criminal act, are dealt with by normal process of law. The raising of surcharges in these circumstances serves no useful purpose and it is proposed to give the Auditor-General discretionary power to dispense with surcharge unless, in his opinion, there is no other satisfactory means of protecting the State finances.

It is also proposed to standardise and clarify surcharge procedure. The Auditor-General is required to audit the accounts of all Government departments and a wide range of semi-governmental and statutory bodies. Departments and concerns which operate directly on the Consolidated Revenue Fund are not charged for audit, but it is the practice to assess and recover nominal fees for a number of other audits.

Except where specifically authorised by a relevant Act, the Auditor-General has no clear legal power to charge for audit service. To resolve any doubt in this regard, it is proposed to confer on the Auditor-General the right, subject to any statutory requirement, to charge a reasonable fee for audits of other than departmental accounts. All audit fees recovered are credited to the Consolidated Revenue Fund.

Apart from minor procedural and consequential amendments, the only other proposal is to provide specific regulation-making power in relation to plant, equipment, and stores. With the proposed introduction of separate tender board legislation, some provision is essential in the Treasury regulations to ensure the effective control and custody of stores, etc., held by departments. The Bill contains specific authority for the making of appropriate regulations.

The proposed amendments will bring the Act into line with modern practice and assist in maintaining the present high standard of efficiency of the department. They have been submitted by the Auditor-General and have the full support of the Under-Treasurer. I commend the Bill to members.

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

MINING ACT AMENDMENT BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [5.17 p.m.]: I move—

That the Bill be now read a second time.

This Bill has been passed in another place and for the information of members I desire to advise that an application was made to the Mines Department towards the end of last year for a license to treat tailings. These were tailings lying on abandoned tailing areas—Crown land areas.

The Mining Act is quite clear in the granting of Crown ownership of tailings on abandoned leases. It has always been the understanding and practice of the Mines Department to assume that such tailings were Crown property. Some doubts have been entertained recently, however, as to ownership of tailings on abandoned mining tenements other than leases—such as tailings areas, machinery areas, etc., which would all produce tailings.

As a consequence of the doubts as to the scope of the Act in this regard, the advice of the Crown Law Department was sought. This resulted in Mines Department officials' views being confirmed and the particular application made last year was refused.

The purpose of this Bill is firstly to rectify the position, as unquestionably the original intention in the Act was for the Crown to have ownership in regard to tailings from abandoned mining tenements of all descriptions, not solely ownership of tailings from abandoned leases.

The second consideration is to validate any past licenses granted in respect of similar applications previously approved. On the passing of this measure the relative provisions will apply to mining tenements which comprise either Crown or private land.

A further amendment is purely a machinery measure to amend subsection (9) of section 322 in order to replace the word "Court" with the words "W.A. Industrial Commission." This small matter was overlooked when consequential amendments of a similar nature were dealt with previously when the Act was before the House in 1963.

Debate adjourned, on motion by Mr. Norton.

House adjourned at 5.19 p.m.

Legislative Council

Tuesday, the 24th August, 1965

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

ADDRESS-IN-REPLY

Acknowledgment of Presentation to Governor

THE PRESIDENT (The Hon. L. C. Diver): I desire to announce that, accompanied by several members, I waited on His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech, agreed to by the House. His Excellency has been pleased to make the following reply:—

> Mr. President and honourable members of the Legislative Council: I thank you for your expressions of loyalty to Her Most Gracious Majesty the Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

QUESTIONS (5): ON NOTICE

HOUSING IN COUNTRY AREAS

Tender Prices for Various Types

1. The Hon. V. J. FERRY asked the Minister for Mines:

(1) Does the State Housing Commission from time to time call alternate tenders for timber-frame, brick-veneer, and brick houses in country areas?

(2) If the answer to (1) is "Yes," could he give comparative tender prices received?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) The average price per house submitted by the lowest tenderer for a group of five houses at Geraldton was—

	£
(a) Timber-frame construction	3,210
(b) Brick-veneer construction	3,813
(c) Full brick construction	4,355

The average price per house submitted by the lowest tenderer for a group of five houses at Narrogin, after deducting cost of a hot-water service, was—

	£
(a) Timber-frame construction	3,320
(b) Brick-veneer construction	4,328

HAWKERS AND SALESMEN IN COUNTRY AREAS

Fees: Equalisation with Rates and Taxes Paid by Businesses

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

Having regard to business concerns in country areas that provide employment opportunities for country people, and paying due regard to decentralisation, will the Minister introduce effective legislation to see that hawkers, and door to door salesmen, pay fees equivalent to the local rates and taxes paid by business concerns in country areas, for their privilege of so carrying on their hawking and door to door sales activity?

The Hon. A. F. GRIFFITH replied:

Section 217 of the Local Government Act empowers municipal councils to make by-laws prescribing annual fees not exceeding twenty pounds per annum for hawkers licenses. Rates and taxes paid by business concerns in country areas vary to such a degree that no definite equivalent amount could be determined.

HOUSING AT ESPERANCE AND MERREDIN

Erections and Outstanding Applications

3. The Hon. J. J. GARRIGAN asked the Minister for Mines:

In regard to the towns of—

(a) Esperance; and

(b) Merredin:—

(i) How many state housing homes were erected in the year ended the 30th June, 1965?

(ii) How many is it anticipated will be erected in the year ending the 30th June, 1966?

(iii) How many outstanding applications are there for state housing homes in these towns?

The Hon. A. F. GRIFFITH replied:

	Esperance	Merredin
(i) In the year ending the 30th June, 1965—		
(a) completed homes totalled	28	7
(b) under construction were	24	3
Total for commission	52	10
Bringing total completed commission accommodation as at the 30th June, 1965, to	83	234
(ii) The programme for 1965-66—		
(i) new construction	20 housing units	11
(ii) anticipated vacancies	10 "	15
Total expected accommodation availability	30	26
(iii) Outstanding applications—		
Pensioner couples	*Nil*	*Nil*
Married couples	18	6
Families—small	49	12
large	19	....
Total without wastage	86	18

GOLDMINING EMPLOYEES

Hearing Loss: Tests

4. The Hon. R. H. C. STUBBS asked the Minister for Health:

Having regard to the tests being conducted by officers of the Public Health Department and the Commonwealth Acoustics Laboratory into hearing loss by goldmine employees:—

(a) Will the Minister name each of the mines where the tests have been conducted, and the number of men in the categories of surface and underground employees, who have been tested?

(b) Is there any pattern emerging from the tests?

(c) If so, in what direction; and

(d) When is it anticipated the tests will be completed?

The Hon. G. C. MacKINNON replied:

(a) (i) Great Boulder Gold Mines Ltd.
Lake View & Star Ltd.
North Kalgurli (1912) Ltd.
Gold Mines of Kalgoorlie (Aust.) Ltd.

(ii) Number of employees whose hearing has been tested—(the figures are incomplete).

Surface employees 190. Underground employees 16.

(b) Yes.

(c) A noise problem is present in certain underground and surface work places.

(d) This is a long term project and is being associated where necessary with a hearing conservation programme. This is time-consuming and progress has been slow. Preliminary work to date has been mainly concerned with sound level surveys, attempts at noise attenuation, and an assessment of the problem.

DOOR TO DOOR SALES ACT

Scope: Extension

5. The Hon. J. DOLAN asked the Minister for Mines:

Will the Minister give earnest consideration to amending the Door to Door Sales Act, 1964, to provide for all such sales, whether for cash or terms, and for every type of goods?

The Hon. A. F. GRIFFITH replied:

The Door to Door Sales Act, 1964, is being examined. No undertaking, however, can be given that the Act will be amended to the extent stated in the question.

QUESTION WITHOUT NOTICE

IRON ORE AGREEMENTS

Reports from Companies: Tabling

The Hon. A. F. GRIFFITH (Minister for Mines): Mr. Wise asked me a question without notice a few days ago, and I undertook to look into the subject matter of his question.

I have given consideration to the question asked of me by the honourable member in relation to monthly reports being issued by various iron ore companies operating in this State. Much of the information supplied to the appropriate departments is of a confidential nature, and its public disclosure could be unfair to

a company where information would be of value to a competitor. There also could be circumstances where the disclosure of certain information could be of disadvantage to the State in its negotiations both inside Australia and abroad.

It is regretted that, after considering all aspects of the matter, I cannot undertake to agree to the honourable member's request. However, consideration will be given to a comprehensive summary of the overall iron ore and associated development. It might be appropriate if this were done a little later in the year.

BILLS (3): THIRD READING

1. Coal Mines Regulation Act Amendment Bill.
2. Mines Regulation Act Amendment Bill.

Bills read a third time, on motions by The Hon. A. F. Griffith (Minister for Mines), and transmitted to the Assembly.

3. Debtors Act Amendment Bill.

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

Second Reading

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

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North-East Metropolitan) [4.50 p.m.]: This is the Bill which I asked the Minister to adjourn for me on the last day that the House met; and it prompts me to draw attention to something which I ran into as regards the measure. It is this: Where we have Bills that emanate from this Chamber, an immediate adjournment to carry on the next day is very difficult. It must be appreciated that it is not possible to make any effort whatsoever in regard to inquiries until the morning of the next day; and, if called upon to proceed with the debate that afternoon, on some occasions it is just not possible to comply.

In this case, it would not have been possible for me to proceed on Thursday, because most of the information from my inquiries was not easily available, due to the necessity to contact people in a country area. It is true that when a Bill emanates from another place some prior knowledge of its contents is available and the situation I have just mentioned does not arise.

In regard to the Bill itself, in general it is to be applauded as it is making provision for a set of people to come back into the orbit of pensions. I refer to people who have gone out of the work of mining and are now coming back into it. The machinery of the Bill is such as to provide for those people to be embraced within the scope of the pensions tribunal.

There is only one point in the measure that I would bring to the notice of the Minister and the House. There is what might be termed a "pay back" period in which the tribunal has the right under the Act to establish a period of repayment over three years. Whilst the Minister's notes led me to clearly obtain the impression that the principle of a three-year term was still envisaged, it would seem that the last paragraph of the Bill indicates that the period of repayment of premiums for pensions to be refunded is from the 23rd December, 1964; and this will not give a full three-year term as is the case with those people already provided for under the Act. In this regard the Act reads—

> 21B (3) Arrears are payable into the Fund in such instalments, of such amount, and at such times, as the Tribunal from time to time determines and is hereby authorised to determine, but shall be paid in full within a period of three years from the day appointed by the Tribunal for payment of the first instalment.

It is my desire and hope that by bringing this matter forward the Minister will approve of the addition of one word in the final paragraph; that is, after the words "twenty-third day of December nineteen hundred and sixty-four" add the word "or." It would then read, "or as the Tribunal determines."

I feel the extension of the three-year period at the discretion of the tribunal is reasonable as it would have firsthand knowledge of the capacity of a person to pay; and the purport of the Bill is, in essence, to give as reasonable a time as is possible to those people concerned to make repayments.

