The Hon. L. A. Logan: It is not easy, you know.

The Hon. F. J. S. WISE: Of course it is not easy! But it needs a plan well formulated and well prepared; not merely in the servicing of the department involved, but an opportunity to know the extent of the potential debt.

Members will find the thinking of the committee in regard to compensation on page 6, where the committee refers to the point that it might well be beyond the financial resources of the authority to meet the depreciation of value in the face of its widespread commitments to acquire property reserves. That is a pretty poor lookout if this Bill is passed. It will be a pretty poor lookout for the individual. As I said earlier, I do not want the Minister to get the idea for one moment that I am attempting to detract in any way from the value of the services which these men are giving. What I am saying is that the problem is much wider than the approach that has yet been made in connection with the financial responsibility of the scheme.

I repeat that no citizen should be faced with loss or damage because of expediency, or because of the needs of the Crown, or because of the putting into effect of such a fine scheme as this. The 1955 report, which is referred to commonly as the Stephenson-Hepburn report, highlighted in many cases and in many places, as members will find, the responsibilities essential in the planning, and also those associated with finance.

Part 3 of that report deals with the financial and physical programmes, and it dates back to reports of English committees where these same problems which I have been posing tonight have been met and found very difficult to overcome. Accordingly, I say to our Minister, with much concern, that I do not like the wait-and-see principle contained in the clause to which I have referred—that on the premise that the individual may suffer, should he suffer depreciation on a test made, or something of that sort, we will then consider paying him compensation if he applies for it, and is able to prove his case: particularly when he commences to suffer depreciation and commences to suffer financial loss very frequently as soon as the scheme and its purport is known.

The Hon. L. A. Logan: You just said that this cost would probably be double: therefore, the costs will go up, not down.

The Hon. F. J. S. WISE: That is right; but surely the Minister will not deny that a person is entitled—just as a person who deals in stocks and shares is entitled—to some increment in his land. The Minister would not deny that.

The Hon. L. A. Logan: He has been getting it.

The Hon. F. J. S. WISE: All I am asking is that this Bill be not pressed at too rapid a rate through this House; that the Minister ponder over the thought I have endeavoured to convey—that the greatest responsibility in the implementing of this plan will be the ability to meet the financial commitments associated with it.

The Hon. L. A. Logan: I wish some other members had thought of that in 1959 when I was trying to get finance for this scheme.

The Hon. F. J. S. WISE: I do not know to what the Minister is referring; but I do know that when in 1959, in connection with a certain tax, we found that the tax was going to be used for capital instead of for servicing a debt, we objected to such a thing, and we will continue to object.

The Hon. L. A. Logan: You are wrong in that assumption.

The Hon. F. J. S. WISE: I am afraid that *Hansard* tells the story.

The Hon. L. A. Logan: The Bill tells you what is in it.

The Hon. F. J. S. WISE: And *Hansard* tells the story of the objections and the basis for them. I am certain there will be many other members who will be prompted to speak on this Bill, and as it will not be put to the vote this evening, members may be able, from what I have said, to gather what I think of the measure.

Debate adjourned, on motion by The Hon. N. E. Baxter.

House adjourned at 10.25 p.m.

Legislative Assembly

Tuesday, the 18th September, 1962

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

QUESTIONS ON NOTICE

MOBILE DENTAL CLINIC

Visit to Manjimup District

1. Mr. ROWBERRY asked the Minister for Health:

   (1) Is it the intention of the Health Department to have a mobile dental clinic visit the Manjimup district in the near future?

   (2) If so, when?

   (3) If not, why not?

   Mr. ROSS HUTCHINSON replied:

   If the honourable member refers to the mobile dental clinic conducted by the Perth Dental Hospital, the answers are—

   (1) No.

   (2) Answered by No. (1).

   (3) The clinic is working to capacity by servicing the towns of Mt. Magnet, Cue, Meekatharra, Yalgoo, Mullewa, Morawa, Three Springs, Moora, Dalwallinu, and Wongan Hills, where private dentists are not operating.

   If the honourable member refers to the school dental service conducted by the Public Health Department, the answers are—

   (1) It is not possible to have a school dental clinic visit Manjimup in the near future, but if extra staff is secured next year, as is hoped, it should be possible to arrange for a visit about the middle of 1963.

   (2) and (3) See No. (1).

SUBURBAN RAILWAY STATIONS

Aural and Ocular Identification

2. Mr. ROWBERRY asked the Minister for Railways:

   In view of the anticipated advent of many strangers to this State during the Commonwealth Games, will he take steps to have the identity of suburban stations on Government railways indicated either aurally or ocularly after dark, to obviate the difficulty of recognising the stations in time to get off the train?

   Mr. COURT replied:

   All suburban passenger services are manned at night by ticket porters who call the names of stations prior to arrival. In addition, each car is equipped with a diagram showing suburban stations in sequence.
   To ensure that no difficulty is experienced by visitors, the calling of station names will be given special attention and instructions to this effect are being repeated to the staff concerned.

COUNTRY JOINERS' SHOPS

Machinery Certificates

3. Mr. W. HEGNEY asked the Minister representing the Minister for Mines:

   (1) Is it a fact that certificates have recently been issued with respect to joiners' shops in country districts although some of the machines did not have safety devices such as riving knives and hoods over circular saws and buzzers?

   (2) Will he advise the department to refrain from issuing renewal certificates unless safety devices are provided?

   (3) Will he request inspectors to issue a schedule of defective items requiring attention?

   Mr. BOVELL replied:

   (1) Certificates are not issued to country joiners' shops unless the machinery installed, including circular saws and buzzers, is considered by the machinery inspector to be sufficiently guarded, in good repair, and fit to be used for the purpose intended when seen at the time of inspection.

   (2) Certificates are not renewed as a matter of form, but are only made out after annual inspection.

(3) Schedules are issued to owners listing any repairs or alterations found necessary at inspection, and certificates are not issued until the owner advises completion of requirements listed.

ORD RIVER

Fencing of Eroded Pastoral Areas

4. Mr. RHATIGAN asked the Minister for Agriculture:

(1) What is the total length of fencing already erected by the Agricultural Department in conjunction with the reclamation of the eroded pastoral areas on the Ord River?

(2) What is the length of fencing yet to be erected?

(3) What is the cost per mile?

Mr. NALDER replied:

(1) Total length of fencing erected—186 miles.

(2) Yet to be erected—approximately 150 miles to be completed in two years.

(3) Cost per mile—£230.

COMPREHENSIVE MOTOR VEHICLE INSURANCE

Supreme Court Judgment: Effect on Liability of Companies

5. Mr. JAMIESON asked the Minister representing the Minister for Justice:

(1) Did he see the remarks of Mr. Justice Negus, published in *The West Australian* of the 7th September, 1962 in respect of the value of a policy clause of comprehensive motor vehicle insurance being doubtful?

(2) Is he aware that these remarks referred to the standard clause, which purported to give insurance coverage to any person driving the insured vehicle with the permission of the owner, providing that such driver was licensed?

(3) Is he aware that all comprehensive motor vehicle policy writers, including S.G.I.O. use this clause?

(4) Has there been any known case of an insurance company, other than Norwich Union Insurance Society Ltd., using this clause as an escape from liability for a licensed driver using a vehicle with the owner's permission when involved in an accident?

(5) Would he give consideration to legislating to provide for insurance companies operating in W.A. to clearly indicate in comprehensive policies who are, or who are not, covered by the policy?

(6) Would he give consideration to assisting the injured person, Raymond Bernard Devine, in obtaining higher legal opinion of the company's liability under the comprehensive policy as this decision could affect a large number of policy holders?

(7) Does the decision in law in effect mean that even the wife of an owner would not be covered by a comprehensive motor vehicle policy if the insuring company contested a claim?

Mr. COURT replied:

(1) Yes.

(2) Yes.

(3) It is understood that the clause is used by members of the Fire and Accident Underwriters' Association and by the S.G.I.O.

(4) It is understood that liability has been denied in cases where the driver would not have been granted insurance if he had himself applied for it, e.g., because of an unsatisfactory record. The clause itself is subject to certain exceptions, e.g., where the driver is under the influence of alcohol.

(5) No. Existing policies are considered to be sufficiently clear on the point.

(6) No, because the trial judge agreed with the views of the counsel engaged in the case as to the relevant law.

(7) The wife would normally be covered if driving with the permission of the insured. Further, if the wife in turn, but without the permission of the insured, should give permission to the actual driver to drive, the insurer would normally accept liability, provided the driver would have been granted insurance if he had himself applied for it.

BILLS (2): INTRODUCTION AND FIRST READING

1. Education Act Amendment Bill.
   Bill introduced, on motion by Mr. Lewis (Minister for Education), and read a first time.

2. Land Act Amendment Bill.
   Bill introduced, on motion by Mr. Bovell (Minister for Lands), and read a first time.

BILLS (4): THIRD READING

1. Mental Health Bill.
   Bill read a third time, on motion by Mr. Ross Hutchinson (Minister for Health), and transmitted to the Council.

2. Public Trustee Act Amendment Bill.
3. Criminal Code Amendment Bill.
4. Prisons Act Amendment Bill.

Bills read a third time, on motions by Mr. Ross Hutchinson (Chief Secretary), and transmitted to the Council.

