The Minister also said that about £1,250,000 per annum is being spent by the Treasury in more or less subsidising country water supplies, and that to date the Grants Commission has not objected to that amount of money being spent in that direction. I would not be worried if we spent an additional £1,500,000 per annum on the subsidisation of country water supplies, because if we are to make the progress in this country that we wish, and we are always saying we intend to do, we certainly must provide more water and at a cheaper price for country districts.

Mr. Wild: Last year it was £1,760,000.

Mr. SEWELL: At various times in this Chamber I have complained at the lack of interest by the Federal Government in this matter. I repeat: I think this is a question of national importance, and the Commonwealth Government should do everything possible to assist the State Government to see that we get more water, and better water, at a cheaper rate. We know that the progress of this State depends on its population, and the population, of course, depends upon the water that is available. Unless we get the necessary finance I am afraid we will never be able to get the water necessary to enable our population to increase at the rate we wish it to increase.

The Minister mentioned that properties in Geraldton were revalued in 1954, and the only revaluation since then was made at the latter end of last year, and those new valuations came into force this year. They meant an increase of 60 per cent. in the rates, and that is why I moved the motion. I consider that if we continue with this stupid method of rating that we have adopted in this State the valuation of properties should be reduced because an increase of 60 per cent. in the rates is far too great for ordinary people to bear.

I was also interested in the remarks of the Minister in connection with the plant for the desalination of water. This is a question that has been discussed many times in this House, and outside it, and particularly in Geraldton. The member for Melville, when Minister for Water Supplies, was the first to initiate some sort of scheme to install a plant for the desalination of water, and I only hope that the present Minister will be able to make an announcement before long that something is being done about a desalination plant to augment the Geraldton supply.

Over the years various Ministers in various Governments have endeavoured to do their best, and the department generally has done a particularly good job in Geraldton in keeping up the supply as well as it has done. As the Minister said, in 1953, 4,000,000 gallons were used weekly and that has increased to 10,000,000 gallons only because the department is using water from the bores on the Wicherina sandplain.

I repeat: Something must be done, and done quickly, to make more money available for water supplies in this State, particularly in the country districts. We know the Commonwealth Government is spending £2,000,000 on an artificial lake at Canberra, and it seems to me to be a very lopsided policy when something like that can happen and yet we hear various country members speaking in this House tonight and complaining about the shortage of water and the high cost of it in their districts.

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

Ayes—20	
Mr. Bickerton	Mr. W. Hegney
Mr. Brady	Mr. Jamieson
Mr. Curran	Mr. Kelly
Mr. Davies	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rowberry
Mr. Graham	Mr. Sewell
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. J. Hegney	Mr. H. May
	(Teller.)

Noes—21	
Mr. Bovell	Mr. Lewis
Mr. Burt	Mr. W. A. Manning
Mr. Cornell	Mr. Mitchell
Mr. Court	Mr. Nalder
Mr. Dunn	Mr. Nimmo
Mr. Gayfer	Mr. O'Connor
Mr. Grayden	Mr. Runciman
Mr. Guthrie	Mr. Wild
Mr. Hart	Mr. Williams
Dr. Henn	Mr. O'Neil
Mr. Hutchinson	*(Teller.)*

Pairs	
Ayes	Noes
Mr. Heal	Mr. Brand
Mr. D. G. May	Mr. Craig
Mr. Rhatigan	Mr. I. W. Manning
Mr. Oldfield	Mr. Crommelin

Majority against—1.

Question thus negatived.

House adjourned at 9.12 p.m.

Legislative Council

Thursday, the 20th September, 1962

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CONTENTS—*continued*

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

QUESTION ON NOTICE

KELLERBERRIN JUNIOR HIGH SCHOOL

Total Cost and Future Additions

The Hon. A. R. JONES (for The Hon. N. E. Baxter) asked the Minister for Mines:

(1) What was the total cost of the new junior high school buildings and ground works completed at Kellerberrin last year?

(2) (a) How many classrooms are to be added this year; and

(b) What other additions and alterations are to be made by contractors Simpson and Anderson Pty. Ltd. at a cost of £28,425 under a contract let recently?

The Hon. A. F. GRIFFITH replied:

(1) The total contract price for the new junior high school at Kellerberrin, which was to have been completed last year, was £40,743. Additional classrooms were authorised during the course of the contract, which increased the total cost to £45,271. The cost of work completed in 1961 was £35,638.

(2) (a) Three classrooms.

(b) (i) Conversion of an existing science room and one classroom into a large science room.

(ii) Conversion of old existing headmaster's office to a science preparation room.

(iii) Construction of two new ramps.

(iv) Construction of a covered way.

(v) Demolition of old septic tanks and filter beds and connection of the premises to the town sewerage.

PAINTERS' REGISTRATION ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and returned to the Assembly with an amendment.

COMPANIES ACT AMENDMENT BILL

Third Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Justice) [2.35 p.m.]: I move—

That the Bill be now read a third time.

THE HON. W. F. WILLESEE (North) [2.36 p.m.]: I omitted during the second reading debate to draw attention to a point which was submitted to me; and in Committee it was not possible to do so. Section 160 gives certain privileges to companies which have their registered office within a radius of three miles of the office of the Registrar of Companies. However, it is possible that in the course of years the Companies Office might be shifted and it could be that the secretaries of certain companies, because of instructions from their predecessors—as a result of their offices having always been within the three-mile radius—would not submit lists of shareholders and directors and other company lists to the Registrar of Companies. Of course, in such circumstances it is not necessary for them to submit their names to the registrar but merely to have the information available to the public at all times.

However, if the office of the registrar is shifted there may be many companies which unwittingly would be contravening the Act although they would have no knowledge that they were so doing. I merely ask the Minister whether it would be possible to notify the companies concerned if at any time the office of the registrar is shifted; because after all it is the responsibility of the registrar and not of the companies concerned, in my view. I am pointing this out because the office of the registrar has been shifted twice in the last three years.

THE HON. A. F. GRIFFITH (Suburban —Minister for Justice [2.39 p.m.]: The last statement made by the honourable member is, to the best of my knowledge, quite true, as there have been quite a number of shifts of the office of the registrar. It is appropriate at this time that the matter should be raised because the Companies Office has once again been moved, and is now situated in the T. & G. Building.

The Hon. W. F. Willesee: It is getting as hard to follow as the Latec people.

The Hon. A. F. GRIFFITH: I trust not; nor do I expect the Companies Office to have the same reputation. However, it is now situated in the new T. & G. Building, and, in collaboration with the Public Service Commissioner and the Registrar of Companies, I hope that we have taken sufficient space to allow the office to remain there for some years to come.

The Hon. H. K. Watson: But it could conceivably soon be on Observatory Hill.

The Hon. A. F. GRIFFITH: Yes. However, I think the answer to that interjection is attended to by replying to Mr. Willesee's question; and my reply is that everything possible will be done to ensure that such a situation does not occur.

When the Bill has passed through Parliament, bearing in mind that today we will transmit it to the Legislative Assembly for consideration of our amendment, I propose to make a further Press statement giving the public all possible information in connection with the fact that the date on which the Bill is to come into operation is the 1st January, so that when we reach that date we will not run the risk of having people say that warning of the date was not given in time. We will make the proclamation date known as widely as possible; and we will also make it known that it is considered that the two Acts will operate for the next twelve months in view of the amendment inserted by the Legislative Council, if it is agreed to by the other House.

The Hon. W. F. Willesee: A very sensible proposition.

Question put and passed.

Bill read a third time and returned to the Assembly with an amendment.

BILLS (2): THIRD READING

1. Western Australian Marine Act Amendment Bill.
2. Pilots' Limitation of Liability Bill.

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

PHARMACY AND POISONS ACT AMENDMENT BILL

Third Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.44 p.m.]: I move—

That the Bill be now read a third time.

THE HON. J. G. HISLOP (Metropolitan) [2.45 p.m.]: I had hoped that when I spoke on the measure yesterday I would have some information regarding the standards of training in the other States, but the reply from my correspondent only arrived this morning. The situation as it is throughout Australia is that the trend in pharmacy is towards a degree course, and that is in operation in New South Wales and Queensland. An academic course is virtually in existence in South Australia and Victoria, although the final qualification is still a diploma in those two States. My correspondent has this to say—

> The training being given now in New South Wales and Queensland places a great deal of emphasis on pharmacology. In fact, I understand that more pharmacology is being done by pharmacy students than by medical students. Bacteriology and physiology are also included in the subjects now being taught.

