Legislative Assembly

Tuesday, the 4th September, 1962

CONTENTS

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

SWEARING-IN OF MEMBER

THE SPEAKER (Mr. Hearman): I have received the return of a writ for the vacancy in the electoral district of Bunbury caused by the death of Mr. George Frederick Roberts, showing that Mr. Maurice Clifford Williams has been duly elected. I am prepared to swear-in the honourable member.

The honourable member took and subscribed the Oath of Allegiance and signed the roll.

CONDOLENCE

The Late Mr. G. F. Roberts: Letter in Reply

THE SPEAKER (Mr. Hearman) [4.33 p.m.]: I have received the following letter:—

> The kind expression of sympathy shown by all members was deeply appreciated by myself and family.
>
> Sincerely yours,
>
> (Sgd.) Ethel Roberts.

I might add that Mrs. Ethel Roberts is the mother of the late Mr. George Roberts.

QUESTIONS ON NOTICE

POTABLE WATER

Gauging of Possible Sources

1. Mr. JAMIESON asked the Minister for Water Supplies:

   (1) Have gaugings been taken of all well-defined water courses, that may be a damable proposition, between the Swan River in the north and the Preston River in the south emanating from the Darling Range catchment area?

   (2) If not, would he have all possible sources of future potable water in this area gauged?

   Mr. WILD replied:

   (1) Yes.

   (2) Answered by No. (1).

PLUMBING INSPECTORS

Number in Country Towns, and Location

2. Mr. HALL asked the Minister for Works:

(1) How many plumbing inspectors were employed by the P.W.D. in country towns for the years 1958-59, 1959-60, 1960-61, and 1961-62?

(2) At what towns were they stationed and how many inspectors per town?

(3) How many district inspectors are employed by the P.W.D. at present, and how many were employed for the past years 1958-59, 1959-60, 1960-61, and 1961-62?

Mr. WILD replied:

(1) 1958-59 — 4.
1959-60 — 4.
1960-61 — 4.
1961-62 — 6.

(2) 1958-61: One inspector stationed at Albany, Collie, and Northam. The senior inspector stationed at Perth carried out the Geraldton inspections.

1961-62: One inspector stationed at Albany, Collie, Northam, Merredin, and Katanning. The senior inspector at Perth carries out the Geraldton inspections while the inspector stationed at Katanning carries out the Wagin inspections.

(3) There are no district inspectors, but the senior plumbing inspector stationed at Perth supervised all the other plumbing inspectors.

MINERAL SANDS

Deposits in Nornalup Area

3. Mr. HALL asked the Minister representing the Minister for Mines:

(1) What are the known mineral sands deposits in the Nornalup area?

(2) If mineral sands are known to be in the Nornalup area, are the deposits substantial and what grading are the sands?

Mr. BOVELL replied:

(1) and (2) There are no known mineral sands deposits at Nornalup specifically. At numerous other places on the south coast, heavy mineral sands occur on the present-day strand lines. These deposits are generally small, of variable grade, and subject to seasonal stripping. The nearest described occurrence to Nornalup is at Wilson's Inlet, which was inspected a few years ago by the Geological Survey and reported as small, poor grade, and inaccessible.

ALBANY EXPRESS

Reason for Reduced Passenger Traffic

4. Mr. HALL asked the Minister for Railways:

As 38,043 persons travelled on the *Albany Express* for the years 1960-61, and as there was a fall-off of passenger travel by 4,492 for 1961-62, with the total figure being 33,551, can he explain the reason for the heavy loss of passenger travel?

Mr. COURT replied:

During the year ended the 30th June, 1961, 5,925 passengers travelled on the Perth-Albany road buses, whilst for the year ended the 30th June, 1962, a total of 10,849 passengers used these services, the increase in patronage being principally due to the improved services resulting from the introduction of the scenicruiser bus.

The decrease of 4,492 in rail passengers was more than offset by the increase of 4,924 who travelled by road, and when both road and rail services are taken into consideration a total of 432 more passengers travelled in 1961-62 than was the case in 1960-61.

MINERAL SANDS

Shipment through Bunbury

5. Mr. HALL asked the Minister representing the Minister for Mines:

(1) To what States and countries are mineral sands shipped from this State through the port of Bunbury?

Leases and Dredging Claims 49H, 50H, and 59H

(2) As it is stated that the last exemption for mineral sand leases held by Hancock Prospecting Pty. Ltd., Frank Albert Moore, and Phillip Jackson at Cheyne Beach expired on the 12th July, 1960, does that mean that new applications can be lodged for leases and dredging claims 49H, 50H, and 59H?

(3) Is it considered the figure quoted, £17,000, for examination of the areas and tests as reputed to be made, is excessive?

Mr. BOVELL replied:

(1) During the 12 months ended the 30th June, 1962, shipments from Bunbury went to—

Japan
United Kingdom
United States of America
Holland
France
Italy
West Germany
Tasmania.

(2) No. Exemption applies only to release from compliance with the labour covenants. Expiry of exemption does not affect title to the ground.

(3) This is an amount stated by the company as having been expended in regard to the holdings, and includes purchase price of £7,500 for certain of these holdings.

SECONDARY EDUCATION

Availability in Goldfields Centres

6. Mr. BURT asked the Minister for Education:

As it seems unlikely, under the present formula, that towns in the more remote areas of the State, will ever acquire junior high schools, will he give consideration to a scheme whereby secondary educational facilities could be made available at schools in more populated centres—particularly Mt. Magnet, Meekatharra, and Leonora?

Mr. LEWIS replied:

The department is examining schemes whereby further secondary facilities might be provided at such centres as Mt. Magnet, Meekatharra, Leonora, and other remote areas. However, the extent to which such facilities can be made available is governed to a large degree by the number of post primary pupils in attendance.

JARRAH TABLES FROM PARLIAMENT HOUSE

Use by Education Department

7. Mr. ROWBERRY asked the Premier:

(1) What has happened to the jarrah tables from Parliament house dining room?

(2) As the timber from these tables could be successfully employed by the Education Department for manual training, could not arrangements be made for this timber to be made available for this purpose?

Mr. BRAND replied:

(1) These tables are in store at the Welshpool depot of the Public Works Department.

(2) No action has been taken for the disposal of them pending instructions from the Joint House Committee.

EMBLETON HIGH SCHOOL

Construction Cost

8. Mr. TOMS asked the Minister for Works:

(1) What were the accepted tender prices for the contracts on Embleton High School—

(a) earthworks;

(b) buildings?

(2) When was the expiry date for completion of the building contract?

(3) Did the contract include a penalty clause?

(4) If so, what was the penalty, and was it enforced?

(5) What has been the actual cost of this high school for—

(a) earthworks;

(b) buildings

to the 31st July, 1962?

Mr. WILD replied:

(1) (a) £13,800.

(b) £292,656.

(2) The 23rd March, 1962.

(3) Yes.

(4) £50 per day. No decision yet made re enforcement.

(5) (a) £11,803.

(b) £275,781.

SUPERPHOSPHATE

Source of Supply, and Freight Charge

9. Mr. HART asked the Minister for Railways:

(1) What authority directs the Lakes area farmers to rail their superphosphate from metropolitan works instead of their natural port of Bunbury and Picton works?

(2) Does he know that this causes the areas concerned (those beyond Lake Grace) to pay approximately 7s. 8d. per ton freight ex North Fremantle, and approximately 6s. 10d. per ton freight ex Bassendean, amounting to between five to six thousand pounds annually?

(3) As these arrangements definitely penalise those areas to the possible benefit of other areas, will he—

(a) investigate and rectify the arrangement; or,

(b) appoint a special committee to investigate it?

Mr. COURT replied:

(1) Distribution is determined by supplies available from each works.

The Picton works were established to meet the needs of a defined zone. Outside that zone there is no alternative to farmers but to obtain their superphosphate from other works.

(2) It is appreciated that higher freights are incurred in the districts mentioned because superphosphate from Picton is not available to them.

(3) (a) and (b) The position has been investigated. It is not possible to alter the present arrangement without increasing the cost of superphosphate to all farmers.

STATE ELECTRICITY COMMISSION POLES

Use for Advertising Boards

10. Mr. JAMIESON asked the Minister for Electricity:

(1) Is the policy of the S.E.C. still opposed to posters and advertisements being placed on its poles, etc.?

(2) If so, why have commercial interests, such as tile manufacturers, brick manufacturers, plasterboard manufacturers, etc., been granted immunity, while electioneering posters are strictly policed?

(3) Is he aware that one such advertisement has been attached to a post in Great Eastern Highway outside the fire station at Belmont, since this building was being erected in 1961?

(4) (a) Is he also aware that various speculation house-building firms constantly use S.E.C. posts for attaching their advertising boards?

(b) Have such firms the permission of the S.E.C. to use these posts?

Mr. NALDER replied:

(1) The fixing of posters on S.E.C. poles is prohibited by regulation No. 235 under the Electricity Act.

(2) Permission has not been granted in these cases.

(3) No.

(4) (a) and (b) No.

QUESTION WITHOUT NOTICE

ANONYMOUS LETTERS

Placing of Question on Notice Paper

Mr. GRAYDEN asked the Speaker:

Would I be in order in placing on the notice paper a question directed to the Deputy Leader of the Opposition relating to anonymous letters?

Mr. Tonkin: Yes, so far as I am concerned.

The SPEAKER (Mr. Hearman): No; I do not think we will have that sort of question.