The amount of money coming into the fund cannot affect its distribution capacity, whether the period is extended, or whether it takes longer than two years but not more than three years. The beginning of the Minister's remarks gave me a very clear impression that he wanted to extend to the non-pensionable workers who are outside the Act at the moment, and to those other people envisaged, a maximum period of three years. Therefore I feel the Bill just fails to embrace that principle in the way it is written. With only that reservation, I support the Bill.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.56 p.m.]: I appreciate the point of view of Mr. Willesee in respect of the introduction of a Bill on one afternoon and the fact that he might be expected to go on with

it straightaway. Of course, such is not usually the case; and I had no hesitation last week in postponing this item until today. I would remind members of the motion moved by the Leader of the House on opening day which, if I remember correctly, was as follows:—

> In order to assert and maintain the undoubted rights and privileges of this House to initiate legislation, I move . . .

That gives the House the right to initiate legislation, and I hope it will always be that way.

The Hon. F. J. S. Wise: Mr. Willesee was not questioning that.

The Hon. A. F. GRIFFITH: No; but I am going on to say that, personally, I like to introduce the legislation of my departments and then send it down to the other House. I think my colleagues like to do the same thing. I admit that when a Bill comes from the other end, it gives more time for consideration than is the case with Bills initiated in this House. However, we will endeavour to give all the time necessary for their consideration and for the making of inquiries.

I am grateful to the honourable member for his support of the Bill. However, I feel there is some slight misunderstanding in connection with the measure. Mr. Willesee was good enough to advise me that he intended to make the point that he has, and this gave me an opportunity to pursue an inquiry with the trustees.

When I introduced the measure I said it was a Bill to amend the Coal Mine Workers (Pensions) Act to provide for three things; and the second thing was that the period of 12 months provided in the 1964 amending Act, relative to the refund of contributions made to certain workers following retrenchment, be extended for a further period considered by the pensions tribunal to be reasonable, up to a maximum of three years.

If we followed the course suggested by Mr. Willesee, we would not have three years; we would have four years. Members will remember the argument we had on this clause in the amending Bill last year when 12 months was the compromise period of time we settled upon—and that was 12 months from the 23rd December, 1964. While eight months of that time have gone, four months still remain; and three years from the 23rd December, 1964, will be the 23rd December, 1967. If we make the period three years from this year, then it will be four years from the date specified in the original amending Act.

I do not think this is altogether reasonable. After all, what we are doing is taking into consideration the fact that some of these men could not find it convenient to refund their contributions in the eight months that have gone. I do not know the number concerned, but I feel compelled to say that some people have not made much effort at all in regard to repayment.

This is unfortunate. But if we leave it as it is, the period will be to the 24th December, 1967. I checked with the tribunal, and confirmed that a total of three years from the 23rd December, 1964, was required and was asked for by the union. That was agreed to.

However, the inclusion of the word "or" would leave it to the tribunal to determine whether any other time beyond this is to be allowed. If the honourable member moves to insert the word "or" I would like to give him advance notice that I will not agree to it. However, I will agree not to take the Bill through the third reading today. I will consult the tribunal further, and if they think it is all right and it will not embarrass the fund or themselves as a trust, then I will take the inclusion of the word "or" at the third reading stage of the Bill. That is the best I can offer.

The Hon. W. F. Willesee: The information I have is that the pension tribunal agrees that the period should be for three years from the date the legislation is introduced.

The Hon. A. F. GRIFFITH: That is contrary to the advice I have received. I must confess that we all seemed to be engaged in business until late this afternoon. I did not make this inquiry myself; I left it to my secretary, and he tells me that the trust said it was three years from the 23rd December, 1964. However, I will not be adamant on the matter and I will be happy to leave the third reading stage of the Bill until after I have made inquiries.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

DOG ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 18th August, on the following motion by the Hon. L. A. Logan (Minister for Local Government):—

> That the Bill be now read a second time.

THE HON. J. DOLAN (South-East Metropolitan) [5.4 p.m.]: I had very mixed thoughts about this Bill. At first reading, I thought the Government was going to help the unfortunates who were on the prohibited list. Then, when I looked at the Minister's notes and saw the words "cattle and goats" and no reference to dogs, I thought I had the wrong

notes; but eventually, on further reading, I came to the conclusion that everything was in order.

The proposed amendments to the Act are agreed to by the Opposition. We feel, as the Minister stated in his second reading speech, that goats are valuable animals and that provision should be made so that they will be covered under this particular Act. Of course, goats have always been valuable animals. I can remember when, in my younger days, they furnished meat and milk for many outback centres. Even today, the meat works at Robb Jetty exports thousands of goats annually to towns on the Persian Gulf, and it also exports large numbers of live goats. So, it is a valuable trade, and those animals deserve protection.

I have known of some very valuable goats. When I was a lad the two most valuable goats which I remember were not milking goats at all; they were racing goats, and they belonged to a mate of mine by the name of Paddy Wallace. His were the best two goats that ever raced on the goldfields. I suppose it is typical of the goldfields spirit that the two goats were named Shamrock and Tartan.

The word "goat" also has significance so far as human beings are concerned; and I can remember a couple of characters on the fields who had small beards which looked a little bit like goats' beards, and they were referred to as goatees. I feel that might have given rise to the expression "Silly old goats," which is applied to some people who are not too bright.

The first amendment proposed is that there should be a new definition to define the term "cattle" as including domesticated goats. I propose to move that the word "cattle" be altered to "sheep," because there is a definite affinity and relationship between sheep and goats which does not exist between cattle and goats. During the Committee stage I will refer the Minister to the definitions and meanings of "cattle" and "sheep" in the *Oxford Dictionary*. I think I will be able to convince the Minister that the definition should be changed to "sheep" instead of "cattle".

The Hon. F. J. S. Wise: What is the definition of "cattle" in the Act?

The Hon. J. DOLAN: There is really no definition of cattle in the Act. In the *Oxford Dictionary*, of course, one will find that cattle is defined as a collective term which is used for members of the bovine genus, whereas the definition of sheep is that sheep belongs to the ovine genus and are closely related to goats. That definition establishes a clear relationship between goats and sheep, but not between goats and cattle. In sections 22, 22A, 23, and 25, where the word "cattle" occurs, the word "sheep" also occurs, so there will not be any difficulty in fitting the definition which I suggest into the Bill.

Another section which it is proposed to amend had me a little worried, and I took the trouble of going back to the 1903 debate to find out what members thought in those days. It is amazing that there are still sections in the Act to which violent objection was taken then. To give an example, the Minister referred to section 22, which empowers a person to destroy a dog found in an enclosed paddock in which cattle, sheep, or poultry are confined. In the debates of 1903, one country member was indignant and said he had had the experience of going to a farm to drive sheep. A couple of days later, when he had gone to town, his dog had gone looking for him. The dog went to the place where he had been working. Under the Act if the farmer who owned the property found that dog in a paddock where cattle, sheep, or poultry were enclosed, he would have been entitled to destroy it. In 1903, the members were indignant to find such a provision in the Bill.

In another place, the word "horse" was omitted. I could not see why "horses, sheep, cattle, and poultry" should be in three or four sections while the word "horse" was omitted from others similar in structure and bearing a similar relationship. We agree with the provisions that have been made.

We also agree to the clause which refers to natives. The original Act provided that an aboriginal shall have only one dog, and that the dog shall be a male. That was to prevent the indiscriminate breeding of dogs. Anyone who has seen a crowd of natives on the move will know what it is like; there are more dogs than children. The only point I would like to make is in relation to nomadic tribes. The Minister says the Act will not apply to those people. Sometimes nomadic tribes come to outback towns and bring their dogs with them. I can instance cases where nomadic tribes have camped on the outskirts of goldfields towns, and they have had as many dogs as one could find in a dogs' home. With those reservations, and with the intimation to the Minister that I propose to move an amendment—of which copies have been circulated—we support the Bill.

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [5.13 p.m.]: I thank Mr. Dolan for his research and his description of goats. He raised the question of the definition of domestic goats coming under the definition of "cattle." In another Act, which I cannot find just at the moment, cattle are defined, as are sheep and horses. That is the reason why the word "cattle" was used instead of the word "sheep" under this particular section. The Parliamentary Draftsman used the word "cattle" because it has a wider application than "sheep."

However, as with the previous Bill, we do not have to go right through with this one today. I think it would be better for

me to get further information than to accept the amendment and then find that it is wrong. So, I will be quite happy to suggest that the Committee stage be taken at the next sitting, and I will check the definitions.

I thank the honourable member for his approach to the Bill, and I would say that it is a record for any amendment to the Dog Act to go through this House with only the Minister's speech and one other.

Question put and passed.

Bill read a second time.

STIPENDIARY MAGISTRATES ACT AMENDMENT BILL

Second Reading

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

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [5.14 p.m.]: There are several points in this Bill I would like to raise for noting by the Minister for Justice. Therefore if I deal with the measure in preamble form it will give him time to hear what I am about to say.

This Bill is to amend the Stipendiary Magistrates Act of 1957, and clause 3 of the 1957 Bill which, when the Bill was passed, became section 3 of the Act, repealed the 1903-45 Stipendiary Magistrates Act. Therefore there is not in existence, on our Statute book, operatively, an Act dealing with stipendiary magistrates other than the one which this Bill intends to amend. There were several principles in the 1957 Act, but the one around which the debate centred was the one which this Bill proposes to alter.

The 1957 Act, when introduced as a Bill, was handled by Mr. Heenan, who was acting for the then Leader of this House, Mr. Strickland. That Bill aroused considerable debate on the principle that magistrates then appointed, whether stipendiary or resident magistrates, would continue in office until they reached the age of 70 and all other magistrates appointed after the passing of that Act would be appointed only on the principle that they would retire at 65. Indeed, to make sure there could be no mistake, the then existing magistrates were named and listed in their respective categories, and that list was attached as a schedule to the Act. It was done so there could be no mistake about the personnel whose term was to be extended by law from the age of 65 to 70.

The arguments then advanced were on the basis that as judges then had the right to retire at 70, so should resident magistrates, who could have anticipated such an age limit on appointment. The argument advanced in connection with a 65 maximum was that it would encourage younger men to apply for the responsible positions of stipendiary magistrates and they would have a reasonable expectation of office up to 65 years of age. It was interesting to follow the debate which occurred on that occasion; and I think I would be safe in saying that if a division had been called for, the very principle now being introduced by this Bill—that their retiring age be extended to 70 years—would have been carried and the Bill would have been amended to do what is now proposed.

Section 5 of the Stipendiary Magistrates Act as it exists provides for both the 70-year retirement men and the 65-year retirement men, with no provision whatever for an extension of time for those appointed after the passing of the Act. This Bill rather involves the situation because of the manner of its drafting, but I suspect that subsection (1) of proposed new section 5A is there deliberately to cater for people who may now already have retired.

The Hon. A. F. Griffith: Not necessarily.

The Hon. F. J. S. WISE: But it could provide for such people.

The Hon. A. F. Griffith: It could, but I assure you I have nobody in mind.

The Hon. F. J. S. WISE: What it provides for is that a person anticipating retirement may have his time extended—

The Hon. A. F. Griffith: Yes.

