I merely mention that, because I do not want to give the House the impression that the Ministers in these three seats are anxious to put Bills through in a hurry. We are anxious that time should be given for due consideration. I propose to leave the matter at that point; and over the weekend I will go through the speeches that have been made and try to answer the points and questions that have been raised.

It is a difficult agreement. It is one that I cannot readily interpret; nor can I answer in detail the questions that have been asked by members in connection with it. If the matter can be left on this basis I will pursue, to the best extent possible, the further questions that have been asked and try to find the necessary answers.

Question put and passed.

Bill read a second time.

House adjourned at 4.48 p.m.

Legislative Assembly

Thursday, the 8th September, 1966

CONTENTS

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

ADDRESS-IN-REPLY

Acknowledgment of Presentation to Governor

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

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

QUESTIONS (12): ON NOTICE

LOCAL AUTHORITIES

Road Funds: Allocation of Portion for Administrative Costs

1. Mr. RUSHTON asked the Minister representing the Minister for Local Government:

   Will he take the necessary action to allow local authorities to allocate an applicable portion of administrative costs incurred in the construction and maintenance of roads and associated works against moneys provided specifically for road and associated works?

   Mr. NALDER replied:

   Where a full time engineer or engineers are employed the engineering salaries and administration are already allowed to be charged against these works; and, in the case of local authorities with a shire clerk engineer, an appropriate proportion of his salary is capable of being allocated. It is not intended to amend the local Government accounting directions to provide for administrative costs to be allocated.

MEAT

Human Consumption: Regulations Covering Pregnant Animals.

2. Mr. GRAHAM asked the Minister representing the Minister for Health:

   (1) Are there any provisions in health, food hygiene, or other regulations covering the sale and distribution of meat for human consumption from animals which are pregnant?

   (2) If so, what are they?

   (3) If not, does he agree that meat should be offered for consumption by the public when from carcases of animals which have almost completed the gestation period?

   (4) Does he contemplate taking any steps to ensure that there is some control of the matter; if so, what?

Mr. ROSS HUTCHINSON replied:

(1) No.

(2) Answered by (1).

(3) Provided the animal is free from disease, the meat is considered to be fit for human consumption.

(4) No.

TRAFFIC

Police Control in Country Areas: Government Decision

3. Mr. GRAHAM asked the Minister for Police:

(1) Has the Government yet made a decision regarding the control of traffic by police in country areas?

(2) If so, what?

(3) If not, when can a decision be expected?

Mr. CRAIG replied:

(1) No.

(2) Answered by (1).

(3) In the near future.

RACING AND TROTTING CLUBS

Stakes: Amounts Distributed.

4. Mr. CORNELL asked the Chief Secretary:

(1) What amounts in stakes were distributed in each of the racing years ended the 31st July, 1964, 1965 and 1966 by the—

(a) W.A. Turf Club;

(b) W.A. Trotting Association;

(c) Fremantle Trotting Club?

(2) What amounts in stakes were distributed and by how many clubs and over how many meetings in each of the racing years ended the 31st July, 1964, 1965 and 1966 by—

(a) Country racing clubs;

(b) Country trotting clubs?

Mr. CRAIG replied:

1.

	1964 $	1965 $	1966 $
(a) W.A. Turf Club	502,926	582,970	653,691
(b) W.A. Trotting Association	384,804	448,694	492,540
(c) Fremantle Trotting Club	92,880	107,482	103,722

2.

	Stakes	No. of Clubs	No. of meetings
(a) Country Racing Clubs—			
1964	155,164	50	122
1965	179,592	50	126
1966	217,454	49	125
(b) Country Trotting Clubs—			
1964	86,756	19	96
1965	96,040	17	94
1966	120,527	18	107

CO-OPERATIVE BULK HANDLING LTD.

Land at Kwinana: Future Use

5. Mr. CORNELL asked the Minister for Industrial Development:

(1) What area of land and its approximate location has been reserved for the future use of Co-operative Bulk Handling Limited at Kwinana?

(2) Is the area of his reservation likely to be affected or reduced because of—

(a) any increase(s) in the land area requirements of other industrial interests in the vicinity;

(b) the possibility of the land set aside for the use of Co-operative Bulk Handling Limited being required for the purpose of establishing a naval base or ancillary facilities in the area?

Mr. COURT replied:

(1) The Fremantle Port Authority has recently submitted proposals for the development of Cockburn Sound in the Port of Fremantle's outer harbour. These proposals, which include provision for handling and storing specialised bulk cargoes such as grain, are at present being studied by a departmental committee.

(2) (a) and (b) No.

6. *This question was postponed.*

NOISY SCRUB BIRD

Discovery in Albany District

7. Mr. HALL asked the Minister representing the Minister for Fisheries and Fauna:

(1) In what year was the Noisy Scrub Bird first discovered in the Albany district?

(2) Where did it come from, when did it disappear, and when was it rediscovered?

Mr. ROSS HUTCHINSON replied:

(1) 1869.

(2) (a) The Noisy Scrub Bird was discovered in the Drakesbrook area in 1842. It is a native of Western Australia.

(b) Disappeared in 1889.

(c) Rediscovered in 1961.

Mr. May: Where did it go?

Mr. Bovell: Down to Albany.

BAYSWATER ELECTORATE

Drainage Plans and Water Extensions

8. Mr. TOMS asked the Minister for Water Supplies:

(1) What drainage works are planned for the year 1966-67 in the following areas:—

(a) Bayswater;

(b) Whatley;

(c) Morley;

(d) Hampton;

(e) Dianella?

(2) Are any water extensions planned for any of the above areas during this financial year; if so, where and to what extent?

Mr. ROSS HUTCHINSON replied:

(1) (a) Construction of a section of the proposed Beechboro branch drain between the railway and Mooney Street.
(b) Nil.
(c) Subject to arrangements with the Shire of Bayswater, drainage for No. 8 Town Planning Scheme.
(d) Nil.
(e) Extension of a drain from the corner of Walter Road and Lawrence Street to the vicinity of the junction of Alexander and Morley Drives.

(2) Works approved to be laid during 1966-67 financial year for the purpose of augmenting water supplies are—
(a) A 12 in. water main in Morley Drive, Dianella, from Grand Promenade to The Strand.
(b) An 8 in. water main in The Strand, Dianella, from Morley Drive to Norfolk Street.
(c) An 8 in. water main in McGilvray Crescent, Morley, from Wonga Road to Lincoln Street.

FOOTBALL MATCHES

Final Round: Police Protection of Players

9. Mr. DUNN asked the Minister for Police:

(1) Is there any way in which the final round matches in the W.A.N.F.L. competition can be policed to protect players from deliberate attacks by other players during the course of play?

(2) If "Yes," would he ensure the necessary action is taken?

(3) If "No," would he give the reason or reasons to the House?

Mr. CRAIG replied:

(1) Police attend football matches, or any other sporting fixture, to preserve law and order and prevent disorderly conduct. Incidents occurring between players during the course of a game are generally considered not to be disorderly conduct, but perhaps could be the basis of civil action for personal assault.

(2) Yes, if of such a serious nature as to warrant police attention, and if committed within their view; or if a complaint is made by a player prepared to proceed by way of action.

(3) Answered by (2).

If you will permit me, Mr. Speaker, I will make a few observations apropos of the question and the answer. Like yourself and so many members of the House I have been an ardent football follower for many years and of all the hundreds of games I have witnessed I have never seen an incident of the type alleged by the member for Darling Range. I think we all agree it is a hard vigorous game, and certain of the incidents that do take place during these vigorous clashes are misconstrued by some supporters—the one-eyed type, particularly—as being of the bashing nature.

Mr. Hawke: Is this open to general debate? If so I would like to be in it.

Mr. CRAIG: Generally speaking I think that we in Western Australia should be very proud indeed of the type of lad who is playing football today. He is a good example of healthy young manhood on the field, and he is also an example to the younger generation of our community off the field.

Mr. Tonkin: I wish the Minister would give such detailed information on other questions that are asked of him.

Mr. CRAIG: I would rue the day—though I am confident it will never come to pass—when it is necessary for policemen to rush on to the field to arrest players because of the attacks they make during the course of the game.

Mr. Hawke: When did the Minister last play—football I mean?

HIGH SCHOOL AT HAMPTON

Completion and Intake

10. Mr. TOMS asked the Minister for Education:

(1) When is it expected that the new high school at Hampton will be completed?

(2) What is the anticipated number of 1st, 2nd, and 3rd year students to be admitted initially?

(3) Has a date been fixed for the admission of students; if so, when?

Mr. LEWIS replied:

(1) The first stage of the building is completed.

(2) First year, 268 students.
Second and third years, nil.

(3) Students will move in on the 19th September, 1966.

PRIMARY SCHOOL AT MORLEY

Site, Tenders, and Classrooms

11. Mr. TOMS asked the Minister for Works:

(1) Has the department finalised the acquisition of the site for a new

primary school in Morley; if so, where?

(2) When will tenders be called and a date set for its completion?

(3) How many rooms are to be erected in the initial stage?

Mr. ROSS HUTCHINSON replied:

(1) Action is in hand to have the site, which is vacant Crown land, revested and reserved for school purposes.

The site is located in Morley and is bounded by View Street on the north-west and the rear of residential lots on the south-east, and a fenced M.W.S.S. & D.B. drain on the south-west.

I have a plan here which the honourable member may consult if he wishes to do so.

(2) Erection will be carried out by the department. The date set for completion is the 1st February, 1967.

(3) Initially, ten classrooms.

FLUORIDE TABLETS

Distribution by Local Authorities, Cost and Effectiveness

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

(1) Can it be accepted from the replies given by the Minister for Health in answer to questions on the 26th October last that the cost of supplying fluoride tablets is approximately 12c a hundred, based on the experience of Fremantle City Council?

(2) What would be the estimated total annual cost to the State of supplying fluoride tablets to health clinics or local authorities on the basis of 300 tablets per child per annum in the age range up to 12 years?

(3) What is the estimated cost of fluoridating all public water supplies in the State?

(4) What will be the annual cost per water ratepayer to meet the charges for fluoridation of these water supplies?

(5) Is it a fact that dental authorities in the State are reporting reductions of about 90 per cent. in decayed, missing, and filled teeth, and over 80 per cent. perfect teeth in children using fluoride tablets through kindergartens, whilst the claims of proponents of fluoridation of water supplies is some 60 per cent. improvement in dental condition?

(6) If not, in what respect are the statements, deficient and will he supply the correct figures?

(7) Will he supply the names of the kindergartens of which he has particulars, together with details of percentage decayed, missing, and filled teeth reduction?

(8) How many local authorities are known to be distributing free fluoride tablets?

(9) What are the respective merits of fluoride making direct contact with teeth, as against ingestion of fluoride?

Mr. ROSS HUTCHINSON replied:

(1) No; but recent inquiries indicate that supplies of one brand of fluoride tablets are procurable at a wholesale rate of approximately 12c a hundred.

(2) (a) It is estimated that there are approximately 220,000 Western Australian children up to and including the age of 12 years.

(b) On the basis of 300 tablets (instead of 365) per child per annum, the total tablet requirement for this group would be 66,000,000.

(c) At the rate of 12c per hundred the annual cost of tablet purchase alone would be $79,200. There would be other additional costs involved in distribution.

