ADJOURNMENT OF THE HOUSE

MR. BRAND (Greenough—Premier) [11.27 p.m.]: I move—

That the House do now adjourn.

In moving this motion I would, with your permission, Mr. Speaker, warn members that we will be sitting after tea on Thursday nights on and from the first Thursday in November.

Question put and passed.

House adjourned at 11.28 p.m.

Legislative Council

Thursday, the 6th October, 1966

CONTENTS

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

BILLS (5): ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Wood Distillation and Charcoal Iron and Steel Industry Act Amendment Bill.
2. Wundowie Works Management and Foundry Agreement Bill.
3. State Housing Act Amendment Bill.
4. Farmers' Debts Adjustment Act Amendment Bill.
5. Country High School Hostels Authority Act Amendment Bill.

QUESTION WITHOUT NOTICE

POTATO GROWING INDUSTRY TRUST FUND ACCOUNT

Money Held and Value of Investments

The Hon. F. D. WILLMOTT asked the Minister for Mines:

Could the Minister inform the House as to the present sum of money held in the Potato Growing Industry Trust Fund Account, and the value of investments under the provisions of section 20 of the relative Act?

The Hon. A. F. GRIFFITH replied:

I acknowledge prior notice of this question for which I thank the honourable member. The reply is as follows:—

As at the 30th September, 1966:

	$
Cash at Treasury	17,018.92
Invested	96,001.74
Total	$113,020.66

QUESTIONS (7): ON NOTICE

LAND WEST OF MERREDIN

Rezoning for Industrial Purposes

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

Regarding the land west of the railway crossing west of Merredin, and continuing to the pumping station, is it intended to rezone any of it for industrial purposes in the future?

The Hon. L. A. LOGAN replied:

The initiative for rezoning lies with the Merredin Shire Council. No submission has been made for ministerial approval and I am not therefore in a position to answer the question.

KARRAKATTA CEMETERY BOARD

Funerals: Naming of Pallbearers

2. The Hon. H. R. ROBINSON asked the Minister for Local Government:

(1) Is the Minister aware that the Karrakatta Cemetery Board has recently imposed a regulation requiring pallbearers to be named at least eight hours prior to a funeral?

(2) If the reply to (1) is "Yes," will steps be taken to cancel such regulation, and thus save bereaved families from the embar-

rassing situation of contacting persons requesting them to act in such a capacity?

The Hon. L. A. LOGAN replied:

(1) No by-law has been gazetted in respect of this matter but the board has advised the funeral directors that the names of pall-bearers should be notified to the board eight hours before a funeral in order to avoid delays at the cemetery gate.

(2) As no regulation has been made, no cancellation can be effected, but the question of the direction will be reviewed by the Karrakatta Cemetery Board.

3 and 4. *These questions were postponed.*

POLICE

Merredin: Increase in Force

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

(1) What is the required strength of the Police Force at Merredin?

(2) What places are the limits of their district as served from Merredin?

(3) Is an officer on long service leave, or about to go on long service leave, from that station?

(4) Is it also a fact that relief for Kellerberrin will be taken from the Merredin station?

(5) If so, will the strength at Merredin be then up to requirements?

(6) If not, when will the force be brought up to the required strength?

The Hon. A. F. GRIFFITH replied:

(1) One sergeant and seven constables.

(2) North to Nukarni—15 miles.
South to Muntadgin, 31 miles.
West to west of Hines Hill, 17 miles.
East to Bodallin—38 miles.

(3) Yes.

(4) Yes.

(5) Yes.

(6) Answered by (5).

ONION, POTATO, AND EGG MARKETING BOARDS

Staff: Number

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

How many persons are at present employed by—

(a) Onion Marketing Board;
(b) Potato Marketing Board; and
(c) Egg Marketing Board?

The Hon. A. F. GRIFFITH replied:

(a) 9.
(b) 23.
(c) 194.

RAILWAY LAND AT MERREDIN

Use for Business and Other Purposes

7. The Hon. R. H. C. STUBBS asked the Minister for Local Government:

With reference to the Western Australian Government Railways Department land in Barrack Street, Merredin, from Bates Street and in an easterly direction—

(a) is it intended to make the land available for business or any other purpose; and
(b) if so, what are the plans, and when will the public be informed?

The Hon. L. A. LOGAN replied:

(a) Planning for this area is not expected to be finalised for some time. Until it is complete, no undertaking can be given.

(b) Answered by (a).

EXPLOSIVES AND DANGEROUS GOODS ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. R. H. C. Stubbs, and read a first time.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL

Third Reading

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

OPTICAL DISPENSERS BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [2.44 p.m.]: I move—

That the Bill be now read a second time.

I asked the Leader of the House to change the order of this Bill on the notice paper because when introducing the motions for the first reading of this and the associated measure I did so in the wrong order. The other Bill follows this one, as members will see as I proceed.

In 1940, legislation was passed to provide for the registration of members to the optical profession. This legislation did not cater for several categories of people who operated in associated professions or trades.

During the past several years, development in Western Australia and overseas has highlighted the differences between persons practising as optometrists and those who limit their activities to the craft of spectacles making. I remember when discussing this last year I felt constrained to mention the names of the different branches, and there was a fair amount of discussion, which I do not think is necessary on this occasion.

The matter was brought to a head last year when, in the process of court proceedings, certain interpretations were clarified. This, however, led to further confusion with professional and trade interests. A Bill was presented to Parliament with the object of making a clear legal definition between the practice of optometry and the making of spectacles. This, of course, did not interfere with the right of optometrists to make spectacles.