This rather stresses what I emphasised myself: that pharmacists will have to move on to a higher degree of education if they desire to be pharmacologists.

I spoke to several pharmacists a week or so ago and they suggested that this should be a degree course; and I would be much happier if pharmacy students were to sit for a Bachelor of Science (pharmacology) degree. But I received a reply to the effect that this matter had already been investigated and it was learned that the University was not able to provide such a course. I was rather given the impression that that was due to financial stringency.

I think it would quite well pay the Minister for Health to have a look at the Bill to see whether he could assist these people; to see whether, in the time that will elapse before full effect is given to this measure, a degree course could be provided in this State. If that were done, I think everyone would be much happier.

Question put and passed.

Bill read a third time and passed.

HEALTH ACT AMENDMENT BILL

Second Reading

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

That the Bill be now read a second time.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.46 p.m.]: I thank members for their approach to the Bill. Generally speaking, I think they have been favourable towards it. Dr. Hislop raised an issue in regard to the word "reasonable" as compared with the word "previous."

I think that on other occasions the Council has discussed the merits of these two words. I have been informed by the Parliamentary Draftsman that consideration was given to both words during the course of drafting the Bill, and the conclusion was reached that possibly there

was not much difference between them but that the word "previous" was the better one to use.

I do not think that at the moment there is any need for me to discuss the issue concerning swimming pools, which was raised by Mr. Stubbs. An amendment in regard to it appears on the notice paper, and when that amendment is moved I can say why we did not include it in the Bill.

The question of blood transfusion was raised. We all appreciate that this is not an easy matter. I think Dr. Hislop was trying to work out from the book which was sent to him, and which was sent to me, with various parts marked in red, what part of the body was the soul. My approach to that question is that the life in the body is the soul; because once life goes out of the body there is no soul in it. My approach would be just that: that the life in the body is the soul of the body.

It could be that without a blood transfusion the soul would go out of some child's body. In that event, we have to look at the position to see whether we should ensure that the child is given some expectancy of life rather than that it should lose its soul. That is my approach to the matter, and I think that is the only way we can possibly view it.

The Bill is mostly a Committee measure, and I will be quite prepared at that stage to give any further information that is required.

I have an amendment on the notice paper dealing with another phase—one which was raised by Mr. Teahan. We are seeking to extend the powers and functions of local bodies to enable them, where they so wish, to provide for the nursing of old people in their own homes rather than in institutions.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Clause 1 put and passed.

Clause 2: Section 134 amended—

The Hon. R. H. C. STUBBS: I move an amendment—

> Page 2, lines 6 to 8—Delete all words after the word "baths" down to and including the word "corporate".

In moving this amendment I have in mind the control of all swimming pools throughout Western Australia. In my second reading speech, when I mentioned water-borne diseases that can be contracted, I pointed out that, because we are close to Asia, India, and our other northern neighbours these diseases could easily be conveyed to the people of our State, in view of fast modern travel in these times, and circulated among the local population by an infected person swimming in a local swimming pool.

The only way a disease can be spread in a swimming pool is by contaminated water I am sure that many members have seen people with running noses, sore lips, and so on, swimming in pools; and infection can easily be passed from them to others. Smallpox could also be passed from lesions on the skin. Further, infection from typhoid fever, poliomyelitis, and bowel complaints can also be transferred. In New South Wales at present, where there are many private swimming pools, there is an outbreak of poliomyelitis, and it is possible that this disease has been spread by people swimming in closed pools.

There are other Asian diseases such as cholera which could be brought here from the north by a person travelling by plane, and if he entered a swimming pool the disease could easily be spread among the local community.

The Hon. A. F. Griffith: What effect would your amendment have on a swimming pool in a private home?

The Hon. R. H. C. STUBBS: I think my amendment is important enough to protect those people. It is easy enough to protect the swimmers in a pool by chlorinating the water with a bleaching powder which would make the water sterile overnight.

The Hon. G. C. MacKinnon: How would you police the private swimming pool?

The Hon. R. H. C. STUBBS: The health inspector could take samples of the water as he does with drinking water at present. He would make his check on the bacteria count. Mention can also be made of mosquito-borne diseases. We have heard how the water at Broome breeds mosquitoes and how dengue fever can result from a person being bitten by them. A private swimming pool could easily be the source of breeding mosquitoes and the spread of dengue fever.

The Hon. A. F. Griffith: Where is the swimming pool at Broome?

The Hon. R. H. C. STUBBS: I did not mention a pool. I was talking about the water up there and how it breeds mosquitoes. The female mosquito attacks the human being to get vitamin E to fertilise her eggs, and the mosquitoes could quite easily convey a disease from one person to another. The diseases of which I am speaking are all water-borne diseases. Many of them may not be contracted in Perth, but this Act will cover swimming pools throughout the State. It is essential that water in a swimming pool should be of the same standard as drinking water and entirely free of harmful bacteria.

To purify the water in a pool the usual method adopted is to add one part of chlorinated lime per 1,000,000 parts of water. From a health point of view nothing creates resentment more than faeces in water. That immediately brings to mind bacillus coli which is a normal inhabitant of the bowel. If the count is 10 bacillus coli per cubic centimetre the water should be condemned. I can recall a health inspector on one occasion condemning 4,000,000 gallons of water at Norseman. When we had an outbreak of a disease at Norseman a bacteriologist from Perth visited the town, and he immediately suspected the disease being caused by people swimming in the town water supply. The fact that he had this suspicion bears out the fact that people in pools can infect the water and others can contract diseases from that water.

Some of the dangerous and infectious diseases listed by the Public Health Department are diphtheria, typhoid fever, poliomyelitis, yellow fever, and baccilus dysentery. The department claims that all these diseases can be transmitted by water.

As we know, people who have a swimming pool invite their friends to use it; and the children in their hurry to get into the pool would probably not be too fussy about their personal hygiene. Such things as vegetable matter, hair oil, lipstick, vegetation, and dust can all get into a pool. Therefore, a pool should be made safe for swimming. We should make sure that the Health Act provides for a bacteriological examination of these swimming pools.

This testing kit which I have here is obtainable from any chemist. After taking some water out one adds a certain chemical to check the colouration of the water and obtain a chemical analysis. The testing kit has an indicator for alkalinity and another for chlorine; and it is not hard for any person to make this test. Plenty of literature is available on the treatment of swimming pools and baths. There is also a filtration plant available for the larger swimming pools—one that will filter the water and remove all the impurities I have mentioned, thus leaving the water clean. There is a saying in the swimming pool fraternity that one must be able to see the head or tail of a sixpence six feet down.

I suggest to the Committee I have raised sufficient argument to warrant that pools should be made safe. I can assure the Committee that if there is an outbreak of some epidemic there would be quite a panic to make these pools safe.

The Hon. E. M. HEENAN: Mr. Stubbs has made out an excellent case. The Bill proposes to limit the regulating of pools to those used by or in connection with any club, school, business association, or body corporate; and the idea of the amendment is to go further than that. I think Mr. Stubbs has made out an excellent case for the supervision of all pools. It is quite obvious that people who construct swimming pools and who use them are running grave risks. I am sure the average person who could afford one would like to have one in his backyard; and in all innocence he might be bringing on to his property something that is potentially dangerous, not only to his own family but to his friends.

The Hon. A. F. Griffith: Does the health inspector have any power now?

The Hon. H. R. Robinson: He has power now.

The Hon. E. M. HEENAN: It seems to me if that interjection is correct the necessity to amend the Health Act is redundant. I am going to assume that the power does not exist; and it seems to me that if the authorities can go around and inspect fruit trees and make regulations regarding them, as well as other things, this amendment is needed in the interests of the whole of the community.

If we restrict our regulations and control to public pools, I think we might fall short of what is our duty and unwittingly do harm to people who have private pools. That seems to be the merit of Mr. Stubbs's amendment; and at this stage I am very impressed with it.

