Legislative Council

Tuesday, the 14th November, 1961

CONTENTS

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11 a.m., and read prayers.

QUESTIONS ON NOTICE

TAXES AND CHARGES

Imposition by Present Government

1. The Hon. F. R. H. LAVERY asked the Minister for Mines:

Will the Minister please supply detailed information regarding taxes and charges imposed by the Government during its present term of office, as follows—

(1) (a) What new taxes and charges have been imposed; and

(b) From what date were they operative?

(2) (a) What taxes and charges, existing at the date of assumption of office in 1959, have been increased; and

(b) What is the percentage increase in each case?

The Hon. A. F. GRIFFITH replied:

I am not able at this moment to supply the honourable member with the information he requests. It is being prepared, and I will make it available to him before the House concludes.

WATER AT FREMANTLE

Use by Bell Bros. on North Wharf

2. The Hon. R. THOMPSON asked the Minister for Mines:

As Bell Bros. are carting scheme water eight hours a day from Berth 10A North Wharf, and pumping it through a sprinkler system over a dump of raw material located near Berth 10, will the Minister advise—

(1) What charge per 1,000 gallons is being made?

(2) What quantity of water is being used daily?

(3) Why is salt water or bore water not used?

(4) Why is this main being left turned on all day, allowing water to run into the harbour?

The Hon. A. F. GRIFFITH replied:

(1) 3s. 3d. per 1,000 gallons.

(2) There is no regular daily draw, water being used as required for the purpose.

(3) Salt water is not suitable and bore water is not available.

(4) A Water Supply Department officer has this distribution point under observation, and no known wastage occurs.

I understand there is a stockpile of pyrites which is being attended to at Fremantle, and it is necessary to distribute water over the stockpile in order to avert a dust nuisance about which the Railways Department has complained. This procedure has been in operation, I am told, for something like four years. If the honourable member would like me to do so, I can make available to him the quantity of water which is being used this year. The figures are not very great. If the honourable member would like any further information about the matter I would be pleased to make it available to him.

ALBANY HIGHWAY

Widening of "The Kendenup Hill"

3. The Hon. J. M. THOMSON asked the Minister for Mines:

(1) Is it proposed in the near future to widen the Albany Highway at the place known as "The Kendenup Hill" at approximately the 214-mile peg?

(2) If so, has any consideration been given to preserving the avenue of stately old red gum trees adjoining the highway at this particular spot by constructing a new one-way traffic road on the western side of the existing bank?

(3) If the answer is in the negative, would the Main Roads Department be agreeable to examining the suggestion with a view to allocating the necessary money to do this work in due course?

The Hon. A. F. GRIFFITH replied:

(1) Funds have been provided on the current year's programme for the widening of the road pavement from 16 feet to 22 feet in the vicinity of the 214-mile peg.

(2) Careful consideration is being given to the possibility of preserving the trees. An isolated section of a new one-way traffic road is regarded as being in the nature of a traffic hazard.

(3) Answered in Nos. (1) and (2).

BILLS (2): ASSEMBLY'S MESSAGES

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills:—

1. Local Government Act Amendment Bill.
2. State Transport Co-ordination Act Amendment Bill.

GAS UNDERTAKINGS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th November.

THE HON. F. J. S. WISE (North) [11.8 a.m.]: This Bill deals with the requirements of the Fremantle Gas Company in regard to its internal adjustments considered necessary after years of operations in the handling of its loan accounts, its capital accounts, its rates, and several other items which in the ultimate are subject to the decision of the Minister.

It is interesting to observe, I think, that this company is the last one to be controlled by the parent Act—the Gas Undertakings Act—which is, I think, rather a lengthy Act making provision, as it does, for the control of gas undertakings anywhere. Gradually, all have disappeared from its ambit except the Fremantle Gas and Coke Company. This Bill, providing in the initial clauses for an altered principle—a slight alteration in principle in the redemption of loans, subject as I mentioned earlier to approval of the Minister—contains, as I see it, no objectionable feature at all.

If members examine the parent Act they will find that the amendment to section 5 dovetails in with the requirements of section 6 in regard to redemption powers and authorities. The alteration in regard to the transference of net revenues gives to the company the power to transfer to the profit and loss account any surpluses in that connection without a variation in rates.

As one who lives in the district serviced by this authority—although not a complainant—I have heard complaints by many people as to the cost of gas in the area covered by the franchise of the Fremantle Gas and Coke Company. On the surface it does not bear a very favourable comparison with the other operating gas service of this city. Be that as it may, this particular requirement in the Bill is to give the company the chance, without a variation in rates, to transfer the net revenue to an account through the profit and loss account.

The alteration to section 15 of the parent Act is a matter of a different kind altogether; but again it is subject to the Minister. It concerns the question of revaluation in the writing down of book values and the surplus being charged to a renewal fund account. As a business practice and principle that is very good.

Therefore all of the matters dealt with in this short Bill are, in the main, matters of a machinery kind to help the internal operations and management of the company within the strict provisions of the parent Act, and subject always to the approval of the Minister in charge of the legislation. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

THE FREMANTLE GAS AND COKE COMPANY'S ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th November.

THE HON. E. M. DAVIES (West) [11.16 a.m.]: This Bill amends the Fremantle Gas and Coke Company's Act, 1896-1956. As the Bill explains, the company proposes to raise £300,000 by way of debentures. At present the company's right to share and debenture capital is limited by the parent Act, and the limit of debenture raising has been reached. The Bill will remove that limitation on the company's right to raise share and debenture capital, but there is a provision in the measure that before debenture capital may be raised ministerial approval must be obtained.

The reason for the increase in the debenture capital is the company's intention to change the method of manufacturing gas from the use of Newcastle coal to the use of oil from Kwinana. The installation of the new plant, it is estimated, will save the company approximately £68,000 per annum. If I remember correctly, the Minister made the statement that in his opinion the saving will be considerably less than that; nevertheless, that is the figure stated by the company. If that is so I trust the Minister will see that when the Bill becomes an Act the savings in operating costs will be passed on to the consumers—or at least some of the savings.

As Mr. Wise has said, those of us who live in the area covered by the franchise of this company know that there is a general feeling that the cost of gas there is a little steeper than consumers consider it should be. I only trust that the new plant and the latest method of manufacturing gas, which the company says will be responsible for a saving of approximately £68,000 per annum, will mean some reduction in the cost of gas; because that is what the consumers would expect if such a saving were made. I certainly hope that will be the case.

