The Hon. G. C. MacKINNON: Do you mean me, Sir? I am convinced that the reasons given for the introduction of this measure are extremely sound. Indeed, the proposition is so sound that the majority of the arguments against it could, with equal facility, be used in its support, for the simple reason that every time there is any alteration or adjustment in rates, or an extension of services, it is automatic for the party in opposition to seize on the particular circumstances and build them up to their absolute maximum.

The Hon. R. F. Hutchison: My party does not do those things.

The Hon. G. C. MacKINNON: You, Sir, may not have heard the honourable member's interjection, but she said that her party does not do these things. That, of course, can be argued, because there are good grounds for it. Prior to the last adjustment, the disparity between the water rates in the various parts of the metropolitan area was far greater than it should have been. Certain parts of the metropolitan area were rated very low, and, by comparison, other parts were very high.

This may have been pure chance but, naturally enough, much political capital was made out of it. These things tend to happen when a department, particularly one of this type, is under political control. So, it is not altogether true to say that from our point of view, the honourable member's party does not do these things, because one can point to instances out of which a case can be made. A matter as vital and urgent as water is to this community should, so far as possible, be managed by a board as is envisaged in this Bill.

We have something like over 30 per cent. of the land space of Australia and something like 8 per cent. of the known water resources. I say "known water resources" because we do not know what the future will bring upon us. All sorts of things may, in the near future, change the circumstances. But under the present circumstances, as I see them, I have no hesitation in supporting the Bill.

Debate adjourned, on motion by The Hon. F. D. Willmott.

House adjourned at 8.16 p.m.

Legislative Assembly

Wednesday, the 30th October, 1963

CONTENTS

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

STAMP ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by Mr. Brand (Treasurer), and read a first time.

QUESTIONS ON NOTICE

RAILWAY GOODS SHED AT KALGOORLIE

Surveillance of Premises

1. Mr. EVANS asked the Minister for Railways:

Following the recent breaking and entering of the railway goods shed at Kalgoorlie, what steps will be taken in future to provide that these premises are kept under surveillance during off-work times?

Mr. COURT replied:

The Police Department has been requested to include the goods shed area in patrols, particularly at weekends.

Entry was obtained by burrowing under the doors; and to prevent a recurrence the surface under the doors has been reinforced, which should prevent a repetition.

POLICE FORCE

Resignations

2. Mr. EVANS asked the Minister for Police:

What has been the incidence of resignations for each of the last three years to present date from the Police Force?

Mr. CRAIG replied:

For the period the 1st January to the 31st December, 1961	7
For the period the 1st January to the 31st December, 1962	16
For the period the 1st January, 1963 to date	26

LOCOMOTIVE CREWS

Transfers from Kalgoorlie

3. Mr. EVANS asked the Minister for Railways:

Will the increase in using other than Kalgoorlie-stationed locomotive crew to work passenger trains into Kalgoorlie result in the transfer of any locomotive crew members from Kalgoorlie?

Mr. COURT replied:

No.

MENTALLY RETARDED CHILDREN

Age Limit for Education

4. Mr. H. MAY asked the Minister for Education:

(1) What is the age limit fixed by the Education Department for the education of mentally retarded children?

(2) What is the maximum age of children attending opportunity classes set by the Education Department?

Mr. LEWIS replied:

(1) From an age to be determined in each case, having regard to the particular circumstances, to a maximum of 16 years.

(2) Sixteen years, but in special cases permission to remain in a class to 18 years may be given.

WAR SERVICE LAND SETTLEMENT

Sublease of Properties by Widows

5. Mr. MITCHELL asked the Minister for Agriculture:

(1) On what financial conditions can a widow of a deceased war service land settler lease her property?

(2) If the stock debt is cleared and at a later stage a widow is obliged to repossess, can she be granted finance to restock?

(3) As it has been established that properties are being subleased for £1,200 per year and the widow is only paying approximately £400 per year rent, to what war service land settler accounts is the balance of the money credited?

(4) What is the order of accounts to which proceeds are credited?

(5) Is interest charged on arrears of rent and interest?

(6) What rate of interest is charged on the various accounts?

Mr. NALDER replied:

(1) The normal requirement is that it is necessary to clear all indebtedness to the department with the exception of structural improvements.

This provision may be waived where it can be shown that the sublease rental will meet current commitments and the balance can be utilised in the reduction of excess debts after the sale of stock and plant.

(2) Yes.

(3) (a) In cases where all indebtedness excluding structures has been cleared the sublease rental would be applied to rent, interest on structural

improvements, and instalments of structural improvements, and the balance would be refunded to the lessee.

(b) Where portion of the debt remains, the sublease rental would be applied to rent, interest, instalments of structural improvements, and the balance to the reduction of the credit authority debt.

(4) Answered by No. (3) if reference is to a sublease.
The normal order is to working expenses interest, working expenses, rent, plant instalment, interest, stock instalment, and structural improvement instalment.

(5) No.

(6) 3¾ per cent.

UNDEVELOPED LAND: RESEARCH GROUP'S INTEREST

Location of 5,000,000 Acres to be Studied

6. Mr. KELLY asked the Premier:

As a Cabinet subcommittee is reported to be engaged in talks with an international research organisation on the prospect of developing up to 5,000,000 acres of apparently worthless or previously useless land in Western Australia, will he indicate where this so-called totally unattractive tract of land is located?

Mr. BRAND replied:

The group that is currently conferring with the Government and Government departments has yet to define the areas it would like the right to examine in more detail with a panel of its specialists in various fields.

There is no commitment on either side and discussions are exploratory.

It should be appreciated that the group came here without preconceived ideas as to areas and its initial work has been directed at studying the State's overall development and resources to see how its project could be reduced to specific terms after due regard for existing interests.

BANK HOLIDAYS

Conformity with Public Service

7. Mr. D. G. MAY asked the Premier:

(1) Is he aware that in view of the fact that the 2nd January, 1964, is to be gazetted as a holiday in Victoria for the State Public Service, the Victorian Government recently agreed that this particular holiday should also be recognised as a bank holiday?

(2) If so, would he give consideration to the same conditions having application in Western Australia, which in turn would enable bank employees to enjoy similar conditions to those enjoyed by the State Public Service?

Mr. BRAND replied:

(1) This information has not yet been received by me.

(2) The honourable member should be informed that during the passage of the Bank Holidays Act Amendment Bill, which provided for the closure of banks on Saturdays, the Chief Secretary, on behalf of the Government, stated that no additional bank holidays would be granted by proclamation at Christmas and New Year unless Christmas Day fell on a Saturday, or New Year's Day fell on a Saturday or Sunday.

DRAINAGE AND SEWERAGE

East Manning Housing Project

8. Mr. D. G. MAY asked the Minister for Water Supplies:

(1) Is he aware that the State Housing Commission is anxious to commence residential development in the East Manning district which is part of the Collier Plantation?

(2) Is he further aware that residential development is being retarded because of the delay in establishing comprehensive drainage and sewerage in this area?

(3) Will he give an indication as to the anticipated date that the necessary drainage and sewerage work will be commenced ?

Mr. WILD replied:

(1) to (3) The State Housing Commission has an area of land in the East Manning district and its development depends on the provision of comprehensive drainage and sewerage.

As stated in reply to a question on the 6th August, no funds are available this financial year. Commencement of work will depend on its position in priority when considered in relation to the needs of all parts of the metropolitan area.

RADIO COMMUNICATIONS BASE IN NORTH-WEST

Use of Australian Products

9. Mr. TONKIN asked the Minister for Industrial Development:

(1) Did the Government send an officer of the Department of Industrial Development to America for discussions in connnection with

materials to be used in the construction of the communications base at North West Cape and with a view to ensuring that as much as possible of Western Australian products would be used?

(2) What success was achieved in the direction desired?

Mr. COURT replied:

(1) Yes. Between August and November last year a technical officer of the Department of Industrial Development was stationed in Los Angeles on loan to the United States Navy. During this period he was engaged in reviewing plans and specifications and advising on the availability of materials and services in Western Australia.

(2) Considerable success was achieved. Article 5 of the United States Naval Communication Station Agreement, ratified by the Commonwealth Parliament No. 30 of 1963, states—

> At all stages in the construction and maintenance of the Station the maximum practicable use will be made of Australian resources. Arrangements for giving effect to this Article shall be as determined from time to time by the two Governments.

At this stage it appears certain that cement, jarrah hardwood, asbestos cement sheets and pipes, much of the jetty steel structure, and many other items will be supplied from Western Australia, partly because the wording of the specifications is such as to permit Western Australian firms to compete effectively.

INDUSTRIAL ARBITRATION COURT

Expiration of Members' Appointment

10. Mr. DAVIES asked the Minister representing the Minister for Justice:

(1) When do the appointments of T. G. Davies and J. Christian, Arbitration Court members, expire?

Salary of Members

(2) What is the annual salary of each of these persons?

Mr. COURT replied:

(1) The 21st December, 1965.

(2) £3,245.

BUNBURY POLICE STATION AND LOCK-UP

Present Condition and Plans for Future

11. Mr. WILLIAMS asked the Minister for Police:

(1) Is he aware of the unsatisfactory condition of the Bunbury Police Station and lock-up?

(2) Does present planning envisage—

(a) no action;

(b) alterations and renovations;

(c) rebuilding on present site;

(d) rebuilding on alternative site?

(3) If the answer to No. (2) excludes No. (2) (a), when does he consider work will commence?

Mr. CRAIG replied:

(1) Whilst it is recognised that these buildings are very old and when the opportunity arises they will be replaced, extensive repairs and renovations carried out in 1961 will suffice until this can be done.

(2) No planning has been undertaken.

(3) Answered by No. (2) above.

BUNBURY HARBOUR

Details of Work Itemised in Loan Estimates

12. Mr. WILLIAMS asked the Minister for Works:

Referring to item No. 12, p.4 of details of the General Loan Fund Estimates 1963-64, would he give details with regard to the item described as "Reclamation works and improvements to jetty and slipway for fishing industry"?

Mr. WILD replied:

Reclamation work will provide land for servicing and operating the new land-backed berth and an area for servicing fishing vessels. The item includes part finance for a fishing-boat servicing jetty and slipway.

TOTALISATOR AGENCY BOARD

Locking of Toilets at Betting Shops

13. Mr. TOMS asked the Minister for Police:

(1) Have instructions been issued to agents of the Totalisator Agency Board to keep the toilets connected to their premises locked?

(2) If so, has the Public Health Department been advised of the instruction?

Mr. CRAIG replied:

(1) In some instances, yes.

(2) The Commissioner of Public Health has ruled that the board is only required to provide toilets for its employees.

NATIVE WELFARE

Introduction of Legislation

14. Mr. RHATIGAN asked the Minister for Native Welfare:

If the Government intends to introduce legislation in connection with natives during this session

of Parliament, will he assure the House that members will be afforded adequate time to study and debate such legislation?

Mr. LEWIS replied:

Yes.

UNDEVELOPED LAND: RESEARCH GROUP'S INTEREST

Agricultural Potential of Wiluna District

15. Mr. BURT asked the Premier:

In connection with the visit to this State of the American scientific and technical group who are studying the prospect of developing up to 5,000,000 acres of apparently worthless land in Western Australia, will he undertake to bring before the members of the group the agricultural potential of the area surrounding Wiluna?

Mr. BRAND replied:

During its stay the party has broadly examined the potential of the whole State. The potential of Wiluna has been drawn to their attention in the course of the general discussions.

TRAFFIC ACT AMENDMENT BILL

Second Reading

MR. CRAIG (Toodyay—Minister for Police) [4.45 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is twofold. The first object is to bring our Traffic Act in line with the proposed adoption of the National Road Traffic Code; and the second is to make certain amendments that will lead to the smooth running of the Act.

Clauses 2, 5, and 6 deal with the code; and clauses 3, 4, and 7 deal with the other amendments, clause 3 being of a relaxing nature, and clauses 4 and 7 being of a tightening-up nature.

I feel that all members are fully aware of the work put in by the Australian Road Traffic Committee which was founded by the Australian Transport Advisory Council in 1947, and which produced the National Traffic Code in 1959. This committee put considerable effort into its deliberations, and at the last meeting of the Australian Transport Advisory Council all States agreed to adopt the code in principle.

In this State the majority of the 84 items in the code can be adopted by amendment to the W.A. Traffic Regulations. In fact, many of them have already been adopted and the others will progressively follow. There are still two or three contentious matters in the code, and agreement has not been reached between the States in regard to them, particularly speed limits outside of built-up areas.

However, there are two definitions in our existing Traffic Act—and the definitions of "drive" and "road"—which require alteration to enable those terms to comply with their accepted meaning in the other States of Australia.

The existing definition of "road" in our Traffic Act includes any place open to, or used by the public; and whilst this wider meaning is necessary for more serious offences under the Traffic Act, it is not necessary or desirable for the ordinary run-of-the-mill provisions of the Act.

The amended definition of "road" as proposed in the Bill creates a problem in respect of sections relating to sections 31 and 32 of the Traffic Act. The new definition of "road" does not extend the meaning to off-street areas such as car parks, drive-in theatres, or any place commonly used by the public. These two sections, Nos. 31 and 32, refer to negligent or dangerous driving, and driving under the influence of drink or drugs. It is therefore necessary to include in these two sections an expanded meaning of the word "road" to enable offences committed on these off-street areas to be indictable; and these are attended to in sections 5 and 6 of the Bill.

In regard to the proposed amendment to the definition of "owner", the existing definition contains a limitation; i.e., any person who has the use of a vehicle for a period of not less than three months under a hire-purchase agreement.

This three months' limitation is preventing traffic authorities from enforcing the regulation in respect of transfers. For effective recording it is essential that the owner should be the person in actual possession of the vehicle, and not a hire-purchase company.

The proposed definition of "owner" in the Bill omits this limitation and describes an "owner" as the person who owns the vehicle, and includes the holder under a hire-purchase agreement.

Section 5 (1) (b) of the Traffic Act provides that a license is not required for an agricultural implement which is being hauled or towed on a road by a vehicle for which the owner is the holder of the requisite vehicle license. The section also defines the meaning of "agricultural machinery"; but for the purposes of this section limits it to agricultural machinery which is owned by a person carrying on the business of farming or grazing. This limitation precludes an agent or dealer from delivering agricultural machinery to a farmer unless he first obtains a permit or trade plates from the licensing authority.

The amendment proposes to omit the words "which is owned . . . grazing"; and will, if approved, provide uniform conditions for the movement of farm machinery. This will enable a dealer who is demonstrating a particular type of farm implement or machinery to transport it.

Section 5 also requires handcarts and horse-drawn vehicles to be licensed. This is a legacy from the horse-and-buggy days; and because there are so very few of this type of vehicle now being used it is proposed to remove from them the need to be licensed and issued with plates. At the moment there are some 101 horse-drawn carts and three handcarts registered in the metropolitan area, and they yield a sum of £64 10s. 6d. in licensing revenue.

This Bill also contains a provision to enable interstate road hauliers to license vehicles which are used only for interstate transport without payment of the necessary license fees. This arises from a High Court case some few years ago when Queensland—I think it was—decided to impose its State licensing fees on interstate hauliers. However, its decision was overruled by the High Court. Therefore it is not entitled to apply the license fees applicable to the State to interstate hauliers operating within that particular State.

At present there are some 60 interstate semitrailer outfits operated by some 50 Western Australian owner-drivers whose vehicles have been issued with a free license to enable a third party insurance premium of £5, and 7s. 6d. for a set of plates, to be paid.

Some of these interstate carriers have engaged in intrastate transport; and although such contracts are illegal, inasmuch as they have paid no license fee, there is no existing section in the Traffic Act to control their operations.

It is proposed to add to section 11—which provides for payment of various license fees and exemptions therefrom—a subsection which will enable an interstate carrier, who is ordinarily resident in this State, to make a statutory declaration that a motor vehicle therein identifiable will be used for interstate transport only. Upon receipt of this declaration a local authority shall issue a vehicle license for that vehicle without payment of the license fee; that is, the normal license fee.

As previously stated some of the interstate hauliers to whom a free license has in the past been issued have engaged in intrastate contracts in this State. This, of course, is illegal and action should be taken, as it is a breach of the conditions under which a free license has been issued.

For this reason, and in order to make it an indictable offence to breach other conditions pertaining to the issue of any free or concession license, it is proposed to repeal existing subsection (8) of section 11 and re-enact it to make an offence under section 5 (unlicensed vehicles) the non-observance of any special conditions applying to that free or concession license.

Section 5 provides for a maximum fine of £100 for a first offence and £200 for any subsequent offence. I think it is quite obvious that vehicles which are engaged in interstate trade, and in respect of which only the nominal license fee of 7s. 6d. is paid, should not be entitled to cart intrastate or within the State without being required to pay the normal license fee that is required of other operators within the State.

A road, just like any other substance that is subject to wear and tear, can deteriorate with abuse; and, sad to relate, there are in our midst some road users who have little regard in this direction. As a result, many of our first-class roads are damaged, with resulting inconveniences and subsequent heavy bills for repairs.

The Commissioner of Main Roads is concerned at the damage being caused to road surfaces, culverts, and bridges by excessively overloaded vehicles; and it has become apparent that something must be done to control the position.

The existing maximum penalties for overloading under section 43 (1) of the Traffic Act do not, it is considered, act as a deterrent; and in some cases the penalties imposed are less than the permit fees which would be payable if a permit were sought and approved.

When an application for a permit for a load in excess of the permissible maximum is granted, certain conditions specifying the route, speed, and weight are laid down, thus ensuring minimum damage; but when these factors are wilfully ignored. considerable damage to road surfaces can result.

Earlier this year, by arrangement with the Main Roads Department, the Commissioner of Police appointed a second heavy haulage squad properly equipped with a vehicle and loadometer to check heavy transport vehicles on the road. Despite the efforts at enforcement, the offences are increasing. During the financial year ended the 30th June, 1961, there were 765 convictions for overloading; and for the year ended the 30th June, 1962, there were 925 convictions. During 1961-62 one particular company has been fined the maximum of £50 on more than 20 occasions.

The new gross vehicle weight regulations which came into operation on the 1st July last, limit the load on all new vehicles to what the manufacturer considers the vehicle is designed to carry, plus a margin of 10 per cent., plus a further tolerance of 10 per cent. Both new vehicles and vehicles already licensed will continue to be subject to the tenth

schedule of the traffic regulations which prescribe the maximum axle load for various types of heavy motor wagons.

In order to ensure that the new regulations are properly observed, and to overcome the problem of wilful excessive overloading, the Bill provides for an increased penalty for an offence under section 43 (3).

The penalty for a first offence remains at a fine not exceeding £25, but for any subsequent offence the penalty is increased from a fine not exceeding £50 to a fine not exceeding £100.