The Hon. L. A. LOGAN: Whilst appreciating the sincerity of the argument raised by Mr. Stubbs in his endeavour to safeguard the people, I think we have to look at the practicability of his proposal. The Government did not go into this lightly. It did consider whether it would be advisable to bring private swimming pools into the same category as public pools, but found it would be difficult to make a model by-law to cover them. However, it is easy to do this in relation to pools or baths used by the public. A different set of circumstances would apply to private pools. There could be a small 6 ft. x 3 ft. pool for the use of a toddler, but that would be classed as a swimming pool; and how are we going to apply a model by-law to a situation like that? We come up against difficulties when we try to apply it to everybody.

Mr. Teahan said that perhaps the Government does not desire to interfere with the liberty of individuals, or perhaps too much policing would be involved. The point about the liberty of individuals has some merit. Mr. Robinson was quite right in his interjection; at the moment, health inspectors have the power to abate any nuisance. I think health inspectors exercise common sense. If they find that any swimming pool is creating a nuisance, then the power is there to have the nuisance abated.

The Hon. G. Bennetts: How would they know unless it was reported to them?

The Hon. L. A. LOGAN: Health inspectors carry out a routine check in their areas every day of the week. It is their job.

The Hon. G. Bennetts: I know of an area where there has not been an inspector for 12 months.

The Hon. L. A. LOGAN: I am simply saying that health inspectors make routine checks. I would like the Committee to appreciate the almost impracticability of making a model by-law which would satisfy all aspects; also, the difficulty of applying that model by-law to a private swimming pool. If an individual wants to have his swimming pool tested, there is nothing to stop him. If he so wishes he may have a laboratory test made of the water in his swimming pool.

I hope the Committee will not accept this amendment. If later we find it is desired to extend this control still further, then that will be the time to do it. There is control over public baths today, because those baths have been built in accordance with Public Works Department specifications. However, there are private swimming pools around the city which do not come into that category. All public swimming pools which have been built by shire councils are in accordance with Public Works Department specifications, and they are controlled. There is a swimming pool being built in connection with a nine or 10 storey building in Adelaide Terrace. Such pools will be used by the general public, and I think it is essential there should be some control over them. I do not think it is time for us to say to the owner of a small private swimming pool, "You will have to comply with the regulations." I think that is going too far at the moment. I must oppose the amendment.

The Hon. W. F. WILLESEE: I think Mr. Stubbs has made out an unanswerable case in the interests of public health. The owner of a private swimming pool might wish to have the water in his pool analysed, but that might be much too late. Epidemics begin in singularly isolated areas and in singularly isolated situations. Surely the Department of Public Health has the right, through its inspectors in the course of their duties, to examine the contents of a swimming pool. It is a very simple process; it does not involve a great deal of difficulty; and it does not entail a great deal of responsibility for an owner to fall into line, in the interests of public health, with the procedure at the major swimming pools of an area, of a State, or of a country.

People who possess private swimming pools should meet with the general requirements of public health. Surely it is reasonable that we should incorporate this amendment in the Act; and surely it is reasonable to say that if we are able to raise the standard of privately-owned swimming pools to that of public swimming pools then the health of the community must benefit.

The Hon. R. H. C. STUBBS: The Minister mentioned that local authorities have the power to abate any nuisance; but I would remind him that they do not have that power unless a by-law is first adopted; and it is a very slow process to adopt a by-law.

The Hon. A. F. Griffith: One would think that swimming pools had only just been built. They have been in existence for years.

The Hon. R. H. C. STUBBS: I am talking about by-laws under the Health Act. It is a very slow process for any local authority to have a by-law adopted. We framed a by-law in Norseman in connection with septic tanks and it took five months for it to go through the Public Works Department. The by-law was challenged and eventually it was not worth anything.

I would remind the Minister that public health inspectors have a big job to do. In some towns the health inspector spends half of his time as a traffic inspector; and some towns have no health inspectors at all. A health inspector will be called in if a swimming pool is considered to be offensive. Somebody will say, "There is a smell," and the health inspector who is called in may discover that germs exist in the water. In my opinion we would be shutting the stable door after the horse had got out.

The Hon. A. F. Griffith: Regulations provide for the installation of a chlorination plant. Would it be reasonable to ask an owner to foot the bill for installing a chlorination plant?

The Hon. F. R. H. Lavery: He does not have to.

The Hon. R. H. C. STUBBS: He does not have to. If he puts one pound of chlorinated lime into the water overnight, and gives the water a stir, the water will be suitable for swimming the next morning. It would be necessary to use only one pound of chlorinated lime in 30,000 gallons of water, and for the operation to be carried out only twice a week. The Minister referred to the liberty of individuals. What did we do last night about blood transfusions? What did we do about compulsory X-rays? We were making something compulsory for a purpose; namely, to protect the public from contracting a disease.

The Hon. E. M. Davies: A good point.

The Hon. L. A. LOGAN: I must remind the Committee that we are not dealing only with the quality of water in a pool. The purpose of this Bill is to regulate construction, equipment, and maintenance of swimming pools, as well as the treatment of water. It is not a question of one or another; this Bill covers all those aspects.

I think it is impracticable to apply these provisions to private swimming pools which are constructed in people's back yards.

If we were dealing with a separate matter covering private swimming pools only, it would be entirely different. This is to regulate the construction, equipment, and maintenance, and to prescribe the quality and treatment of the water.

The Hon. R. H. C. STUBBS: I do not think it is beyond the powers of the Health Department to make regulations which would be applicable to small swimming pools. I cannot see any difference between the two, and I hope the Committee will agree to the amendment to help protect life. I honestly and sincerely believe that the amendment will do that, and that is why I moved it.

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

Ayes—11

Hon. G. Bennetts	Hon. J. D. Teahan
Hon. E. M. Davies	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. R. F. Hutchison
Hon. R. H. C. Stubbs	*(Teller.)*

Noes—13

Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. S. T. J. Thompson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. H. R. Robinson
Hon. J. Murray	*(Teller.)*

Pair

Aye	No
Hon. H. C. Strickland	Hon. A. L. Loton

Majority against—2.

Amendment thus negatived.

Clause put and passed.

Clauses 3 and 4 put and passed.

Clause 5: Section 324 amended—

The Hon. L. A. LOGAN: I have an amendment on the notice paper, and it arose from a remark passed by Mr. Teahan when discussing the Bill. This remark was passed on to the Health Department for its consideration, and I have been provided with the following report:—

> The modern trend in medical care throughout the world is a return to providing treatment in the patient's own home. This has arisen from the rapid rise in costs for the provision and maintenance of hospitals, and because a large number of patients are better treated at home and make a more rapid recovery therein.
>
> Treatment and care of the patient at home is a joint responsibility in which the local hospital and local community should play their parts. Domiciliary services, nursing, domestic and others can be instituted and maintained only if sufficient community interest is shown. In this respect the local authority should play an important part and should have the necessary legal authority to take action. To this end the amendment to the Act is proposed in order that local authorities may provide or assist in providing a more comprehensive domiciliary service.
>
> Provision already exists in section 324 of the Act for local authority assistance to district nursing systems. It is now proposed to add to this the natural extension of a nursing service —to wit, a home help service.

I think that explains it, and I move an amendment—

> Page 3, lines 35 to 37—Delete all words after the word "amended" down to and including the word "convenience" and substitute the following words:—
>
> (a) by adding after the word "generally," being the last word in subsection (1), the passage, "and may contribute money for the establishment and carrying out of a scheme for providing, for any period, domestic help in the home of any person who is sick, diseased, convalescent or physically incapacitated"; and
>
> (b) by adding after the word, "care" in the last line of the section, the passage, ", recreation, comfort and convenience."

The Hon. J. G. HISLOP: I would only like to ask the Minister whether it would not be better, to include after the words "domestic help" the words "nursing aid." That would allow a much wider contribution to be made and would help these nursing establishments which are already carrying out such a wonderful service in going from home to home.

The Hon. L. A. LOGAN: I would be quite willing to include the words "nursing aid," but perhaps it might be better to insert those words before the words "domestic help" in line 8 of the amendment.

The Hon. J. G. HISLOP: I would be quite happy. I move—

> That the amendment be amended by inserting before the word "domestic" in line 8 of the amendment the words "nursing aid and or"

Amendment on the amendment put and passed.

Amendment, as amended, put and passed.

Clause, as amended, put and passed.

Clause 6 put and passed.

Title put and passed.

Bill reported with an amendment.

METROPOLITAN MARKET ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [3.34 p.m.]: I move—

That the Bill be now read a second time.