We readily understand it is necessary for the company to bring its ideas up to date and obtain modern plant. To do that it is necessary for it to raise more capital. I can see nothing detrimental in the Bill and I give it my support.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

ROAD CLOSURE BILL

Second Reading

Order of the Day read for the resumption of the debate from the 9th November.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 to 11 put and passed.

Clause 12: Closure portion Harvest Terrace, Perth—

The Hon. H. C. STRICKLAND: This clause proposes to close portion of Harvest Terrace between Malcolm Street and Parliament Place. I consider this closure to be rather premature. I know the Joint House Committee has discussed the closure and recommended it. The reason for the House Committee's interest is to secure authority over that portion of the road when it is closed and to include it in the Parliament House reserve. If the road is to be closed I have no objection to its inclusion in Parliament House reserve, but with all due respect to the House Committee I believe it is wrong to close that portion of the road. I do not argue with the House Committee's point of view, because we have not had an opportunity to discuss the matter with the House Committee in recent months. Nevertheless, I feel a mistake could be made if this road is closed.

As members know, the former Hale School site and the Observatory site are to be the future location for all Government offices which are to be progressively built in future years. In view of this proposal, that piece of land will become an extremely busy centre. A great deal of traffic will be travelling to and from the various departments that will eventually be built on that site. The closing of the outlet to Malcolm Street to the traffic which will be travelling in that direction will cause traffic congestion on the roads that will remain open in the vicinity.

I admit that in the Stephenson Plan, the proposals for future road work include the closure of that portion of Harvest Terrace; but it is also planned that a road shall be built through approximately the centre of the former Hale School site, and the

Observatory site from Havelock Street to Harvest Terrace, making a junction approximately near Parliament Place. However, that is only a proposal in the Stephenson Plan.

If Harvest Terrace is closed at the Malcolm Street end, it will mean that all traffic travelling to and from the Government departments that will eventually be built on the former Hale School and Observatory sites will have to travel down Malcolm Street to Hay Street, or, if it is travelling from Hay Street, it will have to travel along Havelock Street into King's Park Road. So there will have to be two crossings made: one into Hay Street, and one into King's Park Road, in order to control that traffic.

I do not think it can be gainsaid that the traffic is going to be extremely heavy when the new Government buildings are established on those sites. To begin with, all Government employees will have to travel to and from their departments, and members of the public will, of course, be travelling to and from those Government offices for the purpose of conducting their business. That is completely separate and apart from any traffic connected with Parliament House itself.

In my opinion, no harm would be done if we waited another year at least so that we could have a closer look at this proposed closure, and probably the powers that be could present us with a proper diagram of the buildings that are to be erected opposite, and a plan of the roadways that will give access to and from those buildings. Perhaps there will be three or four roads going into King's Park Road from those two sites, that is, the former Hale School site and the Observatory site; but at the moment we are in the dark because we have nothing to show us what the future holds.

If a restriction were placed on the traffic using Harvest Terrace it might overcome the problem. For example, a regulation could be made providing that traffic travelling south along Harvest Terrace could turn only to the left into Malcolm Street, and that traffic travelling east along Malcolm Street could turn only to the left into Harvest Terrace. The traffic hazard that is caused at the moment is by traffic proceeding up Malcolm Street and turning to the right into Harvest Terrace.

If what I have suggested were done, any traffic leaving Harvest Terrace would have easy access to the western switch road, or to the Narrows Bridge, because it could turn left out of Harvest Terrace. If this were not done all traffic would be brought down Hay Street and that would mean a fine old pickle. It is bad enough at the moment trying to get into Hay Street between 4.30 and 5.15 p.m.

There is no immediate hurry for this legislation. The road will probably not be closed for several years; but while the authority is there it could be closed at any time. Another look should be given to this closure so that next year when the proposal is put up—if it is put up—we will have a proper diagram of the arterial roads which will serve the Government offices to be erected on the site opposite.

The Hon. F. R. H. LAVERY: I feel more keenly about this clause than I have felt about any other item on which I have spoken. Mr. Strickland has voiced my views completely. There is no hurry for this provision. I know that advanced planning must go on, but I do not know whether it is necessary for that planning to entail the closure of this road this year. There are 80 members of Parliament responsible for the passing of this important legislation, and yet we are asked to give a decision at very short notice.

This area is most vital to the transport of the State. I know that to be so, and I think I can speak with some authority, having been a bus driver for a period of 10 years. In regard to almost every street there seems to be some restriction as to how far from the corner, or the frontage, building is to take place. This, of course, is necessary for the beautification of the city and the smooth flow of traffic.

We know the western switch road will alter this end of the city tremendously. The volume of traffic from east to west in Malcolm Street and thence on to Mounts Bay Road is already well known. This traffic has increased considerably with the erection of the Narrows Bridge. The volume of traffic turning from Hay Street into Malcolm Street, together with the traffic which turns right at the top of Malcolm Street, has to be seen to be believed.

I know of no attempt to take a traffic check at this point of Malcolm Street though I daresay the department knows the number of vehicles involved. I don't know the figure, but I do know that the volume of traffic in this direction is considerable. For that reason alone I would oppose this clause. I hope the Committee will agree to delay this provision so that when the Bill is placed before us next year we will have had time to consider a complete diagram and all it involves.

The Hon. A. L. LOTON: The first intimation members of Parliament had concerning the closure of this section of the road was an article that appeared in *The West Australian* of Tuesday morning last. We then read that the Perth City Council had taken exception to a recommendation of the Joint House Committee that this section should be closed for the purpose of a car park for members of Parliament.

It will be recalled that I asked the Minister for Local Government last Wednesday a question without notice on this point with a view to seeking some clarification, and in an attempt to put straight the

thinking of the Perth City Council. As a result of that the Minister got quite a good report in the following day's issue of the newspaper. But members of this House have had no information made available to them as to why the Joint House Committee felt it necessary to close the southern portion of Harvest Terrace to Malcolm Street.

I agree that traffic coming down from King's Park and turning left into Harvest Terrace constitutes a hazard. This is also the case with traffic coming up Malcolm Street and turning right into Harvest Terrace. One has only to follow large trucks up Malcolm Street to realise how much of a hazard it is when those trucks decide to turn right at the top of Malcolm Street.