At the time the Bill was passed, certain reservations were expressed and I undertook to investigate the overall picture more closely. As a result, this Bill is presented. It represents the outcome of lengthy considerations following full consultation with all interested parties. With the co-operation of the A.M.A. and the optometrists a committee was set up which carried out a lot of investigations. Subsequently I had a meeting with the optometrists, the dispensers—who had two representatives on the committee—the medical profession, the technicians, who were represented by a qualified journeyman craftsman, and the secretary of the technical union. These people were very happy with the final result at which we arrived.

The Hon. R. Thompson: I believe only one was not happy with it.

The Hon. G. C. MacKINNON: He did not express such an opinion at the meeting. Everybody at the meeting has since written and expressed satisfaction with the result. So it is news to me if anyone is unhappy about things. Some of the people concerned may have reservations in that they would prefer this or that, but as a compromise—and all these types of things are a compromise—they have all indicated their satisfaction.

In broad terms this Bill aims at creating a separate form of legislation for optical dispensers. As these people are in the nature of skilled craftsmen rather than professional practitioners, the Bill does not create a registration board. It provides that a person who has earned his livelihood engaged in the occupation of optical dispensing for a period of two years out of the five years preceding the coming into operation of the Act, will be licensed by the Commissioner of Public Health.

It is envisaged that a course of training will be established as an extension of the existing apprenticeship system. Future graduates from this course of training will be licensed on the strength of this qualification. The Bill also allows regulations to be made under which qualifications of a suitable standard attained from training bodies outside Western Australia could also be recognised. We consider this a reasonable solution. The Industrial Commission examiners will be appointed as they are in most trades; and apprentices can get a professional license at the end of their normal apprenticeship in order to work with a registered optical dispensary.

At the end of two years, they can undergo another examination; and it is quite likely that the same examiners will be used. If those being examined are satisfactory, they will be licensed as optical dispensers.

The Hon. R. Thompson: Two years as a journeyman tradesman type of thing?

The Hon. G. C. MacKINNON: Yes; it is a satisfactory solution. It will have the advantage of giving tradesmen the additional activity; and, if they wish, they can proceed further than they would normally have expected when, as lads, they first started their apprenticeship to become optical mechanics.

If the Commissioner of Public Health refuses an application for a license the applicant may make an appeal to the Minister, who may confirm or alter the commissioner's decision.

It has been necessary in order that justice might prevail, to make provision in this Bill to license persons who are skilled in the manufacture and fitting of haptic lenses.

This lens is a large type of contact lens. It is not to be confused with the appliance most commonly referred to as the micro corneal lens. We have been fortunate in Western Australia to have available a craftsman who has had adequate specialised training in the manufacture and fitting of haptic lenses. This training was obtained under the direction of one of our early eye specialists who took a special interest in this work. When the eye specialist ceased to practise the craftsman became the only person in the State competent in this field. Clause 6 of the Bill enables the granting of a license to cover these operations. It would, of course, be open to the commissioner to grant similar licenses to other persons who satisfied him of their competence.

The Bill does not authorise optical dispensers to deal in corneal lenses. There is a special reason for this. These lenses are prescribed only in special cases where there may be other conditions in addition to visual defects to be considered. It is important that persons fitting these lenses have the necessary professional training in order to safeguard the welfare of the patient. These lenses will be supplied only through medical practitioners or optometrists.

The Bill also imposes a license fee of $5 per license, but as this is taken out only once it will not be a heavy impost. If a licensed optical dispenser commits an offence against the Act, or is guilty of such improper conduct in carrying on his business as an optical dispenser as would justify the cancellation of his license, the Commissioner of Public Health may recommend to the Governor that this be done.

The provisions of this Bill render unnecessary the amendments to the Optometrists Act passed in 1965 and dealing with related subjects. A separate Bill is therefore presented in association with this Bill which will have the effect of repealing the amendments of the 1965 Act and adding an interpretation "optical dispensing" to harmonise with the provisions of this Bill.

After the Bill has been examined by members there might be some odd queries. As is the case with most Bills which set up licensing authorities or boards, the very nature of the measure makes it necessary to leave a fair amount to be covered by the fixing of regulations. However, I have endeavoured to give members a fair idea of the basis reached and I commend the Bill to the House.

The Hon. R. Thompson: Does that mean that we will not be lobbied excessively if all are in agreement?

The Hon. G. C. MacKINNON: I am firmly convinced that members will not be lobbied because of the agreement which has been reached on this proposition.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

OPTOMETRISTS ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [2.53 p.m.]: I move—

That the Bill be now read a second time.

The notes which I have on this Bill are probably the shortest on record, but I feel constrained to add a few comments. Members will recall that last year we passed an amendment to the Optometrists Act. It was a small Bill which actually took optical dispensers away from control under the Optometrists Act.

The Bill was not proclaimed in pursuance of my assurance to the House that I would investigate the matter of the registration of optical dispensers. The introduction of the Optical Dispensers Bill renders the 1965 Act unnecessary. A definition of "optical dispensing," to harmonise with the provisions of the Optical Dispensers Bill, is also provided for in this Bill.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

MEDICAL ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [2.56 p.m.]: I move—

That the Bill be now read a second time.