Mr. Tonkin: I would have no objecction, Mr. Speaker.

Mr. Hawke: See him personally.

BILLS (3): THIRD READING

1. Painters' Registration Act Amendment Bill.

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

2. Evidence Act Amendment Bill.

Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and passed.

3. Coal Mines Regulation Act Amendment Bill.

Bill read a third time, on motion by Mr. Bovell (Minister for Lands), and passed.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Report

Report of Committee adopted.

PILOTS' LIMITATION OF LIABILITY BILL

Second Reading

Debate resumed, from the 23rd August, on the following motion by Mr. Wild (Minister for Works):—

That the Bill be now read a second time.

MR. KELLY (Merredin-Yilgarn) [4.35 p.m.]: I believe that having heard the Minister's introductory speech to this Bill, all members will be in as great a quandary as I am myself about his explanation. This short Bill will virtually become the parent Act because it does not relate to any other legislation in this State. Although the Minister did not say so, I believe it could be regarded as complementary to the Commonwealth Act which he mentioned in connection with pilotage authorities. There is not a great deal of information available with regard to the Commonwealth Act, and in the short time at my disposal I was unable to obtain a copy of it and therefore cannot relate the Minister's remarks to what is contained therein. I do not suppose that any other member here would have had an opportunity of perusing this Act either.

The other day I had quite a lot to say in connection with the Minister's brevity in his introduction of the Western Australian Marine Act Amendment Bill. He gave us no information whatever in regard to that Bill either. There were no

examples given or cases cited to indicate in what circumstances the provisions of the Act would be applicable. The same can be said of his introduction of this Bill.

Again, he has given no reasons why this legislation has been introduced unless we can regard as a reason the fact that the conference of Australian pilot authorities three years ago decided that action of some kind was necessary. Apparently this legislation has been based on a provision in the Victorian Act covering pilotage generally.

I am far from satisfied with the wording of this Bill. For instance, the definition of "pilots" is as follows:—

> "pilot" means a person who does not belong to, but has the conduct of a ship.

That definition is quite logical and would probably be found in other Acts of a similar nature. The definition of a ship is a vessel that is not ordinarily propelled by oars only. Of course, a 10-ft. dinghy with a half-horsepower motor, under this definition, would be classed as a ship. That is far from the following definition contained in *Webster's Dictionary*:—

> A vessel with a bowsprit and three, four or five square-rigged masts; any seagoing vessel of considerable size.

I just fail to be able to read into the very small definition of a ship contained in the Bill anything that could be envisaged under the category described in Webster. The definition of "vessel" in the Bill is as follows:—

> "vessel" means a vessel used in navigation, other than air navigation,—

I do not know why we should be mentioning anything about air in this type of legislation, because it has no application at all—

> —and includes a barge, lighter or like vessel.

When we look at the dictionary meaning of vessel we are referred back to "ship," and it goes on to say "or boat." I wonder how much consideration was given to the wording of the Bill under those conditions. I will have something further to say on that score when I proceed to discuss the Bill in detail.

If we pass this Bill in its present form, it will remain on our statute book in isolation, because there is nothing to lead up to it. This Bill, if passed, will stand in queenly isolation, and it will have nothing to lean on; there will be no reference to any other legislation on our Western Australian statute book.

I think it is an extraordinary attempt to correct an anomaly, if that is its purpose; and whether that is its purpose, I have yet to find it out. The wording in clause 3 is rather extraordinary. It says—

> Notwithstanding the provisions of any other Act or law, but subject to the Navigation Act, 1912-1958 of the Parliament of the Commonwealth—

That has nothing to do with anything here. It continues—

> —a pilot is not liable for neglect or want of skill in piloting a ship beyond the amount of one hundred pounds together with the amount payable to him on account of pilotage in respect of the voyage in which he was engaged when he became so liable.

We now get an entirely new conception. We are practically going to hand out *ad lib* a reward for lack of skill and neglect, or for any of those things which can be sheeted home to a pilot when he has an accident.

I point out to members that the piloting of ships is not an easy matter. It is not a question of dragging a boat into anchorage, and that being all there is to it. As a result of high winds last week, several boats could have been in serious danger and many lives endangered. The pilots could have been affected by the provision in this Bill, because of lack of skill or lack of experience.

It does seem peculiar that we should be asked to accept these principles as though they were to be highly regarded. We are told that the penalty should be a maximum; and there is no reference in any shape or form to any guiding influence which this Bill might have.

I could understand a measure of this kind if the matter of exoneration were, for instance, brought about by an act of God, or whether it could be classed in the category of misadventure, or as accidental, or that no blame was attachable to anyone else; but I cannot for the life of me see why neglect or lack of skill should be given protection to the degree which it is in this Bill.

I realise—and no doubt the Minister has it in mind—that the occupation of piloting requires a tremendous amount of skill, and a tremendous knowledge of currents and other matters pertaining to guiding boats safely to anchorage. Pilots have to go out in very bad weather, and they are entitled to as much consideration as possible. However, I feel that it is a very poor outlook if we are to bring forward legislation which has only one function to perform; namely, to condone lack of skill. The Minister must give us something more tangible in a Bill of this kind if we are to give our consent to it and abide by its wording. I hope the Minister, when he replies, will give some justification for condoning lack of skill. No doubt other members will want to know something in connection with this Bill.

MR. HALL (Albany) [4.56 p.m.]: It seems to me that the Bill is to take the pressure off the pilots. As we know, pilots, when they are guiding vessels towards a pier or jetty, are under a strain. The Commonwealth Navigation Act, 1912-58 shows clearly that pilots are exonerated from blame when the master is aboard the ship. Section 351 says—

> 351. (1) The duty of a pilot shall be to pilot the ship subject to the authority of the master, but the master shall not be relieved, by reason of the ship being under pilotage, from responsibility for the conduct and navigation of the ship.
>
> (2) Notwithstanding anything contained in any Act or State Act, the owner or master of a vessel navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in the same manner as he would if pilotage were not compulsory.

It clearly states that the responsibility is on the master. Section 353 reads as follows:—

> If a pilot, when piloting a ship, by wilful breach of duty or by neglect of duty, or by reason of drunkenness—

In those circumstances he is liable to forfeiture of £100 for damages.

On checking with several of the pilots I find that this penalty has never really been enforced unless there has been a complete breach of the Act. I think the intention of the Minister is to take the weight off the pilots at the time they are bringing in these costly vessels. Like the member for Merredin-Yilgarn, I am wondering why it has been necessary to introduce this Bill, in view of the Navigation Act, unless its purpose is to bring the two Acts into uniformity.

MR. WILD (Dale—Minister for Works) [4.59 p.m.]: I thank the two members for their observations on this very small Bill. I think that what the Bill sets out to do is very clear. I do not think I need to go into an exposition of the reasons why it has been introduced, or explain the accidents that have occurred. The purpose of this Bill is to meet the request of the conference of the Australian port authorities regarding the liability of pilots.

The member for Albany referred to the Commonwealth Navigation Act as being a similar measure. Let me cite one particular case which I have in mind. I refer to the ship which was sunk off Fremantle 30 years ago; namely, the *Lygnern*. In such a case if there were no indemnity clause, the pilot would not only lose his license but he might be liable for the cost of the ship, if the company was successful in bringing a case against him; and we might not have any pilots, because no-one would be prepared to take on the job if he knew he might be up for the world. I think the pilots are quite right in saying they want some indemnity. Every State in Australia has agreed to this measure. It is now before the New South Wales Cabinet. About a fortnight ago I made a telephone call to find out, and I was told that the measure is before the New South Wales Cabinet. When it is passed, the legislation will be operative in every State in Australia.

If a pilot is negligent he loses his livelihood; he loses his brief; and where does he go then? So this is just to indemnify the pilot against something he would not be able to pay; and the deterrent, I repeat, is that if he is negligent he loses his license, and that is all there is to it.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Wild (Minister for Works) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Limitation of liability of pilots—

Mr. HAWKE: The principle aimed at in the Bill might be a very worthy one. However, the wording of the clause, in one of its vital parts, does appear to be rather weird; and, to the ordinary person who reads it, it could easily appear that this proposed legislation is to place an encouragement on the development of neglect or lack of skill or carelessness in the piloting of vessels; although I am not suggesting that any pilot would personally be encouraged to develop carelessness or neglect or lack of skill. The part of the clause to which I am referring states—

> . . . . a pilot is not liable for neglect or want of skill in piloting a ship beyond the amount of one hundred pounds . . . .

I am wondering whether the Minister—or some other Minister more directly concerned, if this matter does not come directly under the Minister for Works—had any close discussion with the Parliamentary Draftsman, or with any other officer of the Crown Law Department, as to whether the wording in this particular part of the clause could not have been better chosen.

I would not profess to offer a suggestion which would be legally 100 per cent. well based, but I am inclined to think, after a quick look at the wording, that the words "for neglect or want of skill" could possibly be left out and the same objective achieved.

I know an argument might be put forward against that; namely, it might be claimed that the pilots concerned would then be liable under a wider range. But I am inclined to think that would not apply. Presumably where damage is caused and there is no neglect and no lack of skill, the pilot would not be liable in any way. Therefore I am wondering whether these objectionable words, or unfortunately-chosen words, really have to be retained in the clause to achieve the objective at which the Bill aims. I would like the Minister to give us some advice on that point if he is in a position to do so.

