) of the new section seeks to make it clear that the new section does not prejudice the generality of the existing legislation that relates to town planning. This is consistent with the intention that the new section shall clarify and particularise rather than abrogate or substantially alter the existing law.

Clause 4 proposes by an amendment to an existing section of the Act to make it clear that the authority's existing power to apply money represented in the Metropolitan Region Improvement Fund to the payment of all expenditure incurred by it for the purpose of formulating, carrying out, and giving effect to the region scheme embraces the payment of capital expenditure, costs, and other expenses incurred by the authority in connection with the acquisition, whether by agreement or compulsorily, of all property including property acquired under an improvement plan.

In conclusion, it is believed that the optimum balance between private rights and public interests has been struck, while keeping in mind the absolute need to keep the red tape within reasonable bounds. Procedures must be careful and fair, but they must not be unduly complicated and prolonged. The most splendid schemes can all too easily be frustrated by unnecessary delays.

The authority must by the presentation of a detailed improvement plan convince the Minister and, through him, the Government that the proposal is sound in principle. The Minister must then receive and consider the interested parties' representations and review in their light the precise effect that the improvement plan would have on individuals. Only after all these preliminaries will the plan reach the stage of final approval; and, if it is approved, the land allocations under it to the private sector will become public knowledge, obviating unnecessary and undesirable secrecy.

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

## ADJOURNMENT OF THE HOUSE: SPECIAL

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Mines) [5.37 p.m.]: I move—

That the House at its rising adjourn until 11 a.m. tomorrow (Thursday).

Question put and passed.

*House adjourned at 5.38 p.m.*

# Legislative Assembly

Wednesday, the 24th November, 1965

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

# QUESTIONS (27): ON NOTICE HOUSING COMMISSION VEHICLES

## Number, and Brands and Average Mileage of Tyres

- Mr. BICKERTON asked the Minister for Housing:
  - How many Government vehicles are operated by the Housing Commission?
  - What is the name of the brand or brands of tyres with which they are equipped?
  - If more than one brand is used, what is the proportion?
  - What is the average mileage obtained per tyre—
    - prior to recapping or retreading;
    - before being declared unserviceable?

Mr. O'NEIL replied:

- 37.
- All vehicles when purchased new are equipped with Hardie Rubber Co. Ltd. tyres. Country commission vehicles are equipped with two spare wheels shod with Hardie tyres as standard equipment.
- Only in a rare case of emergency when a Hardie tyre is unavailable is another brand purchased.
- (a) and (b) Experience has shown that vehicles used in the metropolitan area for such purposes as rent collection and the like return lower mileages per tyre than vehicles used for other commission purposes. In general, it can be stated that mileage obtained is in the range of 15,000-20,000 miles per tyre.  
It is not the commission's policy to recap or retread tyres.

## LANDS DEPARTMENT VEHICLES

### Number, and Brands and Average Mileage of Tyres

- Mr. BICKERTON asked the Minister for Lands:
  - How many Government vehicles are operated by the Lands Department?
  - What is the name of the brand or brands of tyres with which they are equipped?
  - If more than one brand is used, what is the proportion?
  - What is the average mileage obtained per tyre—
    - prior to recapping or retreading;
    - before being declared unserviceable?

Mr. BOVELL replied:

- (1) 48 motor vehicles, 11 trailers, 9 caravans.
- (2) and (3) Various brands but specific details are not readily available.
- (4) This information is not readily available.

#### DEPARTMENT OF AGRICULTURE VEHICLES

*Number, and Brands and Average  
Mileage of Tyres*

3. Mr. BICKERTON asked the Minister for Agriculture:

- (1) How many Government vehicles are operated by the Department of Agriculture?
- (2) What is the name of the brand or brands of tyres with which they are equipped?
- (3) If more than one brand is used, what is the proportion?
- (4) What is the average mileage obtained per tyre—
  - (a) prior to recapping or retreading;
  - (b) before being declared unserviceable?

Mr. NALDER replied:

(1)

	Department of Agriculture	Agriculture Protection Board	Total
Motor Vehicles ....	156	165	321
Tractors ....	86	9	95
Trailers ....	51	17	68
Caravans ....	3	115	118
Motor Cycles ....	4	1	5
			<hr/> 607

- (2) and (3) Various brands but specific details are not readily available.
- (4) This information is not readily available.

#### MINES DEPARTMENT VEHICLES

*Number, and Brands and Average  
Mileage of Tyres*

4. Mr. BICKERTON asked the Minister representing the Minister for Mines:

- (1) How many Government vehicles are operated by the Mines Department?
- (2) What is the name of the brand or brands of tyres with which they are equipped?
- (3) If more than one brand is used, what is the proportion?
- (4) What is the average mileage obtained per tyre—
  - (a) prior to recapping or retreading;
  - (b) before being declared unserviceable?

Mr. BOVELL replied:

- (1) 120 vehicles.
- (2) Hardie tyres.
- (3) Answered by (2).
- (4) (a) Recapped or retreaded tyres are not used on Mines Department vehicles.
- (b) This information is not available. Mines Department vehicles are mainly used by geologists, drilling teams, and inspectors of mines over very rough terrain and are liable to be staked or otherwise damaged. No record is kept of average mileage obtained.

#### PUBLIC WORKS DEPARTMENT VEHICLES

*Number, and Brands and Average  
Mileage of Tyres*

5. Mr. BICKERTON asked the Minister for Works:

- (1) How many Government vehicles are operated by the Public Works department?
- (2) What is the name of the brand or brands of tyres with which they are equipped?
- (3) If more than one brand is used, what is the proportion?
- (4) What is the average mileage obtained per tyre—
  - (a) prior to recapping or retreading;
  - (b) before being declared unserviceable?

Mr. ROSS HUTCHINSON replied:

- (1) Four hundred and sixty-two.
- (2) and (3) Various brands but specific details are not readily available.
- (4) This information is not readily available.

#### PUBLIC HEALTH DEPARTMENT VEHICLES

*Number, and Brands and Average  
Mileage of Tyres*

6. Mr. BICKERTON asked the Minister representing the Minister for Health:

- (1) How many Government vehicles are operated by the Health Department?
- (2) What is the name of the brand or brands of tyres with which they are equipped?
- (3) If more than one brand is used, what is the proportion?
- (4) What is the average mileage obtained per tyre—
  - (a) prior to recapping or retreading;
  - (b) before being declared unserviceable?

Mr. ROSS HUTCHINSON replied:

- (1) 69 (including caravans and trailers).
- (2) and (3) Various brands, but specific details are not readily available.
- (4) This information is not readily available.

#### TRANSPORT DEPARTMENT VEHICLES

##### *Number, and Brands and Average Mileage of Tyres*

7. Mr. BICKERTON asked the Minister for Transport:

- (1) How many Government vehicles are operated by the Transport Department?
- (2) What is the name of the brand or brands of tyres with which they are equipped?
- (3) If more than one brand is used, what is the proportion?
- (4) What is the average mileage obtained per tyre—
  - (a) prior to recapping or retreading;
  - (b) before being declared unserviceable?

Mr. O'CONNOR replied:

- (1) One car, one small van in addition to three motor scooters used by the Taxi Control Board.
- (2) Car—originally equipped with Dunlop tyres, three of which were replaced with Hardie Tyres. Van—original tyres (Goodyear). Motor Scooters—original tyres (Ceat).
- (3) Answered by (2).
- (4) Individual tyre mileages are not recorded. Replacements are made when a particular tyre becomes unsafe for further use. The small van and motor scooters are used only in the metropolitan area where annual mileage is low and original tyres do not usually reach the replacement stage.

#### RAILWAYS DEPARTMENT VEHICLES

##### *Number, and Brands and Average Mileage of Tyres*

8. Mr. BICKERTON asked the Minister for Railways:

- (1) How many Government vehicles are operated by the Railways Department?
- (2) What is the name of the brand or brands of tyres with which they are equipped?

- (3) If more than one brand is used, what is the proportion?
- (4) What is the average mileage obtained per tyre—
  - (a) prior to recapping or retreading;
  - (b) before being declared unserviceable?

Mr. COURT replied:

- (1) 530.
- (2) Mainly Hardie.
- (3) See answer to (2).
- (4) This information is not readily available.

#### POLICE DEPARTMENT VEHICLES

##### *Number, and Brands and Average Mileage of Tyres*

9. Mr. BICKERTON asked the Minister for Police:

- (1) How many Government vehicles are operated by the Police Department?
- (2) What is the name of the brand or brands of tyres with which they are equipped?
- (3) If more than one brand is used, what is the proportion?
- (4) What is the average mileage obtained per tyre—
  - (a) prior to recapping or retreading;
  - (b) before being declared unserviceable?

Mr. CRAIG replied:

- (1) 353.
- (2) and (3) Various brands but specific details are not readily available.
- (4) This information is not readily available.

#### ELECTRIC METERS IN FLATS

##### *Rockingham Block: Application of Departmental Policy*

10. Mr. GRAHAM asked the Minister for Electricity:

Will he state precisely what safety considerations make it advisable for a person to be charged for electricity of premises which he does not own, lease, or occupy, such as in Parkin Street, Rockingham; also what "considerable alterations" to the electrical installation, and what structural alterations are "advisable" in order to enable the lawful owners or occupiers to assume their own responsibilities and not someone else's?

Mr. NALDER replied:

The limits of an electrical installation should be clearly defined and to a reasonable extent structurally confined so that it is clear what is alive and what is not when it is necessary to switch the installation. Common services such as water pumps, laundries, lifts, lighting of common areas, etc., make it difficult to establish clearly defined installations.

## RAILWAY PROPERTIES AT CLACKLINE AND BAKER'S HILL

### *Disposal*

11. Mr. HAWKE asked the Minister for Railways:

What steps does the Railways Department intend to take in relation to disposal of railway land on which cottages are located at Clackline and Baker's Hill and about which individual inquiries have already been made from local citizens willing to purchase the land?

Mr. COURT replied:

Consideration is still being given to this matter and it is proposed to write in more detail to the honourable member in the near future following his earlier inquiry. One proposal is to invite tenders in the near future for purchase of houses occupied by non-employees and situated outside of the railway reserve.

In the case of employee tenants who will be remaining in occupation after closure of the railway, consideration is being given to their having the first opportunity to purchase and tenders being called for the purchase of other valuable houses.

## VENEREAL DISEASE

### *Increase: Cause and Prevention*

12. Mr. FLETCHER asked the Minister representing the Minister for Health:

Relevant to the recently published Health Department figures demonstrating an alarming increase in the incidence of venereal disease in this State:

- (1) Has the associated research revealed that this increase is attributable to—
  - (a) an increase in promiscuity;
  - (b) a resistance to antibiotic therapy?

(2) If attributable to both causes, is the medical profession confident that more effective antibiotics can be developed to cope with this frightening situation?

(3) Will he seek all ways and means of getting the message to our young people, by co-operation with the Education Department and other bodies, with a view to an increase in films and lectures in all schools and places where young people congregate?

Mr. ROSS HUTCHINSON replied:

(1) (a) It is considered that the main increase in venereal disease is due to increased promiscuity in younger age groups.

(b) No.

(2) Not applicable.

(3) Improved ways and means are constantly being sought.

## GREAT EASTERN HIGHWAY: LAKES JUNCTION

### *Traffic Right of Way*

13. Mr. GAYFER asked the Minister for Police:

A car proceeding to York from Perth meets a car proceeding to Perth from Northam at the Lakes Junction—which car has the right of way?

Mr. CRAIG replied:

The car proceeding to York from Perth.

14. *This question was postponed.*

## WAR SERVICE LAND SETTLEMENT SCHEME

### *Wool: Illegal Disposal*

15. Mr. HALL asked the Minister for Agriculture:

(1) Has a recent investigation been made into war service land settlers disposing of wool illegally and has the investigation been intensified recently?

### *Administration: Inquiry*

(2) If the answer to (1) is "Yes," will he undertake to put into operation an investigation into war service land settlement administration since the inception of the scheme in this State?

Mr. NALDER replied:

(1) Investigation of war service land settlers disposing of wool illegally is instituted at any time evidence becomes available. This action has not been intensified recently.

(2) No.

**RAILWAY SLEEPERS***Mt. Newman Project: Use of Timber*

16. Mr. HALL asked the Minister for Industrial Development:

- (1) Can he advise the names of timber firms which have had discussions with his department and the personnel officer of Mt. Newman projects?
- (2) Has a final decision been made by Mt. Newman on the use of timber sleepers?

*Shipment through Albany*

- (3) Is it the intention of timber millers cutting sleepers in the lower great southern areas to ship sleepers through the port of Albany?

*Mt. Newman Project: Shipment through Albany or Bunbury*

- (4) Has Mt. Newman made any stipulation as to shipment of sleepers through the port of Albany or the port of Bunbury for their north-west project?

Mr. COURT replied:

- (1) Discussions have been held between representatives of Mt. Newman Iron Ore Company Limited, the Department of Industrial Development, and the W.A. Sleeper Export Association, in reference to the supply of sleepers for the Mt. Newman railway.

No individual timber firms have been involved in these talks at the official level although there may have been separate talks of a private nature not known to the Department of Industrial Development.

- (2) No.
- (3) The port of shipment will be arranged between the suppliers and Mt. Newman.  
It is not known if the Port of Albany will be used.
- (4) See answer to (2).

*Mt. Goldsworthy Project: Shipment through Bunbury*

17. Mr. HALL asked the Minister for Industrial Development:

- (1) Can he advise the tonnages and number of sleepers milled in the lower great southern areas and railed and road freighted to Bunbury for shipment to Mt. Goldsworthy since the inception of the project?
- (2) What are the names of the timber firms—
  - (a) supplying or who have supplied;
  - (b) who have shipped;

sleepers through the port of Bunbury to the Mt. Goldsworthy project?

Mr. COURT replied:

- (1) 534 tons representing 6,788 sleepers, have been railed and road freighted to Bunbury and Busselton for shipment to the Mt. Goldsworthy project from the lower great southern areas.
- (2) Shipments of Mt. Goldsworthy sleepers have taken place from both Bunbury and Busselton. It is not possible, without a lot of clerical work, to separate the tonnages that went to each port from the lower great southern mills.