This Bill is introduced at the request of the Medical Board. The board feels that its powers to deal with offences committed by registered medical practitioners are at present inelastic and often inappropriate. The present legislation enables the board to call any offending doctor before it to answer an allegation of misconduct and to impose a range of penalties from striking his name off the register to imposing a reprimand.

Some cases coming before the board have obviously been the result of unorthodox behaviour on the part of a doctor who is suffering some degree of mental illness. In such cases the board feels that the situation is not rectified by removing the doctor's name from the register, or suspending him. It has been pointed out that in these circumstances the public safety is involved and is the prime factor. Rather than remove a doctor from a community, it seeks a more positive power to direct him to place himself under medical supervision, or to refrain from specified medical practices until he has fully recovered.

Dealing with the Bill in detail, clause 3 has been inserted because the opportunity is taken to remove a superfluous provision, in keeping with the revision of Statutes which is constantly receiving attention from the Crown Law Department. This item is provided for under the Interpretation Act.

Clause 4 brings up to date references to current mental health legislation and also deletes a reference to a road board which, of course, ceased to exist with the introduction of the Local Government Act.

Clause 5 covers the main purpose of the Bill. It repeals subsections (1), (2), and (3) of section 13 of the Medical Act, and substitutes new provisions dealing with offences and penalties in the form now desired by the board. The new subsection (1) closely resembles the repealed subsection except that in its closing lines it introduces a new power under which the board could, in effect, place a doctor under a good-behaviour bond. Such a bond could be accompanied by conditions which the board could impose to meet any particular case.

As an example, a doctor who may have become addicted to drugs or alcohol could be required to refrain from further consumption of those commodities, or seek treatment.

The new subsection (2) provides for the board to take action in any case where a doctor did not observe the conditions of any bond and empowers it to deal with the matter as at the time of the original offence. The existing Medical Act calls upon the officer who held the post of Inspector-General of the Insane under the old Lunacy Act to notify the board when any medical practitioner had been declared to be insane.

This approach is outmoded and no longer conforms to the approach contained

in the Mental Health Act. In this Bill the Director of Mental Health Services is required to notify the board whenever he becomes aware that a medical practitioner is suffering from a condition affecting his mental health to an extent that his ability to practise medicine safely is impaired. On receiving the notification from the director the board may cause the doctor concerned to be examined by two psychiatrists.

If the psychiatrists confirm that the doctor is mentally ill, and he ought not to be permitted the unrestricted practice of medicine, the board may require him to observe specified conditions for such a period as it thinks fit to meet the needs of the case.

The Bill also amends subsection (5) and renumbers this as subsection (8). The amendment is necessary because of the new approach to penalties which could now include decisions other than erasure or suspension. Adjustments are also made to the numbering of other subsections so as to accommodate the extended form in which the earlier part of the section is re-enacted. I repeat that the Bill was requested by the Medical Board, and I commend it to the House.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

EDUCATION ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [3.2 p.m.]: I move—

That the Bill be now read a second time.

This Bill, which has been passed by the Legislative Assembly, has as its main objectives the correction of some anomalies which have arisen, and the removal of some administrative problems which recently have become apparent.

The first amendment deals with the age at which a child may leave school. While the minimum school leaving age in this State has always been 14, the Minister was empowered until the year 1943 to exempt a child between the ages of 13 and 14 from attendance at school in cases where parents were suffering from poverty or sickness.

The amendment of 1943 enabled the Government to proclaim an extension of the minimum leaving age to the fifteenth birthday. Concurrently with the passing of that amendment, the provision which allowed the Minister to grant exemptions was repealed. It eventuated that the extended leaving age to the fifteenth birthday was not, however, proclaimed.

Parliament again amended the Act in 1962, this time to require that all children remain at school at least until the end of the year in which they turn 14. This was to ensure that in the great majority of cases, children received a minimum of nine full years of schooling. This amendment also made provision for the Minister to grant exemption, from the fourteenth birthday, where, in his opinion, the child had a satisfactory job to go to and, in all circumstances, it was considered in the child's best interests to leave school.

The Act was further amended in 1964 to extend the minimum leaving age to the end of the year in which the child turned 15—this to ensure that the majority of children received three full years of secondary education, or 10 years formal education in all. The 1964 amendment also raised the minimum age for exemption by the Minister to the fifteenth birthday, and this came into effect at the beginning of 1966.

Since the beginning of this year, the Minister for Education has, nevertheless, been confronted with a number of difficult and distressing cases involving 14-year-olds to whom it was considered desirable an exemption should be granted. Some little detail of the particular circumstances involved in one or two of these cases would not be out of place.

In one case, a lad was working with a good firm at the beginning of this year but had to return to school because he was only 14 years of age. He has now become a behaviour problem and will not study. It is considered he is of low ability and academically has reached his formal educational limit. Therefore, it is thought it would have been much better for the boy if he could have been left in his employment.

It is believed that recently-arrived migrant children of 14 years of age and upwards would receive little benefit from attending school for a few months for, indeed, many persons in these circumstances require some months for a settling-in period within their new environment. Whilst, admittedly, in the interests of society, it might be considered desirable for such a child to attend school even later than the statutory leaving age, compulsory attendance becomes irksome to the child and sometimes leads to the development of anti-social behaviour. In some cases, therefore, it is felt that provided satisfactory employment is offering, the child should be regarded within the class permitted to leave school as from the fourteenth birthday.

Again, because of the transient nature of employment available to a majority of natives, their children frequently change schools and their level of learning suffers. Employment opportunities for these children are consequently difficult, and the Minister for Education feels that a more appropriate course of action would be to exempt them from school attendance where additional schooling would obviously be of no further benefit to them, and provided always that some reasonable satisfactory employment was offering.

