

However, I am a little worried about the geriatric side of it. It would seem to me that it could be possible for a ward to be added to every hospital in the country. Every hospital has to cater for so many patients in order to serve the district should an epidemic break out or a maximum number of beds be required all at the one time. Therefore, a hospital in an average country town is usually one of about 12 beds. Most times, only about three or four beds are in use but the same staff is required as well as the same kitchen and laundry facilities.

That is why I suggest that if another wing were added—one which provided sunny rooms—the older people in the district could be catered for, thus leaving the hospital beds vacant for hospital cases. These old folk would be well looked after and would have the advantage of the facilities available. Some people would want to know what would happen when there was a rush on the beds and the hospital was full and the staff depleted. Perhaps in those circumstances a country home nursing service, or something similar to the Silver Chain service could be established. The women in the country are not averse to helping at such times and I am sure they would give their time to such work. However, instead of having to go from house to house they would just attend the hospital and this special ward where all the facilities would be available. In this way I feel that the one hospital kitchen would serve two purposes. It would serve the sick and also the aged folk.

I know that if a shire council or a religious body or other organisation, or even a group of people, get together to raise money, for every pound raised the Lotteries Commission will donate a pound, as also will the Government, towards the provision of aged people's quarters. However, that does not provide the help and assistance that is required when they are looking after themselves. Therefore, if when country hospitals were planned—and I know Dr. Lefroy is looking into the question of geriatrics in the country—provision could be made for an extra ward, this would adequately cater for the old folk.

I make those few comments for the Minister's consideration. I do not want to delve any deeper into the Loan Estimates at this stage.

#### *Progress*

Progress reported and leave given to sit again, on motion by Mr. Norton.

*House adjourned at 10.17 p.m.*

## Legislative Council

Tuesday, the 27th October, 1964

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

**AUDITOR-GENERAL'S REPORT***Tabling*

**THE PRESIDENT** (The Hon. L. C. Diver): The Auditor-General has furnished his report for the financial year ended the 30th June, 1964. I wish this report to be laid on the Table of the House.

**QUESTION WITHOUT NOTICE****GOLDMINING INDUSTRY MOTION***Resumption of Debate*

The Hon. D. P. DELLAR asked the Minister for Mines:

Due to the importance and urgency of the matters pertaining to the goldmining industry, will he indicate when he is prepared to have debated the motion moved by the honourable Mr. MacKinnon, being item No. 13 on today's notice paper?

The Hon. A. F. GRIFFITH replied:

I do not know the purpose of this question without notice, although I might guess. The motion referred to has been on the notice paper and we just have not reached it at the point of time when we were ready to adjourn on each occasion. On Thursday afternoon, if I remember correctly, we could have had an opportunity to go ahead with it, but there did not seem to be any indication of anybody wanting to speak then. Today it is item No. 13 on the notice paper, and as far as I am concerned debate can ensue whenever we reach it.

If the honourable member's question is intended to indicate that he thinks it ought to be dealt with more speedily than it has been up to date, then I have no objection to bringing it forward; because I assure him I have no intention of delaying the debate on the motion. I am, however, conscious of the fact that if the House appoints this committee it will not be able to go into operation until after the close of the session. Therefore I cannot see any real need to bring the item very far forward on the notice paper, and apparently nobody else can, either.

The Hon. G. C. MacKinnon: Shouldn't this be my prerogative as mover of the motion?

The Hon. F. J. S. Wise: The Minister is in charge of the notice paper.

The Hon. A. F. GRIFFITH: It is my responsibility to arrange the notice paper; but I would like honourable members to remark this: My attitude towards honourable members in respect of the business on the notice paper which is theirs is always to be as co-operative as I can and to put their items up or down on the notice paper to suit their convenience.

If in this instance there had been any great desire to have the motion debated more speedily than it has been, I would have been quite willing to do that. But I repeat, in case the honourable Mr. Dellar should have the idea that there are delaying tactics on my part—and I think that may be the case—that such is not the case.

The Hon. D. P. Dellar: Thank you.

**QUESTIONS ON NOTICE****RAIL SERVICE***Perth to Meekatharra*

1. The Hon. D. P. DELLAR asked the Minister for Mines:

Will the Government give consideration to running the rail service direct from Perth to Meekatharra, thereby avoiding the inconvenience to passengers having to change trains at Mullewa?

The Hon. A. F. GRIFFITH replied:

The set of coaches used between Perth and Mullewa is required to operate the existing service between those points and could not be spared to run through to Meekatharra. There is not sufficient patronage to justify separate through coaches Perth to Meekatharra, and the existing arrangement for changing into fresh coaches at Mullewa is the only practicable one in the circumstances.

**RAILWAY CLOSURES***Number from 1947 to 1964*

2. The Hon. H. C. STRICKLAND asked the Minister for Mines:

Because the reply to my question on the 20th October, 1964, obviously confuses rail closures with traffic suspensions, the Minister is requested to state which railways, and their lengths, have been closed, or are proposed to be closed, by Acts of Parliament, in each of the years from 1947 to 1964 inclusive.

The Hon. A. F. GRIFFITH replied:

Railway	Length (Miles)	Act of Parliament
Mt. Magnet-Sandstone	93	No. 67 of 1948
Port Hedland-Marble Bar	114	No. 47 of 1950
Upper Darling Range	21	No. 66 of 1950
Mundaring-Weir	5	No. 20 of 1952
Bayswater-Belmont	2	No. 34 of 1956
Cue-Big Bell	19	
Malcolm-Laverton	64	
Coralton-Alana	67	
Wokarina-Yuna	38	
Makinbudin-Southern Cross	80	
Boddington-Narrogin	51	No. 76 of 1960
Brookton-Corrigin	56	
Nyabing-Pingrup	21	
Busselton-Flinders Bay	67	
Gnowangerup-Congerup	35	
Meekatharra-Wiluna	111	
Elleker-Nornalup	61	
Armadale-Bibra Lake	12	Bill now before Parliament
Bellevue-Mt. Helena via Mundaring	14	Bill passed this session

### WATER RATES IN MURCHISON

#### *Meter Readings: Inclusion on Notices*

3. The Hon. D. P. DELLAR asked the Minister for Mines:

On the issue of water rate notices to consumers in the Murchison, will the Minister give consideration to showing both the previous and current meter readings on the notice form?

The Hon. A. F. GRIFFITH replied:

At present a card is left at each ratepayer's residence showing the present meter reading. Previous meter readings are available at local or district water supply offices, where all readings are recorded in each ratepayer's ledger account.

The provision of additional information on the notice form can only be done with added expense as additional clerical labour would be needed.

However, the honourable member's request will be referred to the automatic data processing study team appointed by the Public Service Commissioner, which is due to visit the Country Water Supply Department early in the new year.

### TOWN PLANNING FOR SCARBOROUGH: SCHEME No. 17

#### *Objections by Perth Shire Electors*

4. The Hon. J. DOLAN asked the Minister for Town Planning:

In connection with the Town Planning Redevelopment Scheme No. 17, Scarborough—

- (a) Is the Minister aware that at a requisitioned meeting of electors held by the Shire of Perth, at which a large majority of those present

were personally affected by the scheme, the proposal was rejected by 80 votes to 24?

- (b) Can the Minister indicate how many of the 103 landowners affected have lodged objections to the shire before or during the advertising period, or have objected direct to the Minister and confirm that these form a substantial majority of those affected by the scheme?

#### *Minister's Non-approval, and Future Proposals*

- (c) In the circumstances will the Minister confirm that—  
(i) He will not approve the scheme?  
(ii) He will suggest to the shire that before formulating any further proposals of this nature it should first seek the views and support of the majority of the landowners concerned?

The Hon. L. A. LOGAN replied:

- (a) Yes.  
(b) Approximately 80 per cent. of the landowners affected have objected to the proposed redevelopment scheme.  
(c) (i) A decision to approve or disapprove the scheme will only be made after consideration of the recommendation of the shire council when it duly submits the scheme to the Minister.  
(ii) No. Initiation of a redevelopment scheme of this nature is within the jurisdiction of the shire council and it is not considered necessary in this context to suggest to the council how it should exercise its function.

### CLOSING DAYS OF SESSION

#### *Standing Orders Suspension*

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.42 p.m.]: I move—

That during the remainder of the session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in any one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith.

**THE HON. F. J. S. WISE** (North—Leader of the Opposition) [4.43 p.m.]: Mr. President—

*Point of Order*

The Hon. A. F. GRIFFITH: Mr. President, I am already on my feet.

The PRESIDENT (The Hon. L. C. Diver): If the Minister speaks at this stage he will be closing the debate.

The Hon. A. F. GRIFFITH: It was my intention to speak to the motion to explain why I moved it.

The PRESIDENT (The Hon. L. C. Diver): The Minister moved the motion and then sat down, so if the Minister wishes to give an explanation of the motion he will have to do so when replying to the debate.

*Debate (on motion) Resumed*

The Hon. F. J. S. WISE: I was surprised at the Minister's action, because he moved the motion standing in his name without speaking to it; but I do not want to take advantage of the situation. All I wish to say is that I support the motion.

The Hon. H. K. Watson: I thought you were going to deal with the Minister's speech.

The Hon. F. J. S. WISE: I am dealing with the motion. The motion to suspend Standing Orders to facilitate business is one of importance. It is generally introduced four or five weeks before Parliament concludes its business for the session. When the Minister replies I feel he might give the House some indication of what is in the mind of the Government as to the closing date, because that information is always helpful. Those of us who represent the acknowledged Opposition in this Chamber support the motion.

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [4.46 p.m.]: I apologise for attempting to speak at a time when I was not entitled to do so. After formally moving the motion I thought I would then be able to explain why I was moving it. I am now in the position of having to reply to the reasons which I did not formally give. I was going to say that if the House agreed to the motion, the authority it gives would not be invoked unduly. It is still my intention, of course, to give honourable members ample opportunity to debate any Bill when necessary.

When I get the indication, as I frequently do, that a measure can pass through all stages without any opposition

—I get that indication in certain ways—I believe we can do that to facilitate the business.

The Hon. F. J. S. Wise: I believe we can too.

The Hon. A. F. GRIFFITH: As to the close of the session, it is fair to say that the Government hopes to conclude the session by the end of November. However, if honourable members care to be co-operative by assisting to have the session close before that date I do not think the Government would object in any way.

The Hon. F. J. S. Wise: Have you any influence on the eight Ministers in another place?

The Hon. A. F. GRIFFITH: I think I would want clarification of that question before being prepared to answer it. I would appreciate the House agreeing to the motion.

Question put and passed.

**NEW BUSINESS: TIME LIMIT**

*Suspension of Standing Order 62*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [4.47 p.m.]: It is my intention to move the motion standing in my name on the notice paper; that is, that Standing Order 62 be suspended. I do not think any explanation is necessary, and I move—

That Standing Order No. 62 (limit of time for commencing new business) be suspended during the remainder of the session.

Question put and passed.

**STATE HOUSING ACT  
AMENDMENT BILL**

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Housing), read a first time.

**BILLS (3): THIRD READING**

1. Youth Service Bill.

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Child Welfare), and passed.

2. Long Service Leave Act Amendment Bill (No. 2).

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

3. Wheat Marketing Act (Revival and Continuance) Bill.

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

# **MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL**

## *Second Reading*

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government) [4.50 p.m.]: I move—

That the Bill be now read a second time.

This is a very short Bill comprising only two clauses and should not occupy very much time. It is in part a corollary to the amendments which were made last year, and of the influence of the Premium Rates Committee. It deals entirely with the accounts of the trust.

Under the amendment last year, new insurers have joined the trust. The amendment is therefore to provide for the adjustment of the accounts for each year in respect of future years, as compared with the past, to ensure that the insurers now coming in are not made responsible in any way for the losses or profits of the past, and likewise that the persons at the present time in the trust are protected in respect of past transactions. The section as recommended is considered essential to the smooth working of the trust.

The amendment also provides for a maximum dividend of 5 per cent. as compared with the existing provision of 7½ per cent. The Premium Rates Committee in its calculations used 5 per cent. as a fair dividend and it is to the very great credit of the trust that it has accepted this limit as being proper, and has of its own volition asked that the legal limit be reduced from 7½ per cent. to 5 per cent.

The amendment also provides for the creation of a disaster reserve fund of £12,000 to a total of £100,000, as recommended by the Premium Rates Committee, from which fund claims of £30,000 or more, which are regarded as being disasters, may be made without unduly burdening the figures for the particular year. The trust has accepted the suggestion of the Premium Rates Committee, and in fact put that proposal before that committee when it was studying premiums, with a view to ensuring some stability.

The amendment makes provision also for the surplus of one year to be applied towards meeting the deficits of previous years. This basis of dealing was used by the Premium Rates Committee; and the trust, which has previously operated on the basis of each year standing entirely separate, has accepted the proposal. The amendment is therefore in accordance with the wishes of the trust, as well as the recommendation of the committee.

As I have already said, this is a matter of the trust's internal accounting and should result in the finances of the trust being placed on a more satisfactory basis

in every way, provided, of course, that claims do not continue to rise as sharply as they have in the past.

**Debate adjourned, on motion by The Hon. F. J. S. Wise** (Leader of the Opposition).

# **MORAWA-KOOLANOOKA HILLS RAILWAY BILL**

## *Second Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [4.53 p.m.]: I move—

That the Bill be now read a second time.

Before I commence my remarks on this Bill I would like to make reference to the fact that prior to the second reading in another place the Minister for Railways stated that the Bill provided for the construction of a railway and, in accordance with the Statutes, asked permission to table a copy of the report. I am advised by the Clerks that the Bill which came from the Legislative Assembly is accompanied by the plan of the proposed railway, and and it will be laid on the Table of the House.

The Western Mining Corporation Limited, has given the required notice to the Government, under the provisions of the Iron Ore (Tallering Peak) Agreement Act of 1961, as amended by Act No. 68 of 1962, of its desire to construct the railway from Koolanooka Hills to Morawa.

Under the provisions of subclause (1) of the substituted clause 6 of the 1962 Act, the company agreed that, within a period of three months from the notice date, the requisite railway route would be surveyed, and a single-line railway completed from a point within Temporary Reserve No. 1973H to Morawa or thereabouts within a three mile limit of the town.

The need for the railway at this point of time arises because of the agreement which the Western Mining Corporation has completed with the Japanese for the sale of 5,100,000 tons of iron ore.

The construction of the railway, which is covered by the plan—which has been tabled and details of which are set out in the schedule to this Bill—is to be carried out under the provisions of part VI of the Public Works Act, 1902, and as authorised by this Bill, which is required under subclause (6) of clause 6 of the 1962 Amending Act.

Parliament is obliged to pass this authorising Bill in order that the provisions of subclause (5) of clause 6 of the agreement may operate. This subclause requires the company to give requisite notice in writing to the State of its intention to commence the construction of a railway, and obliges the State, on the passing of the authorising Act, to acquire such land as is necessary for the project in order that it might be leased to the company for railway construction purposes.

Under subsection (1) of section 96 of the Public Works Act, 1902, it is provided that every railway shall be made only on the authority of a special Act, and the line of construction may deviate no more than a mile on either side of the authorised route, otherwise special legislative provisions would be required for the approval of such deviation.