After last night I hestitate to itemise the costs.

(3) Apart from capital costs—estimated at $240,000—the annual estimated cost of fluoridating water installations serving communities of more than 5,000 people throughout the State is $81,000.

(4) The estimated average annual charge to each ratepayer for water fluoridation is 38c.

(5) to (7) No. A recent survey of kindergartens at Alfred Cove and Como disclosed that 70 per cent. and 64 per cent, respectively, of children examined were free from decay. These findings are considered to be highly satisfactory by dental authorities and have been attributed to a combination of factors including fluoride tablets, suitable foods, and oral hygiene.

(8) Ten.

(9) The topical application of fluoride solutions to dental surfaces is laborious, expensive, and less efficient than the ingestion of fluoride.

QUESTIONS (6): WITHOUT NOTICE

STATE BASIC WAGE

Linking with Federal Rate: Newspaper Report

1. Mr. W. HEGNEY asked the Deputy Premier:

I would refer the Deputy Premier to an article which appeared in *The West Australian* this morning on page 2 under the heading "W.A. Basic Wage May Be Tied With Federal Rate". The article notes—

> The Government is planning legislation to remove the discretionary power of the Industrial Commission to make quarterly adjustments to the basic wage.

Further on—

> The Government's Bill may be presented to Parliament in time to head off another basic wage increase late next month.

Finally the article states—

> The Government has not yet drafted the Bill but has discussed it in the party room.
>
> It has considered the move a few times in the past two years.

What amount of truth is there in this report? Will the Deputy Premier be good enough to inform the House whether there is any truth in it, or whether it is completely true?

Mr. NALDER replied:

At this stage I have no comment to make on the question asked by the honourable member.

Mr. Hawke: It must be true.

2. Mr. W. HEGNEY: If the Deputy Premier is not prepared to answer my question, perhaps I could direct it to the Minister for Labour to whose portfolio it would refer.

The SPEAKER: I do not think I can allow that. The honourable member has asked the question of the Deputy Premier in his capacity as leader, and I cannot allow the honourable member to repeat the question.

HOUSING

Accommodation for Migrants

3. Mr. GRAHAM asked the Minister for Housing:

Is it a fact that the State Housing Commission has decided that no emergent accommodation will be supplied to immigrants?

Mr. O'NEIL: I am unaware of this situation; and, in order that it may be fully investigated I ask that the question be placed on the notice paper.

Mr. Graham: The board decided it last week.

PHILIPPINE FRIENDSHIP AIRCRAFT

Safety Check

4. Mr. ELLIOTT asked the Minister for Transport:

(1) Following the remarks made during the Address-in-Reply, has the Minister made a check of the safety conditions of the ex-Philippine Friendship aircraft now being used in Western Australia by M.M.A.?

(2) If so, will he give us the necessary details?

Mr. O'CONNOR replied:

(1) Yes.

(2) This particular aircraft had only 3,000 hours flying time when delivery was taken last year. It now has 4,500 flying hours and is two years old. I have spoken to the Department of Civil Aviation which has, perhaps, the most stringent technical and safety regulations of any civil flying authority in the world and it assures me that it would be necessary for the aircraft to be kept in first class mechanical condition to be permitted to operate.

DENTAL CARE

Tests Carried Out in Japan

5. Mr. HAWKE asked the Minister representing the Minister for Health:

(1) Has the Minister representing the Minister for Health, or has the Minister for Health or any of the appropriate officers in the Health Department, any knowledge of the recent tests carried out in Japan by an expert in relation to the sealing of children's teeth with plastic?

(2) If not, will the Minister representing the Minister for Health in this House contact the Minister for Health in another place and arrange for him, or his appropriate officer, to obtain information about this matter.

Mr. ROSS HUTCHINSON replied:

(1) and (2) Speaking as Minister representing the Minister for Health I have not had any information at all from him or his department regarding the use of plastic, apparently in Japan, for the purpose of preventing dental decay. However, I know as much as the Leader of the Opposition does—

Mr. Hawke: I doubt that.

Mr. ROSS HUTCHINSON: —in this respect perhaps—that this plastic material is alleged to be not very useful when it comes in contact with very hot materials such as

liquids or foods, and is liable to break down. However, speaking as Minister representing the Minister for Health, I will ask him if he will endeavour to find out more about this particular matter which has been raised.

Mr. Hawke: Thank you.

CO-OPERATIVE BULK HANDLING LIMITED

Land at Kwinana: Future Use

6. Mr. CORNELL asked the Minister for Industrial Development:

Adverting to question 5 which I asked today, I would point out that as I have no degrees for clairvoyancy I find it hard to follow the Minister's reply to my question in which I wanted to know what area of land had been reserved for Co-operative Bulk Handling at Kwinana. I would like a direct answer to that question. Four years ago he assured me some land was reserved, but in the intervening period the land has probably slid overboard. That is what I want to find out.

Mr. COURT replied:

I think the answer was as explicit as the honourable member could expect it to be at this stage. I consider the answer to the honourable member's question (2) (a) and (b) was categorical and the complete answer he wanted and one which would give the satisfaction he wanted.

As to the area concerned, I cannot be specific, but I think he wanted to know if any of this land had been reduced in size because of other plans being contemplated; and the answer given to (2) (a) and (b) was "No."

Mr. Cornell: I take it an area of land is being reserved for the use of C.B.H.?

Mr. COURT: This matter has been under consideration and under question by the honourable member for some sessions and he has always been assured on this point: There is land, as stated in the question, for the handling of bulk grain, and the only authorised agency I know of is Co-operative Bulk Handling.

BILLS (2): INTRODUCTION AND FIRST READING

1. Stock Diseases Act Amendment Bill.
   Bill introduced, on motion by Mr. Nalder (Minister for Agriculture), and read a first time.
2. Eastern Goldfields Transport Board Act Amendment Bill.
   Bill introduced, on motion by Mr. O'Connor (Minister for Transport), and read a first time.

PLANT DISEASES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st September.

MR. NORTON (Gascoyne) [2.34 p.m.]: This is quite a small Bill, but it contains one or two important points. Actually the Bill contains three amendments. The first is for the purpose of converting the currency in the Act from pounds, shillings, and pence to decimal coinage, as has been done in many other Bills that have been before the House. The first two amendments are, more or less, machinery ones, but the third contains a principle which is being added to the Act.

The first amendment is purely to validate the action of a committee should it be found that any person serving on that committee is not sure he is properly represented; that is to say he is not the owner of a property on which fruit is grown

A person may have been elected to the committee at a time when he was a fruit grower, but has since sold his property or gone into retirement, which makes him ineligible to be on the committee. In such a case, anything passed by the committee without this amendment to the Act would be invalid.

The second amendment is quite an important and useful one, as it gives power to the committee to have spraying or baiting done. Up to now the Act has only stipulated the baiting of foliage of the trees, but it has been found in practice that spraying is far more efficient. Therefore, the words "or spraying" have been put into the Act so as to make that operation valid, as far as fruit-fly baiting is concerned.

The third amendment is something which does not appear in the Act at the present time. It gives two powers to the Minister. Firstly, it gives the Minister the right to amalgamate two districts within one shire for the baiting scheme. I think this is a good idea as it might be far more economical for two districts to work together in a baiting scheme than to work independently. The measure gives the Minister the right to join two districts together in a baiting scheme. However, it goes further than that. It also gives the Minister power to join to a district which has, by referendum, decided on a baiting scheme, portion of another district which has not had a referendum on the conduct of a scheme.

I do not think this is correct according to the Act. Any compulsory baiting scheme which is set up under the Act must be as a result of a referendum.

Here I would refer to section 12(a) which definitely states that any compulsory baiting scheme must be incorporated by a referendum. However, the amendment definitely gives the Minister the right to extend a scheme without a referendum of

the growers in the district. Whilst the Minister might be on the right track, and I think he is, this particular amendment is not valid according to section 12(a) of the Act.

I think we are more or less playing around with fruit-fly control in this State. We are only taking half measures and we should follow what has been done in South Australia. The whole of Western Australia should be declared a fruit-fly area and baited under a compulsory scheme. Everybody should be made to carry out a baiting programme.

At present referendums are held in various districts and compulsory baiting is carried out. In the metropolitan area there is one such district at the moment. However, all the rest of the metropolitan area does not come under the compulsory scheme. The district operating under the compulsory scheme might be separated from another area by a road or a fence. The district without a compulsory scheme could be responsible for reinfesting the area which is under the compulsory baiting scheme. This is not fair to people who are going to the expense of baiting. If one area in the metropolitan area is baited, then the whole of the metropolitan area should be covered so that one district does not reinfest another.

There is another precaution which should be compulsory. Every case of fruit which is susceptible to fruit-fly infestation, whether it comes from a clean area or an unclean area, should be fumigated; because the cost is not high. Cases of fruit which are sent to places throughout the country and metropolitan area redistribute the fruit fly into areas which are clean.

I understand that in the south-west there is a demarcation line beyond which fruit cannot be taken unless it has been fumigated. However, throughout the metropolitan area and in the northern parts of this State fruit can be transported without fumigation. It is important that all fruit which passes through the metropolitan markets should be fumigated.

There is another method of spreading fruit fly and that is by the sending of stone fruit, and other fruit which is host to fruit fly, as a personal gift from one district to another. If we had compulsory fruit-fly baiting we would not have this worry. I personally urge the Minister to have fruit-fly baiting made compulsory throughout the State; and, until the whole State is clean, every case of fruit which could be a host to the fruit fly should be fumigated before it is sold. If we could make Western Australia free of fruit fly as is the case in South Australia, we would be able to export more vegetables which we grow out of season. There would also be an improved export market for tomatoes; and, instead of exporting them green, coloured or half ripe fruit could be exported. Likewise, capsicums, chillies, cucumbers, and the other vegetables which are grown out of season could also be exported to the Eastern States where there is a consumer market for these products. With those remarks, I support the Bill.

MR. NALDER (Katanning—Minister for Agriculture) [2.45 p.m.]: I thank the honourable member for his support of the measure introduced under the Plant Diseases Act. The main point of the Bill, of course, is to make provision for the extension of the baiting of fruit fly. There were several other points which I made clear to the House when I introduced the Bill.

The member for Gascoyne requested that the whole of the State be declared a compulsory baiting area. Everybody would be happy if this was physically possible, but at this stage it is an impossibility; and there are several reasons why it is impossible. Several metropolitan members have made a similar request.

For a start, we are carrying out fruit-fly baiting in areas where it is possible to spray, and in most cases these areas are limited. The scheme was extended mainly into the country, and the success of the scheme no doubt, as most members know, has been attributed to the fact that people have concentrated on carrying out the regulations and co-operating fully with the baiting committee appointed to carry out the work.

I can recall that when I was appointed Minister for Agriculture, only seven or eight years ago, the officers of my department said it was absolutely impossible to eradicate the fruit fly from this State. So much has happened since that time—when there was only one baiting scheme in the whole of the State—that we now have 33 schemes operating in the various country areas plus one or two in the metropolitan area. A number of others have already been requested.

Mr. Bickerton: You are doing a mighty job!

Mr. NALDER: You agree with this? I am pointing out the problem of trying to cover the whole of the State in one fell swoop. It is a physical impossibility to do this. We are making progress by isolating areas and carrying out the baiting scheme on the present basis.