The Metropolitan Market Trust is providing a service second to none, I should think, in the Commonwealth. The legislation provided at the outset in 1926 has well stood the test of time, being amended only once, and that was in 1941, in respect of clause 12 dealing with the discontinuance of other markets in the metropolitan area.

The power to establish markets is set out in section 11 of the Act, and the purpose of their establishment is described as the sale and storage of all types of produce. With the passing of time and the introduction of new methods to do with the handling, grading, disinfecting, and fumigation of produce, and its disposal, it is proposed, through the introduction of this measure, to widen slightly the purposes for which a market and its branches may be established.

In clause 2 of the Bill it is suggested this be done by substituting for the words "sale and storage of" the words "purpose of handling, grading, storing, disinfecting or fumigating, dealing in, selling, or otherwise disposing of."

The passing of this measure at this point of time will enable the trust to continue a fumigation of fruit service which the trust has been providing at cost at the instigation of the Department of Agriculture. The fumigation chamber for this purpose was established late in 1959 at the West Perth Markets. Its purpose is to fumigate cases of fruit against fruit fly. That enables such fruit to be despatched to the fruit-growing areas in the southern portions of the State without risk of spreading fruit fly.

Fumigation is carried out under supervision, and the results have been so sucessful that no fruit is permitted to leave the metropolitan area until it has been fumigated. This year, no less than 10,000 cases of fruit, being mostly stone fruit but also including some grapes and citrus, have been fumigated. The activities of the trust in this direction have been queried by the Auditor-General as being outside the scope of the Act, though its authority has not otherwise been questioned. As a legal opinion which has been obtained confirms the Auditor-General's view, this Bill is introduced to rectify the matter.

The Bill will remove certain restrictions, and enable the trust to use the power which already exists to erect and maintain the necessary plant for all of the purposes desired. With the official recognition of the fumigation activities which the Bill proposes there is also an intention to amend the regulations affecting transport of fruit to southern areas. Such amendment would enable the transport of fruit that has been fumigated under specified conditions to be transported anywhere.

Debate adjourned, on motion by The Hon. A. R. Jones.

BUSH FIRES ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [3.38 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the Bush Fires Act in such a manner that existing preventive measures will be more effective. The measure was prepared after the Government reviewed the position subsequent to last year's widespread bushfires, and the holding of the Royal Commission. Many of its clauses deal with administrative matters.

The first matter of importance appears in clause 4, which seeks to amend section 8 of the Act to enable the Commissioner of Police and the Associated Sawmillers and Timber Merchants to be represented, and to increase the Country Shire Councils' Association representation from five members to six. The representation of the State Departments of Lands, Forests, Agriculture, and Railways, remains unaltered, and the Fire Accident and Marine Underwriters' Association retains membership.

Clause 18 is a purely administrative measure, inserted to fix the titles of the most senior bushfire control officer and his subordinate, as determined by seniority accorded by the local authority. There are further statutory provisions with respect to the filling of these offices when vacant; and there is another reference in clause 27.

In clause 26 (d) is inserted an amendment to obviate unnecessary inconvenience and cost by certification of meteorological data for court use, in lieu of officers appearing personally. Clause 28 introduces a new section 66. This clause aligns the Act with others administered by local authorities as regards evidence of ownership of land.

The Bill introduces into the parent Act a new section 68 which provides a penalty of £50 against a local authority failing to carry out the provisions of the Act. Another of the administrative amendments gives effect to the Royal Commissioner's recommendation No. 15 in the matter of the setting up of advisory committees. Committees have been established in many

districts and the Bill now puts those committees on a statutory basis. That is contained in section 67.

Clause 5 extends the provisions of section 14 to permit bushfire control officers to enter land or buildings for the purposes of the Act, and also Police Force officers, but those only for the purpose of examining and investigating the cause of fires under certain circumstances, which are set out in paragraphs (a), (b), and (c) of the section.

Section 17 of the Act empowers the Governor to notify prohibited burning times, and the Minister, on the recommendation of the board, to suspend these in certain respects or vary them at times by way of postponement of the commencing date or termination within 14 days of the conclusion of the notified period. Local authorities in consultation with a forest officer are likewise empowered to advance or retard by 14 days the notified dates for commencement, or to postpone for up to 14 days the notified date of conclusion of a prohibited burning time.

There is no power, however, for the reimposition of the prohibition, and as high fire risk weather sometimes occurs unexpectedly, it is highly desirable such authority be given; and that is provided for in clause 6.

A further preventive measure directed towards reducing or abating a fire hazard will enable an occupier of adjoining land to burn between his firebreak and the common boundary of railway or forest land when such land is being burned during a period of Ministerial suspension provided in subsection (3) of section 17, which I have previously mentioned. This new provision is in clause 9 and should encourage the protection of virgin blocks.

Clause 8 provides a fine of up to £200 and/or imprisonment up to six months as a specific penalty for setting fire to bush during a declared emergency period, which is a very serious breach of the Act.

Subsection (4) of section 18 restricts bush burning to periods individually arranged with the local authority. The amendment in clause 7 provides that a person shall apply to a local authority not later than the 1st September for permission to burn for land development or clearing. That amendment supports a recommendation by the Royal Commissioner, and it is considered the farmer should know his needs by that time of the year. Applications made after the 1st September will be considered on their merits and may necessitate additional protective requirements to be taken by owners.

A new subsection (4) (a) of section 18 will make a person liable for any expenses incurred by the bushfire brigade, up to a maximum of £50, in the prevention of the extension of a fire deemed to be out of control, or for extinguishing a fire which has escaped from the person's land.

Turning to section 36 we see that local authorities may meet certain expenses in connection with fire-fighting activities. Owners or hirers of vehicles used in dealing with fires have, on occasion, suffered severe loss on account of tyre damage. The amendment in clause 17 provides for the assessment of such damage and authorises compensation.

The provisions of clause 11 are self-explanatory. They are inserted with a view to overcoming the present difficulty of ascertaining whether a person who has set fire to the bush did, in fact, hold a permit to do so. Its passing will assist materially in the administration of the Act.

Sitting suspended from 3.44 to 4.5 p.m.

The Hon. L. A. LOGAN: Before the afternoon tea suspension I was dealing with the provisions of clause 11. For the benefit of members I would like to expand on it a little. At present there is no way of ascertaining whether a person who has set fire to the bush had a valid permit, other than by interrogation by a bushfire control officer appointed by the local authority. This Bill, therefore, proposes to make it compulsory for a person who has set fire to the bush to produce to an authorised officer his permit to burn. I trust that explanation will satisfy those who raised the question.

Section 34 (1) (a) allows the owners or occupiers of land abutting unoccupied Crown land—except forest land—to enter such land to clear firebreaks by ploughing and burning.

The purpose of the amendment in clause 16 is to exclude land set apart for roads, or land comprised in closed roads, from such rights, as these rights are quite inappropiate in respect of land reserved for road-making purposes.

The amendment further clarifies that such person may construct a firebreak not more than ten chains from his boundary and burn protectively the bush between his boundary and the firebreak. Section 53 grants to owners whose crops are situated within an approved area rights to an insurance premium not exceeding 75 per cent. of the rate charged for crops outside an approved area.

There is the further provision that, as a safeguard, the Minister may declare such an approved area as having ceased to be an approved area if, in the opinion of the board, the brigade is not at a reasonable standard of efficiency. In that case, the provisions of section 53 would cease to apply to such a crop. Further thought has been given to this; and, in view of the fact that the efficiency of the preventive and protective methods employed by the entire organisation for the prevention of fire control in a local authority district is equally as important as the efficiency of

the actual fire fighting brigade, the amendment set out in clause 22 is considered desirable.

Personal immunity from liability for actions done in the course of duty is covered in section 63. Some doubt has been expressed as to whether full and proper coverage of all concerned is given under existing legislation. The purpose of the amendment proposed in clause 26 is to further ensure such coverage is adequate.

The Bill also introduces several new prohibitions against the lighting of certain types of fires which have become bushfire hazards. The first of these occurs in clause 12, and will restrict open-air cooking or camp fires in certain locations to the period between 6 p.m. and 11 p.m. on dangerous hazard days, and then only under permit and after all adjoining owners have been notified. The second gives somewhat similar coverage in respect of proven dangers associated with brick and lime kiln fires to that existing in respect of charcoal fires and the burning of sawdust at timber mills. The third covers fires lit for disposing of the carcases of dead animals, and these are likewise restricted in the interests of security.