METROPOLITAN MARKET ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 13th September, on the following motion by Mr. Nalder (Minister for Agriculture):—

That the Bill be now read a second time.

MR. KELLY (Merredin-Yilgarn) [4.40 p.m.]: This is just a small and what might be termed a correcting Bill dealing with three small amendments to the principal Act. It has been brought about by the necessity to clarify a legal doubt that apparently exists. The removal of this doubt will enable the fumigation of fruit to continue legally.

When introducing the Bill the Minister gave us a full explanation of the proposals and told us of the success of fumigation in this State. Undoubtedly the process has passed through the teething stages and, as far as we can see, has proved to be quite successful. The Bill will also make legal the transport of fruit fumigated under special conditions. This, too, is a necessary function and in the past has undoubtedly been the means of enabling many people to take advantage of buying fruit without the normal restrictions. The amending Bill will clarify the position. The fact that if this measure is passed fumigated fruit will be able to be transported anywhere will undoubtedly relieve the position, particularly in regard to inspectorial staff and will enable fruit to be more conveniently handled throughout Western Australia.

Finally, the Bill, if it passes, will enable a small reduction of 3d. per case to be made on the fumigation charge. That does not sound to be very much, but when we consider the number of cases that are handled we can see that it will mean a considerable sum to those who use the fumigation process. There is little else in the Bill to comment on, and I support it.

MR. NALDER (Katanning—Minister for Agriculture) [4.43 p.m.]: I thank the member for Merredin-Yilgarn for the comments he made about these proposed amendments. I think I did indicate to the House the other day that the provisions in this Bill are to legalise a practice that was introduced by the Metropolitan Market Trust as an experiment firstly in 1959. This experiment has proved very successful. The idea of fumigation is to control, or to help to control fruit fly in Western Australia, and the experiments conducted have paid dividends. They have proved successful from the point of view, firstly, of the producers: and, secondly, of the purchasers because the buyer knows that the fumigated fruit which he is purchasing, either in the case or some other container, is clear of fruit fly.

As I indicated the other day, the Auditor-General suggested that this amending legislation should be introduced to make the legal position quite clear, and to allow the board to continue with this fumigation process. I am pleased the House has accepted the measure, and I am sure the experimental work that has been carried out so successfully will continue and will probably necessitate an extension of the area concerned to enable the board to cope with the fruit that is being brought in for fumigation.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1 put and passed.

Clause 2: Section 11 amended—

Mr. NORTON: I would like the Minister to make it quite clear, if possible, as to whether cases which are treated by fumigation will be definitely marked, so that any districts which at present prohibit stone fruit from entering their districts because of fruit fly will know whether it is unfumigated or fumigated fruit which is being brought in to those districts.

Mr. NALDER: All cases or packages that go through the fumigation chamber are marked and identified, so that anyone can see whether the fruit has been fumigated.

Naturally the cases of fruit go to various parts of the State and purchasers are able to make sure that the fruit has been fumigated.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [4.50 p.m.]: I move—

That the Bill be now read a second time.

This Bill has already been passed by another Chamber, and I will now proceed to give the details of the measure to this House. As was anticipated, a number of anomalies have been revealed following the first year's operation of the Local Government Act. In addition, it has been found necessary to extend the powers of the local authorities to meet the requests from councils, or from the association of councils. One of the most important of these is the power to subsidise a dentist or veterinary surgeon, or to give a guarantee for a medical officer, dentist, or veterinary surgeon.

I am personally interested in this proposal, as I am sure are other members, particularly because of the interest which lies in encouraging veterinary surgeons to open up practices in country districts. I know, Mr. Speaker, that you yourself are interested in this particular amendment. Everyone knows the difficulties associated with the absence of veterinary surgeons in these days, when stock are becoming more and more valuable, and more concentrated in numbers.

In some centres, however, the need is equal, or even greater, for other professional men such as dentists and medical officers, and it is hoped that the extension of this power to the local authorities will lead to a number of new contracts for each of the professions being set up in our country centres.

In the Act provision exists for an agent of a person who does not reside on the land to be a member of the council as if he were the owner of the land. However, it has been found, that a person living in the metropolitan area could himself become a member for one ward, and his agent could become the member for another ward, merely because the owner does not live on the other piece of land involved. This, of course, was never intended and it is a situation which must be avoided.

The Bill proposes therefore that such a provision will apply chiefly to the north-west where it is necessary that station managers, for instance, should be permitted to be members of a local council; because if they are not so permitted the council would find it extremely difficult to function. It is also intended to remove a disqualification of a councillor who arranges with his council for private works to be carried out. It is considered that a councillor should be permitted to have the advantage of a council for carrying out private road construction, etc. on the same terms and conditions that apply to other residents of the district, without becoming disqualified.

The Act requires that as near as practicable one-third of the members for each ward, and also for the whole district, should retire each year, but as this does affect some slight change from the provisions of the Road Districts Act, cases may arise under which the retirements are not in accordance with the present requirements. Moreover, under the principal Act, when additional members are appointed it is possible that the same trouble could be experienced and the retirements may, by mischance, be out of line with the requirements of the Act.

As the returning officer, the shire clerk could, no doubt, make a decision and enforce that on his councillors, but it might put him in an invidious position and therefore the amendment proposed is to permit the Governor to order a variation in the term or the time of retirement, in order to bring these into line with the requirements of the Act.

In connection with absent voting, cases have come to notice where there is no authorised witness in an outlying section, and the Bill proposes that the present right of any elector of the Legislative Assembly to witness an absent vote while above the 26th parallel of south latitude, should be extended to any other district to which the Governor has directed it should apply. This is, of course, only aimed at meeting special circumstances and it is not intended that any elector anywhere should act as a witness.

At present the Minister must submit all by-laws to the Governor and may, of course, recommend that they be either approved or not approved. This is a rather unwieldy procedure, and the Bill proposes that the Minister will not submit the by-law for approval unless it is deemed necessary and desirable.

Mr. W. Hegney: Why is it unwieldy?

Mr. NALDER: If the honourable member will wait a little he will hear why it is so unwieldy.

Mr. Oldfield: Necessary and desirable by whom?

Mr. NALDER: Although the Act was amended to remove the councils concerned from meeting the cost of gazetting by-laws of their own, they are at present required to meet the cost of publishing model by-laws. This is inconsistent, and the Bill proposes that they shall be published without cost to the council.

The Bill seeks to remove the land comprising a road from the operation of the Transfer of Land Act. This is necessary because certain roads are already under certificate of title and, when revested in the Crown, the title still operates. It is therefore considered desirable to cancel the title so that it would simply be Crown land set apart for roads. Similarly, it is proposed that when a road is closed, it should be removed from the operations of the Transfer of Land Act in every case, so that it may then be disposed of by the Crown.

It is intended to add refuse destructors and incinerators to the section dealing with the construction of the chimney shaft of a

mill, manufactory or other types of building. It will be appreciated that, under certain conditions, incinerators and such-like could cause a great nuisance in a neighbourhood.

At present there is some doubt concerning railway property which may be under lease to oil companies and similar organisations. While all railway land is exempt from rating under the Railways Act, such land, when leased, should of course be ratable. The proposed amendment therefore removes that doubt and declares any railway land which is leased as ratable unless it is leased under section 64 of the Railways Act, for refreshment rooms and purposes of that description, or is leased to Co-operative Bulk Handling Limited.

An anomalous position now exists inasmuch as land already under perpetual lease is ratable only on annual value. This is an omission that was never intended. The amendment provides that land under perpetual lease is to be valued as if it were in fee simple. This was the decision under the Road Districts Act, and the particular provision was omitted in the drafting of the Local Government Act.

It is also proposed to reinsert the old provision of the Road Districts Act that a timber cutting permit be rated on the basis of valuation of 5s. per acre for the area concerned. It was intended to rate the timber cutting permit as a lease; but, in fact, there is no rental from which a lease value could be calculated.

In order to arrive at an annual value for voting purposes in respect of private railways and tramways, such as the Midland Railway Company, or lines owned by a timber milling concern, it is proposed to multiply by 20 the actual amount payable for rates and treat the result as the annual value, and grant voting rights accordingly.

In the case of a concessionaire operating an electrical supply for a town or district, the repealed legislation provided for an equivalent of annual values, whereas the Local Government Act has made no provision, and it is now proposed that the amount payable for rates should be multiplied by 20 to give an annual value on which voting rights would be based.

Under section 545, a council alters its rate book after the year has commenced because a reduction in the valuation has taken place as a result of a reassessment made by the Taxation Department. To clarify any doubt, the Bill proposes that the council must amend its rate book as from the 1st July immediately preceding the date of alteration.

At present the power to differentiate in rating is confined to shire councils, and because of objections raised by representatives of town and city councils the provision was confined to the shires when the power was sought to be conferred on them. The councils have now seen the wisdom of the proposal and the majority of them wish to have the power to differentiate in rating; and the Bill seeks to provide accordingly.