Obviously, in the cases which I have mentioned, some form of vocational train-

ing in employment would be desirable. Sufficient examples have been given, I think, without labouring the point, to suggest to members that there are instances where it is in the best interests of a child for the Minister to have discretionary power of exemption from further attendance at school at an age earlier than 15.

By comparison with the cases which I have enumerated, there is the case of the bright child attaining the Junior Certificate before he or she becomes 15, and such cases are not infrequent. Under the law, at present, there is no option but for that child to remain at school until the exemption age is reached. However, it would not be uncommon for a child so academically inclined to desire to proceed to special education—for example, a commercial course—and in order to permit of projected further studies, it is considered an exemption after the fourteenth birthday should be possible to meet such cases.

Under the Act at present, the Minister is empowered to refuse the admission of any child to a Government school if accommodation has been provided for him in another Government school nearer to his place of dwelling.

When this provision was enacted many years ago, it was not envisaged that circumstances would arise where, because of the density of population, the department would have to refuse admission to the nearest school and direct a child to one more remote from home. This is now the case in many localities, unfortunately, and particularly so in the metropolitan area in order to avoid overcrowding of some schools.

Provision for this practice has been made by regulation and now a doubt has arisen as to whether there is any authority under the Act to regulate in this manner. It has been suggested that, should the regulation be tested in court and found to be *ultra vires*, the position could become chaotic with some schools badly overcrowded and others with room to spare.

Nevertheless, it is in the best interests of the vast majority of students and, of the department itself, that the present practice should be permitted to continue. Therefore, there is an appropriate amendment contained in this Bill allowing the Minister, by notice published in the *Government Gazette*, to direct children to a particular school.

This power will be effected in one of two ways; namely, by refusing admission to children living within a prescribed area to any Government school other than that specified in the notice. This procedure will be applied normally in the case of primary schools. Alternatively, the provision will be effected by refusing children attending certain Government primary schools, admittance to any Government secondary school other than that specified in the notice.

The amendment also provides for the direction to a particular school of children who do not attend a Government school during the year they complete their primary education, or who, immediately prior to commencing secondary education, change their place of residence.

Unfortunately, in the matter of welfare it is physically impossible for the welfare branch of the Education Department to conduct all of its own prosecutions for breaches of the provisions of the Act. To enable this to be done, there would need to be a considerable increase in the size of the establishment. The welfare officer was once known as the truant officer.

In view of this difficulty, it had been the practice prior to last November to give all police officers in country areas a blanket authority to conduct these prosecutions on behalf of the welfare branch of the department. This practice came to an end when a magistrate questioned the validity of the arrangement and requested that specific authority by the Minister should be produced in court by each separate prosecuting officer. Such a procedure would be very inconvenient and cumbersome and could result in unnecessary delays.

On the other hand, it has been demonstrated in the past that members of the police force are well able to handle these cases and it is proposed, therefore, to give an overall authority to all police officers to conduct welfare cases on behalf of the department.

In the matter of providing amenities for their schools, parents and citizens' associations are not very clear how far they can go. The objects of an association are set out in the Act, and are as follows:—

> To promote the interests of the Government school or group of Government schools in relation to which it is formed by endeavouring to bring about closer co-operation between parents or guardians of the pupils attending the school or the group, other citizens, the teachers at the school or the group, and those pupils, and generally endeavouring to foster community interest in educational matters.

I suggest some clarity is desirable.

The connection between these objects and the provision of major structural works in school grounds is, at best, tenuous, and it is therefore proposed to add to these objectives the provision of facilities and amenities including buildings, swimming pools, and any type of recreational or educational facilities and amenities. These facilities are already being provided by the associations, and the amendment is merely being introduced to regularise their activities.

Last year, consequent on submissions by the Teachers Union, the Government agreed that all teachers' salaries be reviewed at intervals of not more than three years. This had been the practice for some considerable time, but it was not until last year that the Government bound itself to the three-yearly period. The Act requires that reclassification should be made at least once in every five years. Therefore, it is proposed to amend the relevant section to bring it into line with the undertaking given by the Government; that is, reclassification at intervals of not more than three years.

The amendment to the Education Act setting up the Teachers' Tribunal was proclaimed on the 17th April, 1961. Its members were appointed for a three-year term as from that date. As a consequence, the future elections for the representative and deputy representative of the union on the tribunal fall due triennially on the 17th April. This is an inconvenient date for the union, and it has requested it be altered to the 7th May. There appears to be no objection which could be raised to such a change and it has, therefore, been provided for in the Bill.

The triennial reclassification of the teaching service has been made in the form of a salary determination by the Minister, and in the past has been subject to appeal to the Teachers' Tribunal. There is, however, some doubt as to the validity of this arrangement.

The Teachers' Tribunal has jurisdiction to hear and determine an appeal by a teacher or the union, or a matter referred to it by the Minister concerning any decision involving the interpretation or application of any Act or regulation governing the service of a teacher or group of teachers. The Minister's salary determination is neither an Act nor a regulation and is not specifically referred to in the legislation. The relevant section should therefore be amended to allow an appeal against the Minister's salary determination, and an appropriate amendment in that direction is contained in the Bill.

Another small matter which requires clarification is that dealing with the payment of expenses to the appellant and the respondent in the case of promotional appeals.