Of course, another point is the financial aspect; and I think it is better to go along as we are, and make progress. In the next few years we will be able to cover a larger area of the State where the fruit fly is a problem. We will then be able to carry out the wishes of the honourable member in connection with the exporting of tomatoes to South Australia and other States. The point made with reference to the Minister's power would—

Mr. Bickerton: That is an S.E.C. loan.

Mr. NALDER: Yes; we will have an

opportunity of talking about that in a few moments. The situation, as I interpret it—and I will make some further inquiries—is that the Minister will only move to amalgamate two districts or areas at the request of the areas concerned. The amalgamation will not be made on the Minister's say-so; it will be made as a result of a request from a local authority or an organisation of fruit growers in an area.

Mr. Norton: It has to be done by referendum.

Mr. NALDER: Where a new scheme is required it has to be set up by referendum; but it is possible that a request could come from a shire for the extension of the scheme to an adjoining area. When I introduced the legislation I explained the situation in Applecross, where there is a compulsory fruit-fly baiting scheme in operation on one side of Canning Highway, but not on the other side. A request could be made for amalgamation within the same shire or municipality.

Mr. Moir: There will always be that problem in the metropolitan area.

Mr. NALDER: Yes; that is right. We will always have the problem. However, if the local authorities request a scheme to be carried out in another area, then the machinery is available to have a poll taken and if the poll is in favour then the district will be confirmed and the authorities can go ahead with the baiting of the fruit trees.

I shall make inquiries and inform the honourable member at the third reading stage with reference to the power of the Minister to ask people in an area to join with those in an adjoining area in the carrying out of a fruit fly baiting scheme. However, I think it can only be done at the request of the local authority, or some organisation concerned, and in the interests of the people concerned.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 to 4 put and passed.

Clause 5: section 12C amended—

Mr. NORTON: This is the clause to which I was referring and which gives the Minister extra powers. I would refer the Minister to page 4 of the Bill, line 15, where it reads—

> or in the absence of any such scheme, be administered within the adjacent district as though it were the scheme required to be introduced therein.

When this is read in conjunction with the earlier part of the clause it will be seen that the Minister, without any reference to anyone, has the power to include an adjacent area within a scheme, if it is thought that the scheme will be of benefit. However, when we look at section 12A of the principal Act we find the following:—

> Any incorporated Fruit Growers' Association, or any road board constituted under the Road Districts Act, 1919-1943, or any municipality constituted under the Municipal Corporations Act, 1906-1943, may, by writing under its common seal, delivered to the Minister, request in respect of orchards registered under section eight of this Act and situated within any district, that the question whether or not a compulsory fruit fly foliage baiting scheme should be introduced within such district be submitted to the vote of the owners or occupiers of orchards registered as aforesaid within such district.

I think that makes it clear that a referendum must be taken before a fruit-fly baiting scheme can be introduced into any district. Therefore I think the amendment the Minister wants to include by this Bill is contrary to section 12A of the Act.

Mr. NALDER: As I explained, my interpretation of the amendment is that it will give the Minister authority to bring two groups from the one area together. However, I would not be prepared to force any section of the community into a baiting scheme unless the people were prepared to agree to it. All the amendment does is give the Minister authority to group two areas together, if they so desire, instead of having one committee operating in one section of a municipality and another committee operating in another section, perhaps across the other side of the road. It will save on manpower and will mean that two committees will not be doing the same job.

However, as I have said, if my interpretation is wrong I will mention it at the third reading stage; and, if an alteration is necessary to clear up the point, I will have it made in another place.

Clause put and passed.

Clauses 6 to 11 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

PUBLIC WORKS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th September.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [2.59 p.m.]: Although

this Bill is necessarily designated as an amendment to the Public Works Act, its contents have very little to do with public works, and are confined practically to the provisions of the Act relating to land resumptions. It is true, of course, that when land is resumed by the Government it is nearly always for public works, and that would apply to the bulk of the land resumed under these provisions.

It makes a very big difference to one's understanding of provisions if the language used is specially chosen in order to convey an impression different from the correct impression. The Minister will probably disagree with me; I will not mind that at all. He is entitled to choose the language which presents to the public the view most favourable to his proposal. I will attempt to show that the language he has used does not truly represent the Government's intention. I think the Minister must agree that, broadly, the purpose of the Bill is to benefit the Government and not the individuals who are dispossessed of their land.

Mr. Ross Hutchinson: That is untrue; that is untrue!

Mr. TONKIN: I thought the Minister would agree with that, because I propose to show—

Mr. Ross Hutchinson: I will tell you this now—

The SPEAKER: Order!

Mr. Ross Hutchinson: I will tell you afterwards, and I will tell you, too!

Mr. TONKIN: Biting so early?

Mr. Ross Hutchinson: It is so nonsensical!

Mr. TONKIN: We will see.

Mr. Ross Hutchinson: You misled the House last night, too.

The SPEAKER: Order!

Mr. TONKIN: No, I did not. I will be anxious to hear how I did.

The SPEAKER: Order!

Mr. TONKIN: I will now proceed to prove the truth of the statement I have just made.

Mr. Ross Hutchinson: You can only ever prove anything to your own satisfaction! You twist things around to your liking.

The SPEAKER: Order!

Mr. TONKIN: The Minister has said, that, firstly, the purpose of the Bill is to rationalise the incidence of section 29 which gives former owners rights to repurchase land surplus to requirements. That is his explanation. My explanation is that the purpose of this amendment is further to deprive dispossessed owners of property and of some of their existing rights. Does the Minister deny that is what will happen under the Bill?

Mr. Ross Hutchinson: That is oversimplification! That is oversimplification, and you know it is. You are deliberately twisting this to mean something it does not mean.

Mr. TONKIN: I will proceed a step further. Under the existing law the people have certain options. People who have been dispossessed of their land have certain options to repurchase that land if the Government no longer requires it. Some of those options are to be taken away.

Mr. Ross Hutchinson: Where the land does not conform with town planning requirements, and the owner still has recourse to law.

Mr. TONKIN: I have not gone into the reasons yet. The facts are that some of the existing rights and some of the existing options to get back land which was forcibly taken from people are to be taken away. That is point No. 1, which I think is established.

The Minister's next explanation was that the amendment to section 46 is to clarify the provisions relating to advanced payments of compensation. I say it is designed drastically to alter the provisions. That is a difference in phraseology. Further, the amendment is to alter the provisions, to the advantage, for the most part, of the department. If land which has been severed from a person's holding should not be given back to that person because it is of no value to him, what value will it be to the Government? That is a strange reason to advance for depriving a person of his option to get his land back. In this broad question I consider we should have more regard to the rights of the individual and less regard to the desires of the department.

Mr. Ross Hutchinson: Do not mouth pious platitudes!

Mr. J. Hegney: Hear, hear!

Mr. TONKIN: What is the principle behind resumption? It is that, in the public interest, it is unavoidable that certain unfortunate individuals will be forcibly dispossessed of their properties irrespective of the hardship it wreaks upon them. That is the law and we have to accept it; because it is inevitable that if the State is to expand, public works are to be established, and schools, hospitals, and railways are to be built, certain private residences will be in the way and they will be required to be demolished. When that is necessary, my own view is that the State should bend over backwards to try to compensate the unfortunate individuals for the inconvenience and financial sacrifice which is being placed upon them; and the general community should be prepared to bear that burden, not the individual.

Mr. Hawke: You would think the Deputy Premier would agree with you on that!

Mr. TONKIN: I know of an old-age pensioner, who is a widow and who resides

in the Minister's own electorate. She wanted nothing more than to be allowed to see out her days in the house where she has lived for years, in a community where she has friends and where she gets such happiness as is available to her. But public works are required to be carried out in the area and so she is to be forcibly dispossessed. She finds it extremely difficult to go anywhere, because at her age and with her limited income she cannot raise a mortgage or borrow money to buy another home in which to live; she has no relatives who are prepared to take her in; it is not easy to gain admission to a home where the costs are within reach of a pensioner, and so this unfortunate lady is immediately confronted with what is almost an insurmountable problem.

What does the Government do? It promises to bring the bailiff down to empty her out into the street if she does not get out. When she resists to the limit, she then agrees to go, and the Government offers her a house which has been resumed from somebody else in a remote area where other people have been evicted, and the Government puts her in this place at a rental of $8 per week, which she has to find out of her pension.

It is true that in due course, maybe within one month, two months, three months, four months, or five months, she will receive an advance payment on her property. She will become entitled to interest, and some day it will be paid; but right now she has to pay $8 a week in rent.

Mr. Ross Hutchinson: What has this to do with the Bill?

Mr. TONKIN: It has everything to do with the Bill. I am sorry the Minister does not like what I am saying.

Mr. Ross Hutchinson: The same has happened over the years.

Mr. TONKIN: I am endeavouring to show that in my opinion the State should be bending over backwards to ensure that the unfortunate individual does not suffer.

Mr. Ross Hutchinson: I agree.

Mr. TONKIN: If the Minister agrees, what is he complaining about?

Mr. Ross Hutchinson: It has nothing to do with the Bill.

Mr. TONKIN: I put this question to you, Mr. Speaker, seeing this Bill deals with the conditions of resumption, the payment of compensation, the manner in which the compensation is to be assessed, and dispossessed persons: Has what I have been saying anything to do with the Bill?

Mr. W. Hegney: The Speaker has said "Yes."

Mr. TONKIN: To go back to the story I have been telling, which is factual—and the names and districts can be supplied if necessary—

Mr. Bovell: But you did all this when you were a Minister.

Mr. TONKIN: I am suggesting to the Government that instead of taking away existing rights, which this Bill seeks to do, it should extend the compensation provisions and make them more adequate when resumptions take place.

Quite often the people who are affected are well on in years, and live in properties which were built years ago and which, on present-day values—if full value is paid—would not provide them with a sum of money to enable them to re-establish themselves in other homes. These people do not want to make profits; they desire to be left alone in the houses where they live. They do not want to be emptied out onto the street. Unfortunately the policy is one which results in their being emptied out onto the street.

Mr. Bovell: This is the policy which you carried out yourself when you were the Minister.

Mr. TONKIN: I can tell the Minister that the Government to which I belonged improved the conditions under which resumptions would take place, but this Government has spent its time taking away some of the provisions which we put into the Act. This Bill is a further step in that direction.

Mr. Ross Hutchinson: What a lot of nonsense!

Mr. TONKIN: It is so easy for the Minister to sit back and say this is a lot of nonsense; it is a different matter to have to get up and prove it.

Mr. Ross Hutchinson: I have a reply for you this time.

Mr. TONKIN: It had better be good. We want the facts; we do not want a statement from the Minister that this is a lot of nonsense. What I am giving to the House at the moment are the facts. The case in North Fremantle which I mentioned was by way of illustration. In due course, if this woman lives long enough, she will receive some money from the Government; she will receive interest on the sum she is to be paid for her property; but the capital and the interest will not be sufficient to enable her to buy another house; and she is much too old to undertake a financial obligation which would provide her with sufficient funds to buy another home. That is the problem.

My view is this: When in the public interest an individual has to suffer, then the least the Government can do is to provide sufficient compensation to enable that person to be properly housed.