Also it is considered the details of actual firms supplying sleepers is mainly a matter between the several mills, timber companies and Mt. Goldsworthy.

**KENT STREET HIGH SCHOOL***Science Block: Site, Commencement, and Cost*

18. Mr. DAVIES asked the Minister for Education:

Adverting to my question 23 of the 18th August, 1965, regarding the construction of a science block at Kent Street Senior High School, can he now advise—

- (a) whether a suitable site has been chosen and, if so, where this will be;
- (b) the date when the building will be completed;
- (c) the estimated cost of the building?

Mr. LEWIS replied:

- (a) Yes, to the north-west of the school courtyard block of existing classrooms in a position on the bank in line with the west wall of the block.
- (b) It is anticipated that the building will be completed in time for the start of the 1967 school year.
- (c) No estimate has been worked out but it is expected to cost in the vicinity of £100,000.

**SOUTH KENSINGTON  
OCCUPATIONAL CENTRE***Home Science Facilities: Plans*

19. Mr. DAVIES asked the Minister for Education:

Adverting to my question 14 of the 4th August, 1965, is he now able to advise whether the availability of loan funds will permit the construction of home science facilities at the South Kensington Occupational Centre during the present financial year, or whether any

definite plans have been formulated for the undertaking of this work?

Mr. LEWIS replied:

Funds will not be available in the current financial year.

### LAND AT EASTERN END OF CAUSEWAY

#### *Vesting*

20. Mr. DAVIES asked the Minister for Lands:

- (1) Has the land at the eastern end of the Causeway been now vested in the Perth City Council for future development?
- (2) If so, when were formalities completed?
- (3) If not, when will formalities be completed, and what is the cause of continued delay?

Mr. BOVELL replied:

- (1) The land northward of the Great Eastern Highway has been vested in the City of Perth as Reserve No. 27743 for the purpose of "Recreation and Riverside Improvements".
- (2) and (3) 27th August, 1965.

### YOUTH COUNCIL

#### *Meetings, Programme, and Revenue*

21. Mr. BRADY asked the Minister for Education:

- (1) Has the recently formed Youth Council held any meetings since being formed?
- (2) What activities have been carried out or planned?
- (3) What revenue has been made available to the council?

#### *Activities: Extension to Country Areas*

- (4) Is the work of the council to extend to country districts or be confined to the metropolitan area?

Mr. LEWIS replied:

- (1) Yes.
- (2) A report and recommendations have been prepared on proposed plans and submitted to the Minister.
- (3) £20,000 for this financial year to cover augmented training of youth leaders, a pilot project, and administrative costs.
- (4) The work of the council is to cover the whole State.

### MOTOR VEHICLE THIRD PARTY INSURANCE

#### *Premium Rates for Each State*

22. Mr. DURACK asked the Minister representing the Minister for Local Government:

What are the rates of premium for compulsory third party insurance cover in each Australian State?

Mr. NALDER replied:

Photostat copies of third party premium rates in the following States are attached:—

New South Wales, Queensland, Tasmania, Victoria, South Australia, and Australian Capital Territory.

No information regarding rates charged in the Northern Territory is available.

These schedules are the latest advices received, but it is understood that in Tasmania and in Victoria, premiums are currently under review.

23. *This question was postponed.*

### CLOSER SETTLEMENT ACT

#### *Board: Appointment*

24. Mr. W. A. MANNING asked the Premier:

- (1) What "unusual prevailing circumstance" is he looking for before appointing a board under the Closer Settlement Act, 1927-1953?
- (2) Is he aware that such action was requested some time ago by the Central South Regional Council and last year by the Regional Councils Association of W.A.?
- (3) What wider reflection of opinion could be provided?

Mr. BRAND replied:

- (1) Circumstances differing substantially from conditions which have existed since 1927.
- (2) Yes.
- (3) Evidence in support of requests referred to in (2) by organisations concerned.

### RESERVE No. 18723 AT WALPOLE

#### *Classification, Excision, and Lease*

25. Mr. ROWBERRY asked the Minister for Lands:

- (1) Was Reserve No. 18723 situated in the Walpole area classified as "A," "B," or "C" class reserve prior to the excision and lease of approximately 10 acres to Messrs. Swarbrick & Sons in 1962?
- (2) By what Government authority was this lease issued?

- (3) Under what section of the Land Act or any other Act was this lease issued?
- (4) Did the Lands Department receive a letter from the Manjimup Shire Council dated the 19th March, 1965, asking, *inter alia*, "under what section of the Land Act the land concerned was taken from National Parks and granted to Mr. Swarbrick"?
- (5) Was a letter sent from the Lands Department dated the 22nd April, 1965, saying that this matter was being considered?
- (6) Has this consideration reached finality? If so, what was the result?
- (7) Why was it necessary to give this question consideration?
- (8) Is the relevant Act ambiguous on this point?
- (9) Was the Manjimup Shire Council informed of any change of status of the land concerned? If not, why not?
- (10) What price did Messrs. Swarbrick & Sons pay for this lease?
- (11) Has this lease changed hands recently? If so, at what price?
- (12) Is he aware that the property the subject of this lease is again on the market?
- (13) As the listed conditions of the lease were subject to his approval, is he in a position to inform the House whether or not these conditions have been adhered to?
- (14) As the original purpose of this land was recreational or for the purpose of protecting flora and fauna in the area, does he agree or acquiesce in what appears on the surface to be trafficking in land for private gain, as against developing the area as a tourist resort?
- (15) Has he power to cancel this lease if certain conditions are not adhered to?

Mr. BOVELL replied:

- (1) Class "C".
- (2) Lands and Surveys Department.
- (3) Section 117 of the Land Act.
- (4) Yes.
- (5) Yes.
- (6) Approval has been given to transfer the leases, subject to a written undertaking by the purchaser to proceed with development.
- (7) The department required an inspection of the improvements effected on the leases.
- (8) No.

- (9) Yes, by letter dated the 6th December, 1961.
- (10) The annual rental for Walpole Lots 231 and 233 is £100, and the annual rental for Walpole Lot 234 is £20.
- (11) Approval has been given to transfer the leases to F. R. & D. M. Hay, but no transfer has yet been registered.
- (12) No.
- (13) Yes, with regard to lots 231 and 233. An undertaking will be required to be given by the purchasers to proceed with the development of Lot 234.
- (14) Reserve No. 18723 is set apart for the purposes of "National Park and Tourist Resort". The leases referred to comply with the purposes of a tourist resort.
- (15) Yes.

## MOTOR VEHICLE LICENSES

### *Half-yearly Registration*

26. Mr. DAVIES asked the Minister for Police:

In the event of a motorcar owner electing to license his vehicle for a six-monthly period, why can he not at the end of that period then take out a license for 12 months instead of first having to take out a license for a further six-monthly period?

Mr. CRAIG replied:

Section 10 (5) (a) of the Traffic Act prohibits the renewal of a licence beyond the anniversary of the annual licensing date.

## HOUSING COMMISSION HOMES

### *Gas Connections*

27. Mr. GRAHAM asked the Minister for Housing:

- (1) How many commission dwellings have been connected with—
  - (a) State Electricity Commission, and
  - (b) Fremantle Gas and Coke Company gas mains
 during each of the last three years respectively?

### *Rental Homes: Policy on Gas Connections*

- (2) What is the commission's policy regarding connecting rental dwellings to gas mains and the installation of gas appliances where gas supplies are available?

Mr. O'NEIL replied:

- (1) Except for the laundry facilities at "Westlea" flats, Swanbourne, which were completed in 1963,



none of the commission's group houses for sale or rental has been connected to gas mains of the State Electricity Commission or the Fremantle Gas and Coke Company, during the last three years.

- (2) The commission's experience is that, apart from a few requests each year from individuals building on their own land, there is practically no demand for gas for either rental or purchase accommodation. Recently, the commission agreed to a trial installation of gas stoves and gas lounge-room heaters in 30 of the next 100 houses to be built in Coolbellup.

### QUESTIONS (11): WITHOUT NOTICE

#### EASTERN GOLDFIELDS HIGH SCHOOL

##### *Assembly Hall-Gymnasium and Fencing: Provision*

1. Mr. BURT asked the Minister for Education:

Is he yet in a position to reply to the request made by a recent petition which I presented to him seeking a new assembly hall-gymnasium and a fence around the playing fields at the Eastern Goldfields High School?

Mr. LEWIS replied:

The Deputy Director of Education is making a personal visit to Kalgoorlie this week; and, arising from his subsequent report, a decision will be made.

#### RAILWAY SHUNTERS

##### *Avoidance of Fatalities*

2. Mr. BRADY asked the Minister for Railways:

- (1) Is the Minister aware that a shunter was killed in the marshalling yards at Midland last night?
- (2) Will the Minister have a departmental inquiry to see if further loss of life can be avoided by—
  - (i) ensuring that shunting staffs are up to the requisite strength, and
  - (ii) are sufficiently trained to accept the huge responsibility required of shunters?

Mr. COURT replied:

- (1) Yes.
- (2) This matter is constantly under review by the Deputy Commissioner of Railways and his staff.

#### SCHOOL CHILDREN IN COUNTRY AREAS

##### *"Walk and Ride" Journeys*

3. Mr. GAYFER asked the Minister for Education:

- (1) Has he read in this morning's paper an account of 8-year-old Matthew Mumford of York being bitten by a snake whilst walking with his two younger sisters 2½ miles from the bus stop to his home?
- (2) How many children in the country walk 2½ miles, and further, from recognised bus stops?
- (3) Is the Mumford bus stop part of a special spur off the main route?
- (4) If so, how many miles?
- (5) If it is not a special spur, why not?
- (6) Does he consider it is reasonable to say that a child, because of the "walk and ride" journey to school that is involved, and who is required to depart from home at 6.20 a.m. and cannot return before 5.30 p.m., is overtaxing its strength, thereby undermining its health?
- (7) In the picking up of children and the provision of spurs as between those attending State and convent schools, is there any difference in departmental policy?
- (8) What were the circumstances which caused the removal some two years ago of the bus stop nearby Mr. T. F. Robinson's property?

Mr. LEWIS replied:

- (1) Yes.
- (2) This information is not readily available—but in any case the Mumford family live only 1.8 miles from the pick-up.
- (3) Yes.
- (4) and (5) Four-mile spur which is the maximum allowable.
- (6) As the Mumfords are 1.8 miles from the pick-up, they should not have to leave home before 7 a.m. to reach their pick-up at 7.35 on alternate weeks. On the other weeks, their pick-up time is much better. When set down at 4.45 p.m. they should be home by about 5.15 p.m. On the other weeks they are set down much earlier.
- (7) No.
- (8) The family previously served has left the district.

### SCHOOL ASSEMBLY HALL GYMNASIUMS

#### *Provision: Government Policy*

4. Mr. W. HEGNEY asked the Minister for Education:

Is it still the policy of the Government not to provide gymnasiums for assembly halls in State schools whilst there is still a shortage of classrooms?

Mr. LEWIS replied:

It is the policy of the Government to provide these gymnasiums to schools, subject to funds being available. It is a question of priority, and classrooms must come before gymnasiums.

### SIDINGS: CLOSURE BETWEEN MERREDIN AND NORTHAM

#### *Effect on Carting Subsidies*

5. Mr. CORNELL asked the Minister for Transport:

In explanation of the question I am about to ask, may I say that some time ago I approached the Commissioner of Transport and pointed out to him that consequent upon the inauguration of the standard gauge railway—which, incidentally, will not traverse the same route as it does now—several sidings between Merredin and Northam would be closed, and in view of that farmers would be required to cart produce beyond a recognised distance; and, thereby, in that circumstance, they would not be eligible for carting subsidies. I have now received a reply from the Commissioner of Transport in which he says that this matter was referred to the Crown Law Department, but as there is no closure of a railway involved, the subsidy regulations applying to the transport of grain and fertiliser would not apply.

So I ask the Minister: Could he inform me, when hairs are being split, if this subject could not go on record?

Mr. O'CONNOR replied:

If the honourable member would care to place this question on the notice paper I will endeavour to answer it.

### HIGH SCHOOL ASSEMBLY HALLS AND GYMNASIUMS

#### *Provision*

6. Mr. W. HEGNEY asked the Minister for Education:

Which was the last high school provided with a gymnasium or an assembly hall?

Mr. LEWIS replied:

I cannot answer the question off-hand; but if the honourable member puts it on the notice paper, I will have the matter investigated.

### ELECTRICITY AT ROEBOURNE

#### *Shortage of Supply*

7. Mr. BICKERTON asked the Minister for Works:

Further to the question without notice I asked a few days ago regarding the power supply at Roebourne, to which he replied he would have the matter investigated, has he any further information?

Mr. ROSS HUTCHINSON replied:

It was not several days ago, but yesterday, that the honourable member asked me this question. I have asked my officers to have an urgent inquiry made; and, as soon as I have the information, I will let the honourable member have it.

### GREAT EASTERN HIGHWAY

#### *York-Perth Section: Erection of Traffic Signs*

8. Mr. GAYFER asked the Minister for Police:

In view of his answer to question No. 13 on the notice paper asked by me, could the Minister cause "Give Way" or "Stop" signs to be erected at the junction of those roads which enter Great Eastern Highway on a northern approach to the York-Perth Road?

Mr. Hawke: Cut that out!

Mr. CRAIG replied:

This has been considered, but I feel the solution at this particular junction is that some channelling of the traffic is required. This matter is being investigated, and when I receive a report I will inform the honourable member what is contained in it.

### RESERVE No. 18723 AT WALPOLE

#### *Excision: Sale*

9. Mr. ROWBERRY asked the Minister for Lands:

As he has answered "No" to part (12) of my question 25 on today's notice paper, will he now take steps to ascertain if this property is indeed on the market?

Mr. BOVELL replied:

I have no knowledge of it. I think that is sufficient. I will deal with the emergency when it arises.

**GOLDMINING INDUSTRY***Committee of Inquiry: Tabling of Report*

10. Mr. BURT: I had intended to ask the Premier a question without notice, depending on his answer to question 23 on today's notice paper. I understand the Premier said he would reply to that question of the member for Boulder-Eyre later on in the sitting. Would I have your permission, Mr. Speaker, to ask a question of the Premier without notice following his reply to that question?