The Hon. F. J. S. WISE: —or a person on retirement may be recalled at the Governor's pleasure or request.

The Hon. A. F. Griffith: I asssure you there is only one man who is about to retire, and he is not a stipendiary magistrate under the Stipendiary Magistrates Act.

The Hon. F. J. S. WISE: I am not cavilling about that principle at all. If it is intended that qualified and capable men who have retired can be recalled, I will support it.

The Hon. A. F. Griffith: I have nobody in mind at the moment.

The Hon. F. J. S. WISE: But this provision could cover that situation.

The Hon. A. F. Griffith: That is so.

The Hon. F. J. S. WISE: Or at least that is how I interpret it.

The Hon. A. F. Griffith: That is right.

The Hon. F. J. S. WISE: The second provision in the Bill, and dealing with the same proposed new subsection, will mean in application that the now existing magistrates may—and the wording used is by "direction" of the Governor—continue in office, and be able to continue in office until they reach the age of 70.

I am wondering whether a clearer and more direct amendment to section 5 as it exists would not have met the situation better. Quoting from the bound volume of the Statutes, No. 6 provision is made for those persons who are stipendiary or

special magistrates, and who are subsequently mentioned in the schedule, to continue to the age of 70; and those appointed after the commencement of the 1957 Act, so the Act states, shall retire at the age of 65.

More than just a cursory examination of that section suggests to me that the amendment now proposed could have centred around the word "sixty-five" in the section, and the provision could have been extended to make the age 70 for all appointees after 1957. There may be a complete answer to the point I have raised but it seemed to me that a simple amendment could have met the situation.

One very serious matter I wish to raise regarding the drafting of the Bill—and I would draw members' attention to its phrasing—is in clause 3, proposed new section 5A, which reads—

> Where any person appointed after the commencement of this Act to the office of stipendiary magistrate or special magistrate . . .

etcetera. Does that mean after the passing of the parent Act? I submit it does because of its phrasing.

The Hon. H. K. Watson: *Prima facie* it would mean as and from 1957.

The Hon. F. J. S. WISE: I would say so.

The Hon. A. F. Griffith: No, it does not.

The Hon. F. J. S. WISE: I would say so, on the ground that when this amending Bill is passed and becomes law it will be incorporated, with no date attached, in the parent Act of 1957; and I suggest that to be perfectly safe and sure on that point the Bill requires wording to this effect—

> Where any person appointed after the commencement of the amendment Act of 1965 . . .

etcetera. I raise the point because I do not think provision will be found in the Interpretation Act to cover this particular verbiage and to make it apply to the Bill which was introduced on the 24th August, 1965, and to that measure alone.

I suggest the point which I validly raise is one worthy of examination by a Crown Law officer, or the Minister, because as the Bill reads I think the provision must apply to the parent Act, and the parent Act alone, when the amendment is incorporated in that Act.

As regards the Bill and its principle, I can see no reason whatever why we should not support the equality of opportunity and duration of service which this Bill will bring about in regard to those provided for in the 1957 Act, and those subsequently appointed. I am concerned to know, however, whether the passing of the 1957 Act attracted younger men into the position of stipendiary magistrate; and I wonder if the Minister could advise us whether the emoluments paid to stipendiary and resident magistrates are sufficient to attract younger men from what is regarded as a lucrative profession into the magistracy. I do not know. But, if not, I think they, and particularly the resident magistrates, who have a difficult role, in a district sense, and a difficult task to perform, should have the greatest consideration in regard to salaries and allowances. Stipendiary magistrates, of course, have no district boundaries; they are available in any part of the State.

I wonder whether the Minister can give us any details regarding the point I have just mentioned to indicate whether members of the legal profession have been attracted to magisterial appointments; and, if not, can the reason be that these positions are underpaid? Magistrates are very important people in our community. Rarely do people become resident magistrates unless they have reached a mature age; and during that time they have gained considerable court experience.

I hope the passing of this Bill will protect not only those who are now in these positions, and whose terms are to be extended until they reach the age of 70, but also those who are inclined, or can be induced, to become applicants for such positions. I trust the Minister will not proceed even into the Committee stage with this Bill unless he is able to supply information on the points I have raised.

THE HON. J. G. HISLOP (Metropolitan) [5.29 p.m.]: One cannot help but agree with the basis of this Bill, because I think we are reaching a stage in life where we must realise that men can continue in office and work efficiently over a much longer period than was possible in the past.

Many people are quite active at 65 years of age, and are quite capable of carrying on in their employment for another five years. This principle has been accepted by people in all avenues of life. Therefore I support the Bill on that basis.

I was also rather interested in the wording of the Bill. There may be a reason for using the words in the clause referred to by Mr. Wise. The Government might desire to have the opportunity, when an officer has reached the age of 65 years in this important position, of either terminating the appointment, or reappointing him for a further five years. This might be a wise provision.

There have been occasions in the past when such a provision was desirable; and I was involved in one concerning a very notable judge of the Supreme Court. The wording refers to the 1957 Act; if it does not, the Government would not be able to allow any magistrate now employed to carry on for another five years after reaching the age of 65 years. On the other hand, it might be the intention that only those

who are appointed after the Bill before us has been passed will be able to carry on until 70 years of age. I think what the Government is looking for is the power to permit the continuation in service of stipendiary magistrates for a further five years after the retiring age. I stress the importance, not only in this field but also in many other fields, of extending the retiring age.

There is one possibility which interests me in this regard. If a stipendiary magistrate is reappointed after he reaches 65 years of age, what will happen to his superannuation?

The Hon. A. F. Griffith: I have already explained that.

The Hon. J. G. HISLOP: I shall be grateful to hear the Minister's comments again. I did not get the real import of what he said.

THE HON. J. M. THOMSON (South) [5.33 p.m.]: I rise to support the Bill, because it provides that the Government may, from time to time, permit a person holding the office of stipendiary magistrate to continue his service until the age of 70 years.

I listened with interest to the remarks of Mr. Wise and Dr. Hislop regarding the advisability of retaining the services of stipendiary magistrates beyond the age of 65 years. I have no quarrel with what they said, except this: What effect will this Bill have upon the younger men who are undergoing courses of study for these positions? Will their appointments be delayed as a result? I shall be pleased to hear the comments of the Minister on this point. I assume that some people will be affected in some manner by the passage of this Bill.

I would like to know whether it is the intention of the Government to expand the magisterial districts so that the young people who are in course of training, or who have been trained and are awaiting appointment, will be absorbed. The Minister did point out that many applications were received for the positions of magistrates in the metropolitan area and in the lower part of the South-West Land Division of the State, but difficulty had been experienced in obtaining applications for these positions for the northern part of the State. I am concerned with those who are taking courses at the University. If they were to accept appointments to the northern part of the State they would be placed at a great disadvantage in pursuing their studies. I support the Bill, because it provides that the Minister may extend the services of stipendiary magistrates beyond 65 years of age.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.37 p.m.]: Perhaps I could reply to the comments of Mr. Jack Thomson first. There will be more opportunity for magistrates to be appointed, for the reason that the community is growing. If members peruse the schedule to the 1957 Act they will see that the officers were named, as Mr. Wise said, and there were 17 of them.

The Hon. F. J. S. Wise: Some of them have retired since.

The Hon. A. F. GRIFFITH: Some have retired, some have died, and some have nearly reached the retiring age. At present there are in this State 24 stipendiary magistrates, and it has been my desire to appoint younger men to these positions for the reason that they can serve the community for a longer period. The appointees take these positions on the bench as a full-time occupation, and seldom do they return to private law practice. In reply to the point raised by Mr. Jack Thomson, I can say there will be great opportunities in respect of these appointments as the community grows.

The honourable member also asked whether it was intended to extend the magisterial districts. Rather than extend them, it is the intention of the Government to reduce them. That comes about with the building of courthouses and police stations in various parts of the State. The Crown Law Department and the Police Department act in close co-operation in the establishment of those institutions.

Where the Crown Law Department considers there is a need for a courthouse, it consults the Commissioner of Police to determine the requirements of the police. The two departments build courthouses and police stations in conjunction with each other, wherever that can be done. This is the most economic method of building. In many centres throughout the State new courthouses have been built; and, as the business in a court increases, a permanent clerk of courts is appointed. Then a magistrate visits that centre at regular intervals. As time goes on, the strength of the stipendiary magistrates will have to be increased beyond the existing 24.

I cannot say accurately whether the 1957 Act resulted in younger men applying for these positions. When I take into account the men who were appointed to the magisterial bench in the last two or three years, I would not think that has established itself as a fact. However, there are a number of young men on the bench who have been appointed since 1957. Added to the strength of the magistrates are three or four quite young men.

Some of these appointees have been sent up north. These men hold very responsible positions. They have to fulfil an important function in many respects in the northern towns and in remote parts of the State. It is essential to have these officers in those localities.

The Hon. F. J. S. Wise: They have given great service.

The Hon. A. F. GRIFFITH: Indeed they have. Of course, the services of justices of the peace are used to a considerable extent.

The Hon. F. J. S. Wise: And overworked.

The Hon. A. F. GRIFFITH: I do not know whether they are overworked. I do not want to enter into a controversy in respect of the criticism which has been levelled at justices of the peace, except to say that I do not agree with the criticism. They, too, do an excellent job in the administration of justice.

Regarding the point raised by Dr. Hislop, there is no need to worry, because the Public Service Act at present provides, by an Order-in-Council, for the retention of the services of a public servant after he has reached the age of 65 years. What the Bill does is to insert in the Stipendiary Magistrates Act a similar provision. If a stipendiary magistrate carries on after he has reached 65 years of age, he will not, while he remains in service, be able to draw the pension to which he is entitled. He will continue to contribute after turning 65 years of age, in order to earn a slightly higher pension when he retires.

The Bill has been framed on the basis that a magistrate, on reaching 65 years of age, may be invited to remain in office. This has been done for a fairly obvious reason. It may be that not every magistrate will be required to carry on; it may be that not every magistrate will want to carry on; but if there is, on the one hand, a requirement, and, on the other hand, a willingness to accept, then the method of expression in the Bill will cater for the situation.

With respect, I do not agree with the interpretation of Mr. Wise on the wording of the Bill. The short title states, "This Act may be cited as the Stipendiary Magistrates Act Amendment Act, 1965." The 1957 Act was entitled "The Stipendiary Magistrates Act, No. 17 of 1957," but this repealed the Stipendiary Magistrates Act, No. 30 of 1953.

The Hon. F. J. S. Wise: I said that.

The Hon. A. F. GRIFFITH: The Stipendiary Magistrates Act and this Bill when passed will, together, become the Stipendiary Magistrates Act, 1957-1965. This Bill—and the provision in clause 3—will, when it is assented to by the Governor, become part of that Act. In relation to what the Bill does, or intends to do, from the day the Governor gives his assent, it will enable a person who is serving on the magistrate's bench and who has reached 65 years of age, to continue in his office. I do not think there is any doubt about that. Perhaps the honourable member will argue with me about this further in Committee. Maybe you, Mr. President, can throw some light on this. When this Bill is assented to it becomes an Act.