In addition to the fines which may be imposed, the Bill contains a mandatory penalty of 10s. per cwt. of excess weight up to 20 cwt., and £10 per ton, or part of a ton, excess weight beyond the first 20 cwt.

Debate adjourned, on motion by Mr. Rowberry.

SALE OF HUMAN BLOOD BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Deputy Chairman of Committees (Mr. H. W. Crommelin) in the Chair; Mr. Ross Hutchinson (Minister for Health) in charge of the Bill.

The DEPUTY CHAIRMAN: The amendments made by the Council are as follows:—

No. 1.

Clause 2, page 1, lines 11 and 12—Delete all words and substitute the following:—

as being willing to buy,—

(a) human blood; or

(b) the right to take blood from the body of another person.

No. 2.

Clause 4, page 2, lines 27 and 28—Delete all words and substitute the following:—

sell, or agree to sell,—

(a) human blood (including his own blood); or

(b) the right to take blood from his body.

Mr. ROSS HUTCHINSON: I propose to ask the Committee to agree to amendment No. 1 and to the consequential amendment thereafter. The first amendment is one which was agreed to in another place because of a suggestion that I made to the Leader of that House. My suggestion arose from a request made by two members of the Opposition, I think, who spoke during the Committee stage of this Bill, and also by one member from this side of the Chamber. The only purpose of the amendment is to clarify the original clauses 1 and 5 so that they will be more easily understood.

Mr. NORTON: I raised this point during the second reading debate on the Bill and during the Committee stage. I did so because there was some doubt as to what the clause meant; and, as far as I can see, the two amendments will definitely clarify the position.

Mr. ROSS HUTCHINSON: I move—

That amendment No. 1 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. ROSS HUTCHINSON: I move—

That amendment No. 2 made by the Council be agreed to.

As foreshadowed, I ask the House to agree to this amendment also. It is comparable with the one the Committee has just agreed to.

Question put and passed; the Council's amendment agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

CONSTITUTION ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.4 p.m.]: I move—

That the Bill be now read a second time.

This measure has already been considered in another place. It is a Bill which I think is without controversy and it is very important that members should thoroughly understand the consequence of it, and the reasons why it has to be introduced in its present form.

When the measure was before another place the Minister for Justice, who was in charge of the Bill, was requested to bring to that House a certificate to show that the Bill in no manner amended the Constitution. The Minister accordingly laid on the Table of the House the required certificate signed by the Assistant Parliamentary Draftsman. I have an identical certificate for the information of members of the Legislative Assembly; and I desire, at the appropriate time, to lay it on the Table of this House. This will be done in respect of both of these measures at the appropriate time if you, Mr. Speaker, give that permission. The certificate in each case is signed by Mr. Sander, the Assistant Parliamentary Draftsman, who was associated with this legislation.

The purpose of this Bill is to amend the Constitution Act, 1889, and its amending Act of 1900, where necessary, for the purpose of reprinting the principal Act.

It will be seen in clause 2 that the principal Act means the Act 52 Victoriae, No. 23, and its amending Act 64 Victoriae, No. 5.

There have been repeated inquiries over quite an extensive period of time for up-to-date copies of the Constitution Acts. These are, in the main, comprised in two Statutes at present in operation. They are the Constitution Act, 1889, to which this Bill refers, and the Constitution Acts Amendment Act, 1889, the subject of a separate measure. These Acts have long been out of print.

The Attorney-General, or the Minister for Justice, as the case may be, is empowered, under the provisions of the Amendments Incorporation Act of 1938, to authorise a reprint of an Act in order to incorporate all amendments. This procedure is a common one and is adopted in respect of Acts that are out of print or have been so amended as to be difficult to read. Unfortunately, these two Statutes with which we are concerned have been considerably amended by others that were so framed that the amendments take the form of "homeless" sections which cannot, in their present form, be incorporated.

As a consequence, the reprinting of these Acts may not be proceeded with under the Amendments Incorporation Act, in their present form, and the introduction of this measure is necessary. This, then, is a preliminary measure necessary to tidy up the amending Act preparatory to reprinting the consolidated Act under the Amendments Incorporation Act.

In this particular instance very little tidying up is necessary as will be seen by reference to the Bill. There are only two outstanding points. These occur in clauses 4 to 5, and both deal with homeless sections.

The homeless section covered by section 4 has to do with the disqualification of Federal members for the Western Australian Parliament. Section 16 of the principal Act was repealed by Act 57 Victoriae No. 14 and is now being replaced by the homeless section added by Act 64 Victoriae No. 5 as amended by this Bill. As a consequence, the homeless section now becomes section 16 in the consolidated Statute.

Section 5 deals in a similar manner with the repealed section 17 concerning members of Western Australian Parliament being required to vacate seats on sitting in Federal Parliament. The current legislation now in operation in that regard was added by Act 64 Victoriae No. 5 as a "homeless" section and that section has now been given a number, i.e., 17, in the consolidated Act.

The question may be raised as to whether it is desirable to still retain in our legislation two Acts containing our Constitution—namely, the Constitution Act, as amended by the 1900 Act, and the Constitution Acts Amendment Act, 1899, and its amendments.

It is considered that the method now proposed of dealing with these measures is the most desirable, even though it necessitates still retaining two Acts instead of having a single comprehensive one. Under the course now proposed, members will be able to see clearly what is being done and that no change in the law, in fact, is intended.

It may be helpful at this juncture to point out that the long title of this Bill has been framed so as not to admit of any amendment after its introduction.

This is more relevant in another place but I thought it pertinent to explain to the Legislative Assembly because it adds to the submission I have made, that we want to make it very clear there is no suggestion in this measure of amending the Constitution. Had the long title been presented in another form in another place it could have been possible for amendments to the Constitution to be proposed which would have defeated the object of the Government in submitting this machinery for reprinting in a non-controversial atmosphere.

This will be clearly appreciated by reference to the long title which stipulates this measure as being a Bill for an Act to amend both Acts where necessary, but purely for the purpose of reprinting. As a consequence of this title, Parliament is precluded from passing any amendment under the title of this measure, other than such as is necessary for its reprinting under the Amendments Incorporation Act.

It may be of assistance to draw members' attention to a similar previous Bill directed towards giving a section number to a "homeless" section. The Bill to which I refer is No. 80 of 1962.

This Bill gave a homeless section a number which was inserted into the Administration Act under clause 3 of the amending Act No. 56 of 1959.

I understand that each member has on his desk a copy of this proof reprint so that he can study it and see that there is no attempt being made to amend the Constitution, but purely provide machinery for reprinting.

Members are all aware that parliamentary officers have gone to considerable trouble in preparing unofficial reprints of the Constitution Acts for binding with the Standing Orders. It is emphasised that these reprints, being unofficial, would not be acceptable in courts of law. Generally, their accuracy might perhaps not be seriously questioned; yet on the passing of this measure, all members of Parliament and the very many persons desiring to refer to the Constitution, will be enabled to have by them an official reprint, which will be acceptable in all courts of law.

As this is not a Bill "by which any change in the Constitution of the Legislative Council or of the Legislative Assembly shall be affected", the concurrence of an absolute majority of the whole number of members is not required pursuant to section 73 of the Constitution Act, 1889.

It is not my intention to proceed past the second reading stage of this Bill until I am convinced that all members are satisfied as to the reason for its introduction. I want there to be no doubt whatever in anyone's mind on that score, or any unanswered query as to the Government's intentions in bringing this measure forward. I repeat: The only object is to fill a long-felt need for a clear and understandable print of our Constitution as existing at the present time.

Debate adjourned, on motion by Mr. Graham.

The certificates mentioned by the Minister were tabled.

CONSTITUTION ACTS AMENDMENT AND REVISION BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.13 p.m.]: I move—

That the Bill be now read a second time.

In moving this second reading, I would explain that this is the second measure which is being introduced with a view to ensuring there shall be available to all persons interested a clear and readily understandable copy of our Constitution.

This Bill amends the Constitution Acts Amendment Act of 1899 and its many subsequent amendments for the purpose of reprinting. For that purpose it is necessary to revise certain of those amending Acts.

This measure contains far more extensive changes than the brief measure introduced earlier for the reprinting of the 1889 Act, because it has been more apt to include the bulk of the amending Statutes under the Constitution Acts Amendment Act rather than under the Constitution Act of 1889.

Nevertheless, this measure is, in principle, identical to the other in most respects. Action has been taken, however, to exclude from the Constitution Acts Amendment Act, as amended, the nominal lists and boundaries of the electoral provinces and the electoral districts, which are now set out in sections 6 and 19 and in the second schedule. Their retention in the 1889 Act is misleading as, by reason of the various Electoral Districts Acts, culminating in that of 1947, a great number of the names and all of the boundaries are quite outmoded and do not reflect the position today.

As I indicated, when explaining the earlier Bill affecting the Constitution, the operation of the existing provisions of the various Acts will be quite unchanged by the passing of this measure. It is emphasised again that no amendments to this Bill may be accepted, its purpose being only to enable the reprinting of the existing law in accordance with the provisions of the Amendments Incorporation Act.

Lest there be some doubt as to the purpose of some of the amendments, it is desired to explain that they provide for the removal of some "dead wood" remaining in the 1899 Act. They are in the form, as previously referred to, of nominal lists of electoral provinces and districts, and a schedule of the boundaries. These provisions are not only inoperative but are also misleading.

In order to assist members to appreciate more readily the purpose of this preliminary measure, which is necessary to tidy up the 1899 Act and its amendments, preparatory to its consolidation and reprinting, there have been prepared a number of reprints which are available for distribution to members of Parliament.

There is no provision in this Bill "by which any change in the Constitution of the Legislative Council or the Legislative Assembly shall be effected," and therefore the concurrence of an absolute majority of the whole numbers of members is not required pursuant to section 73 of the Constitution Act, 1899.

As with the previous measure, it is not my intention to proceed past the second reading stage of the Bill until it can reasonably be assumed that all members are fully cognisant of the reasons for its introduction. If any one has any queries that need to be answered I would appreciate their being brought forward; because it is important that there should be no misunderstanding in respect of this legislation. The only object of it is to fill a long-felt need for a clear and understandable print of our Constitution as existing at the present time. I have already tabled the certificate from the Assistant Parliamentary Draftsman.

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

OFFENDERS PROBATION AND PAROLE BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Deputy Chairman of Committees (Mr. Crommelin) in the Chair; Mr. Ross Hutchinson (Chief Secretary) in charge of the Bill.

The DEPUTY CHAIRMAN: Amendment No. 1 made by the Council is as follows:—

No. 1.

Clause 23, page 20, line 9—Insert after the word "member" the words "or is unwilling to act in a particular case."

Mr. ROSS HUTCHINSON: I intend to ask the Committee to agree to this amendment, and I do not think it will be found to be controversial in any way. Subclause (2) of clause 23 has for its purpose the temporary nomination of a judge. There was a discussion in another place about a situation that could arise where a judge would find himself considering the parole of a person whom he had formerly sentenced to imprisonment; and for certain reasons he might feel that he should not be a member of the parole board at that time. Under the terms of the amendment he would be in a position where he was "unwilling to act in a particular case." Subclause (2) gives power to the Chief Justice to nominate another judge and the amendment will allow greater elasticity in the operation of the legislation and will tend to make for as fair treatment as is possible to a parolee. I move—

That amendment No. 1 made by the Council be agreed to.

Mr. BRADY: I am wondering whether the words proposed by the amendment are superfluous. If the Minister looks at the Bill he will see in clause 2 the following words:—

If the judge who is a member is incapacitated by illness, absence, or other sufficient cause . . . .

I would have thought that if a judge found himself in the position outlined by the Minister that situation would come within the meaning of "sufficient cause." If the amendment is agreed to, does the Minister feel the words are necessary? Instead of making the Bill clearer I think it might be tending to make it more cumbersome.

Mr. ROSS HUTCHINSON: I think the words are necessary, although I can see some virtue in what the honourable member has said. The amendment merely gives a further definition of "reasons", and I see no objection to it.

Question put and passed; the Council's amendment agreed to.

The DEPUTY CHAIRMAN (Mr. Crommelin): Amendment No. 2 made by the Council is as follows:—

No. 2.

Clause 23, page 20, line 14—Insert after the word "office" the words "or in that particular case."

Mr. ROSS HUTCHINSON: This is a consequential amendment, and I move—

That amendment No. 2 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

The DEPUTY CHAIRMAN (Mr. Crommelin): Amendment No. 3 made by the Council is as follows:—

No. 3.

Clause 28, page 21—Delete all words in lines 31 to 33 inclusive and substitute the following: "The Board shall hold such meetings at such times and places as the Chairman determines."

Mr. ROSS HUTCHINSON: I intend to ask the Committee to agree to this amendment. If members refer to clause 28 they will see it provides that the board shall hold such meetings at such times and places as are prescribed, etc. This matter was discussed in another place, and members there felt that this was an inelastic form of determining the times of meetings, and circumstances could arise whereby the prescribed times could not be adhered to and there would be no room for manoeuvring. As a result the amendment which is on the notice paper was passed, and in this way the chairman will be able to determine the times which are best suited to the members of the board. This will bring about a state of affairs where prisoners will not be held up unnecessarily with their applications for parole. I move—

That amendment No. 3 made by the Council be agreed to.

Mr. H. MAY: I want to know who will control the chairman. He might say, "We will have a meeting once a week or once a year." I do not know what members of the board will be paid, but it could become a working holiday, and they could make it a fairly financial proposition. What control would the Minister have if the chairman decided to have a meeting once a week or once every six months?

Mr. ROSS HUTCHINSON: The chairman of the board will be a judge of the Supreme Court and he will endeavour to facilitate the workings of the legislation. It is a very important piece of legislation.

Mr. H. May: I know it is.

Mr. ROSS HUTCHINSON: I cannot imagine he would want to hold meetings every day, every week, or every month. Meetings will be held as and when it is possible, to facilitate the workings of the legislation. The legislation is to ensure that prisoners who at present have not got the opportunity for parole are given the opportunity of having their cases considered. What the honourable member points out could happen could also be the position with a number of boards.

Mr. H. May: I know it could.

Mr. ROSS HUTCHINSON: The inelastic portion of the clause as it left this Chamber became obvious to members in another place and that was why the amendment was moved. Surely we can

leave it to the judgment of the chairman of the board to determine the appropriate times for meetings of the board.

Mr. H. May: Some people could be penalised by it.

Mr. ROSS HUTCHINSON: On the contrary.

Question put and passed; the Council's amendment agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

COMPANIES ACT AMENDMENT BILL

Second Reading

MR. GUTHRIE (Subiaco) [5.27 p.m.]: I move—

That the Bill be now read a second time.

This is a measure which has already been passed in another place, actually having been introduced there. It proposes to amend the provisions of section 291 of the Companies Act, 1961. The measure as originally introduced in the Legislative Council has been amended by that body to provide that it will come into operation on a date to be proclaimed. The reason for that is, as members will appreciate, that it is an amendment to the measure which is commonly known as the uniform company law, and the Minister in another place accepted this Bill so long as he was given the opportunity of circularising it among all Attorneys-General and Ministers for Justice throughout Australia to get their comments before the legislation was proclaimed. So there is no prospect of its being forced down the public's throat if it is severely criticised by the Attorneys-General throughout Australia.

This measure is designed to put back into our Companies Act practically the same provisions—and I will explain the differences in a moment—which were inserted into the 1943 Act by this Parliament through a Bill introduced into this Chamber by the then Minister for Justice (The Hon. E. Nulsen). That measure was the Companies Act Amendment Act (No. 2), 1953, and it is Act No. 73 of 1953. It can be found at page 226 of the Sessional Acts of 1953.

We find Mr. Nulsen dealing with this question in vol. 134 of *Hansard*. I would explain that this was one of a number of amendments which Mr. Nulsen introduced to Parliament at that time. That was not, as this Bill is, a measure dealing purely with one particular section. At page 532 of *Hansard* of the 10th September, 1953, Mr. Nulsen said this—

> Dealing further with the liquidation of a company, it will be found that the priority for payment of debts is roughly the same as that prescribed under the Bankruptcy Act. However in the case of mining companies formed and operating in this State it will be noticed that some have been financed by way of loan by companies domiciled elsewhere. Such foreign companies are also the principal shareholders in the local companies. Assistance to the local company by way of loan ceases as soon as the mining company gets into deep water and winding up follows. In the winding up, the foreign company, as a loan creditor, ranks equally with the other unsecured creditors but on account of the difference in the amount for which they prove, the foreign company receives the bulk of the remaining assets of the mining company. This practice operates unfairly against Western Australian creditors of the mining company.

It will be observed that Mr. Nulsen, in addressing this Chamber, made reference to mining companies; but if one cares to examine the 1953 amendment one will see that he did not confine it to mining companies; it applied to all companies. But I happen to know that what he had in mind, and what produced that amendment, were the operations of certain mining companies an evil which still continues.

For some unknown reason—and I cannot supply the reason—when the uniform Companies Act was accepted by the Attorneys-General, and introduced into this and other Parliaments, this particular section, which had been law in this State for then some eight years, was left out. Nobody has been able to give a reason why it was left out, and it is felt that it was wrongly left out.

The situation is this: A small company can be formed as a trading concern, and it could be well known that it is the wholly-owned subsidiary of a large and powerful corporation. Because of that, creditors and traders do not hesitate to give credit to the subsidiary company, but then they find to their horror that if the subsidiary company fails and is wound up, that the owning, or holding, company only put in a small amount of share capital, and financed the company to a very large amount by way of loans, to the extent that when the liquidation takes place it takes the bulk of the dividend.

For example, if a company has £30,000-worth of assets, which realised £30,000 on liquidation, and say £15,000 liability to ordinary trade creditors, the trade creditors would, in the normal course of events, expect to receive 20s. in the pound. But if the holding company had advanced £200,000 by way of loan the creditors would only get a fractional amount by way of dividend; and, accordingly, they are unwittingly taken for a ride. They are not given any warning.

If the parent company takes security they can, by searching the appropriate places, such as the Titles Office or the Bills of Sale Office—and now the Companies Register—find that there is a substantial charge, and therefore they would not give credit. But where it is an unsecured loan, they are in a worse position than if it were a charge, because if there were a charge they would not have given credit. So they find they have been sucked in, as it were.

These were the reasons which prompted Mr. Nulsen to introduce his measure; and those are the reasons which prompted the member in the Legislative Council to introduce the measure, and for that Chamber to pass it. Members who care to examine the 1953 amendment, together with this measure, will find there are some differences in language. They are chiefly differences produced by reason of differences of language and provisions in the 1961 Companies Act, compared with the 1943 Companies Act; and I will shortly tell the House of those major differences.