The SPEAKER: That would be establishing a very bad precedent, and would lead to the asking of further questions without notice.

Mr. BURT asked the Premier: In that case I shall ask the question now. If the answer to the honourable member's question is "No", can the Premier advise the House when the report of the committee on the goldmining industry will be made public?

Mr. BRAND replied: There is no intention of not making this report public. I merely asked for time to answer the question referred to by the honourable member, because I have not had an opportunity to confer with the Minister for Mines and other Ministers.

**RESERVE No. 18723 AT WALPOLE***Excision: Sale*

11. Mr. ROWBERRY asked the Minister for Lands:

In connection with the reply which he has just given, will he take steps now to ascertain whether this emergency has arisen?

Mr. BOVELL replied:

I will deal with the situation when it arises. I have given an answer to the question quite clearly, and if the circumstances alter the matter will be considered at the appropriate time.

**BILLS (4): RETURNED**

1. State Tender Board Act Amendment Bill.
2. Road Closure Bill.
3. Reserves Bill.
4. City of Perth Parking Facilities Act Amendment Bill.

Bills returned from the Council without amendment.

**LICENSING ACT AMENDMENT BILL (No. 4)***Third Reading*

Bill read a third time, on motion by Mr. Brand (Premier), and transmitted to the Council.

**LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)***Second Reading*

MR. NALDER (Katanning—Minister for Agriculture) [2.44 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains a very small amendment to the Local Government Act. It was brought to the notice of the Government last week that the Federal Government had selected the fourth Saturday in May next for its referendum on the Constitution which concerns the alteration to the number of members in the House of Representatives.

This is the date prescribed in the Local Government Act for the holding of local government elections. As it is considered impossible to hold local government elections on the same day as the Federal referendum is to be held, an amendment to the Act becomes necessary. Previously when a similar situation occurred a Bill to amend the Act was introduced. Members might recall that was in 1958.

It is now considered that a better method to overcome the position is to amend the Act to enable the Governor to proclaim another Saturday so as not to coincide with events such as Federal elections or referendums to alter the Commonwealth Constitution. Therefore, to avoid any difficulties or confusion that might arise if the local government elections are to be held on the same day as a Federal referendum or a Federal election, the amendment to the Local Government Act is proposed. This amendment seeks to allow the Governor to proclaim another Saturday earlier than the fourth Saturday in May for the holding of local government elections.

Debate adjourned, on motion by Mr. Toms.

**OPTOMETRISTS ACT AMENDMENT BILL***Second Reading*

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [2.46 p.m.]: I move—

That the Bill be now read a second time.

This Bill is on the file, and has been passed by the Legislative Council with a comparatively minor amendment. It seeks to amend an Act which deals with optometrists and the practice of optometry, but is principally concerned with a group of

craftsmen or technicians who are not optometrists, and I refer to optical dispensers.

The optometrist commonly carries out two main functions. He tests eyes to measure the powers of vision. In doing so, he uses charts and various measuring devices to determine the nature of lenses required to correct certain types of visual defects. He also sells spectacles in accordance with a prescription (which he himself may have given) and either makes the spectacles, or employs craftsmen to do this.

The optometrist undertakes a four-year course conducted by the Optometrists Registration Board with the assistance of other educational institutions. There is a suggestion that the board may discontinue all but the first year of this course. The present course is comprehensive and covers both sight testing and the making of spectacles. The other principal profession concerned with testing sight and prescribing spectacles is represented by the ophthalmologist who is sometimes referred to in the Act by the old term "oculist."

The ophthalmologist is, of course, a medical practitioner who has taken a higher degree in eye diseases in addition to his five-year university course in medicine. As well as treating eye diseases and performing eye surgery the ophthalmologist tests eyesight and prescribes spectacles. He does not make or sell spectacles. In most cases prescriptions given by ophthalmologists are fulfilled by optical dispensers. There are four firms of optical dispensers operating in Perth, and by and large they have provided a valuable service.

Where a patient is ordered spectacles by an ophthalmologist he is advised to bring the spectacles back to the ophthalmologist for checking. The professional responsibility for the fitting and suitability of spectacles supplied is therefore taken by the ophthalmologist.

In practice the competence of optical dispensers has been put to the test in thousands of cases and there is no real question as to their ability in this field. The use of optical dispensers extends outside this State where they are accepted as this Bill proposes they should be here.

It is claimed that one firm of optical dispensers is largely owned by ophthalmologists. Inquiries on this point by the Minister for Health reveal that some years ago a few ophthalmologists in the Eastern States did have share holdings in this firm. This has been considered to be unethical. I am now assured that these ophthalmologists have disposed of their interest in the firm and it is believed that no member of the profession is a shareholder.

The second point relates to the claim that formal acceptance of optical dispensers means a reduction in standards.

The fact is that the proposal represents no change in standards whatsoever. There is nothing very complicated in the procedures carried out by an optical dispenser. They are certainly no more complicated than the tasks performed daily by a large number of tradesmen.

The Bill introduces a new definition of optical dispenser. This would cover both spectacle makers and contact lens makers. The same clause of the Bill amends the existing definition of "optometrist" to make it clear that optometrists and optical dispensers are not one and the same.

Clause 3 is the main operative clause. It states in plain terms that optical dispensers may carry on the craft of optical dispensing without infringing the Optometrists Act and that they will not be required to register or obtain a license.

The Bill also provides for the repeal of section 34C of the Optometrists' Act. This section was inserted in 1960 when an attempt was made to sort out the same argument over the operations of optical dispensers as we are faced with today. Reference to *Hansard* reveals that at that time a number of members were unhappy with the solution proposed; and the Minister—that is myself—promised to look at the question again in the light of experience. This experience proved that the 1960 measure was not the solution; and, indeed, our experience has been reflected in New South Wales, which has recently legislated for separate recognition of optical dispensers.

With the passage of this amending Bill, the situation will be that ophthalmologists will be registered with and controlled by the Medical Board. The optometrists will be registered with and controlled by the Optometrists' Board; and the optical medical ancillaries will not be registered and, therefore, not subject to the control of the statutory body. To complete the registration situation and bring all aspects of optical care under registration boards, the Government proposes in the next session of Parliament to introduce some form of registration legislation.

There are several alternative methods of accomplishing this. At the present moment the simplest would probably be to establish a medical ancillary board, which would allow for the registration of optical dispensers or spectacle makers, optical prosthetists, corneal lens makers, haptic lens makers, and nurses engaged in eye testing of school children. It is also indicated that with the passage of this legislation the Minister would recommend to Parliament that only those legally engaged in such activities prior to November, 1965, would be allowed to operate under the grandfather clause of the amendments proposed in next year's legislation.

It is understood that the assurance of legislation next year to produce a new form of registration has completely allayed the fears of some persons associated with optical care that, with the complete removal of optical ancillaries from registration, the general public would be asked to do without some measure of protection in these various fields.

The Bill as it now stands will, it is hoped, resolve some of the difficulties which have been experienced over the past few years.

**Debate adjourned, on motion by Mr. Norton.**

## **PARLIAMENTARY BUILDINGS SITE RESERVE BILL**

*Returned*

Bill returned from the Council without amendment.

## **METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL (No. 2)**

*Second Reading*

Debate resumed, from the 23rd November, on the following motion by Mr. Lewis (Minister for Education):—

That the Bill be now read a second time.

**MR. TOMS** (Bayswater) [2.55 p.m.]: In an endeavour to assist the Minister, this measure has been taken before the other Bill, the adjournment of which I secured. I was hoping the two measures would follow in sequence because they have a little in common.

I support the proposed amendment to the metropolitan region town planning scheme. First of all I would like to say that no member of this House who was present at the second reading of this Bill and who listened intently, could have been misled in any way as to the intention of the measure. I think it is one of the best prepared second reading speeches to which I have listened in quite a long while; and it set out very clearly the details contained in the Bill.

I do not intend to touch on all of the minor amendments, because they are consequential to the main amendment proposed; that is, to give the authority power to procure land for certain purposes. The Minister mentioned that this was done in the Eastern States. I believe it was done in Victoria by the State Electricity Commission and a Melbourne authority in an instance where an area had become rather depressed. The idea was more of a slum clearance project.

Under this Bill it is proposed to give the Metropolitan Region Town Planning Authority similar powers—as it were—to

acquire land. The power of resumption will, of course, still have to go through the normal channels of the Public Works Act, but the authority will have the right to first negotiate before taking the most drastic of steps; that is, resumption.

As I said when I stood up to speak on this matter, the measure has been clearly explained to this House and I do not think it is necessary for me to repeat what has already been said by the Minister. In view of the clarity of the presentation of the case I support the second reading.

**MR. LEWIS** (Moore—Minister for Education) [2.58 p.m.]: I wish to thank the member for Bayswater for his research into this Bill and for his general support of it. As I mentioned in my second reading speech, it is felt that this measure will be in the best interests of the public. It will help the public to understand what is being done and it will safeguard the interests of owners of individual properties more clearly than was previously defined.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Lewis (Minister for Education) in charge of the Bill.

**Clauses 1 and 2 put and passed.**

**Clause 3: Section 37A added—**

**MR. TOMS:** I am not seeking to amend this clause, but I want to take the opportunity of saying something which I omitted when I spoke on the second reading. I hope the authority will not act as the town planning people have done and plan for 20 to 25 years ahead, so keeping people in suspense for that time. I hope a certain amount of good feeling will be engendered in the public and that they will not be held up for many years in regard to these various schemes.

**MR. LEWIS:** Although I am not the Minister directly responsible for the administration of this department, I will see the Minister concerned is acquainted with the views of the honourable member.

**Clause put and passed.**

**Clause put and passed.**

**Title put and passed.**

*Report*

**Bill reported, without amendment, and the report adopted.**

*Third Reading*

**Bill read a third time, on motion by Mr. Lewis (Minister for Education), and transmitted to the Council.**

## TRAFFIC ACT AMENDMENT BILL (No. 3)

### *Council's Amendment*

Amendment made by the Council now considered.

### *In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Craig (Minister for Traffic) in charge of the Bill.

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

Clause 4, pages 4 and 5—Delete subsections (4), (5) and (6) to the proposed section 32B, and substitute the following subsections—

(4) Where a member of the Police Force might, by virtue of subsection (1) of this section, require a person to submit himself for analysis of his breath but is precluded from so doing by subsection (3) of this section, then, but not otherwise, he may require the person to submit himself to a medical practitioner nominated by that person and allow a sample of his blood to be taken or, where the person is incapable of submitting himself, cause a sample of his blood to be taken by a medical practitioner, if, in either event (but excluding the case of a deceased person), the sample can be taken within four hours after the occurrence of the event giving rise to the requirement.

(5) A person who might, under the provisions of this section, be required to submit himself for analysis of his breath or, as the case may require, to submit himself to a medical practitioner and allow a sample of his blood to be taken may, himself, require that he be permitted to submit himself for one or other of those purposes; and a person who has been required, or permitted, to submit himself for analysis of his breath may require that, instead of, or in addition to, so submitting himself, he be permitted to submit himself to a medical practitioner nominated by him and allow a sample of his blood to be taken, for analysis for alcohol.

(6) A member of the Police Force shall give effect to a requirement made known to him by virtue of subsection (5) of this section, but only if that can be done in terms of subsection (3) of this section or, as the case may be, within the time limited by this section for the taking of blood samples; and, where a person has, under the provisions of subsection

(4) of this section, nominated the medical practitioner to whom he is to submit himself and allow a sample of his blood to be taken, if the medical practitioner is not available within a distance of twenty-five miles or within the time limited by this section for the taking of blood samples or if that medical practitioner is unwilling to take the blood sample, the person shall submit himself for that purpose to a medical practitioner chosen by the member of the Police Force.

Mr. CRAIG: Members will, no doubt, recall that when discussing this Bill, particularly that part which referred to compulsory blood tests, the member for Wembley moved an amendment that would allow those required to have a sample of blood taken to elect or nominate their own doctor for this particular test. The amendment was accepted because the provision in the Act at present enabled this to be done.

After the House had agreed to the amendment I took the opportunity of discussing it with the Parliamentary Draftsman, and he has felt that the particular wording accepted made the clause somewhat untidy. The draftsman has submitted what he thought was the appropriate wording, and therefore I move—

That the amendment made by the Council be agreed to.

Dr. HENN: The Committee will understand the description and explanation given by the Minister. I must say that at the time of making the amendment I was in rather a hurry, and as it was already a long clause I was not aware that the way it was worded did not give the real meaning I had intended. However, on looking at the amendment I am satisfied that it contains the very essence of the proposition which I had intended to put before this Committee. Therefore I support the amendment.

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

### *Report*

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

## MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

### *Introduction and First Reading*

Bill introduced, on motion by Mr. Nalder (Minister for Agriculture), and read a first time.

### *Second Reading*

MR. NALDER (Katanning—Minister for Agriculture) [3.7 p.m.]: I move—

That the Bill be now read a second time.

In introducing this Bill I wish to advise members that the Minister for Local Government has for some considerable time been making investigations into all aspects of the Motor Vehicle (Third Party Insurance) Act. These investigations have included—

- (1) Spouse v. spouse.
- (2) Raising or abolishing present passenger limit.
- (3) Limitation of trust's liability.
- (4) Maximum limits for certain types of injuries.
- (5) Separate premiums for metropolitan and country vehicles.
- (6) Loading of premiums or drivers' licenses of person convicted of traffic offences resulting in accidents.
- (7) Increased penalties for persons convicted of traffic offences resulting in accidents.
- (8) No-claim bonuses for accident-free drivers.
- (9) Premiums to be paid with drivers' licenses and not on vehicle licenses.
- (10) Legal fees.
- (11) Pension scheme in lieu of general damages.
- (12) Independent tribunal or permanent judge to hear all cases.
- (13) Progress payments.
- (14) Delay in bringing claims to finality, therefore delays in payments.

The report of Mr. E. G. Coppell, Royal Commissioner of Victoria, has also been available. As a result of these investigations, this Bill is now presented for consideration.

In view of the fact that these amendments create a new departure from the present procedure, it is intended that this Bill, after introduction, be not proceeded with this session. This will enable a thorough study of the proposed Bill by all sections of the community.

I would like to remind members, in dealing with third party insurance, that approximately 96 per cent. of vehicle owners in any one year are paying for the benefit of the other 4 per cent.