Under existing provisions the council must have the same minimum rate in every part of its district; and whereas a minimum rate of as much as £5 is quite reasonable in a thriving townsite, there are some districts in which there are almost deserted townsites with only one or two pieces of ratable land and in which there are few or no amenities provided by the local authority. The proposed amendment will therefore permit the council to differentiate in the minimum which it imposes in various parts of its district.

There is now no definite authority for an appellant to withdraw his appeal against a valuation once it has been lodged. Even if the Taxation Department reviews the matter and finds an error has been made, there is no authority for the appellant to withdraw even if he accepts the new valuation. The Bill therefore gives definite authority for an appeal to be withdrawn.

The Act now allows pensioners to claim exemption from liability for the payment of rates. The rates are then deferred and are not payable until the sale of the property or the death of the pensioner. Cases have been found in which the pensioner has not sold the property but has transferred it without any consideration and, in strict compliance with the present Act, the rates are still not payable. The Bill therefore makes the rates payable on the transfer of the land and will also provide that the exemption will cease to operate if the person ceases to be exempt from liability.

It is also proposed that the exemption will automatically expire if the person concerned ceases to be a pensioner. Where premises are held in joint occupancy between a person entitled to exemption and some other person not so entitled, there will be no exemption from rates. Further, where the land is partly owned by a pensioner and partly owned by some other person who is not a pensioner, there will be no exemption.

The principal Act makes no provision for any variation in its rating differentiation in loans, even where it is quite obvious that it is no longer just. The amendment in this Bill will therefore permit the Governor to vary the rating differentiation where this is justified. This provision will apply where a council has raised loans on the understanding that these loans will confer benefits only on part of the district or will confer benefits in a varying degree on parts of those districts. Cases have occurred where various parts of the district are charged with differential rating in respect of loans, and the differential rating in some cases has almost coincided in each particular ward or prescribed area, whilst in other cases

the amenity provided has subsequently been made use of by persons who have moved into what was previously an undeveloped area and therefore differentiation is no longer justifiable.

At present, to justify action against a local authority for breach of legal duty, the person concerned must give the council, within 21 days after the cause of action arose, a notice in writing of the particulars of the cause of action; and must quote the name of any person injured, together with any particulars of damage to property claimed to have been sustained. However, a person may be unable, because of injury, to give such notice within 21 days, and the Bill proposes to ensure that such a person will still be entitled to claim if it can be shown that his failure to give notice did not prejudice the council in its defence.

Some confusion arose this year as to whether a person was entitled to nominate himself or had to be nominated by some other person. The intention is that he nominates himself and it is when for some reason he is not available to nominate himself that he is nominated by another person to whom he has given a written authority so to nominate. The Bill will clarify this aspect.

The Bill inserts an item which was omitted from the fifteenth schedule. Although provision was made in part IV for trespass fees in respect of certain enclosed land and then in respect of unenclosed land, the great majority of enclosed land finds no place in the schedule. It is therefore proposed to insert the fees which may be claimed for trespass on enclosed land other than the special types set out in the first column of fees in the schedule. In addition to these fees, of course, a person is entitled to claim any special damages under section 485 of the Act. If necessary, I will give further explanations in the Committee stage.

Debate adjourned, on motion by Mr. Toms.

BUSH FIRES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 13th September, on the following motion by Mr. Bovell (Minister for Lands):—

That the Bill be now read a second time.

MR. MITCHELL (Stirling) [5.7 p.m.]: I rise to make a few comments principally in support of the Bush Fires Bill, and to express my pleasure that the Government has seen fit to bring down a measure to further tighten the control of bushfires within the State. As most members are aware, we have had quite a number of disastrous bushfires in this State over the years, and they have brought forth a most generous response by the whole of the people of the State. That response is to be admired, but it has always been my contention that those in control—this House, the Bush Fires Board, and the local authorities—should do everything in their power to prevent such occurrences if at all possible.

In bushfire control I feel that one of the first things to be done is to encourage, as far as possible, the protective burning of roadways and dangerous spots throughout the various districts. That is being encouraged by most local authorities; but one of the most discouraging things about it is that very often when such action is being taken by voluntary bushfire brigades and local authorities, the general public, such as motorists, do not appreciate the effort being made on behalf of the community.

Therefore I feel that some of our traffic laws may have to be tightened up and some stiffer penalties introduced against motorists who very often endanger the lives of people engaged on this necessary work. It is a constant source of worry to all the people engaged in these operations and some action may have to be taken.

In this Bill there is a clause which is causing some heartburning throughout the country. I refer to the provision that makes it possible for the local authority to prosecute or to claim damages from a landholder if a fire escapes and becomes unmanageable, and the bushfire brigade is called out to extinguish it. Personally, I believe that is one of the most valuable clauses in the Bill because it is just what is being done in most well-organised districts throughout the State.

It allows for the planning of fires in most districts where bushfire control is practised to the greatest extent. Before people burn they are asked to make application to the voluntary brigade which covers the area, and that voluntary brigade then allots the time the burn is to be carried out and the number of men from the brigade that it is necessary to have present for the purpose of safety. Therefore, as I have said, in well-organised districts very little burning is done unless the operations are carried out by members of the voluntary brigade of the particular area. So if the voluntary brigade has to put the burn through for an individual, it is hardly likely that individual will be called upon to pay expenses after the fire is put out.

If this clause is enforced I believe it will have a very desirable effect and individuals will burn with the assistance of voluntary fire brigades. I believe, too, that it answers some of the problems raised by the member for Merredin-Yilgarn the other day when he mentioned that there was no opportunity today for bushfire brigades to gain practical experience in the control of fires in many districts. That practical experience is gained by the controlled burning which is done in large areas

of country. I would say that that has borne fruit. During the last few years there have been many districts where serious fires have begun from accidental causes, and those fires have been brought under control quickly and efficiently by the local voluntary brigade simply because it had had an opportunity of testing the equipment it used in the controlled burning that had been done. I am pleased indeed to see that clause in the Bill as it will give a great incentive for controlled burning throughout the State.

Another provision in the Bill relaxes the section in the Act in connection with equipment such as spark arresters on tractors being used in orchards. Here, too, we have to be careful. It is difficult indeed for orchards to be worked with upright spark arresters. Many members might think an orchard quite a safe place to work a tractor with any spark arrester, but unfortunately on some orchards it is most dangerous; and whilst we have to make provision for relaxation of the provisions to some extent, we must watch that position.

In the parent Act there is a provision which exempts the fitting of spark arresters on bulldozers or tractors operating in the timber industry. I have never yet been able to understand why that provision is in the Act. If there is any place in the State where fire control should be stringent it is in the timber area. If it is necessary to require a spark arrester to be fitted on all other tractors I cannot understand why it is not necessary for this to be so in the timber areas.

There is another clause, too, which permits local authorities to make some repayments to people if the tyres of their vehicles have become damaged while they have been controlling fires. That is a just and reasonable provision because most other machinery can be insured. Local authorities have experienced a little trouble with regard to tyres, because it is quite obvious that these would be the most vulnerable part of the machines.

No provision existed under the old regulations to allow local authorities to make some recompense to owners of vehicles which suffered damaged tyres. Any action we could take to recompense owners in this way would be well justified because today people in country areas contribute thousands of pounds, first of all for their own equipment for use in the control of fires; and, secondly, for community equipment which has been purchased and stationed at stragetic points throughout the districts to assist in the control and elimination of bushfires.

The advisory committees to local authorities have been and are doing a remarkably good job. I cannot imagine that any local authority could successfully tackle this problem without the services of an efficient and active voluntary advisory committee. Mention is made in the Bill of 12 members being on a voluntary advisory committee. Some of the bigger districts would have difficulty in reducing the number of voluntary brigades in their area to 12. Therefore I am wondering if it might be better to provide for an advisory committee consisting of a representative of each organised fire brigade within the area mentioned.

I would pay particular tribute to the advisory committees which have been set up in the various areas with which I have been connected through local government. They have done wonderful work over the years and have made a really worth-while contribution to the control of bushfires in the State.

It is desirable to have in the Act provision which permits the Bush Fires Board to take action against the local authority which does not carry out the provisions of the Act. Unfortunately some local authorities—perhaps because of pressure of work, or what-have-you, have the attitude that the full implementation of the provisions of the Bush Fires Act is not necessary. However, a shire council is very seriously affected if an adjoining shire council has not carried out the provisions of the Act as laid down. Therefore I think it only right and proper that some provision should be included in the Bill along these lines.

In conclusion, I would like to comment on weather forecasting because it has an important bearing on bushfire control. The Bush Fires Board will have to make some reassessment of the districts as they are now. I mention this in particular in connection with the south coastal area. It is well known that this area includes such places as Bunbury and Boyup Brook, and stretches through to Esperance, a distance of over 600 miles. As we all know, the forecast of a low summer hazard could be right so far as the western areas of that section are concerned, but the last 300 or 400 miles of that stretch along the coast could have a high and severe hazard with the approach of a westerly change in the wind. It has been one of the bones of contention in the south coastal area that a division should be made in order to eliminate the south-western area from what is known as the south coastal area.

I would like to congratulate the Minister for the information he gave the House, and I hope that this Bill will be passed because it has as its object the strengthening of the very necessary bushfire legislation in this State.