As I have previously mentioned, the description of the proposed railway is given in the schedule to this Bill and the course of the railway is shown on the map, which has been tabled in conformity with the Public Works Act. We have been advised that the limits of the deviation of one mile referred to will suffice, and special limits will not be required.

It is not uncommon when a Bill of this nature is introduced to request a wider deviation factor than is automatically covered by the Public Works Act. The Commissioner of Railways has, however, I am advised, given an assurance that, with the surveys completed as far as they have been, the statutory provision in the Public Works Act will be adequate, and it is not likely that any approval outside of that deviation will need to be sought.

The schedule to the Bill gives a total length of railway line as approximately 11 miles 51 chains from the point where it will leave the mining area to where it connects with the existing W.A.G.R. line, about 3 miles north of Morawa, and this Bill authorises its construction accordingly.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

## SUPREME COURT ACT AMENDMENT BILL

### Second Reading

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

That the Bill be now read a second time.

Honourable members are aware that when the courts give judgments, machinery is provided whereby the judgments can be enforced in those cases where the defendant does not willingly carry out his obligations; and one of the most common processes by which these judgments are enforced is the process of execution.

Honourable members are also aware of the fact that a local court exists with jurisdiction in claims not exceeding £500 that is the court where most smaller litigants confine their activities. Under section 126 of the Local Courts Act, a bailiff, armed with a warrant of execution, can seize, take, and cause to be sold any goods which the person named in the warrant is, or may be, possessed of, or entitled to. Having made the seizure, the bailiff's job is then to sell these goods and chattels and recover the amount due under the judgment.

Usually, of course, wise counsel prevails and people are assisted out of their difficulties by coming to some reasonable compromise. But if the worst comes to the worst, the debtor's goods and chattels are advertised for sale, and sold, and out of the proceeds the judgment debt is satisfied. However, in the Local Courts Act provision has always been made whereby certain personal effects and belongings are protected from such seizure—such things as wearing apparel, household furniture, tools of trade, beds and bedding, and so on. Some honourable members may recall that in 1958 I introduced a little Bill here which gave some greater protection in the matter of household furniture, etc.

Getting away from the Local Courts Act and dealing with the larger sphere, section 117 of the Supreme Court Act provides machinery whereby judgment can be enforced. In the Supreme Court the writ of execution is called in Latin a writ of *fiery facias*. The translation is "cause to be made." This writ is issued out of the Supreme Court and directed to the bailiff. It directs him to cause a seizure of all the real and personal estate and property in Western Australia of the defendant and to cause it to be sold, and out of the proceeds to satisfy the judgment.

However, section 118 of the Supreme Court Act, which specifically deals with the writ of *fiery facias*, does not contain the protection against furniture, goods, and tools of trade that is provided under the Local Courts Act; and this small Bill which I am introducing gives that protection along the lines already existing in the Local Courts Act. This is being done by amending section 118.

Actually this protection goes a little further than the protection under the Local Courts Act, but not to an extent at which anyone will cavil. The amendment to the Local Courts Act was made four years ago and furniture that can now be bought for £250 could have been bought four or five years ago for, I suppose, about £150. So all in all I think we can take it that the protection envisaged under this Bill does not go very far. It only gives the unfortunate person who is being sold up a minimum of protection in the sphere of his furniture and personal goods, etc., as set out in the proviso.

It may seem strange to some honourable members that whereas this protection—or some protection—has always been provided under the Local Courts Act, it has not been contained in the Supreme Court Act. I think the reason for that is that the Local Courts Act has the smaller jurisdiction, and it is in this smaller jurisdiction where such things as refrigerators, motorcars, wireless sets, and furniture are dealt with. Under the

Supreme Court Act property of far greater value is dealt with, and in my experience it has been rare indeed that under a writ of *fi. fa.*, furniture and the like are taken into calculation. If a writ of *fi. fa.* is issued for an amount of, say, £5,000, the defendant's farm is seized, or his factory, shop, or the whole of his house. The sheriff does not worry about such small things as refrigerators, furniture, and the like.

However, cases where protection is needed can arise and for that reason this small Bill has been introduced. It will simply have the effect that the sheriff of the Supreme Court will have to exclude those items which are enumerated in the Bill. It is a small measure of protection and is something which we can all feel is perhaps warranted and at the same time is not going to inflict any hardship on the person who is owed money and is trying to enforce his judgment. For those reasons I recommend the Bill to the House.

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Justice) [5.10 p.m.]: This Bill was introduced in another place by the honourable member for Kalgoorlie (Mr. Evans). I have had a look at it since he introduced it and I see no reason to hold it up. The Government agrees with the proposals set out in it, which will provide the same conditions under this Act as obtain under the Supreme Court Act. The Government supports the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by The Hon. E. M. Heenan, and passed.

### PARLIAMENT HOUSE SITE PERMANENT RESERVE (A<sub>1</sub>1162) ACT AMENDMENT BILL

*Second Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [5.14 p.m.]: I move—

That the Bill be now read a second time.

This amendment, introduced in another place, is necessary because some public buildings occupy land that is portion of the Parliament House reserve and the permission of Parliament is required for those buildings to remain on the site.

Permission was given in 1956 for the buildings to remain for three years, and in 1959 a further extension of five years

was granted. It had been hoped on each of these occasions that the Bill presented would be the last but, because of lack of finance, it has not been possible to provide alternative accommodation for the departments occupying these buildings.

It is thought now, however, that there is a reasonable certainty that alternative accommodation will be available within the next three years on the former observatory site. A second building is also planned and it is hoped an early start will be made on this.

Needless to say, Parliament would not be requested to grant a further extension of time in accordance with the provisions of this measure were it not necessary; and it seems quite likely the request for extension will not need to be renewed again.

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

### SUITORS' FUND BILL

*Second Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Justice) [5.15 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for the establishment at the Treasury of a fund to be called the "suits fund", and the setting up of an appeal costs board to administer this Act when it is passed, and to control and manage the suits fund.

The fund is to be financed through the levying of an additional fee of an amount of 1s., or such sum not exceeding 2s., as may from time to time be prescribed to be paid to the proper officer of the appropriate court in circumstances as follows:—

- Upon the issue of any writ or summons whereby an action is commenced in the Supreme Court;
- Upon the entry of plaint in the Local Court; or
- Upon the issue of any summons to a defendant upon complaint under the Justices Act, 1902, whereby any proceeding is commenced in a court of petty sessions.

It has been estimated that a fee of 1s. would raise approximately £5,000 for the purposes of the fund.

Having made these few introductory remarks, Mr. President, I desire to say that I have been giving consideration for some time past to the question of establishing a fund for the purpose of indemnifying litigants for legal costs ordered to be paid in particular circumstances.

New South Wales and Victoria are at present the only States in Australia which have established a suits fund. It is considered that the levy is in the nature of

an insurance premium by intending litigants. It is not considered desirable to effect any reduction in revenue by diverting a proportion of court fees from Consolidated Revenue in order to finance the fund.

The establishment of the fund is favoured by the Law Reform Committee of the Law Society, although the committee would prefer the fund to be financed from Consolidated Revenue on the grounds that it is designed to benefit all persons who may be involved in litigation, and a surcharge on the issue of writs and similar processes amounts virtually to a tax on those persons who issue processes. However, the committee does not consider that the alternative of a surcharge on the issue of writs and processes as contained in this measure would be objectionable. Personally, when putting the matter forward, I would have liked to see the fund financed from Consolidated Revenue; but it does appear to me that this is quite a logical way of providing the nucleus of the fund, anyway.

The New South Wales fund is financed by means of allocating a percentage of court fees that are payable to Consolidated Revenue. The percentage is fixed from time to time by proclamation. The original proportion of court fees allocated to the fund was 10 per cent. Since July, 1955, the proportion has been reduced to 1 per cent. An overall increase in court fees of one-ninth was made at the commencement to offset the contributions to the fund.

The Victorian fund is financed by a surcharge on court fees as follows:—

- (a) upon the issue of any writ or summons whereby any action or suit is commenced in the Supreme Court of Victoria—£1;
- (b) upon the issue of any summons whereby any proceeding is commenced in the county court—10s.; and
- (c) upon the issue of any complaint or summons whereby any proceeding is commenced in a court of petty sessions or before justices—1s.

It is submitted in support of this Bill that the establishment of such a fund along the lines proposed would be a desirable step in the direction of providing in specified cases the means for appeals, particularly those cases where there is need to clarify the law where otherwise the probable cost would make an appeal prohibitive.

The benefits to be derived are clearly set out in clauses 11, 14, and 15 of the Bill, and I shall endeavour to explain as briefly as possible the intent of these clauses.

Clause 11 covers certificates of indemnity entitling respondents to be paid from the fund. The costs which may be met out of the fund are as follows:—

- (a) An amount equal to the appellant's costs of the appeal in respect of which the indemnity certificate was granted; also the costs of any appeal or appeals in a sequence of appeals preceding the appeal the subject of the certificate of indemnity granted and actually paid by the respondent.
- (b) The fund may be used to meet an amount equal to the respondent's costs of the appeal in respect of which the certificate was granted. Similar provisions apply in respect of respondent's costs in a sequence of appeals as in respect of appellant's costs. That is, with a certificate granted as taxed or agreed upon by the board and the respondent or his solicitor and not ordered to be paid by any other party.
- (c) When the respondent's costs are taxed at the instance of the respondent, the fund may meet an amount equal to the costs incurred by the respondent in having the costs taxed.

In the case of an indemnity certificate being granted, and the respondent unreasonably refusing or neglecting to pay the appellant the costs of the appeal, or should the respondent, through lack of means, be unable to pay these costs, or any part of them, or should their payment cause him undue hardship, the appeal costs board may direct in writing that an amount equal to those costs, or to the part not already paid, be paid from the fund. This provision holds good, as already indicated, when the costs, or part of the costs, have not already been paid by the respondent, and the certificate of taxation in respect thereof is produced to the board.

Accordingly, the fund may meet such amount for and on behalf of the respondent to the appellant. Thereupon, the appellant will be entitled to payment from the board in accordance with the direction of the board, the fund being discharged from liability to the respondent in respect of those costs to the extent of the amount paid in accordance with the direction.

There is provision contained in sub-clause 3 of clause 11 that the aggregate of the amounts payable in respect of the respondent shall not exceed the amount payable in respect of the appellant. There is this further proviso also that the amount payable from the fund to any one respondent pursuant to an indemnity certificate shall not in any case exceed £500 or such other amount as may be prescribed

from time to time by regulation. This will put a limiting factor on the responsibility of the fund for any particular case.

The next clause with which I shall deal is 14, and the provisions here cover abortive proceedings and new trials after proceedings have been discontinued. An amount shall not be paid under the circumstances set out in clause 14 from the fund to the Crown or to a company or foreign company that has a paid up capital of or equivalent to £100,000 or more.

With that proviso, the board may, upon application, direct the payment from the fund of the full costs, or part of the costs as the board may determine, which are incurred by the party or the accused or the appellant in proceedings before they were rendered abortive or a conviction quashed or a hearing discontinued. Payment may be made in the following circumstances:—

- (a) In the case of any civil or criminal proceedings rendered abortive by the death or protracted illness of the judge, magistrate, or justice before whom the proceedings were held, or when rendered abortive by disagreement on the part of the jury where the proceedings are with a jury;
- (b) When an appeal on a question of law against the conviction of a person convicted on indictment is upheld and a new trial is ordered. Such person in this clause is called the appellant;
- (c) When the hearing of any civil or criminal proceeding is discontinued and a new trial is ordered by the presiding judge, magistrate or justice for a reason not attributable in any way to the act, neglect, or default in the case of civil proceedings of all or any one or more of the parties, their counsel, or solicitors. In these circumstances, the presiding judge, magistrate, or justice is empowered to grant a certificate. A certificate may be granted in the case of civil proceedings to any party to it. The certificate would state the reason why the proceedings were discontinued and a new trial ordered with reference made that the new trial was not attributable in any way to any of the parties or their legal representatives. In the case of criminal proceedings, the certificate may be granted to the accused. It will state the reason why the proceedings were discontinued and a new trial ordered, and make reference to the fact that this reason was not attributable in any way to him or his legal representatives.

As already inferred, if any of the events, as just referred to, result in additional costs being incurred by reason of the new

trial necessary in consequence of the proceedings being rendered abortive, or as a consequence of the order for a new trial, then the board may, upon application made to it in that behalf, direct payment of costs or part costs from the fund to the party or the accused, or the appellant as the case may be.

The Hon. F. J. S. Wise: That could be very substantial relief, could it not?

The Hon. A. F. GRIFFITH: As I said, it could be substantial only to the extent of £500; because there is a limitation placed on the sum involved, otherwise the relief could be, as the honourable member says, very substantial. But even then, £500 goes a long way towards providing assistance which is not given at the moment.

Finally, the fund may be called upon in the event of a new trial to be held on the ground that damages awarded were excessive or inadequate. Relative provisions here are contained in clause 15. In such circumstances, the respondent to the motion for the new trial is entitled to be paid from the fund an amount equal to the costs of the appellant in the motion for and upon the new trial ordered to be paid and already paid by the respondent.

Where the board is satisfied, however, that the respondent unreasonably refuses or rejects or is unable through lack of means to pay the whole of those costs or part of them, it may direct in writing that an amount equal to those costs, or to the part not paid by the respondent, be paid from the fund. This would be paid for and on behalf of the respondent to the appellant, the fund being discharged from liability to the respondent in respect of the costs and to the extent of the amount paid in accordance with the direction.

Similar procedures may be followed where the board is satisfied that payment of the costs, or part costs, would cause the respondent undue hardship; also that the costs or part have not already been paid by the respondent, and the certificate of taxation in respect of them is produced to the board. The respondent on the motion for a new trial is entitled to be paid from the fund an amount equal to his costs in respect of the motion for and upon the new trial as taxed or agreed by the board and the respondent or the respondent's solicitor and not ordered to be paid by any other party. Where those costs, however, are taxed at the instance of the respondent, the fund may meet an amount equal to the costs incurred by him in having the costs taxed.

Again, in this clause, the aggregate of the amounts payable from the fund in respect of the respondent's costs may not exceed that payable in respect of the costs of the appellant. In either case the

amount payable in respect of the motion for a new trial shall not exceed £500, or such amount prescribed by regulation.

The clause has no application where the respondent to the motion for the new trial is the Crown or a company or foreign company having a paid up capital of or equivalent to £100,000.

Provision is made in the Bill for the Treasurer, with the approval of the Governor, to advance from time to time sufficient money to the fund to meet its liabilities, upon certification by the board that the amount of money standing to the credit of the fund is insufficient for the purposes of the Act. Advances will be restricted to such amounts as are sufficient for the time being to make up a deficiency in the fund. This is a guarantee that the fund, in fact, is not limited to its £5,000, which, it is anticipated, will be the revenue received from imposing the fee on the lodgment of processes. The Government will come to the aid of the fund if the necessity arises.

Amounts so advanced shall be repaid to the Treasurer when money is again available in the fund, and the Public Account will be credited with such repayments. This is not unreasonable, I think. Conversely, when the board holds moneys in the fund which are surplus to its immediate requirements, they may be temporarily invested by the Treasurer in trust fund investments, and the interest credited to the fund.