The Bill makes provision for changes in three important principles of third party insurance.

- (1) The present limit of indemnity of the Motor Vehicle Insurance Trust of £6,000 in respect of claims by passengers in the insured vehicle, with a total of £60,000 for all passengers, is removed.
- (2) In line with the majority of other Australian States an injured spouse will be able to claim for

injuries arising from negligence in the use of a motor vehicle by the other spouse.

- (3) It is also proposed to constitute a permanent independent tribunal, headed by a judge or a solicitor with judicial qualifications, and two experienced members nominated by the Minister, to determine all claims for damages for personal injury both on the question of liability and quantum.

**Abolition of passenger limit—**Clause 3: Subsection (1) of section 6 provides that the statutory policy shall insure the owner or any person who drives the vehicle against claims for personal injury by any person injured as the result of negligence in the use of the insured vehicle.

Subsection (2) of section 6 provides that the limit of the trust's liability to indemnify the insured person in respect of claims by passengers in the insured vehicle is £6,000 per passenger, or £60,000 for all passengers.

Subsection (3) of section 6 provides that the limit of the trust's liability to indemnify the insured person in respect of claims by passengers in the insured vehicle shall not exceed £2,000, and £20,000 for all passengers for injuries arising from accidents which occurred prior to the coming into operation of the Motor Vehicle (Third Party Insurance) Act Amendment Act No. 2 of 1962.

The present Bill repeals subsections (2) and (3) of section 6 which are replaced by a new subsection (2) providing that the liability of the trust to indemnify the insured person for a claim by a passenger shall not be increased beyond the amount for which it would have been liable prior to the coming into operation of the Motor Vehicle (Third Party Insurance) Act Amendment Act, 1965.

**Spouse and spouse—**Clause 4: A new section 6A is inserted after section 6, and paragraph (1) of this new section provides that where a person causes or contributes to bodily injury to his spouse by the negligent use of a motor vehicle the injured spouse shall have the same rights of action with regard to a claim as though they were not husband and wife. There is no provision in the present Act to prevent claims by spouse against spouse, but the provisions of the Married Women's Property Act, 1892, prohibit claims by spouse against spouse at common law for torts. Paragraph (c) of subsection (2) of the proposed section 6A protects the rights of a spouse under that Act.

Subsection (2) of the proposed section 6A prohibits a claim by an injured spouse against the negligent spouse where the vehicle driven by the latter is uninsured under the provisions of the Motor Vehicle (Third Party Insurance) Act. But for this provision the injured spouse, having

obtained a judgment against the negligent spouse, could call upon the trust as nominal dependant for uninsured persons under section 8 of the Act to meet the amount of the judgment. Subsection (2) (b) ensures that no claims by spouse against spouse can arise from accidents which occurred prior to the coming into operation of the 1965 amendment Act.

A serious objection to claims by spouse against spouse has always been the possibility of collusion between the parties. To minimise any such risk it is essential that the trust be advised of the circumstances of the accident and resultant injuries as soon as possible to obviate prejudice in investigation or medical examination of the injured spouse. Subsection (3) of proposed section 6A makes provision for this.

Clause 5: Section 7 of the principal Act provides that where an injured person obtains a judgment against an insured person, and the amount of the judgment is not paid, the injured person may recover by action against the trust the amount of the judgment. Paragraph (a) of subsection (6) of section 7 is amended to ensure that in any such action by an injured party against the trust, the trust cannot be made liable for any amount in excess of the amount for which it would have been liable (i.e., limit of passengers' claims) prior to the coming into operation of the Motor Vehicle (Third Party Insurance) Act Amendment Act, 1965.

Clause 6: Section 8 of the principal Act deals with the rights of an injured person who has obtained a judgment against an uninsured driver, and provides that where the trust is called upon to pay such judgment, the trust may recover from the uninsured driver. But for the proposed new section 6A (2) the trust would be in the position of having to recover from an uninsured spouse under section 8 the amount of any judgment paid to the injured spouse. A new section 8A is included to ensure that where an uninsured vehicle driven by the negligent spouse collides with another vehicle, the other spouse may only recover an amount equal to the percentage of the total claim attributable to the other driver. In other words, if both drivers are equally responsible an injured spouse may not recover the 50 per cent. attributable to the uninsured negligent spouse.

Such a provision obviates the necessity for the trust being called upon to pay the negligent spouse in full and then recovering 50 per cent. from the negligent spouse. It is considered a spouse should not profit from the negligence of the other spouse where the latter has not contributed to the fund. Subsections (2) and (3) of section 8A provide for the degree of negligence between the spouse and such other vehicle to be agreed or to be determined by the court.

Tribunal—Clause 7: Section 16 of the principal Act provides for all actions for damages for personal injury arising from the use of a motor vehicle to be heard without a jury, i.e., by a single judge. Under the proposed amendments this section is repealed and a new section 16 inserted.

This section provides for the constitution of a tribunal called the third party claims tribunal and sets out the method of appointment of the members of the tribunal and the qualifications of each. Subsection (4) makes the tribunal a court of record with an official seal. Subsections 8 to 16 provide for the term of appointment of members of the tribunal, procedure in the event of members becoming ineligible to continue in office for various reasons listed, and the termination of members' term of office for reasons listed, or retirement at the prescribed age of 70 years for the chairman and 65 for the members. Subsection 15 provides that the remuneration of the chairman shall be the same as that of a puisne judge, and that of the members shall be as fixed from time to time by the Governor. By subsection 18 the decision of the majority of the members shall be the decision of the tribunal, but on any question of law the chairman shall have the final decision.

Clause 8: Sections 16A, 16B, and 16C make provision for a registrar to be appointed by the Governor, and also staff under the Public Service Act, and for the costs of the administration of the tribunal to be borne by the trust and the Treasury in the ratio of two-thirds to one-third.

Sections 16D and 16F prescribe the method of proceedings before the tribunal, and power is given under section 16G for the tribunal in certain circumstances to delegate its power to the magistrate of a local court.

Section 16H provides that the decision of the tribunal shall be final, and except on a question of law it is not open to review in any court. On a question of law the tribunal may of its own motion, or if requested by any party to the proceedings, state a case for the decision of the Full Court of the Supreme Court.

Clause 9: This provision merely amends section 29A to include the new section 6A referred to in clause 4.

Clause 10: Section 33 of the principal Act empowers the Governor to make regulations necessary for carrying the Act into effect. This section is repealed and a new section 33 inserted along the same lines but, in addition, prescribing the necessary forms for the operation of the tribunal scale of fees, the practice and procedure of the tribunal, accountancy procedure, etc.

At present third party claims are costing the motoring public of this State about £2,500,000 a year, a figure which is steadily



rising. While it is not intended that the unfortunate victims of motor accidents should not receive proper and adequate compensation, it is felt not only in this State but elsewhere that perhaps a more modern approach to this problem, which is becoming one of economics as far as the motorist is concerned, might be attempted.

The main purpose of such a tribunal is first to obtain some measure of consistency in awards of damages. In the various Australian States damages are heard before either single judges or juries. Whilst not intending any criticism of judges, each judge forms his own personal view of the parties and has his own particular opinion of the seriousness of the injuries and the value thereof. Juries vary from case to case and are composed of personnel with no experience in the awarding of damages, and this may also result in a wide range of damages.

It is considered a tribunal of three, comprising a judge or experienced solicitor, and two members with some knowledge or experience of the value of claims, could be considered a permanent jury which after a short period would bring some uniformity of thought to awards. This is essential for two reasons: First to assist the trust in estimating the likely cost of unsettled claims, which figure, now approximating £3,000,000, has a very large bearing in striking adequate premiums. Secondly, with a wide variation in awards, solicitors find it difficult to advise clients, and are often loth to advise acceptance of offers made to settle claims.

The next point in favour of such a tribunal is the desire to provide some means of easy access to injured persons desirous of having claims determined with a minimum of legal procedure, documents, etc. The present cumbersome legal procedure necessary to bring an action to hearing is considered not only outdated for this type of action but costly to litigants. It is not felt the legal profession will suffer with the introduction of the proposed system as claims will be finalised more expeditiously, thus allowing the acceptance of other work.

Proceedings will be shortened by a system of pre-trial discussion between representatives of litigants allowing for admission of agreed facts and any other factors which could save the time of the tribunal. Doubt has often been expressed as to whether a court is the appropriate place to hear claims of this nature. The persons involved are, in the majority of cases, only seeking an independent opinion on a fair award of damages for injuries received. They are in no way criminals and, probably, the majority have had no experience whatsoever of the legal formality and somewhat awe-inspiring atmosphere of a courtroom, and in many cases must openly

discuss intimate personal details. With this background it is felt the true facts may not be as readily forthcoming as in an informal atmosphere in which it is proposed the tribunal should conduct its hearings.

Another important feature of the Bill is contained in the proposed new section 16E(3) which gives the tribunal power to grant a lump sum award of damages or a pension in lieu thereof or part lump sum and part pension. On the motion of the tribunal or any party to the action, the tribunal may review, increase, decrease, or redeem the pension by payment of a lump sum. The present courts have power only to grant a lump sum award of damages and thus must sometimes accept somewhat indefinite medical prognosis for the protection of the injured party. It is confidently felt some claimants have been awarded large sums of money on medical prognosis which has not been borne out. By awarding a small lump sum and a pension, and reviewing the latter from time to time following further medical examination or a period in which a claimant's aptitude for work can be ascertained, it is considered the ends of justice would be better served.

With the increase in the road toll and consequent increase in hospitalisation, loss of man-hours to industry, etc., many suggestions have been made by eminent persons as to whether the present method of assessing damages in motor claims cases is adequate. Two points which have always figured prominently in these discussions are the possibility of claims being assessed by a tribunal as proposed in this Bill and the question of negligence. As recently as July last the Chief Justice of New South Wales, Mr. Justice Herron, stated *inter alia*, "The law must change; what was satisfactory yesterday may not be satisfactory tomorrow"; and he followed up with the statement that road accident victims may eventually have their claims determined by an administrative tribunal.

Mr. Justice Else-Mitchell is also reported as having suggested the creation of a motor vehicle insurance board to investigate all claims and award damages. These and other eminent persons have at the same time suggested a scheme whereby an accident victim would be compensated irrespective of the negligence of the driver, but it is noteworthy no estimate of the cost of the scheme or how it should be financed has been attempted. Supporters of the idea have pointed to the compensation regardless of a fault scheme operative in the province of Saskatchewan, Canada; but it is noteworthy that whilst this scheme does provide for some compensation to victims, irrespective of negligence, it does not absolve the motorist from the risk of a claim at common law, and any prudent motorist would of necessity effect further comprehensive cover.

For this limited scheme somewhat on the lines of the Workers' Compensation Act, Saskatchewan motorists pay in premiums: (1) for a small car, 1962 model and later, \$39 (approximately £15 18s. 6d. Australian); (2) for a larger car, 1962 model and later, \$49 (approximately £20 Australian). The premium is based on the year of manufacture and size of the car. The premium in this State for unlimited cover, with the present exception of £6,000 for a passenger in the insured's vehicle, which it is proposed to remove, is £8 8s. irrespective of size or model of the vehicle. Under the Saskatchewan scheme, the widow of an accident victim receives \$5,000, with a maximum of \$10,000 for all dependants (approximately £4,080 Australian). It will be noted that the dependants of a man killed in this State were recently awarded £75,000 for which the insured person paid a premium of £8 8s. Under the scheme, compensation for permanent disability, including amputation, is limited to \$4,000 (approximately £1,633 Australian), and \$2,000 (£816 Australian) to cover medical expenses. The foregoing Saskatchewan figures are based on a 1963 report at which date the Western Australian premium for a motorcar was £5 11s.

Two distinct disadvantages of such a scheme are immediately seen: (1) no distinction is made in the value of disabilities in different categories of claimants; i.e., a roadworker losing a little finger receives the same as a world-famous pianist; all widows and dependants are compensated alike. (2) For a premium more than double that in this State a motorist receives minimal protection and at much greater cost must insure further to adequately protect himself.

It must be appreciated the proposal to allow claims by spouse against spouse and the removal of the passenger limit must increase premiums slightly to cover the increased benefits, but it is extremely doubtful if a scheme such as that operative in Saskatchewan would result in any saving in premium or cost to the motorist.

Any amendment to the present system of common law liability—i.e., liability only where negligence is established—would naturally affect or even nullify the present reciprocal arrangements between all States of the Commonwealth where a similar system operates under which a motorist from any State may travel in any part of the Commonwealth and is covered by the policy issued in his home State.

The statutory policy issued in Western Australia, as in other States, indemnifies the owner or driver of a vehicle for liability at law; i.e., liability for negligence. If, therefore, the law in this State was that any person injured by an accident irrespective of negligence, could recover for personal injury, then any vehicle from another State would not comply with the requirements of the W.A. Act unless the

owner held a policy indemnifying him for injuries caused without negligence or liability at law. The result would be that all vehicles entering Western Australia from another State would be uninsured vehicles and under the provisions of the Motor Vehicle (Third Party Insurance) Act, the trust would become liable for payment of all claims arising from the use of these vehicles for which no premium would be received. With the increasing development of this State and thus increased traffic from other States the result is not difficult to imagine and the only possibility of success of such a scheme appears to be an Australian-wide scheme. Based on the Saskatchewan costs of a limited scheme, to merely remove the negligence clause from the Australian scheme and give benefits as at present, must result in a very considerable increase in premiums.

Debate adjourned, on motion by Mr. Jamieson.

### **MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL**

#### *Message: Appropriations*

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

### **SWAN RIVER CONSERVATION ACT AMENDMENT BILL**

#### *Second Reading*

Debate resumed, from the 3rd November, on the following motion by Mr. Tonkin (Deputy Leader of the Opposition):—

That the Bill be now read a second time.

**MR. ROSS HUTCHINSON** (Cottesloe—Minister for Works) [3.35 p.m.]: It must not be assumed, in the first place, that public interest in the river is of recent origin. I intend at the outset to speak in fairly general terms about the river, something of its history, something of what has been done to it, and how people have appreciated it over the years, and try to indicate for the benefit of the House, my views, the public's appreciation of the river, and its place in our community life; and subsequently, as a result of these things, to deal with the Bill introduced by the Deputy Leader of the Opposition.