The Hon. F. J. S. Wise: And part of the 1957 Act.

The Hon. A. F. GRIFFITH: Yes. What we are trying to do is to give the Governor the power to allow anyone who attains the age of 65 after the passing of this Bill to carry on. We are not seeking to go back to 1957. We have provision for that now, but from this day henceforth we want to be able to keep these people on.

That is the way I see it. I do not think there is anything I have not answered. This may be the subject of further debate, but I have answered the points raised and I am grateful to members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 5A added—

The Hon. A. F. GRIFFITH: I have had a doubt registered in my mind now in relation to this. I think I had better report progress.

The Hon. F. J. S. Wise: I would like to say a few words before you do.

The Hon. A. F. GRIFFITH: Very well.

The Hon. F. J. S. WISE: While I did not object at all to the passing of the second reading, I did by way of interjection ask the Minister not to proceed because I was not sure—and am not sure—of the position; and it is my responsibility to draw attention to something which I think is not clearly specified. I always attempt to accept that responsibility.

In spite of what the Minister said, this is a Bill of 1965 and it will become an Act of 1965. In any reprint of this Act there will be incorporated the new section 5A and there will be nothing to indicate, not even perhaps a marginal note, that the section 5A was inserted by an amendment in 1965. It is a matter about which we should be sure; but I am not raising it in a finicking sense.

The Hon. H. K. WATSON: I think the clause does cover the point made by the Minister, but it is worth mentioning that not infrequently with a clause of this nature, a further clause is inserted in the Bill reading something like this—

> The amendment effected to the principal Act by this Act shall be deemed to have been made on the 1st December, 1957.

This makes it clear beyond any doubt.

The Hon. A. F. GRIFFITH: I appreciate the fact that Mr. Wise has raised this matter, and I would like an opportunity to be better advised on it. I am sure the Bill gives effect to what we want.

The Hon. F. J. S. Wise: I think that is so.

The Hon. A. F. GRIFFITH: It does not relate to a man appointed under the 1957 legislation; because, as I said, there has been only one man appointed, and that was not under this Act. He was appointed by my colleague, the Minister for Child Welfare. Therefore I know this does not in fact alter the situation, because we have not got such a man.

What I am anxious to ensure is that every magistrate we now get—not in the category dealt with by the 1957 legislation—is able to carry on. As it is obvious we will be sitting after tea tonight, if we report progress until a later stage of the sitting I can, during the tea suspension, consult the draftsman.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by The Hon. A. F. Griffith (Minister for Justice).

(Continued on page 448)

HEALTH ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 18th August, on the following motion by The Hon. G. C. MacKinnon (Minister for Health):—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North-East Metropolitan) [5.54 p.m.]: This Bill is one which seeks to amend the Health Act to strengthen the powers, in the main, of the Perth City Council, to overcome a problem which arises when a house owner is ordered to have his house connected to a sewerage system. At the moment if an owner does not comply with the order, the local authority may prosecute for failure to observe the order.

There is no other course open. If a sewerage system is available it should be used, because it is certainly a great benefit from the point of view of public health alone for the sewerage system to operate rather than the pan system. Obviously in an area such as the City of Perth the pan system must be used very little, and therefore it must be becoming a very expensive service per house.

This Bill has been introduced to enable the anomaly to be overcome. However, in my opinion, another anomaly has arisen. According to the Bill if the owner does not have the work done himself after having received an order to do so, the local authority may have it done and then recover from the owner, in court, the full amount of the expenses incurred. I believe that is contrary to the intention of the Bill and contrary to the explanation given by the Minister. Proposed new subsection (5) on page 2 of the Bill reads—

> (5) The local authority may recover from the owner in any court of competent jurisdiction the full amount of the expenses incurred by it in constructing and providing such drains and fittings and connecting such drains to the sewer pursuant to subsection (4) of this section, with interest at a rate, if loan moneys are expended in carrying out the work, not exceeding by more than one-half per centum the rate of interest payable on the loan but otherwise at such rate as the Minister may approve, and such amount and interest shall be and remain a charge upon the land in respect of which the expenses were so incurred, notwithstanding any change that may take place in the ownership of that land.

The first three lines of that new subsection are the important ones indicating that the local authority can recover the costs from the owner.

The Hon. J. G. Hislop: Did you say this applied only to the Perth City Council?

The Hon. W. F. WILLESEE: I did, because it was mentioned by the Minister.

The Hon. G. C. MacKinnon: That was merely an example. The Bill itself will have a more general application.

The Hon. W. F. WILLESEE: As I was saying, the local authority may recover the expenses from the owner. If this is the case, a pensioner will be denied the right he has at the moment with regard to rates. He is at liberty to have the debt funded until such time as he dies, whereupon the property will be transferred to a new owner.

I wondered whether there should be an insertion of the words, "unless such person be a pensioner"—or words to that effect—after the word "owner" in the proposed new subsection (5). That would clearly indicate that if a pensioner were involved the order could be made and the work carried out, but there would be no recovery of expenses until such time as the property had a new owner.

That is the only point I feel is not clear, but I have not attempted to draft an amendment because I feel that the Minister will study the matter and, if he sees merit in it, will have it amended himself.

THE HON. R. H. C. STUBBS (South-East) [6 p.m.]: I feel that the Bill should be supported. It contains the usual wording that appears in the Health Act, except that section 81 is to be amended to require

the connection of properties to sewers. Section 81 is subject to 72, and this means that if sewerage and drainage lines are completed, the local authority can expect the householder to comply with an order to connect.

The usual procedure has been to serve notice on the owner, but this is not a very satisfactory situation. The Act provides that if the owner does not comply with the notice, he can be fined £20. I think section 360 of the Act provides for that fine; and, in addition, there is a maximum daily penalty of 40s. The daily penalty could go on for a long time, and the householder or the owner would be liable for that amount of money in addition to having to meet the cost of what the health inspector or the local authority required to be done.

This measure will simply mean that if an owner does not, on the service of the notice, comply, the local authority will have the power to do the work and recover the money. The local authority, I expect, will advise the owner of the cost, and the owner will then make some arrangement to have the payment deferred so that the amount may become a charge on the property; or he will pay it, according to his circumstances; and I think this is a pretty good thing.

As members can imagine, there is, as the Minister said, a sprinkling of pan services around the metropolitan area. Some people comply with local authority orders and connect to a sewer, but others do not. Therefore we have the disgusting pan service operating amongst houses that are connected to a sewer. Fly-conscious people do not like that sort of thing.

The proposition contained in the Bill is a pretty good one. After all, the health inspector is not seeking to have fines or daily penalties imposed; he wants a connection made in the same way as others have made it; and, if pensioners have not the money, the obvious thing is to assist them by having the connection made.

Sections 36 and 37 deal with aggrieved people—people who have a grievance against the local authority because of something it has done. Under section 36 such people can appeal to a magistrate, and under section 37 they can appeal to the Commissioner of Public Health. I think they are amply protected, and I support the Bill.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [6.3 p.m.]: I am very grateful to Mr. Willesee and Mr. Stubbs for their remarks in support of the measure. None of us likes the attitude of compulsion, but sometimes it is necessary in order to give the sort of protection that we require; and in this way it is quite simple at times for one to find that one is rather confused.

Although Mr. Stubbs adequately explained the position, I think that perhaps by adopting a system of deletion of verbiage we can read proposed new subsection (5) in this way—

> The local authority may recover the full amount of the expenses incurred, and such amount and interest shall be and remain a charge upon the land in respect of which the expenses were so incurred.

If members read it in that way—that is, taking out certain phrases which are explanatory—then I think they will find this provision falls into its proper perspective.

The word "recover" in this context, is used in the sense of clearly defining the money actually owed; but that money then becomes a charge upon the land, just as is allowed for in the Local Government Act. From memory I think we empowered local authorities to compel persons to connect to a sewer; but when we empower local authorities to so compel persons, then we must protect those persons in case they should find themselves in an impecunious position; and, under the Local Government Act, a person who is in receipt of an age pension, an invalid pension, or a widow's pension, and so on, may claim to be exempt from liability for the payment of rates or charges under the Act in respect of land of which he is in occupation as owner.

Those charges remain charges upon the land; and, in the case of disagreement as to the amount, it becomes necessary for the local authority to take legal action for recovery of the debt; but, once the amount is decided by legal procedures, it then becomes a charge upon the land. Like Mr. Stubbs, I am quite sure that the provision in the Bill is perfectly satisfactory in the present context, and I would refer members again to a reading of it taking into account the deletion of some of the explanatory words.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. G. C. MacKinnon (Minister for Health), in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 81 amended—

The Hon. G. C. MacKINNON: I regret that when I was discussing the Bill I failed to thank Mr. Willesee for phoning me and asking me about this matter. As a result of his phone call I was able to carefully examine this point and get an accurate ruling upon it, and so was able to deal with it without in any way misleading the Chamber.

The Hon. W. F. WILLESEE: I thank the Minister for his explanation. If he is happy with the situation, then so am I. I just say this in passing: If we have to gain a complete understanding of the clause by deleting portion of it when we read it, it would be much better if that portion were not included at all.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Sitting suspended from 6.10 to 7.30 p.m.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 18th August, on the following motion by The Hon. L. A. Logan (Minister for Town Planning):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [7.30 p.m.]: This Bill proposes to amend two sections of the Metropolitan Region Town Planning Scheme Act, 1959-63. It really contains only one principle or desire, which is to give to the local governing bodies involved in their own plans and schemes a period longer than that now statutorily provided —a period of one year—in which to submit their plans. The proposal is that the period should be extended to three years.

I can appreciate that there are cases, especially those instances mentioned by the Minister in this House, where from time to time the boundaries of local governing bodies merge and where there is a lot of consultation and agreement necessary before they can finally endorse plans and submit them to the town planning advisory authority. Indeed I know of some local governing bodies that have had to amend their plans following consultation not only with other local governing bodies, but with State instrumentalities, where power, water, sewerage, drainage, and other facilities were involved.

This matter is one that may, according to my reading of the Bill, be extended even beyond the three years set out, so that three years will not be the final period of latitude allowed in the submission of a plan to the town planning advisory authority.

Members will find that section 35 of the Act is rigid and states that where local authorities do not apply, or observe, the provisions for the period of one year, it is necessary to give six months' notice of their desire to have the time extended. I am wondering whether this provision is going too far—the enabling of a further application for an extension of time—and whether the provision should not be more rigid; and I wonder whether it should be regarded in the light of fresh planning for new requirements according to the needs of local governing bodies, rather than to give them a sort of Kathleen Mavourneen arrangement year after year.

The town planning authority of the metropolitan area certainly is distinct from the part of the operations of the Town Planning Board under the town planning Act. If you would allow me to digress for a moment on that point, Mr. President, I would like to say that I am very concerned that the town planning authorities have spread their activities—with valid authority I admit—too far and too wide. We of the north, for example find it a bit irksome and frustrating that subdivisions in places like Halls Creek have to be approved. I do not know whether you have been to Halls Creek, Sir, but even that has to be town planned.