The Governor shall make the appointments to the three-member board. One member will be nominated by the Law Society of Western Australia, one nominated by the Barristers' Board, and the Governor shall choose the chairman.

Each member shall be appointed for the term of office not exceeding three years as specified by the Governor at the time of appointment. They will be eligible for reappointment.

At a meeting of this three-member board, two shall constitute a quorum and decisions shall be made by a majority of the votes of the members present. If only two members are present and they differ in opinion upon any question, there is provision for the decision to be deferred to a later meeting of the board at which all three members are present.

In addition to discharging the requirements of the Act generally, the board is obliged to advise the Minister upon any matter relating to the operation of the Act submitted to it by him.

This is quite an important aspect, for, though I have gone to some length in my endeavours to place before honourable members a reasonably clear view of the intention of this legislation, I would not like to be instrumental in an erroneous impression being formed as to the extent of the assistance which might be given

from the very moderate annual income which is expected to accrue to the fund. It has been necessary, of course, to provide in the Bill a power enabling the Supreme Court to grant an indemnity certificate. There would be no obligation upon the court to grant such a certificate in any particular case, but upon reference to clause 10, it will be seen that such certificate may be granted where an appeal against the decision of a court in civil proceedings on a question of law succeeds.

It would be reasonable to infer that these provisions may be applied in particular in an action contested in the first instance because of obscurity in the relevant law, particularly where the contest is, in the opinion of the court, a test case or one of exceptional public importance. An example would be where action is brought by a ratepayer against a local authority to restrain some act which may be *ultra vires*; the action, if properly brought to clarify an obscure law, is in effect, brought on behalf of ratepayers generally.

One man could take action the result of which could have an effect on many. I think no good purpose would be served at this stage in the Bill's progress to elaborate further in that regard, but I would draw honourable member's attention to the provisions contained in clause 13 to the effect that no appeal lies against the grant of refusal by the court to issue an indemnity certificate. Nor may a certificate be issued in respect of an appeal from proceedings beginning in a court in the first instance before the coming into operation of this Bill as an Act. Then there is the overall provision that no indemnity certificate may be granted in favour of the Crown or company or a foreign company having a paid up capital of or equivalent to £100,000 or more, to which several earlier references were made.

In clause 12 there are set out circumstances under which an indemnity certificate is vacated. I shall deal with these briefly. A certificate granted to a respondent in respect of an appeal being one in a sequence of appeals is vacated should the successful party to the appeal in a later appeal in the sequence be the one to whom the certificate was granted. Conversely, it would be vacated in respect of a later appeal in a sequence when the respondent to the earlier appeal is party to the later appeal.

An indemnity certificate granted to a respondent in respect of an appeal would be inoperative during the time specified when the time is limited for appealing against the decision in the appeal.

Where a time is not limited for appealing against the decision in the appeal, a certificate would be inoperative until an

application for leave to appeal against that decision had been determined. Where leave to appeal is granted, the certificate would be inoperative until the appeal is instituted or until the respondent lodges with the board a written undertaking by him that he will not apply for leave to appeal or to appeal against the decision in the appeal, whichever first happens.

An indemnity certificate granted to a respondent in respect of an appeal is inoperative during the pending of the appeal notwithstanding the earlier references where the decision in the appeal is the subject of an appeal. Subclause (3) contains certain qualifications to the foregoing. A respondent may be required to repay to the board any amount paid to him under an indemnity certificate on a question of breach of faith by him in respect of an appeal.

In conclusion, I would like to say that it is not expected there will be a considerable amount of work to be done by the board under the Act, but power is given to the board to appoint a secretary and other officers to assist it, if necessary.

I would commend the Bill to the House. I regard it as a piece of social legislation which is a step forward in assisting litigants under the conditions I have set out. It is not to be confused in any way with the assistance that is already given by the Legal Aid Bureau. That fund is subscribed to by the Treasury. The amount that the Treasury subscribes to that particular fund is increasing—it was increased last year—and it is not to be confused with the other. I feel the Bill will receive the support of the House.

Debate adjourned until Thursday, the 29th October, on motion by The Hon. E. M. Heenan.

## **BILLS (2): INTRODUCTION AND FIRST READING**

1. Companies Act Amendment Bill.
2. Statute Law Revision Bill.

Bills introduced, on motion by The Hon. A. F. Griffith (Minister for Justice), and read a first time.

## **NATIONAL TRUST OF AUSTRALIA (W.A.) BILL**

*In Committee*

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 14 put and passed.

Clause 15: Power of Council to appoint Executive Committee—

The Hon. J. G. HISLOP: I spoke about this on the second reading, and suggested that the right to co-opt a person should

be governed to some extent by the council. If the amendments I have in mind are accepted subclause (4) will read as follows:—

Any committee (including the Executive Committee) may with the approval of the Council co-opt any persons to serve on the committee for a period to be determined by the Council whether or not those persons are members of the Trust.

I move an amendment—

Page 11, line 31—Insert after the word "may" the words, "with the approval of the Council."

The Hon. A. F. GRIFFITH: What sort of approval will the council give?

The Hon. J. G. HISLOP: It could say "Yes" or "No."

The Hon. A. F. GRIFFITH: What would be the method of approval? Would it be the approval of the council in writing? Otherwise it is not good enough, because somebody may say we approve of this. Will it be done in the minutes of the meetings? I suggest we leave it like it is. I will accept the amendment on the understanding that if I am advised the drafting needs tidying up I will be able to come back to it on the third reading of the Bill.

The Hon. F. J. S. WISE: I think there is much to commend the thought of the honourable Dr. Hislop, that committees appointed by the council, and executive committees cannot willy-nilly co-opt people to serve on the committee without the endorsement of the council itself. How notice may be given, or how refusals may be made does not matter much. I do, however, support the principle.

Amendment put and passed.

The Hon. J. G. HISLOP: I move an amendment—

Page 11, line 32—Insert after the word "committee" the passage "for a period to be determined by the Council."

The Hon. A. F. GRIFFITH: I accept this amendment on the same basis that if there is anything wrong with the drafting, or there is any other reason that I have not yet been told of, I would like the privilege of coming back to it on the third reading.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 16 to 27 put and passed.

Schedule put and passed.

Title put and passed.

*Report*

Bill reported, with amendments, and the report adopted.

## LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

*In Committee, etc.*

Resumed from the 21st October. The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 28: Section 433 amended—

The DEPUTY CHAIRMAN: Progress was reported on the clause to which The Hon. F. J. S. Wise (Leader of the Opposition) had moved the following amendment:—

Page 25, lines 6 to 21—Delete paragraph (c).

The Hon. L. A. LOGAN: When the Committee last dealt with this amendment I asked that it be not accepted because the position could arise where a local authority would have no control and neither would Parliament itself. I stated that industry generally had accepted the principle that some control was necessary. Generally speaking, flat builders have accepted the control. They have reported to me, by way of letter, over the signature of Mr. Walter Ashton, that industry accepts the principle that each and every one should be treated in the same way and that nobody should be singled out for this treatment. I think that is fair enough.

If full power is not given to local authorities, we could have an instance where a flat owner, an industrialist, a warehouse owner, and a shopkeeper all do the right thing, but the other fellow does as he likes. I would remind honourable members that certain by-laws under the Town Planning Act have already been presented to and accepted by Parliament for exactly the same thing, but doubt has been expressed as to the legality of the by-law making power under the Town Planning Act.

That is why we want it inserted in the Local Government Act so as to make sure the legal doubt is removed. Because of this legal doubt, if there were a challenge I do not know what the court would do. I have given industry an assurance, which has been accepted, that no by-law will be drafted until it and the local authorities are satisfied it is a fair and reasonable one. It will have to be equitable, elastic, and uniform, as far as possible. In fact, it has to be a model by-law, so that one local authority will not act differently from another local authority, except in a minor instance.

In Singapore flats are going up like mushrooms in every few yards of the area; and we do not want to see that here. I do not think we want a repetition of the flats that are just off the Freeway; and I would ask honourable members to look at Langley Park. I do not think we want a repetition of that, but it could happen

without control somewhere. The only way to do it is to give a local authority a by-law making power so that the position is controlled by Parliament. If Parliament does not like the by-law, it can be tossed out or amended. I ask this Committee to give the matter further consideration and accept the clause as it stands.

The Hon. H. K. WATSON: I have listened to the Minister, but I am afraid that nothing he has said answers the various points of objection that we were taking to this proposal on Thursday last. The honourable Dr. Hislop indicated various instances where uniformity would not be workable, and I am still opposed to the inclusion of the provision as it stands in the Bill.

The Hon. F. J. S. WISE: I cannot agree with the Minister when he says that this is the only way we can do this. There is no doubt at all that the by-law making power which this paragraph confers would give the right to a local authority to make a by-law prescribing that any class of building specified in section 4 of the uniform general building by-laws could be affected to the extent prescribed within the by-law; and that motor garages, carports, or parking spaces for the number of persons likely to reside or work in the building should be provided. There is no doubt that is the width of the power conferred in this paragraph.

The provision is so unrestricted and unlimited in its power that for persons with extremely valuable property, no matter what the footage value is or the acre value, and no matter for what purpose it is being used, it is in the hands of the local governing body to prescribe the number of facilities to be provided, according to the number of people working or residing therein. I do not think that is a fair proposition. It is putting a distinct prejudice against the individual in the hands of local governing bodies.

In our thinking on matters affecting local government, we must get back to the individual who elects people to Parliament; and we must have a responsibility to the nation and to the individual and not a responsibility to a section that can determine against the individual. I am very jealous of the rights of the individual. But this paragraph, as it is framed, gives unbounded rights to local governing bodies to determine what shall be done. Therefore I hope my amendment will be carried.

The Hon. J. G. HISLOP: I do not like to vote against this measure because I know something of this nature is needed. If we vote against it we will be in a worse position than when we started. I was hoping that during the adjournment the Minister would realise that some of us found ourselves in difficulties with this clause.

I cannot see that it is necessary for local government authorities to have such wide powers. If a parking area is available, then that is sufficient. If garages and carports are to be added to flats, costs would be increased considerably. I cannot see that local authorities should be given the whole of this power, although some of it is necessary. Perhaps the Minister could have another look at the clause to confine the power to what is completely necessary, and leave out the great width of power which is given to them.

Surely there must be a principle established regarding the ratio of cars to people! If there are a thousand employees, is parking space to be provided for 1,000 cars? This clause gives local authorities power to say what area shall be set aside as parking space for people living or working in a prescribed building. On a recent visit to Sydney I was interested to see the number of tall buildings being erected, some of them being over 40 storeys. There appeared to be very little parking space provided, yet I did not see a clutter of cars parked in the streets. It is possible that parking areas are provided elsewhere. I did not see as many cars parked in the streets of Sydney as we see parked on the Perth Esplanade.

Possibly there could be a system whereby people could park their cars other than in the building in which they live or work. This could be a matter for private enterprise. If parking areas are to be set aside around buildings that are to be erected in the future, we are likely to come up against difficulties. Town planners of the future might decide that the first floors of any new building should be set aside for parking. I would have suggested that the words "garages and car ports" in this clause should be removed, and the clause would then read "paved parking spaces." It would not matter whether the paved parking space be underneath or at the side of a building. Regarding the proportion of persons, town planning authorities may be able to advise local government authorities as to the ratio of cars per person. I am prepared to go along with the Minister if he will endeavour to see how these powers can be reduced to those which are absolutely necessary.

The Hon. J. HEITMAN: I support the Bill. Local government authorities must have power to plan ahead. It has been said that there is one car to every three persons, and that the number of motor-cars will increase. A person who occupies a flat should not have to park his car in the street where it could deteriorate.

The Hon. H. K. Watson: Have you been down near the river lately?

The Hon. J. HEITMAN: Yes, and I have seen the cars out there. I have seen how they are deteriorating. Our streets are filled with parked cars. An alternative

is for local authorities to install one-arm bandits, and, with the money, provide car parks. Local government authorities should have power to plan ahead and provide for car owners who live in flats, and also make provision for car owners who work in the many office buildings. The Minister is to be complimented for bringing down this measure.

The Hon. H. C. STRICKLAND: If the clause contained something specific, we would be in favour of it. Unlimited power is given to local government authorities to tell people what they shall or shall not build. If the power were limited, I would agree with the clause. It is all very well for the Minister to tell us that there is a safeguard through the by-laws, but a lot can happen between sittings of Parliament. We have seen what local government authorities can do in relation to flats in the Claremont Shire Council area. I can recall what happened in connection with a small shire council authority at Halls Creek. The council comprised station managers who had come to Western Australia from Queensland. This was an example of a council being given unrestricted power. When the townsite at Halls Creek was moved nine miles to a site alongside the aerodrome, the shire council introduced a by-law. The Government of the day and Parliament accepted that by-law, which laid down that no building could be erected on the new site unless it had a cement frontage to the street. As honourable members know, a bag of cement in Halls Creek costs three times as much as it costs in Perth. The first person to break the law was the then chairman of the shire council.

The Hon. J. Heitman: It creates a better town.

The Hon. H. C. STRICKLAND: People only imagine that it creates a better town. Dr. Hislop mentioned, in connection with new buildings being erected in Sydney, that he did not see any congestion of cars. People in Sydney use public transport; they do not need to take their cars into the city. But in Perth the public have to bring their cars into the city because our public transport cannot cope with the problem at present.

I object to the broad principle of giving power to city shire councils and country shire councils throughout the State. This will give them unrestricted power. The Minister said he would not like to see anything happen similar to what happened along Riverside Drive and the Freeway. What does he intend to do about it? Does he mean that people who wish to build flats should go into the back blocks away from the city? If that happens people will be forced to pay £1 or 30s. per week on bus fares. What else, apart from flats, could be built alongside Langley Park? It is not a factory area and it is

not zoned for residential purposes. Surely people are entitled to live as close to their work as possible!

When a recent lord mayor returned from the latest of his numerous trips overseas he remarked that the time would come when the City of Perth would have to set aside more of its land for residential purposes. Block acreages would have to be closed rather than opened up. In Europe houses are built close together for miles. The only alternative would be to push them out into the back country. If we do that we will kill the heart of the city because people will not be able to get into it. It would cost them too much to get to and from their work. It would not matter if we had a new town planner each year, because he would alter the existing town plan.

*Sitting suspended from 6.15 to 7.30 p.m.*

The Hon. L. A. LOGAN: During the course of the debate before the tea suspension it was suggested that I might give some thought to amending this paragraph rather than that it be deleted as proposed by the honourable Mr. Wise. I have given some thought to that and I am prepared to accept an amendment to paragraph (c) to delete the words "attached to it or erected" in line 12 and the words "motor garages, car ports, or" in lines 15 and 16.

The Hon. H. K. WATSON: I would like to ask the Minister just what is meant by paved parking spaces. The general idea is that it is something more than gravel, and yet there are many places where gravel would be adequate for parking areas. The last thing I want to see is some particular boy in local government or town planning deciding that a factory should have a layout such as we have at Parliament House. Everyone does not possess the resources of the State Government, and I think some common sense should be exercised in these things. The owner of a building might be told to pave the parking area with gold, or cement, as the honourable Mr. Strickland said earlier. So far as industrial establishments are concerned, gravel would be adequate.