I do not know whether there is any information available as to what is proposed in respect of the construction of public offices on the old Hale School site. No doubt part of the planning for the construction of the new buildings will incorporate the proposals for widening Malcolm Street, and for the building of footpaths, rights-of-way, and access ways in this section of Harvest Terrace.

No harm would be done by leaving this matter in abeyance for 12 months. After that time we will know what is proposed in respect of the new Government buildings and what is to happen to the Old Barracks site and the access road through to George Street. All these proposals are vitally linked.

If this clause is passed, the movement of traffic from Malcolm Street into Harvest Terrace will be prevented, and traffic desiring to proceed to Harvest Terrace and Parliament Place will have to travel to the bottom of the hill along Malcolm Street and then turn left along St. George's Place. Furthermore, cars coming from Fremantle along Stirling Highway and Kings Park Road often use Harvest Terrace, and we should not inconvenience them by compelling them to travel to the bottom of Malcolm Street before being permitted to turn left. I oppose the clause.

The Hon. J. MURRAY: I support this clause. Members who claim that the recent Press report was the first intimation of the proposed closure of portion of Harvest Terrace are admitting that they have not studied very closely the Stephenson Plan, because this closure was proposed in that plan.

The Hon. E. M. Davies: That does not mean to say that that plan cannot be amended.

The Hon. J. MURRAY: I am not suggesting that the plan cannot be amended, nor am I suggesting that it will not be or has not been amended. I am merely suggesting that members who intimated that this was the first notification received by Parliament were a little erroneous in their statements.

The Hon. F. R. H. Lavery: We were not. This is the first time we have seen the Bill.

The Hon. J. MURRAY: That proposal was adopted in the Stephenson Plan and in the subsequent interim development orders. Let us consider why the Joint House Committee stepped into this matter and suggested that the closure should be included in this Bill. The Joint House Committee has no statutory authority. It is a committee appointed by both Houses of Parliament to represent and to look after the interests of Parliament and members of Parliament.

When this committee was notified by the Town Planner that progress had been so far advanced in regard to the construction of roads in this area that portion of Harvest Terrace should be closed, that Parliament Place should be widened, and that Havelock Street should be widened to give free traffic flow from the new Government offices westwards or eastwards, the committee agreed to the proposed closure.

The Hon. A. L. Loton: Did you say that Harvest Terrace was to be completely closed?

The Hon. J. MURRAY: No. From Parliament Place to Malcolm Street it is to be closed. Discussions took place with the Town Planner and it was agreed that if the closure was agreed to the land would be included in the Parliament House site reserve. That would compensate a little for the land which will have to be made available from the Parliament House site for the construction of the western switch road and for the widening of Malcolm Street.

If the closed portion of Harvest Terrace were to be included in the Parliament House site the Joint House Committee considered that it would have to be beautified; but definite plans for such beautification have not been made, pending the closure of this portion of Harvest Terrace.

The Town Planner has advised the Joint House Committee that architects who have been invited to compete in the design of the new Government offices opposite Parliament House were asked to take into consideration the fact that portion of Harvest Terrace was to be closed. A peculiar state of affairs will come about if architects throughout Australia submit designs for these offices, taking into account the area of land which is proposed to be closed, only to find that that portion is not to be closed.

The Joint House Committee asked the Town Planner to take steps through the Minister for Lands to include the closure of Harvest Terrace in this Bill, realising full well that this public thoroughfare will not be closed until a proclamation is issued. If in the meantime there is a change of mind, the closure need not be proclaimed and another Bill can be passed to restore the present position.

In answer to the comments of Mr. Lavery regarding traffic census and traffic density on the roads in this area, I do not know whether he realises that not only does the Main Roads Department carry out these checks, but the Government has brought consultants from the U.S.A. to this State to assist the Town Planner and the Main Roads Department in this respect; and this proposed closure is also approved by those consultants. Without dwelling any further on the matter, I hope the Committee will agree to this clause.

The Hon. F. R. H. LAVERY: I would like to thank Mr. Murray for the outline he has just given us. It is amazing that a Bill of this magnitude has to be before the Chamber before the 30 members here can find out what is actually going on.

I am more concerned now than I was before. There will not be much resumption from private people in this area as most of the land belongs either to the Perth City Council or the Government. I could quite understand the secrecy in the matter if the area had been at the bottom end of the hill where the western switch road is to go, because quite a lot of private property is involved there.

What I would like to know is how long it will be before access to Malcolm Street and King's Park Road is to be stopped. As I said in my opening remarks, the planning for the old Hale School site must go on, but I do not think it is necessary to close this road now.

The Hon. N. E. BAXTER: It was a remark passed by Mr. Lavery which has prompted me to speak, because I do not think there has been any secrecy about the closure of this particular piece of road. I have known of it for over 12 months. I believe it originally started when Sir Charles Latham was President. I have heard it mentioned in the House on many occasions and lots of other members have, too. Therefore, I cannot understand why the honourable member regards it as a secret. It was known of long before it was mentioned in the Press.

If members look at the clauses of this Bill they will find that three contain a provision that the roads concerned may be closed by a proclamation issued by the Governor, but the roads affected in the other nine clauses will be automatically closed when this Bill passes.

The piece of road referred to in this clause will not be closed until plans are made in relation to it. In order to plan for extensions to the grounds of Parliament House and for public buildings on the site of the Observatory, as well as for access roads, we must have an overall plan which will include the closure of this portion of road, which does not carry a lot of traffic. I do not think we have any worries in regard to this clause, and I hope it wil be carried by the Committee.

The Hon. G. C. MacKINNON: Whether there has been any secrecy about this or not, it seems to be a good idea to close portion of Harvest Terrace. At the moment it is difficult to turn out of Harvest Terrace into Malcolm Street. If one turns left there is a steep drop; and there is a steep rise if one turns right. With the ultimate closure of this portion of Harvest Terrace those dangerous turns will be eliminated. The road through King's Park is not a traffic road; it is simply a road provided to go through King's Park.

The Hon. A. L. Loton: A lot of traffic uses the road in King's Park.

The Hon. G. C. MacKINNON: Yes, but it is a park road, and we should not consider it as a traffic-way. At the present time traffic slips around the Edith Cowan Memorial after cutting across the main stream of traffic.

The corner of Malcolm Street and Harvest Terrace is a dangerous spot, and it would be ideal to do away with that particular corner. I think most of us saw the result of an accident which took place in that vicinity either last week or the week before.

