

members that the House will be sitting after tea on Thursday, the 15th October. We will be rising at teatime next Thursday, but on the following Thursdays, until the end of the session, we will be sitting after tea.

*House adjourned at 12.32 a.m.  
(Wednesday)*

## Legislative Council

Wednesday, the 7th October, 1964

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

### QUESTIONS ON NOTICE

1. *This question was postponed.*

#### COUNTRY SHIRE COUNCILS Valuations and Revaluations

2. The Hon. N. E. BAXTER asked the Minister for Local Government:

- (1) How many country shires of the State—

- (a) have been revalued during the past 10 years to the 30th June, 1964;

- (b) have had more than one re-valuation during the afore-mentioned period?

- (2) Will the Minister give the valuations of the following shires at the 30th June—

- (a) 1955; and

- (b) 1964:

Beverley,  
Brookton,  
Bruce Rock,  
Corrigin,  
Cunderdin,  
Dowerin,  
Goomalling,  
Kellerberrin,  
Koorda,  
Kununoppin-Trayning-  
Yelbeni,  
Merredin,  
Mt. Marshall,  
Mukinbudin,  
Northam,  
Nungarin,  
Quairading,  
Tammin,  
Wongan-Ballidu,  
Wyalkatchem,  
York.

The Hon. L. A. LOGAN replied:

- (1) (a) and (b) 70. Of these 60 have been revalued once and 10 have been revalued twice. Of those revalued twice, eight of them were revalued early in the decade and also late in the decade, but in two cases the districts were revalued in 1958 and again in 1962, the reason being that in the case of Cunderdin it was found that the development of light land techniques had made the existing valuation due for quick review, and in the case of Manjimup the loss of the tobacco industry had affected the whole valuation.

- (2) (a) and (b) The respective valuations were:—

	1953-1954		1963-1964	
	U.C.V.	A.V.	U.C.V.	A.V.
	£	£	£	£
Beverley	490,085	18,257	492,603	27,263
Brookton	306,720	13,086	575,746	...
Bruce Rock	814,066	...	789,193	27,409
Corrigin	625,371	6,874	632,513	24,107
Cunderdin	409,894	14,910	2,074,122	36,243
Dowerin	352,733	5,222	464,644	13,469
Goomalling	505,548	10,016	503,844	13,183
Kellerberrin	513,470	15,817	463,054	34,001
Koorda	203,180	...	452,622	...
Kununoppin	...	...	...	...
Trayning-Yelbeni	230,233	5,152	769,810	7,943
Merredin	511,049	...	708,748	...
Mt. Marshall	321,738	...	382,809	...
Mukinbudin	184,537	2,050	192,271	5,249
Northam	788,981	23,201	771,632	20,146
Nungarin	106,387	2,427	189,336	5,228
Quairading	542,413	9,881	717,890	...
Tammin	203,894	3,554	565,330	5,630
Wongan-Ballidu	446,210	...	611,000	...
Wyalkatchem	317,111	...	331,230	...
York	719,762	385	914,063	676

Note.—A few have been revalued, which will not take effect until 1964-1965.

## BILLS (2): INTRODUCTION AND FIRST READING

### 1. Offenders Probation and Parole Act Amendment Bill.

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

### 2. Natives (Citizenship Rights) Act Amendment Bill.

Bill introduced, on motion by The Hon. H. C. Strickland, and read a first time.

## CHIROPRACTORS BILL

### *Further Recommitment*

Bill again recommitment, on motion by The Hon. J. G. Hislop, for the further consideration of clause 4.

### *In Committee, etc.*

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

### Clause 4: Interpretation—

The Hon. J. G. HISLOP: When the words "joints and" were inserted by a previous Committee, I was not in a position to do anything more than give my own personal views on the matter. However, since then I have had the opportunity of discussing the position with the President of the Orthopaedic Association, and several other orthopaedic surgeons. Interestingly enough, I found a ready acceptance by the orthopaedic surgeons of the original definition of chiropractic as it appeared in the Bill, and it was quite obvious that they believed chiropractors had a part to play in assisting painful back conditions by treating muscles but not displacing any tissues, except possibly some muscles in a minor manner, and occasionally a bone which may have been protruding to some slight extent.

However, when it came to the question of handling joints it was felt this was a very dangerous procedure. The individual then was treating something for which he had no training, and for which he had no means of diagnosis, unless the plant used was attuned to both diagnosis and joint conditions. I have seen an acute joint manipulated with the result that injury to the joint had been rendered much more severe than it was at the commencement.

It could be a football injury to a knee joint and a disc, or cartilage might be moved slightly, and the knee could recover with rest, proper treatment, and the manipulation actually required. But if that

knee were unwittingly and without knowledge manipulated, the cartilage could be completely disturbed from its base, necessitating a surgical operation.

The same thing could happen in another manner to joints of the ankle and elbow. Some of the injuries which an individual could receive could be ligamentous, partially injuring the ligament, and manipulation could tear the whole ligament and produce disastrous results. So the question of leaving these words in the Bill is quite serious.

I can recall in my own practice a tuberculous ankle that was manipulated by a chiropractor—probably an unregistered type. If one creates damage in a tuberculous ankle it can become generalised rather than localised. If tuberculosis is generalised, it requires a different procedure from what might otherwise be attempted.

Orthopaedic surgeons have generally and generously accepted this measure, and have said the chiropractor has a part to play in handling the spine and the muscles around the spine, if he has been trained to do so. The handling of joints is a different matter altogether and involves considerable training. The joints of the body are the most sensitive parts of our mechanism and should be treated as such.

I know that when people come in with painful shoulders I dare not manipulate without either an X-ray or expert advice. There is a condition known as a frozen shoulder which seems to attack individuals who have to lie in bed for a long time. A frozen shoulder, curiously enough, seems to follow a period in bed after a coronary occlusion. Why, I do not know. If the joint were manipulated in the acute stage the result could be disastrous.

Those who treat this type of condition find that such a joint should not be manipulated until all pain has ceased. By this time the arm is almost fixed to the side and the shoulder joint cannot be moved. If the arm is raised it can only be done by pushing the body in the opposite direction. It cannot be done without an anaesthetic. We should not endanger the whole Bill by allowing this to continue. I feel certain the Minister in another place will have received so much information that he will like to see this amendment made to eliminate the words in question. I move an amendment—

Page 2, line 15—Delete the words "joints and" inserted by a previous Committee.

**Amendment put and passed.**

**Clause, as further amended, put and passed.**

**Bill again reported, with a further amendment.**

## SUPERANNUATION AND FAMILY BENEFITS ACT AMENDMENT BILL

### *Third Reading*

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

## CLEAN AIR BILL

### *Second Reading*

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government [4.49 p.m.]: I move—

That the Bill be now read a second time.

Several of the Australian States have brought down legislation within recent years similarly titled to this Bill, and in New Zealand a section of the public health, known as the Chemical Inspectorate of the Division of Public Health, functions under air pollution regulations.

Control of air pollution is dispersed in this State through many Acts, such as the Health Act, Factories and Shops Act, Mines Regulation Act, and, indeed, several others, to bring the number up to six different Statutes administered by five State departments. This is typically the situation which existed in other States and countries before special Acts to control the menace of air pollution were introduced.

With piecemeal administration, the setting of standards and the guidance of industry has been fraught with special difficulties, some of the legislation being directed at controlling after the event rather than prevention of pollution.

It is not proposed at this juncture to elaborate the extent and nature of the varying atmospheric polluting agents present here, but it is not uncommon for ill-health to be attributed to pollution from nearby industrial establishments, exhausts from motor buses, and so forth. It is conceded that atmospheric pollution is not an insignificant factor in this State; and, with the growth of the State, it is becoming more important that control should be centralised.

This Bill brings all aspects of atmospheric pollution, which the measure is designed to prevent, within the administration of the Public Health Department.

An advisory air pollution control council will be representative of most of the departments previously represented on the Air Pollution Committee of the Local Government Department. The Department of Industrial Development will also be represented, and the State Electricity Commission will nominate a member. Three representatives from the West Australian Chamber of Manufactures are included because private industry is

directly affected by the provisions of the Act. Representation of the University will add to the technical advice available; and one representative will be from the Trades and Labour Council.

A scientific advisory committee, the constitution of which is contained in section 20, is essentially a technical committee concerned with technical aspects of air pollution including that of effect on health. A meteorologist is included because meteorological aspects of air pollution may be of great importance. Private industry is also represented on this committee. The function of the committee is primarily to investigate, report, and advise the council on problems of air pollution.

A list of premises which require to be licensed is scheduled. This list includes premises known to be sources of air pollution. Under part III of the Bill, it is required that premises be licensed by the Commissioner of Public Health under such conditions as are specified by the council. This is contained in clauses 24 and 26.

The system of licensing will be similar to that under the Radioactive Substances Act, which is working satisfactorily. Under this Bill, the system of licensing is also linked with one of inspection by technical experts as set out in clause 22.

Subclause (1) of clause 33 makes provision for prescribed limits of air impurities; and experience overseas and in New South Wales has indicated it is unwise to designate prescribed limits until it is known that they are of practical attainment. Prescribed limits may be satisfactorily designated for such well known air pollutants as sulphur dioxide; but with others, with which there has been only limited experience, it is considered better to designate, at least for the time being, the best practical means to which subclause (2) of clause 33 refers.

Under clause 35, the council is empowered to take appropriate action to control air pollution from scheduled premises; and similar powers in respect of unscheduled premises are contained in clauses 36 to 39. Clause 40 provides for advice and assistance on prevention of air pollution. Clause 43 empowers the council to prohibit, if necessary, the use of combustible materials. Clause 45 gives the right of appeal against the decision of the council. The right of inspection is defined in clause 46, and exemptions may be granted under clause 49. The regulation-making clause 53 provides for the prescribing of fees, tests, and control equipment to be used in premises and standards of emission of impurities.

The introduction of clean air legislation in more highly industrialised centres than exist here has posed major problems of adapting existing plant to the new conditions. While, no doubt, similar difficulties will be encountered here in a lesser way,

with plant modifications to meet the requirements of the Act, it is thought that manufacturers, and industry in general, when installing new plant will co-operate to ensure that the requirements of the Act be kept in mind during the design stage.

