

Balcatta said, there is plenty of land available within the city block or in the city area. Such companies should be prepared to go after and secure suitable land for the purpose of building upon it. That was what other companies, which have established enterprises in the city, the suburbs, or the country, had to do.

Therefore, it is not the duty or obligation of any Government to dispose of the land in question near Government House to any private company which takes a fancy to it. The land belongs to the people. It has always belonged to them and it should remain in the name of the people of the State. It should be developed in such a way as to give the greatest possible benefit to the greatest number of people.

I think the land in question has great possibilities in that direction. I am positive in my own mind the Government and the city council can co-operate to improve the land for community purposes. I am positive there are very worthy and public-spirited welfare organisations ready to co-operate also.

Mr. Brand: The city council has already shown its interest and desire to co-operate, as illustrated in its negotiations with Christian Brothers' College, as a result of which the college was moved to another area. That land has become a special feature of town planning within the city.

Mr. HAWKE: I fully understand that. I am anxious the land should be developed exclusively for the benefit of the community. The land should be retained in the name of the people of Western Australia. I am anxious to get as much co-operation as possible between the Government, the Perth City Council, and the appropriate welfare organisations for the purpose of developing the land along the lines I have suggested. There could be better ideas than mine as to how this land might be developed and made available to those people who might care to use it from day to day.

I want to clear completely from the mind of any member on the Government side the idea that I want homes to be erected on this land for permanent occupation by individuals or groups. I would be as hotly opposed to such a proposal as I would be to the proposal to make the land available to a commercial company, or to make the land available for occupation permanently by individuals. That would be entirely against my outlook and principles on the matter. I want the land to be used only for the best community purposes available.

We cannot have within the city too much open land. There is no greater asset to the people, to the city, or to the State than to have plenty of open spaces within the city. That requirement will become

more and more necessary as the years go by when buildings will be constructed several storeys higher than most of the buildings in the city block at the present time, and a greater requirement in the future because of the increasing use of motor vehicles in the city, with the exhaust fumes and other matter which rise in the air and pollute it to some extent, thereby creating hazards to health.

On that ground, which is very strong ground indeed, I claim it is the absolute duty of Parliament, of the Government, and of public authorities to take every possible step to ensure this public land will not be disposed of to a private company; and that it will be retained by the State in the name of the people to be used always to the best possible advantage for the benefit of our citizens.

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

Ayes—20

Mr. Bickerton	Mr. Jamieson
Mr. Curran	Mr. Kelly
Mr. Davies	Mr. D. G. May
Mr. Evans	Mr. Molr
Mr. Fletcher	Mr. Norton
Mr. Graham	Mr. Oldfield
Mr. Hall	Mr. Rhatigan
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. H. May

(Teller.)

Noes—22

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. I. W. Manning
Mr. Cornell	Mr. W. A. Manning
Mr. Court	Mr. Mitchell
Mr. Craig	Mr. Nalder
Mr. Cronmellin	Mr. Nimmo
Mr. Gayfer	Mr. O'Connor
Mr. Grayden	Mr. Runciman
Mr. Guthrie	Mr. Wild
Mr. Hart	Mr. Williams
Dr. Henn	Mr. O'Neill

(Teller.)

Pairs

Ayes	Noes
Mr. Rowberry	Mr. Dunn
Mr. Heal	Mr. Burt
Mr. Toms	Mr. Hutchinson

Majority against—2.

Question thus negatived.

House adjourned at 10.31 p.m.

Legislative Council

Thursday, the 18th October, 1962

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS ON NOTICE

ESPERANCE

Resumption of Land by Railways Department

1. The Hon. G. BENNETTS asked the Minister for Mines:
 - (1) Does the Railways Department propose to resume land at Esperance?
 - (2) If so—
 - (a) has any survey line been made; and
 - (b) on what basis will compensation be paid?
 - (3) In view of the uncertainty being experienced by residents, will he ask the Minister for Railways to make a public announcement in regard to the matter?

The Hon. A. F. GRIFFITH: replied:

- (1) Yes.
- (2) (a) A survey to gain access is at present being undertaken.
(b) On the basis of the value of the land at date of resumption including consideration for any improvements thereon and compensation for any other losses arising from resumption plus 10 per cent. of the amount of compensation so determined, for compulsory taking.
- (3) The Minister for Railways will make an announcement as soon as practicable. It should be appreciated that a premature announcement could create unnecessary concern.

DRIVING LICENSES: SUSPENSIONS

Remarks by Magistrate A. G. Smith

2. The Hon. W. F. WILLESEE asked the Minister for Justice:
 - (1) Has the Minister for Police taken notice of the remarks by Magistrate A. G. Smith as reported in *The West Australian* of the 16th October in which he referred to the section of the Traffic Act which orders long-term license suspensions as being a farce?
 - (2) If so, would the Minister give consideration to some appropriate remedial action to this situation?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.
- (2) This is a deterrent section intended to materially assist in overcoming the tendency by irresponsible in the unlawful use of other people's vehicles. The provision of 33A may be later invoked by the person concerned and if there is a proven necessity for the issue to him of a driver's license the court may set aside the suspension and authorise the issue of an extraordinary license to meet the circumstances.