Mr. WILD: This legislation was before the previous Attorney-General (The Hon. A. F. Watts) two years ago, but owing to pressure of business he did not bring it forward. It was, therefore, before the Parliamentary Draftsman of the day at that time. After I submitted the matter to Cabinet, it again went to the Parliamentary Draftsman, and he drew this Bill. The file indicates that he copied—and I had a few words with him over the telephone—the Victorian Act.

As a layman, I can only suggest that two Parliamentary Draftsmen must be wrong if the contention of the Leader of the Opposition is right. I am happy, in the process of the passage of the Bill from here to another place, to have the question raised by the Leader of the Opposition put to the Crown Law Department; and, if his contention is right, we will deal with it in another place.

Mr. Hawke: Thank you.

Clause put and passed.

Clause 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

HEALTH ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 23rd August, on the following motion by Mr. Ross Hutchinson (Minister for Health):—

> That the Bill be now read a second time.

MR. NORTON (Gascoyne) [5.8 p.m.]: The Bill covers five different subjects. Three of them actually relate to public health, one to the saving of lives of individuals, and the remaining one to the aged.

The Bill first of all seeks to amend section 134 of the Health Act, and that section gives to local authorities the right to make by-laws. Section 134 commences as follows:—

> The local authority may, and when the Commissioner so requires shall, make by-laws with respect to any of the following matters:—

and there are 53 various matters included in the section. The proposed amendment seeks to add another subsection—subsection (48a)—relating to the making of by-laws governing swimming pools or swimming baths.

I think this is something which is very necessary. As we all know, if water is not properly cleansed and purified from time to time, various diseases can be transmitted to human beings through contaminated water. As far as I can see, at present there is no authority under the Local Government Act for the making of regulations, unless they are authorised by this section of the Health Act; but, because of the large number of swimming pools, both public and private, being built these days, it is necessary for some power to be given to the authorities so that people can be protected. As the amendment reads at the present time, it only gives power to make regulations in respect of any club, school, business, association, or body corporate. I fail to see why all baths should not come under these regulations. It is not mandatory under the Act, unless ordered by the commissioner, that regulations shall be made governing these swimming pools.

I know that in the north-west there are stagnant salt-water pools which carry certain diseases; and, as I think the member for Wembley would know, we have what is known as Singapore ear which comes from the stagnant water of the tidal creeks which are not flushed properly. Unless swimming pools have a proper treatment plant, or the water is changed regularly, diseases can develop through the growth of bacteria. Flies can breed in the damp soil around the swimming pools, and we also have mosquitoes which are a menace, not only to the owners of private swimming pools but to the people living in the vicinity.

I would point out to the Minister that, with the cost of water these days, private swimming pools would not be emptied too often. The water would be kept in them to the maximum length of time, and this could lead to the growth of bacteria which is harmful to humans. It is only reasonable to believe that most of the children from the area, who are friends of the owner of a swimming pool, would be bathing in the pool from time to time, and their health could be endangered if the water was not changed or purified.

It will be my intention during the Committee stage of this Bill to endeavour to amend the measure so that it will take in

all pools. I think that regulations should be made to cover them all and give greater protection to the public.

The second amendment to the Act deals with milk and other deficient products. The Act already clearly covers anything that is manufactured; and it is the responsibility of the manufacturer to see that the product is wholesome and fit for human consumption. However, the Act as it now stands does not cover foods such as milk, which is very widely distributed throughout the State by four different methods.

The person who sells milk usually does so in sealed containers; and the largest proportion of milk is sold during the night when the vendor cannot see just what is in the container. At present, it is the responsibility of the vendor, and not the supplier of the product, to ensure that it is wholesome. In all cases it is the vendor who has been prosecuted for any impurities, or because of milk being delivered in dirty bottles. Under this amendment the supplier will be responsible for the cleanliness and purity of the product.

I would point out here, too, that milk is now distributed throughout the north-west in a frozen state in four-gallon containers, the contents of which cannot be seen because the containers are of metal. It is also distributed as far as Carnarvon in cartons which, again, are not transparent, so nothing can be seen of the product when it is sold. It has always been unfortunate for the person who has been retailing this commodity, because he has been responsible for the impurities it contained.

I think this amendment is well worth while because if a vendor is prosecuted for something for which he is not responsible, it will have a bad effect on his business and he will lose custom. When the responsibility for the impurity can be passed back to the distributor of the product, the vendor is going to be relieved of a great deal of responsibility and bad advertisement.

The next section of the Bill relates to the compulsory testing, or taking of samples of persons who are suspected of being carriers of a dangerous disease. This is an amendment which will protect the public in general, and it is very necessary. At present there is no power under the Health Act which can force a person to give samples or have samples taken for the detection of diseases.

As we know, there are certain diseases, such as diphtheria and typhoid, of which a person can be a carrier and yet not actually have the disease himself. Unless samples are taken it is hard to detect whether or not a person is a carrier. A person can be working in a food manufacturing factory; can be a cook, a waiter, or a waitress, and so on; and be coming into contact with a large number of people and passing on a contagious disease without knowing it. This could be stopped if the disease could be detected by the taking of samples.

Certain people object to samples being taken and tests being made; and as far as I can see there is no power under the Act to make it compulsory. They may be required to report to the health authorities for certain tests to be made, but they cannot be compelled to give any samples that may be required of them. Therefore, I think this is a worth-while amendment, and one which will go a long way towards preventing the spread of disease.

At present we have compulsory X-ray examinations which have proved to be most effective in the detection of tuberculosis, and this in turn has reduced considerably the incidence of the disease; so much so that at present the Chest Hospital has a number of vacant beds. It is to be hoped that in the near future this hospital may not even be required for the purpose for which it was built. If, by the amendment, we are successful in having people examined—and, what is more important, having them treated by inoculations should they prove to be carriers—we will have taken another step forward towards ridding our country of these extremely contagious diseases which are becoming more rare as every year passes and with the advance of medical science.

The next clause in the Bill has to do with the recreation, comfort, and convenience of the aged. We know that throughout Western Australia at present many local authorities have established or are in the process of establishing homes of some sort or other for the welfare of the aged. However, they have not the power under the Local Government Act to establish homes for the recreation, comfort, and convenience of the aged. They have the right to build homes for the hospitalisation and care of the aged, but this amendment to the Health Act will permit any local authority to build homes or annexes in which pensioners can be looked after and cared for in a proper manner instead of sending them to hospital which, at the present time, is the only place where they can obtain such care. In short, the amendment will grant the local authorities who so desire it, additional power to do a worth-while job which, at the present time, they cannot do.

The last clause in the Bill is probably the most contentious because it seeks to give to a medical practitioner power to perform a blood transfusion upon any child should he consider it a matter of life or death. Members know there is a certain body which objects to blood transfusion. It is also well known that before a blue baby can be given a blood transfusion the permission of the parents must be obtained. In present circumstances, if

the parents refuse to give permission for their child to have a blood transfusion, the only way such an operation can be performed is for a judgment under the Child Welfare Act to be obtained through the court, and such authority passed on to the medical practitioner accordingly.

If the final clause is agreed to, in future a medical practitioner, subject to his complying with certain conditions, will be able to perform a blood transfusion upon any child. When one studies the conditions that are laid down, it is found there are ample safeguards against any child being given a blood transfusion when it is not necessary, or against any incompetent person performing such an operation. Therefore I cannot see how the wording of this clause can be improved. In my view it covers every possible contingency that may arise.

I might add that the clause also seeks to give power to a doctor to give a transfusion to any child should he consider the child is likely to die without it, and when it is impossible to obtain the advice or concurrence of another medical practitioner. I should point out that an early provision in the clause is that two medical practitioners should agree that the blood transfusion is vitally necessary. I support the second reading.

DR. HENN (Wembley) [5.25 p.m.]: This Bill seeks to bring about one or two amendments to the Health Act, 1911-1960. What I am about to say will probably sound somewhat redundant after listening to what I consider to have been an extremely descriptive and excellent speech by the member for Gascoyne. Therefore, should it be considered that I am merely going over the same ground, it is on that count alone.

The first matter raised in the Bill deals with swimming pools; and obviously the amendment represents an effort by public health authorities to counteract any possibility of the spread of disease by bacteria in swimming pools, through the accumulation of leaves and debris which may collect in the pool, or through the improper chemical treatment of the water. They would be the main factors that would have to be watched in any swimming pool. The member for Gascoyne considered that the smaller or private pool should also be covered by the Bill. I cannot agree with him on that, because I feel there is less likelihood of any spread of disease in a private pool.

I have had the opportunity of looking at several private swimming pools in my own electorate. I happened to live very close to one when I was living on the border of Wembley and Leederville, although I am not living there at the moment. This pool was very small but was extremely well looked after by the person who owned it, and he was not a wealthy man by any means. I have also had the pleasure of passing by another swimming pool once or twice a day. I say that because it is always a pleasure to look at the blue water of that pool, which can be easily seen from the road. It is very much more pleasurable to see it at the week-end when there are several people enjoying a swim in it. However, I have never yet noticed that the pool requires to be cleared of any debris or leaves; and, as I have said, it can be clearly observed because it is on the corner of a main road.

Another point on which I disagree with the member for Gascoyne is that in the smaller swimming pools—which are usually private pools—there are not as many bodies entering them every 24 hours as there are in public swimming pools. A private swimming pool is used only by the members of the family and possibly a few friends. Further, it is used generally only before breakfast and perhaps again in the evening. On the other hand, public pools are being used by many members of the public at all times, and the bodies in them are stacked to a much greater extent than they are in private pools.