Mr. Ross Hutchinson: One of the provisions in this Bill is to give legal authority for this.

Mr. TONKIN: I have not seen that provision, and I shall be glad if the Minister will point it out to me. What I have said

is the basis of the problem. As increasing numbers of people are to be dispossessed, because of the necessity to build freeways and railways, more and more people—who are quite content to live out the rest of their lives in their existing homes—will be told by the Government, "We need the area where you live, so you have to get out." They are then left to fend for themselves, and to make the best arrangements they can. That is not so easy.

I would like members to place themselves in the position of some of the people who have been dispossessed in this way. What would they do in similar circumstances? If they no longer had an earning capacity; if they were solely dependent on a pension, who would lend them the money to buy another house, assuming they were prepared to borrow the money?

How could they meet the interest payments on the money if they did borrow it? So it is a hopeless proposition, unless they are paid sufficient by the Government to enable them to be settled in either a flat or a house. All they want is some place in which to live, and I think there is an obligation on the community in general to see that their needs are met.

There is a provision in the Bill dealing with the payment of interest. I do not know whether the Minister fell into error, or what is the explanation, but he has created an impression in the minds of the public that anyone whose land or property has been resumed, and who has not been paid for it, is receiving 7 per cent. interest on the money. Of course he is not.

Mr. Ross Hutchinson: If they are owed money by the department through resumptions under the Public Works Act, they will get 7 per cent.

Mr. TONKIN: I do not know what proportion of those concerned come in that category. I am telling the Minister that by far the larger number of these people to whom money is due because they have been dispossessed of their properties are not getting 7 per cent. on their money.

Mr. Ross Hutchinson: As you know it is the bank overdraft rate that is paid for resumptions under the Public Works Act, and this rate varies according to circumstances. Now it is about 7 per cent.

Mr. TONKIN: I know that rate is not being paid.

Mr. Ross Hutchinson: In that case it would be a resumption under another Act, perhaps the Metropolitan Region Town Planning Scheme Act.

Mr. TONKIN: That does not alter the statement I made that the bulk of these people to whom money is owed by the Government through resumptions are not getting 7 per cent.

Mr. Ross Hutchinson: Perhaps up to 7 per cent?

Mr. TONKIN: It is not much satisfaction to a person who is getting only 6 per cent. to hear a statement from the Minister that he is getting up to 7 per cent.

Mr. Ross Hutchinson: I wish you were as precise in your description of your Act as you are in trying to pick holes in mine.

Mr. TONKIN: Surely I am entitled to tell the House what is the existing situation. I have never heard there was an obligation on anybody dealing with a Bill to go back over the years to find out what successive Governments did in respect of certain matters. We are dealing with the present situation, and with what the Minister proposes to do to change it. That is what I am concerned with. I am concerned with the fact that the Minister will take away from people certain rights which they now possess.

Mr. Hawke: That is the big point.

Mr. TONKIN: It is a further step to that which he took last session when he took away some of the rights which had been conferred by a Labor Government; and the Minister cannot argue himself out of that. I repeat that we must adopt a different attitude to this question—not a departmental attitude to pay as little as possible, but to regard this from the point of view of the individual who is suffering in the interests of the general community—

Mr. J. Hegney: Hear, hear!

Mr. TONKIN: —and do our utmost to see that the inconvenience and the sacrifice which is imposed upon him shall be as small as possible. We can do nothing about assuaging the feelings of the person who does not want to leave the district in which he has lived all his life. We can do nothing about that under some circumstances. It is unfortunate, as it is a big wrench for some people who have lived for 50 to 60 years in the one spot, and who have made friends there, when they are obliged to go some distance away where they have no friends. However, quite often, that cannot be avoided.

What we can avoid, if we have a mind to, is putting them in financial difficulties and in a situation so that they do not know which way to turn in order to obtain accommodation. Every member in this House would know it is not a simple matter to obtain accommodation in an old people's home immediately one wants it. Sometimes a wait of months and months is entailed.

What do the people do in the meantime if they have been emptied out of their home? They cannot buy another because they do not have the money; and that is the situation I want the Government to face up to, because I think it is the Government's obligation to do so. I would not shirk it if I were in the position of the Minister.

I believe, and I said so at the start, that some portions of this Bill will benefit the persons from whom land or property has been taken, but compared with what they are losing, a state of imbalance exists for sure. I do not know why the Government wants to take away these various existing options. All sorts of difficulties are mentioned by the Minister—difficulties with town planning, rights of other persons, and so on.

Who has more right to land than the person from whom it was forcibly taken in the first place? If it is too small for that person to do anything with, he will not want to buy it back, will he? So why stop him from buying it back? It does not make sense to me. A piece of land is so small or in such a position that it cannot be usefully employed by the person who wants it and so we must stop him having it. What likelihood is there that he would want to buy it back? Oh, no! I do not accept that situation at all. I say the department does not want him to get it back, and so it is taking away these existing options.

Mr. Rushton: What advantage would it be if he were not able to do anything with it?

Mr. TONKIN: He would not spend money buying it back if that were so, would he?

Mr. Ross Hutchinson: It would just remain there. He could not do anything with it, so it would remain a piece of no man's land.

Mr. TONKIN: Oh, no.

Mr. Ross Hutchinson: It would.

Mr. TONKIN: Oh, no; because once it has been offered back and the person does not want to exercise his option, he loses his right to buy it. He has had his chance.

Mr. Ross Hutchinson: The Deputy Leader of the Opposition also knows that many of them do not make up their minds for years about these odd little bits.

Mr. TONKIN: That could easily be fixed up, but not in this drastic way of taking away the rights completely. It could be done by simply fixing a time by which they had to exercise their option. That would be the simpler and fairer way to do it if one wanted to do it; but, of course, if one really wants their land, then to make sure of getting it, one takes away the option, and that is what this Bill does.

Mr. Ross Hutchinson: The department does not want the land.

Mr. TONKIN: I have yet to be convinced of that.

Mr. Ross Hutchinson: Well, you surprise me!

Mr. TONKIN: One of the arguments advanced for taking away an option is that the original owner of a property from which a portion has been resumed might, before he becomes entitled to an option, sell the remaining part of his land to another party; and subsequently, when he becomes entitled to the option to buy back the land which was taken from him, because the Government no longer requires it, he should not be allowed to have it; it should go to the person to whom he has sold his land.

I cannot see that. When he sells his land after some has been taken from him, he does not sell it on the condition that if he gets some more land back from the Government he will also sell that. The person who buys from him does so on the understanding that he is only getting what he is paying for. Why should he become entitled to more land if subsequently there is returned to the original owner that part which was taken from him? If there is any logic in that I cannot see it. That is the proposition in this Bill. I gather that you, Mr. Speaker, would have come to the conclusion that I do not like it very much.

Mr. May: Not the only one!

Mr. Norton: I do not think the Minister has found that out yet!

Mr. Ross Hutchinson: One can never be sure!

Mr. TONKIN: I do not know why the Government wants to amend this at all in this direction. With more and more resumptions pending, and a more generous attitude developing in the community, my view is that any amendment ought to be in the direction of liberalising the conditions, not making it harder for the persons who are dispossessed.

The Minister points out that our legislation is a bit in advance of similar legislation elsewhere, and I suppose that observation is made in order to justfy our taking away a bit. I do not think we ought to argue that way at all. If, in this particular, we are in advance of other States, and we think it is a fair proposition, what is wrong with our advancing a little further and showing the way to other States in the interests of the people? After all, any liberalisation of the conditions of land resumption will benefit the people generally; and surely if these people are subjected to inconvenience in the public interest, they are entitled to liberal treatment!

This Bill is in the opposite direction, unfortunately, and because of that I am very strongly opposed to it. I do not think we should take away any existing options at all. I opposed the Government's legislation last session when, to the disadvantage of dispossessed persons, it amended the Act; and I am also opposed to these proposals. The only ones in this Bill with which I will agree are those to change the decimal currency. I think that is the only part of the Bill anyone ought to support.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [3.30 p.m.]: The Deputy Leader of the Opposition has produced another interesting speech, but it is a speech which, in many ways, tends to distort the meaning of the legislation before the House.

Mr. Norton: It can be distorted, then?

Mr. ROSS HUTCHINSON: The honourable member does not know what he is talking about. Except when the Deputy Leader of the Opposition spoke about some pensioner case in North Fremantle, or in part of my electorate, he spoke in generalities; and, of course, this is the thing to do in a second reading debate. However, he spoke in such a way as to oversimplify matters to a point where the meaning and the import of my second reading speech were quite distorted. In fact, he tended to mislead the House, as he did last night when he quoted, allegedly, from a letter that I had written to him. I said: "Would you mind quoting that?" He said: "Here it is—the important factor—here it is, word for word. I guarantee it."

Mr. J. Hegney: Didn't you?

Mr. ROSS HUTCHINSON: Do you know, Mr. Speaker, that was not contained in any letter I forwarded to the Deputy Leader of the Opposition? The only place I could find it was in a letter which the Deputy Leader of the Opposition wrote himself to me.

Mr. J. Hegney: This is Gilbertian.

Mr. ROSS HUTCHINSON: I only bring in this rather extreme illustration to give a little emphasis to my remark of what the Deputy Leader of the Opposition can do to try to make the meaning different from the way it is presented and from what it actually is.

Firstly, the honourable member said that, as far as he was concerned, the Bill had little to do with public works. Now, that is a bright statement! Then he went on to say that it did amend section 29, which has relation to resumptions which concern public works. Nevertheless, he made a bright beginning.

He also said this Bill would be of benefit to the Government and not to the people. This is just not so. The Bill was drawn basically to help the people. I cannot for the life of me see how the Deputy Leader of the Opposition can reason the way he does. He, himself, at one time was the Minister for Works in the Hawke Labor Government and, as such, he did a good job. The only major project for which he was responsible was the Narrows Bridge, but he has since repudiated that—he did so again last night.

Mr. J. Hegney: He has seen the light since then.

Mr. ROSS HUTCHINSON: I ask the member for Belmont what he thinks about it; but perhaps he had better not say.

The Public Works Act is drawn up for the purpose of providing good government for the people; it is a necessary Act. The Act contains a multiplicity of sections which deal with all manner and kinds of things. Section 29 relates to resumptions of land and of property—not for the Government but for the community; that is, for the people.

Mr. J. Hegney: I can tell the Minister that the people have been very niggly out in my electorate. I have dealt with both the present and the former Minister for Works.

Mr. ROSS HUTCHINSON: I am talking about the general principles of the resumption section and I say there is not one Government which, at times, does not find it necessary to resume people's property. No-one likes to do this, but it must be done. If, as Minister for Works, I am a culprit in this regard, so then are all the other Ministers for Works who have held this office over the years. So, too, are all the other Governments. Let us establish that point, at least. People have been dispossessed of their homes and property in the public interest.

Sometimes one might query this public interest or that public interest, and this is natural enough. However, the resumption section is in the Act to enable the Government to resume when it is considered necessary.

While I am talking on the subject of dispossession, I would like to mention that I know of a number of instances in the days of the former Government of tenants who were dispossessed of their homes and thrown out onto the street. The bailiff put them out onto the street and their furniture was strewn about them when they were thrown out.

Mr. Davies: You will get an academy award if you keep this up.