Wyndham, of course, has been the subject of intensive town planning. The new town at Three Mile could not be finally surveyed until many titles were forfeited. The delays that have occurred in regard to compensation for forfeited land, and for recompense in lieu, have been frustrating, annoying, and worrying. The Minister knows that is so.

I know of a case where public buildings, in use by the public are constructed on areas of land held by title in someone else's name, because exchange has not been completed even after three years. Those things are very disturbing. Church authorities and school authorities are involved to a very disturbing extent. I do not think that Marble Bar, Halls Creek, or Nullagine, need to be planned rigidly as is provided in the legislation of today.

I also think it is difficult in the case of subdivisions of pastoral and farming land. Pastoral members of this House will know that if they have an area far exceeding their need—it may be a 5,000 acre property, where an economic unit in the region might be 1,000 acres or 1,500 acres—they cannot take off 1,000 acres or 1,500 acres without the approval of the Town Planning Board. Is that necessary? Is it not cluttering up our authorities with an enormous amount of work to be performed by skilled officers, who are hard working people—and hard worked people—in matters that could be left, in my view, to local governing bodies?

I think the Town Planning Board, in a general sense has made an enormous and remarkable contribution to meet the public demand in its very wide activities. But I think it is making a rod for its own back in not making it simpler for the general community because of the many things it must undertake and in which it must have a finger and which I think go far beyond the original intention of the powers invested in it. The Town Planning

Board has greater authority and greater power than perhaps any other instrumentality in Australia. It has enormous powers, and its own decisions can frustrate, embarrass, and almost humiliate members of the public if its actions are not quick, decisive, and just.

I know the Minister must get many complaints from many members. The Minister, one must concede without any reservation, will exert himself to see that a particular plan is examined speedily. But that is not the point I am raising at the moment. The point I am raising is that the spread of activity of the town planning board and its ancillaries has gone so far and wide that even if its staff were doubled it would be difficult for it to keep up to date the many pressing decisions expected of it.

In a small sphere in the town planning authority, as distinct from the wider ambit of the whole board and its operations, it is obvious that delays are inevitable, otherwise we would not have this Bill before us. The City of Subiaco, or the town of Gosnells—any of them—are so pressed nowadays in the subdivisional world, where so many things have to be examined to see they do not conflict with public works requirements, or with State instrumentality needs, that they must perforce be examined side by side with much future planning.

All that is very proper, but it must cause great stress to those people who have not dozens or hundreds, but thousands, of individual matters to consider month after month. I would like to see less stress placed on the requirements of the minor things to which I have referred, such as the town planning of Halls Creek, or the subdivision of a lot east of Mukinbudin. What does that matter in relation to town planning? I do not think it matters at all. If there is a subdivisional requirement at Mukinbudin it must be referred to the Mukinbudin Shire Council; and the town planning board must give its decision to have a subdivision by survey.

I do not know whether the Minister can take some action to ease that situation, both for the general public and because of the strain it must bring upon the board itself. I care not whether it is someone near Augusta, Denmark, or Narembeen; they are all affected if one wants to take from one's land a certain area which would be a livable area, and which would be approved. So why have the extra obstacle?

I think the proposal as such, and confining it entirely to the requirements of the Bill, is completely justified. The case explained by the Minister was properly presented, and I feel the local governing bodies and the town planning committee both need the added time. But I would not like to see the time extended, by application, to a period exceeding three years, if that can be avoided.

THE HON. H. C. STRICKLAND (North) [7.45 p.m.]: I support the measure, but in doing so wish to make a few observations that have come to my notice during the last few months. Members might recall that late in the last session we had one of these measures before us and I mentioned at the time that some consideration might be given by members to the provisions of this Act and the part of the Public Works Act that applies to valuations for properties which are acquired or compulsorily resumed.

In the meantime I have had some experience of certain cases, and I have given my expression of last session some considerable thought. In my opinion the Government should set up a special valuations court to deal with valuations of properties which are compulsorily acquired by the Government for Government purposes.

It is not possible for a private member such as myself to introduce a Bill to amend the Act in that manner, because it would impose a charge upon the Crown. Therefore I suggest that the Government give serious consideration to the matter, for the reasons I have observed. Under the existing legislation, a person's property is compulsorily acquired or resumed. I will call that person a victim, because in lots of cases he is not prepared to negotiate the sale as he wants to hang on to his land, and the stage is reached where the Government is forced to resume it. Therefore I say the landholder in that case is a victim.

The procedure under the existing legislation is that the victim is told through the *Government Gazette*, and by correspondence from the Public Works Department, that his property is to be taken over on a certain date—actually from the date of the gazettal of the notice of resumption—and the property owner is then asked to place a valuation on the property which is to be taken over.

The PRESIDENT (The Hon. L. C. Diver): Order! Will the honourable member please couple his remarks with the contents of the Bill. This Bill is dealing with an extension of the period of the compilation of a town planning scheme by a local authority, and the honourable member is referring to valuations. I would like him to couple his remarks to the Bill.

The Hon. H. C. STRICKLAND: I will certainly endeavour to do so; but I was under the impression that according to the second reading, this was a Bill which affected resumptions and acquisitions, a subject that members would be entitled to traverse.

The PRESIDENT (The Hon. L. C. Diver): Order! If the honourable member's remarks are coupled to the Bill they will be all right.

The Hon. H. C. STRICKLAND: The Bill states, "The Act may be cited as the Metropolitan Region Town Planning Scheme Act Amendment Act, 1965," and it is an Act to amend the metropolitan region town planning scheme. Because of the provisions of the Constitution, I am unable to amend the Act in the way I wish, and I am pointing out to the Council that it would need a Message from the Governor to move this amendment; and only the Government can obtain such a Message. I thought that if I made a suggestion and supported it with some practical evidence, the Government might give some consideration to my suggestion. I was of the opinion that any acquisitions that are gazetted as being for the purpose of the scheme would come within the jurisdiction of this Bill.

Therefore I thought the Minister might be pleased to hear of some things which are occurring under the metropolitan town planning scheme and which are, in my opinion, awry and unfair. I suggest that a valuations court be set up instead of the procedure which applies now, whereby a person can appoint an umpire or can appeal to the local court or the Supreme Court and finish up in the Privy Council if necessary. In my opinion that set-up precludes a small property owner from approaching any court which is approachable under this Act and its complementary Act, the Public Works Act.

People whose property is resumed under the Metropolitan Region Town Planning Scheme Act are not, in my opinion, given a fair go in relation to valuations. It so happens that a person would engage a valuer of repute; he would try to obtain one of the reputable firms of valuers in this State—the best known—and would get a valuation. The Government would then respond with a valuation from another source—the Taxation Department. I venture to say that no property holder in the metropolitan or suburban area would sell his property at the taxation value.

The Hon. F. J. S. Wise: They would not challenge the value for tax purposes.

The Hon. H. C. STRICKLAND: The first responsibility is that of the land resumption office; so it is taken away from the Minister controlling the metropolitan region town planning scheme. The responsibility comes under the Public Works Act and under the Minister for Works, and not under the Minister for Town Planning, who is in this House.

When a person learns of the taxation value, he gets a shock. So he engages a reputable firm of sworn valuers and the reputable firm rejects the Government's valuation, which is signed by the Minister for Works, as it is under his authority. The alternative then is, as I have said, to engage a sworn valuer—a reputable one—so there will be no arguments. A person I have in mind engaged one which the Government itself at times engages, and the valuation was made and presented to the Government.

The Government immediately engaged another sworn valuer, under the Transfer of Land Act, to put a valuation on this land which was being resumed for the regional town planning scheme. The valuation of that sworn valuer was only two-thirds of the victim's valuer's valuation. There we have two reputable firms of sworn valuers of very long standing in the City of Perth with a difference of opinion of 33⅓ per cent. Which one was right and which one wrong is not for me to say; but the situation is rather amazing. It must be remembered that one is valuing for the victim and the other for the Government, which is seizing the property.

In situations such as this the only alternative for the landholder is to go to court. However, as I have said, a person with a block of land cannot approach the court, because the Government can simply keep appealing until it gets to the Privy Council. How does one get there? That is how the scheme stands today as regards valuations in respect of the regional town planning scheme.

Therefore I suggest that a special valuations court be established and all persons whose land is being compulsorily resumed for the metropolitan region town planning scheme have free access to it. After all, it is the Government that is taking away a person's property; and the Government should supply the avenue whereby the loser of his property can satisfy himself that he has at least had a fair valuation. It would be a fair valuation, because the court would have the experience and the record of each valuation in the areas where properties were being resumed. It would have concrete evidence on which to place its valuations.

Under the present system, when the town planning authority resumes land, its officers will not tell landholders the valuation which they have placed on adjacent properties. The Minister also refuses to divulge the information. Is that fair? To ease the minds of those people, they should know that they are getting value for their blocks. If they knew they were getting as much for their property as people living alongside of them, they would be satisfied. However, when the department concerned and the Minister controlling the department refuse to divulge such information, it is very difficult for a person to know whether he is getting the basic value or a fair value. People might consider they are getting a fair value; but are they getting the true value that Parliament decided the people should get when the metropolitan region scheme was first introduced? I will call it the Stephenson Plan to get around it more easily.

Each session we have had one or two amending Bills in connection with this particular Act, each one edging a little bit here and there, trying to improve the Act; and on almost every occasion the Minister has been asked questions in relation to valuations and what people are entitled to receive for their land. He has always said that the people would receive the value of the land at the time of acquisition. In fact, two years ago Parliament wrote it into the Act. However, when it is impossible for a person to find out the true value of the land surrounding him, how the devil can he satisfy his mind that he is getting a fair go?

So, I suggest to the Minister that he give very careful consideration to the proposition and that it should at least be discussed among Government Ministers to see whether some more satisfactory position cannot be created. It should be; that is fair and reasonable. We believe everybody should have a fair go. I point out that under the present set-up it is impossible to get satisfactory answers.

I know of two cases where people cannot get past the Land Resumption Office and cannot get any satisfaction in relation to the surrounding properties to know whether the valuation is all right or not all right. I know they suggested that the matter might be discussed with the Minister and perhaps with the Premier. Their idea was to suggest that the Government might make a test case and agree that it be taken to the court under the present legislation, so long as there was some guarantee that it would not be taken to a further court on appeal, and in that way preclude the landholder from carrying on with his appeal. However, the Minister and the Premier refused to have anything to do with an interview on the matter.

So, it is thrown back to the land resumption officer, and he—he, and he alone—makes the final decision as to what a person is to get the property which the Government has taken from him. That is the position, and it is very unsatisfactory. I am not saying that the price being paid is not a fair price in relation to what the person paid for the land; but I do say that the 10 or 12 months' haggling from the time of the sending of the notice until the final decision is made is very unfair. When a property owner finally decides to accept the offer which the Government has made through its officer he should be satisfied that he is not being played against one of his neighbours, and that one is not getting more than the other for his land.

Improvements are a different proposition, but the value of the land is almost fixed and it should be uniform. Of course, generally it is uniform. I thank you, Mr. President, very much for allowing me to proceed so far. I think I have been within the scope of the Bill and you evidently think so too, because you have allowed me to proceed. I support the Bill.