Therefore I think the need for policing private pools is not nearly as great as the need for policing public or larger swimming pools. In fact, I do not know how a private or smaller swimming pool could be policed or be brought under the provisions of the Health Act. It might prove to be a rather embarrassing situation if a health inspector were to arrive in a private garden to inspect the condition of the swimming pool. He might find some members of the family bathing in the pool clad in only an extremely scanty bikini bathing costume.

I support the Minister's remarks in regard to the maintenance of these pools, and—what is more important—the task of attending to the chemical treatment of the water in them.

The second part of the Bill deals with natural foods. Two years ago the Act was amended to permit the prosecution of wholesalers of deficient canned foods. Prior to that amendment only a retailer could be prosecuted for selling them. This amendment to the Act seeks to include both wholesalers and retailers in regard to the handling of natural foods, such as milk, honey, or similar foodstuffs.

As the member for Gascoyne so lucidly pointed out, it is very easy for the retailer or the vendor of such natural foods to be caught in the act when, in actual fact, they are quite innocent of committing any breach. Therefore I quite agree with that part of the Bill.

The third point I wish to make has reference to dangerous infectious diseases. Here it might be worth while referring to some of the history of typhoid—and I

think this is mainly aimed at typhoid—although, of course, diphtheria, polio, and other diseases may also be included.

At least two per cent. of all persons who apparently recover from typhoid fever remain lifelong carriers of the organism. Some 10,000 persons suffered from typhoid fever in Western Australia between 1900 and 1920; and about 300 since that time. Of the ensuing carriers, it is estimated that some 20 to 25 still survive. Only a proportion of these has been identified and kept under surveillance. They are not allowed to handle or sell food for public consumption, and if they live in unsewered areas their excreta is disinfected by the local health authority.

Apart from the City Beach outbreak in 1958, about seven or eight cases of typhoid a year have been recorded in Western Australia. These are attributable to unsuspected carriers. When a case of typhoid is notified it is standard practice for a health officer to visit the home, interrogate the relatives, and arrange for faecal specimens to be provided on a voluntary basis from close associates who have suffered from typhoid in the past. On several occasions this procedure has disclosed the existence of an unsuspected carrier.

The ability of the Health Department to procure selected specimens for examination could be of great assistance in the detection of carriers, and could help the health authorities in their work of preventing and controlling transmissible diseases of several kinds. So this part of the Bill makes the job of the Health Department—particularly the epidemiological section—much easier; and it will assist in stamping out typhoid altogether, because it is obvious that there are only 10 or 20 people carrying the disease; and any one of these at any given time might set off an epidemic which could involve hundreds of people even in these days.

At it stands at present, section 251 (5) of the Health Act enables the commissioner, if authorised by the Minister, to require a person to submit to a medical examination if this is deemed necessary for the purpose of preventing the spread of a dangerous infectious disease. The term "infectious disease", according to its definition in section 3 of the Health Act, includes, in addition to various specified diseases such as typhoid, diphtheria, tuberculosis, etc., "the condition in which the organism presumed to cause any of the beforementioned diseases is found to be present in any person". In other words, this definition acknowledges the part played by carriers in spreading disease and the need to control them.

Under section 248 of the Health Act a number of diseases have been declared to be dangerous infectious diseases. These include typhoid, diphtheria, tuberculosis, bacillary dysentery, and so on. The term "medical examination" in section 251 (5) need not necessarily include the procurement of samples or specimens—such as excreta, throat swabs, sputum, etc.—for laboratory examination. It is impossible to determine whether a suspected person is a carrier by clinical or physical examination alone. Laboratory tests on selected specimens such as faeces, urine, etc., would be required. If these specimens are not obtainable, the carrier condition cannot be established and the prevention of spread of a dangerous infectious disease cannot be applied as intended in section 251.

So if that is to be believed it is necessary to make sure that the Public Health Department is able to take the required specimens in order to ensure that no epidemic of typhoid, or other dangerous infectious disease, breaks out. It is a fact that recently, and quite by a long shot, the Public Health Department got hold of an elderly carrier who was involved in an outbreak of typhoid on the goldfields at the turn of the century. So one might say that by a fluke it was able to prevent the spread in that particular case.

A further provision in the Bill deals with senior citizens' centres. It is the first time I have come across the phrase "senior citizens"; but I must say I like it very much. This is a very important and revered section of our community. The part of the Bill in question seeks to assist these people further, inasmuch as it proceeds to enlarge the potentialities of the Act as it stands at the moment, with relation to the care of these people, to include recreation, comfort and convenience for them. As far as I understand that part of the Bill, it is an excellent provision.

The last part refers to what the member for Gascoyne said could be a controversial issue, though I am very glad to see there was no note of controversy in what he had to say. Accordingly I agree completely with what the honourable member said.

I would, however, like to refer to the remarks made by the Minister on this part of the measure during his second reading speech. The Minister, referring to blood transfusions that were vital to treat some otherwise fatal condition, said—

> In these cases the parents claim to be acting in a conscientious belief that blood transfusions are against their religious principles and they are bound to withhold approval for the transfusion even though it results in the death of their child. The great body of reasonable opinion rejects this view.

In commenting on that, I can only say I thought the Minister used very restrained language in dealing with such a body of people who, in my humble opinion, may be, and indeed are, a little misguided in this matter. I like people to have their

own views, and I respect them; but if we pass this Bill it will be possible for transfusions to be given to these children without their parents' permission and without the law being broken. If it is the law, the parents must allow transfusions to be given, albeit unhappily.

I am very glad to see that the Minister has given opportunity for country doctors, and doctors who are not within easy reach of a confederate, to give a blood transfusion if necessary. I think I can speak for all doctors when I say they would like to have a colleague with them at the time; because nobody likes to perform an operation, however small, without having somebody else in attendance. I do not think this will be abused; and it will give the doctor an opportunity to make up his mind; and also, if there is no help available within miles of him, he will be able to get on with the job and save the life of the child in question. There is nothing more I wish to say on the Bill except that I think it is a very good measure and I support it wholeheartedly.

MR. JAMIESON (Beeloo) [5.39 p.m.]: I only wish to comment on a particular aspect of this Bill; and that is the point dealt with by the member for Wembley when he referred to the matter of blood transfusion by compulsion. I agree wholeheartedly with the proposal in the Bill; though it is obvious its provisions are aimed at one or two religious sects like the Jehovah's Witnesses and so on.

I wonder, however, whether the Minister could give us an indication as to how far he is able to help the medical fraternity in dealing with such a desirable practice in the face of opposition from these religious sects.

Mr. Ross Hutchinson: I cannot quite pick that up.

Mr. JAMIESON: The Minister will as I proceed. This, for instance, caters mainly for the objection on the part of the Jehovah's Witnesses to a certain feature of medical practice. There are other religions—for instance, the Catholic religion—which are very much opposed to termination of pregnancies. I am led to believe, and no doubt the honourable member who has just resumed his seat will verify this, that under established medical theory it is most desirable, in the case of a pregnant woman who has contracted rubella in the first three months of pregnancy, for the pregnancy to be terminated.

If we are to go as far as to object to the beliefs of small religious sects, and to override their attitude towards compulsion in regard to certain medical treatment, I wonder whether it would not also be desirable to give the medical fraternity similar overriding powers in regard to other medical treatment where compulsion is necessary. We should not just stop at one particular sect, and one type of medical treatment. The provision in the Bill relating to compulsory blood transfusion is aimed at a very small section of the community.

I desire to know how far the Minister is prepared to go to extend the compulsion in relation to medical treatment. Recently a lot of publicity appeared in the Press about a new tranquilising drug given to pregnant women, which has been the cause of deformed infants being born, and about the attitude adopted in various countries on the fate of the unborn children of such women. In those circumstances the problems which have been raised must have received the attention of the Legislatures in those countries. Whilst I do not advocate an open license being given to medical practitioners to administer treatment in cases of that nature, I think they should be clothed with protective powers to deal with these cases which arise from time to time. I would like to hear the views of the Minister on this aspect.

Whilst it is easy to take action against a small section of the community which is opposed to certain types of medical treatment, it would not be easy for a Government to take similar action where a large section of the community was concerned. However, I feel it would be desirable; and, under those circumstances, further action along the lines I have outlined would be justified at a later stage.

I support the Bill. As a whole it contains very desirable features which should be incorporated in the Health Act. It is high time that action was taken to cover other aspects of health—those in relation to swimming pools and the diseases referred to by our medical colleague in this House. It is desirable for the Bill to be passed to enable it to become a Statute.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Health) [5.43 p.m.]: I thank members who have spoken in this debate for their support of the five amendments which are contained in the Bill before us. On only one of them is there any real difference of opinion; and probably there is not a very great difference. I refer to the first amendment in the Bill which provides a regulation-making power in regard to the construction, equipment, and maintenance of swimming pools. At this point of time I do not think I shall discuss the change that is desired by the honourable member who dealt with this particular amendment. It would probably be just as well for me to do that in the Committee stage.