Mr. ROSS HUTCHINSON: As long as the honourable member does not give me an A.4—that is for over-acting.

The Deputy Leader of the Opposition said that he does not like any of the provisions of this Bill and that they are intended for the sake of the department or the Government. Following along the lines taken by the Deputy Leader of the Opposition, I can say that all of these provisions, as is the case with so many other pieces of legislation, need not be proceeded with. The Government would not be the loser; in the main, the people would be the losers; and what I am saying even includes some of the cases about which we will be speaking, either in this debate or in the Committee stage, in respect of the Minister not being obliged to grant options in certain cases.

Many of these amendments are to liberalise certain sections of the Act and to rationalise others. The question of the

Minister not being obliged to grant options has regard for the odd bits of land that are left over and are surplus to requirements. Perhaps at this juncture I might try to explain the position.

If the top of the Table of the House were to be divided into 40-foot blocks and it became necessary to resume two of those 40-foot blocks—that is, 80 feet in all—one would have to resume the whole block. If a 66-foot roadway were constructed, there would be 14 feet surplus to requirements; that is, 14 feet left over. I have made this illustration as simple as I can.

Mr. Toms: Your calculations are all right, anyway.

Mr. ROSS HUTCHINSON: This 14-foot piece is, say, adjacent to another 40-foot block. The Act enables the former owner of the block that has been taken to have an option on the 14 feet. I am sorry the Deputy Leader of the Opposition has had to leave the Chamber, because I feel sure he would have liked to understand the import of this explanation. The portion of land that has been left over virtually becomes no man's land. The former owner does not want it; but he does not want to give it away, so he tries to sell it to the other fellow, who will not buy it.

Mr. Toms: How can he sell it to the other man when there is drainage in between?

Mr. ROSS HUTCHINSON: There is no drainage. I am referring to the land which is surplus to the requirements, which, in the particular case I have illustrated, could be 14 feet of the block. My idea is that if we do not give an option to the man in question, we will be able to resolve, almost immediately, a problem which has gone on for years; a problem which existed even when the previous Government was in power.

Again let us imagine the Table of the House as being 100 acres. One corner of it might be resumed from the owner for an electricity substation, a drainage sump, or any one of a number of things. Subsequent to its being resumed and the owner's being compensated for its loss, it is possible that the owner will sell this 100 acres of land. Shortly afterwards, however, it may be found by the Government that because of a change in town planning the land is not required. The Act, however, states that it must be offered back to the original owner.

Mr. J. Hegney: Don't you think that is fair?

Mr. ROSS HUTCHINSON: I think it is a bit silly, because in the meantime the original owner has been compensated for the land and he has sold it to the new owner.

Mr. J. Hegney: He has only been compensated for portion of it.

Mr. ROSS HUTCHINSON: I can see I am not making any progress in that direction.

Mr. J. Hegney: Too right; I have seen too much of this.

Mr. ROSS HUTCHINSON: For the benefit of the honourable member who has just interjected, there are a number of cases where there is some doubt as to whether the land should be offered back to the owner. The purpose of the amendment, however, is not to make it obligatory for the Minister to grant an option.

The Minister may grant an option if he feels as does the honourable member; but if he thinks it is a tiddlywinking matter where the rights of the former owner are merely academic, he can say that in the circumstances the fellow next door should be given the opportunity to purchase the land in question.

The Government, or the department, will not benefit from this financially, but it will certainly smooth out a number of anomalies and difficulties with which the department has been faced; and it might also break down some of the work that has faced the land resumption authority concerning these matters.

I have tried to explain some of the things that are likely to occur. If the Minister feels that the land conforms to town planning requirements, and that the former owner should have an option, he will grant that option. In any case, if the former owner objects to this course of action he still has recourse to the court, where he can say, "The Minister has refused to grant this option, which I believe is an option that should be granted." On hearing the case the court may, in its wisdom, grant him the option.

In addition to what I have said, there is a further amendment in the Bill which indicates the principle behind the Government's actions, and shows what the Government seeks to do. This amendment was drawn from the Commonwealth Lands Acquisition Act which says, in effect, that where the former owner has no legal rights involved, the Minister shall have regard to the principle of his rights and should make him an offer.

Sitting suspended from 3.45 to 4.5 p.m.

Mr. ROSS HUTCHINSON: I do not think there is a great deal more on which I wish to comment except to say a few words in regard to the remarks of the Deputy Leader of the Opposition that the department or the Government benefits from these amendments which I have brought before the House. The only real value to the department—it does not want these odd bits of land where the option may be withheld—is to try to finalise the rational development of certain odd pieces of land which do not conform to town

planning requirements. The Minister may not grant the option, but there is recourse to a court; and also the principle that is written into the Act if these amendments are accepted will provide that a former owner's rights must be given due weight.

In regard to these small odd bits of land, it will be interesting for the legal practitioners in this House to note that a court recently ruled that any contracts to sell land which requires town planning approval is illegal unless such approval is first obtained. I do not know whether the Deputy Leader of the Opposition knows of this court ruling, but it is based on our laws. However, in our Act there is the statutory provision that the option shall apply.

I freely grant that; but this was a ruling of the court. Not being a legal man, I cannot completely assess the quality and full meaning of what the ruling means. In my introduction of this Bill I tried to point out in general terms some of the other provisions of the Act; and, as I said earlier, many of these confer benefits on the people. They certainly do not confer them on the Government. It is a Bill designed to try to improve the effective working of an Act which per force is placed on the Statute book to enable the Government and the people to get together in regard to community works.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Section 29 amended—

Mr. TONKIN: Clause 3 provides for taking away from dispossessed persons certain options which they now possess. After the commencement of the clause there follows a number of instances where the Minister will not be under any obligation to grant options which at present exist. So that means this clause in the Bill actually is to worsen the situation of dispossessed owners, in as much as they will have fewer options to get back their land. That cuts across the principle of the legislation.

The basic principle is that when the Government forcibly takes a person's land for a specific purpose, and subsequently it is not required for that purpose, the right thing to do is to offer the land back to the person from whom it was taken. This is the principle that was established some years ago and was generally accepted by Parliament as being fair and reasonable.

This clause alters that situation and reduces the number of options which will be available to the dispossessed persons. Subparagraph (i) of the clause reads as follows:—

> the land as a separate lot does not comply with the requirements of the Town Planning Development Act, 1928, except where the person who would otherwise be qualified to apply for the option is the owner of adjoining land to which that separate lot may be added;

If the person who originally owned that land is not allowed to get it back when the Government does not require it, what is the Government going to do with it? The Government cannot comply with the Town Planning Act either. If the individual buying back the land cannot comply with the Town Planning Act, how on earth can the Government do so if it gets this land back?

Mr. Ross Hutchinson: It still has it. It wants to discharge its responsibility and apportion it to the right place.

Mr. TONKIN: Let us take it step by step. A man owns some land which the Government takes from him. The Government does not use it for the purpose for which it was taken; and, under the existing law, the person from whom it is taken has an option to get it back.

Mr. Ross Hutchinson: Right.

Mr. TONKIN: The Minister at this stage says it should not go back, because the Town Planning Act now will be such as to prevent this chap who is getting the land back from doing anything with it, so it will not be given back to him and it will be kept by the Government. What can the Government do with it?

Mr. Ross Hutchinson: I have said a number of times, the Government does not want to keep the land; but if it becomes a no man's land for some time, the Government would get rid of it to an adjoining owner.

Mr. TONKIN: So the purpose is to say to the original owner, "It is no good letting you have it because the Town Planning Act will not allow you to do anything with it. We are going to sell it to your neighbour at the ruling price." Is that in the interests of the people or the department?

Mr. Ross Hutchinson: It does not make any difference.

Mr. TONKIN: It makes a difference to me. Subparagraph (ii) reads as follows:—

> the land was taken or resumed because it would have been severed by the work from the remaining land of the owner thereof;

Why should that deprive him of the right to get it back if the Government does not require it? Why should the Government under these circumstances say, "We are not going to let you buy this back because we are going to keep it as we want to sell it to somebody else and make a profit on it."

The Government wants to get more profit out of the land. Although the land was forcibly taken, the Government does not want to be under any obligation to return it. Then we come to subparagraph (iii) which reads—

> the remainder of the land from which the land was taken or resumed, or any part of that remainder, has subsequently been disposed of by the owner, or has been or is in the course of being subdivided for disposal;

The Government wants to sell the piece of land to the adjoining owner, but it does not want to let the original owner do that. There could be a large area of land and the Government could forcibly dispossess the owner of portion of it. The owner could then sell the balance. In due course, the situation could arise where, under the existing legislation, the owner would be entitled to the option to get back the land which the Government took from him. Presumably, it would be advantageous for him to get it back because he might be able to sell it to the person to whom he sold the balance of the land. But the Government will not allow him to do that; the Government will sell the land to the new owner. Now we go on to subparagraph (iv) which reads as follows:—

> the land is portion only of that taken or resumed, having been excised therefrom for any work ancillary or incidental to any public work, the remainder of the land so taken or resumed continuing to be required for the public work for which the taking or resumption was effected.

I assume that means the Government could have taken a certain area of land all of which it did not require for a particular purpose and then could refuse to give back the unwanted section. So the Government makes this amendment to enable it to keep the land. Is not that it?

Mr. Ross Hutchinson: If the honourable member will resume his seat I will tell him.

Mr. TONKIN: I will resume my seat so that the Minister can explain the position.

Mr. ROSS HUTCHINSON: During the course of my reply to the second reading debate, I described some of the reasons why it was felt necessary to have these amendments in the Act. They are included so that difficult situations can be overcome. The summarisation by the Deputy Leader of the Opposition of what would happen in regard to subparagraphs (i), (ii), and (iii) was substantially correct.

Subparagraph (iv) covers a situation where sites are resumed for works such as schools, hospitals, or other public works. It may be found that the whole of a resumed site is not required for the particular public work, but that actually a corner of it—perhaps half an acre, or maybe less—is required for a corner truncation of roads; or a section might be required for drainage, or one of a number of purposes.

It seems highly illogical to me, and to the officers of my department, that we should have to offer this portion of the major site—which has been resumed and paid for—back to the original owner, and then buy it back from him for the truncation of the road for one of the purposes which I have mentioned. Where these facilities are required, surely this is reasonable enough.

With regard to the first three subparagraphs mentioned by the Deputy Leader of the Opposition, the Government does take away the option right, or can take away the option right, because the clause is framed—and I had it so framed deliberately—so that the Minister shall not be bound to grant an option in these cases. By including "shall not be bound" the Minister is given latitude so that where he feels the interests of the former owner are real and merit the land being returned, then he can so adjudicate and offer it back. Ministers are not always right.

Mr. W. Hegney: Some Ministers are never right.

Mr. ROSS HUTCHINSON: Perhaps I had better not comment further; I will restrain myself. If the former owner of the land feels aggrieved by the Minister's decision, then he has recourse to the court and the court can determine whether or not the Minister was right in his refusal to grant the option.

The Government is only trying to place in the Act machinery which will rationalise the odd pieces of land which are very difficult to place in someone's custody in a logical way. It is true, too, that the Government could benefit financially. The sum of, say, $100 might have been paid for a particular piece of land in 1961, and in 1966 the Government might sell it to an adjoining owner for $150 or $200. However, the sale would be based on valuations of the day. That would apply to both the 1961 price and the 1966 price.