It will be remembered that in the portion I read from Mr. Nulsen's address, I referred to the fact that the 1953 Act provided for a three-quarter shareholding. There was no definition in the 1943 Act, of a holding company, or a related company—which are phrases used in the 1961 Act—and which are given a meaning, as are subsidiary companies. So subsequently in this measure it has not been necessary to give any particular definition of this section. It is sufficient to refer to related, subsidiary and holding companies which are defined in the definition clauses of the main Act.

Mr. Nulsen also included in his measure a proviso protecting persons who had a claim against an insolvent company by means of a charge given by the creditor company. This may sound complicated, but I will explain how it worked. It meant that if the creditor corporation, having advanced £100,000 to the trading concern, mortgaged to its bank, or to any other person, this debt of £100,000, the section would not apply to that particular case.

It has been felt, and the Legislative Council has accepted it, that it is a wrong provision, because it opens up the way to the unscrupulous creditor-corporation to mortgage its debt to any person, to assign it by way of mortgage, or to create a charge on it, and immediately take the provisions of the Act for the particular transaction. Consequently it is proposed to incorporate those provisions until the 1st day of July, 1964, in relation to any charges created prior to that, so as to protect any persons who have already assigned their debts, and in no other case. It is proposed to give them sufficient notice; so that after the 1st day of July, 1964, they will not have any further protection.

Members will also have noticed that I have placed a further amendment on the notice paper, which I will move in the Committee stage. I think it might be opportune if I shortly explain the reason for the amendment. The 1953 amending Bill was given, in a case in which I was personally engaged, retrospective effect by the Supreme Court. I am quite certain, however, that it was never the intention of Parliament that that amendment should be given retrospective effect.

Although the language of this measure is slightly different from the 1953 legislation, I do feel that we should take no risks on this occasion; and for that reason—and the honourable member in the Legislative Council who introduced this measure agreed with me after having heard my reasons—we should put a specific provision in, that this cannot be given retrospective effect; in other words, that it cannot apply to liquidations that have already commenced.

That was what happened in the 1953 measure. It had the effect of taking away the dividend from the parent company after liquidation had commenced, and after all claims had been finalised; and all that had to be done was to draw cheques for the dividends. The measure came into being and the liquidator was warned there might be doubt as to the correctness of his attitude, and he applied to the Supreme Court, and the court ruled that the Act applied; and the English company lost dividends which it had bargained for and had made plans for receiving. That was wrong in principle, and I am sure that it was not intended by Parliament that it should operate in that fashion. It is proposed to make sure that it does not happen again.

Debate adjourned, on motion by Mr. Court (Minister for Industrial Development).

DRUGLESS PRACTITIONERS BILL

Second Reading

MR. TONKIN (Melville—Deputy Leader of the Opposition) [5.42 p.m.]: I move—

> That the Bill be now read a second time.

In September, 1959, I introduced into this House a Bill for the training, qualification, and registration of persons known as natural therapists. That Bill was subsequently referred to a Select Committee on a motion by a member on the Government side. The Select Committee had no opportunity to take evidence before Parliament rose, and representations were made to the Government to have the Select Committee turned into a Royal Commission. This was agreed to, and the members who were appointed

by the Assembly to sit on the Select Committee continued as Royal Commissioners.

After taking a considerable amount of evidence over quite a lengthy period, the members of the Royal Commission presented what was a unanimous report, and they made certain recommendations with regard to the introduction of legislation to meet a situation which, the members felt, required some attention. For example, one of the recommendations of the Royal Commission is as follows:—

> That the activities of chiropractors and dietitians should be encouraged; in these two cases it is possible that the practice could be undertaken more extensively by medical practitioners. However, as the Commission feels it is unlikely in the immediate future that medical practitioners will, to any great extent, emprace those fields, encouragement should be given to chiropractors and dieticians. Reference should be made to Chapters 14 and 15 of this report.

I waited, after the presentation of that report, to see whether the Government had any intention of moving in the direction recommended by the Royal Commission whose report, I repeat, was a unanimous one. It has become obvious to me that the Government has no intention, of its own volition, of doing anything in regard to this matter, and I therefore felt it incumbent upon me to endeavour to give effect to the recommendations of the Royal Commission and, possibly, go a little further if Parliament would so agree.

It is extremely difficult in a matter of this kind for a private member adequately to provide: and I have no hesitation in saying I believe that once the case was established—as indeed it was, in my opinion—by the Royal Commission then it would have been much preferable that action should be taken by the Government, because the Government has facilities at its disposal for the preparation of Bills and, of course, is able to meet some of the expenditure in connection with what it wants to do; whereas a private member cannot introduce a Bill which will place a burden upon the Crown. That being so, it makes it impossible to utilise the services of any members of the Public Service whose services it would be desireable to utilise in some circumstances.

So, because of the limitations which the Consitution imposes upon me as a private member, I consider the Bill is not as satisfactory as it might be, and undoubtedly would be, if it were introduced by the Government. But I can do nothing about that; and rather than leave the position unattended to, I decided to introduce this Bill, which I hope will meet with the acceptance of both Houses of Parliament.

The report has been available for members to read. It will be easily seen why the Royal Commissioners came to the conclusions they did; and I think the conclusions were fully justified on the evidence which was adduced. I draw attention to page 9 of the report—just a brief reference—where it says—

> Furthermore, it was the evidence of practically all the natural therapists that 85 per cent. or thereabouts of their patients had already consulted a medical practitioner, and, in many cases, more than one medical practitioner.

At the top of page 10 it says—

> . . . It is safe to assume that the patient has not been satisfied that orthodox medicine has done all that it is humanly possible to do or, in the alternative, it is possible that the patient appreciates that he is beyond the aid of orthodox medicine or may be beyond all aid and it is a case of clutching at any straw. This, of course, is quite understandable in the case of a person who is suffering from some chronic complaint, even though it may be a neurotic complaint.

Lower down the page, dealing with chiropractors, it says this—

> There was considerable evidence that a large number of the public does avail itself of the services of chiropractors for spinal injuries and complaints; and it seemed reasonably clear that, in the main, the public received satisfactory results from such services. It is significant that the Medical Board has never seen fit to prosecute a chiropractor who purely practises the art of chiropractic. It may be said that this is so because of the provisions of the proviso to section 19 of the Medical Act. But, in view of the Commission, that is not necessarily the correct answer.
>
> Evidence was given by the president of the Medical Board, and also by the Commissioner of Public Health, that prosecutions are only launched when complaints are received by the Board. The Medical Board files produced to the Commission did not reveal a single complaint against a chiropractor in respect of chiropractic service or advice. There was evidence on one of the Board's files of a complaint against one chiropractor; and the complaint was made by a legally qualified medical practitioner. But it referred to treatment beyond the normal scope of chiropractic. It is noteworthy, however, that the Board does not appear to have followed the matter up.

I want briefly to refer to some of the evidence in order to emphasise the main points of the case which I desire to present to the House. The Commissioner of

Public Health at the time (Dr. Henzell) was questioned at some length in connection with matters which were the subject of the terms of reference, and on page 241 of the evidence he had this to say—

> Therefore the chiropractor and osteopath are free to practise; indeed they may do so and are doing so.

On the top of page 244 he said—

> In regard to the untrained—we have a lot of untrained naturopaths in this State now; I do not know how many but maybe there are a dozen—they are free to practise because most of them say they are dietitians and a dietitian is free to practise under the Medical Act.

On page 249, Dr. Henzell said again—

> It has been shown that the chiropractors, osteopaths and naturopaths, so-called, are legally entitled to practise.

Those statements from the ex-Commissioner of Public Health indicate the attitude of the Health Department. The commissioner held the view that all those categories were entitled to practise; and it was only when somebody complained about something they were doing that the police were called in and action was taken to stop them from practising, as was the case with Mr. Watts.

The position is really very unsatisfactory because, in my view—and I think the view of all the commissioners—if the law were strictly enforced, instead of these people thinking they are legally entitled to practise, they would not be practising at all. I think it was the Minister himself who said at one stage—he will correct me if I am wrong—and if not the Minister the commissioner, it was benevolent tolerance.

Mr. Ross Hutchinson: Vigilant tolerance.

Mr. TONKIN: What that means it is difficult to say.

Mr. Ross Hutchinson: It has been fairly evident over the years.

Mr. TONKIN: I do not know how anyone can think of tolerance with regard to the law. The laws says that one can do a thing or cannot.

Mr. Ross Hutchinson: No.

Mr. TONKIN: Oh yes it does! You try to leave your car overtime at where you are supposed to put money in a parking meter and see how much tolerance there is! You will be told, "The law says so-and-so. You are five minutes over. You have broken the law; so send your pound along."

Mr. Ross Hutchinson: You find policemen who occasionally let people off.

Mr. TONKIN: There is no such thing as tolerance with regard to the provisions of the law.

Mr. Rowberry: Only in football!

Mr. TONKIN: The law has to be obeyed; but the unfortunate thing about it is that in some instances the Police Department comes down with the utmost rigour of the law to see that the law is obeyed to the letter, and in other cases it is not obeyed at all. I would say this: If it is the desire of the Public Health Department that chiropractors, osteopaths, and naturopaths be allowed to continue, then they should be covered by the law which says so; and so long as they practise within the realms set out by the legislation, they should not be in any fear of prosecution. But what happened in the case of Mr. Watts? He was told by the magistrate the last time he was before the court that if he came before the court again he would be sent to gaol. I think the figures showed there were seven prosecutions in 11 years.

Mr. W. A. Manning: There have been no prosecutions since the commission sat.

Mr. TONKIN: Which is significant, too.

Mr. Ross Hutchinson: Not at all.

Mr. TONKIN: I would think so.

Mr. Ross Hutchinson: I do not think so. There were very few before.

Mr. TONKIN: I just said there were seven in 11 years; but it is unfortunate for each of the seven, because here we have the Commissioner of Public Health saying that it is legal for them to practise, and yet they are prosecuted for so doing.

Mr. Ross Hutchinson: Provided they do not exceed their capabilities.

Mr. TONKIN: The Minister knows very well that if a complaint has been made and the Medical Board sets out to stop a man from practising, it can stop him quite easily.

Mr. Ross Hutchinson: The Medical Board can stop a doctor from practising.

Mr. TONKIN: Yes, for a different reason—unprofessional conduct.

Mr. Ross Hutchinson: Exceeding their ambit and going beyond their capabilities.

Mr. TONKIN: Surely the Minister appreciates that he would be in considerable difficulty if he were asked to define the ambit of a naturopath, a chiropractor, or an osteopath; and, of course, the Commissioner of Public Health just would not do it. He would not define the ambit. So, with no definition, every man who is practising is practising in fear of prosecution if somebody decides to make a complaint.

Mr. Ross Hutchinson: It is a nice definition you have here for "drugless practitioner".

Mr. TONKIN: Let me put the Minister's mind at rest straightaway. This legislation is operating in Ontario; and my Bill has been based on existing legislation

adapted to meet local conditions by the private members' draftsman. It is based on legislation which has been operating for some years.

Mr. Ross Hutchinson: Can you tell me this: Does this definition include just the chiropractor group? Can you be more precise?

Mr. TONKIN: I have to take it in sequence, but I will see if I can deal with that for the Minister. I would like to quote the evidence of a person whom I regarded as being one of the best witnesses before the commission. Obviously he had no inhibitions. He said exactly what he thought, which is the kind of evidence that I always like to get. I refer to Dr. McKellar-Hall. Dr. McKellar-Hall, as should be well known in this city, is an outstanding orthopaedic surgeon. On evidence tendered to the commission he considered that despite his excellent education and knowledge he still had much to learn.

Mr. Ross Hutchinson: So have we all.

Mr. TONKIN: The trouble is, a lot of people do not recognise that.

Mr. Ross Hutchinson: You can say that again!

Mr. TONKIN: Dr. McKellar-Hall, knowing that he had much to learn, went abroad in order to improve his knowledge. I propose to quote from page 1138 of the evidence. The doctor was being questioned about the branch of physical medicine to which he had been referring, and he said:

> . . . That is the branch of medicine which deals with bones, joints, deformities, and their treatment. He was most interesting.

He was referring to a gentleman about whom he had been speaking. To continue:

> For my own information I asked him about the course to try to find out something because we know nothing about what they do.

That is what the doctor said. He endeavoured to find out something about the course, "because we know nothing about what they do." To continue his evidence—

> Many years ago, a Mr. James Mennell, who was one of the great leaders in British physical medicine—and Dr. Stoddard also told me—that they did a three years' course, two years of which was spent in the study of anatomy. I do not know what importance they attach to their degrees. The basis of all this work is one's anatomical knowledge and they have learnt that out of books and from what we call surface anatomy; that is, a knowledge of anatomy gained by handling the human body from outside and learning, for instance, the bony points.

After the doctor had given his evidence in chief, he was subjected to questioning by various members of the commission. When it came to my turn, I questioned him in the following manner—I quote from page 1142.

> BY MR. TONKIN: I have before me a publication entitled, "Disc Lesions" by James Cyriax. Is he outstanding in the profession?—He is.
>
> I want to quote from this publication and ask for your comments. This gentleman is the physician to the Department of Physical Medicine, St. Thomas's Hospital, London. There is a foreword to this booklet written by R. Barbor. Is this person a medical practitioner?—I do not know.
>
> Apparently he must be a medical practitioner because he started off by saying that he was honoured to be asked to introduce the pamphlet to his general practitioner colleagues. This was what he said—
>
> > The type of case to which this pamphlet applies finds its way to the doctor's surgery every day and I am afraid it is only too often dismissed as "fibrositis" or "rheumatism".
>
> Would you comment on that statement?—I wholeheartedly agree with him.
>
> Then he goes on to speak of disc displacements. He stated—
>
> > All patients, suffering from disc displacements, either my own, or those sent to me by other doctors, are treated at once or within 24 hours. Many come in semi-crippled and return to work within the hour, others may be helped in completely crippled and are fit again after two or three treatments.
>
> Is your own experience somewhat similar?—I think this is slightly dramatised. Basically it is correct. We are not often so lucky as that.
>
> You made a specialised study of this type of treatment. Would you say the majority of doctors in this State are capable of supplying this type of treatment?—I would say they were not.
>
> Do you think that the osteopaths and the chiropractors who are practising are capable of supplying this treatment, to a greater or a lesser degree, according to their training?—Yes.
>
> Because you are trained in this type of work naturally you would not have any occasion to recommend your patients to go to chiropractors or osteopaths; but on your own knowledge do you know of other practitioners who do so recommend?—I believe some do.

I cannot quote a case, chapter and verse. I have known doctors to send patients along to them.

In view of the fact that there are very few practitioners, like yourself, who are versed in this type of manipulative treatment, would it not be very much against the interests of the patients if there were not some place where they could go, because some practitioners could not cope with all the patients themselves, as in your case?—That is true.

In your experience, have you found a case of severe headache which was caused by subluxation of the spine?—I have.

In those cases I take it the remedial treatment is manipulative treatment of the spine?—Yes.

Doctors who were not versed in that treatment would be unable to effect a remedy for headaches of that nature?—Yes, I would say that is a fair assumption.

Do you think it would be a good thing or a bad thing if osteopaths and chiropractors were given some form of registration in order that only those who were qualified to carry out such treatment would be permitted to do so?—I think it would be a very good idea.

I think I have read sufficient to indicate that the members of the Royal Commission felt that some legislative action was necessary to deal with this situation; and I have read some expert evidence from a man whom I said had no inhibitions at all and who said exactly what he thought—and whose opinion undoubtedly was worth something—to the effect that this was a branch of medicine in which the general practitioner was somewhat lacking.

I have no hesitation in saying that the ideal situation would be one where our doctors were adequately and completely trained to embrace those fields about which they now know very little. But we might have to wait many, many years before that position is obtained. In the meantime it is clearly established that people do benefit by going to chiropractors, or to osteopaths or to naturopaths. They do benefit where they failed, in some cases, to get benefits from regular doctors for some reason or another.

It is within my personal knowledge that some doctors recommend some of their patients—especially workers' compensation patients—to go to chiropractors for treatment which they themselves are unable to give; and it is within my personal knowledge that some insurance companies in this State readily agree that some persons who are on compensation shall go to chiropractors for treatment, and they are pleased to pay the bills for that treatment because it saves them money. In other words, they get the employees back to work much more quickly; and their compensation payments, under the circumstances, are considerably less.

I do not wish to mention any names, and I do not intend to unless asked; but I could give the names of some doctors who regularly refer patients to chiropractors. I could give the names of chiropractors who treat these patients, and I could give the names of two insurance companies which have agreed to this course and which are readily paying the accounts presented. The whole thing is not completely regular with regard to the law, but it is a highly desirable practice from the point of view of the person who is more readily improved in health, and from the point of view of the saving in expense; and so I think it is time that something was done to regularise the situation.

One of the aspects which I feel the Minister and the Government have overlooked is that because of this tolerance—this vigilant tolerance—that is practised, the ranks of these people are growing by the addition of unqualified people. So we are getting a dilution of efficiency, and the general body of these practitioners is becoming less efficient because of the addition to their ranks of unqualified people.

The main purpose of this Bill is to draw the line and say that from now on nobody shall practise as a chiropractor, osteopath, or naturopath unless registered under the Act.

Mr. Ross Hutchinson: Does that exclude the natural chiropractor like Martinovich, for example?

Mr. TONKIN: It would exclude anybody who comes here and tries to practise without registration.

Mr. Ross Hutchinson: How would he get his registration?

Mr. TONKIN: If he feels that he has the knowledge and experience for registration, he makes application to the board of his particular calling for registration, and it is up to the board to enable him to practise, or say that he cannot do so.

Mr. Ross Hutchinson: It can give him registration without qualification?

Mr. TONKIN: If the board determines that he is qualified—not necessarily academically—to practise, it can register him. If it decides that he is not qualified to practise, then he is under penalty if he practises. That will be the end of the vigilant tolerance with regard to those who are not properly registered.

Mr. Ross Hutchinson: Wouldn't the five members on the board be exercising a viligant tolerance?

Mr. TONKIN: No; a wise discrimination.

Mr. Ross Hutchinson: How would it determine whether or not Jack Tonkin was going to be a good drugless practitioner?