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

## GOLDMINING INDUSTRY: STABILISATION AND EXPANSION

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

Message from the Assembly requesting concurrence in the following resolution now considered:—

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. G. C. MacKINNON** (South-West) (4.55 p.m.): I move—

That the resolution be agreed to.

The motion contained in that message was read by you, Mr. President, on a previous occasion. The motion which I have moved is that we agree to the Assembly's resolution. It will be necessary for me, at a later stage, to move another motion; and for the sake of clarity I would like to forecast the motion I will move when and if the House agrees to the motion which I have already moved. This next motion will take the following form:—

That the Legislative Council be represented on the committee by two members nominated by the Leader of the Government and one member nominated by the Leader of the Opposition in the Legislative Council, and that the Legislative Assembly be acquainted accordingly.

That motion will, of course, be the subject of debate, if the House so desires, when it is moved at the conclusion of the debate on the present motion which I have placed before the House. I have taken the opportunity to discuss this matter with the Clerks, and they advise me this would be the best way to approach this subject and would be preferable to amending the motion as contained in the message, as that would necessitate the motion being retransmitted to the Assembly for further consideration there. So I trust the House will agree to the mechanics of the proposal that I have outlined.

That is the sum total of the mechanical section, with the addition of one section which I think it would be appropriate for me to read. These are the terms of reference that were submitted when the motion was considered in another place. They will be found in last week's *Hansard* and read as follows:—

- (a) The effect of the Federal Government's subsidy on the goldmining industry and the consideration of a more realistic approach to the granting of subsidies, so that those who qualify may participate on an equitable basis; and
- (b) The encouragement by both the Federal and the State Governments of companies to pursue a vigorous policy of exploration for new gold ore bodies, with special consideration to modern prospecting techniques.

The present question as to whether we agree to the committee as suggested in the motion transmitted from the Assembly is quite a reasonable idea and is desirable. Therefore I sincerely hope this House will agree to the proposition. It is my intention to endeavour, to the best of my ability, to convince honourable members that it is a reasonable one.

During this session of Parliament we have received the benefit of perhaps a shade more debate on gold than has been customary in the years I have been here, although, over the years, the honourable members from the goldfields have taken every opportunity to acquaint us with the problems of this industry; and much of the knowledge I have gleaned I owe to their speeches. I am grateful to them for having kept this House as closely in touch as they have.

There was a recent very interesting motion moved by the honourable Mr. Heenan and agreed to by this House which gave us quite an insight into some of the problems of the industry. The fate of the motion was indicated in some detail yesterday by the Minister for Mines when replying to Mr. Stubbs. At the time the motion was moved it appeared there might have been some chance of an alteration

in the international price of gold as a solution to the problem; and I have no doubt that was why the honourable Mr. Heenan chose that form of approach initially. I should like to deal with that particular aspect a little later.

There are few of us—and few people generally—who do not find the subject of gold intriguing in the extreme. Gold fever has led men over the centuries to do all sorts of strange and wonderful things. I think gold fever is responsible in no small measure for much of the development of Western Australia. Men left their homes and their countries, and travelled to the goldfields for a chance of striking it rich; and those men did much to establish this State. One has only to visit Kalgoorlie to feel the aura of history in the town and to get an appreciation of the effect that those districts have had on Western Australia.

In modern times gold has tended to lose its romantic atmosphere and has become a rather prosaic base for international stability and international currency. This aspect of the use of gold is, of course, the subject of a great number of extremely learned papers. I do not think this is the time or place for a discussion on international finance, even if I had the ability to discuss it.

It is as well that we should consider this particular aspect of gold. It is the very nature of the subject which makes it so suitable as a base for international currency. I refer, of course, to its immutability; its incorruptibility; the fact that it cannot be destroyed; that it lasts without any difficulty; that it can be stored; and that it is dense. All these factors—and the fact that it is in comparatively short supply—make it an ideal subject as a base for international liquidity; plus the fact that it is used so widely.

This is at once a blessing and a disability. So far as the industry is concerned, there is a disability under which we suffer, because for gold to be of any value, in the context in which I have been speaking, there must be a stable price.

It is doubtful whether the price of gold would be as high as the standard price at which it is maintained if it had been retained purely as a metal for jewellery purposes. The price of 35 American dollars, or £15 12s. 6d. Australian, has ruled for a considerable number of years.

In a world of rising costs, where most other commodities reach their level through the force of supply and demand, gold unfortunately does not join. That is the problem so far as the gold producing countries are concerned.

What are the real possibilities of an increase in the international price of gold? Recently, as we know, the honourable Mr. Heenan moved a motion in connection with

which some efforts were made to accomplish this. Those efforts were, as we know, sadly unsuccessful. This would indicate—over a short term, at all events—that a solution will not be found by increasing the price of gold. The examination of the problem from an international point of view also indicates that.

An increase in the price of gold is tantamount to asking America to depreciate her currency in terms of gold. I suppose there would be some justification for the United States of America to say to the gold producing countries, "If you require more of your currency in terms of gold than you are getting at the present time, you should depreciate your own currency and not ask us to depreciate ours."

This fact, together with the other matters I have mentioned, would make me believe that the short-term solution of the problem associated with the goldmining industry will not lie in a possible increase in the price of gold through the International Monetary Fund.

The fate of the honourable Mr. Heenan's motion would confirm this; and it would therefore appear that we must turn to a solution within our own country. This indicates that a committee such as the one which has been suggested could serve a very useful purpose. If the solution lies within our own country, then I think it is as well that we should examine the worth of the industry to the nation as a whole and to this State in particular.

We have been advised by honourable members who represent the goldfields—and my research has shown this to be absolutely correct—that the Western Australian goldfields are the largest gold producing areas in Australia. They have produced over £500,000,000-worth of gold; and year in and year out they produce about £12,000,000-worth annually. This amount of gold is easily saleable. There are no marketing problems; the only problem is the present price, as I have mentioned.

The value of this industry to Australia has been recognised by the Federal Government; and evidence of this rests in the Commonwealth Acts; namely, the Gold-Mining Industry Assistance Act of 1954 and the Gold Mines Development Assistance Act of 1962. There is no doubt that the Federal Government recognises that the industry fills a valuable place in Australia, and that some efforts should be made to retain and maintain it.

It is unfortunate that there is a limit to assistance through subsidies. Most honourable members are aware that a company which shows an excess of 10 per cent. return on capital cannot share in this. Of course, most of the companies concerned were capitalised a considerable number of years ago. As I understand it, they are not allowed to revalue their capital assets in terms of up-to-date values. I understand that their returns are based on their

capital returns as expressed in their balance sheets. Honourable members who have a detailed knowledge of this might be able to fill in any necessary details.

In modern terms of capital investment, that would seem to me to be a little bit rough. I understand that the maximum subsidy is £3 5s. per ounce, calculated on three-quarters of the excess cost of production per ounce over a cost of production of £13 10s. per ounce. Not all companies share in the subsidy on an equal basis. Considering how varied the ore bodies can be, I suppose that is fair enough.

No doubt a thorough investigation of this aspect by the proposed committee could bring to light some method by which this particular formula in the matter of payments could be improved. Small producers receive a subsidy of £2 5s. per ounce on a production figure of 500 ounces. The rate reduces 1d. per ounce on any excess over 500 ounces up to a total production of 1,075 ounces produced within a period of 12 months.

I quote these figures to show that the Commonwealth Government is aware of the need for assistance to the industry. It is fair to point out that the total assistance in 1962-63 in Western Australia amounted to £570,000. For the last year alone the Commonwealth Government received £617,000 from income tax from those persons who are directly employed in the goldmining industry in this State. This fact should be borne in mind.

The few figures I have quoted clearly indicate that on economic grounds alone there is a very good national reason why assistance should be given to this industry. All these aspects could be considered by the proposed committee, and I am quite sure that it would take the opportunity of examining them in detail.

On the State scene I am confident that I can convince honourable members—at least, those who might need convincing; and I doubt whether there are many of them—that there is a very good reason for assisting the industry. I said that I am grateful to earlier speakers for much of the information I have gathered. I obtained many of my figures from those speakers.

I am advised there are some 5,000 persons directly employed in the goldmining industry. I know that in Kalgoorlie-Boulder there is something in excess of 20,000 persons directly dependent upon the production of gold; and I have no doubt that there are many hundreds of people elsewhere in the State who, to a greater or lesser degree, have their livelihood and incomes affected as a result of the existence of Kalgoorlie, Boulder, Norseman, and other goldmining towns.

We live today in an integrated society, where one industry does affect most people throughout the State. It is interesting to note in passing that Kalgoorlie has now

become the centre of a thriving wool industry. I understand that last year it exported some £3,500,000 worth of wool. This again is indicative of the value of Kalgoorlie to the State.

It is the end of a spur line of development, if I can put it that way. There is no doubt that the development of station properties around Kalgoorlie has been made easier by the very fact of the existence of Kalgoorlie as a centre for that wool industry.

Although Kalgoorlie-Boulder is not the sole goldmining section of the State, there is no doubt it represents probably one of the greatest examples of what the pioneering spirit and determination can do under adverse circumstances. A town such as Kalgoorlie, with tree-lined streets and lovely buildings, situated some 350 miles from Perth, is a wonderful monument to the determination and skill of the early settlers and builders. It is also a wonderful example of the decentralisation of population.

I mentioned before that it is a cradle of development in this State. Most of us are heartfelt in our determination to retain and maintain the goldmining industry for as long as possible. We feel that every possible effort should be made to do just this.

From the State's point of view there is good reason for assistance to be granted to this industry, because tremendous benefit would result. It would, of course, be the task of the committee appointed to investigate the various problems that are faced by the industry and to recommend the best solution of them. Perhaps some increase could be made with mechanical development. I was interested in the comments made by the honourable Mr. Dellar because, apparently he has had considerable experience in this field. Only recently I read of the work done by the Western Mining Corporation at Hannan's Reward goldmine.

The Hon. R. H. C. Stubbs: Yes; but you cannot do that in every mine.

The Hon. G. C. MacKINNON: We had that experience at Collie. During the regime of the McLarty-Watts Government assistance was granted to the Collie coalmines to mechanise the development; and, to a degree, some of the capital expenditure on mechanical equipment was wasted. The depth of the ore body, its width, and its extent has a great bearing on the value to be derived from increasing the mechanisation of a mine.