If the House throws out this amendment there will be no great loss to anyone, except that we will continue a state of affairs which clutters up departmental files and allows a situation to remain where good sense does not enter into the proper finalisation of a land deal.

Mr. DURACK: There are several matters arising out of clause 3 on which I wish to comment. I have no quarrel with the provision of subparagraph (i). I agree it has been recently decided by a judge of the Supreme Court that an owner cannot enter into any contract for the sale of his land unless it is in the shape of a lot or lots which have been approved by the Town Planning Board. Although that is contrary to the opinion I once held of the effect of that section of the Town Planning Act, nevertheless, I am quite pre-

pared to concede that that decision is certainly the law, even if I do not think it is correct. However, that legal opinion is undoubtedly the better one at the present moment.

Subparagraph (ii) deals with a situation where land has been resumed because it was severed from the remaining land, and presumably it would not have been resumed at all except that nothing could be done with it.

Mr. Ross Hutchinson: Quite correct.

Mr. DURACK: I have reservations about subparagraph (iii), but I feel that the general principle should be allowed to remain because there will be a safeguard in the Bill if there is any injustice to the former owner. However, there are some words in this subparagraph which I think the Minister should have a look at with a view, possibly, to having them corrected or excised in another place, if I am proved correct.

According to subparagraph (iii) the Minister is not bound to give an option in a case where land having been resumed, the remainder of the land has been subsequently disposed of by the owner, or is in the process of being disposed of. That is the principle which the Minister stated was the purpose of this section of the Bill. However, in line 30 some additional words have crept in: "or any part of that remainder." I think those words make this subparagraph unnecessarily wide.

An owner could have a five-acre block and one acre could be resumed. The owner could then sell part of the remainder—one acre—but still retain three acres. The effect of this wording, as I interpret it, would mean that the owner would then lose his right to insist on having the resumed portion returned to him. Admittedly, he would have his right of appeal, but I think those words which have been added are unnecessary and contrary to the principle of the Act.

I am in some doubt as to the purpose of subparagraph (iv). After reading it several times I found it difficult to understand, and I think the drafting leaves a lot to be desired. The clause deals with resumed land where a portion is required for works ancillary to the works being carried out on the balance of the land. In other words, this land has been excised from the resumed land for ancillary works which are not part and parcel of the principal works. I think the wording is a little doubtful.

Mr. Ross Hutchinson: Perhaps the "other purpose" might mean a sewerage extension or an electricity substation—something of an ancillary nature.

Mr. DURACK: It is ancillary for a future purpose. The words "having been excised" seem to indicate that the land had been used for a purpose ancillary to the work that had already been done. I understand what the Minister means, but I wonder whether a judge or anyone else would understand it if he had to interpret it.

Another matter with which I wish to deal is the right of appeal—page 3, lines 14 and 15. This provision gives anyone aggrieved by the Minister's refusal to grant an option the right to appeal to the local court held nearest to the land to which the option relates. I think this is wrong because the general principle of the Public Works Act is that local courts have jurisdiction only over claims within their own jurisdiction; namely up to $1,000, and claims which exceed that figure go to a judge of the Supreme Court.

This policy was incorporated in the amendments last year when section 29B was added, and I think this provision should be extended in the same way so that where the option price is above $1,000 the appeal should be to a judge of the Supreme Court. I appreciate that this is probably somewhat academic in relation to small pieces of land, but a fairly valuable piece of land might be in issue.

The only other point I wish to mention, and this is one which the Deputy Leader of the Opposition has not yet referred to, is the extension of rights which have been given by the Bill to the legal representatives of deceased owners. This is dealt with in paragraph (c), page 3, and is a very valuable extension of rights; because the existing section of the Act restricts the rights of a legal representative to "only where he has power to purchase land in his representative capacity". That would mean that the will would actually have given the executor the right to purchase land.

That right is very rarely given in wills to executors, and it is rather curious that the wording has found its way into the Bill. The amendment excises that requirement and deals quite correctly with the principle that the legal representative of the owner shall be given the same powers as the owner provided he obtains an order of the court or he has the consent of all the beneficiaries. The object of getting an order of the court is to deal with the position when there are infant beneficiaries who can not give their consent.

However, this provision cuts the rights down to a period of 10 years from the death of the owner, and I appreciate that there has to be some upper limit with these rights. They cannot go on forever. The existing provisions give the owner of land the rights as long as he lives, and presumably that could be for a very long period of time. I believe that the period of 10 years is open to some debate, and I would ask the Minister to have a look at the provision possibly with a view to some different upper limit being provided.

I do not propose to move any amendments, and perhaps I was remiss in not drafting some and placing them on the

notice paper, but the time available has not been very long. However, I will ask the Minister to have a look at the points I have raised to consider whether some amendments might be made to the Bill in another place.

Mr. GRAYDEN: The member for Perth has outlined explicitly a number of objections that I have to this Bill, and in the circumstances I do not think it is sufficient for the Minister to have a look at the points he has raised so that, if necessary, amendments can be moved in another place. I think we should report progress and, if necessary, make the amendments in this Chamber.

Mr. Ross Hutchinson: I would like to straighten you out: The member for Perth did not object to the Bill.

Mr. GRAYDEN: He objected to portions of it, and I am objecting to portions of it.

Mr. Ross Hutchinson: The member for Perth did not object to the Bill, or to portions of it. He raised queries about certain clauses.

Mr. GRAYDEN: I think they were serious objections, and, as far as I am concerned, I have serious objections.

Mr. Ross Hutchinson: To what clauses?

Mr. GRAYDEN: I would refer the Minister to para (ca) (iii). The member for Perth quoted an instance involving an area of about five acres, but I would instance the case of a person who has 100 acres of land of which 20 acres are resumed by the Government and who, subsequently, sells a quarter of an acre out of the 80 acres he has left. Because he has sold that quarter of an acre he forgoes his rights to the 20 acres which the Government resumed. The same could apply to a person who owned 1,000 acres of land and the Government resumed 100 acres.

I am certain that those members who had an inkling that this Bill was going to be introduced did not know it would contain a provision of that nature. I would certainly delete the words "or any part of that remainder" because, as far as I am concerned, they are objectionable and make the whole clause extremely foolish. Members on this side of the House are here to safeguard the rights of individuals, but in this instance we have a clause in which there are several objectionable provisions.

I would also refer to clause 2. This clause could be objectionable in certain circumstances. For instance, a farming property could have a strip several miles long severed for a road deviation. That land might be resumed by the Government but, because it has been resumed, the farmer would lose any rights to it. It might be extremely valuable land, worth up to £30 an acre, but because it was severed from the remainder of his land the farmer loses his rights to it. Such a clause should not be lightly passed.

I would refer members to a case in point. In the vicinity of Dalwallinu, along the road verge, some farmer sows a crop every year and he harvests that crop. In such an instance, where a strip several miles long is severed from a property, I think the farmer should have some right to it. For those reasons I think we should report progress to have a further look at the proposals.

Mr. ROSS HUTCHINSON: I listened with great deal of interest to the member for Perth and the member for South Perth, and I have taken a note of what the member for Perth said about certain clauses of the Bill. I will have a talk with him later on to get some details from him and then I will have his remarks checked.

I do not think the member for South Perth could have given the full weight of his intelligence to the debate on the amendments and what is intended by them. I have conceded to the Deputy Leader of the Opposition certain points; namely, that, academically, he is correct that an option would be withdrawn from a person in certain circumstances. I have said several time that these would be portions of land that did not conform to town planning requirements—odd pieces of land, or severed pieces of land which would be resumed in any event because of the requirement of the owner. It is only in regard to these small portions of land that the Minister would withhold the option. I have pointed out that the Minister is not obliged to give an option, which means that he may give it.

If the Minister considered a former owner had suffered an injustice he would grant an option, but if he felt no option should be granted, the owner would still have recourse to the court. The member for South Perth seems to think there is some brutality being exercised in some instances. As I have promised to check the remarks made by the member for Perth, whilst doing so I will check those made by the member for South Perth.

Progress

Progress reported and leave given to sit again, on motion by Mr. Tonkin (Deputy Leader of the Opposition).

STATE ELECTRICITY COMMISSION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 30th August.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [4.48 p.m.]: I am happy to say I am in agreement with the Bill. I have only one doubt, which I hope the Minister can clear up for me, and if he can do that satisfactorily I shall be pleased to give the Bill my wholehearted support.

The measure has three objectives. The simplest one—and I will deal with that first—seeks to provide that where under

the existing Statute two credible witnesses are required in connection with a power of attorney, under this legislation only one shall be sufficient. I have no quarrel with that. It is a desirable amendment because it is general practice elsewhere and this will simply amend the Act to enable the appointment of an attorney to be made with one witness. This provision is necessary with regard to stockholders who hold stock as a result of lending money to the commission.

There are two other provisions. One deals with a *caveat*, which is at present required under the Act when the department extends its power lines to supply people with electricity beyond the point or the district which the commission ordinarily supplies. At present the commission will do this only when it is given some guarantee that the cost involved will be repaid; and so it requires a *caveat* to be lodged against the property. That has caused inconvenience and some heartburning in a few instances. The commission is quite satisfied it is unlikely to incur any losses, if any, regarding this matter, and so it proposes to waive the need for a *caveat*.

The commission will use its power to cut off the supply if payments are not made, and there is provision for that in the agreement to be entered into in order to meet the changing circumstances. I have no objection to that. I think it is desirable. It will be an improvement for those persons who object to mortgaging their properties or to having a *caveat* lodged against them. They will still be able to get their electricity supply, and I am satisfied the funds of the commission will be safeguarded.

There is one other provision about which I have a little doubt. The commission proposes to erect some new buildings for its administrative offices. This will require the raising of a large sum of money. The commission proposes to get this by means of an overdraft with the Rural and Industries Bank. It will transfer its banking business from the Treasury, where it is now done, to the Rural and Industries Bank, and the bank will make available to the commission the necessary money for it to proceed with this building.

My worry is this: As a substantial sum of money will be involved, will the tying up of this money with the State Electricity Commission mean that people who ordinarily would expect to obtain assistance from the bank be deprived of some of that assistance because the bank will not have sufficient funds to accommodate them? If I felt that by making this loan available to the State Electricity Commission it would inevitably mean the bank would be short of funds to make loans and would be obliged to refuse accommodation where otherwise it would grant it, then I think it would be a wrong step for us to take.

Under those circumstances some other method ought to be found to enable the commission to obtain the necessary funds, but if the Minister can assure me that this angle has been looked into and that it will not in any way impair the efficiency or the ability of the bank to lend money to persons to whom it ordinarily lends money, then I shall be quite happy to agree with the proposition. With that reservation I support the Bill.

Mr. NALDER (Katanning—Minister for Electricity) [4.53 p.m.]: I thank the Deputy Leader of the Opposition for his comments, and I can assure him that the point he raised has been well and truly looked into. The Rural and Industries Bank has indicated that this Bill will not interfere in any way with its normal business. I might add that as a trading concern the commission will bank with the Rural and Industries Bank; in other words, as its weekly programme is carried on, the money will be paid into the bank, the same as money is paid into the bank by any other type of business. On many occasions this would offset the amount of money that has to be paid out to a building contractor. As progressive payments are required they will be met, but during this time the normal business of the bank will continue and money will flow into it.