The last restriction covers incinerators and provides that they may not be set less than 6 ft. from any building or fence, and must be well clear of inflammable material. There is a discretionary power covering shorter distances for which application must be made to the local authority.

Finally, clause 13 of the Bill repeals and re-enacts subsection (2) of section 27 so as to prohibit the use of tractors without vertical exhausts during prohibitive times in orchards, except on permit from the appropriate local authority.

The effect of the clause, however, places log-hauling diesel tractors being used in the timber industry in the same category as all other tractors—they were previously excluded under the subsection.

Debate adjourned until Wednesday, the 26th September, on motion by The Hon. F. D. Willmott.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Justice) [4.11 p.m.]: I move—

That the Bill be now read a second time.

The Chief Justice of Western Australia and each of the judges of the Supreme Court, the senior of whom is known as the Senior Puisne Judge, are paid at statutory rates of annual salary together with upward variations of the basic wage determined from time to time in multiples of £20. In the aggregate, those upward variations have amounted to £60 per annum, up to the present time.

Judges have received no other increase since the 1st January, 1959, while, on the other hand, many senior public servants have been given substantial increases up to as high as £518 per annum because of the margins decision.

The highest salary paid to an officer under the Public Service Act is at present £4,638, which is only £22 less than the £4,660 paid to a puisne judge.

The purpose of this Bill is to increase the basic statutory rate of salary payable to the Chief Justice by £1,150 from £5,250 to £6,400 per anum, to similarly increase by £1,000 per annum the Senior Puisne Judge's salary from £4,750 to £5,750, and to increase the basic statutory salary payable to all other judges by £1,000 to bring their salaries to £5,600, excluding basic wage variations which, as previously mentioned, at present amount to £60 per annum in all cases.

It is proposed that these increases in salaries be made retrospective to the 1st day of July last, and that provision is contained in paragraph (f) of clause 2. It will be noticed from the figures quoted that the Bill maintains the established precedent for the seniority of the Senior Puisne Judge whose salary goes to a figure which is £150 per annum higher than that paid to the other judges.

These salaries which it is proposed to pay are approximately the same as those paid in Queensland, and fairly close to the average of the rates paid throughout Australia.

A comparison would read as follows:—

	Chief Justice	Puisne Judge
	£	£
Tasmania	5,200	4,600
South Australia	6,250	5,550
Queensland	6,400	5,660
Western Australia ..	6,460	5,900
Victoria	7,250	6,475
New South Wales ..	7,250	6,500

It will be noticed further that the proposed increases approximate the 1959 increases of £1,100 per annum which took the salaries to a level higher than in Tasmania, but lower than in the other States. Since then Western Australian salaries have deteriorated in comparison with all the other States, excepting Tasmania.

It has always been considered essential that an adequate measure of remuneration be provided as a means of maintaining the financial security of these members of the judiciary in order that they might in their complete independence carry out effectively the exacting and important duties which are demanded of them on behalf of the community.

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

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

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

That the Bill be now read a second time.

THE HON. G. C. MacKINNON (South-West) [4.16 p.m.]: I suppose there are few actions today which are as exciting and which suggest as much comment as do those concerned with town planning throughout the State.

I do not wish to make a prolonged speech on this matter. I think members are well aware of why I rose in my seat, although some people will be mystified when they read *Hansard*. I will now hand over to Mr. Watson.

THE HON. H. K. WATSON (Metropolitan) [4.17 p.m.]: I would have liked to hear Mr. MacKinnon continue a little further, because there are certain features of the Bill which do not appeal to me. Its first purpose is to permit local authorities to introduce interim development orders. To my mind that is open to two objections, if I may use that expression. In the first place, so far as the measure purports to provide a metropolitan local authority with power to introduce an interim development order as a prelude to a town planning scheme, I would refer to the Metropolitan Region Town Planning Scheme Act which, by section 34, provides that—

> a town planning scheme made under the provisions of the Town Planning Act by any local authority referred to in the Schedule to this Act shall not be approved by the Minister to whom the administration of that Act is for the time being committed by the Governor: and by-laws which if made would affect or be likely to affect the Scheme shall not be made by the local authority.

That refers to the metropolitan scheme. In view of the overriding power of the regional authority, and in view of the plan which has been propounded by the regional authority, I think it would be unnecessary duplication to give a local authority within the metropolitan area power to introduce its own interim development order either concurrently with, or independently of, the town planning scheme which has been propounded by the regional authority.

The Hon. L. A. Logan: That is not the purpose of the amendment; it is only for the country outside the region.

The Hon. H. K. WATSON: The Bill does not say so; it is quite general in its terms. If I read it correctly, it makes no distinction in clause 3 between a metropolitan local authority and a country local authority.

In so far as it is intended to apply to country local authorities—and this is where I would have liked to hear Mr. MacKinnon develop his views at greater length—such as those at Bunbury, Albany, Geraldton, and similar towns, if it is proposed that they are to be given the very extensive power of hindering and harassing to not a little degree the communities of peoples in those centres, then I would seriously suggest that members who represent country districts should have a good look at the Bill and read it in the light of the practical experience of the metropolitan dweller; because I would be sorry to see businessmen and residents in such towns as Bunbury, Albany, and Geraldton subject to the worry, indecision, and bewilderment with which so many dwellers in the city are confronted at this particular time as a result of interim development orders, and so on.

Another provision in the Bill relates to when and where compensation for injurious affection shall be paid under any such interim development order. I will not discuss that point at the moment because the terms of the Bill in respect of this question are similar to the provisions in the Metropolitan Region Town Planning Scheme Act Amendment Bill on which I shall have a little to say in a few moments.

Clause 4 is the only other provision in the Bill which calls for comment. It relates to the automatic vesting in the Crown upon the registration of any subdivision of such land as may have been confiscated from a subdivider by the Town Planning Board when making its approval of the subdivision.

The proposed section 20A is really tied up with, or consequential to, the provisions of section 24 of the principal Town Planning and Development Act. Section 24 is the one which gives the Town Planning Board power to approve of any subdivisional scheme upon such terms and conditions as it thinks fit.

It was generally understood that the terms and conditions upon which the board would think fit were general terms and conditions as to lay-out and development, having regard to the circumstances and the situation of the property. But for some years the board has interpreted that particular section as though one of the conditions it could impose in respect of its approval to a subdivision was the handing over to the Crown, free of cost, of a percentage of the land being subdivided. I feel that that practice is one which was really not intended when Parliament passed that particular section.

I find it difficult to believe that Parliament would agree to the principle that any authority could have power so to take land from an individual without due compensation; because when we come to the subdivision of a large area of land we find that the subdivider himself automatically makes provision for reserves, parks, playing fields, and so on. That is sound and enlightened subdivision. But when he is expected, as has been the custom in recent years, automatically to give a percentage—it started off at 5 per cent. but in recent years it has gone to 10 per cent.—of his land to the Crown as a condition for receiving the approval of the Town Planning Board to a proposed subdivision, I submit it is extremely wrong in principle.

The question was recently tested in the courts, and the judge in the original jurisdiction of our Supreme Court held that the power was not in the board, and that section 24 did not confer the power of confiscation or expropriation. However, on appeal to the High Court of Australia that court reversed the decision and held that on the proper construction of the section under review it was competent for the Town Planning Board to confiscate or expropriate some of the land which was the subject of the subdivision.

The Hon. L. A. Logan: That was not the wording the court used.

The Hon. H. K. WATSON: The point is that if the power exists to expropriate land, which may be 5 or 10 per cent. today under the authority of the existing Town Planning Act, as I read the High Court judgment it could be that if it is to remain unchallenged the Town Planning Board could demand the surrender of not 5 or 10 per cent. of the land, but of 20 or 50 per cent.; or, if one cares to go a little higher, even 75 per cent.

The Hon. L. A. Logan: That is becoming a little ridiculous, of course.

The Hon. H. K. WATSON: No one knows what might be done. The power to do ill deeds makes ill deeds done. I would have thought that the implications of the Act, particularly the implications of section 24 as disclosed and confirmed by the decision of the High Court, would prompt the Government to study that section and bring down an amendment clarifying the very general word "conditions" to make it quite clear that the conditions which the board might be empowered to impose would not include the right to take away portion of a man's land without payment of compensation.