Most mechanisation, of course, incurs a considerable amount of capital expenditure, and unless the ore body is sufficiently large and of the right form to enable these machines to be used to the maximum benefit, it is possible the money expended would be badly placed.

The Hon. R. H. C. Stubbs: You cannot use a diesel machine underground except in special circumstances and with permission.

The Hon. G. C. MacKINNON: I am sure the honourable Mr. Stubbs will be able to elaborate on this motion subsequently during the debate. I would point out that the figures quoted in regard to the mechanisation of Hannan's Reward showed an increase in production from five tons per man day—which is the eastern goldfields' average—to 50 tons per man day. These figures are fantastic and dramatic indeed.

These are the factors which this committee will be able to examine; and, by obtaining the best possible advice, it will be able to learn a great deal about the problems of the industry. The State, of course, has not been unmindful of the value of the goldmining industry. This is exemplified by the Mining Development Act which is administered by the Leader of this House (The Hon. A. F. Griffith.)

As most members know, this Act empowers the Minister to make loans and grants to all kinds of mining ventures, apart from goldmining. No doubt the Minister will take the opportunity to acquaint us of that aspect of the industry should he consider it to be of interest to the House. The tragedy of all mineral lodes, of course, is that they are a wasting asset. The ultimate exhaustion of any mineral deposit is inevitable immediately one takes out the first shovelful of ore. Thus the life of any mining venture is limited. I should imagine that the value of the particular mineral, the quantity of earth that has to be moved, the depth and the cost of production must enter into the economics of a mining venture, as similar factors would enter into the economics of any other type of venture.

These are the sorts of things, therefore, that the committee will have to investigate and familiarise itself with. In making an explanation recently of ore bodies and the like, one fellow gave a rather apt illustration. He referred to the earth as a currant cake with the earth as the cake and the ore body as the currants, thus making a very big cake with very small currants. He pointed out that as a cake can be sliced so the earth can be eroded, and some ore bodies can be uncovered very easily. In fact, some ore bodies have been uncovered by natural erosion, which results in alluvial gold and surface lodes. There have been many hundreds of currants discovered over the years but apparently there are hundreds of currants still to be found; and this, of course, is the role of the prospector.

The Hon. D. P. Dellar: At present we have few prospectors on the fields.

The Hon. G. C. MacKINNON: All things change, and I gather from what I have been able to learn of this

subject as a result of my research that the changes in prospecting have been as dramatic as the changes in practically everything else. The stories of men going out into the desert with their picks and shovels and their dolly pots, and all the rest of their gear, and coming back to civilisation as rich men, although having been proved true on many occasions in the past, and still possible of achievement in the future, are practically unheard of now.

Today, I understand, prospecting is an extremely complex and costly business. I was under the impression that today it would take the form of a geophysical examination, but on research I discovered that no longer is that the most modern method used, because now prospecting is done on a geochemical basis. Small samples of soil are taken for analysis and a picture built up from detailed examinations of such analyses. One can appreciate that this is a very costly method of prospecting and entails a great deal of detective work. Nevertheless, it has not detracted in any way from the value of the prospector.

The Hon. J. Dolan: He is still finding gold.

The Hon. G. C. MacKINNON: As Mr. Dolan says, the prospector is still finding gold; and, in this connection, the Government realises his value, because in the last week or so the food rations and gear subsidy has been increased by £1, making a total of £7 north of the 26th parallel and £6 on the eastern goldfields.

The Hon. A. F. Griffith: In fact, it was increased within the last two or three days.

The Hon. G. C. MacKINNON: I heard of it as a result of a chance conversation last evening. I made a check today to ascertain whether the information was true, and I was told that the £1 increase in the subsidy had been made. For the information of members I will give a detailed account of how this prospecting subsidy has been increased over the last 20 years.

In 1933, the prospector's allowance was 15s. per week, and this was increased to £1 per week in 1938. In 1946 a further increase of 10s. was made, and the following year, under a Liberal Government—the McLarty-Watts Government—the prospector's allowance was increased to £2 10s. north of the 26th parallel and £1 10s. on the eastern goldfields. Three years later, in 1950, a further £1 increase was made, making it £3 10s. north of the 26th parallel and £2 10s. on the eastern goldfields. Again, after another three-year period, the amounts became £5 10s. north of the 26th parallel, and £4 10s. on the eastern goldfields. In 1959, after a period of six years, a further increase was made, making the allowance £6 north of the 26th parallel and £5 on the eastern goldfields; and, as I have just informed the House,

the allowance has been increased by another £1, making the amounts £7 and £6 respectively.

The Hon. A. F. Griffith: I have increased the allowance twice.

The Hon. G. C. MacKINNON: Yes, the Minister increased it from £5 to £6 and, now, from £6 to £7, and, of course, to £6 on the eastern goldfields. This allowance takes the form of a food and ration order, but the Minister, of course, has power to make loans; and I gather that there is no statutory limit on such loans, which are for petrol, oil, explosives, and basic essential equipment.

This proves that the State Government, and indeed the present Minister for Mines, is very aware of the importance of gold and the necessity to discover new gold-bearing bodies, and that it is doing something practical towards that end. Despite this, I have no doubt that there are avenues along which these various services can be streamlined, and I am sure the committee, after making a thorough investigation into the problems of the industry, will be able to make some worth-while suggestions.

In conclusion, I think it is fitting that we should applaud the appointment of an all-party parliamentary committee. So often lately we have heard suggestions that a committee to be formed to examine this, that, and the other should consist of experts, but very often, I think, a valuable service can be rendered to the community by men who are not directly connected with an industry conducting an examination of the problems besetting that industry. As honourable members of Parliament, ours is the responsibility to legislate, and to administer the funds of the taxpayers of this State. It follows, therefore, that ours is the duty to investigate and to recommend that certain steps be taken where possible.

As I have already mentioned several times this afternoon, we have been extremely fortunate in having information given to us by honourable members representing the goldfields; and that information is no less and no more than the information given by other honourable members representing other constituencies. Honourable members take full advantage of the opportunities that are offered here to keep themselves fully informed of the peculiar difficulties that are met in the various areas represented by other honourable members. Unfortunately, I think that very often an honourable member speaking on behalf of his area is somewhat disadvantaged in trying to convince others who represent totally different areas when he is outlining the problems that are met in his province.

Often, because we lack knowledge, we do not have a full appreciation of the arguments put forward by an honourable member in this House. It is obvious that

since I have been asked to handle this resolution in this Chamber I have had to do a considerable amount of research on the subject, and I think I now understand some of the problems of the goldfields all the better for doing it. At least I sincerely hope I do. I feel sure a great deal of benefit will result to this Chamber and to another place by having honourable members from each party appointed to serve on this committee to conduct an examination of the goldmining industry.

When I moved to agree to the Assembly's resolution, I pointed out that when my motion was passed it would necessitate a further motion, and I have advised honourable members what that motion will be. I sincerely hope that what I have been able to contribute to the debate this afternoon will convince honourable members of the advisability of the resolution, and the motion, for the appointment of this all-party parliamentary committee.

Debate adjourned until Tuesday, the 13th October, on motion by The Hon. E. M. Heenan.

## EDUCATION ACT AMENDMENT BILL

### *Receipt and First Reading*

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

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

### *Second Reading*

Debate resumed, from the 23rd September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

**THE HON. F. J. S. WISE** (North—Leader of the Opposition) [5.29 p.m.]: This Bill of 35 clauses has several purposes. It is designed to make many corrections in the parent Act dealing with formal matters such as the conduct of elections for local government authorities; methods to be used and others to be altered in the light of the circumstances prevailing today; and many other relevant objects.

I wish to refer to several clauses in particular. One provision in clause 6(1) (c) deals with the disqualification of a person from being elected as mayor, president, or councillor of a municipality if, at the time of his nomination for election to office, he is in arrears in the payment of rates due on land owned by him. This provision goes much further than this type of legislation has gone: because the provision refers to people who have received exemption from liability for payment of rates under section 561.



Section 561 of the Local Government Act grants exemption from the payment of rates to three specific groups—

- (a) a person who is in receipt of an age pension, an invalid pension or a widow's pension under the provisions of the Social Services Act, 1947-1958 of the Parliament of the Commonwealth;
- (b) a person who is or was a member of the forces within the meaning of part III of the Repatriation Act, 1920-1959 of the Parliament of the Commonwealth and who is a service pensioner within the meaning of division 5 of part III of that Act; or
- (c) a person who is the wife or widow of such member of the forces if she is a service pensioner as so defined.

Under that section a person may apply for exemption for the time being from the liability to pay the rates due; but those rates will ultimately be wholly collectable, and they are a direct charge on the land or estate concerned.

Clause 6(1)(c) contains a very cold and objectionable provision. There is no appreciation at all for the services given by the three categories of people referred to in section 561 of the Act; and there seems to be no desire to use the experience of these people, who have contributed much in one form or another to this State. In many cases they have had ample and very extensive experience in local government matters.

Such people include pioneers of various types, and people with experience of different kinds. I think they are adequately fitted to serve on local authorities. It is not very satisfactory to object to the election of them, because their rates, which have been deferred, cannot be said to be owing at the time of their election. I hope that when the Bill reaches the Committee stage this particular provision will be deleted. It is a wrong and retrograde step to direct this specific disqualification against pensioners who, for the time being, have had their rates deferred. I hope the House will give some thought to the case I am endeavouring to present on behalf of these experienced, qualified, and in every way appropriate people who are prepared to give their services and time to local governing bodies.

There are several clauses immediately following the one to which I have just referred which, in the main, deal with machinery matters associated with elections. Then we reach clause 14, which seeks to increase the payment to returning officers, on the basis of the number of ratepayers involved. I have no objection to the small increase set out in the

Bill, which is considered to be commensurate with the services rendered by returning officers in conducting elections.

The next provision which I wish to deal with relates to the casting vote of a mayor or president. If honourable members care to examine section 173 of the Act they will find that clause 15 clarifies the position, in that the mayor or president shall not have a deliberative vote, but shall have, and shall use, a casting vote when necessary.