Mr. Hawke: What does the bank propose to do with the money it will make available to the S.E.C., if it is not required immediately?

Mr. NALDER: It will invest the money.

Mr. Hawke: By making the money available to the S.E.C. would it not mean that people who otherwise are able to borrow it from the bank will not be able to do so?

Mr. NALDER: I understand that under normal circumstances the bank has a surplus of funds.

Mr. Hawke: We should hear the member for Dale on this.

Mr. NALDER: I did hope that other members would make a contribution to the debate. No doubt they have studied the Bill and are prepared to accept it. It is a straightforward proposition, and it will enable the S.E.C. to commence the building of its premises. No-one can deny the need for the provision of new premises, because at present the sections are scattered. The commission has one office in Murray Street near Barrack Street, and another in Murray Street west. It is a matter of promoting efficiency in the commission by having all its activities centralised in one building. A satisfactory arrangement has been made with the R. & I. Bank which is satisfied that it will be able to meet the requirements of the commission and still be able to conduct its ordinary business.

Mr. J. Hegney: Has it any land in Murray Street on which to erect the new premises?

Mr. NALDER: Yes.

Mr. Guthrie: What is the estimated cost of this building?

Mr. NALDER: I cannot give the exact figure at the moment. If the honourable member will refer to the Press announcement which was made some months ago he will find the figure. However, I will make that information available to him.

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.

HEALTH ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th September.

MR. DAVIES (Victoria Park) [4.59 p.m.]: When the Minister representing the Minister for Health introduced this Bill he made a short speech giving details of what the Bill contained, but he did not advance any reasons for the proposed changes. At the present time I can only give the Bill halfhearted support, and indeed I will withdraw my support of some of the clauses unless the Minister is able to advance better argument for the proposed changes when he replies to the second reading, or during the Committee stage.

The amendment which adds new section 107A to the Act, on the face of it, seems to be reasonable at the present time. As the Minister said in his speech, anyone who uses defective materials in the installation of sewerage or septic tank systems is liable to a penalty. The addition of this clause will make it an offence for anybody to manufacture these goods with faulty materials. I think this is taking things a little bit too far.

In the metropolitan area and in other prescribed districts there are rules and regulations which govern the installation of septic tanks and sewerage systems, and the regulations that apply are quite reasonable. I do not think they have been found to be harsh in any regard. However, there are septic installations outside of the controlled areas. We could have the spectacle of a manufacturer making an article which may be brought by a person who purports to use it in an area that is not controlled. However, he may use it in a controlled area; and, not only is the person who uses the article subject to a penalty, but also the manufacturer, even though he has had no control whatever over where the item would be used once it left his workshop or factory.

Mr. O'Neil: Where would these uncontrolled areas be?

Mr. DAVIES: In country areas. The regulations vary from place to place. I would not support any manufacturer who produced shoddy or second-class goods, but I feel the standards vary in different areas and no manufacturer can set a standard which could be universally used throughout the State.

I have been led to believe that the sewerage and plumbing regulations are not standard throughout the State. However, if I am wrong this provision is more reasonable.

Mr. O'Neil: I cannot help you.

Mr. DAVIES: In the absence of any advice to the contrary, I do not think it is fair that a manufacturer should be penalised for the goods he produces when he has no control over where they will be used. Unless the Minister can give an assurance that there are circumstances where the manufacturer could be held liable, I am afraid I could not support this new section 107A.

The next amendment, which deals with section 134 of the principal Act, is a straightforward one. As the Minister said it merely corrects a spelling mistake in the original Act. Nobody can take umbrage at the fact that we are making a correction of our previous mistake.

The amendment to section 186 of the principal Act, contained in clause 5, does give some cause for concern. This clause adds a new subsection (2) to section 186; and, I have no doubt, all members have read section 186. The section provides for offensive trades to be set out in the second schedule of the Act; and trades can be declared to be offensive by proclamation. This is a reasonable way in which to declare a trade to be offensive. It is the time-honoured way; but there is a bad principle contained in the proposed new subsection. The addition which it is proposed to put into the Act provides that the second schedule can be amended by way of proclamation. This means that offensive trades can be deleted from the schedule in this way.

I have done some research on this matter, and can find no instance where schedules can be amended by proclamation. This point was argued in another place when the measure was introduced there; and, from a reading of the speech made by the Minister for Health, there was anything but a satisfactory answer given. It appears from the research I have made since I read the speeches in another place that it is not the usual thing for schedules to be amended by way of proclamation.

Mr. Ross Hutchinson: You checked with Crown Law on your research?

Mr. DAVIES: No, with my colleagues, who have had far longer experience. As the Minister well knows, the services of

the Crown Law Department are not available to the Opposition.

Mr. Ross Hutchinson: You are able to go there and secure information.

Mr. DAVIES: We have asked the Crown Law Department previously for opinions and have been told its services are not available. They are only available for the drafting of Bills.

Mr. Ross Hutchinson: I was checking on the depth of your research.

Mr. DAVIES: The depth of my research is the length of my experience in Parliament, which is just over five years, and my consultations with senior colleagues on this side of the House who have been here for periods up to 30 years. Does that answer the Minister?

Mr. Ross Hutchinson: They are frightening qualifications.

Mr. DAVIES: They are the only ones available to me. That is as far as I am able to go, not having the resources of the Civil Service behind me. However, if the Minister is indicating that in future we can go to the Crown Law Department for information, I will be only too delighted to take advantage of his very kind offer.

Getting back to the Bill, it appears to me from the research I have been able to make and of the type which I have just explained to the House, it is not usual—in fact it has never been known before—to alter schedules to Bills by way of proclamation. I think this is a very bad principle to introduce.

When a trade is declared offensive and is proclaimed and included in the second schedule, there is machinery for appeal; but, under this proposed new subsection, the Governor may, by proclamation, delete one of these trades from the list of offensive trades contained in the second schedule, and there will be no right of appeal. I presume the proclamation would be made available to Parliament, but I am not even certain that it would be done by way of regulation and that the normal objections could be made, as they are when regulations are laid on the Table of the House at the present time.

Mr. Norton: A proclamation would not be tabled.

Mr. DAVIES: Thank you. I now learn it would not be tabled; it would merely be promulgated in the *Government Gazette* and there would be no right of appeal whatsoever. I would ask members to think of the danger from introducing into our legislation the principle of amending Statutes by way of proclamation. This opens up a vast field to the Government, which could amend any legislation at all if we, here, did not protest about the procedure to be adopted.

The Government could amend the schedule of the Workers' Compensation Act; and, if we allow this amendment to go through without protest, it will be taken that we agree to this principle which is being adopted and which could do so much harm.

I do not think it is at all necessary for any Act to be amended by proclamation. The list of offensive trades in the schedule is very small and it would appear that the whole intention of this amendment is related to laundries and drycleaning establishments. Why this is so, I do not know. There must be a particular reason for it but no argument has been advanced other than that changed circumstances make drycleaning a different industry from what it was. At the present time it is an offensive trade. Cleaning establishments, dye works, and laundries are all listed as offensive trades. However, because of changing times it appears they are not offensive industries; but rather than come to Parliament with the contention that certain trades are no longer offensive and should be deleted from the second schedule, the Government will merely have to issue a proclamation through the *Government Gazette* to this effect. Local authorities will not have any control then.

Why have drycleaning establishments been mentioned both here and in another place? Has the drycleaners' association been consulted? Has it made any request for this legislation? Have the employees been consulted about it; not that I would expect them to be? However, I should imagine that if this amendment is related purely to drycleaning establishments—and I repeat they are the only trades that have been mentioned—we should be given some sound reason for the amendment.

It has been suggested to me that there is in town a pedlar of a drycleaning machine which has a different process from the existing one. I believe these machines could be put in some supermarkets or other such places and, perhaps, operated as self-service drycleaning units. I do not know how successful this would be, because no matter how good a drycleaning unit is, the article drycleaned must be pressed after cleaning, and in all drycleaning establishments of any consequence, steam is used for this purpose.

Has this amendment been introduced particularly for the drycleaning trade? If so, is it only because of the material that is used to do the cleaning, and is it only this material that has rendered the trade offensive in the past? Or is it the whole of the industry, including the steam pressing and the handling of clothes, which has made it an offensive trade?

Mr. May: The price, particularly!

Mr. DAVIES: As I understand it, restrictions are placed on the use of secondhand clothes and on the handling of them, and these restrictions particularly apply to any place where food is. Clothes handed in for drycleaning can be placed

in the same category as secondhand clothes; and perhaps it is this aspect that has made the industry offensive in the past.

The fact remains that in amending the Health Act the Minister spoke about drycleaning, and we do not know the reason for this. I feel that at least we should have been told why the amendment had been introduced. We should have been told whether it was suggested by the drycleaners' association, or whether it is in favour of it. We should have been given the opinion of those people who are concerned. If the drycleaners' association is not concerned, has the amendment been requested by some local authority, and, if so, by which one? How many requests have been made for this amendment? What is the justification for it?

I would also seek an assurance from the Minister that there is no pedlar of a new process connected with drycleaning. I would like him to tell me that no-one has approached him in regard to a new process which might perhaps be hampered by the existing legislation. No reasonable argument at all has been advanced, and until it is I can do nothing but oppose this very bad principle.

If, as I believe, those small drycleaning units can be set up, we will probably have the same position which existed at one time in connection with taxis. Some financier will be setting up these establishments and leasing them to people who will be required to work 10 to 20 hours a day to make a profit. This was done with taxis. People were receiving a handsome rental for taxis on the road and they did nothing in return for this money, while the poor drivers were doing all the work and getting very little for it.

This is the type of situation I can envisage, but I could be completely wrong. I would be pleased to hear the Minister say that no approaches have been made to him by any vendor or pedlar of any new process. I would like to know whether those concerned with the industry have been consulted with regard to this amendment. There must be a reason for it; it just cannot come out of the blue; and I want to know the reason because there is insufficient evidence so far as I am concerned.

Also included in this Bill is an amendment to section 240, paragraph (18) of the Act. At present, any power to make regulations in regard to unbranded meat is restricted to the whole of the municipality or shire district. It is contended that this is not reasonable, because many cases exist which require the regulations to apply to only a part of the shire district. Accordingly the paragraph is to be amended and on the face of it this does not seem to be unreasonable. But, once again, no argument has been advanced. We are given the reason the amendment has been introduced, but no supporting argument.

Which are the places within the State in which unbranded meat can be sold? Is it desirable that it should be made easier to sell it anywhere in the State? If this provision has been operating since 1911, when the Act was first passed, and the provision was required then, why now, 50 years later, when communications are so much better, are we placing within the Act the opportunity to limit the areas where unbranded meat can be sold? It just does not seem reasonable to me. Perhaps huge areas exist now where it is possible to sell this meat.

Mr. Ross Hutchinson: If you are not careful, you will be able to give the reason why it has been introduced.

Mr. DAVIES: I am arguing both ways.

Mr. Ross Hutchinson: Just be very careful.

Mr. DAVIES: No argument has been advanced. What is the extent of the sale of unbranded meat? Is it something we want to have extended or something we should restrict? I would like the weight and grading of all meat made standard throughout the State.