The amendment in the Bill which is considered to be the most controversial has received the concurrence of the House; it

refers to compulsory blood transfusions. I want to interest members in section 338 of the Act which has been in operation for many years. It will indicate to members the feeling of Parliament at the time that provision was passed; the temper of the members when they accepted it; and the great powers which were given to the Commissioner of Public Health, under certain conditions, in relation to the safety of a child when its life was endangered. Section 338 reads—

> (1) Any parent or guardian who, after being notified by a medical officer of some physical defect in a child, which defect requires medical or surgical attention, fails or neglects to secure or provide such attention, shall, if such failure or neglect endangers or is likely to endanger the life or the health of such child, be guilty of an offence against this Act.
>
> Provided that no prosecution shall be instituted for a breach of this section without the approval of the Commissioner and until the child has been examined by a medical officer (appointed under section eleven of this Act), acting in consultation with a private medical practitioner.
>
> (2) It shall be the duty of any such child to submit to, and of the parents or guardians of such child to permit, any examination necessary for the purposes of this section.

It will be seen that powers to prosecute parents are incorporated in the Health Act, but there is no power to permit a medical practitioner to carry out life-saving procedure in cases where he considers the procedure to be warranted because the life of the child is endangered. The amendment in the Bill is a much more rational and logical provision than the very strong section of the Act which I have just read out.

The member for Wembley made an interesting point, in that, with the passage of this Bill, religious bodies which are opposed to compulsory blood transfusion, will have to respect the law; and medical practitioners will be able to carry out the necessary procedures without the law having to be invoked. That is an interesting point, but I do not know whether that situation will eventuate.

The wording of proposed new section 338A was referred to by the member for Gascoyne. He said he doubted whether it could be improved on. I was interested to hear him make that statement, because I consider the provision to be well worded. I have examined similar provisions in other Acts of Parliament, and to my mind the provision in the Bill far surpasses a similar one in the New South Wales Act.

The member for Beeloo mentioned a matter which can be said to be relevant to this provision in the Bill. He certainly raised some interesting points. He stated that the amendment was aimed at certain sects, but I do not like the comment being phrased in such a manner. The provision is not aimed at any sect as such; It is merely a provision to provide for certain contingencies that arise when a child's life is endangered. He made a point regarding the termination of pregnancies because of mothers-to-be suffering from rubella. My learned medical friend and colleague says that that sort of procedure is not adopted for this complaint, but that vaccines are used to counter rubella. However, the principle the honourable member mentioned is one which poses interesting problems which are not quite comparable with the one incorporated in this legislation, although there are points of comparison. It is outside the scope of the Bill, and I do not wish to deal at any length with it.

The decision remains one for the parents-to-be; and there are periods in the pregnancy when the child is not regarded as being alive, but after a certain period the child is regarded as being alive. I feel this is a matter for a decision at another point and not with regard to this particular Bill. If the life of the mother is endangered, as far as I am aware, no-one is opposed to surgical procedures which will save her life.

I think the honourable member mentioned the Catholic religion in this regard; but if the life of the mother is endangered I do not think there is any doubt as to where that religion would stand; the life of the mother would be safeguarded. At later stages it is a determination between the mother and child and a decision may be made. Apart from academic reasoning on this particular point I trust my answer has been satisfactory in some measure.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Health) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 134 amended—

Mr. NORTON: I move an amendment—

> Page 2, lines 6 to 8—Delete all words after the word "baths" down to and including the word "corporate".

I would point out at the outset that this particular section of the Health Act is not mandatory. It simply gives local governing bodies the power to make regulations, should they so desire; but when the commissioner so requires, they shall make regulations.

Except in the case of swimming pools, local governing bodies do frame regulations in order that they may know what is going on. If a building or garage is to

be erected on private property, plans and specifications have to be submitted to the shire council. The Metropolitan Water Supply, Sewerage and Drainage Department is also keen to know if a building is to be erected on private property so that the proposed building will not be erected over a sewerage outlet. Therefore, a regulation has been gazetted so that one cannot build without notifying that department.

I do not agree with the member for Wembley that when one is driving past water one can tell whether it contains bacteria or not.

Dr. Henn: I did not say that. I did not see any debris or leaves in it.

Mr. NORTON: As far as I know, the only way to tell this is to have a laboratory test. I think the member for Wembley will agree with me when I say that these pools can be contaminated and so be a menace to public health. Therefore, if local governing bodies have the power to make regulations, the parent Act will not have to be referred back to Parliament for a further amendment.

Recently I was in Bunbury and saw a swimming pool which I did not think was very clean. Admittedly, I saw this pool in winter time, but there seemed to be a certain amount of scum around its walls, which did not look particularly healthy.

Mr. ROSS HUTCHINSON: The amendment moved by the member for Gascoyne has some merit, but I do not know whether it is correct or not. I did say during my second reading speech that there were problems and difficulties surrounding the making of regulations and knowing where we were going as regards private pools. We did not quite know about sizes or depths or how to go about obviating the bacterial content of water, or anything of that sort; and because there was so much uncertainty regarding the matter, it was felt better at this time not to include the private pools.

Mr. Graham: Would there not be some difficulty with regard to small canvas and plastic pools?

Mr. ROSS HUTCHINSON: Yes; I can see that there would be some problems regarding them. It could affect a man's attempts in his backyard to dig out a circular or rectangular hole and line it with cement to be used as a wading pool. The member for Gascoyne made a sound point too—

Mr. Hawke: He is a sound man!

Mr. Graham: Right on the ball!

Mr. ROSS HUTCHINSON: —when he quoted the parent Act, because there is nothing mandatory about having to make regulations. However, at the same time it does appear unneccessary for the provision to be included unless it is intended that regulations will be made.

Mr. Hawke: Could you bring the private swimming pools and baths under the second part of the clause and not under the first part?

Mr. ROSS HUTCHINSON: Could the Leader of the Opposition be more specific?

Mr. Hawke: You could describe the quality and treatment of the water without saying anything about the construction.

Mr. ROSS HUTCHINSON: Yes; but even then I doubt whether it would be the right amendment.

Mr. Hawke: I give up!

Mr. ROSS HUTCHINSON: Initially I was going to oppose this amendment and in its present form I believe we still should oppose it. However, I am not opposed to the principle. Would the member for Gascoyne accept an undertaking that this point will be looked into at another time?

Mr. W. Hegney: An assurance?

Mr. Graham: In the Legislative Council do you mean?

Mr. ROSS HUTCHINSON: Yes. I will have a second look at it to see whether it would be practicable to include private pools. I am sorry to hear certain of the members opposite being rather slighting by talking of an assurance. I thought only one member over there was opposed to hearing anything in that line. I will undertake to have a look at this, and if it is at all practical I will have an amendment moved in another place. Would that satisfy the member for Gascoyne?

Mr. NORTON: I am rather surprised at the attitude the Minister is adopting on this matter. Whilst he is agreeing with me, he is disagreeing with me. He does not seem to know what he wants.

Mr. Ross Hutchinson: I can see what I should have done.

Mr. NORTON: It would not be mandatory for the regulations to be made. I cannot see how the Minister can alter it in any other way except by my amendment or by adding after the word "corporate" the words "or private persons." However, this would not make a very tidy clause. There would be no difficulty whatsoever under my amendment, because regulations could be made with regard to public pools, if necessary. If an amendment along these lines is not passed, I am sure that before very long the Act will come before us again for this very purpose.

Mr. ROWBERRY: With the member for Gascoyne, I believe the Minister is being slightly stubborn. He wants to exclude private pools from any measures which are being taken to abate a nuisance. The health inspectors have powers under the Health Act to abate nuisances anywhere, and they may even inspect private dwellings and the privies in those private dwellings. That information is for the member for Wembley.

One of the objections is that this will be difficult to police, and it could be embarrassing to the users of the pools. It would not be any more embarrassing to an inspector to police a pool than any other part of a dwelling house or any land adjacent to a dwelling house. So I cannot understand why the Minister objects to abating a nuisance in a private pool when we have provisions for the abatement of nuisances anywhere alse, including private houses and private land.

Mr. ROSS HUTCHINSON: I did, perhaps unwisely, display some sort of indecision in regard to this amendment. I will now have a further look at this, and I would ask the Committee to consider what I have to say. At the present time the Commissioner of Public Health has the power to prevent pollution of bathing places or bathing pools. At the present time he has that power.

Mr. Norton: Under what section?

Mr. ROSS HUTCHINSON: Under this same section, subsection 48. It reads as follows:—

> The local authority may, and when the Commissioner so requires shall, make by-laws with respect to any of the following matters . . . . . .
>
> (48) For the prevention of the pollution of any water used for bathing purposes.

In the event of a possibility of bacterial infection, or something which may be deleterious or dangerous to health, the Commissioner of Public Health has the power to close a pool so that it can be emptied. In the circumstances I feel there is little need for me to accept the amendment of the member for Gascoyne, and I oppose it.

Mr. Graham: Is there any need at all for clause 2?

Mr. NORTON: Section 134, subsection (48) of the Health Act certainly does say, "for the prevention of the pollution of any water used for bathing purposes", but it does not say water used in public baths or private swimming pools, and so on. If this was sufficient, why is it necessary to bring in all these other matters, such as prescribing the treatment of water to be used and the measures to be taken to abate any nuisance?

Mr. Ross Hutchinson: I explained all that in my second reading speech.

Mr. NORTON: Subsection (48) does overcome it. If it did not it would not be necessary to use the verbiage in the amendment before the Committee.

Mr. Ross Hutchinson: The Health Act already contains the powers.

Mr. Hawke: Then why do we have this clause?

Mr. NORTON: I am going to insist on the amendment standing in my name.

Amendment put and negatived.