When one looks at the plans for the switch road and slip roads, and the overall plan for Parliament House, it seems as though the matter has been given very careful consideration. This would apply to the original planning and that by the Joint House Committee and other authorities. Therefore, I am of the opinion that this section of Harvest Terrace should be closed, and I support the clause.

The Hon. F. J. S. WISE: I am sure all members will agree with one or two of the sentences expressed in the latter part of the remarks of Mr. MacKinnon, when he assured us that the Joint House Committee would have gone into this matter most carefully in the light of all the information available to it; and in the same way the Town Planner propounded and explained the position in plans and in the text of the voluminous report which gave the basis for most of the alterations envisaged in the complete plan. But those plans were not and are not now complete in all their detail. They are not now, nor were they then, a law of the Medes and Persians—unalterable. They have been altered and will be further altered.

I would agree with quite a lot that has been said in support of closing that portion of Harvest Terrace if we had before us the overall plan; but we have not before us the overall plan. It is customary when the Road Closure and Reserves Bills are being considered here, for us to have the overall plans dealing with the ultimate decisions to be made, and the effect of such closures and alterations to reserves. But this is a case in which we have not the overall plan and, I submit, cannot have it.

Mr. Murray said that the closure of Harvest Terrace is envisaged under the Stephenson Plan. It is pertinent to observe that it is not mentioned in the text of the Stephenson Plan. It is in the schedule of plans which I have in front of me, but that does not show the closure of all that portion of Harvest Terrace, to which this clause relates. I point that out factually.

The plan submitted with the Stephenson Plan clearly shows that approximately half of the section of Harvest Terrace dealt with in this Bill will be reopened, if it is ever closed, to serve all the link roads surrounding the proposed new Government buildings. Therefore, more than half the distance from Parliament Place to Malcolm Street will remain if the plan according to these maps is implemented.

So I point out that we have not a complete plan. Acknowledging that competive designs have been invited for desirable public buildings on these sites, I have no doubt —or I hope—that the plan of the site as suggested in the Stephenson Plan will be published or suggested to all likely contestants, because if we examine the plan very closely we will see that a big proportion of the old Hale School and Observatory sites is bisected with through-roads to serve those buildings when they are constructed. There will be a complete division in the buildings because of the roads depicted in the Stephenson Plan. One of those roads enters Harvest Terrace considerably closer to Malcolm Street than is Parliament Place.

This House has the reputation of not doing things precipitately. I hope that that is the situation now. I would not, under any circumstances, make any suggestion or cast any reflection on the work that our House Committee has done in this matter. I am pointing out the relevancies that have been raised in Committee this morning as they affect the completed plan; and when we think of the future as is now envisaged we realise that once Harvest Terrace is closed and the switch road is in operation, the through-street of Milligan Street from Hay Street to St. George's Terrace will be the last one until Havelock Street, which runs from Hay Street to King's Park Road; and Havelock Street will be intersected by Ord Street, Parliament Place, and the street of entry into the public buildings. So I repeat the point I made: We have not had the completed plan before us and cannot have it.

The Hon. A. F. Griffith: We have not got it for any of the others.

The Hon. F. J. S. WISE: We know in the case of all the other road closures what the effect is to be, but in this case we do not; because, I repeat, if we follow the Stephenson Plan absolutely, at least half of the portion of Harvest Terrace that will be closed if this clause is passed will have to be reopened to give effect to the Stephenson Plan.

I think there is much merit in the suggestion made by my leader. It has been admitted by those who support the clause and those who are against it that the actual closing of the road to traffic will not be necessary for a year or two. My leader's suggestion is that left-hand entry only and left-hand outlet only will solve all the worries associated with getting into and out of the southern end of Harvest Terrace from King's Park Road. After passing the Edith Cowan Memorial, vehicles would pass out of the traffic and enter Harvest Terrace to the left; and leaving Harvest Terrace to get to the city, they would turn to the left into the traffic and not cross any traffic at all. For a considerable time, if this clause is not passed, this would have the effect of keeping the road open for that use, and avoiding the hazard which exists now in crossing the traffic either way through turning right.

Much will be gained and nothing lost if this clause is deleted from the Bill this year with the idea of having the matter fully contemplated and the plans of the structures plotted and made available to us before the Bill is again presented next year.

The Hon. J. MURRAY: Mr. Lavery and Mr. Wise raised the question of the future plans. When considering this matter the House Committee went to the Town Planning Department and the Main Roads Department and saw all the diagrams and the like. I note that Mr. Wise was not criticising the House Committee's actions.

The Hon. F. J. S. Wise: Not under any circumstances.

The Hon. F. R. H. Lavery: Nor was I.

The Hon. J. MURRAY: During these discussions the House Committee was assured that there would be no proclamation issued until the eventual road system —that is, the widening of Parliament Place and Havelock Street—was completed; that there would be one proclamation governing Harvest Terrace once those roads had been completed.

With regard to the difference between the Stephenson Plan and this plan, the present plan says that from Parliament Place onwards the area will be closed, and the Stephenson Plan provides for a road system in connection with those Government offices. Surely the Committee realises that once the designers were told that Harvest Terrace, from Parliament Place onwards, was to be closed, any road system which they intended to introduce in connection with the erection of new Government offices would be carefully planned in accordance with Harvest Terrace being closed; and careful consideration would be given to access to King's Park Road or any other road. Every

consideration would be given to an internal road system and the fact that Harvest Terrace would be a closed road. I hope the Committee passes this clause.

The Hon. H. C. STRICKLAND: Although the House Committee has consulted with those who are planning these road closures, extensions, and widenings, not too much reliance can be placed upon the plans which, from time to time, they have in mind. Any property owners affected by the George Street widening will know that. Originally the widening of George Street was to take in a certain area, and it left certain properties on corners; namely, on the corner of Hay Street, the corner of Murray Street and the corner of Wellington Street.

Another consultant is then approached in the matter, and he has different views One consultant tries to outdo the other. One may say, "No, you have not got enough land there"; so some other private property is then affected. That is what happened at George Street. The plans were drawn up and two years later they were changed, and people found their property being taken from them.

With this particular closure there is no private property involved. It is a matter of Parliament House wanting to acquire land, rather than somebody else having it in their reserve. It will not affect any private individual so far as land ownership is concerned, but it could affect private individuals from the traffic point of view. I am not satisfied that the traffic problem will be solved or eased by the closing of that artery. I think it will heap more hazards on to motorists by making Harvest Terrace a deadend and switching all the traffic back into right-hand turns into Hay Street. Any motorist wanting to travel to South Perth would have to turn right into Hay Street or enter into Havelock Street and go out of Havelock Street to the left.