It is rather striking that the practice of clipping off, willy-nilly, 5 or 10 per cent. of a person's land is quite regular and universal throughout the State. I was talking only last week to an owner of land in a rural area who was subdividing a tract of considerable expanse into 100-acre lots. The board applied the same formula in this case of taking 10 per cent. of this man's land. I asked this man where the land was and what this 10 per cent could be used for, and he made it clear to me it was not required for reserves or for any practical purpose, and would probably serve no purpose other than that of breeding kangaroos for the next 50 years. If that is the practice that is being developed by the board, I think Parliament should make an investigation.

I deplore the fact that there is nothing in the Bill designed to deal with the problem which has been presented by the recent decision of the High Court. I understand it is proposed that that decision will be the subject of an appeal to the Privy Council. If that is so, clause 4 of the Bill is rather inopportune at this particular time because, virtually, it deals with a matter which is *sub judice*.

That clause has been framed on the definite assumption that the board has the power to demand the forfeiture of 5 or 10 per cent. of an owner's land. The clause then sets out how that 5 or 10 per cent. of the land will automatically be vested in the Crown. My view would be that because of the present state of the legal proceedings, clause 4 could well be postponed until such time as the appeal is disposed of by the Privy Council. That is all I desire to say on the Bill; but I have yet to be convinced that it should be read a second time.

Debate adjourned, on motion by The Hon. J. M. Thomson.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

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

That the Bill be now read a second time.

THE HON. H. K. WATSON (Metropolitan) [4.37 p.m.]: This Bill would seem to arise from the inherent problems of town planning which Mr. Wise adequately and eloquently dealt with a few days ago. I am in substantial agreement with what Mr. Wise said on this question. Having regard to the contents of the original town planning development legislation and the metropolitan region town planning legislation and the bewildering manner in which they have been amended each year for the past three or four years, I feel that the whole question of town planning legislation could well be scrutinised by a Select Committee. I consider there is scope for serious and valuable research by a Select Committee into this legislation as it stands at the moment and as it is proposed to be amended.

I find great difficulty in being able to follow all the implications and ramifications of both these Statutes. This Bill now proposes to enact further compensation provisions. I have studied the measure and I must confess that I am still unable to appreciate fully its implications. It seems to me that the general intention sought by the Bill is that town planning, if not to be done on the cheap is at least to be done at the expense of the owner of the land that is affected.

The Hon. L. A. Logan: You know that is not so, of course.

The Hon. H. K. WATSON: As I say, it is difficult to know what the true position is. I venture to suggest that from a reading of the report of the town planning authority I am not alone in not knowing just where we are heading, or in asking for enlightenment as to whither we are going. However, I would make the suggestion that the desire to do anything or to have anything is limited to one's capacity to pay for it.

Whilst applauding the general idea, the conception, and the vision behind the Stephenson-Hepburn town planning scheme, I am also keeping my feet on the ground by remembering that this country, and this metropolis in particular, is not a Los Angeles with its teaming millions, and is certainly not a United Kingdom with its 40,000,000. I do not know whether it is financially practicable for Los Angeles or the United Kingdom to adopt town planning schemes, if not regardless of cost, certainly at a cost which can be met by millions of people. However, I submit it is an extremely different proposition when one looks at what we desire to do on the one hand—taking the long view of 40 or 50 years, as the board has done—and what we are able to do if we are not going to penalise the present generation of property owners.

The Hon. L. A. Logan: Therefore, you must approve of our scheme, because that is exactly what we are trying to put into effect; namely, what you are seeking.

The Hon. H. K. WATSON: I am afraid that exactly what is required to be put into effect is not clear to anybody; and the town planning authority, in its excellent 1962 report, is most informative.

The Hon. L. A. Logan: Is not that a report on the regional scheme?

The Hon. H. K. WATSON: Yes.

The Hon. L. A. Logan: It is not its annual report.

The Hon. H. K. WATSON: One has only to read page 54 and the following pages of that report, dealing with the Metropolitan Region Improvement Fund, to see that the board certainly realises it has a rough, general idea of the job it has to carry out; but it is by no means clear as to the precise road it has to travel in regard to the cost of the scheme which is to be implemented, or as to the method and manner in which it is to be adequately financed.

There are some very pertinent comments in that section of the report from which I quote as follows:—

> In recommending to the Government the adoption in principle of the Inner City Ring Highway scheme in December 1961, the Authority did express its misgivings at its ability to accept the obligation of property acquisition on the greatly increased scale represented by a change from the Roe Street line as originally intended to the Newcastle Street line now proposed. The position has not changed. The fund will certainly be stretched to the limit. If it is stretched beyond that, the Authority believes consideration must be given to other sources of funds for the project.

In paragraph 214 it says—

> The other major category of commitment, for Regional open space, is different in that it is less capable of quantitative justification. The Authority believes, however, that in confirming the standards and principles recommended in the 1955 Report, it will be providing for the real long term needs of the community and that it would be quite wrong to abandon these aims on any basis of financial timidity at the present time.

Those words "financial timidity" attract my attention. They remind me of the promoters of the Chevron Hotel who were not worried by financial timidity, and of the Latec Group which was not worried by financial timidity. Therefore, I would be very sorry to see this town planning scheme—which apparently at the moment is going to cost some £8,000,000; and could conceivably cost £20,000,000, £30,000,000, or £40,000,000—embraced whole-heartedly without knowing just how and where the finance is coming from.

I think there is much to be said for the note sounded the other evening by Mr. Wise when he posed the question, "Why ought this question not be raised to the very highest financial plane?" It seems to me that this question of town planning in the metropolitan area might well become one of our major public works; and in just the same way as these matters are raised at, discussed, and financed ultimately by, the Loan Council, I feel the time has arrived when all States—because other States must have the same problem, although I imagine with our small population it is more acute here than in the Eastern States—should discuss this matter at the Loan Council.

With the magnitude of the scheme that is being propounded and tentatively adopted, it seems to me that the question

of financing it out of the metropolitan regional tax is simply playing with the idea, as is financing it on the limited loan basis which is now being adopted by the authority. That is to say, the metropolitan regional tax is being used simply to service the interest on borrowings, which reminds me of the original conception of only two or three years ago when it was proposed that the tax should be used for capital expenditure. We were certainly going to send a boy on a man's errand with that idea.

The Hon. L. A. Logan: That is not so.

The Hon. H. K. WATSON: We have gone a step further than that and find the tax is being used to service borrowings.

The Hon. L. A. Logan: That was the intention in the first place.

The Hon. H. K. WATSON: If we are going to go in for town planning in the big way that is contemplated, it is really a question for the Loan Council. It could be that a case might be made by all the States for greater funds from the Commonwealth, because in its way what is proposed here is comparable with the Ord River scheme, the Derby port, or any other similar development where the Commonwealth is advancing, not £1,000,000, but £5,000,000 and up to £25,000,000.

I am reminded of the petrol tax. I well remember Sir Earle Page coming to Perth in 1926, or thereabout, and I recall listening to him address the citizens of Perth, as he had very convincingly addressed all the citizens of the other States, and say that the petrol tax was the ideal means of financing the road system throughout Australia. We may remember that the petrol tax was imposed for that special purpose. It was imposed on the understanding that the amount collected would be employed on main roads and so on.

Over the years we have found that although that principle existed for many years, Federal Governments and their advisers ultimately decided to take quite a substantial part of the petrol tax into general revenue. I throw out this suggestion that the States, having failed to convince the Federal Government that the whole of the moneys should be spent on main roads, may at least advance the proposition that the balance of the petrol tax which has been siphoned off into the general revenue of the Federal Treasury should be diverted to this particular purpose and the money used for roads and town planning in conjunction with roads.

The Hon. G. C. MacKinnon: And resumptions?

The Hon. H. K. WATSON: Yes. The resumptions are incidental and coincidental. Take the road which is proposed—the western switch road which is now replacing Roe Street. Ultimately the cost of that road will include the resumption of premises.

The Hon. L. A. Logan: The cost of the road will be met by main roads petrol tax.

The Hon. H. K. WATSON: Yes, but not the cost of the resumptions. This is a scheme that can cost tens of millions of pounds, and I feel that we are not dealing with it as businessmen. We should have it considered by the Loan Council and the Federal Treasury, which have resources far more adequate than we have here. In that way the matter would be put on an Australia-wide basis. As I have said, the other States must have the same problem.