I repeat that it should not be assumed that public interest in the river is of recent origin. Twenty-eight years before the Swan River settlement began in 1801, a Frenchman called Monsieur Baillie bogged down in the river at a point near the Causeway for a period of about 11 or 12 hours during which time he and the crew of his small boat endeavoured mightily to get off a bank of what he described as a sea of malodorous mud.

Then on the 7th January, 1904, a letter appeared in *The West Australian* wherein a Mr. J. M. Kelly felt impelled to express his views to the editor after he had walked along Mounts Bay Road. That was in the area where the river has been reclaimed very greatly, principally through the actions of the Deputy Leader of the Opposition when he was Minister for Works. It is rather interesting to read this as a view of a Perth citizen at that time—that is, 60 years ago. He says *inter alia*—

Seriously, it is a pity that Mt. Eliza, with its unrivalled background of a natural park, with its locomotive facilities for all kinds of vehicles, its views of forest glade and river to gladden the eyes and heart of man, should have issuing from its base such foulness and impurity as may be seen and felt by anyone who walks along Mounts Bay Road and thinks what it might have been and what it is.

This just gives some idea of the condition of the river 60 years ago and the condition of the river 160 years ago, when Monsieur Baillie was stuck on a bank of malodorous mud, as he described it.

There is another letter to which I wish to refer. It is signed "Perthite" and appeared in *The West Australian* as follows:—

Sir,

With regard to the alleged desecration of the foreshore of Perth Water, I think it is about time that someone took up the cudgels for the Public Works Department and pointed out to the public of Perth the good work that they are doing. For some time past we have been reading criticisms from the city councillors and remarks that the beauties of the river were being destroyed.

But it might interest the ratepayers if they were made aware of a few facts of the case, and it were pointed out to them what the Public Works Department had done and what the City Council had not.

Then "Perthite" goes on to describe what he calls the malodorous mud banks ending in a backyard along the stretch of Perth foreshore water. This letter appeared in *The West Australian* of the 13th August, 1908. It makes interesting reading for people who like to read such letters, and it may be found in a report submitted by a subcommittee of the Swan River reference committee on pollution of the Swan River. This report was published in the immediate postwar period when the Deputy Leader of the Opposition was Minister for Works, I think.

Another interesting piece of history occurred in 1922 when, during the period of the Mitchell Government, the Acting Premier of the day wrote to the Prime Minister of Australia asking that an expert sanitary engineer in the person of

Colonel Longworth, I think—he was an engineer of some consequence and was on loan to the Commonwealth—should be sent to Western Australia to assist the Government in making a report on the pollution and the health aspects of the Swan River.

I just make the point that public interest in the Swan River has been constant since the first tree was cut down near Barrack Street in 1829, or when people first began to use this river. We must not be carried away by hysterical sacred-cow talk about the Swan River and led into ways and paths which are not right ones. I will submit during the course of what I have to say that the Bill introduced by the Deputy Leader of the Opposition is just the wrong way. More of that anon.

The immediate trigger to this hysterical sacred-cow talk that has been going on and that has given rise to the Bill before us was the fact that the Government announced it was going to reclaim an area of something like 8½ acres of land just downstream from Pelican Point. But, of course, the real trigger to people's immediate concern in recent years has been the Narrows reclamation as a result of the construction of the Narrows Bridge, which was put into operation by the Deputy Leader of the Opposition—or, rather, through his action as Minister, and by the agency of the Government.

Although a great deal of this hysterical furore that has been aroused is unjustified, one can understand people wanting to protect the river—indeed all of us do. No one person has a monopoly of love for the river; but the question of what should be done to protect it is very much to the point; and what should be done to improve it is even more to the point.

I would like the House to consider what has so far been done to the Swan River and what it is proposed to do. I hope people will, perhaps, get a better perspective than they may have, and certainly than some actually have, as a result of a campaign that has been mounted by certain people and carried on by the Press in one way or another.

I point out that at present the Swan River is protected by virtue of legislation that was introduced by the Deputy Leader of the Opposition when he was Minister for Works—the Swan River Conservation Act.

*Sitting suspended from 3.45 until 4.3 p.m.*

Mr. ROSS HUTCHINSON: I was saying that the Swan River is protected by a proviso in the Act that if it is desired to reclaim from the Swan River more than 10 acres of land the sanction of Parliament must first be obtained. This proviso was placed in the Act following a move by The Hon. J. G. Hislop in another place.

It has been claimed by the Deputy Leader of the Opposition, when he introduced the Bill, and by others, that the Government is destroying and despoiling the beauties of the river; is taking it over as a car park; and is river-grabbing at every opportunity. Many other phrases have been used by members of the public; by people who have waged this campaign; and these phrases have been used in an extravagant and hysterical way.

It is simply not true that the Government is river-grabbing. It is simply not true that the Government is despoiling the beauties of the river. The contrary is the case. Particularly through the agency of the Swan River Conservation Board, the Government has very materially improved the river. Since the early history of this State no greater improvement has been made in the river than during the last six years.

For the information of members I have had placed on the wall behind the Speaker's dais a chart of the river showing areas extending from Fremantle up to a point a little upstream from the Causeway. This chart shows a great deal of the work the Government has undertaken and completed. It really indicates the work done during the post-war period from about 1944 or 1945 to the present day. So Governments of both colours have assisted in improving the river, but in the last six years the river has been immeasurably improved.

Hundreds of families, particularly in the summer months, now enjoy the facilities offered by the river to a greater extent than ever before. This has been due to many things, but principally due, to a marked extent, to the fact that new river beaches have been created, areas of the river have been reclaimed, and other areas have had foreshore improvements effected. Some beaches have been subjected to beach nourishment treatment; and, in all, the river has been immeasurably improved. So much in answer to those people who say that the river is being grabbed by the Government at every opportunity and its beauties are being despoiled.

I would like to mention one or two items of reclamation and beach nourishment. The areas concerned are depicted on the chart which I have placed on the wall for the information of members, and I hope they will have a look at these points of interest.

At Point Walter dredging operations have been carried out to cover denuded beach and exposed rocky areas, and to provide beaches for public enjoyment. At Attadale, similar operations have been performed to cover marshy, mud-covered, and reedy areas to eliminate mosquitoes, and to make the area available for public open space. At Dalkeith work has been done to provide deep water to establish the Perth Flying Squadron and the Nedlands

Yacht Club; to make small usable beaches at both points; and to provide a sandy strip to protect the stone foreshore walling which was falling down and in a chaotic state of repair.

At Pelican Point itself some reclamation has been carried out to restore erosion which eventually would have destroyed this natural bird sanctuary, and to safeguard the beaches in Matilda Bay and the various yacht clubs established in that area. They are only one or two items which I have selected at random and which members will see depicted on the chart. Also, they will see many acres which have been virtually reclaimed. However, of all the areas, only two have been the subject of any controversy since the Brand Government has been in office, and it is this that has given rise to this unjustified "sacred cow" type of thinking which, in itself, does the river no credit and is no credit to those sponsoring it.

These two items of reclamation which have virtually given rise to this hysterical outburst concern the area at the Narrows Bridge. I admit this is a very ugly area at present. It is the site for engineering works and it will be an ugly area for some time to come, because the project that is being undertaken will not be completed until about 1970. The man who introduced the Bill before us at present was the prime cause—in the ministerial sense—of the reclamation at the Narrows Bridge.

Mr. Bickerton: He had the courage to admit his mistake.

Mr. ROSS HUTCHINSON: We will deal with that. The one area of reclamation which is under controversy and with which this Government is concerned at present consists of 19 acres and is associated with the Narrows reclamation project. This reclamation of 19 acres was approved by Parliament last year. So Parliament has given its approval. Can one want more than that? In many ways it is unfortunate that the reclamation at the Narrows had to be done. I know when I was in Opposition I fought to minimise the area that was to be reclaimed. I was one of many, and even those who sat behind the former Minister for Works, who is now the Deputy Leader of the Opposition, think much the same way.

Mr. Moir: You are not referring to me, are you?

Mr. ROSS HUTCHINSON: In regard to minimising the reclaimed area at the Narrows Bridge at that time, I do not think the honourable member knew what he was doing at that time.

Mr. Moir: Did you?

Mr. ROSS HUTCHINSON: Of course, I knew! This area which was reclaimed by the Deputy Leader of the Opposition and his Government was about 64 acres

in extent near the Narrows Bridge, and another 40 acres along the South Perth-Como foreshore. This means that a total of over 100 acres was reclaimed at that time without parliamentary sanction.

At the time Mr. Yates, the then member for South Perth, asked a number of questions of the then Minister for Works, who is the present Deputy Leader of the Opposition. All of these questions are appropriate, but I have not the time to read them all. One question asked by Mr. Yates was—

Why did the Government proceed with the siting of the bridge and the access road without first consulting the all-party committee appointed to study the Stephenson-Hepburn plan?

The reply given by the Minister was—

The determination of a suitable site for a bridge at the Narrows and the necessary approach roads was a preliminary to foundation exploration and design. The matter was considered by the Government to be one of great urgency long before the Stephenson-Hepburn plan was submitted or the all-party committee formed.

The Deputy Leader of the Opposition knew all about the approach roads when he answered that question of the then member for South Perth.

Another question asked by Mr. Yates of the then Minister for Works was—

Why was not the proposed reclamation referred to Parliament as was the case with changes proposed to King's Park and other Class "A" reserves?

This was the answer given by the Deputy Leader of the Opposition, as Minister for Works—

The proposed reclamation was of great urgency and the matter was not governed by specific legislative directions as in the case with changes to King's Park and other Class "A" reserves.

He said there was no legislation, so there was no need to bring the matter before Parliament.

Mr. Bickerton: Will you deal with the Bill?

Mr. ROSS HUTCHINSON: This is an all-essential part in dealing with the Bill. I have referred to the Narrows reclamation as the one piece of reclamation which was a matter of controversy in so far as the present Government was concerned. I have said that Parliament approved of it.

The other piece of reclamation affects 8½ acres, and the Government proposes to reclaim the area which is downstream from Pelican Point, where some beach restoration work has already been done to preserve Pelican Point.

We find that in 1953 the dark figure of the Deputy Leader of the Opposition, as Minister for Works—or maybe Education—loomed up again. We find that he secured the approval of Cabinet to the reclamation of 11 acres in this exact region—not in the exact scheme. The present Government has not yet reclaimed the 8½ acres. It has proposed that this acreage be reclaimed, and it is essential that the work be done, but the Government will take no more than is absolutely necessary. The area may be less, but I cannot say at the present time. I shall have the matter examined again and again to ensure the area is reduced by as much as possible.

It is essential for the road alignment work that this reclamation be effected. If any person does not approve of this work being done, then he does not know the situation and is not prepared to face up to the practicalities of the subject.

Mr. Bickerton: Don't you think Parliament would approve of it if it came before Parliament? That is all the Bill asks.

Mr. ROSS HUTCHINSON: I shall tell the honourable member about that section of the Bill. I have tried to point out the two pieces of reclamation in which this Government is vitally interested, and which have been the subject of controversy. The Narrows reclamation is the key to the whole of the public concern. The history of this reclamation does not make very good reading as far as the Deputy Leader of the Opposition is concerned. His political stunting and his hypocritical somersaulting in regard to this matter has made the majority of people disgusted.

Mr. Rowberry: The same as you are now doing!

Mr. ROSS HUTCHINSON: The Deputy Leader of the Opposition says he is sorry he started the reclamation. He has gone to Press as saying that. What is more, before the last elections he persuaded, in some miraculous way, the Opposition to fall for the idea that if it were returned to the Government benches it would shovel away the sand. The Opposition was crying over spilt sand!

The reclamation is now an established fact, and we cannot get away from it, yet the Opposition fell for the story of the Deputy Leader of the Opposition. During this session he said in this House that he did not know what was going on and did not appreciate all the reclamation that was involved. Of course he appreciated what reclamation was involved, because he told Mr. Yates, the then member for South Perth, what was involved! He said the matter of approach roads was an absolute preliminary to the design of the bridge. No engineer would proceed with a structure like that without knowing what work had to be undertaken in respect of approach roads.

I want to repeat that the Swan River Conservation Board, in conjunction with the Government, has done a great deal of good work in improving the river. I hope that what I have said in this Chamber this afternoon will help to place in perspective the hysterical sacred-cow talk that has been going on in respect of the work that has been done by the Government, and what it proposes to do. I hope that in this Chamber there will not be many who will act like King Canute by ensuring that the progress made in the future will be jeopardised and in part sabotaged by a Bill of the kind introduced by the Deputy Leader of the Opposition.

Now for this Bill: The members of the Government are not such simpletons or such suckers as to be dragged into supporting the measure. The Government has decided to oppose it because the measure does not do the job properly. What it does—and this is how it secured some public sympathy—is to embrace the principle that the river should be protected. If people are asked, "Don't you want the Swan River to be protected?" they will invariably reply, "Of course, we do, and it must be protected." We all want that to happen, but we do not have to be stupid about it. In our action to cure an ill we do not have to cut off the head, or prevent any further progress from being effected.

This Bill is a remarkably foolish piece of legislation. It would not enable the Swan River Conservation Board or the Government to proceed with any of the work, without a design being placed before Parliament each year. That can be done, but at times emergency work has to be carried out in the interests of the people. Here and there we find many launching ramps provided for water skiers. Do we want these matters to be placed before Parliament because reclamations are involved?

There was an instance in the last couple of years when the river at Midland flooded, and the gymnasium of the Governor Stirling High School, which is built on a bank, was endangered because of the erosion caused by the swirling floodwaters. It immediately became necessary for reclamation work to be done.

Mr. Bickerton: Involving more than 10 acres?

Mr. ROSS HUTCHINSON: No, less than 10 acres. How foolish would it be to have to wait and ask Parliament to agree to legislation to enable Parliament to sanction such reclamation!

Mr. Graham: That happens now with "A"-class reserves. You cannot take one square inch without passing a Bill.

Mr. ROSS HUTCHINSON: The member for Balcatta has jumped into the fray. He said something which is not true, and he does not appear to know the Statutes.

I do not blame him, because many members do not know the Statutes, but up to 1/20th of an "A"-class reserve may be used by the Main Roads Department without the sanction of Parliament. That is something for the honourable member to bear in mind.