With Government offices to be established in the area and the tremendous amount of traffic which will be involved as a result of that building work I cannot, for the life of me, see the wisdom at this stage of authorising the closure. I do not say that I would for ever oppose this move, but I think we should have a closer look at the plan to study the switch roads connecting this area before we come to any decision. At this moment I would not like to make a decision of this nature on the blind.

The Hon. G. E. JEFFERY: I support the clause. As a member of the House Committee I can assure members that the decision was not arrived at lightly. The matter was subject to a good deal of debate over a long period of time. The closing of the southern end of Harvest Terrace was embodied in the Stephenson Plan, and whatever else has happened in town planning the Town Planning Department has been consistent on all occasions, including the proposed closure of the southern end of Harvest Terrace. Mr. Lloyd, of the Town Planning Commission, as far back as 1959 held the point of view which had been held by his predecessors.

A good deal has been said about traffic hazards. I think every member is conscious of the present traffic hazard due to traffic entering Harvest Terrace from Malcolm Street travelling in a westerly direction, and of motorists leaving Harvest Terrace with the intention of travelling along Malcolm Street in a westerly direction. The density of traffic at the present time is far in excess of the figures shown in the Stephenson Plan.

I find it quite easy to drive my car down Parliament Place into Havelock Street and then into King's Park Road. But when taking the alternative route, of travelling along Harvest Terrace to Malcolm Street, I find the corner slopes away from the vehicle.

Everyone is conscious of the fact that the proposed internal road system associated with the erection of Government offices will depend on the present plan being accepted. If Harvest Terrace is closed I do not think there will be skin off anybody's nose. If the Committee agrees to the proposal, Harvest Terrace will not be closed for some considerable time, perhaps for two years. If the proposal is agreed to then those who are planning new Government offices, and associated building operations, will know what they have before them.

The greatest discomfort will be the necessity to travel approximately a quarter of a mile or 200 yards along Hay Street, and a further 200 yards back from Havelock Street. I do not think the extra quarter of a mile will entail much hardship.

The Committee has given every consideration to the matter. Parliament House will have to surrender part of its site on the eastern end to allow for the switch road and the development there. I repeat that the extra quarter of a mile is insignificant where human life is concerned.

It has been said that the plan has been amended. That is so, but it has not been amended in any of the major issues that I am aware of. The plan has been amended on many of the minor ones. If we were merely to accept our own ideas, we would end up with no plan at all and the original concept would be lost. I do not think that the timing of the move is important. Often we hear the phrase, "The time is not opportune"; and often the argument put up against certain projects is that it is either too soon or too late. The unfortunate part is that this development was not envisaged some 30 or 40 years ago when costs would have been considerably less.

It is interesting to read the Press reports of the Perth City Council meeting at which the council said it might claim £15,000 compensation for losing the right of using Harvest Terrace. Frankly, with the amount of interest that the Perth City Council has shown in Harvest Terrace, I would say it should pay the State Government £15,000 for taking it over. I suggest to members that during the luncheon adjournment they take a walk along Harvest Terrace to see the condition of the western side as compared with the eastern side, which the House Committee has taken over and beautified. Last week I strolled over there at the invitation of a member from another place, and everywhere I saw heaps of debris and broken glass which somebody with a lack of civic pride had deposited in that area.

It is not unusual, when Parliament opens, for the House Controller to make application to the Perth City Council to tidy up the area. The council did it on one occasion so that the place would look presentable. At the moment the western side of Harvest Terrace has become a dumping ground for all kinds of debris; and I might mention that I have spoken on this subject before in the Chamber.

The time of the actual closure should be left to those responsible for the planning of the area, although members may like to express an opinion on the matter at a later sitting. The important thing is to give the necessary authority for the closure of this section of the road so that plans can be made for access roads and so on. I support the clause.

The Hon. J. G. HISLOP: As a metropolitan representative, I think I should have a few words to say on this subject. I do not oppose the measure because, frankly, I believe this will be regarded not so much as a closure of the road in question but its inclusion, for future planning, into the parliamentary site. It is some years since I first mooted the closing of this road in this Chamber, but I did it for another purpose; I had in mind then that we should build the Government offices of the future out in a line with the facade of Parliament House, probably sweeping around in a semi-circle to join in with the nature of the terrain. This would have meant a pleasing sight to the eye when looking up from St. George's Terrace.

I still do not regard the parking site area as a thing of beauty, and it was for that reason I suggested the road might be incorporated in the Parliament House site. There is no doubt there will have to be considerable earth movement in the proposed plans. If I remember rightly, in order to make the tennis court some 12,000 cubic yards of soil had to be removed, and there will have to be a good deal of earth movement take place in order to provide adequate ground for the proposed new Government offices.

I do not think Mr. Murray was quite right in some of his remarks because from what I can understand certain architects already have plans on their drawing boards for the competition; and I believe also they have been given to understand that they have no reason to regard the existing buildings of the old Hale School as being in any way retained in the new proposal.

When I spoke before I pleaded that wide roads be made around the area because to build Government offices without any access would be unthinkable; and I cannot imagine any town planning authority organising large public offices to be built in an area without adequate means of approach. As Mr. Wise said, there must be roads running through the area, and it may be that in the future there will need to be reasonable entry into Malcolm Street, which is not available at the moment. However, I cannot see any of this taking place until there has been considerable widening of Havelock Street.

It may be that in the future Havelock Street will become a one-way street and other means of egress from the Government offices into Hay Street will be required. I cannot see that any harm will be done in passing the measure at the moment because I cannot see anything being achieved until (a) a plan is accepted for the Government offices, and (b) there has been sufficient street widening and planning to make these things possible. I intend to support the clause.

The Hon. F. R. H. LAVERY: I appreciate the fact that my leader raised opposition to this clause earlier because what we and the public have learned this morning may not have been made available to us for the next five years unless something had been mentioned today.

The public of this State must wonder when it is going to be free of restrictions. Until the Metropolitan Transport Trust came into being people never knew from one day to the next where their bus stops were going to be, and it was nothing for them to read in the Press on Thursday that a bus stop, which served a considerable number of people, was being shifted to a point a quarter of a mile away on Monday. A lot of that sort of thing is still going on in the city.