One part of a section of the Act provides for the tribunal to recommend payment of these expenses to both parties, but another subsection of the same section which authorises the Minister to pay them refers only to the appellant. This is obviously an oversight, and opportunity is taken to rectify it.

The final amendment in the Bill provides for the substitution of the equivalent decimal currency value for the pounds, shillings, and pence money terms.

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

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th October.

THE HON. F. J. S. WISE (North) [3.15 p.m.]: When the change in the salaries of judges was made in the year 1950 it meant an alteration to the Constitution Act in which, up to that time, appeared the specific salaries of the judges. That was the year in which the judges' pensions were also adjusted by a composite Bill dealing with the pensions of judges and their dependants. Indeed the parent Act which this Bill seeks to amend mentions specifically the making of provision for the families of judges, so that at that time we took from the Constitution Act the provision which it was necessary to amend whenever the judges received an increase.

From 1950 onwards very many amendments have been made to the parent Act. The increases granted in the year 1950 were £400, or $800, to the Chief Justice, and £300, or $600, to each of the puisne judges. In 1950 the Chief Justice received £3,000, or $6,000, per annum. I think it is interesting to observe that the increases given effect to by the 1950 Act were made on the recommendation of a tribunal; I think that was the last time a tribunal recommended to the Government that increases be granted. Naturally in succeeding years the increases were determined by the Government.

The tribunal consisted of the late Mr. Taylor, who at the time was the Public Service Commissioner, and the late Sir Ross McDonald, K.C. From 1933 to 1949 Sir Ross McDonald was the member for West Perth; he was the Attorney-General in the first McLarty-Watts Government; and he was a very respected citizen, member of Parliament, and member of the Bar.

Since that time there have been many alterations, and this Bill proposes that the salary of the Chief Justice shall be $15,400 —a rise from $6,000 to this figure since 1950 by the various amendments to the Act in succeeding years. It is important to observe that in almost every instance when the salaries of judges were reviewed and amended by Statute, Western Australia was found to be lagging—and lagging seriously—when compared with the other States. In many years the review has shown that in particular the States of Queensland and Western Australia were the furthest behind.

An Australia-wide tribunal reviewed this matter in 1964 and the amending Bill of that year, which gave substantial increases, was introduced after full consideration of this Australia-wide review, and the records show us that in that year the New South Wales salaries of judges put all other States out of balance altogether. At that time all States brought their salaries in line, but no

sooner is an amendment made in one State, of course, than a review commences in another State and very quickly Parliament has again to consider amending the legislation.

As a general rule, judges rely on the Government of the day to make the changes considered necessary. They have no tribunal of their own to which an approach may be made. They are not able to complain that action is urgently necessary; and they generally have very high qualifications. They are men whose integrity as well as ability are absolutely undoubted. On appointment they must lead a very different life from the life they led formerly. Judges in many countries and, indeed, to a degree in Australia, are forced by certain circumstances of their highly respected profession to live the life almost of a recluse, compared with their former life and their contacts with the public prior to their appointment.

I have mentioned that the 1950 Bill repealed several Acts which governed this position, and in the schedule to that Bill, the Constitution Acts Amendment Act was amended in the fourth schedule. This took into account the awkward situations which formerly obtained when judges' salaries were reviewed.

It is a pity that it appears to be beyond the wit of man, Government, or Parliament to devise some permanent way of having these matters progressively considered, regulated, and varied systematically. This is something which could be done on a nation-wide basis in connection with all salaries which must be finally presented to Parliament for approval. Always we have a stigma or odium, and certainly ill-founded criticisms are levelled against any action of Government or Parliament following out a course of action which only Parliament can attend to. Such alterations as those to which I am referring can be made in the ultimate only by Parliament.

On the other hand we have in this State a Public Service Commissioner who fixes salaries himself, on his own action, and these range to a maximum of $12,080, which is the maximum received by the five top civil servants of this State. That individual is able to assess the abilities of senior servants in very responsible positions, at a ceiling of $12,080; but the Government and Parliament have the responsibility of fixing the salaries of the judiciary at only a few thousand dollars higher.

Surely it is not beyond the wit or capacity of Governments and Parliaments to devise some way of getting around a situation which enables thinking and unthinking people to complain. I would like more thought given to the appointment of an Australia-wide tribunal constantly to review, consider, and recommend what should be done with all salaries which must receive the approval of Parliament. I support the Bill.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [3.26 p.m.]: I thank Mr. Wise for his remarks in connection with this Bill. He delved more deeply into the subject than I did when I introduced the second reading. As a matter of fact, when preparing the notes, I considered whether I should go back to the year 1950 when this tribunal did, in fact, first fix the salaries of judges; but I decided against doing so for no real reason. I thought members of Parliament had become accustomed to giving consideration in this manner to judges' salaries. As a matter of fact, I think that since 1950 judges' salaries have been adjusted some seven or eight times.

The Hon. A. R. Jones: Too often, I think.

The Hon. A. F. GRIFFITH: That is a matter of opinion which I could not share with the honourable member on a question of merit.

The Hon. F. J. S. Wise: I think seven times is correct.

The Hon. A. F. GRIFFITH: I could not share the honourable member's view if it is on a question of merit; but I do not think I need take that matter any further.

I agree with Mr. Wise on the difficulty of the salaries of the judiciary being adjusted by Parliament, and I suggest the only way this could be done would be on a uniform basis throughout Australia. It would be of no use having some method of fixation in one State which was different from that in another, because the result would be the same as it is now.