MR. ROWBERRY (Warren) [5.20 p.m.]: Like the member for Stirling, I would like to say a few words of commendation about this Bill. I have heard in general conversation that this legislation should interest only country members and those who live outside the city areas. I cannot do anything but deprecate such an

attitude because, in my opinion, and in the opinion of every member of this House, this is one of the most important Bills we have had before us this session.

The importance of preventing bush fires should be apparent to every right-thinking person in the community. It is not the responsibility of bushfire brigades, bushfire boards, local authorities, central authorities, or any other authority, to control bushfires. It should be the responsibility of every individual in the community to see that all steps are taken to prevent bushfires. It must be remembered that in the last disastrous fire at Dwellingup nearly £1,000,000 was lost in property alone. That is without taking into consideration the inestimable damage done to our priceless heritage of prime jarrah forest which does not grow again in a week, a year, or even in a decade. Therefore it should be apparent to everyone that every assistance should be given to the Bush Fires Board and to bushfire brigades and local authorities in their efforts to prevent holocausts.

I was interested to hear the member for Stirling mention that he could not understand why no provision was contained in the parent Act for the compulsory use of spark arresters on tractors working in the timber industry. I have here the March, 1961 copy of a magazine known as the *W.A. Firefighter* and it contains a list of known causes of fires in Western Australia during 1961. As on the 30th June, 1961, tractors caused 5 per cent. of the total fires. It does not say whether those tractors were working in agricultural areas or in the forest hauling timber to the landings, or whether they were working as bulldozers.

However, from my experience I know that very few fires are started by tractors working in the timber industry. In fact, I do not know of one fire that could be attributed to the lack of a spark arrester on a tractor working in the timber industry, and I have worked in the timber industry and in the bush for something like 30 years. Therefore it could be that it has been found from experience that arresters are not necessary on tractors working in the timber industry.

In this publication it is stated that 7 per cent. of the fires are caused by locomotives, and I suppose they would include locomotives working in the timber industry and also the locomotives used on the main lines. It can be seen that locomotives are a greater cause of fires than are tractors without spark arresters. Children cause 2 per cent. The known cause of the greatest number of fires is burning off. Our agriculturists and members of the farming community generally could take this very much to heart.

I personally believe that a great degree of selfishness was exhibited during the very hot summer in 1961. Some of the fires that occurred in the Augusta area could have been prevented, I think, if a degree of selfishness had not been apparent in the individual farmers who lit fires against the better judgment of the bushfire brigades in that area.

Of the total number of fires, 38 per cent. cannot be accounted for. In other words, the cause of 38 per cent. of the total number of fires cannot be traced. That has a direct relationship to one of the amendments in the Bill, referring to the provision which allows a person nominated by the Commissioner of Police to enter property to—

(a) examine a fire which he has reason to believe has been lit, or maintained, or used in contravention of this Act;

(b) examine a fire which he believes is not under proper control;

(c) investigate the cause and origin of a fire which has been burning on the land or building.

This is a very good provision. Another included in the Bill will allow local authorities to take action against people who have lit fires and allowed them to get away. A fine of up to £50 can be imposed for this offence. First of all, proof has to be found against a person and therefore the inclusion of someone nominated by the Commissioner of Police will help in providing information for the local authorities in order that they may sheet home the charge against anyone who is guilty of the nefarious practice of lighting fires and allowing them to get away.

I welcome this provision for another reason, also, in that it will take the onus of investigating and proving the guilt of a person away from local prejudice. I know of instances where this type of provision has been used to work off local spite and resentment. If this matter were taken out of the hands of the local authority and given to the police, it would be all to the good and would certainly take it out of the realms of prejudice into which it could very likely descend.

I am also pleased to know that a person nominated by the body known as the Associated Sawmillers and Timber Merchants is to be appointed to the authority.

The other evening I heard a member say he considered this provision to be a good one because great heaps of sawdust and other mill refuse were lit and could probably be the cause of bushfires. In the list I have before me there is no mention of fires that have got away from burning sawdust heaps. The list is as follows:—

Unknown	38
Vehicles	6
Lightning	2
Camp fires	6
Cigarettes	4
Miscellaneous	14

Those are in addition to the causes already mentioned. I imagine that if a fire had got away from a mill sawdust heap, it would not be hidden amongst "miscellaneous" because if a fire resulted from a burning sawdust heap, it could be easily identified.

I have known of only one fire to get away from a burning sawdust heap; and even on that occasion the question arose whether the fire was caused by the sawdust heap or a locomotive. There was a real debate on the matter, and the cause of the fire was never really sheeted home. There was, however, a degree of suspicion that the fire had got away from a sawdust heap; but it could just as easily have been caused by a spark from a locomotive.

However, I think the inclusion of a representative of the Associated Sawmillers and Timber Merchants is necessary, because great damage can be done to our timber forests by reason of bushfires; and the members of the Associated Sawmillers and Timber Merchants have the greatest interest, I think, in our forests. A figure of something like £50,000,000 or £60,000,000 has been estimated as representing the damage caused to the State forests by the disastrous fires last year. As the sawmillers and timber merchants have the opportunity and privilege of working our bush and giving employment to so many workers, I think their representation on this body is well merited.

I do not wish to talk at length on the Bill. In my opinion it does not really go far enough. I would like it to go a bit further, but I am comforted by the fact that during the year the Bush Fires Board met and determined to make recommendations to the Governor in respect of measures to be taken to control and prevent bushfires in the future. We also know that a Royal Commission inquired into the question of bushfires last year. So at least something tangible is being done, even though some of us may not be quite satisfied in so far as the controlled burning of our forest is concerned; and I would like the Minister to say something about that when he replies to the debate.

I commend the Bill to the House, and I promise my support of it right up to the hilt.

MR. RUNCIMAN (Murray) [5.32 p.m.]: The Bill is really the implementation of the recommendations of the Royal Commission appointed to inquire into the bushfires of 1960-61. The main fire at that period was, of course, the disastrous Dwellingup fire where over 361,000 acres of forest and pasture lands were burnt, and over £1,000,000 worth of damage was done. The findings and recommendations of the Royal Commission have met with widespread approval throughout the South-West Land Division.

The Minister is to be commended for introducing the Bill which, while adding to the Bush Fires Act of 1945-58, will also tighten up the provisions of the Act. That there has always been a need for a law to control and prevent bushfires was evidenced very early in the history of this State, for in 1847—18 years after the beginning of the State—an ordinance or Act was promulgated for the prevention and control of fire. Later the first Bush Fires Act was passed in 1885.

Since that time various measures have been added to it. But notwithstanding all the precautions that have been taken and the legislation that has been passed, we get increasingly severe fires; and it is possible that we could continue to get them. The reason, of course, is the vast development of our country: the extra clearing, the additional population, and the wonderful spring pastures that we get with top dressing, and so on. Because of this development, when a fire gets out of control it is particularly serious.

It is interesting to note that more than 30 per cent. of all the fires that have got out of control have been lit by settlers. I think a large number of these fires could have been prevented if maximum precautions had been taken. In my opinion there is still a certain amount of apathy and carelessness in some districts, because a good many people do not realise the great seriousness of fires in this country.

One of the clauses in the Bill will permit the continuation of the prohibited burning period after the time laid down by the Governor has expired, if the local authority thinks it desirable, because the local authority may impose a ban of another fortnight; or, if conditions at the end of that time are still very severe, even longer. Sometimes at the end of a summer there is so much litter and the danger is so great that the prohibited period could be extended well into the autumn. That is a precaution which is very necessary.

Notification has to be given by the 1st September by those people who intend to burn large areas. This relates to the very fierce fires that result from bulldozing. This provision will give an opportunity for the local authority and the neighbours of the person who wishes to burn to take precautions before the fires are lit. The usual precautions can be taken in respect of the spring burning of bush country, and added precautions by means of fire-breaks early in September.

The Bill also makes provision for the recovery of costs by bushfire brigades from persons lighting fires which later escape. This might seem a little hard at first, but I think it will act as an added deterrent to many people when they light up. It will mean they will take maximum precautions.

I remember one person who lit a fire against authority and the fire got away into the neighbouring country, and three

fire brigades took three days to put it out. The person who lit the fire was fined £10 or £15, and he boasted he had had a pretty good and cheap burn. There are plenty of people like that, and I think they should be severely dealt with; and I believe this provision will be an added deterrent.

Quite a number of people light fires but take the minimum of precautions in the hope that the local fire brigade will, if necessary, get them out of trouble. I think everybody should take the maximum fire precautions.

There is, perhaps, the understandable disinclination by members of local authorities to prosecute their neighbours and friends who commit breaches of the Act. If the legislation is to have the beneficial results which we expect, the Bush Fires Board and the various shire councils must see that it is fully complied with. It is mainly in the matter of fire-breaks and the elimination of fire hazards that some councils have been a little lax. The majority of shire councils do a tremendously good job in respect of fire prevention and control, but there are some—they are very much in the minority, I know—that are somewhat lax in this regard.