Another thought which occurs to me is whether this will allow small abattoirs to come into being throughout the country districts. As far as I can see they are pretty well controlled at present, but if we are to allow the sale of unbranded meat in wider areas, surely this will encourage smaller slaughter houses of some description.

Mr. J. Hegney: It might have something to do with kangaroo meat going into sausages.

Mr. DAVIES: I do not know the reason, and that is why I say that although the Bill is a short one, and the Minister's speech was shorter, more argument must be advanced before I can support it.

Mr. Ross Hutchinson: You still do not believe that a long speech is a good one, do you?

Mr. DAVIES: No, but I think that as a matter of courtesy, the House is entitled to some argument—

Mr. Hawke: Of course it is!

Mr. DAVIES: —when Bills are introduced. The Government is giving less and less argument and more and more brevity; and it is becoming more and more apparent that the Government knows it can use its numbers; and, with that knowledge, it is not accepting its responsibilities. This may not be the case, but it is the way I have sized up the situation within this Parliament over the past several years. It would be a very bad principle and I certainly hope it does not apply.

A further amendment in clause 7 seeks to amend section 344 of the Act. It was pointed out that the parent Act, which was before Parliament in 1911, provides for a penalty of £20—or, as amended by the Decimal Currency Bill last session, $40. In this case $40 is being amended to read $200, which is five times the original penalty. If we take that figure in relation to the cost of living, I doubt if the increase would be enough. However, I am quite prepared to accept $200 as a maximum penalty.

It seems to me that while amending this clause, the original clause, which provides for a penalty of 40s. per day while the offence continues, should have been amended. The Government has done nothing at all about amending that clause. If a continuing breach of the Act required a penalty of $4 a day in 1911, I think some action should be taken at this stage to bring that penalty up to present-day rates. There can be no argument that an increase is warranted.

Considering what this Government has done in relation to fines for driving under the influence of liquor or drugs, and for illegal betting, I do not see why the daily fine was not increased.

Mr. Toms: The increased fines have had no deterring effect.

Mr. DAVIES: The Minister said that section 361 of the Health Act concerned the machinery for the fixing of penalties and was inserted in 1957 when the minimum penalty was deleted from the Act. I was not able to find in the Statutes where the minimum penalty was deleted in 1957. There is no amendment to the Health Act which deleted section 361, which provided, at that time, for a minimum penalty. There may have been an amendment under other legislation but it has been impossible for me to trace it. I think there was a suggestion that it may have been under the Justices Act, but I hardly think so, because this particular Act has provided penalties for specific offences all the way through.

So those words in the Minister's speech do not make sense. If I might recapitulate, I think we are putting an unfair responsibility on the manufacturers once goods leave their premises. Under the circumstances I do not think it is a reasonable responsibility to put on the manufacturer. I repeat that I am not supporting the manufacture of shoddy goods. Apart from the concrete cover mentioned in the Minister's speech, there are other products such as bends, pipes, wires, and plugs used in sewerage work and septic tank installations. This Act now becomes all-embracing; and, as the manufacturer has no control over his goods once they leave his premises, it is a bad thing to blame him for their use, irrespective of where they are used.

I have not been convinced of the need to give the Governor the power to alter the second schedule of the Act by proclamation; that is, by deleting a section from the second schedule by way of proclamation. I have some fears that this is being done for a particular interest in some direction. I would like to know whether the drycleaners' association or any other body has requested this amendment. "Any other body" includes any local governing authority. I would like to hear the Minister's views on the extending of districts or the extending of parts of districts.

I would also like to hear the Minister's remarks in regard to the principle of selling unbranded meat and the effect that this amendment is likely to have on the position as it exists; and I would like to know why the daily penalty was not increased in sections 344 and 367. I cannot support the Bill until I receive a satisfactory answer.

MR. BRADY (Swan) [5.26 p.m.]: Like the member for Victoria Park, I am not very happy about this Bill. We have a minimum of information in connection with the proposals by the Minister to amend what is a very important Act. The Health Act is not one which should be played around with or be subject to the whims of one or two officers of the Public Health Department.

This Act has been substantially amended since it was introduced in 1911, and this appears to be the first time we are to have what might be called a Yo-Yo clause. That means that the department can, of its own volition, say that certain things can be removed by proclamation from the offensive trades and then, six months later, say that they have to go back. We cannot encourage that type of legislation. Members invariably hear the Chairman of Committees say at the conclusion of the Committee stage of a Bill, "This shall be the schedule of the Bill."

The schedule in this particular Act lays down a number of trades which were, in the opinion of the department at the time the Act was introduced many years ago, offensive trades. Now the department wants, of its own volition, to be able to put them in or put them out. I do not think that is good enough.

We as a Parliament, looking after the general health of the community, try to reduce offensiveness irrespective of whether it comes from abattoirs, bone mills, chemical mills, dye mills, fat rendering establishments, or glue factories. Members in this House should have a say as to whether these establishments should be removed. It should not be done willy-nilly by the Public Health Department. I am very mindful that there are quite a number of these industries in my electorate and I am concerned at the way these amendments have been introduced.

We have not been told why this is desired and what has been the development in recent times for the department to want to remove offensive trades.

The member for Victoria Park mentioned drycleaning. It has been said to me that there is a possibility of a new type of drycleaning machine being introduced into shops in Perth. It will be in the cash-and-carry stores and some of the other places right in the heart of the business centre of Perth. I am told that these particular drycleaning plants are more offensive than the existing plants. I understand the ingredients used for the drycleaning are more toxic than the type previously used.

I would hate to think that existing drycleaning establishments, laundries, or other works, have had to carry out certain improvements in their buildings, and in the general conduct of their plants, to meet the regulations of the Public Health Department or any local governing body, while other establishments which use equally toxic or offensive products are going to be set up in supermarkets and other places around the metropolitan area. As I have said, I do not think that we, as a Parliament, can be justified in passing legislation of this kind unless we have the fullest information. This may not be necessary, perhaps, in regard to some other types of activities, but it is essential in regard to public health. We cannot tamper with public health.

I am already concerned with what I regard as weaknesses in the administration of the Public Health Department. In case anybody is wondering why I am concerned, I am worried about the very crude state of some of the sanitary establishments around the various parks and recreational reserves in the metropolitan area. At one time I had occasion to go to a swimming inspector who was taking a swimming class of 30 or 40 children. I said to him, "Have you been into the changeroom and had a look at the state of it?" He said that he had not, and I said: "You should go in and have a look and then get somebody to do something about it, because it is most offensive and obnoxious." I am using this by way of illustration to point out that we, as a responsible Parliament, must have more information.

Only five or 10 minutes ago in this very House we passed a Bill for the State Electricity Commission, and the legislation is to amend a certain clause in the second or third schedule. This was brought before the House in order that it might be amended properly, and the schedule has been passed through this House. If there is to be any tampering with the schedule, I would like to see it brought here so that we can know all about it. Someone did say that it will be proclaimed and, because it will be proclaimed, it will be on the Table of the House.

According to the Interpretation Act, a proclamation does not have to be tabled in the House. The Interpretation Act points out that a proclamation means something proclaimed by the Governor and published in the *Government Gazette*.

Therefore, if a person concerned in the drycleaning industry, or the slaughtering industry, or some other industry, does not happen to get the *Government Gazette*, he would not know that his competitors had been lifted out of the second schedule. Nor would he know that they would have an "open slather" while he has to abide by regulations and other laws laid down by local government and against which he has no right of appeal.

For these reasons, I am not very happy about this type of legislation. Let us have a look at what this measure is to effect. It is intended to—

(a) amend the Second Schedule to this Act by deleting therefrom any of the trades specified therein; or

(b) declare that any process or class of trade within any trade that is an offensive trade for the purposes of this Division, is a process or class of trade to which the provisions of this Division, other than section one hundred and ninety-four, do not apply.

Now, we come to the Yo-Yo clause—

(3) A proclamation made under subsection (1) or subsection (2) of this section, whether before or after the commencement of this subsection, may be cancelled or from time to time varied by a subsequent proclamation. .

I do not know whether the department wants to set up a minor dictatorship and be able to make laws just when it sees fit. I think the department has a responsibility to the general community, as does every other Government department, or any other trade, or business calling, or profession. As I have said, when a Government department such as the Public Health Department advocates this sort of thing, one wonders where we are going in regard to the administration of our Government departments.

Another matter about which I am not very happy is in regard to section 240 of the principal Act being amended in order to bring it to the position where it does not refer to the whole of a prescribed district but, instead, to parts of a district within the prescribed district. At the moment, this particular part of the Health Act reads—

(18) Prohibiting the sale, or the offer or exposure for sale within prescribed districts, of meat which is not marked or branded with pre-

scribed marks or brands, and appointing places within such districts at which all unmarked or unbranded meat shall be exhibited for inspection.

The amendment proposes to insert instead of "prescribed districts," the words "any prescribed district or part of a prescribed district."

I would like to know from the Minister why this has been included. Why does the department want to set out a part of a prescribed district? I would have thought the department would be most anxious to leave in the words "prescribed districts" because they would be all-embracing. However, the Government wants the expression to be "part of a prescribed district."

If people cannot sell meat unless they comply with certain orders or regulations in a prescribed district, why should it now be brought down to "part of a prescribed district"? Does that mean that part of a prescribed district may not have to comply; or does it mean that the balance of the district, if not in the part of the prescribed district, will not have to comply with certain regulations? I would like to know quite a lot more about this aspect of the Bill before I could support it.

In regard to other parts of the Bill, with monetary values changing, I feel that we can accept the amendments where they lay down that the penalty of 40s. is to be stepped up to 200s. I would think the very fact that the department now sees fit to increase these penalties to this particular figure, indicates that the department realises there should be heavier penalties; and I do not think any member of this House disagrees with that. There should be heavier penalties on people who are going to play around and not comply with the requirements of the Health Act.

I hope the Minister will give much more information in regard to the matters to which I have referred. I cannot see that it would be equitable and just if a certain drycleaning system, which is not yet established in this State, were excluded from the second schedule, and were to be introduced into, say, Midland Junction, Guildford, or Bassendean, which are in my electorate, while other drycleaning establishments already established in these localities and covered by the second schedule, had to carry on under their offensive trade nomenclature.

As far as I am concerned, until such time as the Minister can give a lot more detail in regard to why these amendments are brought forward, I cannot support the measure.

Debate adjourned, on motion by Mr. Runciman.

House adjourned at 5.40 p.m.

Legislative Council

Tuesday, the 13th September, 1966

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

QUESTIONS (2): ON NOTICE

NATIVES

Robin Graham: Deduction of Social Service Payments by Department

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

   Will the Minister inform the House of the following particulars in regard to Mr. Robin Graham, fettler of Norseman:—

   (1) How long was he absent from work due to ill health?

   (2) How long was his family provided with rations by the Native Welfare Department, and what was the cost of such rations?

   (3) Was any money taken from Mr. Graham by the Native Welfare Department officer at Esperance, and if so—

   (a) did the amount include the social service payments made to him;

   (b) did the amount include a refund cheque issued by the Taxation Department (File No. 817106);

   (c) were receipts issued for the money taken, and if so, what are the numbers and dates of such receipts;