Mr. TONKIN: Firstly, we propose to set up a council; and the council will then have the power to set up boards, the members of which will be appointed by the Minister or the Governor.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. TONKIN: Recent events in Great Britain have focused some attention upon osteopaths. I remember reading about the time when Sir Winston Churchill found it desirable to have the advantage of their special treatment. Early this month there appeared in *The West Australian* an article under this heading, "Post-War World Of Osteopathy". The article is interesting; and because it is germane to the discussion, I propose to read it—

> Britain's osteopaths, struggling for scientific status and medical recognition, have waited anxiously to see whether their case would be damaged by the case of osteopath Dr. Stephen Ward.
>
> But, according to a newspaper survey, the post-Ward world of osteopathy appears to be flourishing as never before.
>
> The bigger of Britain's two osteopathic clinics, the British School of Osteopathy, reports that the inflow of new patients has increased by 30 per cent. since the Ward case.
>
> The other clinic, at the London College of Osteopathy, says that business is "unusually good for the time of year."
>
> Mixed View
>
> Strangely, the nation's 207 osteopaths are not completely happy over the situation. Most of them had their appointment books comfortably full anyway and they fear that much of the new business will go to "quacks" —a word to make osteopaths shudder.
>
> Reputable osteopaths say that people with little or no training are setting themselves up as practitioners in increasing numbers, and that these numbers are unlikely to dwindle while legal and medical recognition is withheld from qualified men.
>
> The British Medical Association's attitude towards osteopathy has eased slightly in recent years. Orthodox medical men still differ on whether manipulation is a field of medicine in its own right.
>
> Even registered osteopaths are divided among themselves in Britain.
>
> In one camp are graduates of the British School of Osteopathy in London, which provides a four-year course. Graduates are called D.O's— the D standing for diploma.
>
> The others are members of the British Osteopathic Association who have qualified in one of two ways. Some have studied at American colleges and have graduated as D.O's— and this time the D does stand for doctor.
>
> Dr Stephen Ward qualified in this way.
>
> The rest are among the few orthodox doctors who have done a 12-month post-graduate course at the London College of Osteopathy. These number four a year.
>
> Most osteopaths look hopefully towards the doctors-turned-osteopaths as the men who will gain them legal recognition. While many medical men still regard them with scepticism, doctors' interest in osteopathy is growing.
>
> Even allowing for Dr. Ward, says the Sunday Times, a climate of opinion is building up in which it is at least possible for medical men to admit that "some of my best friends are osteopaths."

That raises a very important point, and one with which I was dealing previously; namely, that in the absence of regulation by law unqualified people are being permitted to become established, and therefore the overall ability of those who practise this kind of medicine is being diluted.

Surely we should look the facts squarely in the face. If the Bill which I introduced in 1959 had been passed, there would be fewer chiropractors and naturopaths operating in Western Australia than there are now. So the failure to pass the Bill has not in any way improved the situation; it has allowed it to deteriorate.

The main purpose of the Bill is to put a stop right now to the establishment of unqualified persons who are taking advantage of this so-called vigilant tolerance to carry on. If one examines this vigilant tolerance, one will find that so far as the department is concerned it is a misnomer, because in three years of vigilance the department has not prosecuted anybody of its own volition.

Mr. W. A. Manning: What is the difference between vigilant tolerance and wise discrimination?

Mr. TONKIN: The department has never, of its own volition, taken steps to stop anybody who is practising. It has only acted following the receipt of a complaint resulting from somebody else's vigilance.

Mr. Ross Hutchinson: How else is it to know?

Mr. TONKIN: If the department was exercising vigilant tolerance it would itself be observing what is going on.

Mr. Ross Hutchinson: There are no teams of inspectors appointed under the Health Act to do these things.

Mr. TONKIN: The Minister's statement is of no value at all. If there is no inquiry going on, how can there be vigilance?

Mr. Ross Hutchinson: Because as soon as people complain, the complaints are investigated.

Mr. TONKIN: That is not being vigilant.

Mr. Ross Hutchinson: Of course it is!

Mr. TONKIN: Being vigilant is keeping your eyes open to see what is going on and not waiting for somebody to wake you up.

Mr. Ross Hutchinson: That is silly. We do not have teams of inspectors for this purpose.

Mr. TONKIN: The situation is that, without legislation, more and more of these practitioners will become established in Western Australia; their ranks will grow, with no action being taken against the new people who come in, unless somebody lodges a complaint. Surely that is an unsatisfactory situation.

Mr. Ross Hutchinson: It has worked pretty well.

Mr. TONKIN: It would be far better to provide for registration. That would not increase the numbers already practising; it would not upset the situation which the Minister says is working very well; but it would at least ensure that, for the future, the people who are going to enter this branch of medicine will have to satisfy the board that they are entitled to be registered, and that if the board feels they are not qualified they will not be registered.

Mr. Ross Hutchinson: There are no qualifications laid down.

Mr. TONKIN: The board will see to the qualifications; and do not forget that the Minister will be in overall control of the situation. He will be advised by his Commission of Public Health.

Mr. Ross Hutchinson: How is the board going to determine the qualifications of persons to allow them in?

Mr. TONKIN: How does the department determine the qualifications now?

Mr. Ross Hutchinson: Because there is a course laid down in the Physiotherapists Act.

Mr. TONKIN: The board does nothing. Do not tell me that the Medical Department now inquires into the qualifications of the people who are practising!

Mr. Ross Hutchinson: You cannot be registered unless you go through a certain course.

Mr. TONKIN: There is no registration now.

Mr. Ross Hutchinson: Not for this.

Mr. TONKIN: Not for chiropractors; and they are practising all over the city.

Mr. Ross Hutchinson: Because you cannot prescribe a course.

Mr. TONKIN: I think the Minister should get down and study the subject.

Mr. Ross Hutchinson: They are not offending the laws.

Mr. TONKIN: How does the Minister know?

Mr. Ross Hutchinson: When they do offend, action is taken.

Mr. TONKIN: When somebody makes a complaint.

Mr. Ross Hutchinson: Yes; that is right.

Mr. TONKIN: And if nobody makes a complaint, they go on doing what they like whether they are qualified or not.

Mr. Ross Hutchinson: It is not a completely satisfactory set-up.

Mr. TONKIN: In my view it is a most unsatisfactory set-up.

Mr. Ross Hutchinson: This type of legislation makes it far more unsatisfactory.

Mr. TONKIN: The Minister may think so, but I do not. I consider that if a properly appointed council is established in the first place to start this off, the council can, within the terms of the legislation, appoint special boards to take charge of one or more categories. It does not necessarily mean one board to each category. One board could look after one, two, three, or four categories as is considered desirable or necessary; and the board, when established to control the category, would be able to supervise the activities of the persons registered under it.

Now we have a situation where people enter the ranks of these practitioners and nobody makes any inquiry as to whether they are qualified or not. They simply start up in business and continue in business until someone complains; whereas what I am suggesting is that after the passage of the Bill nobody will be able to set up in business until registered by the appropriate board. Surely that is a preferable situation to the present one. What possible harm could flow from that arrangement?

Suppose the Bill does not pass, and things remain as they are. No steps will be taken to stop anybody who is now practising unless someone makes a complaint. There have been seven prosecutions in 11 years. That will be the position if we do nothing; and then each year, as has been the position in Great Britain—and that is clear from the article I have read—more and more people will come in who must be regarded as quacks; who are not qualified or trained.

Mr. W. A. Manning: Do you think there should be more prosecutions?

Mr. TONKIN: No. What I am saying is that we should set a standard and then we should ensure that nobody shall set up in any branch of natural therapy without being qualified to do so in the opinion of the board that is going to control the particular category.

Mr. Ross Hutchinson: It is far too loose.

Mr. Rowberry: Does the Bill set standards?

Mr. TONKIN: No; it does not. The members of the board, which would be appointed by the Minister, would set the standards and arrange for the education and qualification of those who desire to become naturopaths.

What members do not appreciate is that because the Bill is being introduced as a private member's Bill and not a Government measure, there are distinct limitations on what can be done. If I were the Minister for Health, this would be a very different Bill.

Mr. Ross Hutchinson: You would not introduce the Bill or anything like it.

Mr. TONKIN: I would introduce a Bill.

Mr. Ross Hutchinson: You would not introduce anything like this.

Mr. TONKIN: As a matter of fact, on behalf of the Opposition, I will now say that if there is a change of Government the Labor Party will introduce a Bill for the purpose of registering natural therapists. But because we are not in that position and we think steps should be taken—and I have given the Government ample opportunity in more than three years to act—I feel it incumbent upon me to let Parliament consider the matter; and we should not lose sight of the fact that this question was referred to a Select Committee which later was converted to an honorary Royal Commission, and that Royal Commission made a unanimous recommendation that certain action should be taken. However, the Government has done absolutely nothing in regard to implementing that recommendation.

Mr. Ross Hutchinson: Would the legislation you would introduce if you were in Government be the same as the legislation you introduced a few years ago?

Mr. TONKIN: No; it would certainly not be the same. The legislation we would introduce as a Government would enable us to take full advantage of departmental resources in order properly to control the registration and the operations of the people who would be admitted as practitioners.

Mr. Ross Hutchinson: And the training?

Mr. TONKIN: Yes, definitely the training. But with a private member's Bill the Minister knows full well what my difficulties are. I dare not recommend a single step which would impose a financial burden on the Government; otherwise my Bill would be ruled out of order and I would not get past first base. The Minister knows that full well, and so my Bill must be inadequate to meet the situation; it cannot be anything else.

Mr. Ross Hutchinson: It is germane to the idea if you could say how you would provide for the very classification that you propose.

Mr. TONKIN: I would definitely provide that chiropractors and osteopaths must be able to show that they have completed a full course of training at a recognised college, and I would take steps to ensure—in consultation with other Ministers for Health throughout Australia—that some school of training was established in Australia so that it would not be necessary for people who desired such training to go overseas to qualify. I have personal knowledge of persons in this State who are unable to obtain the necessary training in Australia and who spent some years in the United States of America in order to qualify, and who have now returned to Australia and are practising mostly in Melbourne, in a highly satisfactory manner.

Mr. Ross Hutchinson: That means that if you were to introduce this legislation you would not allow anyone else to be registered as a chiropractor or osteopath unless they went overseas to obtain their training?

Mr. TONKIN: No; I did not say that. What I am saying is that a board would be established to determine who would be registered. Any person at present practising—but who, in the opinion of the board, did not have the necessary knowledge, experience, or qualification—would not be permitted to continue to practise. In other words, if there were any quacks practising at present they would not obtain registration; but those who could show by their knowledge, experience, and education that they were qualified in this particular branch of medicine in which they operated would be registered. From then on, however, no new entrant would be permitted to establish himself in Western Australia in any branch of these professions without first obtaining registration; and whether he should be registered would depend upon the board which would be established to look after that particular aspect.

As the Minister would have the final say, he would ensure that a competent board, able to deal with these matters, was established. The members of the board are to be appointed by the Governor to initiate this scheme.

In searching for a basis for a Bill which could be introduced by a private member, I did not find the task easy. I finally decided that the measure which would suit my purpose best was the Drugless Practitioners' Act of Ontario which has been on the Statute book for some years; and this Bill follows very closely the provisions of that law.

I believe that if any great difficulties had occurred in the administration of that Act some steps would have been taken to amend the law in the period in which it has been in operation. But apparently it meets the situation in Ontario quite well; and having regard to the limitations under which I am labouring as a private member,

I consider that the similar provisions contained in this Bill will meet our conditions quite well.

I would be quite happy to withdraw the Bill if the Minister would say, "I think there is a case for something to be done to control the situation, and the Government will give serious consideration to taking some action." I would prefer that; because I say again, without hesitation, that this is the type of legislation which should be introduced by the Government. But if the Government will not introduce it, and I feel that something should be done, I have no option but to proceed.

Mr. Ross Hutchinson: It is not easy to do in the circumstances.

Mr. TONKIN: Of course it is not; but surely the Minister should not refuse to do something because it is not easy to do! The Premier knows that; he tackles things that are not easy to do. In fact, the Minister for Health ought to be aware of that, too.

Mr. Ross Hutchinson: It should be obvious to anybody.

Mr. TONKIN: This problem which he has on his plate now is a very small problem.

Mr. Brand: It is a slighly higher hurdle than that which we have surmounted before.

Mr. TONKIN: We cannot overlook the fact that when I introduced the Bill in 1959, the purpose of the Select Committee was not to assist me to pass the Bill, because the only member from this side of the House who was made a member of the Select Committee was the member who opposed the Bill.

Mr. Ross Hutchinson: It did not merit passing; you know that.

Mr. TONKIN: The Minister is only emphasising what I have already said. My statement was that the Select Committee was not appointed to enable me to pass the Bill. What the Minister has said proves that. This Select Committee, which was not appointed to enable me to pass the Bill, made unanimous recommendations—

Mr. Ross Hutchinson: It is very easy to make recommendations.

Mr. TONKIN: —and they involved action being taken by the Government. But the Government has made it clear that it does not propose to do anything about the recommendations. That is the situation in which members of the honourary Royal Commission find themselves. In an endeavour to meet that need I have brought this Bill before the House. It must be borne in mind that there are hundreds of people in the community—very highly-placed people, including doctors and doctors' wives—who, failing to obtain relief from their troubles from doctors, visit chiropractors. If there is any member in this Assembly who wants to deny that let him put up his hand.

Mr. Bovell: Back in school!

Mr. TONKIN: There is no need to say anything more about that; so why be hypocritical about it? I have visited chiropractors with the greatest success, and I know that others in this Assembly have visited chiropractors also. The following statement is undoubtedly true:—

> For instance, we have seen in recent years an increasing number of operations upon the spinal column itself for so-called "slipped disc." I should say that 9,999 cases of slipped disc (or whatever it may be called) out of every 10,000 can be treated adequately satisfactorily, and without loss of time by manipulative means. Every adequately trained practitioner who uses Osteopathy knows this is true.

I and two members of my family who had trouble with the spine because of some displacement, have had immediate relief by visiting a chiropractor. I know of others in this Assembly who have had a similar experience. So why be hypocritical about it? If the insurance companies are prepared to allow doctors to recommend their patients to go to chiropractors, and are prepared to pay the bill submitted to them subsequently, why are we fooling about? Let us face up to the situation.

I know of cases—dozens of them!—of people who, first of all, have visited their doctors; and they, in turn, have allowed them to visit chiropractors with the knowledge of the insurance companies. But the weakness of the situation is that the fee paid for their services cannot be deducted for taxation purposes, although insurance companies benefit by having less compensation to pay as a result of the men concerned being returned to work much sooner than they normally would. No-one is prepared to recognise the position. Why? Because we are scared to do so.

I cannot guarantee the truth of the statement I am about to quote; but it appears in a little pamphlet entitled "Chiropractic", and it purports to be a quotation of a United States of America Senator's views on chiropractic. The following is the quotation:—

> "IF I HAD MY LIFE TO LIVE OVER AGAIN and was seeking the way that I felt could be most valuable to my fellow man, I say without fear of contradiction, that I would want to become a Chiropractor." This quotation is an extract from a talk by Senator Sardoni. Andrew J. Sardoni is an industrialist and former Pennsylvania State Senator in the U.S.A. He has found that Chiropractic keeps the men on his 50,000 dollar (£17,000) a day payroll healthy.
>
> THEREFORE, HE EMPLOYS NO LESS THAN 12 CHIROPRACTORS ON HIS STAFF. Senator Sardoni

also states that in the 19 States, Chiropractors are treating daily 332,586 in industry alone. Speaking as an industrialist, Mr. Sardoni says the important items to be considered in any appraisal are:—

(1) The time lost, the time required to restore the employee to work.

(2) The cost to the employer, the insurance company, and to the employee in lost wages.

CHIROPRACTIC CARE GETS THE WORKERS WELL the fastest, returns him to normal earning power the quickest, saves the insurance carrier the most money, and increases the production power of industry. In other words "Chiropractic saves suffering, saves time, saves money, saves health!"

Within the knowledge of most, if not all of us there are cases of people being injured at work, being treated by doctors; and subsequently, after treatment by chiropractors, being able to return to work more quickly.

Mr. Crommelin: Sometimes the reverse happened.

Mr. TONKIN: That could have happened. I am not claiming that chiropractors are 100 per cent. perfect. We find a growing practice—I say it is very good there is this change of heart—of medical men appreciating that here is a field of treatment of which they have no special knowledge. Surely we are reaching a more enlightened stage. We are reaching the point where we ought to take steps to ensure that only qualified practitioners are to be permitted to set themselves up and to perform this work. We have a duty to the public. Registration does not mean the opening of the door to all types of quacks who wish to set themselves up. Registration has the very opposite effect.

The purpose of this Bill is to restrict the field, and not to open it up or to give to everyone an open go if he thinks there is some money to be made in the practice of this profession on a trial and error basis.

Mr. Ross Hutchinson: Would Mr. Watts, about whom you spoke earlier, come under one of these classifications?

Mr. TONKIN: That is a question I cannot answer, but I would hope so. I have no knowledge of his qualifications; nor do I know whether they would satisfy a board.

Mr. Ross Hutchinson: What is your intention? Can you describe it?

Mr. TONKIN: My intention is a general intention, and not a specific intention in the interests of any one individual.

Mr. Guthrie: Would you say Mr. Watts would come under the provisions of Drugless Practitioners Act?

Mr. TONKIN: I would not think so.

Mr. Ross Hutchinson: Would he be prevented from practising?

Mr. TONKIN: He might be. From the definition in the Bill I am inclined to think that will be the case. In submitting this legislation I was not paying attention to whether this or that person would be permitted to practise. I was dealing with the broad principle of what ought to be done in the circumstances. I think that, firstly, steps ought to be taken to control the situation which we already find, and which in my opinion will continue to deteriorate, as it has deteriorated over the years. Once that step is taken, having satisfied oneself that these people ought to be allowed to practise, the position will be remedied. I think it is already acknowledged these people have been practising for many years, and their ranks are growing every day.

Mr. Ross Hutchinson: You left out the classification of Mr. Watts and his kind; therefore they have been practising illegally, according to you.

Mr. TONKIN: No; they will have to fold up if they are not able to get registration. Any person who fails to get registration under the provisions of this Bill will be put out of business. There will not be any vigilant tolerance. Referring to the qualifications of drugless practitioners, under the Bill such a practitioner is defined as—

> any person who practises or advertises or holds himself out in any way as practising the treatment of any ailment, disease, defect or disability of the human body by manipulation, adjustment, manual therapy or electrotherapy, or by any similar method, but does not include any person lawfully practising a profession or occupation under any Act which provides for the registration of persons who practise that profession or occupation;

In other words, those already provided for by the Medical Act, the Physiotherapists Act, and similar Acts, will not be covered by the provisions in this Bill. This is special legislation designed to cover persons who are not already covered by any Statute of this State.

There are two other Bills to follow the one before us. They contain consequential amendments to the Medical Act and the Physiotherapists Act, and require no specific explanation. In order to ensure that if registration comes about these people will not run counter in any way to the provisions of the Medical Act or the Physiotherapists Act, it is necessary to make two very small consequential amendments to meet the new situation which will be established with the passage of this Bill.

No particular principle is involved in the other two Bills; therefore I do not propose to take up the time of the House in explaining them in detail. I content myself by saying that the case for the three Bills is the case which I present in

connection with the Bill before us. If that is not acceptable to the House we need not worry about the amendments to the other two Acts.

Debate adjourned, on motion by Mr. Ross Hutchinson (Minister for Health).