ESPERANCE

Reservation of Location E.17

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

Is it planned to reserve portion of Esperance Location E.17 for—

 - (a) factory area;
 - (b) shopping area; or
 - (c) any other purpose?

The Hon. L. A. LOGAN replied:

Esperance Location E.17 lies within an area being planned by the Shire of Esperance. Until its planning scheme is submitted to me for preliminary approval, I have no knowledge of its contents.

Increase in Rates

4. The Hon. R. H. C. STUBBS asked the Minister for Local Government:
 - (1) Is he aware that rates have risen by 580 per cent. in Esperance in areas that are without amenities such as shopping facilities, electric light, and postal and telegraph services?
 - (2) If so, will he explain the reason for the increases?

The Hon. L. A. LOGAN replied:

- (1) I am aware that rates in the pound have been reduced, but that because of revaluations, certain individual pieces of land are charged with rates much higher than in the past.

- (2) The reason for the increase is the higher valuation determined by the valuers of the Taxation Department, against which valuation there is a right of appeal.

MOUNT GOLDSWORTHY-ORD RANGES-DEPUCH ISLAND RAILWAY BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Mines), and read a first time.

LICENSING ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. N. E. BAXTER (Central) [2.38 p.m.]: I move—

That the Bill be now read a second time.

In rising to move the second reading of the Bill I almost expected to hear sounds akin to catcalls, because this is the fourth occasion on which I have introduced a Bill of this nature. There is one deviation from the measures I introduced previously, and that is the omission of the phrase "or sea" which appeared in one of the Bills I introduced in 1960.

I would like to explain to new members what the Bill seeks to provide. It provides for Sunday trading for hotels outside the metropolitan area, but just inside the present radial distance of 20 miles from the Perth Town Hall. The hotels in question are the Mundaring Weir Hotel, the Mundaring Hotel, the Parkerville Hotel, and the Naval Base Hotel. I maintain, as I have before, that these hotels are on the borderline of the radial arc and therefore they should be just as entitled to trade, as hotels, as those outside the borderline; particularly as the hotels in question are very small and have a limited clientele. Because of this limited clientele it is difficult for them to maintain their accommodation with the present restricted demand on the bar trade. They find it most difficult to provide suitable accommodation with the trade they receive at the moment.

As members will know, it is not an easy matter to run a small country hotel with a limited bar trade, and at the same time provide suitable residential accommodation. It is impossible in the majority of the smaller country hotels. It is only in the larger country centres that it is possible to make any margin, or break even, on the accommodation side of a hotel. I know the smaller hotels show quite a considerable loss on the provision of accommodation for guests and have to subsidise that loss from any profits they make out of their bar trade.

In respect of this particular measure, I am most concerned about one hotel—the Mundaring Weir Hotel, which is situated in one of our best tourist centres around the metropolitan area. It is rather amusing to look back at some leading articles published by *The West Australian* in respect of hotels and tourism, as they show a very contradictory attitude within a period of two years. On the 12th September, 1960, appeared a leading article headed, "Sunday Liquor Trading" and referring to a Bill which I introduced earlier in the session and subsequently withdrew. It reads as follows:—

Mr. Baxter's private Bill in the Legislative Council would break into the discrimination for the benefit of some hotels, but its sidling approach is unsatisfactory.

These are the words which I particularly want members to note—

He is invoking tourism as an open sesame to Sunday trading in the prohibited zone as though the word had come to acquire some special magic in this State.

Now I will quote from a leading article which was written as recently as the 15th October, 1962 in which a different view was taken. It reads as follows:—

But if this Bill is passed, as it ought to be, it will not relieve the Government of the need to make a more satisfactory revision of the Licensing Act before the Games to enable all hotels to give better tourist service.

Now that paper is extolling the virtues of Sunday trading by hotels in order to provide a better tourist service. However, in 1960 *The West Australian* condemned tourism and said that the word had come to acquire some special magic in this State. The paper should be consistent in its views. If it now believes, as stated in the latest leading article, that because of tourism there should be Sunday trading in some parts of the State, why did it resort to the words which it used in 1960? I ask *The West Australian* in future to be consistent in its attitude on these matters.

I referred earlier to the situation at Mundaring Weir. Since 1960, when I produced in this House a plan in regard to improving tourist facilities and amenities at Mundaring Weir, with the suggestion that had been put to the Tourist Development Authority, the local authority, and the Public Works Department, some steps forward have been made. Some time ago at Mundaring Weir there was an on-the-spot conference attended by about 20 representatives of the Tourist Development Authority, the local authority, the Public Works Department, and the Main Roads Department. This was an on-the-spot inspection of the area with the idea of setting up Mundaring Weir as a more attractive tourist centre.

The matters discussed were the planning and work in connection with a village square, a swimming pool in the large tank which exists there and which was used in connection with the old pumping station, and a museum in the old pump house. I believe that a large sum of money—I was told £15,000, but it was probably £1,500—has been spent on the old pump house to rehabilitate it and keep it in good condition; and the scheme envisaged is to turn it into a museum where the No. 1 pump and engine will be retained and the No. 2 pump and engine will be taken to pieces and the component parts placed in position around the first floor of the building. A central area will be taken out of the floor, and this space will be railed off so that tourists will be able to look down to the basement and see a model of the goldfields water supply scheme. They will be able to see the old No. 1 pump, and certain component parts which will be placed around the building. This will enable tourists to have some idea of what the goldfields scheme looks like.