The Hon. L. A. LOGAN: If the word "paved" is taken out of the paragraph then it will not be possible to make a by-law providing that paving has to be supplied in cases where required. That is why the words were put in the paragraph in the first place. The by-law making power has to be wide enough to cover any necessary by-law and ensure that it will not be *ultra vires* the Act. From the debate, one would think that local governing bodies were irresponsible—

The Hon. H. K. Watson: Some of them are.

The Hon. L. A. LOGAN: They are not irresponsible. They are elected under an Act of Parliament to do a job, and I am

sure they are not irresponsible. To my recollection only one by-law has been disallowed since I have been Minister, and that was a planning by-law of the City of Perth. I think that is sufficient evidence to show that local authorities are responsible bodies; and the department is responsible and the Minister, too. I think a slur is being cast on local authorities when they are accused of being irresponsible. I have already stated that the people concerned have discussed the matter and are satisfied with it.

The Hon. H. C. Strickland: What about the industrial people?

The Hon. L. A. LOGAN: Yes, they are satisfied. There are by-laws on the Table of this House to which no-one has objected, and they deal with flats.

The Hon. H. C. Strickland: Then this provision is not required in the Bill.

The Hon. L. A. LOGAN: I have given the reason. We do not want a repetition of what is taking place over parking at Langley Park. There is ample provision in the City of Perth by-laws to cover flats within the city area.

So it is necessary to have the words in the paragraph in order that we may make a by-law which is not *ultra vires* the Act. It may not be that the whole of the area would have to be paved. An agreement can be reached with the person concerned so that a certain portion is paved and the rest gravelled.

The Hon. F. R. H. LAVERY: I would like to ask the Minister why it is that the Melville Town Council has for some years past been able to say where people shall put garages and carports, if there was nothing in the Act previously.

The Hon. L. A. LOGAN: Some local authorities have the by-law made under the Town Planning Act, which might not stand up in a court.

The Hon. F. J. S. WISE: I intend to persist with the deletion of this paragraph unless there is more mature thought given to the matter than that given by the Minister during the tea suspension. I do not think this is satisfactory at all. I had hoped over the weekend that the Minister would produce something to meet the difficulties we can see in the paragraph, the main difficulty being the power to prescribe by-laws with unlimited authority, as affecting the individual. I intend to persist; and the Minister can, on reflection, give the matter more temperate consideration and recommit the Bill with something more appropriate to the circumstances.

The Hon. L. A. LOGAN: I have given this matter a lot of thought and I cannot see how to amend the paragraph to give effect to what has been requested. The Chamber of Manufactures has accepted the principle of it, and there has been

no objection from anybody outside. I do not know why there is objection here; because the people concerned have accepted it.

The Hon. F. J. S. WISE: They are the people on whom the authority will be conferred.

The Hon. L. A. LOGAN: Industries have accepted it; no flat owners have objected to it. I have given the matter a lot of thought and I cannot see any alternative to what I have suggested.

The Hon. H. K. WATSON: Speaking for myself, I am not at all concerned or worried whether the Chamber of Manufactures or anybody else has accepted it. I do what I expect the remaining 29 honourable members to do: exercise common judgment on the matter. I have seen this principle misfire with respect to sprinklers in a building and also with respect to inflammable materials; that is, where a uniform by-law, once passed, has been applied on a broad scale. It is all very well to say that we will give the local authorities this power and they will not exercise it. Why give it if it will not be exercised? It is not a question of the local authorities applying it. It is a question of the inspector whose job it is to stick to the rules of the book, no matter what the circumstances. The inspectors usually say, "This is pretty hard in the circumstances, but what can I do?" It is that circumstance I want to avoid.

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

## Ayes—12

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. D. P. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. H. K. Watson
Hon. K. F. Hutchison	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. D. Teahan

(Teller)

## Noes—12

Hon. C. R. Abbey	Hon. A. L. Loton
Hon. N. E. Baxter	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. B. Robinson
Hon. J. Heltman	Hon. S. T. J. Thompson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. F. D. Willmott

(Teller)

## Pairs

Ayes	Noes
Hon. W. F. Willasee	Hon. A. R. Jones
Hon. J. J. Garrigan	Hon. R. C. Mattiske

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): The voting being equal, the question is resolved in the negative.

Amendment thus negatived.

The Hon. L. A. LOGAN: I move an amendment—

Page 25, line 12—Delete the words "attached to it or erected".

Amendment put and passed.

The Hon. L. A. LOGAN: I move an amendment—

Page 25, lines 15 and 16—Delete the words "motor garages, car ports, or".

The Hon. F. J. S. WISE: Will the Minister include the word "paved" in his amendment, because if he will not we will have to move for its deletion afterwards?

The Hon. L. A. LOGAN: If it is the wish of the Committee to delete the word "paved" I am quite prepared to move accordingly. Have I your permission, Mr. Deputy Chairman (The Hon. G. C. MacKinnon) to withdraw my amendment?

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Yes.

Amendment, by leave, withdrawn.

The Hon. L. A. LOGAN: I move an amendment—

Page 25, lines 15 and 16—Delete the words "motor garages, car ports, or paved".

Amendment put and passed.

The Hon. J. G. HISLOP: I had a word with the Minister, who kindly considered a proposition I made to him that we amend, if possible, the proportion of the number of persons who will be provided with parking space. I think it might be determined in another way. I do not think the Minister will like what I am going to suggest. Instead of having this determination made on a sort of uniform scale, a good deal of thought should be given to the ratio of parking space for persons who are working and residing in a building. I am wondering whether it should be the responsibility of the Town Planning Board to determine that ratio, because it would differ in certain districts, and it would be doubtful if we could make it uniform by making a simple amendment.

The Hon. H. K. Watson: Why not stop after the word "by-law"?

The Hon. J. G. HISLOP: Yes, perhaps that could be done. If an amendment were agreed to it would give an overall picture to enable one to look at town planning generally rather than look at it from the point of view of the local area. Therefore, I would like to move an amendment that, after the word "prescribed" at the end of the paragraph, the words "by the Town Planning Board" be added.

The Hon. F. J. S. Wise: If you move that amendment, the honourable Mr. Watson would be unable to move his.

The Hon. J. G. HISLOP: Does the honourable Mr. Watson want to move something different?

The Hon. H. K. WATSON: Yes. I had intended to vote against the final question that the clause, as amended, be agreed to, but we seem to be getting somewhere with the Minister now. I agree with the honourable Dr. Hislop that the fixing of a number in an area according

to the proportion of persons who are likely to reside or work in a building is not a proper test. If this paragraph stopped at the word "by-law" in line 18, such by-law could, in fact, fix a proportion according to the number of persons likely to reside, or work, in the building; or the by-law could be elaborated; or there could be some other system.

Those words would, if anything, restrict the by-law. The position would be more open to deal with that particular case if this provision simply concluded with the words "as is prescribed in the by-law." The by-law could then prescribe a formula according to numbers, or according to males or females.

The Hon. F. J. S. Wise: It may prescribe no by-law at all.

The Hon. H. K. WATSON: It may prescribe according to city flats, or State Housing flats; because I imagine the State Housing flats at the Swanbourne hill, where there are some elderly people residing, would not necessarily require the same space for the parking of motorcars as, say, the people at Wandana, or some of the Mount Street flats. Therefore, I move an amendment—

Page 25, lines 18 to 21—Delete all words commencing with the word "or" down to and including the word "prescribed."

The Hon. L. A. LOGAN: The only catch I see in this amendment is that no by-law, if it is based on this formula, can be effective. The by-law does not give one power to do that. A by-law grants an open and general power, but it could not be based on the lines as suggested by the amendment.

The Hon. H. K. Watson: That could be the formula by which you arrive at it.

The Hon. L. A. LOGAN: How does one lay down a formula unless it is laid down by a by-law?

The Hon. F. J. S. Wise: The word "or" makes this an alternative.

The Hon. L. A. LOGAN: Yes, I agree, but there will be some instances where no by-law is made in accordance with the number of people working in a building; and, with no provision made for this in the Act, no by-law could be prescribed. As for the amendment sought by Dr. Hislop; namely, to add the words "the Town Planning Board" at the end of the paragraph, where would Dr. Hislop want the Town Planning Board to prescribe for such number of persons?

The Hon. J. Heitman: I think they are trying to make a by-law in Committee this evening without the vital authorities having any say in it.

The Hon. F. J. S. Wise: Rubbish!

The Hon. L. A. LOGAN: That could be so. I prefer the clause to remain as printed. The by-laws under this legislation will all be subject to the approval of the Local Government Department and the Town Planning Department, and subject to the Minister before they are brought before Parliament. In addition in this instance the people concerned would be reviewing the by-laws before they were approved. I promised that a model by-law would be provided which would, before it was actually introduced, be acceptable to these people. If we delete the words as is requested by the amendment and it is required to prescribe a by-law which has, as a basis, the number of persons residing or working in a building, it will be *ultra vires*. Therefore, I hope the Committee will not agree to this amendment.

The Hon. H. K. WATSON: Whilst the Minister has been speaking I have been looking at the clause once again. For the purpose of argument, let us assume the by-law states, "You shall provide space for one car for every five persons employed." We will stop at the word "employed" for the moment. Take Cole new building, for instance. Are we to expect Coles to provide in Hay Street the same space that would be required in the Melville Town Council area or any other such area?

The Hon. L. A. Logan: I do not think anyone has any intention of doing so.

The Hon. H. K. WATSON: The Minister says it is not intended, but if it is in the uniform by-laws—

The Hon. L. A. Logan: It is not a uniform by-law; it is a model by-law.

The Hon. H. K. WATSON: The model becomes the by-law. The Minister is only playing with words. Assuming the City of Perth, for the whole of this area, provides parking space for one car to every five people. I still say that what may be applied at the extremity of the Perth district would not be applicable in Hay Street.

The Hon. L. A. Logan: I quite agree.

The Hon. H. K. WATSON: There is nothing in the provision to ensure that the discrimination which is necessary will be put into effect.

The Hon. N. E. BAXTER: This provision in the clause will enable a local authority to prescribe a building by-law for a specific class of building. The first portion will enable the local authority to prescribe under the by-law, and the next section will enable it to prescribe according to the number of persons likely to reside or work in the building so prescribed.

Reference was made to the new Cole building, and to the power of the local authority to prescribe parking space for the number of people who work there. ]

the amendment is agreed to we would have one building by-law based on one set of circumstances only. This will give an option for the making of different by-laws for different classes of buildings.

The Hon. H. K. WATSON: There is nothing in the clause which states "working in any class of building so prescribed". Reference is made only to "the building".

**Amendment put and negatived.**

The Hon. J. G. HISLOP: I shall refrain from moving the amendment which I intended to move. It appears that the Town Planning Board will be given certain powers which it does not have under this Act. It may be necessary to amend the Town Planning and Development Act to enable it to assume those powers.

**Clause, as previously amended, put and a division called for.**

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Before the tellers tell I cast my vote with the Ayes.

**Division taken with the following result:—**

**Ayes—13**

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. H. R. Robinson
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. J. Heltman	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray
Hon. A. L. Loton	

(Teller)

**Noes—12**

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. D. P. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. E. Thompson
Hon. E. M. Heenan	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. D. Teahan

(Teller)

**Pairs**

<b>Ayes</b>	<b>Noes</b>
Hon. A. R. Jones	Hon. W. P. Willesee
Hon. R. C. Mattiske	Hon. J. J. Garrigan

**Majority for—1.**

**Clause thus passed.**

**Clauses 29 to 35 put and passed.**

**Postponed clause 10: Section 93 amended—**

The Hon. L. A. LOGAN: This clause was postponed because of a query raised by The Hon. R. Thompson in regard to the time allotted to a returning officer to check whether nominees had paid their rates. In order to achieve what the honourable member desires we will have to amend section 97. The provision in this clause states—

Where a nomination paper is delivered to the returning officer, he shall inspect the rate book of the council to ascertain whether the person referred to as the candidate in the nomination paper is disqualified under section thirty-six from being elected . . .

The issue was raised as the result of a claim by the City of Fremantle that the 15 minutes are not sufficient.

I have checked on this point with the City of Perth, the Shire of Perth, the Town of Melville, and the City of South Perth. All those authorities stated they could see no difficulty arising in checking within the 15 minutes specified. However, I am prepared to amend section 97 to extend the time from 15 minutes to 30 minutes. I am wondering how I can go about making such an amendment.

The DEPUTY CHAIRMAN (Hon. G. C. MacKinnon): The subject matter with which the Minister wishes to deal is covered by this Bill. After the postponed clauses have been dealt with, and before dealing with the title, the Minister may move to insert a new clause to cover the specific point. The subject matter to which he refers is, to some extent, dealt with under clause 10.

**Postponed clause put and passed.**

**Postponed clause 21: Section 297A added—**

The Hon. F. J. S. WISE: I wish to speak in general terms on this clause. Considerable comment was raised on this clause during the second reading debate, and a solution was sought to many difficulties associated with the clause as printed. The addendum to the notice paper contains certain proposals which, in my view, will overcome the difficulties which local authorities might experience, and also the difficulties in implementing the principles contained in this clause.

The clause covers 6½ pages, but the main principle is the intention of local authorities to close private streets or rights-of-way because of their neglected condition; because at times they are a menace and a fire hazard, and a place for the repository of rubbish; and because generally they are unneeded and unused.

The amendments which have been framed are designed to overcome the difficulty by assisting in the closing of lanes which are a nuisance and a menace, and which are unnecessary. In providing for that principle I have endeavoured to provide that if, on notice from a shire council, a person raises an objection based on the use of the land, or on the use of the private street or right-of-way, as being necessary for access—either ingress or egress—such land or private street should not be closed.

If one person stands out the council may not close such right-of-way; but the Minister has the right in his discretion—and I have every confidence under the amendment in referring it to the Minister—to say that the objection, on examination, is unwarranted and the lane shall be closed. That is the first principle in these amendments. If, for example, a person purchases a property because it has a lane which he can use to gain access to his property by car, he would have a valid objection. I contend that if one such

person, in a group of 10 or 20 whose properties abut the lane, has a valid objection against the closure of the lane, it should be upheld.

The second principle in the amendments I propose is that no local governing body should have the right to override the desire of the Metropolitan Water Supply Department, the State Electricity Commission, the Postmaster General's Department, or the Town Planning Board. I would give no local authority the right to say to a government department, "In spite of your objection, this right-of-way will be closed." There should be no doubt that if an objection is raised by a service department of the State or Commonwealth, such objection will not be overruled.

The third principle is that if a right-of-way is closed, there having been no objectors, the local authority concerned should not have the right to compel owners of land abutting such right-of-way to present their titles in order that they might be amended to include a certain portion of the closed right-of-way. Neither should the local authority be able to compel the owners of such land to fence the new boundaries. I think that is not a fair proposition. The responsibility is not on the individual to be pushed around and be subjected to added costs when his property suits him as it is and when his boundary lines are already provided with a suitable fence. I am sure that a local authority will take advantage of the added land by imposing a higher rate, and therefore over a long term it would recoup itself from ratepayers as a whole for half the cost it is burdening the individual with.