MEDICAL ACT AMENDMENT BILL

Second Reading

MR. TONKIN (Melville—Deputy Leader of the Opposition) [8.9 p.m.]: I move—

That the Bill be now read a second time.

As I have already explained, this Bill is complementary to the one we have just dealt with. It seeks to amend section 19 of the Medical Act, and provides that dietetic advice shall not be covered by the Medical Act. The Bill seeks to exclude dietetic advice from the Medical Act, and to cover the new category of people who are to be registered under the Drugless Practitioners Act.

Mr. Guthrie: You have not made any reference to chiropractors. There was a reference to chiropractors as well as dietitians.

Mr. TONKIN: That escaped my notice and the notice of the Parliamentary Draftsman.

Debate adjourned, on motion by Mr. Ross Hutchinson (Minister for Health).

PHYSIOTHERAPISTS ACT AMENDMENT BILL

Second Reading

MR. TONKIN (Melville—Deputy Leader of the Opposition) [8.10 p.m.]: I move—

That the Bill be now read a second time.

It is provided in the Bill that the provisions shall come into operation when the Act is proclaimed. No specific time is set, and this Bill depends on the passage of the Drugless Practitioners Bill. It contains a consequential amendment to the Physiotherapists Act, and seeks to amend section 12 by adding the words—

subject to the provisions of the Drugless Practitioners Act, 1963.

With the passage of the Drugless Practitioners Bill there will be a new Act in operation in Western Australia, and the provision in the Bill is to apply also to that Act. This Bill is necessary if the Drugless Practitioners Bill is passed.

Debate adjourned, on motion by Mr. Ross Hutchinson (Minister for Health).

BILLS (2): RETURNED

1. Vermin Act Amendment Bill.
2. Noxious Weeds Act Amendment Bill.

Bills returned from the Council without amendment.

METROPOLITAN REGION SCHEME, 1963

Disallowance: Motion

Debate resumed, from the 16th October, on the following motion by Mr. Toms:—

That the Metropolitan Region Scheme, 1963, together with report on objections and accompanying plans, as laid upon the Table of the House on the 13th August, 1963, be and is hereby disallowed.

MR. LEWIS (Moore—Minister for Education) [8.12 p.m.]: As the Minister representing the Minister for Town Planning I oppose the motion. The member for Bayswater commenced by expressing some satisfaction with the work being done by the town planning authority, and some appreciation of the magnitude of the task.

He mentioned two objections to the scheme as listed in the objections tabled in this House. He also referred to a third case concerning an Italian who had built a house on a poultry farm which, I understood him to say, was now covered by an interim development order. He referred to the domestic disharmony that was likely to arise, because that person now found it necessary to re-establish himself on another farm. The honourable member said this person had limited capital and was unable to sell his house and property and found he had to battle for finance. He said there was domestic discord looming as a result of the interim development order.

The member for Bayswater also made much of the allegation that insufficient publicity had been given to this scheme and therefore it was difficult for members to obtain information as to what it was all about. He said that of the 162 objections received and dealt with, 82 were dismissed, 60 were allowed, eight were withdrawn, and 12 were not applicable as they were irrelevant to the scheme. The honourable member concluded by once more expressing appreciation of the good work already done by the authority.

I would remind the House that the original metropolitan plan and report were compiled by Professor Stephenson and Mr. Hepburn in, I think, 1955. This report and accompanying maps were given wide publicity and were the subject of public exhibition. They were also discussed at a number of public meetings. A parliamentary committee was set up to study the report.

The principal recommendations and main features of the report were later made the subject of an interim development order which has operated now for approximately eight years. The map associated with the interim development order was printed and widely circulated. This is a constant source of reference by interested people such as real estate firms.

The Metropolitan Region Planning Authority completed its report and the region scheme in July, 1962. This authority substantially confirmed the Stephenson-Hepburn plan. Parliament expressed its intention in the Metropolitan Region Town Planning Scheme Act, 1959, on the extent of publicity and exhibition to be given the scheme. The Act prescribed a procedure whereby the scheme was deposited for public information for three months at selected offices. These included every one of the 28 council offices, including Perth and Fremantle, as well as the Town Planning Department. During those three months advertisements invited lodgment of objections. Each of the 28 councils separately, and in conjunction through the district planning committees, participated in the production of the scheme.

A number of news items and feature articles were published over the several years the plan has been operating in the form of the interim development order, or been produced in the form of a statutory region scheme. Over 30 such Press articles have appeared during the last 18 months. A number of TV programmes on each channel have been shown, and many addresses have been given by the departmental officers to service clubs, chambers of commerce, progress associations, adult education groups, rotary, and so on.

Many informed people acknowledge the high degree of awareness, understanding, and acceptance of the scheme in this city. Last year the Department of Psychology at the University of Western Australia undertook a social survey; and many hundreds of people, I am informed, were interviewed to seek the attitude of the community towards the town planning scheme. This survey revealed that of the many hundreds interviewed, 50 per cent. were very favourable, and 38 per cent. favourable, which means that 88 per cent. could be considered as favourable. There were 2.7 per cent. unfavourable and 1.3 per cent. very unfavourable, and so 88 per cent. were in favour, and 4 per cent. were not in favour. I do not know what happened to the other 8 per cent., but I presume they were informal. This shows that the scheme was accepted as being satisfactory.

In view of the extensive publicity already given, the authority and the Minister cannot see any benefit to the public in further delaying the operation of the region scheme. The effective planning involves more than production of the region scheme. It involves progressive elaboration and refinement of the plan by the authority and the local councils. Here, I would say that the authority proposes the framework, and the filling in must be done by the local authorities. The manner in which this planning is administered and implemented is just as important as, if not more important than, the form and content of the initial planning scheme.

The honourable member mentioned a few difficulties already encountered by the authority. All the advertising and publicity he advocated would not eliminate those difficulties. As I pointed out last night, those difficulties will be encountered and will be dealt with by the authorities from time to time. Any new scheme such as this must produce some anomalies, and I think the past actions of the authority have shown it is ready to recognise those anomalies and to iron out any injustices as they occur from time to time. However, the fact that the Minister has up to date received only some 182 objections shows that, generally speaking, the scheme is proceeding fairly smoothly.

A plan for the development of a growing metropolis like ours, which is expected to expand threefold within the next 40 years, is quite impossible of expression at one point in time and in one document. The important thing is that the principles are soundly based and that a system of planning and co-ordination of development is evolved under which the authority or the several authorities concerned are best able to implement the plan and resolve the difficulties with fairness to the individual and—this is important—to the community as a whole.

I would suggest that there is no doubt as to the fundamental soundness of the plan and the principles on which it is based. Professor Stephenson is one of the foremost world experts in this field, and one, I would remind the House, who was prepared to return to Western Australia and live with the results of his original advice.

The plan has been tried and tested for eight years. It was exhaustively reviewed by the region authority and confirmed before the region scheme was formulated. There is, of course, no perfect system, and no guarantee that there will be no anomalies. Nor can the development of a city be promoted without involving the exercise of human judgment. It is not a mathematical process. It is an art directed at making the most of our whole urban environment.

The authority expounded at length in the 1962 report, and in the recent report tabled with the region scheme, on the purpose and form of the scheme. The problems are not minimised. The authority is fully aware of the huge amount of work yet to be done in the course of which the difficulties such as those mentioned by the honourable member would be progressively resolved.

For the reasons I have outlined, I would urge the House not to further delay the implementation of the scheme, and I oppose the motion.

MR. BRADY (Swan) [8.24 p.m.]: It is with some reluctance that I support the motion of the member for Bayswater in regard to this metropolitan region scheme being disallowed. I say that because I,

like the member for Bayswater, realise there must be a town planing scheme. It is inevitable that it must come; but I do feel there has not been sufficient information given to those people who are to be most vitally affected. I feel there are many hundreds of people who are going to be hurt—and hurt badly—by this scheme who are still in sublime ignorance of what the scheme means and how they are personally affected.

I rise to speak, more as the member for Swan, in order to try to ventilate what I believe has been some bad planning in regard to the whole scheme. I feel in the main that the people who have had regard for this plan have thought only about the City of Perth, and the vested interests in the City of Perth are going to be those who will gain the most from the scheme. The people in the outer suburban districts have not been considered.

Mr. Brand: It is a regional scheme.

Mr. BRADY: It is a regional scheme in the interests of the City of Perth—vested interests; big business.

Mr. Brand: Nonsense!

Mr. BRADY: Big business in its vilest form.

Mr. Brand: What absolute rot!

Mr. BRADY: As I proceed, maybe the Premier will be prepared to eat his own words, and those Ministers who are agreeing with him may also be in the same position.

Mr. Brand: I won't have to eat my words.

Mr. BRADY: It is becoming a common practice in this House, when a member gets up to speak and hits the Government on the raw, for four or five Ministers one after the other, like a lot of bandicoots, and those things they have in the desert that howl all night, to howl as a pack.

Mr. Brand: What did you do during the six years you were in Government?

Mr. BRADY: They do not like members of the Opposition hitting at them for what they have not done, and I suggest to the Premier that he take another trip to Europe and see what those countries are doing about town planning. Then he can come back and tell us about it.

Mr. Brand: You have not all been told to say the same thing, have you?

Mr. BRADY: I intend to make my point, whether Government members like it or not. In the main this scheme is for big business.

Mr. Brand: The member for Balcatta said, the other night, what you just said, but he would be the first to go if he had the chance.

Mr. BRADY: It is big business.

Mr. Brand: Did *Hansard* get the comma?

Mr. J. Hegney: Speak up!

Mr. BRADY: The honourable member, when he is on his feet, is invariably asking somebody to speak up.

Mr. J. Hegney: I was talking about the Premier. I was asking the Premier to speak up.

Mr. Graham: You are not missing much.

Mr. BRADY: As I said before, this plan is loaded against the outer shires; and whilst there are some members in this House who represent the outer shires, I regret to say that in the main they support the plan, and a couple of years ago they supported the amendment which provided for a regional tax. Recently the Upper House decided to amend that proposal drastically, or at least a motion has been passed asking the Government to do something about it.

I opposed the imposition of the tax because I could see what the plan was likely to do, and now the Upper House has asked the Government to introduce amending legislation to relieve the people of paying the tax—those people who are being engulfed or brought into the net of this plan—because it is considered to be unjust to tax people who will ultimately be absorbed by the town planning scheme.

In my own area there are no fewer than three different areas where highways will be widened, some by 33 feet. The Great Eastern Highway, which passes through Midland, close to the Midland Town Hall, is to be widened by 33 feet.

Mr. Lewis: Don't you know—

Mr. BRADY: It has been taken back about 11 feet now, and it is to be widened by another 22 feet. Are the people of Midland to accept that proposition without any protest? It is unfair; it is unreal to take action like that without giving ample publicity to it. I am hoping that the speeches made on this motion will mean that these proposals will be publicised.

I know of people in some areas who have recently been denied the opportunity on half a dozen different occasions to sell their properties. When the people who were going to buy their properties found out from the Town Planning Board that the businesses would have to be set back a further 22 feet, when they have already been set back 11 feet, they said, "No. Nix to Midland. We are not interested".

The same applies to Morrison Road in Midland. The town council has had to appeal to the Town Planning Department not to insist on its plan to widen Morrison Road by another 16 feet on either side. This sort of thing is crippling the shires on the one hand and is an injustice to them on the other hand. That is why I am opposing the plan. It is all right for members in the country who do not know anything about this plan to talk about supporting it.

Mr. Lewis: Isn't your—

Mr. BRADY: I did not interject when the Minister for Education, who is representing the Minister for Town Planning was speaking; and I hope you, Mr. Speaker, will keep him in order because it is most "unministerial" for Ministers to interject.

The SPEAKER (Mr. Hearman): Order! I do not want the honourable member to pay any attention to his interjections.

Mr. BRADY: I will take your advice, Mr. Speaker. I will ignore him in the future. Let me say that whilst the Town Planning Board was saying to the municipalities and people in the heart of Midland, "You have to do this and you have to do that, and this has to go back 33 feet" and so on, the board permitted the Midland Railway Company to put in a new rail siding for a pick-a-back system to Geraldton. Who stepped in and put a stop to that? Nobody!

I do not know whether it was because it was the Midland Railway Company, or whether it was because the Government was contemplating taking the company over, but it was allowed to build this siding for a pick-a-back system; and at the same time other people in the town cannot sell their properties because the buildings have to be taken back 33 feet from the existing road.

Another point I want to emphasise about the plan is this: I have spoken in this House before about the injustice being done to the Guildford Grammar School as a school and a college. I was asked by the school council to interest myself in the matter. The plan contemplates no fewer than seven right-hand or left-hand turns within a three-quarters of a mile stretch. I bet there is no other plan in the whole of Australia that provides for the same number of turns in such a short distance. Yet the plan is going through in that form.

Somebody should have said to the Town Planning Board, and to the committee responsible, "This main road should not go through and bisect the property of the college in this fashion. It should run parallel to the railway." We are told that the Commissioner of Main Roads feels that he cannot approve of such a plan where main roads run contiguous to a railway line. Yet the same Commissioner of Main Roads allows a railway and a main road to run continguous from East Guildford to West Midland; and the plan proposes a similar set-up from Bassendean to Bayswater.

What sort of planning is that? That is not planning at all; that is only making a goat of it and playing up to vested interests in the City of Perth. Let us contrast that position with what has been happening in the area of Caversham and Hazelmere, where people have been wanting to get subdivisions approved. This would have helped the shire council of Swan Guildford, and the town council at Midland, but the Town Planning Board has said, "No; you can't have those plans."

About three years ago the present Government set up a committee—I think the member for Toodyay, the present Minister for Police, was a member of the committee—and it was concerned about the number of subdivisions in the Caversham and West Swan areas because the minimum subdivision was 10 acres. That committee recommended that the subdivisions be reduced to five acres; but there are dozens of people who want quarter-acre and half-acre blocks, and who cannot get them. We have bitumen roads and a high school that will accommodate 1,800 students. Electricity facilities have been provided; we have a beautiful river; we have every facility one can think of; yet the Town Planning Board says that it has to be a rural area. Such planning I have never heard of; and it is only because the people in charge are city-minded.

Mr. Lewis: Isn't your—

Mr. BRADY: There is not enough regard paid to the expansion that can take place in the eastern suburbs. In the Caversham area there should be another 100 to 150 subdivisions to enable people to live alongside their employment. The same thing should be done at Hazelmere, and at South Guildford; but these requests are knocked back.

Mr. Lewis: Isn't your—

Mr. BRADY: The people who are being knocked back are the residents; and there are members of the local governing bodies, such as the Swan Guildford Shire Council. The Swan Guildford Shire Council knows this area and its potential as a suitable area for subdivision against the knowledge aired by those people who are on this board. The residents of the Swan-Guildford district are being denied justice by the board under this plan.

I am reluctant to oppose the plan because I know that eventually what is recommended in it must be implemented. My only purpose in opposing it is to make the Minister in this House, representing the Minister for Town Planning in another place, realise that the responsible Minister must have another look at some of these appeals that have been lodged since this plan was first tabled in the House.

I have been approached by half a dozen worthy people—pioneers of the West Swan-Guildford area—who have had their applications for subdivision knocked back whilst this plan was being evolved, and the areas in question are more suitable for closer settlement than for subdivision into lots of five acres. So I hope the Minister representing the Minister for Town Planning in this House will convey to the Minister what I have had to say on the subject.

It must be realised that the metropolitan area has already passed the stage where there should be a green belt of five to 10 acres in width along the Guildford, Beechboro, and other areas. This city is growing. If we do not realise that, we are going to have a situation similar to that envisaged by the Lord Mayor of Perth in his statement to the Press last week after returning from Europe and London. He stated that the subdivisions in Perth are too large and that we must have closer settlement. If these were not his actual words it was some similar comment.

What does that mean? It means more money going into the pockets of big business interests in the city of Perth instead of correct thinking being brought to bear on the question to allow more subdivisions to be made. I understand that when it is suggested there should be more subdivisions permitted in Hazelmere, Caversham, and in the Swan-Guildford area, all the departmental representatives on these town planning boards say, "We cannot extend the water supply because it is too costly; we cannot extend the electricity supplies to those areas because it is too costly." But they can make further extensions and connections in the City of Perth in abundance to the detriment of the people in the suburbs.

I want members to realise that vast changes have occurred since this plan was published. For example, the capacity and the facilities of the Perth Airport have doubled since this plan for the City of Perth was evolved. The Midland railway has now been taken over by the Government and these changes make for different thinking on these matters. So if I have achieved no other result than to make members stop and think a bit—and I think they will think a bit more about the fact that there is something to be said for subdivision in these outer suburbs—I have served my purpose; and that is all I am endeavouring to do.

The eastern suburbs must be given an opportunity to expand in accordance with the natural expansion that is occurring in this fair city and in this fair State of ours. This expansion is long overdue, and the opportunity should be presented now to the pioneers of our State to benefit from any subdivision of the land which they own; and we should not permit them to be hamstrung with a plan such as this, which is not practicable when one considers the points I have mentioned.

In reply to the member for Bayswater this evening, the Minister virtually only outlined what *The West Australian* published on behalf of Mr. Hamer in its issue dated the 27th October. We know a great deal of work has been put into this plan. We know that its implementation is inevitable; but we still desire to see justice done to the people in areas which are going to be dissected and bisected.

I have already spoken of people who cannot sell their properties because of this town planning scheme. I also know of another case of the Government quibbling with a man over a few hundred pounds in regard to a property at Maida Vale. It is obvious that the property is worth what this man is asking for it, but the Government is quibbling over the price. Yet, under this scheme, it is asking the people of Western Australia to pay £1,000,000 for the development of the City of Perth.

What these town planners have lost sight of is that there is going to be a great drive in the eastern suburbs almost immediately. I am almost reaching the stage reached by a company that advertises regularly on television about the garden suburb of High Wycombe. Every evening, when pictures of this suburb appear on the TV screen, showing various blocks, we hear the words, "Sold, sold, sold!" repeated several times. I do not deny that that company has sold approximately 300 blocks. Good luck to it! However, I think there are another 300 blocks—and probably 1,000 blocks—between Guildford and the hills which will be opened up very shortly. In fact, they ought to be opened up now, but this plan is preventing such development.

The most logical place for the average working man to select a block is in the eastern suburbs, because the prices of blocks in places such as Dalkeith, Nedlands, and Floreat Park, are prohibitive. Therefore we must allow expansion in the eastern suburbs, because this expansion will benefit the people who are working in industry, and will also benefit the small industries that are already established in these areas by allowing them to extend their operations. Therefore I consider it is high time somebody brought these matters to the attention of the House and let members know that if we go on with this plan we will be hindering people in the eastern suburbs for the time being.

In the papers before me I have set out a number of arguments on these matters, but one recent case that comes to mind concerns a lady who has a property in Benara Road. She told me that she attempted to get the Town Planning Board to change its mind in regard to reserving some of her property for open space as a future recreation area. She considers it is an ideal area for subdivision, or an ideal grazing area, and I can quite believe that what she says is true.