Furthermore, this clause provides that members shall vote openly at meetings. At the present time when members attend meetings, it is optional for them to record their votes. In this clause it is provided that they shall vote, and vote openly, unless the Act specifies otherwise. Over the years there has been a difference of opinion, but the provision in the Bill will appropriately clarify the position.

The Hon. H. R. Robinson: Do you disagree with that provision in the Bill?

The Hon. F. J. S. WISE: No. The mayor or president has one vote, as have the other members, but he has it at a specific point. Other councillors, when present, must identify themselves with motions, whether they be for or against. I can see nothing wrong with that provision.

Another clause in the Bill seeks to support or buttress the authority already possessed by local governing bodies in dealing with the clearing of vacant land; the controlling of the disposal of rubbish; and the controlling of burning. There is the right of the local authority to clear vacant land at the owner's expense, and to have the sum involved reimbursed by the owner through legal action if there is a doubt as to the value of the work performed by the local authority on the owner's behalf.

I am wondering whether it has been found through experience that some local authorities do not wish to have these matters dealt with in courts of summary jurisdiction; whether the reason for the inclusion of this provision arises from something that is impending; and whether from past experience there have been many such cases. I would like the Minister to elaborate on that clause in the Bill when he replies to this debate. The clause clearly gives to a local authority the right, after due notice has been served on the owner, to clear the land at the owner's expense, and to have the cost involved recovered by law.

If we turn to section 202 of the Act, which clause 18 seeks to amend, we will find a provision dealing with the clearing of vacant land. It gives to local authorities a very wide power to make by-laws.

and to give effect to the intention—where an owner fails to clear his land, or to remove rubbish or other material—that local authorities are fully authorised to clear the land on the owner's behalf, and to charge him with the cost thereof.

One interesting clause in the Bill occupies over six pages. One would imagine nothing would be omitted. As has often been said in this House, when we begin to particularise or specify, we begin to limit. Clause 21 to which I am referring takes care of both angles, because it seems to specify everything connected with private roads and streets. It is very interesting to peruse the definitions and interpretations contained in the Local Government Act; one finds the original definitions in section 6 very restricted. Definitions are found pertaining to section after section as separate matters.

Although this clause dealing with private streets seeks to overcome the serious circumstances obtaining in many suburban areas and towns affecting rights-of-way, there is no reference in the Act to a right-of-way. There is certainly no mention of rights-of-way in the Bill. They are referred to as private streets; but I wonder whether that definition amply covers all the circumstances obtaining to rights-of-way. The definition of a road in section 6 of the Act is—

"road" has the same meaning as street;

Then we find the definition of "street" as follows:—

"street" includes—

- a highway; and
- a thoroughfare;

which—

the public are allowed to use;

We find that the definition of "way" is as follows:—

"way" includes—

- (a) an alley; and
- (b) a court;

which the public are allowed to use.

It is passing strange there is no mention at all of rights-of-way. Often the letters "r.o.w." appear on plans or titles to land; and they refer to rights-of-way. I am wondering whether the Minister is wholly satisfied with the drafting of clause 21—although there is nothing in the definitions dealing with the point—which, in dealing with private streets in this manner, provides that streets which are not wholly private will not be dealt with. There are many vested in no-one at all, and there are some vested in local authorities.

As I have said, despite its 6½ pages, the clause should be studied more closely to see whether the definition we are using is correct. The only place where private street is mentioned is in section 297, and it is restricted to that section. It states—

- (1) In this section, "private street" does not include a private street which is more than twenty feet in width.

So we are not helped very much by the Act itself, as I know the Minister is very well aware. Therefore I think the matter is well worthy of study to see whether those words should or should not be used in this clause.

I suggest that a preamble could be quite desirable to this provision stating what a private street means in the clause just as it does in the section from which I have quoted. This would be quite consistent with all other definitions in the Act, because honourable members will find that section after section contains a private definition for the purpose of the particular section. Therefore it could quite well be that a preamble could be advisable to the effect that a private street means a street not more than 20 ft. wide, not necessarily in private ownership, with or without a title, and includes rights-of-way. Unless we do something like that we will find difficulty in merging this clause with other sections.

In later clauses in this Bill there are some interesting examples showing how the Crown is not very concerned with the rights of individuals; and that sentiment is to be continued and extended to the municipalities' approach to the rights of citizens. I particularly refer to a clause on page 21 of the Bill which deals with the power of a council to make by-laws to prescribe new street alignments for resumption of land that may be excised from a block for any purpose of the municipality. This clause, which will repeal and re-enact section 364, is different only on one or two points. Proposed new subsection (7) reads—

The council shall pay compensation to the owner of the land, portion of which is dedicated and revested under subsection (5) of this section, but the compensation payable by the council is limited to the amount by which the remainder of the land is depreciated in value by the portion being so dedicated and revested.

I do not like that as it is worded. It means that the person concerned is not paid the compensation at the time a decision is made to excise an area and to pay compensation. The payment is deferred. No matter what depreciation in value occurs, the only compensation to be made is for the difference in the value of the land brought about by the alteration of the boundary. In proposed new subsection (11) is the provision that no compensation shall be made until the land is

so acquired or purchased. That sentiment appears in other legislation dealing with land.

The Hon. L. A. Logan: There is no disturbance of the land, of course.

The Hon. F. J. S. WISE: There is no disturbance, but there is a Kathleen Mavourneen suggestion as to when compensation shall be paid for the land.

The Hon. L. A. Logan: There is no disturbance of the land under this.

The Hon. F. J. S. WISE: It does not continue to be the owner's land in prospect at all. He is to lose it.

The Hon. L. A. Logan: He does not lose it until it is purchased.

The Hon. F. J. S. WISE: It has to be excised from his property.

The Hon. L. A. Logan: Not until the area is fixed, and then he is paid compensation straightaway.

The Hon. F. J. S. WISE: I know all about that! It is deferring payment on something which is to be compulsorily acquired.

The Hon. R. Thompson: You could not build on it.

The Hon. F. J. S. WISE: Of course not. It deals with changes in building alignments.

The Hon. L. A. Logan: You cannot build there today.

The Hon. F. J. S. WISE: A person can own it but not use it.

The Hon. G. C. MacKinnon: Proposed new subsection (3) (b) stipulates you cannot build on it.

The Hon. H. K. Watson: It is sterilised.

The Hon. F. J. S. WISE: And it is about as much use as other things when sterilised. It is wrong that the public are to be always the ones to fare badly from the Crown, or instruments of the Crown, or semi-governmental bodies. All such instrumentalities have a responsibility to the public and should not push the public around. When the public are inconvenienced they should be compensated—

The Hon. A. L. Loton: Hear, hear!

The Hon. F. J. S. WISE: —and as quickly as possible. So it is with the other very important Act administered by the Minister for Local Government—the Town Planning Act, if I may intrude a mention of it. The public are not the ones to be considered. What is considered is the well-being of the service to Her Majesty in the planning for town alterations, and the public are pushed around.

The Hon. J. G. Hislop: The Beaufort Street resumptions which we dealt with years ago are just being paid for.

The Hon. F. J. S. WISE: Clause 28 contains, among other provisions, a paragraph to be added to section 433. It is

paragraph (32a), and I am sure this provision will arouse much concern and debate. At present section 433, subsection (32) deals with elevators, and that sort of thing, which must be provided in buildings. However, the proposed amendment refers to requiring—

that a building of a specified class erected after the coming into operation of the Local Government Act Amendment Act, 1964, has attached to it or erected on the land on which the building is built or on land adjacent thereto, such number of motor garages, car ports, or paved parking spaces, as is prescribed in the by-law or as is in such proportion to the number of persons likely to reside or work in the building as so prescribed.

This land might be worth anything from £2 a foot to £2,000 a foot. It could be land on which it is proposed to erect a T. & G. building or one of that type with many floors and offices, and accommodating many people. Are we to understand that it is the responsibility of the owner or builder to provide his own parking areas? If it is not, why is it so broadly worded?

If we want to ascertain the classification of a building, we do not look in the Local Government Act but in section 4 of the uniform general building by-laws. The types of buildings which will come within the ambit of this clause if passed could be—

- Class I—Private Dwellings.
- Class II—Residential Flat Buildings.
- Class III—Residential Buildings.
- Class IV—Dwelling Attached to Buildings of Other Classes.
- Class V—Office Buildings.
- Class VI—Shops.
- Class VII—Warehouses.
- Class VIII—Factories.
- Class IX—Public Buildings.

Public buildings include churches, chapels, public assembly places or halls, hospitals, sanatoriums, and the like.

I submit that this clause, which provides for parking space to be made available for motor vehicles, car ports, and paved parking areas, to be prescribed by by-law to cover specific buildings under the uniform general building by-laws, is not good enough.

The Hon. L. A. Logan: Are you going to let them park in the streets, then?

The Hon. F. J. S. WISE: Does the Minister contend that a person has to buy a block of land, say, opposite Foys for £100,000? That block is vacant.

The Hon. H. K. Watson: It is a pretty good illustration.

The Hon. F. J. S. WISE: Then before he can erect a building of several storeys on it, he must provide parking space for

the number of persons likely to work or reside in the building. That is what he must do under this Bill.

The Hon. L. A. Logan: It does not say that at all.

The Hon. F. J. S. WISE: It does.

The Hon. L. A. Logan: You give the by-law making power. You do not know what is in the by-law.

The Hon. F. J. S. WISE: We are providing the power to require that a building of a specific class—in any one of nine categories—must have attached to it these parking facilities.

The Hon. J. G. Hislop: Early signs of Los Angeles!

The Hon. F. J. S. WISE: I am pointing out to the Minister that he is asking us to pass a clause which will make it compulsory for private owners to provide for hundreds of working people in the one building—

The Hon. R. F. Hutchison: Stupid!

The Hon. F. J. S. WISE:—whether the building be an R. & I. Bank building or a set of medical offices in Kings Park Road. The Bill is clear on this point.

The Hon. L. A. Logan: You have to prescribe the building in the by-law.

The Hon. F. J. S. WISE: All that is necessary is that the building be classified. If, for instance, it is an office building, it would come under Class V. That would mean that it could be a set of offices in Kings Park Road on land worth £500 a foot, if it could be purchased for that. The passing of this Bill will make it so that the block next door would have to be bought also to make provision for parking. I do not think that is fair.