I said two years ago that it would not be long before this hotel might have to close down; and the position has now been reached that after carrying on and battling against great odds to keep this hotel open, the licensees will not apply for a renewal of their license which is due on the 7th December next unless they can trade on Sundays. If they do not renew their license they may turn the building into a rest home to try to salvage some of the money they have put into the business.

The Hon. A. L. Loton: That would be a good idea.

The Hon. N. E. BAXTER: It is all right for the honourable member to say that, because he does not like Sunday trading; but people have invested thousands of pounds in these hotels and surely they are entitled to just as much consideration as somebody else who is only about 200 yards outside the radial line. It is a farce that because of a few hundred yards these people who have invested money in a business are unable to carry on.

The Hon. G. Bennetts: They have done better than many other hotels.

The Hon. N. E. BAXTER: Yes, they have, even though they are up against great odds. They have a large residential building which takes a lot of upkeep. I know that a number of members of Parliament have seen this place in recent years and they have formed the same impression as I have: that the proprietors of this establishment should be given some encouragement in order to keep operating; and if anything is going to be done about tourism in this State, why not give these people an opportunity to cater for tourists?

I think I have covered the position fairly well; and as most members know the story, I do not want to detain the House much longer. I would conclude by saying that the area concerned is only on the border of the radial line. The other hotels that will come into it are well over 20 miles from the Perth Town Hall by road. However, Mundaring Weir Hotel is further by road than some of the hotels that are trading on Sundays at the present time.

The Hon. A. F. Griffith: That is because the road winds.

The Hon. N. E. BAXTER: Yes; the people have to turn off. The other roads go straight through.

The Hon. A. F. Griffith: If you had a hotel on the top of a mountain near the G.P.O. it could be 20 miles by the time you got to the top of the mountain.

The Hon. N. E. BAXTER: Yes. I do not think that is anything which would detract from the fact that these hotels are more than 20 miles by road from the Perth Town Hall. As I have said, we are not crows and we cannot fly; and we cannot take an aeroplane to these places, because there are no landing strips. I am even doubtful whether there would be room to land a helicopter at some of the hotels.

The Hon. J. G. Hislop: Does that include Rockingham?

The Hon. N. E. BAXTER: No; Rockingham already has Sunday trading. This situation makes the legislation a farce, as this hotel is only 18 miles from a city—that is, the City of Fremantle; and is less than that by rail from the Town Hall—but because it is outside the 20-mile radial distance of the Perth Town Hall it can trade on Sundays.

The Hon. G. C. MacKinnon: It might pay the Perth City Council to build a town hall out there.

The Hon. N. E. BAXTER: I do not think I would have much success in prevailing upon it to do that. I will leave the matter in the hands of the House. I hope that on this occasion the Bill will receive support.

Debate adjourned, on motion by The Hon. A. F. Griffith (Minister for Justice).

CONSTITUTION ACTS AMENDMENT BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Justice) [2.55 p.m.]: I move—

That the Bill be now read a second time.

In moving the second reading, I would like to say at the outset that there is another Bill—an amendment to the Electoral

Act—which has not yet been received from another place, because while there an amendment was made to the Bill.

The Hon. C. H. Simpson: Would it be possible, Sir, to take action to avoid this hammering? We cannot possibly hear what the Minister is saying.

The PRESIDENT (The Hon. L. C. Diver): I draw the honourable member's attention to the fact that a request has already been made to the workers to discontinue the hammering. Perhaps it would be as well if we waited for a moment or two before the Minister proceeded.

The Hon. A. F. GRIFFITH: To continue: I will not be able to introduce the second reading of the Electoral Act Amendment Bill until it is received, but I understand it will follow very shortly.

Every person who has resided in Western Australia for two years is qualified to be elected a member of the Legislative Council (12 months in respect of the Legislative Assembly), if such a person is of full age of 30 years (21 years in respect of the Legislative Assembly) and not subject to any legal incapacity, and is a natural-born subject of Her Majesty the Queen, or if not a natural-born subject of the Queen, shall have been naturalised for five years previous to such election, and have resided in Western Australia during that period (during a period of two years previous to such election, in the case of the Legislative Assembly).

The purpose of this Bill is to remove, through the amendment contained in paragraphs (a) of clauses 2 and 4, the five-year qualifying period at present insisted upon after naturalisation.

Paragraphs (b) of clauses 2 and 4 consequently remove from sections 7 and 20, respectively, of the Constitution Acts Amendment Act the qualifying phrase, and add to those sections the further qualification for election as a member of either House that such person seeking election is either an elector entitled to vote at an election of a member of the Legislative Assembly, or is qualified to become such an elector.

The deletion of the five-year period after naturalisation in both sections, before being qualified for election to either House, brings our legislation into line with the Commonwealth and with other States within the Commonwealth.

The additional qualification is added to both sections as it is considered that any person, before being qualified for election as a member of either House, should be an elector enrolled to vote at an election of a member of the Legislative Assembly, or one qualified to become such an elector.

Perhaps it might be as well if, at this point, I were to say that there was a move in another place to delete the provision in the Bill which deals with the words "or one qualified to become such an elector."