Probably it would be better if I referred to the exact case. It appears on page 35 of the 1963 report by the Metropolitan Region Planning Authority, and the information set out on that page is that the Objection Ref. No. is shown as 86; the name is V. M. Reid; the land details are Swan Locations M. and ML. Pt. Lot 6 and Lot 7, Benara Road; the scheme proposal is that it be reserved for open space; the

ground of objection is that as the land is developed it should not be included in open space; and the decision is that the open space reservation be maintained and the objection dismissed.

This block is in an area that is expanding. The owner has held on to the land for years, no doubt with a view to getting some unearned increment in the same way as other people, but her appeal has been turned down. However, on the other hand, there have been half a dozen other objections lodged by people in the Osborne Park area and their particular classifications have been changed as a result of appeals. When comparing similar cases, the area in the Swan district is equal to that in Osborne Park, yet these people in Benara Road have had their appeal turned down.

There is one mystery I cannot solve in the whole of the scheme. This may be some satisfaction to the Minister representing the Minister for Town Planning in this House. The mystery is that while I have done my level best by hints, suggestions, implications, and invitations to members of local government and to their shires, they have not seen fit to ask me to take up the matter. I think they are all cagey; they are all very cautious; because once this plan goes through, those shire councils with no town planning scheme must put one in. If they do not institute a town planning scheme, they will have one put in for them by this plan.

What does that mean? It means those shire councils would have to pay the valuations; and that is why they are cagey and cautious. I do not blame them for their attitude. I have done everything humanly possible, short of pushing them in and asking them to carry a motion. They are a bit frightened; and a number of them do not understand the implications of the plan. It is not easy for laymen, who have not had a lot of experience in local government, to understand these things.

The chairman of the board is a very fine man; he is dedicated to local government matters, and the Government could not have selected a better chairman. The fact remains, however, that the average man and woman in the street is not up to date in these matters. I would say that even a number of members of Parliament are not up to date on the plan. A lot of country members know nothing about it at all.

I feel I should assist the member for Bayswater in his effort to have the plan deferred for another 12 to 18 months, or even two years, in the hope that in the meantime the Minister for Local Government may see his way clear to allow some of the appeals of the people against the decision of the Town Planning Board. It is with some reluctance that I oppose the plan. I know that these things are inevitable, and I have been at my wits' end for some weeks to know what to do in this House.

When Mrs. Reid from Benara Road, Beechboro, appealed to me about her application, however; and when the people from Caversham and Swan appealed to me, I saw in the motion of the member for Bayswater a blessing in disguise. I oppose the plan in the hope that it will be deferred. I will not refer to the irregular practice of the plan having been altered. I know that after it was altered I had some people from Caversham look at it; but whether they looked at the alterations I do not know.

No harm could possibly be done by deferring the adoption of this plan. The State has continued for 134 years, since Captain Stirling landed here, and I do not think that another 12 months, or even two years, would make a great deal of difference. In the meantime some of the departmental heads—the Commissioner for Main Roads, the Minister for Town Planning, and a few others—might realise the injustice that will be done to the eastern suburbs shire councils if this plan goes through in it present form. I support the member for Bayswater in his motion, and hope the plan will be deferred.

MR. JAMIESON (Beeloo) [8.49 p.m.]: I also hope that the plan will be deferred for a time. Town planning is, of course, most desirable, and we must have a plan. I agree with my colleague, the member for Swan, that everybody would respect the idea that we must have a blueprint from which to work, particularly when there is quick development envisaged around a city.

As I see it, one of the problems that exist is the mode of publicising the fact that certain plans are to be promulgated, either by tabling in the House, or by the Minister himself. Admittedly this is advertised in the daily newspaper; and, where the plan affects a particular property, the owners of that property are notified.

I would ask, however: How many members of Parliament read those advertisements? If we are honest with ourselves I am sure we would find that there would not be two members of this House who would read them. Similarly, the people do not know what is happening, and accordingly they do not appear to be interested in the effect the plan will have on their equity until the scheme is fully completed from a legal point of view. At that stage, of course, it is too late for them to take any action, because all they get from the Minister then is that the legal requirements have been carried out.

Of course the legal requirements have been carried out, but the people who own properties alongside these town planning ventures should be directly advised by the department of what is going on. They

could then lodge their objections and straighten out their problems. Many thousands of pounds are being taken away from people who are not being directly affected, but who are indirectly affected, by having a change made in a particular venue in which their property lies.

The only way to overcome that difficulty is for a definite approach to be made to those landowners, and for them to be informed of what is going on. It would not cost the Government a great deal of money to do that. This warning could be given by the Government so as to ensure that the people are fully aware of what is taking place, as it affects any particular town planning or regazettal scheme. The property owners on the boundaries should be acquainted of the position, and not be left to find it out from an advertisement in some obscure portion of the daily newspaper. Those advertisements do not mean a thing. No-one reads them anyway.

The fact that advertisements are inserted three or four times in a daily newspaper merely covers the legal angle. It does not help the people affected. This matter could be delayed, and the Minister could advise the property owners who are being affected, or likely to be affected, as to what has taken place, particularly as it relates to the proposals contained in the plan which has now been tabled. This would give them an opportunity to lodge any objections they might have.

At this juncture I support my colleague, and the motion he has moved; because I believe the people concerned should be granted further time to consider the effect the plan would have on their equity. They could then argue their case without having to go through all the legal formalities, and without having a comeback against the Government or anybody else. I support the motion.

MR. TOMS (Bayswater) [8.53 p.m.]: I would like to thank the Minister for his comments, and the member for Swan and the member for Beeloo for their contributions to the debate. It was not my intention, when I moved this motion, to introduce into this House anything which might vitally affect the blood pressure of a particular member.

I think the Minister would possibly be kind enough to admit—and I think he has done so by implication when speaking to my motion—that I agreed it was necessary to have town planning; and that I also paid a tribute to the work of those who prepared the plan in question. I regret that one portion of the remarks made during the debate cannot be answered direct.

In the matter of rural areas, which was touched on by one of the members, those associated with local government know that there is what is known as a deferred urban area, in which urban area land cannot be subdivided at the moment into less than four and a half acres. Having had experience in local government we know that these things must take place. We know that extensions cannot take place willy-nilly, and it is necessary to have planning similar to that outlined in the metropolitan region scheme.

It was said this plan was prepared some eight years ago, but no thought had been given to the delay that occurred in getting the regional plan to the stage it has now reached. Indeed, the original plan prepared by Professor Stephenson has been amended in many respects, and I do not think the Minister in this House handling the case for the Government is prepared to deny that. People with experience of local government are aware that the original scheme has been varied in a number of respects.

It is not the intention of members on this side of the House to seek the complete abolition of the plan and report. We have no such intention, and we believe it is necessary for the plan to be implemented. However, as I said originally, we hope the Government will be prepared to delay the implementation of the scheme, because the Public Works Act and the Town Planning and Development Act are sufficient to cover any eventuality which may arise in the meantime.

The Minister presented a fair picture of the situation when he indicated that of a group who were interviewed on this matter, 88 per cent. were in favour, 4 per cent. were not in favour, and 1 per cent. were very much opposed to the implementation of the scheme at this stage; but the Minister was not able to account for the 7 per cent. that were missing from the total.

Irrespective of the scheme that is evolved, we will never get complete unanimity of views. It is fair to say that in most cases there is prejudice, because personal interests are involved, and full support for a scheme such as this cannot be expected.

I hope the Government will agree to the deferment of this matter until the next session of Parliament; but it appears that will not be the case. In moving this motion I feel content in having achieved a delay of one month; it was that much more time available to people to view the various plans and to put forward their opinions on the proposals therein.

Mr. Brand: You must appreciate that the time is never ripe for the implementation of schemes such as this, because it involves many problems.

Mr. TOMS: The Premier has been long enough in public life to realise that irrespective of what step is proposed or when action is to be taken, it is never the right time. Members with experience of local government are aware that if a local

authority constructs a footpath on one side of the street, that is always the wrong side.

The purpose of raising this motion is not to defeat the scheme, but to give the people concerned a further opportunity to become aware of what is proposed in the plan. The sentiments which I have expressed in this motion, and the comments made by the member for Swan when he referred to the opinions of the people in his electorate, as well as the comments made by the member for Beeloo, indicate there seems to be undue haste in implementing this plan. We on this side have done our best to delay the plan, and there is nothing further we can do but to leave the matter with the House.

Question put and negatived.

PUBLIC WORKS DEPARTMENT

Re-establishment of Maintenance Section at Albany: Motion

Debate resumed, from the 9th October, on the following motion by Mr. Hall:—

> That this House expresses its disapproval of the action of the Government in closing down the Public Works Department Maintenance Section at Albany and requests that immediate action be taken to re-establish the organisation.

MR. WILD (Dale—Minister for Works) [9.1 p.m.]: It is interesting to examine the grounds on which the member for Albany based this motion. He was cavilling at the disbandment of the small maintenance section which was instituted in 1949 and used basically for the maintenance of State houses erected in the Lockyer area, Albany.

With the passage of time, the members of that maintenance section were used as a Public Works Department maintenance force for general work in the Albany district. A decision was made during this year to close down that small section, which initially was set up on a temporary basis. Both the Government and the department realised that a number of local tradesmen in Albany were available to undertake maintenance work. As a result, an indication was given in April of this year that that section would be closed down; and subsequently, in August, dismissal notices were issued.

I refer to what the member for Albany said when he moved the motion. On page 1533 of 1963 *Hansard* he is reported as having said—

> There are approximately 18 men and their families affected in Albany. Those men will have to leave the town. Many men have joined the ranks of pensioners because of the retrenchments among the maintenance force. Those men are capable, and if we allow this state of affairs to continue, there will be a further drift towards unemployment, and taxation will rise. We are forcing capable men to seek unemployment relief benefits. They are being forced on to the unemployment scrap-heap. We are finding that pensioners who have been able to supplement their income are being deprived financially because of the action of the Government.

In view of the small number of workmen who were involved, it was not difficult to find out what happened to them subsequently. I caused inquiries to be made in Albany, and it is interesting to find out what transpired. In the first place 17, and not 18, men were involved. The foreman was one named Lindley. After his dismissal he immediately became self-employed as a private contractor. The second person was one named Frank, and he was subsequently employed by the Country Towns Water Supply section. The third was a man called Atkins, and he was employed by O'Keefe Paint and Color-Bar, painting contractors. A man called McKenzie is relieving a man called Bostock, who is on long-service leave from the regional hospital. A man called D'Alesio went to O'Keefe Paint and Color-Bar, painting contractors; a man called Harvey is self-employed as a private contractor; a man called Mullaney is employed by G. W. Brock & Son, builders; apprentice K. Morton, went to O'Keefe Paint and Color-Bar, painting contractors; a man called J. Morton sold his house and is returning to England; a man called Stephens is a self-employed private contractor; a man called Carlson is employed by Lilleyman & Co., master builders; a man called Lasson went to Mr. Bert Moore, contracting carpenter; a man called Norman went to E. G. Tompkins & Son, builders; T. T. Rouse went to Lilleyman & Co., master builders; K. Norman applied for an S.E.C. license to contract, and this has now been granted; and R. Stokes, went to the Welshpool A.D. So the whole of the 17 men referred to by the honourable member as being unemployed, are now in work.

There is not a lot that one can say about this motion; but there are two other points I wish to make. One is: What is the real situation in Albany in regard to unemployment? It is rather strange that two days after the honourable member spoke, some figures were released from Canberra, and these were published in the *Daily News* that evening. The article reads as follows:—

> Albany, Tuesday: Figures for September show that 11 fewer people were unemployed in the Albany district than in August.
>
> Commonwealth employment officer F. J. Suggett said today that at the end of last month 54 males and 35 females were unemployed in the district.

It goes on to quote the relevant figures for the two previous years. When one speaks of Albany, one is speaking of a vast area which extends back to Wagin and Kojonup, takes in Mt. Barker, and goes further east; and I can assure members that the figures they will see in a short space of time when they come from Canberra will show that at the moment—at least a week ago—there were 12 people in the whole of the Albany district unemployed, and 12 registered.

Mr. Brand: Male or female?

Mr. WILD: Male. Five reside in Albany, comprising one clerk and four labourers; and the balance are in the following towns: Mt. Barker, one building supervisor, and one labourer; Rocky Gully, one grader-driver; Kojonup, one bull-dozer driver; Katanning, one labourer; Cranbrook, one labourer; and Wagin, one labourer.

I think, from memory, that some few months ago when figures were published in the paper, in Bunbury there were something like 120 or 130 alleged to be out of work. We looked at the position, because no Government wants people to be out of work. For that reason we did some sewerage work there. I took myself to Bunbury on the Sunday, and with the district engineer arranged for 20 men to be put on. However, when Monday morning came along we were only able to get eight workers, despite the fact that the figures from Canberra showed that there were 120 to 130 out of work.

The other point made by the honourable member was in regard to giving preference to contractors in local towns. At first blush, this sounds all right. Say there is a job worth £10,000, £20,000, or £30,000 in Albany, the honourable member's home town. One says, "Why should not a local contractor get the job?" However, if tenders are called for this job, they are received from builders all over the place; and, if their price is right, it is only fair and reasonable that they should be given the opportunity to do the work.

I know of one contract quite recently—not a big one—which was let at Bunbury and given to the Geraldton Building Company. The first thing that comes to mind is that that company will have to take its key men down there; will have to pay them a living-away-from-home allowance; will have to pay fares; and, if any of them are sick or are granted leave, they will have to be taken back to Geraldton. Despite all this, that company was able to undercut the local people.

I asked my officers to look at the question of giving a 10 per cent. preference; but when one looks at it—it is the same with Eastern States contracts—it comes back to this: Under a contract system, the contractors have to stand on their own feet, as was the case of the contractor from Geraldton, who felt he could do the job for £X and undercut the local man who employs persons living in the town.

I can see the member for Boulder-Eyre looking at me. However, the same thing happened in Kalgoorlie, where a contractor was able to undercut T. D. Scott—and this will continue with a system of contract and tender. There is nothing we can do about it.

Mr. Brand: There is nothing in the motion about that.

Mr. WILD: That is so; but the honourable member made these observations, and talked about all sorts of things. He got to his feet to indicate that we disbanded the maintenance gang, and he said that pensioners who were able to get extra money were now not able to. However, as I have indicated to the House, unless something has happened rapidly to these men in the last few days, that is not the position. All found work within a day or two; so I feel there is no basis for the motion as moved by the member for Albany. Therefore, I intend to oppose it.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [9.12 p.m.]: This is in line with the Government policy which it started to put into operation as soon as it became the Government—and that was to destroy the day-labour forces of the Public Works Department. I have a very strong recollection that when the members of the Opposition were protesting against this policy, the Minister stated it was not the intention to destroy the maintenance work force.

Mr. Wild: It was not, either. Not in the city. It is the same figure as the day we took office, within a matter of 10 or 15 men.

Mr. TONKIN: If this is a wise policy, it is a strange thing that private enterprise does not follow it. The goldmines invariably maintain their own works gangs. They do not call tenders from outside people to do maintenance work at their establishments. The same applies to the big factories in the city. They have their own maintenance men who are engaged in repairing and painting all the time. Those companies do not go outside and give work to others, for the simple reason that it would be uneconomic; and if it is uneconomic for private people in a big way to let contracts for outside maintenance, it is uneconomic for the Government.

If it is a sound policy to destroy the maintenance force in Albany, it would be a safe and sound policy to do it in the City of Perth. The fact remains that it is not a sound economic policy—it is a wasteful policy. If one could obtain the figures for this work, I am certain one would find that the inevitable result of this move would be increased costs to the Government for maintenance; and not only

increased costs, but less efficient maintenance, because it will not be done as regularly under this procedure as will be necessary.

In connection with each particular job, the Government will have to advertise and invite tenders for the maintenance of these places, and some time will elapse before the necessity for maintenance is brought to the Government's attention. More time will elapse before a decision is made to have the work done; then more time will elapse before arrangements are made to have it done, with the result that buildings will remain in a state of disrepair far longer than they would if there were a regular maintenance organisation. Because they will be in that state for a longer time, the maintenance will be more costly and more extensive; and, all in all, it is a bad policy for the State.

I fail to see any benefit which is likely to accrue to anyone except a few contractors who will, from time to time, get an opportunity to carry out this work. They will not wait there for a Government job to turn up. They will be involved in their own ordinary routine work and the Government, at times, will find the greatest difficulty in getting the work done. Therefore it will be less efficient, generally, from a departmental point of view, and more expensive. One wonders, then, why it is done.

Now, another feature of this is the personal aspect. Men have worked for the Government for some years. They have built up long service leave entitlements; and when they are sacked, they lose those. They cannot qualify for the superannuation which ordinarily they would get if they remained in the Government's employ until their retiring period. That is a very bad thing. It could be justified in some circumstances if a greater benefit were to be derived by someone as a result of that having been done, but when it is going to cost the Government more to have the work done, and when the maintenance will be less efficient, what justification is there for putting men off and therefore depriving them of superannuation benefits to which they would otherwise become entitled? All one can say for it is that it is in line with the Government's policy, and nothing else matters.

I think the member for Albany is to be commended for focusing attention upon this wasteful policy, which confers no benefit and for providing an opportunity for some discussion in connection with it. It shows he is alive to the situation down there and is anxious to keep his men employed and to retain for them the benefits to which long service in the Government has entitled them, but which the Government is prepared to wipe out with a wave of the hand, almost without any corresponding benefit to itself.

Surely there ought to be some limit to this senseless policy. It is not pursued anywhere else. I would defy the Minister to mention another State in Australia where the Public Works Department does not have its own maintenance force to look after its public buildings in the country districts as well as the city. Of course it is just not done elsewhere. They have more sense; they have more regard for the taxpayer's money and for efficient management, than has this Government. The cost of the work to be done has never entered into consideration with this decision.

Mr. Wild: That is only your thought. You don't know.

Mr. TONKIN: Yes; I do.

Mr. Wild: How do you know?

Mr. TONKIN: From the results which are being obtained.

Mr. Wild: No you don't.

Mr. TONKIN: Commonsense would tell the Minister that he could not possibly get the same maintenance work done in the way he is going to do it in Albany as he would get with a day-labour force.

Mr. Wild: That is only your guess.

Mr. TONKIN: It is not a guess; it is based on knowledge and experience.

Mr. Wild: How do you know?

Mr. TONKIN: I know from experience, because a skilled gang of men is formed whose job it is to go around the public buildings in accordance with a programme which is mapped out by the foreman. They know the materials they will require and they are purchased in bulk when they are required. Therefore the work goes on regularly during the year from day to day and week to week.