THE HON. R. THOMPSON (South Metropolitan) [8.7 p.m.]: Like Mr. Wise and Mr. Strickland, I also support this Bill although with some criticisms of what has taken place with respect to the passing of the Bill, which became an Act, in 1959. Under that Act, local authorities were required to present to the metropolitan region town planning authority their plans within 12 months. Those who have had any experience with town planning schemes will know that once a town planning scheme is submitted to the authority, they might, if they are lucky—extremely lucky—get that scheme passed in another three years' time. Most people would have had some experience, I would say, of the operations of the authority.

Of course, we cannot just deal with the metropolitan region town planning authority when we look at the operations that go into the making of a scheme. One has to work in conjunction with other Government authorities that perform public functions, such as the water supply authority, the Main Roads Department, the Railways Department, and so on. It is impossible for any local authority to submit plans, have them passed, and be able to proceed. I think that the legislation which we passed has a lot of merit. It has merit inasmuch as we will have orderly planning. That we must have, otherwise we could finish up with a jungle. We could have towns spreading from the southern tip of Western Australia to the northern tip.

Schemes must be prepared; but my point is that there should be closer liaison between Government departments, not only in the formulation of the plans, but in administration. Local authorities should be assisted when the plans are put into effect.

I have got absolutely tired with one town planning scheme. I was helping the particular local authority, and I must admit that it was not blameless. The Minister knows that too. It was not blameless, because of its mistakes and inexperience, and the attitude which was adopted at times. However, we were trying to do something, and we were continually being frustrated by departments which should have been out to assist us. It could be rightly claimed that I have sympathy with the Town Planning Board in this respect that it is being severely hampered by the lack of sufficient and qualified staff. However, that point is righting itself at the present time. If more qualified staff can be obtained, it should be obtained irrespective of expense, so that landowners are not held up for long periods with respect to planning.

One has to take into consideration more than one Act of Parliament when talking of town planning schemes. I have a letter

on my office table at the moment which I have written to the secretary of the Metropolitan Region Planning Authority. It concerns a person in a residential area who has been deprived of the right to subdivide his land for five years. He applied for a subdivision five years ago, and because of the threat of resumption for a controlled access road through his property, his subdivision was approved in part, and then later withdrawn because of the threat of further resumption. I have a plan of that man's property in my hand.

Earlier this year I made further approaches to the Town Planning Board asking if some future resumption was to take place on this property. The reply was "Yes." After a lot of trouble I was able to get a plan of the future resumption. Although six months have passed since that time, that man cannot sell or subdivide any portion of his property; and, after the future resumption takes place, he will own 2.6 acres in one part of his property and 4.4 acres in another portion. That man cannot sell his property, and yet the Metropolitan Region Planning Authority has made no attempt to notify him or pay him the resumption cost of the block of land.

I will give another instance, and this is in line with what Mr. Strickland had to say. This instance concerns the continuation of the freeway. I think everyone will know that at the southern end of the freeway where it meets Canning Highway there is a tearooms. I take it that following the Stephenson report, planning would have started on the freeway and the various approaches, and it would have been at an advanced stage by 1955. The lady who owns this property has had numerous offers by interested people who wanted to buy it for the purpose of flat construction. Substantial offers, worth many thousands of pounds, have been made, and the lady concerned has been prepared to sell.

On all occasions the approaches have come originally from the people who wished to buy, but then the agents or solicitors handling the deals have suddenly dropped them cold; negotiations have been terminated and nothing further has been done. The reason is that the land is reserved for the continuation of the freeway; but is it fair that even though the plans were drawn 10 years ago, this woman should not be notified that her land is likely to be resumed? She is forced to hold on to that property because she is not able to sell it; and at no time has she been offered a price for the resumption of the land.

That may be a little away from the Bill, but the title leaves the position quite open, because it is the Metropolitan Region Town Planning Scheme Act Amendment Bill, and I consider that the subjects I am discussing are part and parcel of the metropolitan region town planning scheme. I know the Minister has many things to do, and from my experience with subdivisions and other problems about which I have had to write to him from time to time, I would say that he is doing a very good job; and he gives to these problems a great deal of personal attention. However, the fault does not lie with the Minister, and I get back to my original complaint—the fault lies in a lack of liasion between all the parties concerned.

I can recall getting letters from the Main Roads Department and the Metropolitan Water Board saying that the reason such and such had not been done was because this, that, or the other thing had to be attended to. But fundamentally the trouble is caused by a lack of liaison; and, although the departments claim that there is a daily liaison between them, I say that there is not; and it is this lack of liaison which is holding things up and frustrating the local authorities and those who are charged with the responsibility of planning on their behalf.

I support the Bill but I thought it necessary to level some criticism at what is taking place; and to conclude I would mention one other matter to which I would like the Minister to give some attention, and this concerns the Town Planning Department.

At various times I have had occasion to go to the department and ask for information and I have been told by certain officers that I could not do this or I could not do that. When I have asked the reason for not being able to do it I have been told that it is the board's policy that such and such a thing cannot be done. Yet a few months later I go back to the department, interview another officer in regard to the same sort of problem, and am told that I can do what I wanted to do. This is something I cannot understand. Who formulates these policies; and who says that such and such a thing is the policy of the board?

I am sure that all the cases I have presented have been presented in a proper way, and I would not submit them to the board unless I thought there was some justification for their being presented and there was a good chance of their being agreed to. Yet I can be told by one officer that my proposal cannot be agreed to because it does not conform with the policy of the board, and I can be told by another officer, at a later stage, that I can do it. When I ask for an interpretation of the policy, or who formulates the policy, I receive no answer at all.

Does the board place an officer in charge of a certain section and make him responsible for the planning of a particular area? Does that officer formulate the board's policy for that area; and, when there is a change of officers in that section, does the new officer formulate a different policy? I think this is something which

should be cleared up by the Minister, because I know that I get frustrated with the answers I receive and I pity the public who receive that treatment. I support the measure.

THE HON. L. A. LOGAN (Upper West —Minister for Town Planning) [8.21 p.m.]: Mr. President, you must be in a very good mood tonight because you certainly allowed a very wide field of discussion on a Bill which was introduced simply to correct an omission.

The PRESIDENT (The Hon. L. C. Diver): Order! The discussion I heard this evening was, in my opinion, in order for in the determination of a town planning scheme it is necessary, from time to time, for the people concerned to agree regarding subdivisions; and, unless they do, no town planning scheme can be presented to the Minister.

The Hon. L. A. LOGAN: If the Public Works Act is part and parcel of the Bill which is before the House—and that is to what I was referring—then I cannot understand it. I fail to see how it is, but I bow to your ruling, Sir.

The only provision in the Bill which was raised was during Mr. Wise's speech, and that was in regard to the necessity to make an extension after the three year period. That was the only issue covered by the Bill which was raised in the debate, and it is the only provision in the Bill. It is to correct an omission because the City of Perth was left off the schedule, and because it was necessary to provide for an extension of time for local authorities to present schemes in conformity with the regional plan. That is all the Bill proposes to do.

Like Mr. Wise I realise there are not sufficient private planning experts available for the local authorities to employ to carry out the work that has to be done. I think there is only one person outside of the departmental officers, and one other firm which is doing a little work in this regard. Therefore, most of the work has to be done by the local authority officers themselves, and they rely on the advice and assistance they can get.

Up to a point Mr. Ron Thompson was right when he said that if all local authorities were to present their town planning schemes to the department straightaway the department would not have sufficient staff to process all those plans at the one time. I quite agree with that, and so it is essential to grant an extension of time, and I have already done so because I could not do otherwise.

The Hon. R. Thompson: You would not know what to do with them if you got them.

The Hon. L. A. LOGAN: It would not be any good giving them an extension of time if they did not require it. I would like them to get their schemes into the department as quickly as possible, and I certainly would not give them an extension of time if I thought they were shirking their duty. I could say, "You will not get a further extension of time," or at the end of three years I could say, "You can do that scheme in six months or else we will do it at your expense." But we would rather not do that sort of thing.

The Hon. F. J. S. Wise: But you have not done that so far?

The Hon. L. A. LOGAN: No; it would not be fair to do it in the present circumstances. That power is there if required, but I think the provision in the Bill will be sufficient.

The Hon. R. Thompson: If you had sufficient planners it might be cheaper in the long run for the local authorities to have their plans done in that way.

The Hon. L. A. LOGAN: Our difficulty is to find sufficient planners with enough ability to do this work which the Town Planning Department and the Metropolitan Region Planning Authority are supposed to do. I think members will appreciate that the Metropolitan Region Planning Authority uses the town planning officers to do the work for it. This has been a long slow process and we have been doing everything possible to encourage town planners of class and ability to come here, and we have just about reached the stage where in my opinion we have a very efficient Town Planning Department.

It is my aim to set up within the department a proper subdivisional section which will have control of all subdivisions in the metropolitan area. It is also intended, when this proposal is finally completed, that the metropolitan area will be divided into four sections, and at least one officer in each of those sections will be responsible for liaison with the local authorities concerned. I think this will help considerably and will reduce the number of appeals which come to me as Minister. The same would apply to whoever was Minister in charge of the department.

However, we cannot get away from the fact that this department is mainly a co-ordinating agency, and it has to deal with the Metropolitan Water Board, the Sewerage and Drainage Department, the Main Roads Department, and the Health Department, so far as the water table is concerned; and it is of no use individuals going to these departments and trying to get something done. It is the Town Planning Department that does all the co-ordinating, and I know this creates delays. However, I am fearful of what would happen if local authorities were given the right to permit subdivisions without having the information that these departments I have mentioned can give. I think the whole arrangement would end up in a shambles.

The Hon. R. Thompson: In the metropolitan area, I agree.

The Hon. L. A. LOGAN: To a certain extent the same thing applies in the larger country towns, and even in some of the smaller ones, too, because some of the local authorities concerned do not take sufficient care, or do not go into the matter deeply enough when they approve of some subdivisions that are requested in their districts.

The Hon. R. Thompson: But the point raised by Mr. Wise—

The Hon. L. A. LOGAN: Mr. Wise mentioned Halls Creek. Maybe it was only a matter of form, but we have to bear in mind that that has nothing to do with the regional scheme. We are now dealing with town planning legislation which has been in existence since 1928, and since that date the legislation has been part and parcel of the process.

The Hon. F. J. S. Wise: But things that should be regarded as purely formal can become matters of some moment in some hands.

The Hon. L. A. LOGAN: I have not had a great deal of trouble from places like that. The honourable member mentioned Wyndham and the town planning there. I think it is essential that the Three Mile area be planned.

The Hon. F. J. S. Wise: It had to be redesigned.

The Hon. L. A. LOGAN: Yes; but when it is a question of resumptions, that has nothing to do with the department. That is out of our hands and the resumptions go to the land resumption officer.

The Hon. F. J. S. Wise: But town planning could not proceed without resumptions.