As I said earlier this evening when speaking on another question, we have a responsibility in this place to the individual rather than to organisations or separate entities of official people; and I am on the side of the individual to ensure that he is not burdened with added costs because of something, not to his desire, but imposed upon him.

Those are the three principles involved in my amendments on the addendum to the notice paper and I hope the Minister will agree that I have not made it more difficult for rights-of-way to be closed if people object invalidly, unfairly, or unreasonably; because the scope is contained in the amendments for a person to have a valid objection sustained, unless the council, on appeal to the Minister, is able to show that the objection is unwarranted. I think that is a fair proposal and I hope when the time comes for me to move my amendments—the Minister has one to move before me—the Committee will agree to them.

The Hon. R. F. HUTCHISON: Mr. Deputy Chairman (The Hon. G. C. MacKinnon), I want—

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Is the honourable member desirous of talking in general terms?

The Hon. R. F. HUTCHISON: Yes. I want to support the honourable Mr. Wise. I mentioned before that I have received written requests to support such amendments as the honourable Mr. Wise is submitting.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Order! The honourable Mr. Wise has not moved an amendment as yet. May I point out that this clause covers six and a half pages, and I intend to call each page so that no honourable member will inadvertently miss the opportunity, in such a long clause, to move an amendment if he so desires.

The Hon. L. A. LOGAN: I move an amendment—

Page 14, line 16—Insert after the paragraph designation "(a)", the passage "the Minister of Water Supply, Sewerage and Drainage and".

The reason for this is to cover any closures which may be desired in country areas.

Amendment put and passed.

The Hon. F. J. S. WISE: I move an amendment—

Page 15, lines 10 and 11—Delete all words after the word "any" down to and including the word "either".

If those words are deleted and subclause (4) terminates at the word "any" it will be possible for me to move for the insertion of a new subclause to stand as subclause (5).

The Hon. L. A. LOGAN: I believe that the honourable member is making it harder for lanes to be closed and that consequently they will not be closed. Firstly, I do not believe it is necessary to stipulate what a Minister shall do. After all is said and done, when a Minister receives an objection now he immediately gives it consideration and has it investigated. There is no need to lay it down in an Act of Parliament.

If honourable members will study the provision they will realise that the first thing a local authority has to do is to decide whether a lane warrants closing. No local authority is going to close a lane-way if it is in use unless, of course, it is an irresponsible authority as suggested by the honourable Mr. Watson. But they are not irresponsible.

The Hon. F. J. S. Wise: Tell us where it says that.

The Hon. L. A. LOGAN: I have enough respect for local authorities to know that they will not close a lane if it is in use.

The Hon. G. Bennetts: I don't know about that.

The Hon. F. J. S. Wise: Tweedledum!

The Hon. L. A. LOGAN: It is not Tweedledum at all! No local authority will pass a resolution to close a laneway if it is in use.

The Hon. R. F. Hutchison: How do you know?

Hon. L. A. LOGAN: A Minister does not—

The Hon. R. F. Hutchison: You might not, but how do you know—

The Hon. L. A. LOGAN: I have said I have enough respect for local authorities to know that they would not do it. If a local authority passes a resolution to close a right-of-way it must prepare a plan of the right-of-way and the lots which abut it, and the proposal for division among the owners. Then it must give notice in writing to be served upon the owner of each lot and each person, other than the owner, whose name appears on the title. Having done that, each person must advise within 30 days of receipt of the notice why the private street should not be closed in accordance with the plan, or why any portion of the land that comprises the whole lot should not be transferred to the owner of that lot.

Apart from that, the council must give written notice to the Metropolitan Water Supply, Sewerage and Drainage Board, the State Electricity Commission, the Postmaster General's Department, the Town Planning Board, and the occupier of each building on any block of land that abuts on the private street, advising of the proposal of the council and calling upon them to submit objections thereon in writing to the council within 30 days.

The council will then send to the Minister a copy of the objections and the plan, together with the comments of the council as to whether it thinks the objections are justified or not. The Minister will then examine the objections and the reasons for the objections, and if he is satisfied that everything is in order he will approve of the plan and submit it to the Governor for approval. But the Minister, on examination, may not approve. If there are valid objections to the plan the Minister will not approve. That is already laid down, and I think that is sufficient.

I wish now to deal with paragraph (b) of the amendment. One of these authorities, in order to safeguard itself, could write to the council and say, "We object to your closing the lane according to the plan." But it might do that simply as a precautionary measure, and it might be that after some discussion with the council an alternative method would be found and the objection withdrawn. But according to the amendment, the council would have to drop the plan.

The Hon. R. F. Hutchison: You are only supposing.

The Hon. L. A. LOGAN: Not at all; that is what the amendment says. That is going a little too far, and I do not think the honourable Mr. Wise intended his amendment that way.

The Hon. F. J. S. Wise: My word I did!

The Hon. L. A. LOGAN: The honourable member has not allowed for any discussion between the council and the authority concerned.

The Hon. F. J. S. Wise: Of course I have.

The Hon. L. A. LOGAN: Not according to the amendment. Surely when objections are received by the council they should not be overridden at that stage. If the Minister looks at the objection and sees that a P.M.G.'s telephone line runs down the middle of the lane, or that a water main runs down the middle of it, does the honourable member think he will allow the scheme to go through? I think the Bill, as presented, adequately covers the position.

In dealing with the last part; namely, the question of the local authority having to pay half the cost of the fence, I say that would immediately kill any opportunity of having lanes closed in the metropolitan area; or in any part of the State as far as I can see. The people abutting the lanes will get the land, and they will have their titles altered for nothing. They might be prepared to meet the cost of the fence, but under the amendment they would not be allowed to: the local authority would have to pay it. That is the last straw. No local authority will ask for lanes to be closed if it is forced to pay half the cost of the fencing.

I have been looking for some alternative means or better method to deal with this matter, and I had a quick look at the amendment when it was placed on the addendum to the notice paper. I made a study of it, and I sent it to the department for comment. However, I cannot see that it will be of any practical value. I do not see why we should write into the Bill that the Minister should take all the precautions described here. I hope the Committee will not agree to the amendment.

The Hon. F. J. S. WISE: I am afraid the Minister has become very adept at avoiding the real issue. There is no provision in the Bill, as printed, for an objector to lodge an objection with the Minister and have it considered.

The Hon. L. A. Logan: There is.

The Hon. F. J. S. WISE: The Minister, in traversing the principles in the Bill, pointed out that when objections were lodged they were considered by the council, which could pass a resolution deciding to close the private street. Following the passing of the resolution, the resolution, together with the objections, would

be submitted to the Minister for his approval and for the Governor to take action. But there is no provision for any owner to object and to have his objection heard by a tribunal, whether it be the Minister or not. Once the decision has been reached, the objector may not be heard. The Minister may, in his discretion, decide that the council is unreasonable, but the voice of the objector is silent after he has initially raised his objection.

I am endeavouring to protect people who have a valid objection to any interference to the well-being of their property; to their way of life; and to the access to their property. It is idle for the Minister to suggest that no lanes can be closed if the principle I have endeavoured to insert in the clause is included in the measure. It will facilitate the closing of all objectionable lanes and streets.

The Hon. H. R. Robinson: Would not subclause (5) (c) cover what you are dealing with?

The Hon. F. J. S. WISE: No. The Minister receives only the submissions of the council at that point. It has been said that this provision will be a stopper to action by local governing bodies, because they will be responsible for contributing to part of the cost of the fence; and the Minister has said that very few lanes are likely to be involved. Well, let us clean up these few lanes by this method. What do the State instrumentalities have to do when they shift a person's boundary? If the Railways Department takes a railway through a property in the country, it fences that section of the property. What does the Main Roads Department do if it shifts an alignment? It fences the boundaries. Is it not unfair that a person with a 40-ft. frontage and with a fence that would last his lifetime can be subjected, at the whim of a council, to some added cost?

I think the amendment is a reasonable one; and in order to have these unsightly places cleaned up the local authorities should be prepared to be involved in half the cost of shifting the fences. I hope the Committee will agree to the amendment.

The Hon. R. F. HUTCHISON: In supporting the amendment, I am again going to say that I have been asked to watch this very point. Some people in the suburbs with 40-ft. frontages have a fear that they might be interfered with. We should protect the rights of the individual, no matter if he is only one individual among thousands of people. If he has a house with a 40-ft. frontage and uses the back lane for access, he should not suffer interference.

The Hon. J. Heitman: There is no provision to close that type of right-of-way.

The Hon. R. F. HUTCHISON: How does the honourable member know? I have been here long enough to take no notice

of that sort of thing. People have voiced their fear that that is what is going to be done, and they have asked me to express my opinion in the Chamber. If we call ourselves a democracy, we should protect the rights of the individual.

I have seen too much of local government to know what can be done. We have one lot of people in local government one year, and the next year we might have a different lot, and they could have different opinions.

In Inglewood there are rights-of-way that the adjoining owners would like to see closed, and I have been approached from the opposite angle by those people. They have wide frontages and can run a motor car in from the front of the block. But there are plenty of places where if a load of wood is required, it has to be dumped at the front.

The Hon. S. T. J. THOMPSON: There seems to be a great divergence of opinion regarding local authorities. We in the country rather respect their judgment, but the city people do not seem to do so.

Getting back to the amendment, I feel that subclause (5) amply covers the situation because it ensures that any objection must go to the Minister.

In the country we have, for many years, had this provision at our disposal regarding the closure of roads, and many times we have tried to close roads that we considered were useless; and members would be amazed at the trouble we have had in achieving our object. It is very difficult to get a permit to close a road. I am sure that if the provision here is agreed to it will be equally difficult to have lanes closed.

The Hon. F. R. H. Lavery: That comes under the Road Closure Act.

The Hon. L. A. LOGAN: Let me go through this again. If a local authority passes a resolution to close a laneway or private street, it will do all the things I have said. If it receives objections from individuals, or from the authorities concerned, then it can do one of three things: it can pass a resolution that it will not go on with the plan; it can pass a resolution that it will go on with the plan; or it can pass a resolution amending the plan.

If the council passes a resolution that it wants to go on with the plan, or it wants to go on with the plan as amended, it shall, as soon as practicable thereafter, cause to be sent to the Minister a copy of the resolution, a copy of the plan referred to, and any objections that it receives to the proposal.

So every objection has to be sent to the Minister and, at the same time, if the council does the right thing it will forward its comments as well. When the Minister receives those proposals he can do one of two things: reject them or, if

he concurs, send the resolution to the Governor for approval. So the position is adequately covered.

The Hon. H. K. WATSON: For the reasons which have been advanced by the honourable Mr. Wise I propose to support his amendments, even though, to my mind, they do not go far enough in order to protect the rights of the individual who might be affected. I think the honourable Mr. Wise's proposition is quite a fair one. The Minister objects to the proposed subclause (5) (a) on the grounds that it is inconceivable that a local authority would close a right-of-way if there were one valid objector.

The Hon. L. A. Logan: I did not say that at all.

The Hon. H. K. WATSON: I must have misunderstood the Minister. I thought that was his proposition. If that is not so, what is his objection to the amendment?

The Hon. L. A. Logan: Because it is not necessary. It is already in the legislation.

The Hon. F. J. S. Wise: No, it is not.

The Hon. H. K. WATSON: It is all very well to theorise on these things but some honourable members have been on the receiving end of some of these orders and have been in the position of objectors. If they have not I can tell them I have, and from bitter experience the right of objection to the local authority or the Minister is not worth very much so far as I am concerned.

The Minister then said the next proposal was unnecessary and could be harmful because there was no right to withdraw the objection, and if the Minister for Water Supplies, or one of the other government departments, put in a notice of objection purely as a precaution there was no power for it to be withdrawn. Under subclause (3) the Minister for Water Supplies will find himself in the position of receiving a notice from the local authority of its intentions and requiring him, within 30 days, to send in his reply. I think it is a bit presumptuous on the part of the local authority to give the Minister 30 days in which to reply. However, I would imagine that the Minister, before putting in his objection, would cause inquiries to be made as to the circumstances. He would not do it afterwards.

I should imagine the local authority, if it had any sense as to the fitness of things, would, before making its proposed order, and before issuing its formal notice to the six or seven authorities set forth in the Bill, inquire from them whether they had any objections to the proposal.

The Hon. L. A. Logan: Don't you think they will do that?

The Hon. H. K. WATSON: I do not think there is anything in the Minister's argument on that point. As regards the question of who shall bear the cost of

refencing the closed right-of-way, I think the proposition of the honourable Mr. Wise is eminently fair. I support the amendment.

The Hon. L. A. LOGAN: Since being Minister for Town Planning I have dealt with a great many town planning schemes advanced by local authorities and exactly the same principle applies, whether the scheme be a big or small one, as would apply under the provisions of the Bill. All the objections to the scheme are sent to the local authority, and the individual, if he wishes, can send his objection to the Minister, and the Minister would refer the objections to the local authority concerned. There is nothing in the Town Planning Act to say the Minister must do these things, but he does make due investigation and very often finds that the person who is objecting to the scheme will, in a few years' time, be many thousands of pounds better off but has not appreciated that fact. I have had to override quite a few objections of individuals against town planning schemes; and those individuals, in the course of time, will be considerably rewarded because of the increased value of their land.

When the honourable Mr. Wise was Minister for Town Planning and Local Government he made due investigation of every objection sent to him. He did not need anybody to set out in writing what he should do, and I do not think we should put it into an Act of Parliament. I am sure no local authority would pass a resolution to close any of these lanes until it had made due investigation of the position. If there are 20 property owners whose properties adjoin a lane, and they all want it closed, why put the responsibility on to the local authority to pay half the expense incurred in the re-erection of the fences? I refer honourable members to proposed subclause (11) in Mr. Wise's amendments. I do not think that is fair.

The Hon. F. J. S. Wise: You are giving him something he does not want.

The Hon. L. A. LOGAN: In most cases the owner will want it and it is his reward for getting rid of the unsightly dirty back lane that he does not want.

The Hon. G. Bennetts: And when he gets the extra land the local authority will increase his rates.

The Hon. L. A. LOGAN: That might be so and the property will be more valuable. I reiterate: what is in the Bill is the practice today, and therefore we do not need the amendment. If we throw the onus on to the local authority to pay half the cost of the refencing no local authority will consider the proposition.

There might be a case where out of 30 owners one objects to the scheme because, in his own mind, he has a valid objection to it. But when one works it out, and considers that objection in conjunction

with the case put forward on behalf of the 29 who want the closure, the objection might not seem so valid. In that case it is not an easy problem for the Minister to work out.

The Hon. H. K. Watson: You would sacrifice the single one. You would close it up.

The Hon. L. A. LOGAN: It all depends on the circumstances. If the person were using the lane and he had no other access to his property—

The Hon. H. K. Watson: That is the case I visualise.

The Hon. L. A. LOGAN: —it could not be closed. But in such a case the lane would not be dirty or untidy, because it would be used every day by the person who was objecting to its being closed. All we are trying to do is to close these dirty and untidy lanes which are a fire hazard and are used by criminals. I would like honourable members to have a look at what the Commissioner of Police had to say about some of these lanes. He, together with the representatives of other departments, has been a member of the committee which has been trying to find the answer to this problem.

The Hon. F. J. S. Wise: The amendment will help you do that.

The Hon. L. A. LOGAN: I do not think it will.