It will make a big difference to people if they know they can be prosecuted and fined for not complying fully with the Act. I feel that people who light fires and do not take the maximum precautions at all times to see that there is no possibility of the fires getting away, should be dealt with very severely by the law. At times we have been somewhat lax in this regard. The Bill will go a long way towards ensuring that something will be done along the lines I have mentioned. I have much pleasure in supporting the measure.

MR. SEWELL (Geraldton) [5.42 p.m.]: The Minister, in bringing the Bill forward, has endeavoured to ensure that more control is exercised over people who light fires. He is also seeking to ensure that there will be control of fires generally; and in other instances he is giving more power to the local authorities and the bushfire brigades to do certain things. Personally I think this is all necessary.

I also agree with the member for Warren that it is not the duty of the local authority, the Minister, or the bushfire brigades to see that proper precautions are taken to prevent bushfires wherever possible—it is the duty of all of us. Apart from the ordinary accidents that occur, the control of bushfires, or the non-starting of a fire, would be the most important thing in our lives because, as the member for Murray has said, of the extent of country under pasture today. Speaking for the areas I represent—away from the timber districts—with the easterly winds in the early summer months, hundreds of thousands of pounds' worth of damage could be caused by a fire before a bushfire brigade could get on the job.

Speaking of the local brigades, I want to commend all those brigades that I know of in the northern areas. It has been said that some do not practise enough. But in the northern areas the brigades hold competitions among themselves. They will probably be starting these competitions any time now, and they feature such things as the control of fires; how to turn out quickly; where the water points are; and other things that go to make up the efficiency of a brigade. I am quite sure that has a great effect on the control of fires during the hot summer months.

Generally, the Bill seems to me to cover those points which are urgently in need of amending. I congratulate the Minister for bringing the Bill forward, and I support the second reading.

MR. I. W. MANNING (Wellington) [5.46 p.m.]: Generally, I support the amendments proposed in the Bill because I think they go some way towards tightening up the Bush Fires Act in a way which will be beneficial to everyone. However, there are one or two points on which I would like the Minister to comment when he replies to the debate. In his second reading speech, the Minister said—

> It is considered that, to enable special protective burning and other protective measures to be planned and carried out by adjoining owners, or the Forests Department, the 1st September would be the most suitable date for the lodging of applications for burning for developing or clearing land, as landowners should know of their need to burn by that date.

I would like him to tell me whether it is proposed that that shall be a firm date—

Mr. Oldfield: The Minister does not even know it is in the Bill.

Mr. I. W. MANNING: —and, if they fail to make the necessary application, whether a bushfire brigade or the local authority can permit the burn. If carried out to the letter, such a provision might have a far-reaching effect.

As mentioned by the member for Stirling, the Bill provides that any person who starts a fire on his land and allows it to get out of control shall be liable to pay to the local authority the expenses incurred in preventing the extension of the fire or of extinguishing it, to a maximum of £50. Many landowners I have met do not fully support this proposal. It is generally understood that practically everyone attends a bushfire and gives his services freely in attempting to do everything he possibly can to put it out. Therefore this provision in the Bill to recover from the landowner any expenses incurred as a result of the fire, in certain circumstances, is a new principle in bushfire fighting.

I suppose we should move with the times. It is not so very long ago since the original Bush Fires Act was introduced; and over the years, steadily and surely, it has been tightened up in many ways. Therefore we should continue to progress by introducing amending legislation to keep up with the changing times. Nevertheless, I do not think there are many people today who deliberately light fires. I think that many small fires have got out of control because of unforeseen circumstances, such as the wind changing direction, or something of that nature. Most people who burn off today take all the precautions that need to be taken when lighting fires.

I support the proposal which will make it necessary for the landowner to have on his person a permit to burn. The issuing of such permits has been a little too lax in the past, and I am afraid I have been guilty along with many others. What often happens is that a person makes application for a permit from the bushfire control officer who issues it; but in many cases it is not picked up and is not in the possession of the person when he is lighting the fire.

If we are to be successful in apprehending those persons who deliberately light fires, or light them not in accordance with the permit issued, it is necessary for those persons who have been issued a permit to burn to have it in their possession so that it can be checked when the fire is lit. That provision is a forward step.

The problem of announcing the fire hazard of the day could prove to be rather contentious. Over the past few summers in particular I have noticed that there have been many fires well under way by 8 a.m. when the fire hazard for the day was announced. Occasionally, the fire hazard for the day has been "dangerous", and yet many fires have already been lit. This has created many problems. I do not know whether it is possible to broadcast the fire hazard for the day earlier than 8 a.m., or whether the lighting of fires can be held in abeyance until after 8 a.m. That point may have to be closely considered.

Mr. Sewell: After 8 a.m. should be time enough.

Mr. I. W. MANNING: In answer to that interjection I might say that in most areas that have been burnt off the farmer concerned is usually well organised the day before, and he has a team of men on the spot at an early hour so that he can get on with the job and complete it as quickly as possible in the one day. Therefore, in many instances an 8 a.m. start would considerably delay the operation.

Mr. J. Hegney: What time do you suggest he should start?

Mr. I. W. MANNING: At 7 a.m.

Mr. J. Hegney: About 5.30 a.m. would be all right.

Mr. I. W. MANNING: I do not know whether it is possible to have the broadcast announcement made at an earlier hour. It may be that the weather conditions for the particular day have to be determined and well considered before the broadcast is made. This is a point that has been very noticeable in the past.

Mr. Bovell: In your electorate the notice of the fire hazard is posted on the corner in the town of Harvey.

Mr. I. W. MANNING: Yes; but in many instances the fire has been going for two hours before the signal is put up that the fire hazard for that particular day is "dangerous".

Mr. J. Hegney: What was the Minister's answer to that one?

Mr. I. W. MANNING: There has been a marked improvement in the control and organisation of bushfire brigades by having an advisory committee acting with the local authority so that the committee can make recommendations as to what might be done in a particular district. I commend the Minister for introducing an amendment dealing with this aspect. Many of the difficulties that have been encountered when fighting big fires in the past have been created because at one stage, when the fire was small it had been neglected because it was in open country and was not considered to be doing any damage, and the weather conditions have changed and caused the fire to build up quickly.

If our policy in fighting fires is to obtain sufficient help at an early stage to extinguish them, we should make every effort to ensure that the large number of people who turn out to assist in putting out a large fire also turn out in large numbers to extinguish a fire when it is still considered to be small, when it can be effectively extinguished within a short period and many difficulties avoided. I support the Bill because, generally, it is a step in the right direction.

MR. NALDER (Katanning—Minister for Agriculture) [5.55 p.m.]: I would like to add to this debate in a small measure by saying I am certain that if there is one single factor which will ease the hazard of fire in almost every area of the State today, it is that of controlled burning. Therefore I think it is important if we can, in this House, assist by passing on this information not only to local authorities but also to bushfire brigades and individual farmers to ensure that they are aware of the importance of controlled burning. Until we get a greater measure of controlled burning bushfires will continue to be a problem. This is proved as one travels around the various parts of the State. One finds that some local authorities are extremely conscious of the importance of controlled burning.

With the assistance of local farmers, the bushfire brigades can, under controlled burning, burn around most of the feeder roads. That means that if there is an outbreak of fire from the several causes that have been mentioned by many speakers this afternoon, a measure of control can be exercised if that fire does get away, because the local authority or the local fire brigade can burn back to that controlled area.

Many fires in the past have been almost impossible to control because, when the fire has burnt through a grass paddock and come to a feeder road or a bush track separating two properties, it has been evident that the grass surrounding those roads has never been burnt back for many years as, at that point, the fire has become an inferno. It is impossible for any brigade to control a fire when it has reached that stage.

Mr. Hawke: The Minister will have difficulty in giving a satisfactory reply to this.

Mr. NALDER: I am glad the Leader of the Opposition has emphasised the point I am making, because I believe that when local authorities and bushfire brigades fully realise the importance of controlled burning the more effective will be the control and the prevention of fires. We know that lightning causes many fires.

Mr. Hawke: Have they not had the power to enforce burning off around these roads before?

Mr. NALDER: Yes; they have the power to do that. But I am saying that anything we can do in this House to bring the importance of controlled burning to the notice of these people will be all to the good. They will have to sacrifice time and money to do it, but it will be not only in their own interests but also in the interests of the State generally to organise controlled burning.

I have said before, and I will say again, that one of the local authorities that is doing an excellent job is the Shire of Williams and the local fire brigade. In fact, their efforts have brought forth much praiseworthy comment. Every year, as regular as a clock, the Williams fire brigade and the local authority organise and burn along the main road, from one end of the district to the other.

Mr. Rowberry: And along the railway line, too.

Mr. NALDER: That is so. As a result, a measure of safety exists in that district. If a fire got out of control, the people could back-burn from the firebreaks which have been established. The year before last, when a fire got out of control in the Williams district and burnt along a fairly wide front during a particularly hot day, the fire brigade was able to burn back from Albany Highway. By doing that the brigade saved the situation for the whole district.

In the programme of controlled burning the brigade and the local authority had burnt along a strip half a chain wide on each side of the road, and with a firebreak of a chain for the road and half a chain on each side, the position was rendered safe. Such a break is an excellent one for the purpose of controlling bushfires.