Mr. Graham: That is only qualifying the position.

Mr. ROSS HUTCHINSON: I have informed the honourable member. He was referring to "A"-class reserves and I gave him the answer.

Mr. Graham: I stand on the point I made.

Mr. ROSS HUTCHINSON: This is incidental to the point I was making about the necessity for emergency work to be undertaken at various times.

Mr. Toms: Don't you think that any Government would have stepped in and undertaken the work in similar instances? Don't you think the Government would step in when a school was endangered?

Mr. ROSS HUTCHINSON: The honourable member who has just interjected is indicating how silly it is to have legislation of the kind before us placed on the Statute book. This Bill will stultify progress, and in part sabotage and delay work which is essential for the improvement of the river, and for the provision of facilities to the public, because under it not one square inch of the river can be touched without parliamentary sanction.

I draw the attention of members to the chart at the back of the Chamber and ask them to note the work that has been done along the river. It is a continuous process of work to improve the river. What the Bill before us does is to adopt the principle of protecting the river. I go along with that, and I think we all do. None of us wants to jeopardise the river, and every one of us wants to keep it as beautiful as possible. We all like to improve it, and I know the member for Victoria Park desires improvements to be made.

However, what this Bill seeks to do is so sharply restrictive that it acts somewhat like a quack doctor who in seeking a cure for a sore finger wants to cut off the arm. The Bill allows no latitude to the Government or to the Swan River Conservation Board to discharge its obvious duties and responsibilities.

There are many instances in many pieces of legislation to indicate that our predecessors have ensured that the Government was given some latitude in effecting work outside of the parliamentary session. We all know—whether we be in the Opposition or in the Government—that such provisions in our legislation are important and must remain.

Mr. Graham: It is so long since we were in Government we have almost forgotten.

Mr. ROSS HUTCHINSON: I tried to make the point earlier that this Bill is supported by people who have been led astray by their love for the river. They listen to blandishments of people that we must not touch the river; that it must be kept beautiful; and because of this, they will support anything. However, that is not what a Government does; and no-one can say this Government has not had the courage to do the right thing at any time, and it proposes to do right in regard to this Bill.

I referred earlier to reserves. There is also the Land Act—I think section 31. If the honourable member wants to check up, there is the Melville Water and Freshwater Bay Act of 1912, which authorises any Government to reclaim, I think, up to a chain of land over certain miles of the river in the Freshwater Bay area and the Melville Water area. There is the Swan River Improvement Act of 1925, an Act which enables any Government to reclaim whole slabs of the river just north of the Causeway; and we must have regard for other Acts.

A good deal of research is necessary before we can introduce a Bill to properly deal with this subject; and I want to say this: The Government proposes to defeat this Bill at this point of time, whilst appreciating the principle for which it was introduced. But in the intervening time, between now and the next parliamentary session, the Government will give the closest attention to introducing a Bill to cover the several points to which I have referred and about which there is obviously legitimate criticism.

The Government proposes that the area of 10 acres, as presently in the Act, and which is the protective section in the Act, should be reduced. At this juncture, I am not prepared to say what the area will be, but if I may hazard a bit of informed thought, it would be below, or say, between 2 to 5 acres—under 5 acres.

We will do that; and we will also ensure in the legislation that there will be a clause which will protect contiguous areas. If it were decided to protect 3 acres, then it would not be permissible under this clause for a Government to reclaim 2½ acres this year, 2½ acres next year, and 2½ acres the following year and so build a major project. This would be made illegal. That is another provision that would be included.

We would have to have regard for the other Acts of Parliament to which I have referred to see whether there is necessity for their repeal; and we may also try to define an area, or perhaps delineate the waterway of the river. A provision has been included in the present Act whereby this could be achieved, but

we will have another look at this. In short, we would endeavour to ensure this subject was treated properly. I would like to say this: The Government is not engaged upon this as a result of the Deputy Leader of the Opposition's Bill.

Mr. Bickerton: Do not take the credit away from him. I think he has achieved his object already. Anyway, he has gone a long way towards it.

Mr. ROSS HUTCHINSON: The thing is that the Government will introduce this legislation. Before I was rudely interrupted I was trying to say that the work would be done in proper fashion. I have already tried to show there is a necessity for the Government to have scope or latitude to do emergency work. I would also say this: Future plans of the Government include work to be done on the river north of the Causeway in the region of the Maylands peninsula where we will considerably add to the area of the Swan River. Many of the banks will be pruned and improved. After due engineering regard is had for many things and after due regard is had for liaison with local government, the area of water there could perhaps be increased by something over 100 acres.

This work is for the future and very little preliminary work has been done. In short, I would say that it will be found that this Government, rather than reclaiming too much of the river, will add a greater area of water to the Swan River in the future years, if we continue to have the confidence of the people, as I have no doubt we will. So that sums up the Government's approach to this form of legislation.

Finally I would just like to revert to the Deputy Leader of the Opposition's attempts to express his regret about the Narrows reclamation as being something that is foreign to this State. It is a pusillanimous approach to an important project—

Mr. Rowberry: What does that mean?

Mr. Jamieson: I hope that was the right pronouncement.

Mr. ROSS HUTCHINSON: —and unworthy of a man who was a former Minister for Works.

I appeal to the House to have regard for the things I have said; and regard for the fact that the Government will, next year, introduce a Bill which will properly deal with this subject. I hope members will not sabotage the river progress that is necessary to be made in the future. I oppose the Bill.

MR. FLETCHER (Fremantle) [4.38 p.m.]: Before the Deputy Leader of the Opposition replies, I would like to say a few words on this very desirable Bill. I have lived in close association with the

river since childhood and, as a consequence, feel better able to discuss the subject than perhaps any of those members who come from the hinterland.

The Minister made great play on the fact that the Deputy Leader of the Opposition established a precedence by reducing an area of the river where the Narrows Bridge now exists. The Minister did this to justify the Government's policy in reclaiming two or three times as much of the river as the previous Minister did out of sheer necessity.

Mr. Ross Hutchinson: Will you say that again?

Mr. FLETCHER: I will say that at that time, if a bridge were required there, it had to have a northern approach abutment. Will the Minister accept that?

Mr. Court: He said he was sorry he did it.

Mr. FLETCHER: Will the Minister also accept the fact that there was no alternative site for that bridge; that that was the logical place for it. It was not possible to land motor vehicles off the end of the bridge into a pool of water, as it were, and some resumption was necessary.

The Minister made great play on the words "malodorous mud". I will admit that it did contain malodorous mud; it did contain algae; and it did contain leaves and other rubbish, and I will admit at the time there was some public concern that the Deputy Leader of the Opposition, who was then Minister for Works, did resume an area there. I will go along with the Minister to say that the resumption did not do any harm; but the Minister grasps it as an excuse to support his arguments that he is now entitled to claim an extra 19 acres on top of that.

It is now an established fact that that area has been resumed; but the Minister's argument was not valid in opposing a resumption that was entirely necessary. I use that to illustrate this point: that a bridge was necessary there and some resumption was therefore necessary.

I ask the Minister: Is the teachers' training college necessary where the Government proposes to put it?

Mr. Lewis: Yes.

Mr. FLETCHER: Are there alternative sites? Was there an alternative site for the Narrows Bridge? Is there an alternative site for the teachers' training college? On that basis alone, this case stands or falls.

Mr. Lewis: Have you the answer to that?

Mr. FLETCHER: I suggest there is a need for this measure; but I suggest there is no comparable need for any resumption of the river so as to establish a teachers' training college.

Mr. Lewis: Can you suggest an alternative site?

Mr. FLETCHER: If the Minister will not interject, I will suggest an alternative site presently. All opposition to this measure, including the attitude of the Government, is not hysterical opposition; it is well thought out, as I will attempt to demonstrate.

What the Bill attempts to achieve is to have any resumption from the river referred to Parliament. If I could claim the attention of the Minister, the Premier, and the Minister for Industrial Development, I would point out that Bills of far less consequence than the measure introduced by the Deputy Leader of the Opposition have been brought to this House during this session. Let me quote one or two. On our file there is No. 35, which relates to jetties. Is that of greater consequence than what the Deputy Leader of the Opposition is attempting to achieve? No. 30 on the file relates to the Dog Act; and No. 11 to spearguns. Is the Minister listening to this?

Mr. Ross Hutchinson: Yes.

Mr. FLETCHER: No. 8 relates to bush fires which, I admit, can be important; but No. 63 relates to vermin. What I am trying to point out is that legislation of less consequence has been recently brought to this House; and if Government members support legislation of less consequence, why will they not support the Deputy Leader of the Opposition's very important legislation? As I have said, we have sat here and discussed comparatively inconsequential legislation. Let me refer to another one. The place is not in my electorate, but I refer to the Jennacubbine Sports Council (Inc.) Bill.

Having got past that difficult pronunciation I will ask this House the relative value of that legislation in relation to the legislation introduced by the Deputy Leader of the Opposition. What has the greater impact on Western Australia; the Deputy Leader of the Opposition's Bill or Bill No. 67? The Government deliberated on that not very important measure which, I understand, comes within the electoral district of the Leader of the Opposition.

Mr. Lewis: No it doesn't! It comes within mine. That makes it more important.

Mr. FLETCHER: Coming under the Minister's area perhaps makes it important, but is it more important than the measure introduced by the Deputy Leader of the Opposition, and is the Government side of the House going to vote against this Bill just because it emanated from this side of the House?

Mr. Ross Hutchinson: Of course not!

Mr. Lewis: We will vote on the merits of the Bill.



Mr. FLETCHER: I am afraid not. I am afraid that if members opposite were honest with themselves they would admit that they are not going to vote in favour of this Bill, merely because it emanated from this side of the House.

Mr. Ross Hutchinson: Don't be quite silly!

Mr. FLETCHER: That does not dispose of my argument. The Minister cannot stop me believing it. I have been here too long and have seen valuable Bills from this side of the House destroyed.

Mr. Ross Hutchinson: I have tried to point out that this Bill does not do the job properly.

Mr. FLETCHER: I have pointed out in incontestable argument that Bills of less consequence have come to this House and received the approval of the House. This Bill is far more worthy of such approval.

Mr. Ross Hutchinson: You don't know what is in the Bill; you are talking about Dr. Hislop's provision.

Mr. FLETCHER: I will read the last paragraph of the Bill, which is as follows:—

2. Section twenty-two of the principal Act is amended by substituting for the words, "an area greater than ten acres" in lines twelve and thirteen of paragraph (a), the words, "any portion".

Mr. O'Connor: That is not what you said before.

Mr. Ross Hutchinson: Now you know what is in the Bill. You have been talking about the wrong idea.

Mr. FLETCHER: It says "any portion". I know where I am.

Mr. Ross Hutchinson: You had better start all over again.

Mr. O'Neil: Do you know where we are putting the teachers' training college?

Mr. FLETCHER: I would ask that the argument not be ridiculed. If any area of the river is required I consider that a Bill should be brought to this House, irrespective of which side of the House it comes from. I suggest the Bill is not unreasonable and I also suggest that the public is not hysterical for raising its voice in opposition to the Bill.

Mr. Ross Hutchinson: Only some people.

Mr. FLETCHER: On Thursday, the 21st October, I asked the following question:—

There being, I understand, close to 1,000,000 square miles of land in Western Australia, and what appears to be considerably less and less than that area of Swan and Canning Rivers—

- (1) What valid reason, other than perhaps expense of resumption, causes proposed University building to be built on

what now is the river? See *The West Australian* of the 21st October, 1965.

- (2) If it is desirable to have a teachers' training college immediately adjacent to the University, why cannot contiguous land and/or property, rather than the river, be resumed?

The Minister replied:—

- (1) and (2) The exchange of land, including reclamation work, referred to by the honourable member is considered to be the best and most logical way to satisfy the requirements of all interested parties.

Where I made reference to resumption I was pointing out that the Minister considered the resumption of the river far cheaper than the resumption cost of contiguous land. That is what I meant in my question and I elaborate that point. The Minister assumes that he can acquire an area of the river cheaper than he can acquire local land.

Mr. O'Neil: What buildings are going on the land?

Mr. FLETCHER: I was asked for an alternative site. My reply is, any portion of the 1,000,000 square miles of Western Australia.

Mr. Lewis: Close to the University?

Mr. FLETCHER: A writer in a feature article recently suggested the portion of land, which comes under the jurisdiction of the Minister for Education, at the teachers' training college. The Government will resort to any argument to say that land is unsuitable, but it must be admitted that there is adequate land within the confines of that existing area in which to extend the teachers' training college.

Mr. O'Neil: What buildings are going on the resumed land?

Mr. FLETCHER: If the resumed land was to provide facilities for the Medical School I could perhaps understand resumptions because a medical school requires facilities, which are already provided at the University. Facilities for specimens, and facilities and apparatus for dissection have to be contiguous. But I have shown, in my question, that there is 1,000,000 square miles of Western Australia wherein a teachers' training college can be established instead of on the foreshore in the locality mentioned.

Mr. O'Neil: You think the teachers' training college is going on this reclaimed area?

Mr. FLETCHER: The excuse used was that the land had to be close to the University.

Mr. O'Neil: I ask you: What buildings are going on the land?

Mr. FLETCHER: I have just submitted argument to show that on the one hand I agree that an annexe to the Medical School would perhaps need to be put alongside the University; but a teachers' training college, no.

Mr. O'Neil: Is it your understanding that the college is to be on the reclaimed area?

Mr. W. Hegney: The honourable member will come back to that later.

Mr. FLETCHER: I will do what the member for Mt. Hawthorn says, and come back to that later. The Minister said that the river has been improved and I do not deny that. The river has been improved over the years. Let me give an illustration. The honourable member who introduced this Bill was responsible for a resumed area upon which the South of Perth Yacht Club is now established and he enjoys the gratitude of many people for having provided that desirable amenity.

Mr. Ross Hutchinson: He may regret it before very long.

Mr. FLETCHER: That was one improvement achieved by the honourable member.

Mr. O'Neil: About 9.5 acres.