The argument put forward was that the person should be enrolled. A simple explanation could be that a person might go along to a returning officer to nominate, having thought he was on the roll for a period of time, and find, at the point of lodging his nomination, that he was not, in fact, on the roll. His name may have been taken off some time before and it may be too late to put his name back on the roll.

There would be nothing to stop him applying for a section 122A vote in respect of an election for which he was intending to nominate; and he may be entitled to receive, and may actually receive, a ballot paper as a person entitled under that section. It will be seen that in those circumstances it would be very unfair to say that a person should not be able to nominate for the election because, through no fault of his own, his name was omitted from the roll. Therefore, the words "or one qualified to become such an elector" covers a circumstance of that nature.

In 1955 section 15 of the parent Act was amended to enable the holder of a certificate of citizenship pursuant to the provisions of the Natives (Citizenship Rights) Act, 1944-1951, to be entitled to register as an elector.

Clause 3 of the Bill deletes that provision from the Act so as to permit Australian natives to be enrolled as electors for the Legislative Council, provided, of course, they have the necessary qualifications for enrolment. It becomes obvious that that section will not be necessary—if my memory serves me correctly that was agreed to by Parliament as a result of the Bill introduced by Mrs. Hutchison—because the native will have the same entitlement to vote under the general provision, and there will be no necessity to maintain the special provisions.

As I have said, this is complementary to a similar amendment in the Electoral Act Amendment Bill in respect of the Legislative Assembly. I do not think there is any need for me to make any further explanation of the Bill.

Debate adjourned, on motion by The Hon. E. M. Heenan.

ELECTORAL ACT AMENDMENT BILL

Receipt and First Reading

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

BUSH FIRES ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly notifying that it had agreed to amendment No. 1 made by the Council, and had disagreed to Nos. 2 and 3 now considered.

In Committee

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

The CHAIRMAN: Amendment No. 2 made by the Council to which the Assembly has disagreed, is as follows:—

No. 2.

Clause 20, page 12, line 24—Insert after the word “amended” the following passage:—

- (a) by substituting for the word “near” in line one of paragraph (a) the word “on”;
- (b) by substituting for the word “near” in line two of paragraph (a) the word “on”; and
- (c)

The Assembly’s reason for disagreeing is—

The principle which the amendment seeks to change has been in the parent Act for over twenty (20) years. The purpose of the section in the Act is to ensure that Forest Officers who have been specially trained and are well experienced in controlling fire have authority to take steps to protect State assets when threatened by fire, and also to assist in fire control on private property. The amendment would remove all authority under the Bush Fires Act for forest officers to exercise any powers or right of entry essential to firefighting outside State forests or Crown lands.

The Hon. L. A. LOGAN: I move—

That the amendment be not insisted on.

In other words, if my motion is agreed to, the clause will remain as it was when the Bill came to this Chamber. I might remind members that forest officers are required and entrusted to carry out the duties of protecting very valuable assets belonging to the people of the State, both in regard to State forests and Crown land. That is their responsibility. To my way of thinking, to delete the word “near” and insert the word “on” would mean that unless they went out voluntarily to perform such duties they would not be required to take any action to safeguard the forests and Crown land. The wording in the legislation would prevent them from taking such action until the fire was actually on a State forest or Crown land. Up to that point the fire would be under the control of some other person.

It could be argued, of course, that if the Council’s amendment is insisted on it will ensure that adequate firebreaks will be provided by forest officers. That idea

might be very commendable. When we take into account the size of the State forests in the South-West Land Division we realise it would be an absolute impossibility for forest officers to carry out controlled burning in the forests over a given period of time. Because of the policy adopted some years ago in not carrying out controlled burning, the department will have a long way to go if it desires to catch up with the lag in controlled burning.

Those of us who have had experience in fighting bushfires and forest fires realise that controlled burning is the only method of preventing disastrous fires. With the present staff in the department and the amount of finance available it would be impossible to carry out controlled burning in the required manner. By substituting the word “on” for the word “near” we are in effect saying that officers charged with the responsibility of safeguarding the Crown land and the forest land of this State cannot do anything to protect those assets until a fire occurs on such land; but there is nothing to stop the officers of the department from assisting to fight a fire.

In many cases bushfire officers have more experience in this respect than forest officers; on the other hand some forest officers have greater knowledge of firefighting than bushfire officers. We should bear in mind the fact that the forest officers are charged with the responsibility of safeguarding the assets of the State, and if this amendment is insisted on they will not be able to do anything until a fire reaches Crown land.

The Hon. F. D. WILLMOTT: I hope members will insist on this amendment. The reasons given by the Legislative Assembly for opposing the amendment are not convincing. It is stated, firstly, that the provision in the Act has been in operation for 20 years, and therefore it should not be amended. To carry that argument to an absurd length, the longer a provision has been operating then the greater is the necessity for its retention; but I cannot agree with such a point of view. The very fact that this provision has been in the Act for 20 years has enabled people to realise that the word “near” should be deleted, and the word “on” inserted in lieu. In the 20 years during which this provision has been in operation I have each year attended a bushfire in my province, and I have had ample opportunity to see what happened with the inclusion of the word “near” in section 45.

The Hon. G. Bennetts: Have there been more fires in the last three years than in previous years.