The same width of fire-break is established in the reserve areas and forest areas of this State. I know the Minister for Lands will inform the House that controlled burning is embarked on every four or five years, and such a policy will assist in controlling bushfires which must occur through accidental causes. We should educate the farming community and the travellers along our roads to become fire conscious. If we do that we will have achieved a great step towards the prevention of bushfires. I believe there is not one other single factor in the prevention of bush fires as important as controlled burning.

Farmers should control burn on their properties, and take advantage of creeks, tracks, and fence lines to establish firebreaks, so that if a bushfire does occur there is a possibility of stemming it and bringing it under control. This will be a means of helping bushfire brigades in their efforts to fight fires. They have rendered the State valuable service. Above all, let us educate the general public on what I believe to be the solution to the outbreak of bushfires, which plays such havoc with the natural bush country and the farming lands of this State; that is, controlled burning.

MR. BOVELL (Vasse—Minister for Lands) [6.4 p.m.]: On behalf of the Government I express appreciation to the members who have contributed to this debate. The member for Merredin-Yilgarn, who was the main spokesman for the Opposition, dealt with the Bill in detail, and I thank him for his most generous comments. He made two points which I shall deal with.

The first suggestion made by him was the training of members of voluntary bushfire brigades who have not had experience in fire-fighting, because no serious bushfire had occurred in their districts. The training of such members presents a considerable problem. There is no real substitute for experience in actual fire-fighting.

The Bush Fires Board holds a school annually for the training of bushfire brigade officers, and it has also established a considerable number of day schools in many districts of the State. The fire wardens encourage the holding of local schools, but these are entirely a matter for local organisations.

It is the practice of the Bush Fires Board to invite a nominated representative of every shire council and town council to attend the annual school. Admittedly, these representatives are not given the opportunity of participating in actual fire-fighting, but they are given the opportunity to mix with members of other brigades than their own—with members of other brigades in whose districts disastrous bushfires have occurred.

The disastrous fires of 1961, mainly centred in the Murray and the Vasse electorates, caused considerable loss. The Dwellingup fire and the Augusta-Karridale fire were, in living memory, two of the most disastrous bushfires which Western Australia has experienced.

Efforts are being made, although perhaps not adequate to cover the position, to hold more day schools. I thank the member for Merredin-Yilgarn for bringing to the notice of the Government the need for training officers and members of voluntary bushfire brigades, to enable them to acquire the necessary knowledge for the prevention of fires. Of course, prevention is better than cure; and if bushfires can be prevented under any policy, that is the policy to be adopted.

The other matter referred to by the member for Merredin-Yilgarn was the lighting of fires in picnic grounds. He pointed out that people have become accustomed to lighting camp fires to boil their billies, when they go on picnics. The member for Warren pointed out that six fires, presumably serious ones, had originated from the fires lit by picnickers.

Mr. Rowberry: They were major fires.

Mr. BOVELL: We should take steps to prevent the occurrence of fires; but at the same time we should not curb the liberties of the people. For that purpose the Bill includes a provision to permit a local authority to give approval in writing for the lighting of fires by picnickers, and it is left to the local authority to decide where these camp fires can be lit.

As is known to the members for Geraldton and Albany, and those representing electorates where holiday camps are established, it would be ridiculous to prohibit the lighting of fires at a camping site, because of the serious fire hazard. A local authority can design and set aside a special area which can be controlled, where the lighting of fires can be permitted.

At this stage I want to emphasise that the whole purpose of the Bill is to bring about decentralised control; and with one or two exceptions it provides for the administration of these matters by the local authority, the local bushfire brigades, and the fire wardens.

Reference to protective burning was made by the members for Stirling and Warren, and by the Deputy Premier. This is a matter of great importance. However, I consider it to be the responsibility of the landholder—as it has been in the past and will continue to be in the future—to make every effort to carry out controlled burning.

Regarding the Forests Department, the conservator has implemented an active programme of controlled burning within the dedicated State forests and forest reserves. Of course, it is not a practical proposition to control-burn so many millions of acres at the one time. From my knowledge of the State forests the present policy of controlled burning is very active, and is carried on within the financial resources of the department.

In relation to controlled burning along roadways, on Crown lands, and in other similar areas, it would be financially impossible for any Government to undertake total controlled burning. The area of Crown land in this State is far greater than the area of alienated or developed land. Co-operation in this direction will be continued with local authorities, and where possible more co-operation will be undertaken.

Reference was made to a fine of up to £50 for an offence, and the provision in the clause has received some adverse comment. It might be appropriate for me to read the provision in the clause relating to this aspect. It is as follows:—

> Where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a bush fire control officer or an officer of a bush fire brigade out of control on the land, the person shall be liable to pay to the local authority on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of fifty pounds incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction.

If a person considers himself to have been penalised he has the right to have the matter decided in a court of competent jurisdiction. There should be a provision in the Act under which a penalty can be imposed on a person who starts a fire in the circumstances referred to by the clause I have just read, because the services of members of bushfire brigades are given entirely voluntarily. Such a provision is necessary to avoid bushfire brigades from being called out to deal with fires in which they should not be involved. Where there is evidence of irresponsibility on the part of a person the provision would cover the case. I consider it to be necessary to enable a person to make a final appeal to a court to decide the matter.

Mr. Hall: Does the fine apply when the property concerned is covered by insurance?

Mr. BOVELL: The court decides the fine. As I understand it, in the first place the local authority could approach the person

concerned and say, "You have involved the bushfire brigade in £25 expenditure in fighting the fire, and we ask you to pay that amount." The person can either agree or disagree with the request for payment. If he disputes the claim then it will be the responsibility of the local authority to take action against him. If the court imposes a fine, irrespective of any fire insurance on the property, it will be the duty of the convicted person to pay the amount.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. BOVELL: Prior to the tea suspension I was referring to various comments made by members. The member for Stirling referred to tractors and other machinery used in the timber industry, and I will have his submissions examined. He also referred to and commended the action of the advisory committees. It was considered necessary to include a provision in this legislation relating to advisory committees, and the provision follows a recommendation by the Royal Commissioner.

The member for Stirling also referred to that portion of the Bill which deals with action being taken against local authorities. The Government gave this proposal very careful consideration. Generally the local authorities—almost without exception—adhere strictly to the principles of the Act. However, it was felt, after very serious and close consideration, that it would not be fair to other local authorities, which were adhering to the provisions of the parent Act, to allow one or more local authorities—and they would, if it ever did occur, be in a very small minority—to step out of line.

I personally thought it would not be right that the Bush Fires Board should, in itself, have the power to initiate legal action against a local authority. I felt that the Government should be involved in this matter. Local authorities are, of course, responsible organisations—responsible to their ratepayers—and perhaps I might just refer to that provision in the Bill which deals with this matter. Clause 68, subclause (2) states—

> Where in the opinion of the Board—

that is, the Bush Fires Board—

> a local authority has failed or neglected to carry out any duty, exercise any power or perform any function as mentioned in this section, the Board—
>
> (a) may take or cause to be taken such action as it considers necessary to remedy the default or neglect; and
>
> (b) shall report the default or neglect in writing to the Minister.

Subclause (3) states—

> If in his opinion the circumstances of the case so warrant, the Minister may authorise the Board—

that is, the Bush Fires Board—

> in writing to take proceedings against the local authority in respect of the default or neglect reported to him pursuant to this section, and thereupon the Board shall take proceedings in a court of summary jurisdiction against the local authority for an offence against this Act.

It goes on further to say that if a penalty is imposed by the court—and I want to emphasise this point—action can only be taken by the Bush Fires Board with the approval in writing of the Minister for the time being, and if a penalty is imposed by the court upon a local authority under this section the matter will not be a charge on the individual or several members of the board; the court, unless it decides otherwise, shall impose a penalty and the penalty is payable out of the ordinary revenue of the local authority. So I think that provision in the Bill is reasonably covered. No action can be taken by the Bush Fires Board against a local authority without the approval of the Minister.

Mr. Evans: Who would be sued in that case: the chairman of the local authority, or each individual member?

Mr. BOVELL: I am not concerned with who will be sued. The local authority would be sued for not adhering to the provisions of the Act.

Mr. W. Hegney: The ratepayers would pay the penalty.

Mr. BOVELL: The ratepayers would pay the penalty; but, as is the case with members of Parliament, ratepayers have the opportunity at prescribed times of deciding whether the councillors of their shire still have their confidence. Like members of Parliament, shire councillors come up for election at intervals, and if they are not managing the affairs of the local authority properly they will have to suffer the penalty. That also applies to members of Parliament if they do not manage the affairs of their districts adequately.

There may appear to be some harshness in this matter; but I feel that most local authorities, if not all, will agree that the protection of property, both public and private, is paramount, and that if action is warranted it should be with the approval of the Minister.

I would also like to emphasise that the Bush Fires Board as it is now, and as it will be reconstituted, comprises 50 per cent. of members of local authorities; so that the voice of local authority is well represented on the Bush Fires Board.

The matter of weather reports will be examined. The member for Warren referred to the need for protection of property, both public and private, his only complaint being, if it was a complaint, that the Bill did not go far enough in its coverage of the position. We should realise that we do not want to interfere unduly with the general operations of legitimate primary producers, and it was felt that it would not be desirable to create any deterrent to legitimate farming operations. The provisions of this Bill have been carefully considered.