The Hon. F. J. S. Wise: Yes it will. It will solve the whole thing.

The Hon. L. A. LOGAN: It will not make the position any better. The Bill states that the objection must go to the local authority and if the local authority goes on with its resolution that must go to the Minister. But the amendment does not say where the objection goes to.

The Hon. F. J. S. Wise: You know full well the previous paragraph in the Bill deals with objections being lodged.

The Hon. L. A. LOGAN: Under the Bill the local authority does not go ahead with the closure of any lane or private street until such time as the Minister gives it the O.K.

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

## Ayes—12

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. D. F. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. D. Teahan

(Teller)

## Noes—12

Hon. C. R. Abbey	Hon. A. L. Loton
Hon. N. E. Baxter	Hon. H. R. Robinson
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. J. Heitman	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray

(Teller.)

## Pairs

Ayes	Noes
Hon. W. F. Willesee	Hon. A. R. Jones
Hon. J. J. Carrigan	Hon. R. C. Mattiske

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): The voting being equal, the question is resolved in the negative.

## Amendment thus negatived.

The Hon. F. J. S. WISE: The last vote not only defeats my previous question but nullifies the object in my second amendment. Unfortunately it has the effect of my not being able to move to insert a new subclause (5) because it follows the objections as outlined in paragraph (iv). I cannot now move it in the proper place, which I deeply regret.

I appeal to honourable members to consider the fairness to the individual which my proposed amendment would bring about. There are many of us who in country districts have been affected by a new road alignment where the responsibility is always accepted by those who bring about the alteration for the payment, or replacement entirely at their own cost, of the fence on the old line. I have been in that position myself as have others in this Chamber.

The Minister suggests that not many private streets would be closed, but why should that mean that the individuals affected should bear all the cost of constructing a new fence on the new line? The Minister should agree to this amendment because it will assist those people who, involuntarily, are being asked to take a dose of medicine whether it is good for them or not—they are being asked to do so because we think it is good for them. I move an amendment—

Page 18—Insert after subsection (10) in lines 16 to 19 the following new subsection to stand as subsection 11:—

(11) Where as a result of the closure of a private street and the attachment of the whole or portion thereof to a lot of land the owner of such lot is required to move and re-erect his fences, half the expense incurred thereby shall be payable by the council.

The Hon. A. L. LOTON: Where a person owns a property and the local authority directs that a fence shall be erected, who bears the cost of the fence?

The Hon. L. A. LOGAN: The owner will bear the cost. Under this proposition in 99 per cent. of the cases we would have the consent of the owners to close the lane for their own benefit. Land is not being taken away from them but given to them. Under the amendment the rest of the owners are being asked to pay the cost of these fences, which I do not think is fair. I suggest we leave it as it is.

The Hon. J. G. HISLOP: We must realise that some of those who will be affected will be pensioned widows, perhaps individuals who already have a debt on

their property, or those who own the house only and have very little in the way of bank reserves. Yet they are going to be asked to find this sum of money. The lanes will be closed in most of the poorer suburbs where cars are not used.

I wonder if some consideration could be given to allowing individuals to pay for fencing over an extended period at a low rate of interest. There is no mention in the Bill of facilities being provided for these individuals. They are simply told they must pay. These gifts of land about which the Minister speaks only mean another 6 ft. or so, which would probably be covered by a hedge or an extension of the vegetable garden. There may be considerable cost involved in some cases. I wonder whether some scheme can be devised to give these people a measure of relief?

The Hon. N. E. BAXTER: I fail to find anything in the Bill or in the Act to say that people are required to fence any part of land that might be given to them. They would only fence it to add it to their own property. There is nothing in the Bill to make such people fence the property, and there is no requirement that they shall fence it.

The Hon. H. K. Watson: How would the lane be closed?

The Hon. N. E. BAXTER: It would still remain an open lane if all abutting owners decided not to fence it.

The Hon. F. J. S. WISE: I am afraid the honourable Mr. Baxter has missed what is expressed in this Bill regarding titles. The Bill states—

... the Registrar of Titles shall request the owner of the relevant Certificate of Title to produce it to him with the application, and the owner of a Certificate of Title of any lot that abuts on the private street that requires to be amended, to produce to the Registrar of Titles that certificate when required by him and the owner shall comply with the request.

The Bill says an owner shall produce his title and he will be told he is to have this land whether it is good for him or not. The Minister is trying to close these lanes and we are trying to help him. We say all of the undesirable lanes should be closed, but the burden should not be imposed on those who are affected and who do not want this land of questionable value.

The Hon. N. E. BAXTER: The honourable Mr. Wise has used the words, "Where an owner is required to fence his land." There is no provision in the Act to require anybody to fence land if they do not wish to do so, but Mr. Wise wants to amend the Act so these streets will be completely enclosed by a fence.

The Hon. F. R. H. LAVERY: Surely the honourable Mr. Baxter knows that this Bill has been prepared for no other purpose than to close these lanes; and how can that be done without a fence?

The Hon. N. E. Baxter: Show me in the Act where they have to be fenced.

The Hon. F. R. H. LAVERY: The Minister is asking us to pass a Bill that will give him assistance to close lanes that are of no use and are a disgrace to the areas where they are situated; and how can they be closed if they are not going to be fenced?

The Hon. S. T. J. THOMPSON: It appears the purpose of this Bill is to close these lanes and put the responsibility of cleaning them up on to someone other than the shire. If lanes are closed and the land goes to adjoining landholders, it will be their responsibility to clear them whether they are fenced or not. Let us be quite clear on that point.

The Hon. F. J. S. Wise: One of the reasons is to keep marauders and unworthy people out and that could not be done without a fence.

The Hon. S. T. J. THOMPSON: I agree; but it will certainly be the owner's responsibility to keep rubbish and grass off the lanes.

The Hon. L. A. LOGAN: There is nothing in this measure to say the owners have to fence. I would say these lanes will be closed mostly on a voluntary basis. It is not intended to force people to do something they do not wish to do, unless there is one person out of about 30 who does not realise his responsibilities to the community. Then it might be a different matter. In regard to what the honourable Dr. Hislop had to say, I do not think there would be any difficulty in someone going to a local authority and making a financial arrangement.

The Hon. H. R. Robinson: What about section 340?

The Hon. F. J. S. Wise: In subsection (2) it gives a council the right to make an owner construct a fence.

The Hon. L. A. LOGAN: There are many frontages of only 40 ft. and cars are using these lanes as rights-of-way. Most of them will be found around Floreat Park, Mosman Park, and Nedlands. It is not anticipated they will be closed as they are serving a useful purpose.

The Hon. J. G. HISLOP: I do not understand the reference of the Minister to the rest of the community, because I feel the closing of these lanes is in the interests of everybody, not only to the people who own the lanes. Values in West Perth have not advanced with inflation because of these lanes. I feel the closure of the lanes will assist everybody, because there is always the possible danger that a marauder may jump out and attack a girl or a

woman who happens to be passing. Therefore the closing will benefit the whole community.

The Hon. N. E. BAXTER: Honourable members of the Committee have pointed out that under section 340 of the Act it might be possible for a local authority to insist on fences, but that section only applies to where a property abuts a street or public place; and I have yet to see a private street that abuts a street or a public place.

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

## Ayes—12

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. D. P. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. D. Teahan

(Teller)

## Noes—12

Hon. C. R. Abbey	Hon. A. L. Loton
Hon. N. E. Baxter	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. J. Heltman	Hon. S. T. J. Thompson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. F. D. Willmott

(Teller)

## Pairs

## Noes

Hon. W. F. Willesee	Hon. A. R. Jones
Hon. J. J. Garrigan	Hon. R. C. Mattiske

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): The voting being equal, the question is resolved in the negative.

Amendment thus negatived.

The Hon. F. J. S. WISE: I want to make perfectly clear what the Committee has done; and I reaffirm that a council has the right, and I anticipate will exercise the right, to insist upon people who have been the unwilling recipients of a piece of dirty land to reconstruct a fence and pay for all of it.

Clause, as previously amended, put and a division called for.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Before the tellers tell, I give my vote with the Ayes.

Division taken with the following result:—

## Ayes—13

Hon. N. E. Baxter	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. J. Heltman	Hon. S. T. J. Thompson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. C. R. Abbey
Hon. G. C. MacKinnon	

(Teller)

## Noes—12

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. D. P. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. D. Teahan

(Teller)

## Pairs

## Noes

Hon. A. R. Jones	Hon. W. F. Willesee
Hon. R. C. Mattiske	Hon. J. J. Garrigan

Majority for—1.

Clause thus passed.

## New clause 11—

The Hon. L. A. LOGAN: I move—

Page 4—Insert after clause 10, in lines 21 to 36, the following new clause to stand as clause 11:—

11. Section ninety-seven of the principal Act is amended by substituting for the word "fifteen" in line 2 the word "thirty".

I have already given the Committee my reasons for amending the principal Act.

New clause put and passed.

Title put and passed.

Bill reported with amendments.

## Recommittal

Bill recommitted, on motion by The Hon. H. K. Watson, for the further consideration of clause 26.

## In Committee

The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair: The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 26: Section 364 repealed and re-enacted—

The Hon. H. K. WATSON: When this clause was last considered I explained that the Bill provided for compensation to be paid forthwith when the new road alignment was gazetted, if it was vacant land; and if the land had buildings upon it then compensation should not be paid until the road was constructed. I raised the matter of the in-between case, of land having buildings on it but nowhere near the road alignment. I pointed out that by default that would be included in the second case rather than the first case. Compensation would not be payable until the road was actually constructed and the land would be sterilised during the whole of that period.

The Minister thought there was some merit in the point, because he promised to look into the matter. I think the point would be covered if the words "if the land" on page 22, in line 24, were amended to read "if that part of the land so affected." The Bill covers two extreme cases, but it is silent on the in-between case. This would put such a case in the same category as vacant land, and, in my opinion, that is the proper category for it to appear.

On consideration, I propose to have my amendment placed on tomorrow's notice paper in order to give the Minister time to consider the matter.

The Hon. L. A. LOGAN: I apologise to the honourable member for not supplying him with the information as promised. The amendment looks all right at the moment, but I do not know what effect it will have on local authorities. However, I will have a look at the matter.

*Progress*

**Progress reported and leave given to sit again, on motion by The Hon. L. A. Logan (Minister for Local Government).**

## STATE HOUSING ACT AMENDMENT BILL

*Second Reading*

**THE HON. A. F. GRIFFITH (Suburban—Minister for Housing) [9.42 p.m.]: I move—**

That the Bill be now read a second time.

Under the State Housing Act, advances to persons desiring home ownership and the building costs allowable have been limited to £2,500 since 1951. Building costs were much lower then.

This restriction applies in respect of those persons who purchase and provide their own home sites as security and seek only the commission's financial assistance to build. On the other hand, other applicants, who rely entirely upon the commission for both house and land, are assisted to the extent of £2,750 in respect of improvements, together with the value of the land. This is available on a deposit usually of £100 only and the deposit can be less where circumstances warrant.

With a view to ensuring equitable consideration being given to those providing their own land and also to bring the level of building costs more into line with levels prescribed under other legislation, such as the Commonwealth War Service Homes Act, the Government has decided to lift the statutory limit of advance or building costs to £3,000. This compares with the maximum advance of £3,500 for war service homes and £3,250, which building societies can advance under the Commonwealth-State home builders' fund.

By making provision for increased advances, it is hoped to maintain the existing high level of home ownership developed in recent years under the State Housing Act for families of moderate means who are eligible for assistance.

Special provision was made in 1945 to provide financial assistance to persons endeavouring to build or buy a home. The level of this assistance was increased subsequently to allow for costs or values being brought into line with rises in the cost of homes.

The latest increase was in 1961 permitting extension of second mortgage assistance where the cost of a new home to be built or completed or the value of a newly erected home did not exceed £3,000.

The Government considers that the time has come to lift the limit of cost or value to £3,500. This will be of assistance in closing the deposit gap, which might otherwise be precluding people from owning homes of their own choice.

This Bill contains appropriate amendments to give effect to these decisions. The commission has made available an amount of £200,000 per annum since 1962-63, on which occasion the extent of this assistance was increased to that figure from £100,000 previously made available each year.

**Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).**

## STATUTE LAW REVISION BILL

*Second Reading*

**THE HON. A. F. GRIFFITH (Suburban—Minister for Justice) [9.45 p.m.]: I move—**

That the Bill be now read a second time.

This Bill is the beginning of a plan to put the Statutes of Western Australia into a more convenient and up-to-date form. The Statute law passed by the Western Australian Legislature—which is still in force—consists of Acts and ordinances passed during the period from 1832 until this present session. These enactments are to be found in about 85 volumes, which also contain a large number of Statutes which have been expressly repealed, or which, for some other reason, have ceased to have effect. From time to time suggestions have been made that the Statutes now in force should be republished in a more manageable form and a programme to investigate the best way of doing this has been followed for some time.

The first legislative step, with which this Bill is concerned, is the express removal from the Statute book of those enactments which, for various reasons, are no longer effective and which should, therefore, be excluded from reprint. This Bill seeks to repeal 384 of these enactments which were passed during the period between 1832 and 1900.

It is necessary, when considering the Bill, to distinguish between Statute law revision and law reform. The process of Statute law revision is not directed towards making any substantial change in the law; that is the function of law reform. This distinction must be borne in mind. When enactments are repealed as part of a programme of Statute law revision, it is because they are thought to be dead.

The Bill is based on the recommendations contained in a progress report on Statute law revision which was tabled in both Houses during the last session. A second report has been made and I have, this afternoon, laid a copy of this report on the Table of this House, and a copy will also be tabled in the Legislative Assembly.

This report is concerned mainly with the method of publication which is not directly relevant to the contents of the present Bill. It describes the method contemplated. These reports have been considered by the Law Society of Western Australia which has supported the general recommendations made in the reports.

The process of Statute law revision has been in operation in other jurisdictions for many years. For instance, between 1861 and 1960, a total of 34 Statute law revision Acts has been passed in England, and similar action has been taken by all the other Australian States and by the Commonwealth. In view of the large number of enactments which it is proposed to repeal by this Bill, an explanatory memorandum has been circulated with the Bill which gives some details of each enactment and the reason it is thought to be no longer effective. It is hoped that this memorandum will enable honourable members to study the Bill with greater facility.

I would like to refer to the Bill at this stage. The Bill does not comprise many pages; there are only 11. The Bill is entitled, "A Bill for an Act to revise the Statute Laws," and if honourable members would be so kind as to refer to the schedule they will find that the accompanying explanatory memorandum gives a brief explanation of the purpose for which each one of the Statutes now being repealed was originally introduced. In addition, the explanatory memorandum attached to the outside of the description will considerably assist honourable members when considering the total of 384 enactments that are sought to be repealed by this Bill.

The Hon. F. J. S. Wise: All of which now would be only redundant.

The Hon. A. F. GRIFFITH: Yes, that is a fair statement; all of which would be considered to be entirely useless, anyway, and redundant. These 384 Acts have been the subject of careful sorting by the law revision process that was commenced under my direction in the Crown Law Department about a year ago and this Bill represents the fruits of the committee's labours over the past year.