Mr. FLETCHER: The river is improved by filling areas previously infested with mosquitoes, and I would be the last to deny this or any Government the right to resume mosquito-infested areas, or areas where stagnant water exists. But such resumption should be brought here by way of Bills so that we, the elected representatives of the people, can discuss them. The Deputy Leader of the Opposition asks nothing more than that in his Bill. He asks that if this Government wants any portion of the river, that details be brought here so that we can discuss them. But members on that side of the House say the Bill is unacceptable, not because it lacks merit, but because it has its birth on this side of the House.

I will also admit that the river has been improved because there is less algae in it than previously because of the better flow. The water is clearer but that does not take away the argument that it is necessary for this House to discuss any future resumptions. We could approve, and no doubt would approve, if we thought the river was to be further improved.

The Minister made reference, I believe in the Press, to the fact that if a bridge goes across at Point Resolution, it will be necessary for a foreshore road in that locality. If legislation is necessary for such a desirable purpose I have no doubt the Deputy Leader of the Opposition and the member for Fremantle would study and possibly support it. So would the community, I am sure. The Minister mentioned that

a provision already exists by way of legislation—I think he mentioned the year 1912—which gives the Government the right to resume a certain area of land to make solid a foreshore. That could be adequate to establish a main road or a main link with any proposed bridge after consideration by Parliament. But that still does not deny the need for legislation if any area is proposed to be resumed.

I am quite sure that the general public of Western Australia would not object to resumptions where a desirable purpose was to be achieved. No doubt every member in this House has received correspondence from No. 10 The Avenue, Nedlands. I will read paragraph 4 from that correspondence which is as follows:—

This meeting requests our Parliamentary representatives to personally endeavour to ensure that the Private Members' Bill "to prevent any river reclamation without Parliamentary enactment", (Mr. Tonkin's Bill) be made a non-party Bill and be dealt with in the current session. We request they support the Bill.

I shall, and request members to do likewise. I believe it is very desirable and I commend those who have initiated this move to support the Bill introduced by the Deputy Leader of the Opposition. He asks no more than that if any portion of the river is required then we, the representatives of the people, should have something to say about it. The Minister says that our Bill is not necessary, but those very estimable people believe the Bill is necessary and they have asked us to support it.

I can remember when I was a child—as I have said before—when my father before me said that some day there would be a bridge from Mill Point to the north side of the river, where it now exists. And so just as inevitably will there be a bridge at Point Resolution extending to Point Walter. Legislation for river resumptions will be necessary as I have said. There is an unlimited supply of river sand adjacent in the river. The sand can be pumped for the southern abutment upon which the bridge would rest. That sand would be available for next to nothing. It could be dredged and pumped there, to the advantage of the river, very cheaply as distinct from the pounds per load which is being paid for the sand at present being carted at the Narrows. But that, I will admit, is another matter.

If that river sand bank were pumped into the locality for the southern abutment of such a new bridge, then I am sure the public and this House would have no objection to legislation for any consequential resumption.

Mr. Dunn: Would you say that would interfere with the flow of the river?

Mr. FLETCHER: I will come back to that. This Bill would achieve just what the Deputy Leader of the Opposition is attempting to achieve, and such work would be subject to reference to this House. The member for Darling Range asked me whether this would improve the river flow.

Mr. Dunn: I asked you whether, if the Point Walter spit were taken away, it would affect the natural flow of the river.

Mr. FLETCHER: I think rivercraft would have at least a mile less to travel between Perth and Fremantle, and the river itself would have a freer flow.

I think I have said sufficient to demonstrate that I support the need for this legislation, and I regret the Minister is treating it on party lines. I admit the public has probably needed the Minister into his present attitude of opposition to the Bill, because it had its origin on this side of the House; but I believe it is desirable legislation and I regret to see the Government treating it in the manner in which the Bill is being treated and trying to have it rejected on that score. I ask members opposite to have second thoughts on this, show some degree of impartiality, and support the Bill for the reasons I have outlined.

MR. DURACK (Perth) [5.1 p.m.]: I rise to speak on this Bill with a certain amount of bewilderment because it appears to me, on reading it, to be about the most simple possible Bill that one could consider, and it is certainly one of the most simple, if not the simplest that we have had before us this session. But after listening carefully to the debate on the Bill so far—and this includes the second reading speech by the Deputy Leader of the Opposition—I find it hard to relate the relevance of anything that has been said so far to the measure itself.

Mr. Jamieson: Including the Minister's speech, of course.

Mr. DURACK: The Bill has the object of bringing within the control of Parliament any future resumptions or filling-in of the Swan River: and it makes a comprehensive prohibition on that operation without the approval of Parliament. That is a principle with which I entirely agree—the principle that there should be no resumption or filling-in of the waters of the Swan River without the approval of Parliament. There may be some practical difficulties in operating that principle, and I propose to deal with them later in my speech, but at this stage I wish to emphasise and reiterate that I support the principle, and as the Bill appears to state that principle I propose to support it.

The particular provision of the Swan River Conservation Act which it is proposed to amend may not be the proper section

in which to provide for this principle. The words it is proposed to strike out are situated in a somewhat peculiar section of the Act, and it could well be that the provision in the Bill will be open to criticism for that reason. Nevertheless, it is a principle which has been accepted as binding upon the Government, and it was certainly accepted by this Government as being binding upon it when it was faced with the reclamation of a further 19 acres in connection with the Narrows Bridge. Therefore, although the particular provision might not be perfect from a legal point of view, I really do not think that is relevant to the debate today.

As I understand the matter, on the second reading of a Bill we are concerned with the principle governing that Bill and, for my part, I cannot understand how one can be in favour of the principle and not support the Bill, and indeed vote against it. The Bill does not appear to me to have anything to do with what has happened in the past, whether it was right or whether it was wrong. It does not have anything to do with any particular reclamation or any particular proposal for reclamation.

A great deal has been said about the Pelican Point proposal. I do not intend to say anything at all about that, because I do not consider it to be relevant to this debate, or to this Bill. The only matter that I consider to be relevant to this Bill is the question whether it would be workable in its present form. The Minister, in his speech, stated that the Bill is not workable; and he has stated it is the Government's intention to bring down a Bill in the next session of Parliament to do certain things about the problem.

I was listening intently to this part of his speech because it appeared to me to be the critical portion of it. However, I must say I was disappointed with the details of the proposals; in fact, I found it very difficult to understand what the proposals were. He said the Government will give the closest attention to a Bill dealing with the points with which he dealt: namely, giving the Swan River Conservation Board certain powers to carry on with its work. He mentioned he would reduce the present limit of 10 acres to some other figure, which was not specified but which would be between two to five acres. He also said that the Bill would prevent the reclamation of contiguous areas.

I was very happy to hear the Government intends to do something along those lines, but I still find it impossible to reconcile the fact that the Government apparently supports the principle of this Bill with the fact that it wishes to defeat this particular measure. It seems to me that this Bill, by a suitable amendment, could be made quite workable. I have given that point some close consideration

and I have discussed it with people who should know what they are doing in these matters.

It is true that to pass the Bill in its present form would leave it open to some criticism from a legal point of view, but I put that nicety aside; and it would, I believe, as I have already said, also impose some practical limitations upon the work of the Swan River Conservation Board. Nevertheless, it is true that most of the good work which the Swan River Conservation Board has been doing has been done by it under powers it has in relation to foreshore development. In fact, there has not been much purely reclamation work done by the board within its limit of a maximum of 10 acres.

Mr. Ross Hutchinson: That is not so, of course.

Mr. DURACK: Admittedly there is an area at Applecross—beach development—which is a reclamation of what undoubtedly would be river. Nevertheless the work of the board which we all applaud most, and with which we are all in agreement, is the cleaning up operations along the foreshores—filling in of reedy, swampy areas, and so forth—and this work is within the jurisdiction of the board because it is foreshore development.

However, I am prepared to accept the fact that the board, in carrying out its work, does not want to be hampered by consideration of nice legal questions about its power; and when it is developing beaches, or foreshores, or carrying out emergency repair or reconstruction work, it could be hampered by the necessity of, coming to Parliament for anything it wanted to do if even a square inch of the river were involved. However, in my view, these matters could be easily dealt with by the insertion of some words before the words "any portion". This would cover beach development and the repair of existing works. I have in mind words which I propose to insert in the Bill in the Committee stage. They would cover that point. However, as I have said, that appears to be a matter for the Committee stage. On the second reading we are concerned with the principle of this measure.

I understand from the Minister that he agrees with the principle of the Bill and that by and large any filling in or reclamation of the waters of the Swan River should come to this Parliament for approval. That is a principle with which I entirely agree. The Swan River is the greatest single asset which the City of Perth and its suburbs possess so far as its beautification is concerned, and it is only right that Parliament should have a say in all phases of its development or alteration. In its situation the Swan River gives the real character to the City of Perth. The authorities in Canberra have spent millions of pounds creating an

artificial lake to do something which the Swan River does naturally, and far better, for the City of Perth.

It is not only a vital part of the beautification of the city, but it is also a vital attraction from the point of view of tourism. Can anyone imagine that Perth would have much to recommend it as a tourist attraction without the Swan River? It is a vital factor as far as the beauty of the city is concerned, and that is the main reason why its reclamation should have to be approved by Parliament.

The other point is that every time there is reclamation of the shallow waters of the Swan River it has a limiting effect on the bird and fish life of the river, because the birds and fish depend on the shallow waters and the edges of the river for obtaining feed. Every time those shallows are filled in, or deepened, there is a lessening of the feeding grounds for river fauna. Things which we have associated with the river from childhood, such as crabs, prawns, and so on, are affected by constant reclamation work.

So for those two vital considerations I support the principle behind the Bill. As I have said, it has practical limitations; but, in my opinion, they can be dealt with in Committee. If, then, for some reason or other, the Bill does not prove to be workable, we will have another session within a few months and there is no reason why another measure cannot be introduced to deal with the legal problems to which the Minister has referred. However, as I have said, this Bill presents the House with an issue on principle—whether we are for or whether we are against it—and I for one must support it because I support that principle. Anybody else who supports the principle must also agree to it, and therefore it is beyond my consideration how the Bill could be defeated.

MR. GRAYDEN (South Perth) [5.15 p.m.]: I, too, am going to support the Bill. I was very disturbed when I listened to the speech made by the Minister for Works. The language he used was intemperate and exaggerated.

Mr. O'Connor: It was a very good speech.

Mr. GRAYDEN: Furthermore, I think the Minister's speech was an insult and an affront to every one of my electors who cherishes the river.

Mr. Ross Hutchinson: Nonsense!

Mr. GRAYDEN: It is disturbing to think we should have a Minister for Works who holds such views.

Mr. Ross Hutchinson: What nonsense!

Mr. GRAYDEN: Let us consider some of the remarks made by the Minister. He first said that the river consisted of malodorous banks and a sea of mud.

Mr. Ross Hutchinson: I did not say that at all.

Mr. GRAYDEN: The Minister was convinced that was the position in the river.

Mr. Ross Hutchinson: I read out a letter which described the river in those terms.

Mr. GRAYDEN: Does the Minister think that is the position? If he does not think so, why did he quote the letter? Immediately I heard this I went to the library to find some of the early volumes which speak of the river in very different terms. Unfortunately, because of the tea suspension the library was closed, and it is obvious I will not have the opportunity to quote from the books in question.

The Minister described those who cherished the river, and who are anxious to see no further reclamation take place without the approval of both Houses of Parliament, as hysterical sacred-cows.

Mr. Ross Hutchinson: I did not say that. I said there was hysterical sacred-cow talk.

Mr. GRAYDEN: The Minister used the word "hysterical" on numerous occasions, but I am prepared to accept the correction he has made.

Mr. Ross Hutchinson: You be careful what you quote!

Mr. GRAYDEN: I jotted down the Minister's remarks.

Mr. Ross Hutchinson: You want to be careful what you say!

Mr. GRAYDEN: It might not be a bad idea to obtain a copy of *Hansard* to see who is right and who is wrong. The Minister described this feeling of the people to do something to preserve the river as hysterical fervour. He said that a campaign had been mounted by certain people and was carried on by the Press. He also used the expressions, "extravagant and hysterical."

The Minister further went on to say that the people now enjoyed the river as they had never done before, and that this was immeasurably improved. He also said that the objections raised did no credit to those responsible for them, and that these people were not prepared to face actualities. The Minister suggested that the people concerned should not act like King Canute; that they sabotaged progress. He referred to the legislation as clumsy, and said that we, as members, should not act like quack doctors when considering the legislation. In another part of his speech the Minister said that this pusillanimous approach was unworthy of the people concerned.

I think you will agree, Mr. Speaker, that the remarks of the Minister were extravagant and intemperate. I would go further and say it is the most extravagant language I have heard in my 16 years in Parliament. I may be pardoned,

therefore, when I suggest that the Minister's remarks were an insult to the people who reside in our city and cherish our river. Let us consider the type of people to whom the Minister was referring when he used such language. I have a circular letter which reads as follows:—

Dear Sir,

A Public Protest Meeting was held at Nedlands on November 18th to discuss the subjects of—

River reclamation (particularly at Pelican Point),

Roadworks in the area,

University extension in the area.

400 leaflets advising residents of the Meeting were distributed only 4 days before the meeting and an estimated 200 residents attended.

Voting on all issues was definite and on most motions it was unanimous.

Applause and reaction to certain outspoken comments was overwhelming and impressive.

An action Committee to implement motions carried at the Meeting was formed and as a first step copies of the resolution have been prepared for distribution.

It is hoped these will have your careful consideration and whole-hearted support, and details are appended hereto.

Yours faithfully,

(Sgd.) S. H. Tough,

Secretary,

Nedlands-Crawley  
Residents Association.

The circular continues—

Resolutions carried at Meeting of November 18th.

1. This Meeting opposes any reclamation of the Nedlands foreshore.
2. This Meeting is opposed to the re-location of Hackett Drive.
3. This Meeting requests our Parliamentary representatives to personally endeavour to ensure that the Private Members' Bill "to prevent any river reclamation without Parliamentary enactment" (Mr. Tonkin's Bill) be made a non-party Bill and be dealt with in the current session. We request they support the Bill.

Here we have 400 circulars being put out to advertise a public meeting, which is of such great importance that 200 people attend it.

Mr. O'Connor: Where did they come from?

Mr. GRAYDEN: I presume they were from the Nedlands area.

Mr. O'Connor: You only presume.