In the Kwinana district, where areas of land have been resumed, one person is in the unfortunate position of now discovering that more of his land is to be resumed for the railway to the alumina refinery. He is in a position where he will now have to close his business. It seems that the only way the public knows anything is when they read it in *The West Australian* or the *Daily News*. At least by opposing this clause we and the public have been able to find out the future plans for this area. I realise that members of the House Committee give all these matters

every consideration but, as Mr. MacKinnon said, there is something for and against every proposal.

The Hon. L. A. LOGAN: I think in effect there has been much ado about nothing in regard to this clause. Whether it is in the Road Closure Bill this year, next year, or at some future time, does not matter because it will be accepted by Parliament; and I would remind Mr. Lavery that regional planning has been under discussion since 1955. I venture to say that if he has a look at clause 11 of the Bill he will agree that he knew nothing about it until the measure was presented to Parliament.

I do not think many people know what is contained in the clauses of such a Bill as this until it is presented to Parliament. When that is done they have a look to see what effect the proposals have. That is what happened in this case. The House Committee, in conjunction with the Town Planner, and after considering all aspects of the case, decided that this might be the opportune time to include the closure of this portion of Harvest Terrace in the Road Closure Bill.

I cannot recite all the details of the conditions laid down in the competition that is to be held in connection with the new Government buildings on the Observatory site, but I can give one or two. Some of the conditions are as follows:—

The road system should be such as to discourage through traffic.

Roadways to be shown.

Road access to the site may be from Parliament Place or Havelock Street.

Road access will not be permitted from Kings Park Road or Harvest Terrace.

Parliament Place is to be widened, making it suitable for ceremonial approach to Parliament House.

Competitors should bear this, and the size of Parliament House, in mind when deciding the general lay-out.

Also laid down in the conditions of the overall master plan is provision for the parking of 1,000 employees' cars. There is also provision in the master plan for a total of 100 parking bays for use by members of the public having business with the departments.

So the conditions definitely state that there will be no access from Harvest Terrace. Cognisance had to be taken of Parliament House itself, and provision had to be made for the parking of cars belonging to members and the general public, and also for the relative improvements.

When this is finalised next March, the town planners will have to take into consideration the approaches that will be in the designs submitted by the architects, and the conditions that will be laid down for them. One of the conditions is that Harvest Terrace will not be used as an access to the new Government buildings. So, obviously, this year, or next year, the closure of this portion of Harvest Terrace will be included in a Road Closure Bill.

The position has been safeguarded by providing that the closure shall be made only by proclamation. When the time arrives for the road to be closed, the Government will issue a proclamation to put the closure into effect. At the moment, however, it is only conjecture whether it will be closed within 12 months or two years.

The fact that this competition will be concluded in March, means that it will not be long after that before the development of the Observatory site for the erection of the new Government buildings will be commenced. That could mean that before Parliament meets next session some development of the site will take place. If it does, and if it is necessary to close that portion of Harvest Terrace, it will be done by proclamation. If it is not required to be done within that period, it will be left until the proper time arrives. The position is that the road will be closed, and I think this House will accept it. Therefore, I think the correct thing to do is to accept the closure now.

The Hon. A. R. JONES: Could the Minister tell me whether the plan will provide for entrances to the front of Parliament House, approaching from Malcolm Street, or will there be no entrances whatsoever from that side?

The Hon. L. A. LOGAN: The overall design of Parliament House has not been completed. The American consultants have been asked to have a close look at this aspect because it is not an easy problem. The approach to the front of Parliament House will be rather difficult, because of the grades and the proposed western switch road. There will be an approach to the parking area and, quite possibly, there will be a road along the front as well. I am not in a position to give all the details at the moment.

The Hon. F. J. S. WISE: There is one point the Minister made clear, if I understood his remarks aright. That is, there is to be a distinct departure from what is shown in the Stephenson Plan if there is to be no entrance to the proposed new Government buildings, or to Harvest Terrace.

The Hon. H. K. Watson: At the moment, the plan indicates that there is.

The Hon. F. J. S. WISE: The plan indicates, very definitely that there is to be from the new Government buildings site an entrance into that portion of Harvest Terrace between Malcolm Street and Parliament Place; and it is to continue along that portion which we now propose to close. Is it now proposed, in connection with

the buildings that are being designed, that the road from Havelock Street into Harvest Terrace is to be abandoned?

The Hon. L. A. LOGAN: All I know is that the conditions laid down for the competition to be held for the design of the new Government buildings provide that it shall be.

The Hon. F. J. S. Wise: The Minister says that is right?

The Hon. L. A. LOGAN: Yes. I think the honourable member himself said that although we have the Stephenson Plan before us, it does not mean that we will not depart from it in some respects here and there. I should imagine that the traffic engineers who have made a further study of the Stephenson Plan in relation to this area have realised that the approaches and the grades present a difficult problem. So, on second thoughts they have decided that approach would be much better from Parliament Place or Havelock Street.

When one looks at the approach set out on the plan, I think it would be much better to approach the new Government buildings as proposed in the new plan rather than as proposed in the Stephenson Plan. The approach up Harvest Terrace from the Observatory site has been discarded.

Quite a few of the roads laid down in the Stephenson Plan will be subject to alteration by the time the plan is tabled because of the different approach to traffic, the build-up of traffic, and the build-up of different parts of the city over the last seven or eight years. All of those changes could completely alter the thinking of Professor Stephenson back in 1955. We have to accept the position that we have to alter our views and opinions according to circumstances; and I think this is one of the aspects of the plan which requires some adjustment of our viewpoint.

Clause put and passed.

Clauses 13 and 14 put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

Third Reading

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

RESERVES BILL

In Committee

Resumed from the 9th November. The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 22: Reserve No. 24309 Cockburn Sound—

The CHAIRMAN: Progress was reported after the clause had been partly considered.

The Hon. L. A. LOGAN: I made inquiries about the doubt raised by Mr. Ron Thompson in connection with the reserve at Cockburn. One of the senior planning officers, Mr. Collins, together with Mr. Smythe from the Lands and Surveys, and Mr. Hudson from the Department of Industrial Development, went down on Friday afternoon to examine the area, and he has submitted a plan of the area to me.

As I thought, the go-kart track is on the east side of the railway line. The area under discussion, in relation to the boat-building aspect, is on the west side of the railway. At the moment it is intended that only 50 links shall be taken from the railway reserve for the boat-building company. This will not interfere with the go-kart club at the moment.