The Hon. F. D. WILLMOTT: I doubt that. In the last three years there have been serious fires, but they occurred mainly

on forest land. A further reason given by the Assembly for disagreeing with amendment No. 2 is as follows:—

The purpose of the Act is to ensure that Forest Officers who have been specially trained and are well experienced in controlling fire have authority to take steps to protect State assets.

I agree there are many forest officers who have had considerable training and experience in fighting and controlling fires, but there are others who are mere babes in the wood with no practical knowledge or personal experience in fighting bushfires. The latter should not be charged with the protection of the State forests at the expense of private landholders; and that is exactly what the provision will allow them to do.

The Hon. N. E. Baxter: Have you known that to happen?

The Hon. F. D. WILLMOTT: A further reason given by the Assembly is as follows:—

The amendment would remove all authority under the Bush Fires Act for forest officers to exercise any powers or right of entry essential to firefighting outside State forests or Crown lands.

That is definitely not correct, because section 28 of the Act gives the forest officer the right of entry to land where a fire is burning and the owner is not doing anything to control it. Section 39 provides that at any time when a fire occurs on forest land or Crown land, forest officers have overriding authority. The contention that the amendment made by this Chamber will remove from forest officers all right of entry to private land is not correct.

A few days ago an officer of a bushfire brigade approached me and asked if there was anything in the Act to prevent a forest officer from becoming the captain of a bushfire brigade. I told him I did not think there was. This brigade controls an area where difficulties have arisen in respect of section 45 of the Act. I asked him why the brigade should consider appointing the forest officer as captain. He said there would be no objection to appointing the forest officer in that area as captain of the brigade, provided that the word "near" was taken out of the Act; but he said that if the particular forest officer stationed in the locality was not available to act as captain of the brigade, they did not want to be placed in the position where they would have to accept as captain of the brigade a junior and inexperienced employee of the department, because if that happened the first lieutenant of the brigade would have to take over operations.

The second reason given by the officer of that brigade was this: If the particular forest officer was transferred from the area, and another officer, who did not have

the required experience and who would not co-operate with the brigade, was appointed in his place, the brigade wanted the right to appoint its own captain.

He gave me a third reason which I also thought was sound. He said he did not think for one moment that all the fault in this matter lay with the forest officer. There are occasions when it lies even perhaps with a member of the fire brigade or some other member of the farming community. I thought all his reasons were sound. This, to my mind, does highlight the fact that it would be a means of obtaining what is not very easily obtainable today, and that is decent co-operation in the matter of fire fighting. That is what is lacking; and the people themselves are the ones who have to do something about it. Compulsive legislation will never do it.

The Hon. G. Bennetts: They are all voluntary men?

The Hon. F. D. WILLMOTT: Yes. I appeal to members to insist on this amendment.

The Hon. S. T. J. THOMPSON: I think the Minister was quite correct when he said that this is a matter of principle. From my point of view it is the principle of the private individual's land rather than the forest. At the moment very effective bushfire organisations have been set up in every district, with a responsible officer, or a number of them, for each brigade. I am quite sure that any responsible officer of those fire brigades will use every endeavour to prevent a fire getting into forest land, well knowing that such a fire would be much harder to control once it got into that land. I fail to see the point of the Minister's argument on that particular score.

By amending this Act we are doing what the Minister suggested we should do. The Forests Department will make more provision for protective burning. We realise that is the only answer to this bushfire problem in the forests. If the department cannot afford, or has not the manpower, to do this protective burning then I contend the alternative is provided: more freedom to the private individual to carry out the burning himself on the properties surrounding his own. For these reasons I am going to support the retention of the words.

The Hon. G. BENNETTS: I would not enter into this discussion except for the fact that 12 months ago a person from Mt. Barker came to me while I was in the Esperance district. He stressed to me the need to ascertain whether the Forests Department could not do more work in its forests in connection with the debris which existed in them because, he said, most of the trouble was caused by this debris.

The Minister just said that the Forests Department would not be able to do this work because it is too big a task. If that

is the case, some effort will have to be made. If men are prepared to assist in this way on a voluntary basis, we should help them in every way. This amendment will help them, according to the honourable member; and as he knows more about the subject than I do I am inclined to support it.

The Hon. C. R. ABBEY: I would also like to support Mr. Willmott on this matter, and I do so having had personal experience of this subject. Two-thirds of the boundary of my property adjoins timber country, mostly reserves. Adequate burning has always taken place on the fringe of my farm and no serious fire has ever occurred. It is quite obvious therefore that if the Forests Department is prepared to burn up to, say, 10 chains in width from the boundary of all properties, there could never be any clash of interests. If we provide for a clearly defined line, as we will do if we insert the words "in or on" instead of "in or near," great advantage will accrue both to the Forests Department and to the landholder.

Again I draw on my own experience. Seven or eight years ago, as a representative of the then Beverley Road Board, I had occasion to discuss this matter with forest officers. I was assured on that occasion by two of them that adequate protective burning would be carried out on the western fringes of the agricultural land in the Beverley district. This burning was carried out for a little while but subsequently the road board forgot about it and did not fulfil its promise. Whether this was because it did not have the time, I do not know.

The point that Mr. Syd Thompson has made is a good one. If the Forests Department is aware that it must cease its operations at the fringe of the forest, then surely it will take adequate steps to protect the forest areas in which it is interested.