When considering the effect of the Bill it is necessary to bear in mind the provisions of the Interpretation Act, and, in particular, sections 12 and 16 which relate to repeals. In only one case relating to the railway Acts, which are listed in the second schedule, has it been thought necessary to add any saving provision in addition to those contained in the Interpretation Act. This is referred to on pages two and three of the explanatory memorandum.

The first three parts of the first schedule contain a list of Supply and Appropriation Acts, and other money Acts which are no

longer effective. These Statutes truly come within the category of those referred to in the interjection by the honourable Mr. Wise as being completely redundant. The fourth part contains a number of naturalisation Acts which were passed prior to the Naturalisation Act, 1871. A general note on these Acts appears on pages 20 and 21 of the explanatory memorandum.

Part V of the first schedule contains a large number of general enactments which, for the reasons indicated in the explanatory memorandum, are no longer effective. The second schedule contains a number of enactments authorising the construction of railways. Although adequate provision is made in the Public Works Act for the maintenance of a railway which has been constructed, some doubt exists whether the provisions of the Interpretation Act are wide enough to preserve the power to alter the line of the railway within the limits of deviation specified by the Act which authorised its construction. Provision has therefore been made in the Bill to preserve expressly the limits of deviation authorised by these enactments.

The remaining schedules are quite small. It was intended to repeal each of the four enactments contained in this third schedule, but each was incorrectly described in the repealing Act. The fourth schedule contains four enactments which ceased to have effect on the publication of a notice in the *Government Gazette* in 1913. The Bill merely provides a record of this date.

The fifth schedule contains two enactments which, although they appear in the Statute book never became law because, having been reserved for Royal assent, this assent was never given. The enactments which it is proposed to repeal are now only relics of various problems and social developments of the past. If they are no longer effective, they should not be included in any reprint of the Statutes for two reasons. Firstly, because they needlessly increase the size and cost of the reprint; and, secondly, because the reprint of any apparently dead Statute may give rise to some doubt whether or not it still contains a spark of life. The obvious solution is to repeal them expressly so that in the future the fate of such Acts can be discovered readily by reference to the index of the Statutes instead of by embarking on time-consuming research. The schedule of the Bill will provide a readily available index for each of these enactments which have ceased to be effective.

It will be remembered that this work is being undertaken by Mr. G. D. Clarkson and to assist him in this very important work, I have appointed Miss Shirley Offer of the Crown Law Department. I would like to thank both Mr. Clarkson and Miss

Offer for the work that has been put in to the point of preparation of this first Bill to revise the Statute law.

When speaking on another occasion, I think I said that the task of law revision was a very necessary undertaking; one that must continue for some years to come, if the deadwood of our Statutes is to be removed. I think I have also said on a previous occasion that, following the tabling of the first report in both Houses, it appeared to me that since there was no criticism of the report, I hoped I could take this as an indication of support of this work.

I realise also, Mr. President, it could be said that the introduction of this measure is a little late in the session—I had hoped to have it here earlier. At this stage I would draw the attention of honourable members to this binder I have in my hand which I propose to lay on the Table of the House to enable honourable members to examine it more closely, because it will indicate to them the method to be used for the binding of our Statutes if we ultimately reach the stage of fruition in this proposed revision.

The first report I mentioned deals with this binder. It is referred to as a loose leaf or loose cover system, and rather than have 87 or 89 Statute books destroyed by the persons performing this task, we will reduce that number to 14 or 15 binders. The binder I have in my hand is a pattern that has been obtained for the purpose of demonstration. We are considering the possibility of having these binders manufactured in this State and in such form as will be readily available to have various Acts revised in this form.

In future, when any Act is repealed as the result of a Bill similar to the one I am introducing now, the task of removing the deadwood from the Statutes will be easier, under this method, than it has been in the past. When the authority to republish these Acts as reprints takes place year after year, the printer has to keep on reprinting the deadwood. The 384 Statutes—or many of them—which this Bill seeks to repeal have, in fact, been reprinted time and time again; quite unnecessarily, I think.

This binder represents part of the system that is contemplated. If it so happened that this system did not, in fact, receive general support and it was decided that this was not the system that should be employed, the passage of the Bill will not be affected at this stage, because the measure itself simply seeks to repeal the Acts. I am merely pointing this out so that honourable members can see what is intended by implementing a system of this nature.

In conclusion, I hope this type of legislation will receive support. I am sure the honourable Mr. Wise will concur in the

thought that I have in regard to his approach to these matters. Giving credit where credit is due, on the introduction of the previous Bill the honourable member drew my attention to the fact that the display of an explanatory memorandum was adopted in certain cases, and that helped honourable members greatly in their consideration of the legislation.

I feel the Bill will have the support of the honourable member. It is very important, now that this work has commenced, it should continue in future years. Experience in other parts of the world, and in the other States, where Statute law revision has not been undertaken for a considerable number of years has shown that great expense was entailed in revising their Acts. The longer we delay this matter without tackling it, the greater will be the ultimate expense.

I am quite pleased we have reached this stage after 12 months of work. Another Bill is almost ready for introduction, and it can be introduced in the next session of Parliament; but it is very important that the Bill before us be passed in order that we may move on to the second phase. I would like to suggest to the Leader of the Opposition that he move for the adjournment of the debate on this Bill until Thursday week.

The Hon. F. J. S. Wise: That is Thursday of next week.

The Hon. A. F. GRIFFITH: That would give him nine days for consideration of the Bill. I am sure a spirit of co-operation will exist between us. If the honourable member finds that this period is insufficient, then when the 5th November comes along I shall readily agree to an adjournment to a later date.

The Hon. F. R. H. Lavery: It sounds like Guy Fawke's night.

The Hon. A. F. GRIFFITH: I have cut out crackers. Nine days should be sufficient time for consideration. I hope the Bill will be passed during this session, otherwise a good deal of time will be lost. The acceptance of the legislation can be regarded as approval for the whole scheme of law revision.

In order to facilitate the consideration of the Bill I hope that the Leader of the Opposition in another place will be prepared to undertake a study of the contents of the Bill during the period of the adjournment in this House; and for this purpose I shall make additional copies of my notes available to the honourable Mr. Wise, in order that he may pass them on to the right quarters. This is not a measure which is in any way political. If it is passed it will be accepted in the spirit of improving the Statute law of Western Australia, and it is with that spirit in mind that I present the Bill to the House and commend it to honourable

members. I sincerely hope it will complete its passage during the present session of Parliament.

### *Adjournment of Debate*

**THE HON. F. J. S. WISE** (North—Leader of the Opposition) [10.3 p.m.]: Before moving for the adjournment of the debate, I would point out that to an individual this Bill entails a terrific lot of investigation and research. I do not mind that, but an adjournment to Thursday of next week—for eight days, and not nine days as the Minister stated—might not be sufficient. Rather than move for an adjournment of the debate to that time, I would prefer to leave the item on the bottom of the notice paper. However, I shall endeavour to be ready for the resumption of the debate at that time. I move—

That the debate be adjourned.

**Motion put and passed.**

## **COMPANIES ACT AMENDMENT BILL**

### *Second Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Justice) [10.4 p.m.]: I move—

That the Bill be now read a second time.

The Bill now presented to Parliament is an integral part of the scheme for uniformity of company law throughout Australia. The Bill is in the form which has been agreed to by the Standing Committee of Attorneys-General as being appropriate for enactment in all States and territories of the Commonwealth. Similar Bills have already been enacted by the respective Parliaments of the States of Victoria, New South Wales, and Queensland; and it is presently before Parliament in South Australia.

The Bill had its genesis in the many business lessons to be learned and the disclosures in the huge company failures which have been unfortunately the dominant feature of corporate business in Australia in the last few years. I refer particularly to the failure of the Stanhill or Chevron group, the Reid Murray group, the Sydney Guarantee group, the Testro group and what is known as the Moulton group. This list is by no means exhaustive but they are examples in which many millions of pounds of debenture and note-holders' money was lost in the failure of the group.

The original draft of this measure was circulated widely to the executive of the stock exchanges in Australia, the law societies and bar councils, the life officers' association and the trustee companies association as well as the Australian hire purchase and finance conference. All of these organisations and others were invited to comment on the terms of that

draft. The provisions now presented for enactment are the result of the deliberations of those organisations through their representatives, and of the Ministers and their advisers.

The equivalent Bill that was enacted in the State of Victoria has been in operation there for almost a year, and from its operation a few modifications have been found necessary. Accordingly, the Standing Committee of Attorneys-General has agreed upon a few variations of the original draft. Such agreed variations have been included in this Bill. The alterations are designed to meet some trenchant, though not widespread, criticism that was offered in relation to the Victorian Act. Those States that have already enacted this Bill have agreed by their respective Attorneys-General that the alterations which we have made will be incorporated into their Acts when opportunity presents itself. I will refer to these points of variation from the Victorian Act when I am dealing with the particular provisions in which those variations occur.

Clause 3: The drafting scheme for the Bill depends upon the definition of two special types of corporation. These are, firstly, "the borrowing corporation." This term embraces any company local or foreign which has raised loan capital from the public, or which issues an invitation to the public to subscribe loan capital. The second corporation is "the guarantor corporation." The latter is a corporation which has guaranteed the repayment of loan capital borrowed from the public by a borrowing corporation.

Clause 4 repeals and re-enacts section 38 of the Act in a different form. The new section will standardise the descriptions that may be used for the loan securities issued to the public by a borrowing corporation. Such securities are divided into three classes: firstly, there is the unsecured note, or the unsecured deposit note. These terms need no explanation.

The second type is a mortgage debenture or a certificate of mortgage debenture stock. A document may be so described only if the debt evidenced by that document is secured by a mortgage over land, given either by the borrowing corporation, or by a guarantor corporation, or both of them, where the amount of money owing under the relevant debentures does not exceed 60 per cent. of the value of the corporation's interest in the land concerned. The value of the land must be determined by a competent valuer in the place where the land is situated, and given in a written valuation included in the prospectus relating to the issue of those mortgage debentures or certificates of mortgage debenture stock.

The third class of loan security is called, or may be called, a debenture, or a certificate of debenture stock. Loan securities

may be so described only if the repayment of all money for which they are in evidence of indebtedness has been secured by a charge over the assets of the borrowing corporation or any of its guarantor corporations in favour of the trustee for the holders of the debentures. In order to ensure that the net assets of the borrowing corporation and its guarantor corporations will be sufficient, or are likely to be sufficient, to meet the liability for the repayment of moneys owing on the debenture, a registered company auditor is required to make for the purpose of inclusion in the prospectus a summary of the assets and liabilities of the borrowing corporation and of its guarantor corporation. The summary, of course, deals only with the tangible assets of the corporations concerned and care is taken to see that inter-company transactions are wholly excluded; at least, that the inter-company balances do not improperly inflate the tangible assets apparently available in support of the debentures.

Clause 6 of the Bill repeals and re-enacts section 74. The new section 74 will permit only certain classes of corporation or the Public Trustee to hold the office of trustee for the holders of a company's loan securities. The classes are a trustee company; that is, a company authorised to take a grant of probate or letters of administration of the estate of a deceased person in its own name; a life assurance company; a banking corporation; or a subsidiary of any one of those three classes. However, such a subsidiary is acceptable as a trustee only if its holding company accepts responsibility for all liabilities incurred by the subsidiary, as trustee; or alternatively, the holding company has subscribed for and beneficially holds shares in the subsidiary where there is an un-called liability of not less than £250,000. The £250,000 may not be called up except in the event of, and for the purposes of, the subsidiary being wound up.

Lastly, there is provision whereby any suitable corporation may be approved as trustee by the Minister. Certain corporations may be disqualified from the office as trustee, unless the Supreme Court grants leave to act. A trustee company may be disqualified if it is a director of the borrowing corporation or if it beneficially holds shares in or is a creditor of the borrowing corporation.

The Hon. A. L. Loton: What clause is that in?

The Hon. A. F. GRIFFITH: Clause 6. A guarantor corporation may not act as trustee for its own borrowing corporation. Any corporation that is deemed to be related to the borrowing corporation or to a shareholder debtor, creditor or director of the borrowing corporation is disqualified from office, unless leave of the Supreme Court is granted. However,

where the mutual indebtedness between the borrowing corporation and the trustee or related corporation does not exceed 10 per centum of the moneys owed on the debentures issued by the borrowing corporation, the former indebtedness will not disqualify the trustee corporation. Similarly, indebtedness arising in the capacity as trustee will not disqualify nor will a shareholding as trustee.

Clause 7 of the Bill introduces a new section 74A to the Act. This section will provide that a trustee for the holders of debentures shall not cease to be the trustee until a corporation qualified under the Act as trustee for the holders of the debentures has been appointed and has taken office as such. However, this provision will not apply in the case of a trustee appointed before the commencement of the amendment Act, until after the 1st January, 1966. This provision has been included as a variation of the Victorian Act because it is believed that the incidence of the new Act may devolve harshly upon a trustee under an existing deed if that trustee were to be held in office until it was able to find a qualified and willing substitute trustee.

Clause 8 of the Bill inserts a new section 74B, which will require that the trust deed relating to a borrowing corporation's borrowings shall contain a limitation on the amount that the borrowing corporation may borrow on debentures, and the section also requires certain covenants to be read into and included in the deed.

Clause 9, provides for section 74C, which is virtually a re-enactment of the former subsection (11) of section 74 of the Act of 1961-62.

Clause 10 of the Bill introduces a new section 74D. The section imposes on a trustee for the holders of debentures certain statutory duties. Where the trustee is of opinion that the assets of the borrowing corporation and of its guarantor corporations that are available for the discharge of the debentures of the borrowing corporation are insufficient, or are likely to become insufficient, to discharge the principal debt, the trustee is empowered to apply to the Minister for an order. The Minister may by order impose restrictions on the activities of the borrowing corporation including restrictions on advertising for deposits and generally on borrowing by the corporation, as the Minister thinks necessary for the protection of the debenture holders, but, if the borrowing corporation so requires, the Minister may direct the trustee to apply to the Supreme Court for an order under the section and the trustee is obliged to apply to the court. This means that, unless the borrowing corporation is prepared to abide by the order of the Minister, it may require the trustee,

or the Minister may order the trustee, to apply to the court. The trustee may elect to apply direct to the court.

The court can direct the trustee to convene a meeting of debenture holders and to inform the meeting of the position of the borrowing corporation. The order of the court may stay all actions or proceedings before any court by or against the borrowing corporation and restrain the payment of any moneys by the borrowing corporation to debenture holders or to any class of debenture holders. It may also appoint a receiver, in the case where the debenture holders hold security over the company's assets, and it may give any further directions necessary for the protection of the interests of the debenture holders' but the court is required to give regard to the rights of all creditors of the borrowing corporation.

Clause 11 of the Bill embodies a new section 74D which empowers the trustee for debenture holders to apply for directions to the Supreme Court in relation to any matter arising in connection with the performance of its functions as trustee, and, generally, to determine any question in relation to the interests of the holders of the debentures.

Clause 12 introduces a new section 74F. In this new section the directors of borrowing corporations are required at the end of each period of three months to prepare and lodge with the trustee and the registrar a report as to the affairs of the borrowing corporation. The report also deals with the affairs of any guarantor corporation. It is believed that the particulars given in the report will be of real assistance to the trustee in the carriage of its duties as such.