When the standard gauge railway goes through and the deviation of the line takes place, the go-kart club will be affected; but not until then. This move has been made as a result of a request from the boat-building company. It seeks to build a large-sized boat; and the intention is to develop this industry on the waterfront. At the moment the company is operating in Osborne Park, which is not a suitable site for the purpose. The letter I have on the file indicates that the contract was to have been signed on the 2nd November. I will read the relevant portion. It is as follows:—

> Mr. Truscott and associates have now formed the company M.V. Westralia Ltd. and they are prepared to sign the building contract for the ship on Thursday, the 2nd November.

The M.V. *Westralia* is to be 140 ft. long and will cost £100,000. It is to be used for tourist purposes on the Rottnest run. This is not the only boat which will be built; it is to be the beginning of a shipbuilding industry.

In the planning of the Kwinana area, a site will be set aside for the major shipbuilding yards. But it is not desirable to mix these large shipbuilding yards with the smaller ones, in the same area. The area on the waterfront is limited, and as conditions in Western Australia warrant it, so the major shipbuilding yards will be developed. In the meantime, however, the company is anxious to build its new boat. This is the type of important industry which the Cockburn Shire Council has been seeking.

While there may have been some fault attaching to the fact that the shire council was not kept fully informed, I do feel, however, that the council was not entirely ignorant of the scheme; it knew something

of what was going on. Members will see from the report I have received that the go-kart track is on the east side of the line, and the proposed boatbuilding will be carried out on the west side of the line —between the railway line and the water.

Sitting suspended from 12.45 to 2.15 p.m.

The Hon. L. A. LOGAN: The site allocated to the go-kart club will not be interfered with by the establishment of the boat-building concern in this area. The agreement between the Cockburn Shire Council and the go-kart club should have received the consent of the Minister before it was drawn up. The club in spending £6,000 on the construction of this track, without the sanction of the Minister, was taking an undue risk.

A condition is definitely contained in the agreement between the Lands Department and the Cockburn Shire Council to the effect that any lease of the reserve in question or portion thereof must not be for more than 21 years, and must be subject to the approval of the Minister. Yet, when the department received the agreement it was already a *fait accompli* between the shire council and the club.

The Hon. A. L. Loton: Was the club aware of this condition?

The Hon. L. A. LOGAN: If it was not, the shire council should have advised the club. I could not say whether or not the club was aware of this condition. If the club was prepared to enter into a lease for 10 years and to spend such a large sum on building the track, it must have thought it was on reasonably safe ground. In this respect the department was not at fault.

The Hon. H. C. Strickland: This land is vested in the shire council.

The Hon. L. A. LOGAN: Yes, with the understanding that any lease of the land cannot be for more than 21 years, and must be subject to the consent of the Minister. That condition applies to all reserves. The reason for cancelling the whole of this land as a Class "A" reserve is to enable a survey to be made of the exact portion that is required for industrial sites for shipbuilding; and upon excision of the area so set aside, the balance of the reserve is to be classified again as of Class "A" for the purposes of recreation and camping.

I cannot give any guarantee that after the excision the go-kart club will not be interfered with, but I can say that until the area is required for other industrial sites the activities of the club will not be interfered with. This clause should be passed to enable the club to continue with its activities, and the company to proceed with the building of boats.

The Hon. R. THOMPSON: On the 20-mile stretch of coast-line between Fremantle and Rockingham, other than the 50 yards of beach at South Beach which is suitable for swimming, the very narrow strip of beach at Coogee, and the beach at Kwinana, there is no other part which is suitable for swimming. I tried to indicate when I was dealing with this clause that I was not only concerned with the go-kart club; this is a matter of taking away from the public the right to use a beach. The beach in question is the only suitable one for swimming between Coogee and the refinery at Kwinana.

Three maps have been produced by the Minister. The first one produced on Wednesday last was that attached to the Bill, which I take to be the correct one. On Thursday last the Minister produced a second map which appeared to be incorrect, and today the Minister has produced another map which does not conform with the original one produced by him.

There is plenty of room on the southern side for boat construction. I know every inch of this territory because I have been over it three times since Thursday. The Minister stated that three departmental officers had been down there on Friday. I say again that I guarantee that the Cockburn Shire Council has been ridden over roughshod the same as it was by the Department of Industrial Development. I guarantee that it was not notified of the visit, nor was any invitation extended to its members to accompany those three departmental officers.

I am concerned first of all with the beach aspect. It is in the course of development and I pointed out to the Committee that people have caravans about a mile and a half away from the go-kart track. From all parts of the State they come of a week-end and while there they utilise the go-kart track. If the portion of the beach is taken away and boat construction is allowed instead, the plans for shelter sheds, kiosks, and so forth will be scrapped and people will be denied the use of the beach.

Members have only to cast their minds back to the years during the war when there were many little shipyards around the metropolitan area. For instance, a man whose name I think was Coleman had such a yard near the Causeway and it was nothing but a litter heap. The same applies to the three or four yards between *Leeuwin* and the North Fremantle traffic bridge. It is nothing but a rubbish tip right along the whole beach. Near the Fish Market jetty at present there are three or four slipways which are absolutely jammed in, but perhaps they are the best of the lot.

Prior to Thursday night I had been notified by an officer of the Cockburn Shire Council of the council's decision, but as I was not in receipt of the letter to which he referred, I did not quote it in

the Chamber. However, I have since received that letter, dated the 10th November, addressed to me at Parliament House, and it is as follows:—

Dear Sir,

At the last meeting of my council exception was taken to the Government introducing a Bill that affects a Class "A" Reserve vested in this Council without any reference whatsoever to this Authority.

I was further instructed to thank you for your efforts in implementing this Council's policy which is to jealously guard Class "A" Reserves for the benefit of posterity.

It is trusted you will be able to retain the sea coast from Woodmans Point to Naval Base for recreational purposes of the future.

In conversation on the telephone, the shire clerk told me that he had sent a letter to the Minister for Local Government. He enclosed a copy of this to me and informed me I was at liberty to use it in any way I desired. This letter, dated the 10th November, 1961, is as follows:—

Dear Sir,

At the last meeting of my Council, concern was expressed at the fact that the Government of the Day saw fit to put before the House a Bill affecting Class "A" Reserve vested in this Council for camping and recreational purposes.