The Hon. L. A. LOGAN: That is quite true, but the Town Planning Department does not deal with that aspect; the land resumption officer deals with it. I think I could say that I have seen notes on all the negotiations that have taken place in regard to every piece of land which the metropolitan region authority has purchased through the land resumption officer. The notes are in the form of minutes on the files, and I know exactly what goes on, and I would say without fear of contradiction that there has been very little trouble in regard to the final valuations.

I saw a case the other day where the valution by the land resumption officer was £3,000, the Taxation Department valuation was £2,800, and the owner's valuation was £17,000. That is not uncommon, and so it is no wonder that negotiations take up to 12 months in some cases. I have also seen cases where the sum paid to the owner has been greater than the owner's price. That might appear strange, but it is a fact. At one stage the authority was inclined to pay the owner's prices, but I said if it considered it was not in a position to know the true value, then the value would be the price determined by the valuers.

From the country point of view, when I took over this portfolio no particular officer was engaged on country work, and this work is tied up with the rest of the work being done in the department. At present there are four officers engaged in country work, one of whom is Mr. Taylor, who is a very hard worker, and we were lucky to obtain his services after Mr. Haig passed away. With the build-up of the country section we can look forward to some improvement in this regard.

This method has been in use since 1928, and it has been applied throughout the State. In various places there are problems which the normal person would not appreciate unless he saw the process. In regard to the smaller cases, if the applicant approaches the local authority and the local authority considers the proposal to be in order and is prepared to pass it to the department for assessment, that might be the shortest way out. There is no reason why we cannot work along these lines, where the owner obtains the approval of the local authority concerned prior to sending forward his application for subdivision. We could work along these lines for the benefit of all concerned.

This Bill has been introduced to rectify an omission, and to extend the period of time. I think Mr. Wise will, on reflection, agree there are sufficient safeguards in the Act. If those concerned are not attempting to do the job, we can put the screws on by saying, "If you do not put it up within six months we will do it for you." That would be a sufficient safeguard.

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.

STIPENDIARY MAGISTRATES ACT AMENDMENT BILL

In Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clause 3: Section 5A added—

The DEPUTY CHAIRMAN: Progress was reported after the clause had been partly considered.

The Hon. A. F. GRIFFITH: I have received advice on this clause. I apologise to the Leader of the Opposition, because he was correct in what he said, and I was wrong. Not only was I wrong once, but twice. The interpretation of this

clause is as stated by Mr. Wise. Nevertheless there is no need to alter the wording, because the clause fulfils the purpose desired. The term "where any person appointed after the commencement of this Act" applies to the 1957 Act. The new provision sought to be included in clause 3 will apply to any magistrate who attains the age of 65 years, and who was appointed after the 1957 Act came into operation.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

TUBERCULOSIS (COMMONWEALTH AND STATE ARRANGEMENT) BILL

Second Reading

Debate resumed, from the 18th August, on the following motion by The Hon. G. C. MacKinnon (Minister for Health):—

That the Bill be now read a second time.

THE HON. R. THOMPSON (South Metropolitan) [8.37 p.m.]: I think members will readily agree to this measure, which seeks to validate a 10-year agreement first passed in this Chamber in 1948, subsequently validated in 1958, and now to be validated once again.

In the little time I had to examine the Bill, I found this agreement resulted from a conference between the then Commonwealth Minister for Health (Senator McKenna) and the State Premiers, to bring about some uniformity in the control of tuberculosis in Australia. The measure was passed in this House and was put into operation.

The main problem which confronted Western Australia at that time was the insufficiency of hospital accommodation should too many cases of tuberculosis be detected. It was fortunate that in this State we did not have very many cases, as was the experience in many countries of the world. We heard enough to warrant the course of action which was taken in 1950. So that the Act could be put into effect in conjunction with the Public Health Act, it was necessary to alter the latter by introducing an amendment requiring certain classes of people to subject themselves to compulsory X-rays.

The Minister should be thankful that he was not in charge of the Health portfolio at that time, because the measure then introduced created a great deal of discussion. It was not along party lines; and although that was only 15 years ago, there was a true spirit of review in this House. The objection raised against compulsory X-rays was that compulsion should not be imposed on the individual.

From reading the excellent speech which Dr. Hislop made at the time, one can see that he rightly foreshadowed that the methods used then for the control of tuberculosis would be outmoded within a few years. His prediction came to pass. Very shortly after the passage of the parent Act different forms of identification of T.B. carriers and sufferers were used. From memory, the first was the Mantoux test; the next was the B.C.G. test; and later we saw the treatment of T.B. changing completely.

In the 1940s and in the early 1950s the main treatment for tuberculosis was to collapse the lung for an extended period, but this method did not bring success. The next method gave a greater ray of hope to T.B. sufferers, by the use of a chemical with the abbreviated name of P.A.S. This chemical, in conjunction with a drug known as isoniazid certainly cured more people than the older method. Then the wonder drug—streptomycin—came along, and this was responsible for the large decline in the disease.

In his remarks, the Minister pointed out that in a 16-year period, from 1948 to 1964, the death rate per 100,000 of population fell from 30.5 to 2.5. There was much wisdom shown by Western Australia in taking the lead in the control of tuberculosis, inasmuch as this State is now the leader in Australia, and possibly in many parts of the world.

Earlier I pointed out that one of the fears held by some members when the parent measure was under consideration was the lack of hospital accommodation to cater for patients if too many tubercular cases were detected. The fact that in one year some 530-odd cases were detected was one of the reasons that the Government of the day saw fit to build the Hollywood Chest Hospital, now called the Sir Charles Gairdner Hospital. We are very fortunate in this State in that very few cases are now admitted annually to that hospital for the treatment of T.B. The hospital has now been turned into a general hospital in which some sections deal with all types of chest complaints.

It was said during the discussion on the 1950 legislation that certain States would not adopt this compulsory X-ray system, and evidently some States have still not adopted it. That is the reason why, in this latest Commonwealth-State agreement, new paragraphs have been added as outlined by the Minister; namely, 9, 10, and 11. These stipulate that compulsory X-rays must be undertaken in the various States, and so on.

Western Australia and, in particular, those concerned in the Public Health Department at that time and up to the present, can be complimented on the

action they saw fit to take in 1950, because without compulsory X-rays we would not be in the fortunate position we are in today.

However, there is one thing I am a little puzzled about; and I spoke to the Minister privately about it, but he did not give me an answer. I refer to the difference between the title of this Bill and the title of the original agreement which, in effect, is an Act. I trust the Minister will explain that to us.

This Bill has a very unusual title which reads as follows:—

> A Bill for An Act relating to an Arrangement between His Excellency the Governor-General of the Commonwealth of Australia and His Excellency the Governor of the State of Western Australia in relation to the Tuberculosis Campaign to reduce the incidence of tuberculosis in Australia.

The title of Act No. 25 of 1958 reads—

> An Act to authorise the State to enter into, execute and carry out an arrangement with the Commonwealth respecting a campaign to reduce the incidence of tuberculosis in Australia.

However, I give my unqualified support to this measure and trust that the 50 years mentioned in the initial speeches made in respect of this legislation will be cut in half and that we may be certain that there will be no T.B. of any consequence in Australia within the next 10 years. The modern drugs we have and the ready co-operation of the people have been the main factors contributing to the improvement up to date.

THE HON. J. G. HISLOP (Metropolitan) [8.50 p.m.]: This is a measure of great interest to every individual in the State of Western Australia. It is very interesting to look at these two arrangements. As far as I can gather—I may have missed a little—the only difference in this new agreement from that of 1958 is that the Commonwealth Government insists that the State shall maintain the holding of clinics at which X-rays of the individuals are taken. Clause 9 of the schedule reads—

> 9. The State shall ensure that attendance at community chest x-ray surveys by the persons to whom the surveys extend is compulsory and effectively enforced.

The Hon. F. J. S. Wise: That is new and so is clause 11. That is all.

The Hon. J. G. HISLOP: That is right. The State has to provide a number of chest clinics. In other words the value of the chest clinics which provide the opportunity for a chest X-ray has been emphasised.

This brings forward quite an interesting story. But let me say first of all that if it were possible to have an apprentice in my practice, I would ask Mr. Ron Thompson to join me. I thought he did extremely well.

Let me talk for a moment about compulsion, because I was one of those who in the very early stages stood up against compulsion, and I still do not believe in it. I believe there is enough innate sensibility in the human being to accept something good if it turns out to be good—and that is exactly what has happened. There are quite a number of people who have not had their chests X-rayed in this State. To make it compulsory is simply to use a term.

We have almost got to the stage—in fact I am not at all sure that we have not got completely to the stage—where we say that a person should be treated compulsorily. Section 294 of the Health Act reads—

> (1) (a) When, in the opinion of the Commissioner or an approved medical officer—
>
> (i) a person is suffering from communicable tuberculosis and does not conduct himself so as to preclude infection by him of other persons, whether members of his family or not with tuberculosis . . . .
>
> and in either case is not a voluntary patient, he shall be directed in writing by the Commissioner or the approved medical officer to enter an institution as a patient for treatment.

That provision is still in the Act and it means that a person can be placed in an institution; and if someone says, "We are going to treat you by such-and-such a method because this is the only wise one," that individual has no choice.

I believe we should look right through the legislation of 1958 and alter it completely and take a lot of the compulsory provisions out of it because the compulsion has not acted. Mention was made of the fact that there were such treatments as collapsing the lungs in the early days, and I might say that I was the first person to collapse a lung in Western Australia, having learned this in Brompton Hospital in 1922. That was very effective in many cases and was the first salvation in the field of T.B. However, by the time the original legislation was introduced there had been developed a procedure which collapsed the lung permanently by the removal of the ribs. This could have been the compulsory treatment at that date quite easily; and it was not the medical profession which stopped the treatment.

The Hon. R. Thompson: As a matter of fact some of the doctors at the time were trying to make people have that operation.

The Hon. J. G. HISLOP: Quite so; and it was not the medical profession which stopped it. It was the patient in the

finish who said, "No; I have seen the results of that operation"; and they stopped it. The only salvation that remained then was that the biochemists and the drug manufacturers began to take the matter up.

I can remember that when streptomycin was first introduced it was a shocking drug. I was in America at the time, and I heard an individual record the results of the injection of streptomycin into persons suffering from tubercular meningitis. He said, "I wish I had never seen or heard of the drug." However, when a different form of streptomycin was found, there was an altered picture, and today it can be used with considerable impunity.

This was the situation that existed; and I want to point out that the choice of individuals to take some form of treatment or anything else should never be taken away from them. They should have the right, if they so wish, to sacrifice their lives with that condition; and some of them do so. Therefore I feel we can still have quite a look through this legislation and take out the compulsion. There are sufficient people wise and sane enough to realise that to have a yearly X-ray of their chest is advisable. I have seen a lot of men from the Kalgoorlie mines and not one of them has ever objected to having his chest X-rayed. They say, "Let's have it and see what's there."

The public has been so minded in the control of T.B., and I just wonder why the Commonwealth has seen fit to include a provision concerning compulsory X-rays; because although it has been made legal here, there are still individuals who have not been X-rayed, many of them just because they did not read the newspapers and ascertain when they were required to present themselves for the X-ray, and not because they had any objection. I have not had one in my own practice who has objected to a chest X-ray.