Under the section, borrowing corporations and their guarantor corporations are required to furnish the trustee with particulars of any charge created by the borrowing or guarantor corporations. The particulars are required to be furnished to the trustee within 21 days after the creation of a charge. Where a borrowing corporation has issued debentures, other than mortgage debentures or mortgage debenture stock—that is, fully secured debentures—the borrowing corporation and its guarantor corporations must prepare and lodge with the trustee and the registrar full financial accounts of each corporation every intermediate six months. The requirement is for these accounts to be audited by the auditor of the company concerned. However, the audit may be dispensed with or it may be of a limited nature or extent provided that the trustee consents.

When the Victorian Bill was enacted it contained no provision that allowed a partial audit or the audit to be dispensed with. Considerable criticism, chiefly on the grounds of trouble and expense, was

levelled against the requirement for audited accounts. The Attorneys-General have agreed that the decision as to audit should be left to the trustee and, accordingly, the modification is made in this Bill.

Clause 13 of the Bill introduces section 74G which imposes an obligation on each guarantor corporation to furnish information to the borrowing corporation's directors, to enable them to prepare any report required to be prepared by them for the purposes of the Act.

Clause 14 of this Bill covers a new section 74H which is designed to ensure that, where a borrowing corporation borrows from the public, moneys for a purpose stated in the prospectus, those moneys are in fact applied for the stated purpose, and if they are not so applied, then it is provided that those moneys shall be forthwith repayable to the persons who paid them to the company. However, provision is made for the retention of the moneys with the concurrence of the person who deposited or loaned the moneys on debentures to the borrowing corporation. The trustee is charged with the duty of overseeing that moneys borrowed for a stated purpose are, in fact, applied for that purpose.

Clause 15 of the Bill introduces a new section 74I. This represents an agreed addition to the Bill as enacted in Victoria. It is designed to ensure that deposits with a prescribed corporation are not affected by the new provisions of the Act. The new section provides that an invitation to deposit money with a corporation—that is a prescribed corporation, being one defined in subsection (7) of the new section 38—shall not be deemed to be an invitation or offer to the public to subscribe for debentures of the corporation.

Clause 17 introduces section 161A which requires that the balancing dates of all the companies of a group shall be on a common date. However, if there are special reasons why the balancing date of any subsidiary should not be the same as that of its holding company, the registrar is empowered to consent to the variation in balancing dates. Where an applicant is not satisfied with an order of the registrar in relation to balancing dates, an appeal lies to the Companies Auditors Board which may determine the matter.

The Hon. H. K. Watson: What progress have you made with the Commissioner of Taxation on that point?

The Hon. A. F. GRIFFITH: Exactly what does the honourable member mean?

The Hon. H. K. Watson: On the change of balancing date. It has various complications for income tax purposes.

The Hon. A. F. GRIFFITH: If it has various complications, then, as I have said, the balancing date can be changed. But

it is not suggested here that the balancing dates in fact need change from what they are now. It is suggested that the balancing dates of all the companies should be the same, but if there is any good reason why they should be left as they are, then consent can be obtained. Company groups are allowed a full 12 months to conform to the new requirement.

Clause 18 of the Bill includes two minor amendments of the original Act and, in addition, the clause extends the scope of the report of the directors on the annual accounts of a company.

Clause 19, new section 167A: This section will require the auditor of a borrowing corporation, having completed his audit, to furnish a copy of his report, together with a copy of the accounts to which the report relates, to the trustee for the holders of the debentures of the borrowing corporation. The section also provides that where the auditor in the course of his duties, as such, in relation to the borrowing corporation, becomes aware of any matter that in his opinion is relevant to the exercise and performance of the powers and duties of the trustee for debenture holders, he is obliged to report the facts to the trustee within seven days after becoming aware of them.

Clause 20 of the Bill amends section 170 of the principal Act. This amendment is designed to ensure that, where the Minister, that is, the Crown, has appointed an inspector to investigate the affairs of any company, the company cannot itself exercise its powers to appoint an inspector to investigate its affairs.

Clause 21 amends section 171 so as to confer on an inspector appointed under division 3 of part VI the power to take possession of the books and papers of the company and to retain them for such time as may be necessary for the purposes of his investigation, but the inspector is obliged to permit the corporation at all times to have reasonable access to the books and documents so held.

Clause 22 amends section 172 to widen the powers of the Governor in any case where it appears that an inspector should be appointed to investigate the affairs of a company.

Clause 23 amends section 173, and the new provision is designed to ensure that the Crown may recover, in a proper case, the expenses of an investigation under the division.

Clause 24 amends section 174 in that the Minister is permitted wider powers to relax the stay of proceedings which ordinarily applies in the case of a company that is under investigation by an inspector.

Clause 25 simply substitutes the word "corporation" for the word "company" and so establishes that the provisions of those sections apply to a company incorporated outside the State.

Clause 26 repeals and re-enacts section 178 for the purpose of making any investigation under that section more effective. This amendment arose directly out of experience in an investigation in the State of New South Wales under the former section. It is an addition to the original draft and is included following decision of the committee of Attorneys-General.

Clause 27 extends the operation of section 179 to ensure that the restrictions that may be imposed extend to cover options over shares.

Clause 30 amends section 304 by the inclusion of a new subsection. This subsection confers on the Supreme Court the power to declare that a person is personally responsible for the payment of a debt without any limitation of liability. The provision operates where a debt has been incurred by a person at a time when there was no reasonable or probable ground of expectation after taking into consideration the other liabilities of the company that the debt would be paid.

Clause 33 amends the second schedule which relates to the fees payable under the Act. Apart from minor alterations in the scale, the clause prescribes the fees to be paid in respect of an application to the registrar relating to the balancing dates of a company group.

Clause 34 includes a number of amendments to the fifth schedule—the schedule of the Act relating to the contents of prospectuses. These are amendments and are consequential to the general provisions of the Bill earlier mentioned.

Clause 35 amends the ninth schedule so as to require that in its balance sheet a borrowing corporation or a guarantor corporation must set out separately the amount of the debts due to it and the debts payable by it in classes, these being not later than two years, the first class; later than two years, but not later than five years, the second class; and later than five years, in the third class.

It has been claimed on behalf of many reputable and well conducted companies that are directly affected by this measure that it is too far-reaching and that compliance will involve companies in unwarranted trouble and expense. There are other people representing companies that will be obliged to comply with the new law who have said that compliance should present little difficulty because any well conducted concern already covers in its standard operating practices many of the requirements now sought to be imposed by law. Again there are other people mindful of the shocking disclosures in the recent huge company failures, who think and say that there are many other restrictions, controls, and requirements that, in the circumstances, ought to be imposed on all companies that have borrowed substantial amounts from the public. However, in the opinion of the

members of the Standing Committee of Attorneys-General, the Bill is a balanced measure meeting only essential needs.

Debate adjourned, on motion by The Hon. H. K. Watson.

## COUNTRY TOWNS SEWERAGE ACT AMENDMENT BILL

### *Second Reading*

Debate resumed, from the 22nd October, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

**THE HON. F. J. S. WISE** (North—Leader of the Opposition) [10.32 p.m.]: There are in this Bill many and varied proposals making adjustments in many parts of the associated Statutes. There is provision for variation in costs, and for local governing bodies to have the same rights and aspects of control in regard to sewerage as they have in connection with water supplies. In general, from my examination of this Bill, I am not prepared to oppose the second reading.

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

## GOLDMINING INDUSTRY: STABILISATION AND EXPANSION

### *Appointment of Parliamentary Committee: Assembly's Resolution*

Debate resumed, from the 13th October, on motion by The Hon. G. C. MacKinnon to concur in the Assembly's resolution as follows:—

That in view of the refusal of the International Monetary Fund at its meeting in Tokyo last week to agree to any increase in the world price of gold, and bearing in mind the tremendous importance of the gold mining industry to Western Australia and the difficulties which the industry is facing due to rising costs of production, an all-Party Parliamentary committee be appointed with the object of examining and exploring means by which the industry in Western Australia can be assured of stabilisation and expansion in the future.

The committee shall consist of two members nominated by the Premier and one member nominated by the Leader of the Opposition from the Legislative Assembly; and that the resolution be transmitted to the Legislative Council for its concurrence, and the Legislative Council be requested to appoint a similar number of members to the committee, making a total of six members.

**THE HON. D. P. DELLAR** (North-East) [10.34 p.m.]: I feel there is a lot to be said for the goldmining industry. For approximately 70 years this industry has carried not only Western Australia, but Australia as a whole. In 1903 we had people coming from all parts of Australia seeking employment in our goldmines. I suppose I could go back even further than that, but to give honourable members an idea of the importance of this industry, even in 1903 it was employing 20,716 people. So, even in those days, people who could not find employment elsewhere came to Western Australia and found employment in our goldmining industry.

The employment figure was very high until the depression—approximately 1929—when there was a drop to 4,100 persons employed. Even so, the industry still carried the bulk of Western Australia, and, once again, Australia as a whole. From 1928 to 1933 farmers were walking off their farms, and once again in an attempt to feed their wives and children, they turned to the mining industry. Even though only 4,100 men were employed in goldmining at the time, the industry did a lot of good for our State, and also for Australia.

The Hon. H. R. Robinson: How many are employed now?

The Hon. D. P. DELLAR: I will be coming to that a little later. From 1929 until 1935 the figure climbed until there were 15,000 employed in the industry. Between 1941 and 1963 the figure dropped to 5,000—the present day figure—a decrease of 10,000 men.

The reason for this decline over the last 20 or 30 years is the high cost of keeping the industry alive. The industry has dropped so far back that in the last two years we have had mines closing down, and Western Australia—and Australia—could ill-afford to lose those mines. The closing of the mines was brought about by the high cost of production; and that once again, emphasises the necessity for a rise in the price of gold.

As honourable members will be aware, the problem has been discussed in this House for many years. In the two years I have been here goldmining has been discussed at length. The mines which closed down during the last two years were, the Great Western Consolidated N.L. Bullfinch; Bayley's Reward, Coolgardie; Eclipse Goldmines N.L., Mt. Magnet; Paris Gold Mines Pty. Ltd., Widgeemooltha, and lastly, the Sons of Gwalia Ltd., of Gwalia.

There is no doubt that those closures are reflected in the reduced tonnage of ore produced and the significant decline in fine ounces of gold recovered from the mines throughout Western Australia. So, one can see it is quite alarming to this industry; and, since I have been in the industry most of my life, I naturally have

a soft spot for it. I also have a soft spot for the wealth and interest of Western Australia, if not Australia as a whole.

This is a very important motion and I feel it should receive the support of all honourable members. If one is prepared to look back through *Hansard* of last year one will see where this industry was the subject of quite a lot of discussion from several members—mainly the members from the goldfields. That discussion took place on a motion put before this House by the honourable Mr. Heenan. It was the same as the motion with which we are now dealing, but unfortunately, it received no support last year.

The Hon. G. C. MacKinnon: This motion does not read quite the same as the one put forward last year.

The Hon. D. P. DELLAR: The honourable Mr. MacKinnon can form his own opinion, but that motion was relevant to the goldmining industry. I am not going to read to the House what took place, because honourable members who know anything about goldmining will know there is very little difference between the wording of the two motions.

Both motions are relevant to the goldmining industry. Naturally, I was very disappointed, and I think that all the goldmining representatives in this House were, too, when the honourable Mr. Heenan's amendment received the ill fate which it did through the action of honourable members in this Chamber.

In moving the motion in another place the honourable member concerned openly stated that he got the idea from a Labor Party Caucus meeting which was held in Kalgoorlie. That is quite right. But it is surprising to me that a government member in another place should move a motion which was kicked out of this House last year.

Last week, when the motion was previously discussed in this House—I am not sure whether it was last week or the week before because it has been on the notice paper for so long—the Minister for Mines said that he went to the trouble of ringing the President of the Chamber of Mines in regard to it, and he criticised goldfields members for not doing the same thing. To my way of thinking the President of the Chamber of Mines (Mr. Elvey) is not the Chamber of Mines; he is its president, and a very good one, too. However, I do not think only Mr. Elvey's word should have convinced the Minister that the amendment moved by the honourable Mr. Heenan, to include on the committee a representative of the Chamber of Mines and of the unions involved, should not be agreed to. If the Chamber of Mines is to be approached on the question whether it is interested in having one of its members appointed as a member of

the committee proposed in the motion, not only the president should have been approached.

At least the Minister did something by his approach to the President of the Chamber of Mines, but he is a little more fortunate than private members in that he can make telephone calls to any part of the State without having to pay for them, whereas we, as private members, have to pay the cost ourselves. My first thought in this regard would have been the cost factor involved; and, secondly, I would have thought it was not the right way to approach the problem. I think the Chamber of Mines should have been approached by way of a letter to the secretary. That letter would then have been placed before the chamber, which meets in Kalgoorlie every week.

The Hon. F. D. Willmott: And then you would have complained that it was being held up.

The Hon. D. P. DELLAR: I did not hear the Minister say whether he contacted any of the union representatives.

The Hon. G. C. MacKinnon: Would not that more properly be your job?

The Hon. D. P. DELLAR: I did not hear the Minister say he did, but he said he approached the President of the Chamber of Mines. The honourable Mr. MacKinnon, who moved the motion in this House, was a little critical of goldfields members for not doing what the Minister did. I do not know where the honourable Mr. MacKinnon gets all his goldmining knowledge or experience from; he may have got it from a book.

The Hon. G. C. MacKinnon: I thought I made it quite clear that I have had no experience.

The Hon. D. P. DELLAR: The honourable member admits that he has had no goldmining experience; therefore I do not think he was in a position to criticise any goldfields member. If a similar sort of motion, but dealing with the Milk Board, was to be moved in this House, I think I would be one of the last people asked to handle it. That would be something that would have to be handled by a south-west member.

The Hon. G. C. MacKinnon: You are fully aware that I introduced the motion on Mr. Burt's behalf.

The Hon. D. P. DELLAR: I appreciate that, but I do not think the honourable member is in a position to criticise goldfields members. Tonight I asked the Minister for Mines a question without notice about bringing this motion forward, and I do not think the Minister was too happy about it. I asked that question without notice because I consider that this great industry has been made a political football.

The Hon. L. A. Logan: It has been a political football for the last seven or eight years.

The Hon. D. P. DELLAR: I am disgusted to think that this House of review, which would not have anything to do with a motion of a similar nature moved last year by a member of one political party, should accept the same sort of motion when moved by the member of another political party. One has only to read the papers over the last few weeks, and since the meeting of the International Monetary Fund in Tokyo, to realise what has happened. The Federal Treasurer (Mr. Holt) has given his views on the question, and one article which appeared in the Press is headed "Federal Weakness On Gold."

I represent the goldfields districts in this House and I have also worked in the goldmining industry, so is it any wonder that I am disgusted with the sort of treatment that it is receiving by being made a political football? I can put my feelings in no other way. However, as I have already stated, I hope the motion will receive the support it deserves and that when the committee is formed—providing honourable members agree to its formation—it will do something towards giving a face-lift to the goldmining industry. I support the motion.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs.

*House adjourned at 10.55 p.m.*

## Legislative Assembly

Tuesday, the 27th October, 1964

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