The Hon. N. E. BAXTER: It is rather interesting to hear members say that if the Forests Department realises it has to cease operations on the edge of forest land, it will carry out protective burning. The Minister has already explained that because of the vast areas of forest within the State it is entirely impossible for protective burning to be carried out in every section, irrespective of whether this provision is agreed to or not. Mr. Syd Thompson and Mr. Abbey are of the opinion that this provision will enable all this burning to be done, but it won't.

After all is said and done, this provision does not make it mandatory for the forest officer to take over from the bushfire control officer or captain. It just states that the powers conferred on either of those officers are exercisable by the forest officer.

The Hon. F. D. Willmott: It says more than that.

The Hon. N. E. BAXTER: It is not mandatory for the forest officer to take over. He can take over at his discretion.

I have had experience of forest officers—experienced men—stepping in to stop a fire on private property. The fire was a graver danger to other farms than it was to the forest.

The Hon. S. T. J. Thompson: They still have that right.

The Hon. N. E. BAXTER: I agree that they can still step in. If a forest officer decides that the bushfire control officer, or captain, is not controlling the fire then he can move in and take charge; but he does not have to.

The Hon. G. C. MacKINNON: We cannot possibly be as definite as Mr. Baxter would like to be. I do not think any of us can say with absolute authority that this amendment will or will not lead to more protective burning by forest officers. Mr. Baxter cannot say that it will, but the indications are that it will because if the forest officers cannot use private land as a buffer, they will have to do a bit more protective burning than they have in the past. But none of us can say categorically that the Conservator of Forests will do this or that.

If people keep at the forest officers they will get them to do more—that is the experience of everyone—but if people are not definite, the forest officers will adopt the attitude that they can get away with what they are doing. With the amendment, we have a chance of getting action.

The Hon. J. MURRAY: The Minister has asked the Committee not to insist on its amendment. I hope members will not pay too much heed to the Minister in that regard. In the first place he had a very weak case when he talked about the amount of money and about the hiatus in forest policy, because I have yet to receive proof in this Chamber that such a hiatus ever occurred.

I cannot claim personal acquaintance with the late Mr. Lane Poole, who was the first Conservator of Forests, but I have known the rest of them, from Mr. Kessell onwards, and I am aware of the policy of the department in regard to controlled burning. The present conservator has suggested that his predecessor created the hiatus in regard to controlled burning. If there is a hiatus, it was not brought about by the present conservator's predecessor, because that man did more work than any other man I know in laying the foundations around Dwellingup for fire control; but what he initiated was never subsequently carried out.

One member has suggested that we cannot say categorically that we will get any more action in regard to controlled burning from the Forests Department if we remove this provision. I say categorically that if we do not insist on our amendment, the Forests Department will do what it is doing now; namely, it will say, "We do not want to plough breaks; we do not need

controlled burning against private property, because if there is a fire we can use the cultivated land to protect our forests."

If we remove this provision the department will spend in other ways the money it receives by way of royalties for this purpose; and it will use private property as a natural firebreak. The committee set up in another place to give reasons for disagreeing with our amendment made very clear the use the Forests Department wanted to make of private property if we did not insist on our amendment, because it said this—

The purpose of the section in the Act is to ensure that forest officers who have been specially trained and are well experienced in controlling fires have authority to take steps to protect State assets.

Those assets are the State forests; but the biggest asset of the State, in the main, is cultivated country.

Someone suggested that if we do not insist on our amendment there is nothing to say that a forest officer can take full charge; but I point out that section 39 (2) (b) of the Act provides—

Where a forest officer is present at the bush fire the powers and authorities are not exercisable by the fire control officer so appointed, except with the approval of and subject to the directions of the forest officer.

In regard to the Forests Department having money each year that it can expend on this work, I would say that about 1925 the departmental revenue was four-fifths of the net revenue, which would be about £150,000. Because the department said it was not getting sufficient money to carry out this essential job, Parliament in its wisdom—and I agree with it—increased the amount to nine-tenths of the revenue which, this year, amounted to £897,000. It is not all used for fire fighting, but it is for the protection of our forests.

I think it was probably Mr. Baxter again who spoke about the burden being placed on the Forests Department to protect the huge area of State forest. But the departmental officers can do protective burning around all the cultivated areas in the forest country, and that is all that is required except for the controlled burning done out of season in their own forest country. They could probably emulate some of the old timers who, when they were driving stock down south, would drop a match on a small patch that would burn when they knew it would not be dangerous to do so. Quite a lot of that work can be done without any huge expenditure of money. I hope the Committee insists upon its amendment.

The Hon. F. J. S. WISE: The purpose of the motion is to agree or disagree with the request from another place and, in the main, to substitute the word "near" for another word. I hope to keep near to the

motion. The Act which this Bill seeks to amend was introduced into Parliament in the 1930's in an endeavour to control difficult circumstances following some very bad bushfires in this State. The Act was introduced as a piece of trial legislation by The Hon. Frank Troy. Of course, as is obvious, anomalies quickly arose, and I think I am right in saying that I was the Minister who introduced the amending legislation in 1940, and one of those amendments is contained in this message.

The Hon. F. D. Willmott: That is correct.