I referred earlier to the matter of controlled burning. This point was also raised by the member for Warren, and by the Deputy Premier. As I stated, the Conservator of Forests has, for the past several years, engaged in a very active programme of controlled burning of State forests. It would, of course—and I repeat this point—be completely beyond the financial resources of the State to control burning of roadways and all the Crown lands and reserves. I feel that the obligation rests upon property holders in conjunction with local authorities, and with the co-operation of the Government.

Mr. Rowberry: Did the present Conservator of Forests inherit a backlog of controlled burning?

Mr. BOVELL: I am not going, at this stage, into the pros and cons of the various Conservators of Forests. All I wish to say is that it has been the policy of the present conservator to control burn, and he has been actively pursuing this policy. I think that previously the system was dealt with in another way, but it is the present policy to control burn within the resources—both financial and physical—of the Forests Department.

The member for Murray referred to the problems of bushfires generally, and he is a member of this Assembly who knows from experience the devastation of the country which was caused by the Dwellingup fires. I visited the areas just after those fires occurred. I was accompanied by the then member for Murray (Sir Ross McLarty), the Conservator of Forests, and others; and it was a really terrible sight to see the damage which a fire can cause.

I believe the fires in that area were, on that occasion, caused by lightning strikes. It was unseasonable weather, and reports issued to me by the Bush Fires Board and by the Conservator of Forests and his officers indicated—and we had evidence in the Royal Commissioner's report—that the fires in the Karridale-Augusta area were caused not so much by neglect of any person or persons but mainly by circumstances outside human control.

I thank the member for Geraldton for his contribution. He represents the centre of a district which could be inflammable because of the weather experienced in that area. We have had no really disastrous fires in the Victoria district in recent years, and I hope we never shall.

Mr. Sewell: They are well controlled.

Mr. BOVELL: I agree with the member that they do exercise great control, not only in the Victoria district but other districts. This Bill is designed to further protect, if possible, both public and private property.

The member for Wellington had doubts about some provisions of this Bill, and I think he raised the matter that notices of burning times should be in the hands of local authorities by the 1st September. At this stage the member for Maylands interjected and said I did not even know this provision was in the Bill. For the benefit of the member for Maylands I propose to quote what the member for Merredin-Yilgarn said in his opening remarks, and I expressed my thanks to him earlier. He said as follows:—

> This is a Bill of great importance, affecting as it does all parts of the State. I cannot let this opportunity pass without saying that it was very refreshing to hear the Minister giving such a clear and lucid examination of the measure.

Mr. Kelly: You are not going to hold that against me, are you?

Mr. BOVELL: No; but the honourable member was not in the Chamber when the member for Maylands implied I did not know this provision was in the Bill.

Mr. Hawke: They could both be right.

Mr. BOVELL: This provision is in the Bill because of recommendation No. 10 of the Royal Commissioner, which states—

> Land owners desiring to carry out developmental burns be required to inform the local authority sufficiently early to enable that body to direct them or request the local bush fire brigade to carry out protective burning around the area before the prohibited season starts.

Fifty per cent. of the members of the Bush Fires Board are representatives of local authorities, and I gave their names and districts during the second reading.

The comment I have here in regard to the matter is that the provision in the Bill gives effect to recommendation No. 10 of the Royal Commission on Bush Fires by making it compulsory for local authorities to prescribe a schedule of burning times in respect of burning for developmental or land clearing purposes. The local authority will have the discretion in relation to the programme for the types of burning, and to allot times for special protective burning and other protective measures it plans to be carried out by owners or occupiers of land that adjoins areas of bulldozing.

It is considered that the 1st September is the most suitable date for the lodging of applications to burn; and, furthermore, landowners desiring to burn bulldozed areas or similar clearing should know of their need to burn well in advance. However—and this is in reply to the member for Wellington—provision is made that if a person is unable to apply by the 1st September, and makes a later application, the matter can be dealt with by the local authority at its discretion. That is another indication of the Bill endeavouring to decentralise operations.

I have tried to reply to the several points made by members during the second reading debate. If there are any further matters that need to be dealt with in Committee I will be only too pleased to elaborate further on them. I think I have, during my reply to the second reading debate, covered most of the points which might have been made in Committee; but if any further information is desired I will be only too pleased to supply it.

Again I thank members for their reception of the Bill. It is designed to decentralise operations and, if possible, further to protect public and private property. However, no legislation will altogether obviate the great danger of bushfires, and it is only by the co-operation of all concerned that we can minimise this great hazard. The wealth that has been destroyed by fires has been colossal, and anything that this Parliament, the local authorities, or anybody associated with the problem can do the better it will be. We seek the co-operation of everybody; and I know from my experience in the past, as Minister for Lands, and the experience of my predecessors in office, that we will only minimise the danger of bushfires by the co-operation that this Bill is seeking.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 to 11 put and passed.

Clause 12: Section 25 amended—

Mr. ROWBERRY: I draw the Minister's attention to lines 26 to 28 on page 8 where it states—

> The fires shall not be lit except between the hours of six o'clock in the evening and eleven o'clock of the same day.

Which 11 o'clock does that mean?

Mr. Bovell: It means 11 p.m.

Mr. ROWBERRY: There are two 11 o'clocks in the one day. I think this matter should be clearly indicated in a Bill of this description.

Mr. BOVELL: The Act now prescribes that the burning of a carcase can take place at any time. It is thought that there is less fire hazard between the hours of 6 p.m. and 11 p.m., and for that purpose the hours for the burning of carcases are restricted to between the hours of 6 p.m. and 11 p.m. on that day.

Mr. ROWBERRY: Would it not be necessary to put "eleven p.m." in the Bill? It states, "six o'clock in the evening and eleven o'clock of the same day." That is ambiguous.

Mr. BOVELL: The same principle as applies to Committee would apply in this case. In Committee we cannot go back with a clause. If it states "six o'clock in the evening and eleven o'clock of the same day" it means 6 p.m. and 11 p.m. One cannot go backwards; one must go forward. We can have the matter checked, but I do not think there is any doubt about it. The Parliamentary Draftsman has considered the intention of the Government, which is 6 p.m. to 11 p.m. on the same day; and with time we go forwards and not backwards.

Clause put and passed.

Clauses 13 to 28 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS (6): RETURNED

1. Stamp Act Amendment Bill.
2. Child Welfare Act Amendment Bill.
3. Guardianship of Infants Act Amendment Bill.
4. Justices Act Amendment Bill.
5. Interstate Maintenance Recovery Act Amendment Bill.
6. Police Act Amendment Bill.

Bills returned from the Council without amendment.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 13th September, on the following motion by Mr. Court (Minister for Industrial Development):—

> That the Bill be now read a second time.

MR. HAWKE (Northam—Leader of the Opposition) [7.59 p.m.] This Bill proposes very considerably to increase the present scale of salaries as applying to the Chief Justice, the senior puisne judge, and the other judges of the Supreme Court. The salary of the Chief Justice, under the terms of the Bill, would be increased by £1,090 per annum; that of the senior puisne

judge by £940 per annum; and that of the other judges by the same amount—namely, £940 per annum. The Minister told us, and it is true, that the proposed new scale of salaries will exceed those now prevailing in the State of South Australia, and approximate closely to those now ruling in the State of Queensland.

In South Australia the Chief Justice now receives £6,250 per annum as against the £6,400 per annum proposed for the Chief Justice in this State. The puisne judges in South Australia receive £5,550 per annum, as against the £5,750 proposed for the senior puisne judge in this State and £5,600 per annum proposed for the other judges in Western Australia. In Tasmania the Chief Justice receives £5,200 which is £1,200 per annum less than is proposed for the Chief Justice in Western Australia and the puisne judges in Tasmania receive £4,600 per annum as against the £5,750 proposed in this Bill for our senior puisne judge and £5,600 for our other judges.

I would have thought the South Australian level of salaries would be the best basis to be selected for application to Western Australia because of the relative sameness of population numbers and because I should think the amount of work to be performed in the South Australian Supreme Court would be greater or approximately the same as in Western Australia. I must admit I do not know the number of Supreme Court judges in South Australia as compared with our own, but I should think they would not have more than we have in this State at the present time.

Another angle I would like to raise in connection with this question is that when one State acts independently, as it does when fixing salaries of judges, and also in fixing the salaries of other highly placed persons, that State seems to set the pace; and when one State takes the initiative and raises salaries for, say, judges or for some other group, then the same classes of persons in other States immediately feel that an anomaly has been created. They compare the salaries which were operating in the State which has taken the initiative with the salaries they are receiving, and then they compare their salaries with the proposed new salaries in the State which has taken the initiative, and on that basis it is not difficult to prove an anomaly.

In the event of this Bill becoming law in Western Australia I am positive the judges in South Australia, although they do not have a trade union, will feel a very serious anomaly has been created for them. No doubt representations will be made to the Premier and Treasurer of South Australia through such channels as such approaches are made, and the judges of South Australia, or someone on their behalf, will quite logically argue that their relative position with the judges of Western Australia has changed very seriously and to their detriment. It would be difficult indeed, if not impossible, for the benevolent Premier and Treasurer of South Australia to refuse the request which would be contained in the representations.