The Hon. L. A. Logan: Do you think they should park on the street?

The Hon. F. J. S. WISE: No; I think they should park their vehicles somewhere else. We do not have everybody coming to town and wanting to park outside Foy's or Boans.

The Hon. L. A. Logan: Those people won't be affected by the by-laws. You know that as well as I do.

The Hon. F. J. S. WISE: There is nothing to say just who will be affected.

The Hon. L. A. Logan: The by-law will make it clear, and this Bill is to make provision for the by-law. Otherwise, the by-law is *ultra vires*.

The Hon. F. J. S. WISE: I do not think we should grant such by-law making power through this Bill.

The Hon. L. A. Logan: Then the cars will be left on the street.

The Hon. F. J. S. WISE: They need not be left on the street; they can be parked elsewhere.

The Hon. L. A. Logan: It is the world-wide trend to park cars on the street.

The Hon. F. J. S. WISE: This problem is one specifically for parking and traffic control, and should have no association with the responsibility of property owners, wherever they may be. The more valuable the property the greater the responsibility would be.

Imagine Mount Street, where there are some highly-priced and very valuable properties. Whenever there was to be a demolition of an old building to make room for a new structure, are we, through this clause and under the general building by-laws, to say to the owners, "You must provide space for 20, 30, or 40 cars within the area on which the building is to be erected"?

The Hon. L. A. Logan: That provision is already there. The space has to be provided when flats are built.

The Hon. F. J. S. WISE: It does not have to be done under this section. I think this clause should be well looked at by honourable members because, as it is expressed at the moment, either the whole clause, or the part I referred to, has no rightful place in this Bill.

*Sitting suspended from 6.4 to 7.30 p.m.*

The Hon. F. J. S. WISE: Mr. President, I have endeavoured to indicate that there are very many matters in this Bill which are validly debatable points, but which I am sure will be clarified in debate.

At this stage I do not intend to put amendments on the notice paper; but I wish to make it clear I intend to endeavour to delete paragraph (c) of clause 6 of the Bill, and I hope some honourable members will be sufficiently convinced by the illustrations I have given not to be wholly satisfied with the last aspect of it.

The Hon. H. R. Robinson: What clause was that?

The Hon. F. J. S. WISE: Clause 6. Then there is the last clause upon which I advanced the argument that owners should not be expected to be governed by unknown by-laws in regard to the provision of parking areas. For the time being I support the measure.

**THE HON. R. F. HUTCHISON** (Suburban) [7.32 p.m.]: I would like to make a few comments on this Bill and I compliment Mr. Wise on his lucid explanation regarding certain points in the measure, with which he did not agree. I, too, have had letters sent to me regarding rights-of-way, and I have one in front of me which was sent from Scarborough, in the district of the Shire of Perth. Some people in that district are very concerned about this matter because they have only narrow 40-foot blocks. I daresay the Minister has had something worked out in this regard but I thought I would bring the matter forward to make sure of it.

In my view there should not be a blanket cover on rights-of-way, and they should not all have to be closed. I agree that some rights-of-way in the Inglewood area are nothing but rubbish tips, and they need to be closed because they are not used. They are a burden to the people whose homes adjoin them and also to the local authority. However, there are some districts where people have narrow blocks and, because there is insufficient room for them to drive their cars down the sides of their houses, they are forced to have garages at the back and they have to drive their cars along the rights-of-way. If, in those cases, the rights-of-way were closed, the people would be in bother.

No doubt, as I said, the Minister has something in view to overcome the problem, but I would like to hear his plans in this regard. That is why I brought the matter forward; sometimes when something is not raised a mistake is made and people are inconvenienced unnecessarily.

The Hon. H. R. Robinson: This is not a blanket closure provision.

The Hon. R. F. HUTCHISON: I did not know whether it was or not; but I thought I would raise the matter because I have received letters in regard to it. I have been through some of the older suburbs and the lanes there are a real menace, so much so that on many occasions I have been approached by the people whose homes adjoin them to have them closed. In cases where the lanes are used as access ways to private garages there would be little chance of the lanes becoming a fire hazard as the people who use them would ensure that there was no likelihood of danger to their cars.

THE HON. J. D. TEAHAN (North-East) [7.36 p.m.]: I was pleased to hear Mr. Wise give such a lucid explanation of several features of this Bill, and he spoke on one matter which interests me considerably—I refer to the disqualification of pensioners who have decided to have their rates suspended. We all know that quite often pensioners have their rates deferred; but if that means they are to be deprived of the opportunity of ever becoming a councillor it will mean we will be depriving persons who would probably be very competent to serve in that capacity. I have in mind people who have served a useful life in such positions as organisers, secretaries, and so on, and who have then become pensioners and have asked for their rates to be deferred.

Many of these people would become useful councillors and they would be able to give to local authorities the benefit of their experience. Therefore, I hope some thought will be given to that aspect, and I trust that pensioners who have had their

rates deferred will not be deprived completely of their opportunity and right to serve the towns in which they live.

As regards rights-of-way, there are certainly some which need to be closed. I have lived for some years in a suburb which is situated within a mile or two of Parliament House, and the lanes there are used as rubbish tips. In one instance I complained to the health inspector about it, but I might as well have saved myself the trouble of complaining. The position was so bad that if a person bought a new bathheater, or had some work done on his house, the workmen just threw the old material into the lane and it was left there. No-one seemed to care about it, and that seems to be the position with most of these places.

On the other hand there are some suburbs where the houses are erected on narrow blocks and residents are forced to use the rights-of-way to gain access to their garages. In those cases it would probably be necessary to retain the rights-of-way. In some instances, too, people are worried about them because they are scared of prowlers; and rights-of-way can become hideouts for thieves and prowlers.

If in a particular suburb, out of a block of 30 houses, say 20 householders depended on the right-of-way for gaining access to their garages, and that was their only means of entry, something should be done to protect their rights.

The Hon. H. R. Robinson: Some of them are privately owned.

The Hon. J. D. TEAHAN: Some may be. I know that one lane is used, much to the annoyance of the nearby residents, by a certain driving instructor to teach his pupils how to back down a lane, and they go backwards and forwards and sideways.

The Hon. F. J. S. Wise: Can they move them sideways?

The Hon. J. D. TEAHAN: In that case the lane is just a nuisance. However, as I said, where a majority of the householders adjoining a right-of-way use it as an access to their garages I think something should be done to protect them. The other point I wanted to raise particularly was in regard to the pensioners who, because they have elected to defer their rates, may be deprived of the right to be elected as councillors. In all other respects I support the Bill.

THE HON. J. HEITMAN (Midland) [7.40 p.m.]: I do not intend to speak at length on the Bill, but I agree with the Minister that it is a good measure and from time to time we must amend the principal Act as the occasion arises. It is not long since the principal Act was passed, and it is only as the years go by that we will realise its weak spots, and we should be prepared to amend them to suit those who are in charge of our local

authorities throughout the State. They are doing a good job and we should do everything we can to assist them.

On this occasion the Minister submitted the amendments to our association and its members have agreed to them. One matter about which we were particularly pleased was in regard to returning officers. The amendment will ensure that they will be paid their just due for the amount of work they put into elections. The greater the number of electors the greater the amount of work they have to do, and it is only right that the men concerned should be reimbursed according to the work they accomplish.

As regards pensioners, and the matters raised by Mr. Wise and other honourable members—and after listening to Mr. Wise I am sure he has put a great deal of thought into this aspect, as he had done in respect of the building line provision—I believe we cannot make fish of one and flesh of the other. In my view ratepayers, and only ratepayers, should have the right to stand for election. Therefore, I do not think we can extend that right to pensioners who have their rates deferred. This might be hard on some who have lived a lifetime in a district, and who have pioneered it; but I believe it is a young man's game, anyway, and a person should not be allowed a voice in the spending of other people's money if he is in arrears himself.

On the question of the building line, most of the local authorities agree that the amendment is a good one, for the simple reason that if they declare a building line now they may not have any use for it for many years to come; and under the present provision they would be cautious about declaring a building line if they knew they had to pay for the land immediately. However, if they are allowed a number of years in which to declare the building line they could, as buildings had to be renewed, ensure that the owners erected the new buildings on the new building line. In the long run that would be cheaper for all concerned.

Debate adjourned, on motion by The Hon. F. R. H. Lavery.

## PRISONS ACTS AMENDMENT BILL

### *Second Reading*

Debate resumed from the 6th October, on the following motion by The Hon. A. F. Griffith (Minister for Mines)—

That the Bill be now read a second time.

**THE HON. R. F. HUTCHISON** (Suburban) [7.45 p.m.]: I have not yet visited Fremantle prison, but before long I will take the first opportunity to do so in order to familiarise myself with conditions that exist there, and to become more knowledgeable about them. The honourable Mr.

Heenan referred to the conditions at the Roe Street lock-up. I do know there is a new building being erected which we understand will not be a disgrace to our community or an affront to humanity. The building that exists at the moment is certainly a disgrace. People are arrested and taken to the Roe Street lockup and placed in dreadfully degrading conditions—conditions which have existed for years under all governments. The people concerned, of course, even though they have been arrested, are not proved guilty until they have been tried. This has been a blot on our society for many years now, and we have nothing to be complacent about. I will take the Minister's word, however, that the new remand house building will be worthy of our society.

I have been reading through the Prisons Act and I am horrified to see some of the provisions that still exist in that Statute. I daresay I will be told that the people who are arrested are dreadful people as a rule and that these provisions should be retained. But two wrongs do not make a right. Some of the provisions that still exist in the Prisons Act should have been removed long ago, because they do nothing to help people, or to lift humanity or our society. They smack of the days of horror which existed during the convict system.

I am sure that magistrates, and others who deal with this sort of thing, base their approach on a system of reform. As we know reform comes through education. Many of the young people arrested today are being arrested for breaking and entering, and for thieving. A theft is certainly a very deliberate thing.

The **PRESIDENT** (The Hon. L. C. Diver): I would ask the honourable member to confine her remarks to the Bill and not to the parent Act.