A fortnight ago in Sydney I saw the Sydney Opera House which is costing £12,000,000. I hope no-one with ideas of uniformity will suggest that Western Australia should have an opera house costing £12,000,000.

The Hon. L. A. Logan: We have ours in the Supreme Court gardens.

The Hon. H. K. WATSON: That £12,000,000 is being financed from State lotteries which produce £2,000,000 per year.

The Hon. F. J. S. Wise: Perhaps we could have a comic opera and use an existing establishment.

The Hon. H. K. WATSON: At the moment we do not have any lotteries which produce £2,000,000 per year or any fruit-machines producing £2,000,000 a year.

The Hon. A. L. Loton: Or one-armed bandits, either.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. H. K. WATSON: The whole question does require serious examination and investigation by a competent authority. We will not solve the problem by saying that the owner of land shall remain in doubt as to where he stands and shall not be entitled to compensation for injurious affection until such time as he has sold the land at a lesser price than he might have reasonably expected to receive had there been no reservation of the land under the scheme, or by saying that the responsible authority refused an application made by him for permission to develop the land. I must confess that after reading the Bill I still do not know how I feel about it.

THE HON. G. C. MacKINNON (South-West) [5 p.m.]: I will avail myself of Mr. Watson's invitation to enlarge on a couple of points. He said there was some merit in having a more elaborate system of resumption than we have at present. I think this is a separate aspect of town planning. I propose to elaborate on what Mr. Watson said, and I will illustrate what I mean. Roads are constructed by the Main Roads Department, and to that extent local governing bodies are relieved

of the responsibility. I am referring to those areas mentioned by Mr. Watson. At the present time if resumptions are required—and they are very expensive—there has to be a referendum. If we adopted Mr. Watson's proposal the need for a referendum would no longer be necessary, because resumptions would be financed without that necessity or the necessity of raising a loan.

The difficulty about that is that, very naturally, anybody who has anything to do with town planning adopts the attitude that what is being done is in the best interests of the public in the long run. Please remember that I said "very naturally," because it is very natural that they should feel that way. Any development scheme is studied from the over-all aspect; and there is no doubt that the plan, overall and in the long run, has a number of advantages.

However, those advantages bring with them ordinary human problems of the type which are with us today. It is of not much interest to Mrs. Smith, who is aged 60, to know that in 25 years' time there is going to be a magnificent super highway sweeping past her house, when she is not going to be there to use it—and even if she is, it is going to result in a lot of noise —and because that super highway is wanted, we have to restrict her in what she can do with her house. Tie that in with what Mr. Watson suggested and we remove from the public the ability to voice an opinion on the method of financing. That is a drawback.

I am convinced that quite apart from the financial difficulties of town planning, the most explosive difficulty is political, on a State level and on a local government level. I am fairly sure that in the course of the next few years we will see more seats lost in local government because of town planning than because of any other issue.

The Hon. L. A. Logan: It should not be so.

The Hon. G. C. MacKINNON: It should not be; but it is very difficult for Bill Smith, if he is not allowed to expand his shop or to build what he wants to build on his lot, to take the long-term view.

I saw recently an extremely interesting documentary made in America on town planning, which showed Brazilia as being an example of a modern city. It showed many details of procedures adopted, and the documentary ended with a discussion on Philadelphia. The latter city was originally planned with great care by William Penn, and the documentary stated that it was becoming difficult to function as a city under modern conditions.

I was very impressed by an extremely homelike type of tribunal which they have over there to hear general complaints. There were local authority representatives and town planning representatives at one end of the table, and members of the public addressed their complaints from the other end, and evidence was taken. Anybody could go in and voice his complaints. There were all sorts of people before the tribunal: an ordinary housewife, a greengrocer, and others, who spoke of their ordinary human difficulties and troubles which had been brought about by replanning. It seems to me there is a need for this sort of thing to be tied in with town planning.

I repeat what I said earlier, that if one is associated with town planning it is very natural to see the immense good which might be done, and the immense advantages which will accrue from taking certain steps, resuming this land, blocking that development, proceeding with that operation, in order that we will have these super highways and park lands which will make life more pleasant in the future. However, such advantages do bring with them human problems. When people at the top see the advantages there is always a tendency to ride down human problems which big schemes and big plans bring in their wake.

It is important in any method of financing to ensure that the voice of the people is in no way blocked, and that the normal processes of democracy are in no way bypassed; because, whether or not it is good for a country in the long run, our whole system is based on the principle that we make haste slowly and the people have a right to have their say.

The Hon. H. K. Watson: They still have the right of objection, no matter what the financing.

The Hon. G. C. MacKINNON: I think Mr. Watson is better versed in the right of objection than I am, and the need to have a tribunal to deal with that right of objection rather than there being an appeal to a Minister. We must remember that that right applies to an individual and not to individuals as a group.

The Hon. H. K. Watson: I am also aware of the futility of an objection.

The Hon. G. C. MacKINNON: In view of that interjection, I am surprised that the honourable member brought the matter up. I repeat that in any method of financing we must bear in mind that there are normal democratic processes which do have their value; and there is a danger in the method suggested by Mr. Watson that in some instances the voice of the people could possibly be bypassed. At the present time a referendum is necessary to empower local authorities to raise a loan for resumptions.

The Hon. H. K. Watson: That is apart from the region authority.

The Hon. G. C. MacKINNON: I am not talking about that.

The Hon. H. K. Watson: I was.

The Hon. G. C. MacKINNON: The honourable member invited me to speak. With those remarks I will, in terms similar to Mr. Watson, support the Bill.

THE HON. J. G. HISLOP (Metropolitan) [5.8 p.m.]: Many of the problems encountered by the Select Committee dealing with town planning appear in this report which I have before me.

The Hon. L. A. Logan: It was an all-party committee.

The Hon. J. G. HISLOP: Yes. The problems were known then and they do not appear to have changed to any great extent. It is very interesting to read the report of the Metropolitan Region and Planning Authority. Like Mr. Wise, I must commend the authority on its report. The report will take a lot of reading; and a lot of understanding will be required of certain aspects because of the verbiage used. If somebody condensed the report into a smaller document and rewrote it so that it could be understood by the man in the street, a lot of the difficulties which are being faced at the present time might be known to a wider circle of people, and those difficulties might be lessened. I think it is such an excellent survey of the problems with which we are faced that the presentation of the report to a larger circle of people is warranted by the Government and by the planning authority.

Right from the start we knew that one of the stumbling blocks would be the problem of betterment on the part of any planning authority, and that of injurious affection in respect of a person whose land is processed and resumed. One realised, before very many sittings of the Select Committee had been held, that the question of betterment would find no place in any future Act. Injurious affection is closely associated with the term "betterment", because an individual whose land is resumed desires that the compensation he will receive will be on a level with what he can sell his land for either today or tomorrow on the common market. This is obviously a difficult problem to be faced by the authority.

I refer members to clause 5 of the Bill where it refers to subsection (3) of section 36 of the Act. The authority is faced with the problem of how to recompense an individual whose land is being resumed. There is a situation where, when a person's land is sold, the owner may ask for compensation. But who is going to buy that land? Is there not a possibility of the first sale of that land being on a sort of Kathleen Mavourneen basis, because the person who decides to buy it will realise that he is going to face a further resumption of the land at a later date? People in the city who know that their land is in a hazardous position are now trying to sell their land quickly. I am told by some of my friends in the real estate world that this is happening in the city every day; that a person will wake up to the fact that the land he reserved for his factory, or land on which his factory is established, has been reserved for some other purpose. That person then wishes to get rid of his land as quickly as possible.

The Hon. F. J. S. Wise: And sometimes he is not allowed to sell.

The Hon. J. G. HISLOP: The uncertainty which exists in the city is quite considerable. It is one of the very big problems which the authority cannot face, and it was obviously known at the commencement of the scheme.

The Hon. L. A. Logan: What part of the city are you talking about?

The Hon. J. G. HISLOP: I am referring to the city inner ring highway. I was very interested last week when a friend of mine visited Perth from Singapore. He is a member of a big engineering firm which does a lot of engineering and plant work throughout the whole of South-East Asia. While we were talking one morning he said, "It is a perfect delight to be here; there is one thing I never expected to find in Perth." I said, "What is it that you have found?" He replied, "The almost complete absence of traffic."

The Hon. L. A. Logan: A complete absence of traffic!