The Hon. R. Thompson: That was not in it for years, but in some of the more densely populated cities they will not go.

The Hon. J. G. HISLOP: That is so; but still large numbers do go. The organisation is very efficient, because it is possible to have it done in a couple of minutes, and a report is then sent to the person concerned and that is all there is to it. As I have said no-one in my practice has ever refused to have an X-ray.

I have based my remarks on this Bill on the fact that compulsion does not assist very greatly, and it never has done in the field of medicine. If results are produced and individuals are shown that such-and-such a method succeeds, they will adopt it. There are only a possible miserable few who desire to continue in poor health, particularly when their ailment is infectious.

I draw attention to the fact that the treatment at Wooroloo was finished by the surgeons and not by the physicians. Let me go on to say that this improvement in the treatment of tuberculosis, with research and investigation, will alter; and it will alter until such time as there are methods which will control it in a much easier manner.

I am going to take the liberty, with your indulgence, Mr. President, of reading a fairly extensive article which appears in the trade journal of a very reputable firm and which is written by a man of considerable authority. The author is R. H. Andrews, M.D., Consultant Chest Physician, Isle of Thanet and South-East Kent, England. At the commencement of the article there is a picture of a bark hut, and the caption is—

> Fig. 1. Domiciliary treatment in India. Patients treated in these poor home conditions responded as well as those receiving the same chemotherapy for a year in hospital.

That is one of the most staggering results one could possibly achieve in an illness of this nature; that is, that people living in far countries could respond to drug therapy just as if they had been compulsorily confined to an institution.

This must surely be one of the greatest pieces of progress that has ever been made. I realise that the length of time that a patient has to remain in the chest hospital is becoming less and less. Once the sputum is free from infection the individual is allowed out of hospital.

I think we have to look at the future on the basis of this article by Dr. Andrews, who says—

> Until recent years the treatment of pulmonary tuberculosis usually involved a lengthy stay in hospital to obtain what were considered the indispensable benefits of bed-rest and special nourishment. Some physicians still keep their patients in hospital for a full 12-18 months of chemotherapy, but the majority now consider it safe to continue treatment on a domiciliary basis after an initial period of three months or so as an inpatient.

If that arrangement were adopted generally, what a tremendous saving there would be in hospital care! I do not know whether or not this is accurate, but I know of patients who have gone into the Sir Charles Gairdner Hospital—males in particular—suffering from tuberculosis, and who refused to leave the institution; and apparently the hospital has little or no chance of discharging them.

The Hon. R. Thompson: There are many in Wooroloo like that.

The Hon. J. G. HISLOP: Yes. If there is even an element of truth in this article, a lot of the community's money is being

used at the Sir Charles Gairdner Hospital which should not be so used. The article continues—

> There is good evidence that modern drug treatment is so effective that most patients could be successfully treated at home from the outset.
>
> Those who favour treatment in hospital feel that it ensures a better therapeutic result by reason of more complete rest and certainty of regular medication, and that it affords maximum protection to contacts by segregation during the infective phase.
>
> Further, it is suggested that admission to hospital provides a better opportunity to secure the patient's cooperation and to educate him about his disease, and that difficulties such as drug toxicity and hypersensitivity can be more easily managed.
>
> In some of the developing countries, however, the great majority of patients have no chance of admission to hospital, and the situation has demanded investigation into the practice and merits of domiciliary treatment. Rather surprisingly, the findings have suggested that treatment at home is not necessarily inferior in any way.
>
> Thus, a carefully controlled comparison of home and hospital treatment at the Tuberculosis Chemotherapy Center, Madras, India, has shown that, provided effective chemotherapy is given, the early and long-term results of treatment at home can approach those obtained in hospital, with 90 per cent. sputum conversion rate even when conditions of environment and diet are most unfavourable and patients have extensive disease.
>
> It has also been demonstrated that the main risk to contacts of both home and hospital patients occurs before the diagnosis is made and that, once treatment has started, there is little additional risk to contacts of patients treated at home.

This is completely revolutionary in the treatment of tuberculosis. I do not think I should worry the House by reading too much from this journal, because I can make it available to members. However, it goes on to deal with hypersensitive patients, and it has this to say—

> A small proportion of patients may develop hypersensitivity to P.A.S. or streptomycin, usually within the first six weeks of treatment and in the form of a generalized rash with fever. This is rarely an insuperable problem, and domiciliary patients should be warned of the possibility and told to report such symptoms immediately.

The other aspect that interests me is that the patients have been kept in hospital purely for the reason that we, as a profession, have felt that the continuous observation of these people and the giving of tablets at regular fixed periods form the basic element for their improvement.

It might be suggested, therefore, that the individual who is treated in his own home is not so reliable in the taking of his treatment. But that does not prove to be so. The individual soon learns to take tablets; and when he feels they are controlling his disease, the whole thing becomes so much easier.

The treatment of epileptic patients is based on treatment by tablet therapy, and it is essential that these drugs be taken at fixed intervals; and they are taken. If they are not taken, the individual is likely to have a seizure. Do members think such people are going to miss taking the tablets? No; the vast majority of individuals who are ill as a result of any disease at all which can be controlled by regular therapy maintain themselves by means of that regular therapy.

This is something we should look at to see whether we can again be the leaders in the control of tuberculosis. We should try some of these measures of pure domiciliary treatment; and we are doing that now, inasmuch as once the sputum is controlled and is negative to the tuberculosis bacillus, the treatment undertaken is part of the domiciliary treatment.

If, however, we can in some cases actually try some of this domiciliary work, without hospital treatment at all, we might get to the stage where there is a considerable saving in cost to the community, and where our hospital beds could be used for other purposes.

When the chest hospital was first projected, the original number of beds regarded as essential to it was 200. It was estimated that with the number of patients that would come from Wooroloo, that was the number of beds that would be needed. Before the hospital was finished, however we realised that only 100 beds would be required; and it was not long before an agreement was made between the Commonwealth and the State Governments so that a portion of the hospital would be used as a general hospital. If I remember correctly, only the top floor of the hospital is now used for the tuberculosis patients.

This is what happens all the time in medicine. There is continual progress, and almost inevitably treatment becomes easier and easier for the patient; and that has to be the whole solution for the future. We are never, in my opinion, going to treat any disease if the treatment is something the patient cannot tolerate. If we can make the treatment more simple and still get results, the patient will be more satisfied. There was a time when patients had to absorb 36 to 40 tablets a day.

The Hon. R. Thompson: And they were nearly as big as a penny.

The Hon. J. G. HISLOP: There has been a tremendous advance in the treatment of tuberculosis by chemical means. I approve of the measure most heartily, but I do ask the Minister to have a look at this article. It is not written by a person who has no qualifications for writing it.

It might be possible to do something in a small way on a domiciliary basis to see whether we can achieve the same results as have been achieved in India, where people are undernourished and live in bark houses. Yet this domiciliary treatment has the same effect on them as if they had been given long-term treatment in a hospital.

THE HON. R. H. C. STUBBS (South-East) [9.12 p.m.]: I, too, support the measure. I shall be brief in my remarks, but I do want to give a little of the history of the tuberculosis campaign. In 1948 Mr. Chifley made a statement concerning the Federal Labor Government's plan to reduce tuberculosis to a problem of minor importance within 20 years. Members might recall that in 1947 power was conferred on the Commonwealth, by referendum, to enter into the field of health.

At that time the Scandinavian countries, Canada, and the United States of America were the leading countries dealing with this problem. No doubt the Commonwealth Government copied their methods of dealing with the question. Therefore Senator McKenna, who was Minister for Health at the time, was authorised to proceed with legislation. An interesting statement was made by Senator McKenna when he stressed that no housing problem was of greater urgency than that of housing, in isolation and in suitably-equipped buildings, those suffering from tuberculosis.

This meant that a hospital with suitable facilities and equipment had to be built. I do not intend to go over that matter again, because Mr. Ron Thompson and Dr. Hislop have mentioned it; but the crux of the question was that the Commonwealth provided the money for the building, equipment, maintenance, and so on, and the States had to seek out the T.B. patients and treat them.

It was planned to prevent the spread of the disease and to eliminate it as soon as possible. The co-operation of the Press was secured, and radio, newsreels, and so on were used to spread the gospel. Medical schools and hospitals were also asked to co-operate; and this vigorous approach to the question of the treatment, prevention, and control of tuberculosis has been very successful.

The agreement with the Commonwealth was introduced in Western Astralia on the 29th June, 1949; and this is the interesting part as I see it: In 1947 there were, in Australia, 2,261 deaths from tuberculosis. In Western Australia, with a population of 502,000, there were, in that year, 372 notifications. I understand the rate per 100,000 was 74, and the deaths registered amounted to 128. The mortality rate per 100,000 was 25.4. This is the dramatic way in which success has been achieved in this campaign. In 1963 there was a population of 773,000, and, although the population had considerably increased, the notifications were reduced to 216. The incidence of tuberculosis dropped from 74 to 27.4, and the deaths registered dropped from 128 to 13. It was most remarkable that the mortality rate per 100,000 dropped from 25.4 to 1.7.

I believe that Dr. Henzell was the first director of tuberculosis in Western Australia. I do not intend to deal with the Act, because it has been amended from time to time, and it has been adequately dealt with. I am sure members will agree that the mortality rate of 1.7 with 13 deaths is very spectacular indeed, and it is a great credit to the people conducting the campaign.

What does trouble me considerably is the pocket of tuberculosis on the goldfields. This has been there all the time, and I daresay it is probably due to the weakening effect of the lungs of the miners from pneumoconiosis. I say this because for years and years there has been a very bad pocket of tuberculosis on the goldfields, and if it were not for that pocket our State figures would be far better. To give the House an idea as to just how prevalent this disease is on the goldfields I would like to submit a comparative statement of figures. I would point out that it is compulsory for mine-workers to be examined, so the figures I am about to give are fairly comprehensive. They cover new cases for the years 1950 to 1963 and are as follows:—

Year.	New Cases of Tuberculosis.
1950	12
1951	12
1952	12
1953	3
1954	16
1955	5
1956	9
1957	10
1958	8
1959	10
1960	12
1961	7
1962	7
1963	17

It will be seen, therefore, that the pocket of tuberculosis on the goldfields to which I have referred is there all the time. As

I said before, this is probably aggravated by the weakening effect on the lungs of the miners. It is a very bad thing that this should be so, and it does not help our State figures at all. It is a great worry to me to know that there is this incidence of tuberculosis on the goldfields.

I have not been able to get the figures for 1963 in regard to migrants, but I read a report of the Commissioner of Public Health on migrants a couple of years ago, and I find that the rate amongst them is very high. So, if it were not for these two factors that I have mentioned, our figures in Western Australia would be very good indeed. The people conducting the campaign against tuberculosis are doing a very good job, and I have much pleasure in supporting the Bill.

Debate adjourned, on motion by The Hon. R. F. Hutchison.

House adjourned at 9.19 p.m.

Legislative Assembly

Tuesday, the 24th August, 1965

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