The Hon. R. F. HUTCHISON: I thought I might perhaps be allowed a little latitude on this occasion, Mr. President, because these things are not often brought to Parliament. If I am not permitted to mention them I will have to bring in my own legislation, when I can discuss the matter more fully. I was about to refer to section 36 of the principal Act. Clause 3 of the Bill seeks to add the words "in a summary way" after the word "inquire" in line four. It also seeks to add after the word "labour" being the last word in paragraph (5) the following passage:—

(5a) To be sentenced to any term of imprisonment not exceeding six months, the term to be cumulative upon any term or terms of imprisonment that the offender is then undergoing, or liable to undergo; and

I think we should adopt a different attitude altogether. We should not impose a further sentence upon these people except

for a very particular reason. It should not be left for visitors to do that sort of thing; the prisoner should be brought into open court. Section 36 states—

Upon complaint made before a Magistrate or any two Justices of the Peace against any prisoner charged with an aggravated prison offence, as hereinafter defined, such Magistrate or Justices shall inquire into and determine the matter of the complaint, and the offender shall be liable on conviction—

- (1) To be confined in a punishment cell (and, if a male), either with or without irons—

I thought that had gone out with the convict days—

—for any term not exceeding one calendar month, and to be fed upon bread and water only for any time not exceeding fourteen days; or

- (2) If a male offender, to receive corporal punishment as prescribed; or
- (3) To be removed to a lower class; or
- (4) To be suspended for a time without actual removal from the privileges of his class; or
- (5) To be kept at hard labour, if not already sentenced to hard labour; or
- (6) To forfeit, in addition to any such punishment, remission of sentence earned under the regulation or regulations made under any other Act for any period not exceeding one year.

I think it is high time that the provision dealing with corporal punishment was taken out of the Act. It is brutal and horrible and does nothing to reform mankind. We all know that imprisonment is a punishment for a crime that has been committed; but I do think that when we think of punishing criminals we should take all aspects into consideration—we should consider the mentality and the psychology of the criminal which might be at breaking point. Even though a man commits a crime we should not take it upon ourselves to commit a further legal crime. It is brutal of us to do so, and this provision should be removed from the Act.

As I have said, I have not had an opportunity to go down to the prison as yet because of the other work I have on hand, but I propose to visit the gaol in the very near future and find out exactly what conditions are like. It is the duty of every one of us to see these things for ourselves. At the moment all I can do is bring the matter forward, but I do propose to introduce legislation to try to remove some of these penalties that exist at the moment.

None of us hold with thieving, but at the same time we must appreciate that some of these young fellows were born during and after the war. There is nothing good about war; it is brutal, but of course we have to defend the country. But it is the children who suffer in the aftermath of war. Some of them were not sent to school; they were pushed around and grew up to be rebels.

I pity some of these young men between 20 and 30 years of age who are arrested for committing the offences I have mentioned. I do think, however, that there is something wrong with a society in which things like this happen. It would not happen in a good stable society; and it is time a fact-finding committee was set up to investigate this canker that has grown amongst us. I do feel that the Press is largely to blame, because all one reads about these days is crime, sensation, or some foreboding.

The PRESIDENT (The Hon. L. C. Diver): Order! I would ask the honourable member to confine herself to the Bill.

The Hon. R. F. HUTCHISON: I am objecting to just anybody going down to a gaol and heaping further punishment on the prisoners. I have no complaint to make about the warders; I am talking about the crimes that are committed.

The Hon. A. F. Griffith: You usually blame the Government for most things.

The Hon. R. F. HUTCHISON: I certainly blame the Government for this because it should provide better conditions which would obviate the crimes that are committed. The Government has priced the University out of the range of the ordinary individual.

The PRESIDENT (The Hon. L. C. Diver): There is no mention of the University in the Bill, and I would ask the honourable member to confine her remarks to the measure.

The Hon. R. F. HUTCHISON: I oppose the Bill, and I will speak again when I have made my inquiries. I rebel against our prison law as it exists today, and I do think there should be more education in this direction. Society is not progressing, it is retrogressing, particularly when this sort of thing happens.

THE HON. R. THOMPSON (West) [7.58 p.m.]: I support the Bill. I respectfully disagree with the remark you made, Sir, that there is no connection between the University and the prisons.

The Hon. A. F. Griffith: The President said there was nothing about the University in the Bill, and I agree with him.

The Hon. R. THOMPSON: The prison is commonly called a university, because it is a finishing school for people who have to spend a period of time in that place.

The Hon. F. D. Willmott: The President has probably not had your experience.

The Hon. F. R. H. Lavery: Who is making this speech?

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

The Hon. R. THOMPSON: I have visited the prison on many occasions and I have spoken at length in this Chamber on conditions which prevail there. The provisions contained in the Bill are the answer for a safe prison. We might kid ourselves in Western Australia that the Fremantle prison is a full security prison, but I would debate that point with anybody. It is not a full security prison. Irrespective of what we read in reports from time to time it is not a prison which compares with modern standards, and it is not in good condition.

If any honourable members, or you, Sir, visited the prison they would realise why this Bill is before the House; because while armed guards are on the tower patrolling the prison, there are certain portions where the warders in the exercise yard can be attacked and not be within view of the person on guard so that he can take action to protect them. This has not been pointed out to me; it is something that I have discovered through visiting the gaol and having a close look at it on quite a few occasions; and the sooner the Fremantle gaol is pulled down the better. Decent working conditions are required for the warders, for whom I have the utmost respect; and they are entitled to any protection we can give them by way of legislation. The sooner they are given a decent place in which to work; and the sooner the prison is brought to a humane standard, the better.

I made a statement in the Chamber previously that there was plenty of land adjacent to where I live, and if a new gaol were to be constructed, it could be constructed next to my house; because the conditions at the gaol at the present time are deplorable.

The Hon. G. C. MacKinnon: That reasonable attitude is not shared by a lot of people.

The Hon. R. THOMPSON: Last year a statement was made that a new gaol would be situated at Russell Road, opposite Thompson's Lake reservoir, and the people there were indignant at my support of this proposal. I was quite open about this and I was able to convince some people that the project would not be to their detriment. However, there are some people whom I have not convinced, because they are trying to sell their properties and think the establishment of a gaol will lower the values. However, that would not be the case, because when the prison is eventually constructed in South Coogee it will bring with it many amenities that will enhance the properties of those people.

The Hon. F. R. H. Lavery: Do you think you will live long enough?

The Hon. R. THOMPSON: I hope so.

The Hon. F. R. H. Lavery: I hope you are right.

The Hon. R. THOMPSON: Anybody who is familiar with the conditions at Fremantle gaol will think the same as I do. It is a wicked and terrible place. However, everybody in there is not an angel; there are some pretty tough nuts who have to be dealt with from time to time. I say without fear of contradiction that by world standards our gaol officers would compare in every way.

The Hon. R. F. Hutchison: Nobody is saying anything about the gaol officers...

The PRESIDENT (The Hon. L. C. Diver): Order! The honourable member has made her speech.

The Hon. R. THOMPSON: I support the Bill, but I am sorry a measure of this nature has had to come before us, because if we had a full security prison with proper protection for the warders and gaol officers the measure would not be necessary.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [8.4 p.m.]: As I said when explaining the second reading of this Bill, its purpose is to deal with an aggravated offence by a prisoner in a place where he is incarcerated according to the judgment of the law; and it is surprising to me how far we can travel and how much can be said over a small Bill of this nature. I am grateful to the honourable Mr. Willesee and the honourable Mr. Ron Thompson for their lucid support of the measure, which was in complete contrast to the attitude of the honourable Mrs. Hutchison.

The Hon. R. F. Hutchison: Yes, and I always will be in contrast with that, too.

The Hon. A. F. GRIFFITH: That will be interesting information to the two honourable members on the other side of the House. Again I thank them for the view they have taken. We hear a great deal about gaols; and we have heard quite a lot tonight. I took the trouble to have a look at a certain situation, because I rather anticipated when the honourable Mrs. Hutchison moved to adjourn this debate last night, we might hear a few words of criticism about the Perth lockup.

The Hon. R. F. Hutchison: I know all about that. You need not worry.

The Hon. A. F. GRIFFITH: The honourable member seems to know all about everything. I took the trouble to look at the general situation in the State in regard to prisons, to gaols, and to courts; and I had a look at what has happened down the years.

The Hon. F. R. H. Lavery: You said you did that all today.



The Hon. A. F. GRIFFITH: I did not say anything of the kind; I said I had a look since last night.

The Hon. F. R. H. Lavery: You would be pretty good to get through that in one day.

The Hon. A. F. GRIFFITH: I am pretty good, you know that! However, if I could be serious for a moment, I consulted with my colleague, the Minister for Police; and I also had a look at my own Crown Law Department to see what the situation was. The Perth lockup, with due respect, Mr. President, has nothing to do with this Bill because, as the honourable Mrs. Hutchison said, people are not incarcerated in the Perth lockup; it is merely a holding paddock for those who are likely to go before the courts.

The Hon. R. Thompson: One was last year.

The Hon. A. F. GRIFFITH: There are a limited number of people who serve their term of imprisonment in the Perth lockup.

The Hon. R. Thompson: One was there for a month last year.

The Hon. A. F. GRIFFITH: Some prisoners who receive more than a month serve it at times in the Perth lockup. I am told two or three well-behaved prisoners serve their time there and do the work that has to be done in connection with the establishment. I quite agree that the situation in regard to the Perth lockup has been unsatisfactory, and has been so for a long-time.

However, in the last three or four years we have made concerted efforts towards changing that position. First of all we had to move the C.I.B. from the top floor of the local court; and before we could do that we had to move the police down to East Perth to what was the girls' school; and before we could do that we had to build a school somewhere else to take those girls. These things are in train. The police are at East Perth; the C.I.B. has moved from the cramped premises it occupied on the first floor of the Police Court buildings at Beaufort Street and has gone to where the police were formerly; and the top floor of Beaufort Street has been turned into courts and offices for magistrates and for the general administration of the local courts.

The Hon. R. F. Hutchison: And where do you put the people who are arrested?

The Hon. A. F. GRIFFITH: If the honourable member will give me a minute or two, I will tell her. The last phase in the operation is the building of the Police Court premises at East Perth; and anybody who drives over the Causeway and has eyes to see, or wants to see, will notice a £400,000 building being erected

which will be occupied by the police, and the lockup will be moved down to that section of the city.