Mr. Ross Hutchinson: What if there is not enough work to be done?

Mr. TONKIN: Don't tell me that!

Mr. Ross Hutchinson: It is quite possible.

Mr. TONKIN: It is not quite possible at all. There has always been an adequate amount of maintenance work in the Public Works Department to be done with the money available to meet the cost. There has never been any shortage of maintenance requirements. The shortage has been one of funds in the department to enable the work to be done. The result of this action will be that there will be less maintenance work done with the money available. Make no mistake about that!

Already the maintenance of public buildings is not satisfactory because of the inadequate funds available for the purpose. Therefore, any policy which reduces the amount of work to be done with the volume of money available, is a bad policy; and that it what this is. The Treasury is in no mood to make additional money available

to do the same amount of work as was done before. As it inevitably must cost more under this process, it means less maintenance will be done. So what is the advantage of the policy? None whatever! Therefore I join with the member for Albany in protesting against it.

MR. HALL (Albany) [9.22 p.m.]: I thank the Minister for his remarks, and also the Deputy Leader of the Opposition for his contribution. I do not think I need to reiterate what has been said. I merely wish to make a few comments in reply to the Minister, who made a statement regarding the names of certain employees. I could perhaps enlighten the Minister a little more than can his department. I sought employment for at least two of the carpenters displaced at the north-west base, and if they were able to obtain employment at Albany it was only by some devious means at a later period.

If we made a search through the file at the department we would find that I had made strong representations on behalf of a Mr. Burges, who had endeavoured to set up in a business but was prevented from doing so because of action by the railways. He tried to get compensation, and since then has gone out of action.

Also, many of the aged personnel have been trying to find employment, but under no circumstances have they been able to match up to the requirements of the subcontractors. We know there is concern about the growing number of pensioners who are receiving finance from the Federal Treasurer. We have heard them called drongos and no-hopers, and those types of things. I could quote figures which would demonstrate that the number of pensioners has increased.

The SPEAKER (Mr. Hearman): Order! I do not think there is any mention of pensioners in the motion.

Mr. HALL: I think so; because several of the men were on the borderline. They had to try to seek employment to continue on, although they had given faithful service to the department, as the Deputy Leader of the Opposition very ably pointed out. These men are now compelled to fill in pension forms, and I have filled in forms for two of them myself. These men were quite capable of carrying on actively in the Public Works Department for many years to come, as they had been in the past. The Deputy Leader of the Opposition mentioned that they had served the Government as tradesmen when the building trade was very lucrative. They could have departed from the department at any time during that period and taken work in a private atmosphere with other contractors and left the department in a very lamentable position to carry out its maintenance work.

With reference to the actual amount of work that could be maintained by the public work force in Albany, we have only to look at the number of schools and houses that require maintenance. It is growing considerably each year. The courthouse and many other Public Works Department buildings also require maintenance. These men were quite capable of carrying out all that work. There is no doubt in my mind that they could do the work quite ably.

The Minister referred to contractors. As I mentioned previously, the contractor who got the contract for the painting of the fire station never ever saw the fire station; he never made a quote, but he utilised the quotes that were submitted by contractors in Albany. That is one case of maintenance work that could have been very easily carried out by the Public Works Department maintenance force. The dental clinic is another case of contractors taking over this type of work, such as painting, renovating, and so on.

We could safely say that the abandonment of this work force is completely in line with the Government's policy to do away with and collapse the Public Works Department maintenance force throughout Western Australia. The Government has been able to retain supervisors; and information has reached me on many occasions that there is a very close liaison between some of the contractors and some of our supervisors. We cannot get down to the truth of the matter as to whether there is this close liaison, which is beneficial to the contractors from the point of view of price fixing, and so on.

The Public Works Department's work force could have absorbed some of those people who had served the department faithfully and who had carried out the maximum amount of work, not only in my electorate but also in other electorates. These men could have carried out this type of maintenance, and the work could have remained under the control of the Government.

The Deputy Leader of the Opposition referred to a time lag. I know it exists quite considerably because I have had to make representations on behalf of several householders, particularly in connection with State housing, for work to be carried out in homes. Some of the work is lagging behind for as much as four months. In one house there were 12 items that required attention. There is also the matter of interior painting, where there also appears to be a time lag; also small items such as the repairing of gates and fences. None of these items have been undertaken by the contractors until they felt that a considerable amount of work had accumulated. There is a definite time lag on these very small jobs.

I commend the action of the Carpenters and Joiners' Union in bringing this matter forward and in raising an objection

to the quotes. As I have said before, in five houses there was a difference of about £24 in the quotes between the Perth contractor and local contractors who had undertaken work for the Government during the past four or five years. I have since found out that local contractors could compete on an equal basis with other contractors. This point should be looked at.

As the Deputy Leader of the Opposition said, we must find out exactly what the saving would be to the Government. Or is it merely face-saving on the part of the Government in connection with its election policy, when the Government said that it would close down the Public Works Department's maintenance force? The Government has fulfilled its promise, much to the regret of the men employed at the Albany Regional Hospital, and those men who were formerly part of the maintenance work force.

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

Ayes—20

Mr. Brady	Mr. Kelly
Mr. Davies	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. H. May

(Teller)

Noes—21

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Mr. Mitchell
Mr. Court	Mr. Nalder
Mr. Craig	Mr. Nimmo
Mr. Crommelin	Mr. O'Connor
Mr. Dunn	Mr. Runciman
Mr. Gayfer	Mr. Wild
Mr. Grayden	Mr. Williams
Mr. Hart	Mr. O'Neil
Mr. Hutchinson	

(Teller)

Pairs

Ayes	Noes
Mr. Curran	Mr. Cornell
Mr. Bickerton	Mr. I. W. Manning
Mr. Heal	Dr. Henn
Mr. D. G. May	Mr. Guthrie

Majority against—1.

Question thus negatived.

HALE SCHOOL LAND

Minister's Action on Subdivision: Motion

Debate resumed, from the 9th October, on the following motion by Mr. Graham:—

> That this House deplores the action of the Minister for Town Planning in connection with the Hale School land subdivision at Wembley Downs in reversing the established requirements of subdividers and in so doing overriding the Town Planning Board and acting against the views and desires of Perth Shire Council, Wembley Downs Civic Association, and Wembley Downs Parents & Citizens' Association, and against the public interest in the matter of provision of adequate public open space.

MR. BRAND (Greenough—Premier) [9.34 p.m.]: This motion, which was moved by the member for Balcatta, was at the same time moved in similar terms in another place by the Leader of the Opposition in that place. The motion has since been replied to by the Minister himself. Our Standing Orders are such that private members' business has to take order of priority; but in another place it is dealt with under another arrangement.

It is not my intention to speak at great length on the motion for the simple reason that I know little about the details of the matter. But the Minister has made a public statement regarding his decisions and has generally answered the accusations and implications that were directed at him.

The member for Balcatta, rather quietly for him, read through a number of papers, copies of which he had taken from the file which had been laid upon the Table of the House. It seemed to me that he had set out to find some sinister objective in the fact that the Chairman of the Board of Governors of Hale School had approached the Minister, and then approached me in respect of the matter of subdivision of the area on which Hale School now stands. Secondly, he deplored the fact that the Minister had seen fit to uphold the appeal which was made by the board.

I want to make it quite clear that the Chairman of the Board of Governors, Mr Quinton Stowe, approached me—as many people do—regarding this problem, and asked me whether I could do anything about it. I suggested he should put his case to me in writing, which he did; and those papers have been referred to in the House. As the Minister was out of town at the time I simply passed on the written request to the Town Planner himself—and that note was read out—and I asked him if he could do anything to resolve the problem.

I discussed the matter with the Minister for Local Government and Town Planning upon his return. Ultimately he made a decision which upheld in part the appeal made by the Board of Governors. The appeal was upheld in respect of an area of three acres. There were other areas which were involved in the appeal but which were deleted and not given any further consideration.

I realise that the chairman of the board of governors is an active supporter of our party, but it would seem to me that this is no reason why there would be any sinister objective behind his coming to me on this occasion. As Ministers and private members we receive deputations and appeals from all sorts of people. We find that there are some who go from one point to another, on a number of occasions, as everyone in this House knows. The final

appeal is to the Premier; and I see nothing wrong in my considering what the Board of Governors had to say in this case. From my understanding of what he told me it would seem that the school had a right to make an appeal, and that it had a case to be considered.

After all, it was not a matter of private interests at all; it was the matter of a problem which the school felt should be resolved—that it should not be called upon to forgo so much of its land in the subdivision for the purpose of public open space.

The honourable member laid great emphasis on the fact that open space is scarce in that particular area. It would seem to me, from the information which has been passed on, and which I believe the Minister used in another place, that this is not the case except that the three acres referred to may have suited certain people from the point of view that it was close to their homes.

I propose to read to the House some of the information which has been passed on regarding the availability of open space in the area between Henley Avenue and the Weaponess Road junction. Using that as a starting point, we find that a quarter of a mile away there is an area of 1 rood 38 perches which is partly developed as a children's playground. Within a half mile there is an area of 1 rood 11 perches which is undeveloped; a quarter of an acre undeveloped; an area of 3 roods 14 perches which was part of the condition in regard to the Hale School subdivisions; and within a mile radius of this area there are 3 acres, 1 rood, 32 perches (this one is on the border of the half-mile radius); an area of 16 acres 1 rood 26 perches which straddles the half-mile radius and which is fully developed as an oval; an area of 1 acre 3 roods 29 perches undeveloped; another of 1 rood 24 perches undeveloped; another 1 acre 2 roods 15 perches; and there are a number of small areas there which are undeveloped.

Well within the mile radius, and in the Empire Games Village area, there are 7 acres grassed and developed; four other areas consisting of one of 2½ acres, two of 3 acres, and one of 4 acres, well within the mile radius, and the public open space area of the foreshore between the West Coast Highway and the beach. Again, on the fringe of the mile radius, there is another 10-acre lot undeveloped, and also included within the half mile radius is the Wembley Park school, which also has an oval. Straddling the half-mile radius, and well within the mile radius, are the Hale School grounds themselves. There is also a large area belonging to the Perth City Council of which subdivision is to be undertaken shortly and in which it is anticipated open space will be provided. Churchlands Estate has also to be subdivided; and, of course, we must not forget the 1.6 acres set aside as one of the conditions of subdivision as a public utility for a water tower.

This particular area is very valuable and one which the school was most anxious to have subdivided. However, the Minister saw fit not to uphold the school's appeal in this regard. I am sure that in the future, as I have mentioned in the notes, due regard will be had for the fact that this area is not so well blessed with open space as some of the more modern subdivisions; and I am sure that the Town Planner and the Minister will take advantage of the opportunity to do something about it.

With any town planning scheme there are many problems, as has been mentioned in this House tonight. Not always is everyone happy with the decisions that have to be made, and I understand that the Minister himself has dealt with some 400 appeals during the period in which he has been Minister. No motions have been moved before and it does not appear to me that any real protests have been made.

The difficulties of a Minister for Town Planning are very real indeed. Far from any implication that he might be open to pressures, or that he might do someone a favour, his decisions, right through, have been made as a result of a sincere belief that the interests and rights of people are being served, but having particular regard to public open space.

The member for Balcatta mentioned certain instances. I think he mentioned the case of Miami Beach, which I did not think was comparable with this case.

Mr. Graham: You have the situation a little wrong. The only reason I mentioned the Miami Beach appeal was to establish how vital it was to town planning that the board have authority to impose conditions, and so much so that the Government went to the High Court.

Mr. BRAND: That is right. This was a very large area and one in which a private investor was involved; and it would seem to me that if the Government or the Minister was to have any authority this case had to be taken to the ultimate and proved one way or the other, and the High Court upheld the contention that the Minister had the very authority which he exercised in regard to the Hale School subdivision.

I do not think there is a great deal more for me to say on the matter, because all the facts of the case have been outlined by the Minister himself. However, I want to emphasise that any action I might have taken, or which the Minister might have taken, in this matter, was taken in the firm belief that we were giving due and fair consideration to the case put forward

by Hale School. It so happens that Mr. Stow is the chairman of the Board of Governors, and therefore it was his responsibility to do the best he could for his school while the time was opportune.

The member for Balcatta also implied that the Minister might have abandoned certain principles when making his decision on this subdivision. I have pointed out to the House that he has had to deal with 100 appeals on subdivisions in a year and that every one represented a very real problem. Invariably his decision is wrong in that someone is disappointed or displeased as a result of it; and invariably, as a corollary to that, someone is satisfied.

It is seldom, if ever, in the nature of town planning, and all the matters which are brought to appeal, that the decision is simply a distinction as between black and white, shall we say, because there are a great many shades of distinction between those two colours. The elusive truth which the Minister has to seek every time is that which strikes the right balance between the interests of the community and the interests of the parties concerned in a subdivision. Those points are very factual. When an appeal is made to a Minister, it is on his judgment that the decision has to be made; and when making his decision on the Hale School subdivision he had regard for points that were put forward on the papers found on the file. He listened to the appeal, upheld part of it, and dismissed the balance.

In doing this I am quite satisfied that he felt sure the question of the demands for an area to serve as public open space were weighted against the fair and justifiable demands being made for a decision in favour of Hale School. I oppose the motion which, at the commencement, reads—

> That this House deplores the action of the Minister for Town Planning . . .

The Minister for Town Planning is very hardworking and very sincere in all he does in these extremely difficult matters. I trust he will continue to take the same line in making decisions as quickly as he can in order that we might always have an up-to-date planning scheme which is not being set aside because of the difficult situations which arise from time to time. I repeat: I oppose the motion.

MR. GRAHAM (Balcatta) [9.51 p.m.]: Before proceeding to reply to arguments which have been advanced against the motion, I believe I must, in fairness, explain to the House that when introducing the motion, and using certain words, at no time was there any suggestion on my part that the Town Planning Commissioner (Mr. John Lloyd) had been indulging in any practices which, by any stretch of the imagination, could be called improper. I think that, in the course of a lengthy speech, perchance the choice of words in at least one instance was a little unfortunate because, from memory, I used the term that the Town Planning Commissioner "had been got at". In letting one's imagination run riot, all sorts of things could evolve—

Mr. Brand: That is rather a weakness of yours, however.

Mr. GRAHAM: No; there is no need for the Premier to speak in that vein. What I was endeavouring to convey was that the Town Planning Commissioner was subject to considerable pressure. After all is said and done, if the Premier of the State made a direct approach to him as a public servant, and the Premier, not being satisfied apparently with the viewpoint of the Town Planning Commissioner, again referred the matter to him, hoping, no doubt, that the Town Planning Commissioner would change his mind or vary his attitude, that, I suggest, is a case where an important public servant is under extreme pressure. It was in that sense that I intended my remarks.

So if I have conveyed the impression to anybody that I have some doubt about the integrity of Mr. John Lloyd, I unreservedly state that such a thought never crossed my mind.

Dealing with what has been said in rebuttal of the statements made by me which, in essence, were a recital from the files with some comments and explanations, I understand the Minister for Town Planning is upset; that I have done something akin to stabbing him in the back by moving a motion in this House, because he is not a member of it, and is unable to reply. Memories, no doubt, are short because I can remember being verbally assaulted on many occasions by members of the Legislative Council.

The SPEAKER (Mr. Hearman): Order! Members of another place.

Mr. GRAHAM: Might I ask, Mr. Speaker, what prevents me from using the words "Legislative Council"?

The SPEAKER (Mr. Hearman): Usage, as I have mentioned before this session.

Mr. GRAHAM: Let us not have an argument at this stage, Mr. Speaker; but my knowledge—if I might use that term—is that when a member of this House uses the term "another place" it is when he is making a statement about members in the Legislative Council which he is forbidden to do in certain circumstances. He then refers to "members in another place", but "another place' could be anywhere on the Esplanade, the Northam Town Hall, or any other place. But as long as I am not speaking in derogatory terms of the Legislative Council—

The SPEAKER (Mr. Hearman): Order! The honourable member will do as he is told, or he will resume his seat.

Mr. GRAHAM: Very well, Mr. Speaker. If that be your attitude, it is my intention to study this matter, after which there may be a subsequent debate upon it. I am certain I am correct; but naturally I bow to what you have said, Sir, principally in my desire to continue my remarks; as you might appreciate.

I was, in another place, accused of having tampered with certain files. Because action would have been unsuccessful in this Chamber, it was moved, in another place, that certain personal papers be laid on the Table of the House, knowing that there was an anti-Government majority in that place. I also remember being accused by some other people in the same place, of exercising favouritism in so far as the West Australian Italian Club is concerned.

So where there are two Chambers comprising a Parliament, and Ministers are part in one and part in the other, unless one is to completely ignore the departments covered in one House, it makes it practically impossible for members to address themselves to any matter where criticism of a Minister is involved. I think it has also been suggested that by some means I prevailed upon the Premier to rearrange the notice paper in order that the speeches made in two places at the same time should synchronise.

As anybody would know, or as members of Parliament should know, on private members' day in the Legislative Assembly, private business is taken in rotation; and on the day in question the only discussion was in regard to the postponing of a certain order of the day. If there had not been a postponement it would have meant that I may have spoken ten minutes later than I actually did. What effect, or bearing that would have had on the issue I do not know. But here was an attempt to make out that all sorts of wrong things were done by the Opposition in ventilating this matter.

The knowledge of the members of the Opposition is derived very largely from official files and newspaper accounts. I am alleged to have made sure that my colleague in another place would not receive any publicity; that I wanted it all for myself. I can assure you, Mr. Speaker, that I am not responsible for writing the leading articles in *The West Australian*, or for deciding what shall appear, and what should not appear. That is something which is its business entirely.

I wonder how many subdividers have access to the office of the Premier when they feel aggrieved with town planning decisions! I speak rather feelingly in connection with this matter, because quite a number of my constituents—and one whose letter was published in *The West Australian* the other day, Mr. Cruikshank—scream, and have been screaming to high heaven against what they regard as the injustice under which the town planning authorities impose certain conditions; to wit, requiring that approximately 10 per cent of the land proposed to be subdivided should be set aside as public open space.

I will not enter into debate as to whether the procedure followed is right or wrong, but it cannot be right in the case of A, and wrong in the case of B.

Mr. J. Hegney: Is it the law?

Mr. GRAHAM: It is the law to the extent that the Town Planning Board may impose conditions; and whilst the 10 per cent. is not hard and fast, the requirement is usually in that vicinity.

Mr. J. Hegney: That is not the proposal in my territory.

Mr. GRAHAM: I think it is generally recognised that 10 per cent. of public open space is not much more than a minimum requirement.

So I deplore this attitude on the part of the spokesman of the Government in suggesting that all sorts of improper things were done in what I regard as a public duty. There is no question about it. There is agitation and concern amongst the people in the affected area. One could say, as every member would appreciate, that the Minister for Town Planning has an absolute right to make a decision one way or the other; because he is clothed with powers to do that very thing under the Town Planning and Development Act.