The Hon. J. G. HISLOP: Yes; almost a complete absence of traffic.

The Hon. L. A. Logan: What time of the day was that?

The Hon. J. G. HISLOP: That is the view of a man who came from Singapore, so I think we have to look at the times. But what are our relative views on these matters? He said that I ought to see the problem they have in Singapore; there they have a real traffic problem.

The Hon. F. R. H. Lavery: I'll say they have! You ought to see it!

The Hon. J. G. HISLOP: He said that we did not have a traffic problem. I get quite interested in the mornings to see the long line of cars waiting to go down on to the Kwinana Freeway, but after waiting for a quarter of an hour one finds they have all gone. It is not an all-day problem, but a peak-hour problem, in regard to a good deal of our traffic; and it might be that we could find some other means of staggering the hours, or doing something of that sort which might obviate the necessity of building some of these new roads for a few years. If something along those lines is done we might find that we can carry on and wait until such time as we can accumulate sufficient money to do the work when there may really be a need to do something about our traffic problems.

I cannot for one moment understand how the proposals can possibly work, because the interests of the owners of the land become really hazardous. The Bill states—

> Before compensation is payable under subsection (3) of this section—
>
> (a) where the land is sold, the person lawfully appointed to determine the amount of the compensation shall be satisfied—
>
> (i) that the owner of the land has sold the land at a lesser price than he might reasonably have expected to receive . . .

What amount he receives will always be less than he might have expected to recieve, but could be greater than he probably anticipated. The second part of that paragraph reads—

> (ii) that the owner before selling the land gave notice in writing to the responsible authority of his intention to sell the land.

The sale might be a rapid one, but under this provision he would be compelled to let the authority know beforehand. That might be very difficult. The third provisions read—

> (iii) that the owner sold the land in good faith and took reasonable steps to obtain a fair and reasonable price for the land.

Is it sold in good faith if a man suddenly hears that his land is in an area which is to be resumed, and he tries to save his capital by selling his land as quickly as he can? Is that selling land in good faith?

The Hon. L. A. Logan: Why does he want to sell it at that stage when he knows that the authority will purchase it at its current market value?

The Hon. J. G. HISLOP: We are coming up against a somewhat similar problem to one which has been before this House on many occasions, and that is that those who are carrying out our town planning realise the necessity for resumptions, but they do not seem to be able completely to get the idea that the person may be injuriously affected from that moment onwards.

It is a very difficult procedure, and if one reads the report one obviously reaches the stage where one begins to realise that the difficulties facing the commission are many. I think we have reached the stage of wondering how we are going to raise the necessary money. I could go on and enlarge on the views that Mr. Watson expressed, that we could raise a considerable sum of money annually if we allowed ourselves to contemplate the use of lotteries such as the Opera House Lottery in New South Wales, because a tremendous sum of money goes out of this State to lotteries such as the Scarborough Art Union which offers houses in Surfers' paradise and Southport, and on the Nerang River, and so on, as prizes.

There are many people in this State who subscribe directly to the Opera House Lottery in New South Wales, and so we might very well say, "We will start a lottery like that here and we will send our tickets to the Eastern States in the same way as the Eastern States lottery operators send their tickets to Western Australia." I think every member in this House will have received tickets from the Scarborough Art Union, and many of us have subscribed consistently to such a lottery.

The Hon. L. A. Logan: I have just won a fiver in the Melbourne Bonanza.

The Hon. J. G. HISLOP: The Minister had no right to do that, because so far as I know it is illegal.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. J. G. HISLOP: I suppose we could do all sorts of things like that, but I would suggest to the Minister, and the Government that they give thought to setting up a financial authority to go into the whole problem of how the money can be raised. This town planning authority is doing a marvellous job, but it is like the small boy who wants something which he cannot get because he does not have the funds to get it, and he has been told by somebody to go and get it. That is the position in which the authority is placed. We have told the town planning authority to go and plan; but we have never made any real provision for the funds to do their work.

I would appoint a financial authority with the Under-Treasurer as chairman, and appoint to that authority businessmen in the city who are used to handling large sums of money. I would ask them to give us some idea of how we can finance this proposal. If we find, as a State, that we cannot finance it then we may have to temporise considerably in some of the proposals that we contemplate. Certainly, in view of the difficulties which face this planning authority, we cannot contemplate for many years to come the provision of all the sporting grounds that it has in mind for the benefit of the people. They must wait, and they must wait for a considerable period of time. There is also a very disturbing factor which is made obvious in the report of the authority, and which is presented to us in the statistics which have been gathered together.

The Hon. F. R. H. Lavery: To what page are you referring?

The Hon. J. G. HISLOP: Let us look at page 17, table 1. There we find an alarming picture showing that the metropolitan area is growing to such an extent that the whole of the population set-up of Western Australia will be completely disturbed. If members look at this page they will find that in 1954 there were 640,000 persons in the State, and 395,000 in the region. By 1961 there had been a 97,000 increase in population in the State, and of that number only 17,000 were living outside the region. A considerable number of them might have gone to Bunbury and Albany, and some to Geraldton; and probably if we went into the figures completely we would find that there was no increase in the other country areas during those seven years, or that the increase was a very small one.

That small number outside the region is increasing by 2⅛ per cent. while the large number in the region is increasing by 2⅞ per cent. That brings us to the point that in addition to town planning some very strenuous efforts must be made somehow to decentralise somewhere sometime. If we take those increases as a guide and work on the figures that this authority has set out, it is estimated that there will be 1,750,000 people in the State by the turn of the century; and again, using the figures used by the authority, showing that out of an increase of 97,000 people the region gained 80,000, it is quite likely it will gain an increase of 200,000 out of every 300,000 increase which will occur within the State.

When the figure reaches 1,750,000 there is quite likely to be 1,400,000 people in the city, and possibly 100,000 in places such as Geraldton, Bunbury, Albany, and Esperance; and in our hinterlands perhaps the same number that there is today. This is very disturbing, and is an aspect of town planning that must be seriously considered. The further one reads into this report the further one realises the magnitude of the authority's task. I would not criticise one word of its report because the authority has done extremely well.

However, we, as a Parliament, must decide that we have some responsibility in the question of town planning. We started town planning development and it has got beyond our conception. No one ever thought when we started town planning that we would be faced with an expenditure of £50,000,000 within the next 25 or 50 years. We did not visualise then that there would be a western switch road and a ring highway which will mean the resumption of properties involving large sums of money.

The Hon. F. R. H. Lavery: Miss Feilman had those ideas, though.

The Hon. J. G. HISLOP: But as an all-party committee we did not appreciate what really lay before us, and I do not think that as a Parliament we appreciated the true position. Therefore, I believe the time has come when we should have another look at our responsibilities. I am not suggesting that the town planning scheme should cease; it is important that it should go on, but, firstly, we should take a close look at the question of how the finance is to be obtained.

Like myself there are many people who are incapable of thinking in such big figures and incapable of deciding where the money is to come from. We must seek the assistance of people who are used to handling large sums of money and who are fully capable of deciding where the finance shall be obtained. No one could do a better task in this respect than Mr. Townsing, our Under-Treasurer. He could investigate the position thoroughly and inform Parliament where the funds are to come from to finance this gigantic scheme.

As a Parliament I think we should look at how far the authority is justified in asking the owner of land to wait for payment of compensation following the resumption of his property, because if he is forced to wait and he has no real funds in hand the emolument he receives from that property will become less and less and the area in which his property is situated will become slum-like in character; because people cannot afford to improve their properties if they know that at any time the Government may resume them. It is an extremely difficult situation for them.

The Hon. L. A. Logan: They get compensated for whatever improvements they make.

The Hon. J. G. HISLOP: Yes; but the owner is forced to hesitate when he feels that he does not possess full power to control his property, knowing full well that the Government's hand is held over it and that at any time the town planning authority might say, "We will now acquire your property." It is the psychological state in which the individual owner is placed, and I suggest that the very first step Parliament should take is to have another look at the question to ascertain from where the finance is to be obtained; or, secondly, whether we as a Parliament —even through an all-party committee— cannot investigate again the whole problem to find out just where the personal idiom begins and ends.

I think we would then make much greater headway than we would by passing Bills to amend various sections of the Act which seem to throw greater onus on the individual owners of land.

Debate adjourned, on motion by The Hon. A. L. Loton.

House adjourned at 5.29 p.m.