So I think we can be fairly sure that during this calendar year and during the current session of Parliament in South Australia a Bill will be brought down to increase very substantially the allowances for judges in South Australia. The same thing could easily apply in Tasmania. Queensland judges could put up arguments that an anomaly existed between the salaries they receive in Queensland and the salaries which will be operating in Western Australia shortly, and which salaries are to be made retrospective to the 1st July this year.

So the Premier and Treasurer of Queensland will no doubt have these strong representations made to him, and on the basis of the case that will be presented I do not see how he could avoid being put into the position where it will be necessary for his Government to introduce legislation and very substantially increase the present salaries of judges in the State of Queensland.

This process, of course, goes on unceasingly, and I have watched it with considerable interest for many years now. Of course, it not only applies to judges. I have seen it apply to university professors and to others, and the case which is presented to the Government is always based on anomalies which exist between the scale of salaries in Western Australia and some other States, and these anomalies are created every time a Bill of this kind is introduced to a Parliament and approved by the Parliament.

I have suggested more than once in the past that there should be some contact or some consultation between all the Treasurers of the Australian States. I think there should be some reasonable measure of consultation in order that this continuing and expanding process of salary increase after salary increase, based on anomalies which are created when a Government—it does not matter which State Government—brings in a Bill to increase the scale of salaries for judges; or co-operates, perhaps under a little pressure, with university senates to increase salaries of professors and also, of course, in connection with other high-salaried groups in the community

I am not arguing that the higher-salaried group should have their salaries frozen irrespective of what is happening in the community or irrespective of what is being done by arbitration courts and other statutory wage and salary fixing tribunals. I thoroughly agree that there should be a reasonable relationship and also agree, in respect of judges, that their salaries should be such as to place them

in a position where they receive not only a just reward for the tremendously important duties which they carry out in a community, but also sufficient to give them that overwhelming financial independence which is so necessary in relation to men occupying the very high positions of judges in the community.

However, I raise the point because I think it is not only very interesting but very important in regard to the work of State Governments and State Parliaments. I did raise the point at one of the Premiers' Conferences; and the Premiers present agreed that the time was long overdue when there should be this consultation between State Governments, and especially between State Treasurers, because every Premier knew from experience that this was a never-ending expanding movement. Governments, sometimes against their better judgment and their best desires, were dragged in, whether they liked it or not, to make increases because some other State—perhaps a more wealthy State—had set the pace by granting very substantial salary increases with no prior consultation of any kind with the other State Governments or even with the other State Premiers.

The Minister who introduced the Bill did bring in by way of example or comparison the question of the highest prevailing salary in the Civil Service in Western Australia. I think he indirectly suggested that the anomaly existed because the highest salary being received by a public servant was very close to the present salary being received by our judges other than the senior puisne judge and the Chief Justice. I would not necessarily agree that no public servant should receive a salary above or equal to the salary being received by our ordinary judges.

Mr. Graham: Should they receive more than their Ministers?

Mr. HAWKE: It could be that some public servant, maybe more than one, would be entitled to receive a higher salary than the ordinary salary of a judge. One could think, for instance, of the Under-Treasurer of the State, though I am not advocating an increase in his salary at the present time; or one could think of the Auditor-General. Both of those men are public servants, although one of them does not come within the Public Service; he is covered by a Statute of his own. Either one of them, or both of them, could under certain conditions be entitled to a salary above that being received by the ordinary judges. The time could easily come in Western Australia, as we continue to lurch forward, when both of those officers would be entitled to receive a higher salary than would be received by the ordinary judges.

However, I am not arguing that point. I merely raise it to suggest that it is possibly not appropriate to try to argue that no public servant should receive a salary anywhere near or close to the salary being received by a judge. Those are the points which I wish to put before the House, and I support the second reading of the Bill.

MR. COURT (Nedlands—Minister for Industrial Development) [8.13 p.m.]: I thank the Leader of the Opposition for his support of this Bill and his comments on it. The first point he raised was the question whether we should not have selected the South Australian figure as a yardstick by which we should adjust our judicial salaries in this State. In the final analysis the Government's decision was to endeavour to arrive at a figure which approximated, although not exactly, the average of the States, and consideration was given to the fact that this would be a little higher than the South Australian figure.

However, it was felt that it would not be very long, perhaps, before the South Australian figure is adjusted. It is probably due for adjustment quite apart from the passage of this particular piece of legislation, and quite independent of the vicious circle the Leader of the Opposition so rightly referred to. We would then have this rather peculiar situation: If we amended our legislation in this 1962 session and in a matter of weeks or months the South Australian salary was adjusted —obviously when it is adjusted it will be adjusted to a very considerable extent— we would again have one of the anomalies to which the Leader of the Opposition was referring.

It was hoped that in fixing the figure at the level we did we would have struck a fair and reasonable one having regard for the respective commitments and responsibilities of the judges in the several States. It is, of course, almost impossible to relate the responsibilities of the judges in the several States. One can hardly put them before an efficiency expert and say, "What are your relative responsibilities and relative burdens as compared with a judge in South Australia and one in Western Australia?" We have a problem of distance which is peculiar to Western Australia. We have certain problems that arise because of dispersion of population that are also peculiar to Western Australia as compared with a State like Victoria. One could go on and enlarge on the different responsibilities and the different work of the judges in the several States.

Mr. Hawke: Could you tell us how many judges there are in South Australia?

Mr. COURT: I could not tell the Leader of the Opposition offhand. While the honourable member was speaking I did have a look through the files to see if I could find that information.

Mr. Guthrie: I believe there were 44 new ones this year.

Mr. COURT: These salaries will vary from time to time in all of the States; and we felt that in fixing them at this level we were striking a happy medium between the States and having regard for a possible adjustment in South Australia. The difference between the figure we have arrived at and the figure at present paid in South Australia to the Chief Justice is only £150. In the case of a senior puisne judge the difference is £200, and in the case of the other judges the difference is only £50. So the anomaly—if it is an anomaly—between the two is very small indeed.

One of the difficulties in consultation between the various Treasurers, as suggested by the Leader of the Opposition, is the fact that the various States, such as Victoria and New South Wales, would no doubt claim that they were bigger States so far as population and finance were concerned, and the responsibilities in certain directions would be greater; and whether it was for the fixing of the remuneration of judges, senior civil servants, or other people, those States would claim the people I have referred to should be remunerated at a higher level than their counterparts in the less populous and less developed States where the responsibilities would not be so great.

I agree that if we could strike some basis for consultation before these major adjustments are made, it would have a helpful effect. It would have the effect of levelling these things out instead of making something of an auction based on these anomalies, whether in regard to university professors, senior civil servants, or judges.

The point made by the Leader of the Opposition regarding the relative salaries of senior civil servants and the judiciary was well made. When introducing the Bill I did not mean to convey that the mere fact that certain senior civil servants had had adjustments of £400 or more was the reason why the judges' salaries had to be increased; nor was it the fact that some of the senior civil servants had got very close to the salaries of puisne judges.

I can well imagine the situation when certain people undertaking great responsibilities for the State would receive salaries in excess of that of the Chief Justice. I can well imagine the situation, for instance, in regard to our transportation system where we had a man conducting the State's biggest business. This would be a tremendous responsibility and it could be that under certain circumstances a position like that would carry a large salary—as it does in other countries—and one that would exceed that received by the judges.

I agree it is not the only yardstick that should be employed. What I did mean to convey was that there had been a fairly solid upward movement in the salaries of some of the senior officers, but no such movement of comparable size in the judges' salaries.

Mr. Graham: There was £1,100 three years ago.

Mr. COURT: Yes. But that was, if I remember correctly, catching up some of the backlog so far as judges' salaries were concerned; and the assessment made now has only brought them on to a fair and equitable basis with the judges of the other States. However, the point made by the Leader of the Opposition was well made, and I do not disagree with it at all. I was only using the salaries of senior public servants as an illustration as to why some adjustment was necessary in judges' salaries.

Mr. Graham: I agree that nearly all sections have progressed.

Mr. COURT: I will deal with one section alone at the moment for the purposes of this debate. It is well known to all members of the House that judges are in a peculiar position when compared with the rest of the community, and it is unfortunate that the question of their salaries is periodically brought forward in this manner. However, it appears that there is no other way to arrive at a method of salary fixation for the judiciary other than by coming to Parliament at intervals to make these adjustments. It is rather similar to certain other emoluments of office whereby the Government of the day comes periodically to Parliament to have salaries adjusted.

Perhaps the best summary of the peculiar situation of the judiciary to the people of a State or a country and to Parliament itself is contained in an extract from the House of Commons *Hansard* dated the 23rd March, 1954, volume 525, page 1057. I have no intention of reading this in detail, but it is a masterly summary of the situation by Winston Churchill when he was Prime Minister of England. I commend its reading to some of the younger members of the House, as I found it very interesting and think it summarises in a masterly way just what is this peculiar relationship in a British country in respect of the judiciary.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 8.25 p.m.