The real answer to this problem would be to have some consideration given to the matter on an Australia-wide basis; but even then difficulties could arise because it could be said that the responsibilities of judges in different States may be different because of the size, population, and number of judges in the various States.

We have not been able to arrive at a more satisfactory arrangement than the one we have at present. It is, of course, true that following the adjustment by one State is an adjustment by another which will then put the State which first adjusted the salaries out of line with the average.

On this occasion the Government has taken a figure which is a bit beyond the average of the two States we have chosen to take as an example, these being the two which have more in common with Western Australia than have the two standard States.

I feel no purpose would be served by my saying anything further. I again thank Mr. Wise for his contribution, and commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

PUBLIC WORKS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th October.

THE HON. F. R. H. LAVERY (South Metropolitan) [3.32 p.m.]: The amendments to the Public Works Act, as proposed in this Bill, deal only with those aspects of the Act relating to land taken, or otherwise acquired, and include claims for payment of compensation, etc.

When the Minister was concluding his address to the Chamber, he mentioned five points which this Bill covered and I would like to repeat these points, even though the repetition of some of them may not be necessary. He said that one of the main purposes was to seek to rationalise the incidence of section 29 which gives former owners the right to repurchase resumed land which is surplus to requirements.

On that particular point, I would agree there is definitely a necessity for the Act to be amended accordingly. However, whether or not the Government has seen fit to amend it in a way that the owner of the land will retain the same rights as he had prior to the resumption by the Government, I am inclined to doubt.

The Hon. J. Dolan: The individual will not have the same rights.

The Hon. F. R. H. LAVERY: I know one Minister in this Chamber—Mr. Logan—who has had a piece of land under the control of his department for a number of years. Originally, this land was purchased for a reasonably minor figure and, from memory, I think it was in the vicinity of £16,000—in any event it was under £20,000. That same piece of land today would be worth, I should imagine, anything from £70,000 to £80,000 if it were subdivided, because it is right in the centre of the Applecross district.

This piece of land was first resumed by a Labor Government which intended to erect buildings under the provisions of the Child Welfare Act. At the last State election, the situation existed where a sitting Liberal member of Parliament was opposed by an Independent Liberal, because the people in the Applecross area objected to the Minister's proposal to develop this land along lines which would suit the requirements of the Child Welfare Department. The people's objection was probably based on the period of time which had elapsed since the land was first resumed and the subsequent development that has taken place in this particular area.

The Hon. R. Thompson: The Minister is still going to develop it.

The Hon. F. R. H. LAVERY: At the last election this particular set-up cost me dearly as although I wished to remain neutral, in fact I supported the Minister in his proposals and I still propose to support the erection of a building for the purposes of child welfare.

I found myself in the position that I had to produce another set of propaganda for the area, and this cost me a lot of money. Both the Liberal member and the Independent Liberal, in addition, were caused to expend quite an amount of money which normally would not have been necessary.

Having said this, I wish to point out how necessary it is to make it possible for a Government to be in the position, at some later time, to re-assess requirements, or usage of certain land. I wish to make the point that, perhaps, the original owner of the particular block of land of which I have spoken could have passed on and his estate dissipated and gone out of existence.

On the other hand, a great number of smaller pieces of land have been taken for various purposes. A controlled-access road will run through my electorate; that is, through the South Metropolitan Province—it will go through Kwinana, Cockburn, and even through the suburb of Melville. Land was originally acquired for this purpose but the roads in the Cockburn section have been redesigned at least nine times.

I would now like to mention the case of a lady whose property was resumed. Actually, this lady was paid sufficient to enable her to build a house on the next block but now she is in the position that, when this road comes through, her house will also be resumed.

I am wondering whether this lady will have the opportunity of buying back the land she originally owned in order that she may rebuild—for the third time—in the area in which she wishes to live.

The Minister said that one provision in the Bill is to rationalise the incidence of section 29, and I would agree that this is necessary. However, I am not satisfied that the action proposed is in the best interests of the three groups of people concerned. I think I should interpolate here to refer to the three groups of people who are concerned in land resumptions: There is the owner; there is the Minister in charge of public works, because it is under his jurisdiction that the land is resumed; and there are the public who have to pay for the purchase of land which is to be used for public purposes—in other words, the general public finally has to pay. Therefore common sense points to the fact that there must be a balance of equity between all three.

The Minister for the time being—and I refer to the Minister in any Govern-

ment—who has to administer this Act should, in my opinion, have more freedom of action than is provided for under the Public Works Act at the moment. I feel the Minister should have a much wider discretionary power than is proposed to be given by these amendments, and that, under certain requirements of a resumption, the law should be—for want of a better word—"elastic" enough to ensure that equity is effected to both the owner and the public.

I think a balance between the three parties concerned is absolutely necessary; but, in my view this Bill does not provide that balance. I have to agree with Mr. Ron Thompson that while this Bill does propose to give the Minister a slightly greater opportunity to widen his scope, its provisions are still balanced very much in favour of the, or a, Government—I say "a Government" rather than "the Government" because it would apply equally to whatever Government was in power.

This is not a political question; it is a question of the public's right and, as far as I am concerned, even if I tried to do so I could not make this a political question. Three factors govern a question such as this: Firstly, there is the owner of the block of land involved; secondly, there is the Government which requires this land for a particular purpose; and thirdly, the public at large is involved because, through taxation, they have to pay for the development of that property as a public work.