The policy of the Government in this respect is to build local courts, police stations, and lockups of the type that will hold prisoners, wherever they are needed throughout the State. We have spent a tremendous amount of money in providing these facilities. I do not say for a moment that the conditions at the Fremantle gaol are all they could be, because I realise they are not.

The Hon. R. Thompson: We all agree on that.

The Hon. R. F. Hutchison: Conditions are bad enough without adding something to them.

The Hon. A. F. GRIFFITH: Honourable members realise how difficult it is to build a prison anywhere. My colleague, the Chief Secretary, who is in charge of prisons undertook to build the Karnet Rehabilitation Centre, and one would think the whole world was brought down on his shoulders. Look at the amount of controversy and protest there was over the establishment of this unit at Karnet.

The Hon. R. Thompson: Where did the controversy come from?

The Hon. A. F. GRIFFITH: From the people in the district.

The Hon. R. Thompson: They must be pretty narrowminded.

The Hon. A. F. GRIFFITH: I am not saying anything about them. The Chief Secretary was obliged to receive deputations from people who strongly objected to the institution of Karnet, which has been a very successful institution indeed. There are, as the honourable Mr. Ron Thompson said, some people in the prisons of Western Australia who have no regard for the discipline of the prisons; and it is absolutely necessary to maintain discipline in a prison in the interests of the gaolers and warders whose function it is to care for the people there and to ensure that discipline is maintained.

The Hon. G. C. MacKinnon: It is necessary for the prisoners if you get standover merchants.

The Hon. A. F. GRIFFITH: Of course.

The Hon. R. F. Hutchison: When I go down there I will tell you what it is like.

The Hon. A. F. GRIFFITH: I wish the honourable member would leave it until then. In the meantime, let us get on with this Bill. It is in the interests of the gaol officers that they have this protection. Once again, I thank the honourable Mr. Willesee and the honourable Mr. Ron Thompson for their reasonable approach to the situation. The gaol officers' union has asked for this measure in the interests of safety and security in the prison itself.

No matter what was done, some people would still conduct themselves so as to engage in an aggravated offence within the prison. Honourable members know the move made last year to establish the parole board—something that was commended by Parliament. This was intended to be a forward move in the interests of prisoners so as to rehabilitate them and get them back to civilian life.

Today, being the 7th October, the parole board has been operating for six days; so give us a chance and opportunity to put right the things which, for so many years, have not been put right by previous governments. It is no good criticising the efforts of people who are trying to improve these things. What about taking the view that something is being done? Perhaps something more needs to be done, but pay a compliment in regard to the efforts being made to improve the lot of people who are not so fortunate as we are.

In conclusion I would say that perhaps I regret the necessity of giving a magistrate the power to summarily impose an additional sentence for aggravated assault inside a prison, but experience has proved it is necessary in the interests of prison discipline and the safety of those people who have custody of prisoners in the gaol.

**Question put and passed.**

**Bill read a second time.**

#### *In Committee*

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

**Clauses 1 and 2 put and passed.**

**Clause 3: Section 36 amended—**

The Hon. R. F. HUTCHISON: I again wish to protest about this, with all due respect to what has been said by the Minister and honourable members. Conditions at Fremantle gaol are already bad, and I cannot see that by adding extra punishment it will do any good. The punishments contained in section 36 of the Act are horrifying, and we are proposing to send two magistrates to the gaol to add to those punishments. There are enough punishments already in the section. I think it is time we started to amend the Act to make it more humane.

I am not excusing prisoners for committing crimes. I merely say that the emphasis today is on reform and not on punishment. I did not know that such a section existed in the Act. Prisoners can receive corporal punishment, which means whipping; they can be confined in punishment cells; and, if males, they can be confined with or without irons for a term not exceeding one calendar month and be fed upon bread and water for a period not exceeding 14 days. If that is likely to reform a prisoner, I will be surprised.

Despite my sympathy for gaol officers—I know they have a difficult job to perform—and despite what the Minister said, I say this is not the way to deal with prisoners.

The Hon. A. F. GRIFFITH: I do not propose to reply to the honourable member at length. I will satisfy myself by interpreting the situation as I see it. This Bill is enacted to give a magistrate the power to impose, in a summary way, further imprisonment for a serious and aggravated offence.

It is left to the magistrate to exercise discretion according to the seriousness and aggravation of the attempt. I can only conclude that the honourable member condones aggravated offences by prisoners.

The Hon. R. F. HUTCHISON: I do not condone that. I am not going to have the Minister say that of me. There are enough savage penalties already in the Act without imposing more. It would be taking a step backwards.

**Clause put and passed.**

**Clause 4 put and passed.**

**Title put and passed.**

#### *Report*

**Bill reported, without amendment, and the report adopted.**

### **BUSH FIRES ACT AMENDMENT BILL**

#### *Second Reading*

Debate resumed, from the 6th 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. R. THOMPSON (West)** [8.23 p.m.]: I agree with the first part of the Bill which seeks to amend section 8 of the Act. I feel that the amendment will tidy up the Act to the satisfaction of country shires. However, I wish to refer to the actions of the Bush Fires Board in the metropolitan area. I am alarmed at the fire hazards that the board is creating in the metropolitan area. Several months ago a constituent complained to me about the action taken by the board on his land. The land in question is at Applecross, and I went to see it. I have since had numerous complaints which the Minister should know about.

The area involved in these complaints is Melville. The Bush Fires Board has, without any direction by the local authority, gone into the area, cleared blocks, and created a far greater fire hazard than existed previously. If the Minister wishes proof of this, he should have a look at a block of land in Matheson Road. Visible

from the roadway there are anything up to 20 tons of dry wood and leaves which have been pushed between a block of flats and a private house.

Previously this timber grew on three blocks of land. The Bush Fires Board went in and indiscriminately created a far greater hazard than previously existed. Another hazard is on the corner of Perkins Road which is close to the Melville Town Council. The Bush Fires Board has created a hazard for the many children in the area. If someone set alight this particular heap, the children would suffer from burnt feet.

The amending Bill refers to scheduled burning times. It refers to an alteration of the word "shall" to "may". Is it not possible for the scheduled burning times in the metropolitan area to be different from those in country areas?

The Hon. L. A. Logan: They are. You have the wrong interpretation.

The Hon. R. THOMPSON: I have not got the wrong interpretation. I have sufficient proof in this envelope to understand what is the interpretation of the Bush Fires Board. The board makes exorbitant charges. It goes in and clears land and then makes an administration charge.

The Hon. R. F. Hutchison: I can give you a case, too.

The Hon. R. THOMPSON: Whenever the Bush Fires Board clears land it imposes an administration charge of £4 irrespective of the size of the block.

The Hon. H. K. Watson: A sort of flag fall fee.

The Hon. R. THOMPSON: Yes. Two blocks of land were cleared, one block backing on the other. The charge was £26, which included £8 administration charge to ring up and tell a contractor to run a bulldozer over the block, push everything up into a heap, and create a fire hazard for the block of flats and the house next door.

The Hon. A. F. Griffith: Why didn't the owner do it?

The Hon. R. THOMPSON: It was not necessary to be done. If the town council thought it was necessary, it would have ordered it to be done. The Minister, knowing Melville as he does, is aware that the council would see that any necessary work in the area was carried out. It has very efficient officers.

The person concerned has not paid the Bill, and I do not blame him. He is going to contest it, and I hope he wins.

The Hon. R. F. Hutchison: So do I.

The Hon. R. THOMPSON: I do not think the Bush Fires Board has any right to move into the metropolitan area.

Local authorities appoint highly paid and highly skilled officers to deal with what is necessary within their boundaries; and the largest in the metropolitan area would be Cockburn with 54 square miles. The shire council is able to keep that under control. The next largest would be Kwinana, where the Bush Fires Board does not go. It has never been required to go there; and three-quarters of the Kwinana Shire consists of virgin bush.

If that shire can control all the burning itself, and if firebreaks are made around properties, why should the board come into that area and into such districts as Melville, Bayswater, Bassendean, and Canning?

The Hon. R. F. Hutchison: And Victoria Park; I can give you a case there.

The Hon. R. THOMPSON: Every honourable member who lives in the metropolitan area will realise that these people are doing things out of the ordinary. The Act came into force many years ago.

The PRESIDENT (The Hon. L. C. Diver): Order! Will the honourable member please connect his remarks to the Bill?

The Hon. R. THOMPSON: I will return to the Bill willingly, although I did not think I had got away from it. I am speaking of controlled burning times and the actions of the Bush Fires Board, and the things it should not do; and I think I am allowed to express my opinion.

The Hon. L. A. Logan: You have it wrong.

The Hon. R. THOMPSON: I do not know, but on this side of the House we always seem to have it wrong.

The Hon. A. F. Griffith: No; you were right on the Prisons Bill.

The Hon. R. THOMPSON: If the Minister denies what I am saying, he can read the correspondence I have dealing with the actions of the board. He can look at the block at the corner of Matheson Road and see the hazard there, and the hazard in Perkins Road. He can also go to George Street, directly west of the wireless station. He can look at the hazards this board has created which are affecting people's property. If the Minister has any regard for local authorities, he will ensure that the Bush Fires Board is precluded from going into the metropolitan area.

I have to support the Bill for what it is worth, but I think serious consideration should be given to the points I have raised; and the Bush Fires Board should do the job it was originally set up to do; namely, look after the sparsely settled areas where bushfires are a threat, and not come into those parts of the metropolitan area where bushfires are not a threat.

**THE HON. F. R. H. LAVERY** (West) [8.33 p.m.]: I wish to ask the Minister some questions and I hope he will be able to answer them; because I made inquiries as to how and why the Bush Fires Board does operate, or has the authority to operate, in the metropolitan area. The information I am given is that the board, as such—and the country members will know whether I am right—was inaugurated primarily for the control of bushfires in country districts, and the board did not want its operations to extend into the metropolitan area, because the members of the board were—that is, the personnel of the board and not the paid officers—country people who wished to look after their interests in the country and deal with bushfires and the damage they could do. I am told that these people do not want to come into the city, but the Fire Brigades Board has asked the Bush Fires Board to do this kind of work. So question number one is: How does the Bush Fires Board come to operate in the metropolitan area?