Clause put and passed.

Clauses 3 to 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

CHURCH OF ENGLAND (NORTHERN DIOCESE) ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 23rd August, on the following motion by Mr. Court (Minister for Industrial Development):—

> That the Bill be now read a second time.

MR. HAWKE (Northam—Leader of the Opposition) [6.13 p.m.]: This Bill proposes legally to change the name which has previously applied in regard to the Church of England as established in the northern part of Western Australia. The member for Geraldton has asked me to indicate his support of the Bill, and it is also supported by all members on this side of the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Sitting suspended from 6.16 to 7.30 p.m.

DECLARATIONS AND ATTESTATIONS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 23rd August, on the following motion by Mr. Court (Minister for Industrial Development):—

> That the Bill be now read a second time.

MR. BRADY (Swan) [7.30 p.m.]: Since the Minister introduced the Bill I have had a look at the parent Act, and it would appear that it was first passed in about the year 1913, and that by the passing of that Act certain people were given the right to sign documents and witness declarations. The parent Act was not amended until 1953, when the following paragraphs were added to section 2:—

> (iii) a member of either House of Parliament of the State or of the Commonwealth; or
>
> (iv) a commissioner for declarations appointed under the provisions of the Statutory Declarations Act, 1911-1944, of the Commonwealth of Australia.

Until I saw that, I did not know there were commissioners for declarations appointed under Commonwealth legislation.

This measure seeks to add another body of people who will be enabled to witness papers for Western Australians. It might be advisable, in discussing this Bill, to point out what appears in section 2 of the principal Act. It reads—

> Whenever by or under any Act or statutory regulation (whether passed or made before or after the commencement of this Act) it is provided—
>
> (a) that any statutory declaration shall or may be made before a justice of the peace; or a justice of the peace or some other person;

It is interesting to note, in connection with that section, that the Acts referred to are only Western Australian Acts; so that apparently a justice of the peace is able to sign in regard only to Acts which apply to Western Australia. The intention is to add the following subparagraph:—

> (v) a justice of the peace appointed for any part of The Commonwealth that is outside The State.

This will give all justices of the peace in the Commonwealth the power to witness documents having application in Western Australia.

When introducing the Bill in another place the Minister said it was merely a matter of reciprocity, and so that documents that have to be attested or sworn to can be witnessed by justices other than Western Australian justices of the peace, and so that our justices in turn can witness documents having application in the Eastern States.

Recently this House dealt with another Bill which virtually had the same objective; I refer to an amendment to the Evidence Act, which we passed earlier. Apparently the Crown Law Department, or whoever is responsible for having these Bills introduced, has gone into the pros and cons of the matter and, in view of the present inconvenience, has come to the conclusion that the convenience to the public generally will far outweigh any other considerations there may be. It would appear that in the past if a justice of the peace signed a paper in the Eastern States it had to be attested by another witness; but now it is held that if somebody queries the signature of a justice of the peace in another State the matter can be proved by a comparison of the handwriting, in the same way as now applies to an attesting witness who may be deceased.

By and large I think this Bill could be of assistance to many people, both in this State and in the other States, and I have much pleasure in supporting the measure.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

INTERPRETATION ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 23rd August, on the following motion by Mr. Court (Minister for Industrial Development):—

> That the Bill be now read a second time.

MR. BRADY (Swan) [7.39 p.m.]: In connection with this Bill it might be as well to remind the House of a case that occurred in Western Australia about the year 1955-56—the case of Trobridge v. Hardy. I have special cause to remember that case because at the time I happened to be the Minister for Police. In the Interpretation Act, which is contained in the book of Standing Rules and Orders of this House, there is a section in the second schedule which makes interesting reading. In order to refresh the memories of some members in regard to these matters, I think it advisable that I should read section H of the second schedule, which is as follows:—

> No action shall lie against any Justice of the Peace, Officer of Police, Policeman, Constable, Peace Officer, or any other person in the employ of the Government authorised to carry the provisions of this Act, or any of them, into effect, or any person acting for, or under such persons, or any of them, on account of any act, matter, or thing done, or to be done, or commanded by them, or any of them, in carrying the provisions of this Act into effect against any parties offending or suspected of offending against the same, unless there is direct proof of corruption or malice, and unless such action is commenced within three months after the cause of action or of complaint shall have arisen; and if any such person shall be sued for any act, matter, or thing which he shall have so done, or shall so do, in carrying the provisions of this Act into effect, he may plead the general issue and give the special matter in evidence; and in case of judgment after verdict, or by a Judge sitting as a jury, or on demurrer being given for the defendant, or of the plaintiff discontinuing, or becoming nonsuit in any such action, the defendant shall be entitled to and have treble costs.

The last two lines of that section, of course, are the most important.

It would appear that as a consequence of the Trobridge v. Hardy case some comments were made by Justice Fullargar on this matter, following which the Law Reform Committee of the Law Society recommended that there should be an amendment made to section H of the second schedule which I have just read. Therefore, in place of the words "the defendant

shall be entitled to and have treble costs," the words "the Court before which the action was brought may award treble costs to the defendant or such portion of those costs as the Court thinks fit," are to be substituted by this amending Bill.

The amendment is a step in the right direction because the parent Act came into operation about 80 or 90 years ago, and therefore it is about time this particular section of the schedule was amended. It is indeed a harsh law if a justice or judge can award treble costs in any case. The Minister, when introducing the Bill in another place, said this—

> The provision for treble costs was presumably inserted to—
>
> (a) deter members of the public from bringing unsustainable actions against police officers in their private capacity;
>
> (b) protect police officers, when acting in the execution of their duty, from private actions, bearing in mind that police officers have frequently to act alone and without witnesses; and, in the absence of adequate protection, may be deterred from doing their duty fully in all circumstances unless they have witnesses or special protection given by law.

So, by and large, I think the original intention of section H of the second schedule was desirable; but, nevertheless, I am sure all members will agree that the right of any judge or justice to award treble costs would be extremely harsh and unjust in these times. In my view, therefore, the amendment is desirable and I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BP REFINERY (KWINANA) LIMITED BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [7.48 p.m.]: I move—

> That the Bill be now read a second time.

The chief objects or purposes of this Bill are fully set out in its preamble. Briefly, they are to enable BP Refinery (Kwinana) Limited to become a company deemed to be incorporated in this State, and to preserve the identity of the company when so incorporated.

On the 23rd October, 1952, the company was incorporated in England under the Companies Act, 1948, of the United Kingdom under the name Australasian Petroleum Refinery Limited. This name was subsequently changed to BP Refinery (Kwinana) Limited. It is a company limited by shares within the meaning of the Companies Act, 1948, of the United Kingdom, its registered office being in London. All the issued shares are fully paid up. On the 16th December, 1952, the corporation was registered in Western Australia as a foreign company pursuant to the provisions of the Companies Act, 1943, with its registered office at Kwinana.

With the consent of the Treasury of the United Kingdom, given on the 24th July, 1953, and with a view to the more efficient and economical administration of the corporation, the central management and control of the corporation was transferred from the United Kingdom to this State. Since its inception the corporation has been wholly controlled and managed in Western Australia with a Western Australian board of directors. All meetings of the board of directors are held in Perth. Further, it is expressly provided in the articles of association that the business and affairs of the corporation and all acts in relation thereto shall be controlled, managed, conducted, and carried on in the Commonwealth of Australia.

As the area of operation of the corporation is wholly in Australia, it is considered certain advantages would accrue if the corporation were deemed to be a company within the meaning of the Companies Act, 1961, of Western Australia; and the directors of the corporation are promoting a private Bill in the Parliament of the United Kingdom to authorise the corporation to become a company to be incorporated under the Companies Act of this State. However, at present no procedure exists whereby the corporation can be a company incorporated under our Act, except by legislative action; hence the necessity for this Bill.

Procedure by way of winding up and dissolution of the corporation, and the transfer or sale of assets of the corporation to a new company in this State would involve the loss of the identity of the corporation and the disturbance of its financial structure. It would also interfere with the continuity of its operations, with considerable attendant expense.

It is desirable that this corporation, no doubt well known to all, should be enabled to become a company incorporated under our Companies Act without any loss of identity, disturbance or interference; and this legislation is necessary to achieve that.

It is considered that this Bill will not affect the position of the company as a taxpayer. Under the Commonwealth Income Tax and Social Services Contribution Assessment Act, 1936, and amendments, a

company which is not incorporated in Australia, but which carries on business, and has its actual management and control in Australia, is resident within the meaning of the definition of "resident" contained in section 6 of that Act, as is a company that is incorporated in Australia. I think the comments I have just made, plus the preamble to the Bill itself, make it very clear that it is desirable that this procedure should be authorised by legislation.

Debate adjourned, on motion by Mr. Hawke (Leader of the Opposition).

CEMETERIES ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [7.52 p.m.]: I move—

That the Bill be now read a second time.

The principal Act was passed in 1897; and, although it was consolidated in 1957, it has not been overhauled since its inception. It will be appreciated that when the Act was first passed the population of the State was small, communications were difficult, and the necessity for the control over such matters was not as apparent as it is today.

Experience has shown that the control of cemeteries under the old Act has not always been satisfactory, and this has particular application to burials in cemeteries which have not been proclaimed as public cemeteries. Furthermore, a number of anomalies have been proved. At present there is insufficient control over burials outside of public cemeteries. Although the principal Act provides that a person may not be buried within 10 miles of a public cemetery without the Governor's approval, there is nothing to prevent a person from burying a body outside the 10-mile radius of a public cemetery. Passage of time has, of course, put 10 miles completely out of all proportion, and the Bill aims to widen this to a 50-mile radius.