I have given a great deal of study to this Bill but under its provisions I cannot see where the owner of land which is to be resumed will gain much from it. I believe there is an intention on the part of the present Minister for Works to provide for a greater balance, and for equity, and that the Minister himself is of the opinion that effect is being given to this by the amendments in the Bill. However, I cannot agree with that proposition. I believe the general public will still be at a disadvantage if the Bill is passed and, to substantiate that statement, I would like to quote a case of which I have a direct knowledge.

The man in question owns a property situated almost opposite the new super works being built at Kwinana. It is situated at the corner of Pioneer Road and May Street. This man has been in financial difficulties for some time. His land is valued at £5,000 to £6,000; and he has been offered a figure as high as £8,000 from a group of investors, and £8,500 from a shrewd land agent who knows the value of land.

However, at the present time this chap is in the position where he has had to mortgage his land so that he can get £1,500 to help him out of his difficulties. He has been advised by the Main Roads Department that his block will be required for an extension of main roads in the area and, naturally, as soon as people who are offering to buy his land approach the town planning authorities they find out that the block is to be resumed by the Main Roads Department and they simply walk away and leave him.

In a case such as that the Minister should take a personal interest because of the hardships that are involved. I know this Bill deals with resumptions that have already taken place and those that will take place in the future. However, at this time I wish to point out some of the anomalies that exist.

The Minister said he seeks by the amendments contained in this Bill to rationalise the present position but, in my view, the position will not be improved to an extent where people such as the one to whom I have just referred can sell their properties and so get themselves out of difficulties. The information I have is that the land in question will not be required for some years and, therefore, the owner can do nothing in the meantime.

The Minister also said that the Bill seeks to clarify section 46 of the Act which provides for advance payments of compensation. I agree that this is an amendment which is definitely required. Governments in the past have been able to make money available so that people have been able to draw a percentage of the price offered by the resumption officers for the Government. This enables them to purchase other properties so that when the department requires their land they are able to move out immediately.

I have a case in mind where the department offered a man £1,250 for a property of 36 acres. It was situated in the Medina area and was a dairying property—this was in the early days of the Medina resumptions. The cheapest price for which that person could buy another property was £6,900. He was on a 50-gallon milk quota and he was one of the top producers—in other words, his cows produced high-quality milk.

Sitting suspended from 3.46 to 4.3 p.m.

The Hon. F. R. H. LAVERY: Before the sitting was suspended I was drawing attention to the case of a dairyman who, in the early November resumptions in the township of Medina, had his property resumed and was offered £1,250. It was not possible for him to buy another property under £6,900. As a result of representations made to the then Minister for Works, we finally obtained for this man a sum of £4,600 or £4,700. In the meantime, however, all he could get from the department was a sum of £800 to enable him to negotiate for the property he required.

I believe that the intention of the Government to amend section 46 to provide for an advance payment of compensation is not, in fact, to the benefit of the owners

of land; even though the Government may wish Parliament and the public to think it is. I say this because in clause 9 (h) (iii) on page 8 reference is made to—

> the total amount of compensation only to the date of the first of such payments, and is payable thereafter only on the balance outstanding from time to time, or if any amount is offered by the respondent as an advance payment of compensation under subsection (3) of section forty-six of this Act—

And this is the part to which I wish to draw the attention of members—

> —and is not accepted by the claimant within thirty days thereafter, no interest shall be payable thereafter in respect to any amount so offered.

I am one of those people who is not very highly educated in financial matters, but I do not know of any business concern which would lend, advance, or owe money and would not expect either to receive or pay interest for it.

If the Government thinks that by the amendment of section 63—which it seeks to amend by the addition of paragraph (h)—it is doing something to help the general public, then I am afraid the words the Minister used when concluding his speech on this Bill must dispel any thought of fairness in the matter. The Minister used these words—

> in addition to relieving the resuming authority from excessive payments of interest, might remove the reluctance of some claimants to consider final settlement.

In other words, the people concerned are going to be bulldozed, and if they do not accept the final settlement they will not receive any interest.

The Hon. L. A. Logan: This is not a final settlement.

The Hon. F. R. H. LAVERY: I have it here in black and white. It will be found on page 8 line 10 of the Bill—

> and is not accepted by the claimant within thirty days . . .

The Hon. L. A. Logan: This is only an initial payment.

The Hon. F. R. H. LAVERY: That may be so, but I know of some people who had their properties resumed in 1952. They were quite pleased to allow the Government to pay them part of the price and owe them the rest of the money at a certain rate of interest. We are told that the people concerned are being paid 7 per cent., whereas actually they are only being paid 6 per cent.

When a Bill like this comes before the House it should be more factual, and more in the interests of the people who already own their land and hold the title to it. I cannot agree that the Bill will do what the Minister for Works hopes it will do. I know the Minister feels the Bill will give more discretion to the Minister to see that justice is done. The person who has his land resumed is the most harassed of people, and I know that some of them expect to be paid thousands of pounds for small truncations of a corner. I do not agree with that. But when it comes to resuming fair-sized properties—say, quarter-acre blocks—then I think the amendment will not do what the Government hopes it will do.

The Minister did say that the Bill seeks to provide additional compensation under section 63, to meet the special circumstances of any resumptions, and for other alterations in the assessment of compensation; and I do not propose to comment on that aspect.