The Hon. F. J. S. WISE: The amending Bill of that year contained many amendments because during the period of trial and error in those initial years it brought out some alarming anomalies in the control of bushfires. As time has gone on many other things have happened which have warranted and caused alterations in principles from the original thought and idea.

Having said that, I am prepared to follow the opinions of those experienced in this matter, as practical people, as against the departmental view, and I oppose the motion as moved.

The Hon. L. A. LOGAN: Of course the last remarks of Mr. Wise are not necessarily the facts. This Bill is not a departmental request; it is a request by the Bush Fires Board, 50 per cent. of whose members comprise local authority representatives.

The Hon. F. D. Willmott: This particular amendment has nothing to do with the original Bill. I introduced this amendment myself.

The Hon. L. A. LOGAN: The Bill as presented to this Chamber was introduced at the request of the Bush Fires Board, 50 per cent. of whose members comprise local authority representatives. Members can deny that if they like. In the main members of the board are not departmental officers.

The Hon. S. T. J. Thompson: Were they unanimous?

The Hon. F. D. Willmott: No.

The Hon. L. A. LOGAN: Yes.

The Hon. S. T. J. Thompson: Are you certain?

The Hon. L. A. LOGAN: Yes.

The Hon. G. C. MacKinnon: Anyway, there is only one from the really heavy forest country.

The Hon. L. A. LOGAN: Whatever their thoughts might be now, up to that particular time the answer is "Yes". On the Tuesday morning of Royal Show week the Bush Fires Board requested the Minister in charge of this legislation to endeavour to make sure the amendments the board wanted put into the Act were carried into effect.

Sitting suspended from 3.45 to 4.4 p.m.

The Hon. L. A. LOGAN: In answering an interjection I said that the Bush Fires Board had met on Tuesday in Royal Show Week. The board then unanimously decided that they should ask the Minister to oppose the amendment moved by Mr Willmott.

Mr. MacKinnon has now raised the point as to whether this will make the forest officers do more burning, or less. I think it will make no difference at all so far as burning is concerned. But there is a principle involved. As members know, the Bush Fires Board is established to control the Bush Fires Act. Apart from this a Royal Commission was recently held into the ramifications of bushfires, and that commission went thoroughly into the provisions of the Act. Having done so it made no recommendation with regard to an alteration of this provision—no recommendation has been made, either by the Royal Commission or by the Bush Fires Board.

To add strength to my point—though I am aware it is not an argument—50 members in another place, including those members of the Assembly who represent the area represented by Mr. Willmott, agree with my thoughts on this matter, because the Legislative Assembly was unanimous in its opposition to the amendment moved and carried by this Chamber.

So I think I have some case to ask the Committee not to insist on the amendment. It would only take away authority from the officers charged with the responsibility of safeguarding State forests and Crown land. It would mean they need make no effort to prevent a fire until it reaches the edge of the forest. They can do that now. There is no need to legislate for that purpose. We should not deny those officers who are charged with the safeguarding of millions of pounds worth of assets the right to take the precautionary steps necessary. In view of all the requests by the Bush Fires Board, which is controlled by the local authorities, I have moved that the Legislative Council's amendment be not insisted on.

The Hon. N. E. BAXTER: After considering Mr. Willmott's amendment, I cannot understand why he did not move to delete section 45 of the Bush Fires Act; because that is what he seeks to do, in essence. If this amendment is carried the position will be that if there is a fire burning on private land the forest officers will adopt the attitude that their assistance is not required until the fire hits the edge of the forest. It is very necessary to have co-operation to fight bushfires. Fire is a good servant but a fearful master, particularly in forest areas. The original provision in the Bill will do much more in securing co-operation between the Forests Department and the bush fires brigades, than will the exclusion of the forest officers and their men.

Under section 39 of the Act the Forests Department now has complete control of a fire on forest reserves, and Mr. Willmott's amendment will only be a repetition of that provision. Mr. Willmott should have moved for the deletion of section 45.

The Hon. F. D. Willmott: No.

The Hon. N. E. BAXTER: Yes. If Mr. Willmott reads both provisions he will see that is so.

The Hon. F. D. Willmott: I have read them.

The Hon. N. E. BAXTER: This amendment will not provide for any more protective burning than is likely to be done in the future.

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

Ayes—8.

Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. E. M. Heenan	Hon. R. H. C. Stubbs
Hon. L. A. Logan	Hon. J. M. Thomson
Hon. A. L. Loton	Hon. N. E. Baxter

(Teller.)

Noes—17.

Hon. C. R. Abbey	Hon. J. D. Teahan
Hon. G. Bennetts	Hon. R. Thompson
Hon. E. M. Davies	Hon. S. T. J. Thompson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. C. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. F. J. S. Wise
Hon. J. Murray	Hon. J. J. Garrigan
Hon. H. R. Robinson	

(Teller.)

Majority against—9.

Question thus negatived; the Council's amendment insisted on.

The CHAIRMAN (The Hon. W. R. Hall): Amendment No. 3 made by the Council, to which the Assembly has disagreed, is as follows:—

No. 3.

Clause 28, pages 16 and 17—Delete proposed new section 68.