To facilitate burial activities in outlying areas, where difficulties may occur in obtaining the Governor's approval and where, due to climatic conditions, delays are undesirable, it is proposed that outside the South-West Land Division the approval of a justice of the peace must first be obtained before a burial takes place outside a public cemetery, and the Governor's approval must subsequently be obtained. It is also proposed that if a person dies within 50 miles of a public cemetery, he must be buried in a public cemetery.

The Bill provides for alienated land to be proclaimed as a public cemetery with the consent of the owner of such land. This is intended to assist cemeteries which are operated by churches, and are principally for the adherents of a particular church, but in which, at times, other persons might also be buried. Many of these church cemeteries at present require the special approval of the Governor for every burial whereas, if they were declared public cemeteries this would no longer be necessary. It is proposed that where the Governor is satisfied that it should be permitted, he may authorise burials outside public cemeteries.

The Bill also seeks to permit trustees to raise money on overdraft rather than to mortgage the property. As a safeguard the approval of the Governor will be a prerequisite.

There are a number of other small amendments, but these are all part of the general overhaul aimed at bringing the legislation up to date. Some of the amendments correct references to other statutes, such as the Local Government Act. Furthermore, provision has had to be made for the handling of ashes from cremated bodies. This provision, of course, did not exist in the original Act. Other amendments are consequential; and if there is any point on which further elaboration is required, I will be pleased to explain it when the Bill is in Committee.

Debate adjourned, on motion by Mr. H. May.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

MR. LEWIS (Moore—Minister for Education) [7.58 p.m.]: I move—

That the Bill be now read a second time.

For the information of new members, I would point out that the Town Planning and Development Act provides for town planning and the development of land for urban, suburban and rural purposes. It is not limited to the thickly-populated areas, but deals with the principle as it applies to the whole State and affects all local government authorities.

Briefly, its objects are the development of land to the best advantage, suitable provision for traffic and transport, the disposition of shops, the establishment of factory areas, proper sanitation, and the provision of parks, gardens, and reserves.

The Bill before the House, although rather lengthy, comprises only four clauses. Its length is due mainly to administrative provisions. Firstly, it is proposed to extend the interim development order provisions contained in the parent Act from the 31st December, 1962, to the 31st December, 1963. Interim control pending the making of a statutory town-planning scheme for the metropolitan region has operated since 1956, and the initial period

of control has been extended on several occasions in order to continue the protection of the proposals contained in the Stephenson-Hepburn report and plan.

The metropolitan region scheme has had preliminary approval and is at present open for consideration by the public. Procedures laid down in the Metropolitan Region Town Planning Scheme Act for the approval of the scheme cannot be completed before the present Parliament rises, and it is essential that the order which protects the major provisions of the scheme be maintained until the scheme is finally approved.

Secondly, the Bill provides for the interim development control provisions of the Act to be extended to permit interim development control by local authorities making town-planning schemes. The administrative procedures laid down for the presentation and approval of a scheme by a local authority take a period of at least six months to complete. This includes a minimum period of three months for advertising and receiving objections. During this period local authorities normally have no authority to disallow development which may adversely affect proposals contained in the scheme, and local authorities submitting schemes have been embarrassed by this lack of control.

It is not deemed advisable to overcome this problem by varying the procedures required of the local authorities, as these are designed primarily for the protection of the interests of the ratepayers.

Interim development control is a measure found in most town-planning legislation, and the provisions in this Bill are similar to those contained in section 7A of the Act providing for interim control in the metropolitan region by the metropolitan region planning authority. Because of this it is not proposed to deal in detail with each paragraph but to refer to the essential differences.

It is not intended that an order should be made until after a local authority has resolved to prepare a scheme, and it then should operate only until a scheme is finally approved or for a maximum period of 12 months, unless this period is specially extended. In most cases the formalities preceding approval of a scheme can be completed and the scheme approved within 12 months. Apart from these limitations and some minor administrative changes regarding responsible authorities, the provisions are identical with those in section 7A.

Thirdly, it is proposed to insert a new section, 7B, to facilitate the revesting of land in the Crown where subdivision is involved. At the present time only roads revest automatically as the result of legislation and it is necessary for landowners to transfer land required for such purposes as pedestrian access ways, rights-of-way, drain and recreation reserves. Whether the land is being revested as a condition required by the Town Planning Board in considering a subdivision, or voluntarily as part of a subdivision, the present procedure is onerous and involves loss of time and money in the preparation of documents and payment of fees.

Subsection (3) of section 24 of the Act requires that conditions affixed by the board shall be carried out before the plan is approved. Administrative procedures designed to comply with this provision were recently criticised in a Supreme Court judgment. The procedure proposed under the amendment would overcome the criticism and relieve owners of the added expense and delays involved in the preparation and registration of transfers.

The amendment will provide that any land to be revested as the result of a condition imposed by the board be shown on the survey plan and, on the completion of examination in the Titles Office and approval, be automatically revested in the Crown without transfer or the payment of any fee. The final clause of the Bill amends the first schedule.

Last year a Bill was introduced to the House which proposed an amendment to a similar clause in both the first and second schedules to the Act. The amendment to the second schedule was adopted; but the amendment to the first schedule, which was linked to another, was lost when the latter proved controversial, and the whole amendment was deleted. It is now proposed to amend the first schedule so that the relevant clauses of both schedules agree. The present discrepancy is between clause 9 of the first schedule and clause 8 of the second schedule.

Debate adjourned, on motion by Mr. Moir.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

MR. LEWIS (Moore—Minister for Education) [8.6 p.m.]: I move—

That the Bill be now read a second time.

A short time ago I listed for the benefit of new members the objectives of the Town Planning and Development Act. The Metropolitan Region Town Planning Scheme Act is complementary to that Act, but is a separate piece of legislation which created a metropolitan region planning authority whose function it was to formulate and promulgate a town-planning scheme for the metropolitan region, and, when a plan is approved, to administer it.

The amendments proposed in this Bill arise from the drafting of the metropolitan region scheme and a consideration of the

problems arising from its implementation and administration. At present it is a statutory requirement for the scheme, as finally approved, to specify a period for objections to be lodged. However, objections must be made before the scheme is finally approved, and therefore it is pointless to require a time to be prescribed in the scheme itself.

By substituting for the word "scheme" in the relevant section of the Act the word "notice", this anomaly will be avoided. It is also proposed to facilitate minor adjustments to the scheme. Because of the long period encompassed by the planning proposals and the scale of works envisaged, it is not possible, nor in many cases desirable, to define in precise detail land requirements for reservations, especially the reservations for road purposes.

It is apparent that many small changes will be necessary; for example, in alignment or in land requirements for interchanges. Some of these will not become apparent until a detailed design of surrounding lands is considered. A strict interpretation of the present requirements of the Act would mean that even the slightest adjustment would be regarded as an amendment to the scheme, and be subject to the same procedure as that laid down for the original scheme. This would, of course, involve heavy costs, and the time lag could well delay development and prove frustrating to landowners as well as the developing authorities.

The amendment protects the interests of landowners by requiring that any such modification be duly notified and by providing for a right of appeal against the modification. It is not intended that there should be a departure from the present requirements of the Act in respect of any change that could be termed a substantial alteration.

The Bill also amends the compensation provisions in respect of the metropolitan region scheme. This amendment arises from a consideration of the financial resources of the metropolitan improvement fund and problems of planning authorities in other States where claims for compensation have totalled many millions of pounds—far beyond the resources of the responsible authorities. It has been said that many of these claims were due to the uncertainty of the owners in respect of their right.

As indicated in the report submitted by the authority, it is quite impossible to contemplate the acquisition immediately, or over a short period of time, of land which will not be required for many years ahead and the cost of which will, in the aggregate, run to many millions of pounds. However, as the Act stands, the authority could be confronted with a heavy claim for compensation in respect of the whole of the land reserved under the scheme and far beyond its financial ability to meet. Nevertheless, it is necessary that the land be reserved in the scheme for this future need; and the reservation imposes an obligation in respect of compensation.

It can properly be argued that reservation under the scheme depreciates the value of land. However, the depreciation is, in many cases, hypothetical and becomes real only when the land is sold at a price which reflects this depreciation, or when development is frustrated by a refusal of consent under the scheme. The amendment proposes that compensation for injurious affection be limited to two circumstances: where a sale is effected at a depressed value attributable to reservation under the scheme, or where consent to develop is refused on the ground of reservation under the scheme.

These provisions are designed to protect the interests of landowners as well as to secure that the scheme shall not be defeated by the inability of the fund to meet claims upon it. The authority is already empowered to purchase land; and, with the provisions now proposed, there should be no problem in dealing with a case of individual hardship should it arise.

Debate adjourned, on motion by Mr. Moir.

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

MR. CRAIG (Toodyay—Minister for Transport) [8.13 p.m.]: I move—

That the Bill be now read a second time.

The Child Welfare Act is an Act to consolidate and amend the law relating to the making of better provision for the protection, control, maintenance, and reformation of neglected and destitute children, and for other purposes connected therewith.