Mr. GRAYDEN: Does the Minister suggest that the meeting was stacked?

Mr. O'Connor: I was asking you.

Mr. GRAYDEN: The people in that particular area are concerned about the reclamation that is about to take place.

Mr. J. Hegney: The only thing the circular did not convey is whether the member for the district was invited to attend or not.

Mr. GRAYDEN: As I have said, 200 people attended that meeting, and they did so to express their concern at the position that was developing. I have no doubt they were reasonably responsible people; and yet the Minister describes their actions in the exaggerated language I mentioned earlier.

Exactly the same position applies in my own electorate. There is tremendous interest in this matter in South Perth. If there is one issue I would put before all others so far as the residents of South Perth are concerned, it is the question of preserving our river for posterity. I make no qualification about that at all. I have had occasion in the past to canvass from house to house in my electorate, perhaps taking around petitions and so on, and on every occasion when I have called at various homes, the question of paramount importance has been the river.

The people to whom I have spoken on those occasions have not been particularly interested in the matters contained in the petitions I have taken around on behalf of various organisations; their interest has always been centred in preserving the river to the best of our ability. I hope that every member of this House will adopt the same attitude towards legislation which might affect our river.

The Minister for Works will know exactly where I stand in the matter when the debate is concluded; and I also hope he will know where other members of the House stand in this regard. This is not a question of the supporters of the Government trying to embarrass the Government; it is, unfortunately, a question of the Government embarrassing its own supporters.

In past election campaigns when I have been going from house to house I have repeatedly committed myself on this very question as, I daresay, have other members of the House. Prior to the last election campaign a circular was sent around from the Citizen's Committee for the Preservation of King's Park and the Swan River.

I will not quote the names of the people involved, but I would like to read some of these letters to give an indication as to how members feel on the subject. Before

I do so, however, let me quote the circular that was sent out to members who were seeking election on this last occasion. The letter reads as follows:—

At a public meeting held in this City on the 7th instant, it was resolved as follows—

That the Committee write to every candidate for election to the Legislative Assembly and Council asking him to give an answer to the question as to whether he is in favour of a measure (to be brought down by the Government or by a private member) ensuring that no reclamation or interference to the natural flow of the Swan River Estuary take place without Parliamentary enactment.

That resolution aimed at (according to the expressed opinion of the meeting) putting the river on the same footing, as far as its protection is concerned, as King's Park. The existing enactments had but recently prevented encroachment upon the Park and would ensure equal safeguards for the future. It is thought logically that as the river is equally important to our community it should be likewise protected for the future.

It is hoped, as in the case of the Park and in view of its universal importance that the proposal be dealt with as it should—as a non-party measure.

This letter is sent to you (as it is similarly sent to all Parliamentary candidates) with the request that you give a definite answer to the question (as to whether you are in favour or against the proposal) within one week from date, as we intend after that time publishing the complete result of our enquiry.

It is only because of the last paragraph which states that the result of the inquiry was to be published, that I propose to quote from this file at all. I will in no circumstances quote the names; but from this file which contains letters from members of Parliament I will quote a cross-section of the replies that were received. One reads as follows:—

In reply to your letter dated 8th February, 1965, I wish to advise that I am in favour of the proposal as outlined by you.

Another letter reads—

Thank you for your letter of February 8th.

In answer to your queries may I say I share your committee's concern and the proposal that no further reclamation of the Swan River shall take place without parliamentary enactment has my firm support.

Mr. Hall: Who are they signed by?

Mr. GRAYDEN: That is not the question. The point is that I have dozens of letters here indicating the views of candidates and certain members. Another letter reads—

Re your memo of February 8th. I agree with you and your Committee that no reclamation of the Swan River estuary should be carried out without parliamentary consent.

These are the cranks referred to by the Minister. The Minister did not use the word "crank"; but he implied that the people concerned were cranks.

Mr. Ross Hutchinson: I did nothing of the sort!

Mr. GRAYDEN: Let us go back to the language you used and we will see.

Mr. Ross Hutchinson: As a matter of fact I said I understood the feelings of those people who wanted to protect the river.

Mr. GRAYDEN: You said that what they were doing—

Mr. Ross Hutchinson: I said there was too much hysterical talk about it.

Mr. GRAYDEN: —was hysterical fervour. You said the campaign was mounted by certain people and carried on by the Press.

Mr. Ross Hutchinson: That is true.

Mr. GRAYDEN: Are you insinuating that these people mounted the campaign?

Mr. Ross Hutchinson: Of course it was mounted!

Mr. GRAYDEN: By members of Parliament and by everyone who complained?

Mr. Ross Hutchinson: It was mounted by a number of people.

The SPEAKER (Mr. Hearman): Order! The member for South Perth must address the Chair.

Mr. GRAYDEN: The Minister used the intemperate language to which I have referred. He is virtually saying that what the members are striving for is hysterical stunting. He says that these members are sabotaging progress. He says they committed themselves to a remarkably foolish piece of legislation.

Mr. Ross Hutchinson: That is right.

Mr. GRAYDEN: He says in effect that they are acting like quack doctors.

Mr. Ross Hutchinson: I did nothing of the sort.

Mr. GRAYDEN: You used that language in respect of people who hold these views on the river and I have quoted some of the letters that were received.

Mr. Ross Hutchinson: You are taking it out of the text of what I said. Read my speech.

Mr. GRAYDEN: I think that you should—I think that the Minister for Works, Mr. Speaker, should have more regard for members of Parliament and particularly the members of his own party. He adopted this attitude knowing full well that many are committed to this type of legislation and that many believe in it implicitly.

I can recall a time when there was a suggestion that some of Kings' Park should be used for a swimming pool and I think on that occasion the Minister opposed the use of the park for that purpose.

Mr. Ross Hutchinson: That is perfectly true.

Mr. I. W. Manning: He made a very statesmanlike speech on that occasion.

Mr. GRAYDEN: I heard it very favourably commented upon in the past and therefore I am at a complete loss to know how the Minister can so easily reverse his views.

Mr. Ross Hutchinson: I said the Government would introduce a Bill to deal with this matter properly.

Mr. GRAYDEN: I heard that and I am glad the Minister is going to do that because I appreciate that the Bill—

Mr. Ross Hutchinson: It doesn't sound like it.

Mr. GRAYDEN: —introduced by the Deputy Leader of the Opposition does not go far enough because there are other Acts in existence which enable reclamation, etc.—

Mr. Ross Hutchinson: It is too restrictive. I tried to point that out.

Mr. Bickerton: You had plenty of time to introduce a Bill before the Deputy Leader of the Opposition did.

Mr. GRAYDEN: I want to say that I appreciate that other Acts have to be altered, but if this House passes the Bill introduced by the Deputy Leader of the Opposition, obviously no Government would proceed with reclamation in the face of the clear expression of opinion by Parliament.

I hope the Government will go ahead and introduce this other legislation at a later date and when it comes we can look at it, and if we find it preferable to this Bill, then I have no doubt this House would support it. But I would like to point out to the Minister for Works that certain amendments to the Bill introduced by the Deputy Leader of the Opposition have been foreshadowed by another member on this side of the House and those amendments will overcome the objections which the Minister has to this Bill.

Mr. Ross Hutchinson: That is not true. I gave you in the context of my speech three or four reasons why further research had to be made into the appropriate type of amendments.

Mr. GRAYDEN: Yes; but the Minister's attitude on this is at variance with the Premier's.

Mr. Ross Hutchinson: It is the Government's attitude as determined in the party room.

Mr. GRAYDEN: I do not know that you know the Cabinet view on this.

Mr. Ross Hutchinson: I know the Cabinet view on it.

Mr. GRAYDEN: Let us see how you reconcile your stand on this Bill with the statements made by the Premier during the last election campaign. He wrote to the Press and stated clearly his position, which was, I presume, the position of the party. I know that a lot of people, as a result of that letter, crystallised their thoughts on this matter.

Mr. Ross Hutchinson: How is the Government endangering this river?

The SPEAKER (Mr. Hearman): Order! The member for South Perth.

Mr. GRAYDEN: Let me read the letter. It is to *The West Australian* and reads as follows:—

The Government has no desire to reclaim any area of the river any more than the previous Government. However, reclamation now being carried out was undertaken on the best possible advice. The work is being carried out as part of a plan to alleviate rapidly increasing traffic in the city.

Then it goes on—

The Government will ensure that Parliament is given full opportunity to discuss any further reclamation proposals.

Mr. Ross Hutchinson: That is right.

Mr. GRAYDEN: The Minister is opposing the suggestion of the Deputy Leader of the Opposition.

Mr. Ross Hutchinson: I tried to point out that it does not do the job. You are wilfully overlooking that!

Mr. GRAYDEN: I would like the Minister for Works to tell me in his own words how he can reconcile the letter by the Premier with the attitude he is taking in respect of this Bill which has been introduced by the Deputy Leader of the Opposition.

The SPEAKER (Mr. Hearman): Order! The Minister cannot do that, and the honourable member knows it too.

Mr. GRAYDEN: I think he would have a lot of difficulty in doing so, Mr. Speaker.

Mr. Ross Hutchinson: The Premier said that full opportunity would be given—and it will be given.

Mr. GRAYDEN: I am glad the Government is going to introduce such legislation—

Mr. Ross Hutchinson: What is the matter with you then?

Mr. GRAYDEN: —but I would like to remind the Minister that there are members on this side who are committed to support legislation of this kind.

Mr. Ross Hutchinson: Not any sort of legislation, surely!

Mr. GRAYDEN: Let us just pursue this matter further.

Mr. Bovell: This is an ill-conceived measure introduced for party political purposes.

Mr. GRAYDEN: Let us again look at the letter sent to them.

Mr. Graham: I think the Minister was ill-conceived.

Mr. GRAYDEN: The following is the motion to which candidates' attention was drawn:—

That the Committee write to every candidate for election to the Legislative Assembly and Council asking him to give a definite answer to the question as to whether he is in favour of a measure (to be brought down by the Government or by a private member) ensuring that no reclamation or interference to the natural flow of the Swan River Estuary takes place without Parliamentary enactment.

Is the Minister trying to say to those who committed themselves that they should go back on their statements made at that particular time? I hope not, because it would be a most reprehensible thing to do.

Mr. Ross Hutchinson: It would be foolish to support a wrong Bill.

Mr. GRAYDEN: Well, this Bill—

Mr. Ross Hutchinson: Although it has the basic principle, it does not do the job properly.

Mr. GRAYDEN: As I pointed out earlier, this Bill does precisely what members have committed themselves to do.

Mr. Fletcher: The Bill says, "any portion of the river" quite distinctly.

Mr. GRAYDEN: Another matter to which the Minister made reference was the question of the river being greatly improved. The actual words used were that the river had been "immeasurably improved."

Mr. Ross Hutchinson: Very true.

Mr. GRAYDEN: And he implied in some of the statements he read that in the past it was nothing but a mud flat. I want to tell him that in 1924 I used to live within, say, 200 yards of the Nedlands jetty, and I can recall in those days going down day after day to fish off that jetty.



At that time we caught trumpeter, kingfish, flathead, and flounder; in fact all possible types of fish.

Mr. W. Hegney: What about blowies?

Mr. GRAYDEN: It was not unusual to see that jetty absolutely lined with individuals catching crabs with a piece of meat on a length of string. They simply lowered the string into the water and the crab would attach itself to the meat whereupon the string would be pulled to the surface and a crab net placed under it in which to land the crab. That was the situation that existed in 1924. There was a beautiful beach there.

Mr. Bovell: What about the algae in 1924?

Mr. Bickerton: What about the Minister in 1924?

Mr. Bovell: He was in his prime.

Mr. GRAYDEN: Do we see people swimming in great numbers now? Of course not! Do we see them catching crabs in that fashion now? Of course not! Do we see people fishing there now? No!

Mr. Guthrie: How old were you in 1924?

Mr. GRAYDEN: It is suggested that the river used to be—

Mr. Brand: Algae ridden.

Mr. GRAYDEN: —spoilt by algae and that it was nothing but a mud flat. I would point out that Point Walter used to be a most popular picnic spot. It had very nice beaches and people went to that point from all over Perth.

Mr. Brand: Do you think that the reclamation of the river has changed the situation at Point Walter?

Mr. GRAYDEN: I think it has.

Mr. Brand: How?

Mr. GRAYDEN: I say that so far as Nedlands is concerned one never sees people swimming there because the beaches have been spoiled. Not nearly as many people use South Perth and Como now.

Mr. Brand: I live 200 yards away and you cannot get near it in the summer.

Mr. Lewis: Como is the largest single centre for vacation swimming classes.

Mr. GRAYDEN: I appreciate that. It was before, too.

Mr. Rushton: Are you not aware that the Government is going to do all the things necessary to protect the river?

Mr. Fletcher: This Bill does not prevent that.

Mr. GRAYDEN: As I mentioned earlier, I am looking forward to the legislation the Government proposes to introduce and I hope it will be reasonable legislation and that the House will be able to support it.

But I point out that this Bill is reasonable, too, in every way; and it fits in, as far as I am concerned, with the things in which I believe implicitly.

In those circumstances I have no option but to support this legislation. I repeat that I have committed myself. I must support it if for no other reason than that one. I have committed myself so much in the past that I would not under any circumstances at all go back on the pledges I have given in respect of the river. I hope the day will come when more members on this side of the House will cherish the river and appreciate it to the extent it should be appreciated by the people of this State.

[Clapping in the Gallery]

The SPEAKER (Mr. Hearman): Order! Debate adjourned, on motion by Mr. Dunn.

## ARTIFICIAL BREEDING OF STOCK BILL

*Returned*

Bill returned from the Council without amendment.

## GOLDMINING INDUSTRY

*Committee of Inquiry: Tabling of Report*

Mr. BRAND (Greenough—Premier) [5.43 p.m.]: I undertook to give an answer to a question asked by the member for Boulder-Eyre in reference to the laying on the Table of the House of the goldmining committee report. I now wish to advise that I will do this tomorrow.

## ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier) [5.44 p.m.]: I move—

That the House at its rising adjourn until 11 a.m. tomorrow (Thursday). Question put and passed.

*House adjourned at 5.45 p.m.*

# Legislative Council

Thursday, the 25th November, 1965

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