The Assembly's reason for disagreeing to the amendment is—

Parliament has already established the principle of a penalty on local authorities, which provision has been in the parent Act for over twenty (20) years. Section 50 of the parent Act provides that a local authority which refuses or neglects to furnish certain returns is liable to a penalty of £50. The proposal in the Bill only extends this principle to other important responsibilities which the local authority is required to carry out under the Act. In the event of one local authority neglecting its responsibilities under the Act, damage could not only occur within that local authority's own boundaries, but could spread to neighbouring shires with disastrous results. The proposal in the Bill restricts the Bush Fires Board to a greater extent than the principle already in the Act. Under existing legislation the Bush Fires Board requires no special authority to take action under section 50

of the Act, but under the provision of the Bill the written approval of the Minister must be obtained before any action can be taken. The question of whether a local authority has neglected its responsibility would be decided, not by the Minister or the Bush Fires Board, but by a court of summary jurisdiction.

No less than one half of the members of the Bush Fires Board are nominated by the Country Shires Association. Therefore adequate protection is afforded local government in the administration of the Act.

The Hon. L. A. LOGAN: I move—

That the amendment be not insisted on.

I do not think there is any need to reiterate everything that has been said previously. This has already been discussed on two occasions. The first time the Chamber did not agree to the amendment, and on the second occasion one or two members had a change of thought and supported it. I hope that since then they have studied the Act and found there is no new principle in the proposed new section 68.

It has been said—and I think correctly—that we want co-operation and that we do not want centralised control. We want the local authorities to do the job themselves. Under this Act they are charged to live up to their responsibilities. It seems that members of this Committee want to support a local authority that refuses to do certain things which it is charged to do under the Act. That will be the position if this proposed new section is deleted.

With the inclusion of this new section some of the control will be taken away from the Bush Fires Board. Previously the Bush Fires Board could charge a local authority £50 if it did not submit returns. However, under this provision the board cannot do that. It can only recommend to the Minister; and if the Minister decides there is a case, it will be the court that will finally decide. The principle has been in the Act for a long time in section 50.

I see no reason why a recalcitrant local authority should not be made to live up to its obligations, especially when it is in the interests of everybody concerned for it to do so. I say that advisedly as Minister for Local Government. I hope the Committee will not insist on its amendment.

The Hon. C. R. ABBEY: I feel it is useless to go over much of the ground we covered previously, but I hope the Committee will insist on its amendment for a number of reasons. The Minister has stated that the principle is already in the Act. It is, inasmuch as it applies to one small section, but the proposed new section we have complained about and taken out would apply to the whole of the Act. That is the principle to which we are opposed.

I have no ground for saying this, but I believe that had section 50 been properly debated when first introduced, it would not have appeared in the Act. I say this because I feel it is not necessary or desirable to use the big stick. If a shire council is difficult, I am sure all that is necessary is a visit by a competent officer of the Bush Fires Board in order to obtain co-operation. Members of shire councils are conscious of the necessity to take all precautions in regard to bushfires and it would be in their interests to see that the requirements of the Bush Fires Act are carried out.

It could be that the shire councils of which the Minister spoke had been bludgeoned in the past, but I am not aware that that is so. I am sure that if the big stick is used we will not obtain the desired result, and I hope this Committee will insist on its amendment.

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

Ayes—9.

Hon. N. E. Baxter	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. R. H. C. Stubbs
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. L. A. Logan	Hon. J. M. Thompson
Hon. A. L. Loton	(Teller.)

Noes—18.

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. G. Bennetts	Hon. J. Murray
Hon. E. M. Davies	Hon. H. R. Robinson
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. J. G. Hilslop	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. F. D. Willmott
Hon. F. R. H. Lavery	Hon. F. J. S. Wise
Hon. G. C. MacKinnon	Hon. S. T. J. Thompson
	(Teller.)

Majority against—7.

Question thus negatived; the Council's amendment insisted on.

Report

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

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

MENTAL HEALTH BILL

Assembly's Message

Message from the Assembly notifying that it had agreed to amendments Nos. 1 to 10 and 12 to 28 made by the Council, and had disagreed to No. 11 now considered.

In Committee

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

The **CHAIRMAN**: Amendment No. 11 made by the Council to which the Assembly has disagreed, is as follows:—

No. 11.

Clause 59, page 32, line 10—Insert before the word "shall" the passage "as such,".

The Assembly's reason for disagreeing is—

The Legislative Assembly disagrees with the Legislative Council's amendment No. 11 because the insertion of the words "as such" before the word "shall" in line 10 of clause 59 alters the intention of the clause generally, that letters addressed to any of the persons in the categories referred to in the clause shall be sent forward unopened to the person to whom it is addressed.

The effect of the clause with the insertion of the words "as such" is that a letter addressed to any of the persons in the categories as mentioned in subclause (1) but not disclosing their official position need not be sent on at all.

The Hon. L. A. LOGAN: I move—

That the amendment be not insisted on.

Question put and passed; the Council's amendment not insisted on.

Report

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

House adjourned at 4.32 p.m.

Legislative Assembly

Thursday, the 18th October, 1962

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

QUESTIONS ON NOTICE

- This question was postponed.*
- NOXIOUS WEEDS ACT**
Exercise of Powers by Agriculture Protection Board
- Mr. W. A. MANNING asked the Minister for Agriculture:
(1) Has the Agriculture Protection Board had to exercise its power of