From time to time, the Act has been amended, always to improve the provisions for those purposes. This Bill is designed to remedy certain deficiencies which have become apparent; to give the Minister additional powers; to increase the maximum amount of maintenance claimable for a child; and to bring into the jurisdiction of children's courts, cases of assault on children and indecently dealing with girls under the age of 13 years. There are other minor amendments to consider as well.

When these amendments were being considered they were listed in order of importance. The first is an amendment to section 20B—assault on a child, and indecently dealing with a girl under 13. The effect of the amendment is to remove these cases from an open court—the police court—and have them heard in a children's court, which is not open to the public. This is being done for the sake

of the children involved. There are safeguards already in this section whereby defendants can elect to be tried before a judge and jury.

Sections 121, 122, and 123 authorise an officer of the department to appear in court and be heard in connection with the acquittal or punishment of a child charged on complaint with an offence. This means that the department has no right to appear and speak when children are brought before court as destitute or neglected, because such children are brought to court on an application, not a complaint.

It is highly desirable that the court should be informed of a child's background, antecedents, character, health, or mental condition in such cases; and also that the officer should be in a position to be heard on the questions of acquittal, disposal, or punishment of the child. Hence the necessity for this amendment.

Section 10 sets out the duties of the director in regard to children who are committed to the care of the department. Two amendments are sought here, the first of which is to name the director as guardian of his wards. At the moment he has the powers of a guardian, but nowhere in the Act is he actually appointed "guardian."

The other amendment seeks to delete the expression "children committed to the care of the department" and to substitute the word "wards." By definition, a "ward" means a child who is committed under the provisions of this or any other Act to an institution or to the care of the department. This amendment will give the director the right to utilise the facilities at his disposal in the treatment of all wards, including those committed to an institution.

It is proposed to add a new section enabling the Minister to extend the period of probation of any child up to his 18th birthday if it appears desirable for this to be done. The amendment to section 19 seeks to extend the jurisdiction of children's courts to cover children who commit offences outside the magisterial district in which the court has been established.

Other amendments are included to empower the Minister to commit children to the care of the department under special circumstances; to restrict street trading to boys only; to authorise officers of both sexes to inquire into the well-being of illegitimate children; and to bring the list of subsidised institutions in the second schedule up to date.

The only other amendment left to mention is that relating to the maintenance of a child. Since 1947, the maximum order obtainable in a children's court has been £2 10s. per week, and this is now considered inadequate. The proposal is to raise the maximum to £5 per week.

Debate adjourned, on motion by Mr. Hawke (Leader of the Opposition).

GUARDIANSHIP OF INFANTS ACT AMENDMENT BILL

Second Reading

MR. CRAIG (Toodyay—Minister for Transport) [8.19 p.m.]: I move—

That the Bill be now read a second time.

This Bill is complementary to the previous one. The Guardianship of Infants Acts, 1920 and 1926 deal, amongst other things, with custody and maintenance of children. The original Act of 1920 gave jurisdiction to the Supreme Court; and, in 1926, courts of summary jurisdiction were authorised to deal with custody applications of children under the age of 16 years and to restrict maintenance orders to a maximum amount of 20s. per child per week.

In 1954, the maximum amount of maintenance was raised to 50s.; and this Bill seeks to raise that amount to £5 per week. At the same time, this opportunity is being taken to amend section 13 of the 1926 Act by giving the Child Welfare Act and department their proper description and to amend the title of the administrative head of the department.

Debate adjourned, on motion by Mr. Hawke (Leader of the Opposition).

JUSTICES ACT AMENDMENT BILL

Second Reading

MR. CRAIG (Toodyay—Minister for Transport) [8.22 p.m.]: I move—

That the Bill be now read a second time.

This Bill is connected with those previously introduced. Part VI of the Justices Act relates to "Proceedings in Case of Simple Offences and other matters." Included in this part are the provisions for enforcement of maintenance orders made by courts of summary jurisdiction, and this Bill seeks to amend and improve this procedure.

In 1960 the Married Persons (Summary Relief) Act was passed by Parliament and that Act contained provisions for the enforcement of maintenance orders, which were superior to any other method formerly in use. Time and experience in the working of that Act have shown that the new procedures are fair and equitable to all parties concerned, and this Bill proposes to incorporate that procedure into the Justices Act so that it will apply to all enforcement actions.

Acts such as the Child Welfare Act, the Guardianship of Infants Act, and the Interstate Maintenance Recovery Act, all contain a section directing that enforcement of payment of orders for maintenance shall be in accordance with the provisions of the Justices Act, so that by amending this Act, the system provided

in the Married Persons (Summary Relief) Act will be available to all courts of summary jurisdiction.

Debate adjourned, on motion by Mr. Hawke (Leader of the Opposition).

INTERSTATE MAINTENANCE RECOVERY ACT AMENDMENT BILL

Second Reading

MR. CRAIG (Toodyay—Minister for Transport) [8.24 p.m.]: I move—

That the Bill be now read a second time.

This is the final Bill in relation to the Child Welfare Act. The Interstate Maintenance Recovery Act of 1959-1960 is "An Act relating to maintenance recovery and reciprocity between this State and other parts of the Commonwealth and New Zealand with respect to the service of summonses for maintenance and the enforcement of maintenance orders and for other purposes."

Under this Act it is possible to obtain a maintenance order against a defendant who is residing in another State of the Commonwealth or in New Zealand, or to transfer an existing Western Australian order to any of those places where the defendant is now living.

The Act sets out the procedure to be followed in both types of cases and also provides for the reception of maintenance orders from the Eastern States and New Zealand in cases where the defendants come to Western Australia.

To make an Eastern States order enforceable in this State it is only necessary, under the present legislation, to serve a certified copy of the order on the defaulter. Once this is done, payment of the order is enforced by means of warrants of execution and, in default of execution, commitment to prison.

This Bill provides a better system for making Eastern States orders enforceable in this State by making it necessary for them to be registered in the Married Persons Relief Court, Perth. Once this is done, the court then fixes a default for non-payment in accordance with the Justices Act, and a copy of the order is served on the defendant. Thereafter the defendant is expected to comply with the order as if it had been made locally and be subject to enforcement proceedings if he defaults in his payments.

Incidentally, amendments to the Justices Act in this session of Parliament, if passed, will give defendants the right to approach a court to inquire into their financial circumstances if they are arrested and/or imprisoned on warrants of commitment. The court will have power to suspend the operation of the warrants or to direct that they be carried out, depending on the circumstances of each individual case.

By making it compulsory for interstate maintenance orders to be registered in the Perth Married Persons Relief Court before the orders can be enforced, the defendants concerned in those orders will benefit by the new facilities proposed in the Justices Act. Under the Interstate Maintenance Recovery Act as it stands at present, orders from other States are not registered in a court and are not enforced through a court.

Debate adjourned, on motion by Mr. Hawke (Leader of the Opposition).

BILLS (4): MESSAGES

Appropriation

Messages from the Governor received and read recommending appropriation for the purposes of the following Bills:—

1. Town Planning and Development Act Amendment Bill.
2. Metropolitan Region Town Planning Scheme Act Amendment Bill.
3. Child Welfare Act Amendment Bill.
4. Interstate Maintenance Recovery Act Amendment Bill.

STAMP ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 30th August, on the following motion by Mr. Brand (Treasurer):—

That the Bill be now read a second time.

MR. HAWKE (Northam—Leader of the Opposition) [8.29 p.m.]: This Bill to amend the Stamp Act proposes to remove two anomalies which operate under the existing law. The first relates to the transfer of shares in building societies, and the purpose is to reduce the rate of stamp duty from 20s. per cent. to 5s. per cent.

Other societies, such as provident societies and co-operative societies, had this lower rate of duty given to them under an amendment to the Act made by Parliament in 1941. The requirements of shares in building societies at that time were apparently overlooked, with the result that transfers of those shares since 1941 have continued to carry a higher rate of stamp duty. This Bill in that respect proposes to put those particular shares on the same basis as the other shares to which I have made reference.

The other anomaly has to do with land which is resumed under town-planning schemes—resumed, in the first place, by local government authorities. Some of this land is later returned to the original owners, or other land is substituted for the land taken from those owners because

the land initially taken from them cannot be returned in many instances owing to the fact that roads are constructed through some of it, and other public requirements take some of it too.

Under the existing law the landowners concerned, on having the land returned to them, have to pay quite a high rate of stamp duty based upon the actual value of the land as worked out at the time of resumption. It is considered unfair to the landowners who are concerned in this matter that they should have to pay this very high rate of stamp duty, because in the normal course of events the land would have been retained by them. There would have been no transactions in connection with it and consequently they would not have been called upon to pay any stamp duty at all; and the amendment covering this question in the Bill lays it down that instead of paying a stamp duty rate of 5s. for each £25 of land value, the only amount of stamp duty which will be applied to each block of land in question will be 5s.

Both of the amendments contained in the measure appear to be fair and reasonable; and as they aim in the main to remove existing anomalies, I support the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 8.34 p.m.

CONTENTS—*continued*

Legislative Assembly

Wednesday, the 5th September, 1962

CONTENTS

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

ADDRESS-IN-REPLY

Acknowledgment of Presentation to Governor

THE SPEAKER (Mr. Hearman): I desire to announce that, accompanied by the member for Murray and the member for Stirling, I waited upon His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech at the opening of Parliament. His Excellency has been pleased to reply in the following terms:—

> Mr. Speaker and members of the Legislative Assembly: I thank you for your expressions of loyalty to Her Most Gracious Majesty the Queen and