My second question is: Under what formula does the Bush Fires Board send contractors out to do work on what it considers are areas that should be controlled by it? What authority have the contractors to go on to a person's property without first of all notifying the resident; because I know the property the Honourable Mrs. Hutchison mentioned. The contractors went on to that property and damaged a lot of trees and property, and the first that the owner, a woman, knew about it, was when she came home at night. I hope the Minister will answer that question and tell us under what formula the Bush Fires Board engages these contractors. Is there a particular contractor who does the whole of the work for the metropolitan area? What is the basis of his payment? Is it by the hour or by the area?

I now come to the question of the £4 per complaint for administration costs. I understand that this charge is made on account of the Crown Law Department's costs in connection with authorising this work to be done. If there were three complaints against the one owner of three properties, he could be charged £12; but in one case, because the area was not great, it was decided to charge the owner only £4 for three blocks.

I support the honourable Mr. Ron Thompson by saying that the contractors went into the properties in Matheson Road, that he mentioned, and they did not just cut a firebreak; they completely cleared the area. All of the people concerned complained that the contractors commenced work without notifying the residents.

One of the items which was before the conference of Attorneys-General dealt with the rights of the people; but I consider we are reaching the stage where Parliament is passing many Acts which take

rights away from the people; and the people want to know what Parliament is here for.

Information has just been passed to me to the effect that in the past 12 months between 300 and 400 charges were laid by the Bush Fires Board; and the fines go to the board and not to Consolidated Revenue.

Like the honourable Mr. Ron Thompson, I feel that this Bill has to be supported. But when measures such as this come before us, I consider that we, as members of Parliament, have an inherent right to criticise them; and, as the Minister for Mines said a while ago, where there is reason for eulogy, I have always been free to praise; but because of the actions of the Bush Fires Board in my district, I have to support the honourable Mr. Ron Thompson.

**THE HON. R. F. HUTCHISON** (Suburban) [8.38 p.m.]: The case I mentioned occurred in Rivervale. The owner of the property was not given any notice. The officers of the board said they sent her notice, but she did not get it. While she was away at her place of business, the Bush Fires Board sent in a bulldozer, or some other machine, which knocked down some shrubs and went around the house, but not around the border. There was a 3-foot cleared border around the property. This machine went around the house and just dug up the ground. It did not create a firebreak; it simply caused destruction, and the women who owned the property received a bill for £8 10s.

Just opposite her place there is an area of land belonging to the city council, and it was a greater fire hazard than anything else in the vicinity. Yet, what I have told honourable members is what happened. I would not believe it when I was informed. I was in the east when all this occurred. The contractors did not do any good.

The complaint was that there was inflammable material there. This woman has three blocks, but there was nothing inflammable or anything like that on them, although they might have been untidy. The bulldozer, or whatever it was, would not have been there for more than 10 minutes, and what it did would not have given any protection at all; yet she had to pay £8 10s.

Had I been here at the time I would have had more to say. However, I did get the inspectors out to see the place—this was a good while afterwards—but they could not point to what had been done. They could still just see the tracks of the machine, but they were pretty well obliterated.

**THE HON. H. R. ROBINSON** (Suburban) [8.42 p.m.]: I cannot see that the matters referred to by the last two or three speakers have much to do with the

Bill; they concern mainly the composition of the board. In view of the remarks made by honourable members, particularly in attacking the Bush Fires Board, I think—

The Hon. F. R. H. Lavery: Attacking its contractors, really.

The Hon. H. R. ROBINSON: It is attacking the Bush Fires Board when statements are made that the board took certain action. Last season was the first time in the metropolitan area when there was proper advertising of the requirements of the regulations under the Bush Fires Act. Adequate notice was given by each local authority, but some people still would not comply with the requirements. Surely if there are people who will not comply with the requirements, it is up to the Bush Fires Board to move in and do the clearing.

The Hon. R. F. Hutchison: They did not clear the place I was taking about, but simply tore it up.

The Hon. H. R. ROBINSON: There were some complaints. One came to me in connection with a place within the Shire of Belmont. It so happened that the complaint was made by the daughter of the shire president, and he made representations to me and complained bitterly because the Bush Fires Board had moved in—it was virgin ground—and cut a fire-break around the block.

He was a man who should have known the conditions. I pointed out to him that all the local authorities had sent out copies of the regulations with the rate notices, and he agreed that that had been done. Surely if a person gets proper notice and still will not comply with it, it is the responsibility of the Bush Fires Board to do something. The result of the board's actions is shown in the fewer fires within the metropolitan area in the last year. When speaking on the Address-in-Reply I quoted the number of fires; and the reduction was brought about mainly by the actions of the Bush Fires Board.

I think the honourable Mr. Ron Thompson wanted to know why the Bush Fires Board should move into the metropolitan area.

The Hon. F. R. H. Lavery: I did.

The Hon. H. R. ROBINSON: I see. The honourable member suggested that the local authorities in the metropolitan area are quite competent to look after this matter themselves. There are very few local authorities in the metropolitan area that have properly-educated fire control officers. Schools have been conducted for several years, but, generally speaking, there are very few local authorities that have properly-trained fire control officers.

Surely the Bush Fires Board and its officers are competent to deal with this matter. I think it is unjust and unfair to criticise the board in this matter.

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government) (8.45 p.m.): As I said, when I interjected while the honourable Mr. Ron Thompson was speaking to the debate, the remarks made by the honourable member had no relation to the amendment before the House which seeks to substitute the word "may" for the word "shall." The section to be amended deals with a schedule of burning programmes laid down by a local authority. At the present time a local authority is required to work out a schedule of times for burning, and adhere to it, when the burning is required for clearing, pasture renovation, or any other purpose.

The honourable Mr. Ron Thompson has complained about what is going on, and I do not blame him for that. Possibly, when things have gone wrong, some of the members of the Bush Fires Board have not done what they should have done. That is an opportunity for honourable members to air such grievances, and whilst I have nothing to do with the Bush Fires Board I can assure the House that the complaints that have been made will be brought to its notice. It is the responsibility of the officers of the board to do the right thing, and apparently these matters have not been brought to the notice of the board.

The Hon. R. F. Hutchison: I took my complaints before the Bush Fires Board.

The Hon. L. A. LOGAN: I read all about the honourable member's complaints. I will certainly have a look at the two complaints and also the areas mentioned by the honourable Mr. Ron Thompson, and pass his comments on to the board. The board itself is composed of fully-qualified men who have had great experience of bushfires, and under the Act they have the authority to employ people to carry out work with a view to preventing bushfires. Section 10 (2) (a) reads as follows:—

The Board may recommend the appointment of and employ such persons as it considers necessary for carrying out the provisions of this Act.

That is the board's responsibility. It has to make sure, in the first place, that the contractors do the job properly and if they do not carry out the work in a proper manner they should not be paid. However, the responsibility is on the board in the first and last place. Perhaps insufficient instructions were given to the contractors by the officers of the board, but I will acquaint the board of these complaints in an endeavour to correct these anomalies.

The Hon. F. R. H. Lavery: Could the Minister tell me how the Bush Fires Board came to operate in the metropolitan area?

The Hon. L. A. LOGAN: Yes; because there are so many parts of the metropolitan area that are not under any bush-fire control, as has been mentioned by the

honourable Mr. Robinson, such as Morley Park, the back of Belmont, and even at the back of Cockburn.

The Hon. F. J. S. Wise: And Balcatta.

The Hon. L. A. LOGAN: Yes, and Balcatta. Many of these areas do not have a trained bushfire brigade, but practically every local authority in the country has its own bushfire brigade which is well organised.

The Hon. R. Thompson: Why should they when they contribute to the Fire Brigades Board?

The Hon. L. A. LOGAN: It is much better to have proper bushfire control than to have a fire.

The Hon. R. Thompson: But they do their own bushfire control work.

The Hon. L. A. LOGAN: No, they do not; they do not have the facilities to do their own work. The Bush Fires Board can exercise control over every part of the State.

The Hon. R. Thompson: I have no argument about the board doing this work outside the metropolitan area, but in a thickly-populated district like Melville it is not necessary.

The Hon. L. A. LOGAN: The Bush Fires Board does not enter into the area under the jurisdiction of the Perth City Council, but it does in the Shire of Perth, in districts such as Bassendean, Morley, and also in Midland Junction, where facilities are not available for the control of fires. It is perfectly true, to my knowledge, that every householder within the last two years has been forwarded a notice about burning at the same time as the rate notice has been sent out.

The Hon. R. Thompson: That is correct.

The Hon. L. A. LOGAN: Yet it is obvious that some people are not observing the requirements that were set out in that notice, and because of that omission they are endangering somebody else's property. One man might clean up his property according to the requirements of the Act, but his next door neighbour completely ignores his responsibility.

The Hon. R. Thompson: The case that I raised has to do with the property owned by the Deputy Mayor of Melville.

The Hon. L. A. LOGAN: That is so; but he did not carry out the instructions for burning as set out in the notice to all owners and occupiers of land. He must shoulder the responsibility when he does not carry out the requirements of the Act. When someone else is called in to do the work, it is his responsibility when something goes wrong with the work that is done. The fact that there were fewer fires in the outer suburbs of the metropolitan

area last year speaks for itself. I am not going to say that the board has never done anything wrong anywhere. I intend to investigate the complaints that have been made, and pass them on to the board.

The Hon. R. Thompson: It is so serious that the local governing bodies have set up a special committee to deal with the matter.

The Hon. L. A. LOGAN: They are the people who have control. Mr. Heitman has been a member of the Bush Fires Control Board for a long while. I have just been handed a copy of the printed notice that is sent out to all owners and occupiers of land in the Shire of Perth. This notice sets out the provisions contained in section 33 of the Act, and it is sent out at the same time as the rate notice is posted.

The Hon. R. Thompson: Yes, I know.

The Hon. L. A. LOGAN: The owner or occupier who has had his land cleared by the board has not carried out what he is required to do under the Act. Therefore he brings any repercussions upon himself. The requirements of the Act are not very stringent, particularly on a quarter-acre block. I repeat that I will pass the complaints that have been made on to the Bush Fires Board, and I am sure they will get the attention they deserve.

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.

## ADJOURNMENT OF THE HOUSE: SPECIAL

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [8.55 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 13th October.

Question put and passed.

*House adjourned at 8.56 p.m.*