But where a decision is, in my view, made wantonly against the public interest, and because of the intervention of a person admittedly prominently connected with the Hale School authorities, and also prominently associated with a political party; and when some unorthodox steps are taken, then I am inclined, and I should say entitled, to ask questions.

On the Board of Governors of Hale School there are all sorts of distinguished gentlemen ranging from a judge of the Supreme Court, to a solicitor, a doctor, an ex-member of Parliament, and so on. They, of course, know the law; they have access to the Statutes; and if they feel aggrieved with what the Town Planning Board decided, it would be obvious to any of them that the correct course for them to follow would be to appeal to the Minister under section 26 of the Act.

But what happened? Mr. Quinton Stow called on the Premier. The Premier then made, in black and white, one approach to the Town Planning Commissioner; and, as there was a second report from the Town Planning Commissioner, obviously he made a second approach. Then there was a conference between Mr. Quinton Stow and the Minister for Town Planning. If one reads the file one will find that the Minister made his decision on the 24th April; and yet Hale School appealed only on the 13th May. So we find that, 19 days before the appeal was lodged, the Minister had made his decision against the Town Planning Board, notwithstanding

that the board was emphatic that it was making no unreasonable claims; indeed, that the Hale School authorities had been generously treated.

Am I so naive as to think from those facts that the normal course of procedure had been followed? Or am I entitled to conclude that, because of his special position in the Liberal Party, as well as his association with Hale School, he had entree to the Premier's office?

It is an impossible situation to visualise street after street, and hundreds of houses upon hundreds of houses, without the provision of parks and playing fields. There is a difference of opinion as to who should provide these. The prevailing thought in Western Australia is that the person who subdivides a large area, and so gains an unearned increment from public activity and the gathering of the people, should make such provision; and by doing so he recompenses himself either wholly or in part, by creating a greater value for the individual lots in respect of which provision has been made for public amenities.

The Premier read out a sheet of notes which was identical to that read out by the Minister for Town Planning in another place. After hearing him one would come to the conclusion there is ample open space in that area.

Mr. Brand: I did not say there was ample land. I said it was recognised there was some difficulty.

Mr. GRAHAM: One would come to the conclusion there was ample land. Notwithstanding the shortage the Government deliberately takes action to see that the shortage continues, and that it becomes exaggerated, because there will be additional houses built, with no additional open space provided.

Some lightning mathematics was indulged in by a friend and by myself within the last half hour. It was mentioned that within a half-mile radius of a given point there were lots of one rood 11 perches, three roods 14 perches, and a quarter-acre. Apparently that seems to satisfy the requirements. A radius of half a mile covers roughly an area of three-quarters of a square mile, or about 480 acres. Allowing for roads, I suggest there would not be fewer than 300 acres of subdivided land. Under the minimum requirements of the Town Planning Board there should be 30 acres of public open space. What area of open space is available? One acre 1 rood and 25 perches in the aggregate is available.

Mr. Dunn: More than that.

Mr. GRAHAM: Those were the figures quoted by the Minister for Town Planning and by the Premier. Then the circle widens and there is to be a one-mile radius. That one-mile radius embraces various interesting aspects; and here we come to the point which I outlined when I moved the motion. As the circle widens the area embraces the Hale School playing fields, and the open space which has been set aside in the Commonwealth Games Village.

Mr. J. Hegney: The public cannot get in there.

Mr. GRAHAM: I am referring to the Commonwealth Games Village and not the stadium. That open space is to serve those people. The Premier has to look forward to further subdivisions in the Churchlands Estate, where there will be more open space made available. Of course there will be, but it is to serve the people in the additional homes that are to be built. It will be of no use whatever to the people living in Wembley Downs, especially those on the west side of Weaponess Road. To make the position more absurd it is suggested by the Government there is ample open space, because there is the nearby beach, and the land between the ocean and the coastal highway.

Mr. Dunn: Would you think there is any difference in dealing with a school property and the property of a private individual?

Mr. GRAHAM: School sites are additional to the 10 per cent. requirement for open space. The Hale School has playing fields.

Mr. Dunn: In considering this matter you would be obliged to consider it from the aspect of a school.

Mr. GRAHAM: No more than if a subdivider of land in Osborne Park happens to be a pensioner or something akin. On those grounds is the public need to be sacrificed?

Mr. Dunn: My argument is that the school, to some extent, serves the public.

Mr. GRAHAM: The school is owned by a board of governors on behalf of a church instrumentality, and neither the State nor the Government has any control over it whatsoever. An attempt was made to show that this school has a glorious record over a period of 100 years, and has rendered tremendous public service, and so on. But, of course, it makes charges by way of fees for the education of children, whose parents can afford to pay for such education. There is no criticism of the Hale School authorities on account of this. That school has been treated exceedingly generously by the Government, and that was done deliberately because the Government wanted the area of land immediately opposite Parliament House. As that school had a balance of a 99-year or a 999-year lease to run, the Government of the day—of which I was a member—offered a certain inducement—the best part of £250,000—to the Hale School authorities to encourage them to leave at the earliest possible moment. They accepted the offer, and legislation was introduced to exempt the school from the payment of land tax, water rates, and local authority rates.

Mr. Dunn: Your Government agreed to that.

Mr. GRAHAM: That is so.

Mr. Dunn: In other words, you made certain concessions to that school.

Mr. GRAHAM: That is so, but the public interest was not sacrificed. I suggest that consideration was given by the Government to the public interest. Accordingly there are now some engineering activities proceeding on the land opposite Parliament House for the purpose of serving the public, as a result of the action that was taken.

The Premier leads us to believe that there are many areas round about in the Wembley Downs district, and therefore there was no ground for grave concern. I wonder who is right and who is wrong. The Perth Shire Council has written some very strong letters to the Government. Indeed, it had to apologise for the tone of those letters, and it regretted having to speak on such harsh terms. Why would that shire council be concerned with the lack of open space provided in respect of a certain subdivision, if there were ample space?

On the very day when the statement was made by the Minister for Town Planning in defence of his action, the north suburban supplement of *The West Australian* of the 23rd October, under the heading, "Council to Ask for Free Land", had this to say—

> The Perth Shire Council has decided to ask Premier Brand whether the Government can make land available free of cost to the shire for public open space west of Weaponess road, Wembley Downs.
>
> It decided to put this question to the Premier because of the subdivision of Hale School land approved recently by Town Planning Minister Logan.
>
> A special meeting of electors held at Scarborough had asked the council to take action to correct the position brought about by the Minister's decision.
>
> It had asked the council to consider the lack of recreational areas at Wembley Downs and to take action urgently to make adequate provision for open space.

Do not the people in the area affected know what is there? Does not the Perth Shire Council know? This cooked up statement presented by the Minister and given by the Premier is, I suggest, designed to deceive.

Mr. Brand: That is not so. Do not judge others by yourself.

Mr. GRAHAM: I am judging the Premier by himself with this saving grace that he would not understand. Of this so-called public open space, he would not know how much consists of sumps for the drainage system. What earthly value is that for use by the general public for recreation purposes? It is true there are reserves for many purposes, but that is not the complaint. We lead ourselves on even to school reserves; and what access have the general public to them for their recreational and sporting purposes?

I noticed a certain gentleman sprang to the defence of this Government by quoting a letter which had been written by a person who is identical with the president of the Wembley Downs Civic Association. That gentleman said—

> I sincerely regret recent events and statements in the House and Press with regards to the Hale School issue.
>
> As far as the Committee of the Civic Association and in particular myself is concerned, I can assure you that no one at any time doubted your integrity in this and many other difficult decisions.
>
> As you stated yourself, there always will be different points of view, which I am sure you would not deny to anyone.
>
> Should the occasion arise, we hope to have the pleasure of your company again at Wembley Downs. In the meanwhile, I certainly will not fail in pointing out all the splendid work you have done amongst others for us at Wembley Downs and our State in general.

We will come to the gentleman's name and the significance of it in a moment.

Mr. O'Connor: Who is that written to?

Mr. GRAHAM: Obviously, to the Minister for Town Planning. I have here a signature of the gentleman setting out motions that were agreed to at a public meeting called at Wembley Downs and signed by him as president of the Wembley Downs Civic Association (Inc.). The motions that were carried are as follows:—

> (1) That the Minister be asked by Dr. G. Henn for more detailed explanation of the Minister's reasons and whether other land (Crown) was considered in lieu and that the file on this matter be tabled in the House.
>
> (2) That we do not accept the Minister's decision as final and we instruct the Committee to protest in the strongest possible terms.
>
> (3) In making this protest the Committee give details to the Minister of Councillor Griffiths alternative proposal or any other alternative proposal the Committee may consider and that a deputation of this Association with our councillors be introduced to the Minister by our member, Dr. G. Henn.

Then there is another long resolution which I need not read. It is No. 4. The fifth is as follows:—

> (5) That the Committee be asked to lodge a caveat against Lot 26 and legal advice be obtained on what action is open against the Minister's decision.

One gets some idea of how that man, as president of the Wembley Downs Civic Association (Inc.) felt, and we have this letter saying what a great job the Minister has done and is doing for Wembley Downs and other parts of the State.

This confirms what I said originally that this gentleman, whose name is Mr. J. Vanderheeg, is known perhaps to the majority of members on the other side of the House to be associated with the Liberal Party and he is president of the Liberal Party branch in that area. In a matter of public interest in his position he did the right thing, but when the Government comes under fire his main desire is to fly to the aid of the Minister with comments in extravagant terms, despite the fact that he was one of the members in the protest against the Minister' decision, wanting a deputation to go to him from the Perth Shire Council, and others, and wanting caveats lodged to stop the land being retained for Hale School for sale instead of being used for public purposes.

Therefore I am entitled to conclude that there are, without question, political considerations which have dominated this particular issue.

Mr. Brand: You should know something about it.

Mr. GRAHAM: Of course I know something about it. Unfortunately for the Premier there are documents which substantiate the statements I have made.

Mr. Brand: There are certainly no political strings.

Mr. Dunn: As president, he may not agree with what is there, but he would have to sign the minutes.

Mr. GRAHAM: The secretary forwards the letter along to the member for the district.

Mr. Dunn: But the fact that he is mixed up with that does not mean he agrees with it.

Mr. GRAHAM: If the member for Darling Range is not satisfied, let me quote from *The West Australian* of the 23rd July, 1963—

> Wembley Downs Civic Association president, J. Vanderheeg, told the meeting that a court case would show the extreme need for more open space in the suburb, though any legal action against the Minister's decision seemed certain to fail.
>
> "We would be fighting a lost cause but at least it would be better than taking no action at all," he said.
>
> The lack of open space affected children not only in Wembley Downs but in all other parts of the metropolitan area, he said.

Is the member for Darling Range satisfied?

Mr. Rowberry: He won't say any more.

Mr. GRAHAM: I have indicated that in and about the point chosen by the Minister himself in defence of his stand, within this radius of half a mile where there should be approximately 30 acres of public open space, there is less than 1½ acres; and he adds to this problem—this grievous shortage—by upholding an appeal of Hale School, because of the backdoor, or I should correct myself, the front door approach that was made by the Hale School authorities. I repeat, because of the calibre of the men who comprise the Board of Governors, they know the Town Planning and Development Act, I suppose, better than the average member of this Parliament, and yet they did not avail themselves of what the law provides. They went posthaste to the Premier; and then following certain activities, had a private talk with the Minister for Town Planning.

Mr. J. Hegney: The Town Planning Board was against it.

Mr. GRAHAM: Strongly against it; and the appeal was granted 19 days before it was lodged. The Premier thinks that something wrong is being done by the submission of this motion. I said it would have been competent, and perhaps to some extent justified, for the Opposition to move for an inquiry into the circumstances. But we watered down that approach, which could have been a censure against the Minister.

It is couched in humbler terms, merely that the House deplores the action of the Minister in doing certain things which are statements of fact—reversing the established requirements of town planning subdivision, overriding the Town Planning Board, ignoring or acting against the views of the Perth Shire Council, the Wembley Downs Civic Association, and the Wembley Downs Parents and Citizens' Association, and going against the public interest in the matter of adequate public open space. This is, overall, an innocuous resolution which achieves nothing except perhaps that, if carried, it would ensure that in future the Minister would not be so agreeable to sacrificing public interests in order to oblige someone, and in this case perchance certain political friends.

Mr. Brand: That was not so.

Mr. GRAHAM: Well, I put the question without notice to the Premier: Who else has he admitted to his office in the matter of an appeal, indeed before the appeal has been lodged?

Mr. Brand: Dozens of people have been in my office about issues of one kind an another.

Mr. GRAHAM: Of course; but in respect of matters such as this where no final decision has been made—there was a right of appeal to the Minister—how was access gained to the Premier's office? Why was this special interest taken? I am sure the proper course was to have directed the caller to the Town Planning Commissioner, or perhaps to the Minister for Town Planning. The Minister might have been out of town for a couple of days, but this matter was not so urgent. In point of fact, there is not a time limit placed in the Act.

This is a most unhappy affair. It involves 3 acres, which would be about 15 blocks of land, bringing in the vicinity of £2,000 a block, which means a gift of approximately £30,000 by the stroke of the pen. The people in the affected area are without open space, and so the appeal has gone to the Premier to try to repair the damage done by one of his Ministers.

How can this be done? By requiring some other subdivider to give an additional 3 acres? Or is the Government to fork out £20,000 or £30,000 of the taxpayers' money to make good the Town Planning Minister's mistake? Or is the Perth Shire Council to be required to raise a loan for the purchase of an appropriate area which, with interest and other commitments, could cost in excess of £50,000 to acquire? This land, under the law and under established procedure, was there for the public without its having cost any public authority a penny. Well, there the case rests. The Premier, and I give him credit for this—

Mr. Brand: Oh, no!

Mr. GRAHAM: —appreciates obviously that there is not a substantial or worthwhile case that can be made out in support of the Minister's decision—

Mr. Brand: I did not say anything of the kind.

Mr. GRAHAM: —because he made no endeavour or attempt to justify the action of the Minister. The Minister, in his replies to the Leader of the Opposition, the Perth Shire Council, and those public bodies in the Wembley Downs area, indicated that he had taken all relevant points into consideration. His exact words are—

> As I have already advised, all matters were taken into consideration when making a decision on this matter.

What were all the matters taken into consideration? Why does not the Premier trot out one or two of them? There is only one matter taken into consideration, and that was this strong hand of political influence—the power wielded by Quinton Stow. It is a shocking thing that the Government has done. The Premier might have told us, not in general terms but specifically, what it, the Government, intends to do to repair the damage. Surely there have been so many protests made and the shortage of public open space is so apparent that the Government should have given some consideration by this time to doing no more than justice to the people in this particular locality; and if the Government has not done so, it has been remiss in its duty and responsibility.

I am wondering whether I should mention that there is an absentee from this debate, one whom I would have imagined would be the keenest to join in the battle; namely the member for the district. In fairness to him, it could be that he has an engagement elsewhere; but even if that be so, as the Premier has been moving around from Order of the Day to Order of the Day in his arrangement of the notice paper for tonight, it could have been adjusted so that this debate could have been held tomorrow night when the member for Wembley would be present.

Mr. O'Neil: He is away unexpectedly sick.

Mr. GRAHAM: I am sorry to hear that.

Mr. Brand: You have made your point though.

Mr. GRAHAM: And what point is that?

Mr. Brand: The suggestion that it has been done to suit the member for Wembley.

Mr. GRAHAM: I would have thought that the member for Wembley—

Mr. Brand: I did not know the member for Wembley was not here.

Mr. GRAHAM: Well; if the Premier did not know—

Mr. Brand: I did not!

Mr. GRAHAM: I am prepared to accept unequivocably the statement of the Premier.

Mr. Brand: You have made your point.

Mr. GRAHAM: I think the Government Whip should have kept his leader advised of the position. There is no political rancour about this.

Mr. Brand: No, just good clean sport!

Mr. GRAHAM: Of course it is.

Mr. Brand: Yes?

Mr. GRAHAM: Whether it be clean sport or dirty sport—

Mr. Brand: Dirty sport!

Mr. GRAHAM: Whichever way the Premier wishes it to be, this debate is in connection with an area encompassed within the boundaries of the Wembley electorate; and surely, in all fairness, the member for the district should have had an opportunity to express himself in connection with what has happened. It is unfortunate he has not had that chance.

Anyhow, although it is a Wembley Downs subdivision, it involves a principle, and a most important one, in town planning. It is so important that I quoted the Miami case. I have not a clue as to what the Minister or the department sought to do in connection with the subdivision in that case, but the Miami people objected to what was required of them and they went to the Supreme Court with the case. The Government felt this principle of making provision for public open space so important that it—the Government—took the matter to the High Court of Australia, and was successful in its appeal.

That is the only reason I mentioned the Miami case; and yet, within a few short weeks, the Minister and the Government—because the Premier had a finger in it—are ignoring this high principle for which they fought, and are bestowing political favours while sacrificing the interests of the people.

Because of the principle involved, it is my intention to call for a division on this matter so that we can see exactly where people stand; whether there is to be a law applied equally to all concerned, or whether there are to be special favours for special people.

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

Ayes—20

Mr. Brady	Mr. Kelly
Mr. Davies	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. H. May

(Teller.)

Noes—21

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Mr. Mitchell
Mr. Court	Mr. Nalder
Mr. Craig	Mr. Nimmo
Mr. Crommelin	Mr. O'Connor
Mr. Dunn	Mr. Runciman
Mr. Gayfer	Mr. Wild
Mr. Grayden	Mr. Williams
Mr. Hart	Mr. O'Neil
Mr. Hutchinson	

(Teller.)

Pairs

Ayes	Noes
Mr. Curran	Mr. Cornell
Mr. Bickerton	Mr. I. W. Manning
Mr. Heal	Dr. Henn
Mr. D. G. May	Mr. Guthrie

Majority against—1.

Question thus negatived.

House adjourned at 10.40 p.m.

Legislative Council

Thursday, the 31st October, 1963

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

LICENSING ACT AMENDMENT BILL (No. 3)

Second Reading

THE HON. E. M. HEENAN (North-East) [2.33 p.m.]: I move—

That the Bill be now read a second time.

This is one of three Bills to amend the Licensing Act, two of which have already been brought before the House. This Bill well deserves the careful consideration and, in my view, the support of members. The measure simply seeks to amend section 39 of the principal Act by deleting therefrom any reference to a gallon license. In order to explain the position I would point out that section 39 provides as follows:—

> (1) The holder of any gallon license or two gallon license, or a brewer's license, or a spirit merchant's license—
>
> (a) shall keep a book and shall enter therein forthwith, after every purchase by him of liquor, for sale under his license, the date of purchase, the quantity and kind of liquor purchased, and the name of the seller;