Finally the Minister said the Bill seeks to avoid excessive payments of interest under section 63, and that opportunity is taken to convert monetary references from pounds to dollars. I know there are a number of members in the metropolitan area who would know as much about this matter as I do, but I doubt whether some of our country friends would believe some of the stories that Mr. Clive Griffiths, Mr. Ron Thompson, and I could tell of things that are happening in the metropolitan area.

The Hon. R. Thompson: They are not stories either; they are facts.

The Hon. F. R. H. LAVERY: I used the word "stories" to give effect to my meaning. This legislation has been brought forward at a time when there is already on the notice paper a motion which was moved by Mr. Ron Thompson for the appointment of a Select Committee to inquire into land resumptions and consequent compensation. To my mind the Bill is an attempt at this point of time to circumvent the proposal mooted by Mr. Ron Thompson. I do not say this in any disparaging fashion, because I believe the Government has that right, and it is because of that that items such as these are kept at the bottom of the notice paper; so that attention might be paid to the thoughts of back-benchers and the people they represent.

But there are a great number of injustices being perpetrated by various departments in connection with land resumptions. Prior to 1951, when the first big move was made to bring the BP Refinery to Western Australia, the ordinary resumptions that took place were for a road, a drain, or a railway. Today, however, we have the Department of Industrial Development resuming land for private enterprise.

In Hope Valley Road, in the Kwinana area, a piece of land of a very large acreage was approved for subdivision by the metropolitan region authority, and the land agent concerned sold a number of

blocks. The Department of Industrial Development came along, and by the powers it possesses—which I do not dispute—it had the subdivisions cancelled, and the land was retained by that department for Alcoa for its future use in 10, 15, or 20 years' time. This meant that the area concerned took a frontage off the road which would have carried electric current to the people of Mandogalup. I know that is getting away from the Bill, but it is still tied up with resumptions. In 1963 the people there were about to receive their electricity, but at that time it became uneconomical for the department to supply it.

I believe that when a Government is negotiating for the resumption of properties for private enterprise, one of its responsibilities should be to see that the owners of those properties are properly compensated at the right time. I have reservations in connection with this Bill, but know that amendments will be moved in the Committee stage. Depending upon whether or not those amendments are accepted, I will reserve my right to cast a vote, but at the moment I am opposed to the measure in its present form.

Debate adjourned, on motion by The Hon. H. C. Strickland.

METROPOLITAN REGION IMPROVEMENT TAX ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Town Planning) [4.17 p.m.]: I move—

That the Bill be now read a second time.

This short Bill proposes an increase in the rate of the metropolitan region improvement tax from 0.15625c in the dollar to 0.25c in the dollar.

It will be recalled that when the tax was introduced in 1959, the rate was ½d. in the pound, or about 0.208c in the dollar. Subsequently, the rate was reduced to the present ⅜d. in the pound, or 0.15625c in the dollar.

Revenue derived from the tax is the only significant source of income to the Metropolitan Region Planning Authority for buying property reserved under the metropolitan region scheme from revenue or by means of long-term loans. For some time there has been concern at the widening gap between the financial resources of the authority and its commitments for land purchase and compensation, due mainly to rising land values. Although there have been consequential increases in tax income, these have not been sufficient to prevent a decrease in the purchase rate.

The authority has borrowed each year since 1961-62 as part of the semi-government allocation by the Loan Council; and, currently, it is allocated about $800,000 a year. This sum, together with the balance of revenue not taken up in interest and sinking fund payments, permits an annual expenditure of about $1,000,000 for land purchase and compensation. More significant is that if the borrowing rate is increased to $1,000,000 a year, which will be imperative if the vital land needs of the community are to be met within a reasonable period, all of the tax income will be taken up in loan charges by 1971. The increase proposed is sufficient to ensure continued borrowing at that rate.

It is calculated that, by increasing the tax rate to 0.25c in the dollar, the annual increase will be sufficient to service a loan of $1,000,000. For several years, there would be a reducing excess of revenue over service charges which would give the authority some flexibility in its purchases, and permit more expeditious handling of requests from owners.

So far the authority has not been called upon to pay compensation other than that connected with land purchase. It is, however, considering a number of claims lodged as a result of the making of the scheme and expects to have to meet others arising from its statutory obligations. If the authority is to meet the financial obligations inherent in the scheme, the authority must have an income commensurate with its commitments.

Since April 1962, the authority has raised 20 loans ranging from $10,000 to $400,000; rates of interest varying from 5⅛ per cent. to 5¾ per cent.; and dates of maturity ranging from 1985 to the year 2005. The total of the 20 loans is $3,000,000.

Income from the tax in 1965-66 was $489,428; income from rent, $73,775; loans, $990,000; and incidentals, $664,846, mainly from Main Roads Department sources; making a total of $2,228,049. Expenditure on the Mitchell Freeway and city inner ring road was $1,119,256; on important regional roads, $76,951; public open space, $736,142; and other expediture, $211,651; making a total of $2,144,000.

Anticipated commitments to be met during the financial year, 1966-67, were estimated on the 6th April, 1966, at $3,424,000, made up as follows:—Mitchell Freeway Interchange, $2,221,835; inner ring road system, $405,940; important regional roads, $133,242; and public open space, $663,025.

I think members will appreciate from those last figures the necessity for some finance to be made available from somewhere to enable the authority to meet its commitments.

The Hon. R. Thompson: You are making the tax State-wide?

The Hon. L. A. LOGAN: No; it is still within the region. We are dealing only with the region.

Debate adjourned, on motion by The Hon. H. C. Strickland.

House adjourned at 4.22 p.m.