Such Bill was presented without reference whatsoever to this Shire. It is sincerely trusted that as the Minister for Local Authorities you will safeguard our interest in this or any Bill of a similar nature presented without our knowledge or knowing how it may affect us.

Yours sincerely,
E. J. Edwards.
Shire Clerk.

That is conclusive proof that the shire which has had this land vested in it and which has been able to lease it for a period of 21 years has been ridden over roughshod. No member in this Chamber would care to see any local authority in the area he represents receive such treatment.

The Minister also mentioned that the Minister for Lands was not notified. I am not in a position to state accurately when the go-kart club started construction; but I know the matter was finalised with the local authority some time in June. In August the agreement was drawn up by a firm of solicitors in Fremantle, and on the 29th August it was forwarded to the Minister for Lands. As I said on Thursday night, there has not even been an acknowledgment sent to the Cockburn Shire Council in respect of that lease forwarded to the Minister for his approval.

There are other places to which this shipbuilding concern could go. It could be located close to the deep water adjacent to the submarine base which is near Woodman's Point, or it could be given an area next to the alumina plant. That plant will occupy 100 yards of coastline, and another 100 yards could be made available there as it will not, in any case, be much good for swimming or other recreational purposes.

In addition to these areas there are some places where noxious trades are functioning; and boatbuilding could be established in those places. I refer to the stretch of land between South Beach and the power house where there are noxious trades within 150 yards of the coast. That area is accessible and the materials would not have to be carried very far.

The proposed area could not be made suitable without a lot of money being spent on providing a channel, because the rocks would have to be blasted out. It is a most unsuitable area for the project before us.

We all want to see industries established in this area, but because this provision means that the people will be denied the use of the beach—that is of primary importance—I hope members will support me.

The Hon. L. A. LOGAN: I only want to comment on one point. Had the Cockburn Shire Council gone to the Lands Department and said it wanted to make an agreement with the go-kart club, all these things would have been investigated.

The Hon. R. Thompson: The shire council was ignored.

The Hon. L. A. LOGAN: The honourable member said the agreement was entered into in June, but the Lands Department did not receive it until the 29th August.

The honourable member is raising quite a different story when he talks about the whole of the foreshore from Fremantle to Rockingham. How can we have beach development there if that area is to be an industrial area? It is not possible; and we have to reconcile ourselves to the fact that eventually—not today or tomorrow—most of this foreshore will be taken up for industrial development.

The Hon. E. M. Davies: That is what we are concerned about. We want some beach there.

The Hon. L. A. LOGAN: The honourable member might think we can have a beach in the middle of an industrial area, but I do not think we can; and I do not think we can have a beach area there from a town planning point of view, either. The honourable member also said there were other sites more suitable. Well, this area was investigated by the company and by the Town Planner; and it was agreed to by the Fremantle Harbour Trust. Surely the trust ought to know what it is talking about!

The Hon. F. R. H. Lavery: No-one had the courtesy to see the Cockburn Shire Council.

The Hon. L. A. LOGAN: Perhaps not. I am not going to say that someone is not blameless on that account. Before I went to the country on Friday I left instructions that by this morning I wanted all the information I could get on this matter; and I have it now. What is being done will not interfere with the go-kart club until such time as the standard gauge railway goes through and the deviation takes place. The map I have here shows the reserve.

The Hon. H. C. Strickland: Have you had a look at Professor Stephenson's idea?

The Hon. L. A. LOGAN: I do not think that even Professor Stephenson visualised the B.H.P.—

The Hon. H. C. Strickland: The B.H.P. works were there.

The Hon. L. A. LOGAN: —the alumina refinery, and one or two others. If members study the overall plan for the Kwinana area they will appreciate how big, from an industrial point of view, it will get. If this proposition is accepted the go-kart club and the shipbuilding project will both be able to continue, but if it is not accepted, the go-kart club will be able to continue, but possibly the shipbuilding concern will not.

The Hon. E. M. DAVIES: I hope the Committee will not agree to this clause. I was surprised to hear the Minister say this might all be an industrial area. I remind the Minister that the Cockburn Shire Council includes quite a large residential area. It has always been recognised that there should be sufficient recreational facilities for the people, particularly along the foreshore which is the heritage of the people. Other parts of the coastline have been used for industrial purposes, and we should see that more of the coastline is not alienated to the detriment of the people; particularly as Class "A" reserves are, on occasions, involved.

We were told that the Fremantle Harbour Trust was agreeable to this proposition. Well, the Fremantle Harbour Trust is responsible for the coastline from Fremantle to Rockingham with the exception of a small portion, where the fish markets are located, which has been excised and handed over to the Harbour and Light Department. In those circumstances one would naturally expect that the Fremantle Harbour Trust would not say very much about the matter.

The point was raised that this was an industrial area. Well, I point out that a new beach called Port Beach, adjacent to the harbour, has been established; and it is close to the industrial parts of North Fremantle.

It is time we took a stand on this business of filching the people's heritage from them. In many instances people are not permitted to make a subdivision within two and a half chains of the foreshore. But these people are going to be given the best land on the foreshore; and that will be to the detriment of the people. I raise strong objection to that, and I hope the Committee will not agree to the clause.

The Hon. F. R. H. LAVERY: I support Mr. Ron Thompson. Why cannot the shipbuilding company move south of the groyne?

The Hon. L. A. Logan: How can I ask the company? I do not know.

The Hon. F. R. H. LAVERY: There is no reason why this concern cannot move to the south where it would be in the lee of the groyne, and where there is deep water with only a small intrusion of rock which could be blasted without any trouble. On the northern side of the groyne a considerable amount of blasting would be required in order to get the depth of water needed.

Another point is that the Minister, quite rightly, has been advised that the area is suitable for this type of shipbuilding. We must bear in mind, however, that when we Fremantle members attended a function held south of the Kwinana refinery fence, Sir Russell Dumas said, "You, as members of Parliament, have a duty to ensure that the area of land south of the refinery fence is reserved for shipbuilding. The water there has a good depth and other requirements necessary for shipbuilding, and such activity will not interfere with the beach further up the coast." In view of the fact that Sir Russell Dumas told us that five years ago, we must take some notice of it because Sir Russell, who was an adviser to the previous Government, is still an adviser to the present Government.

Reverting to the point raised by the Cockburn Shire Council, the present executive of that council has fought to retain control of the land that was previously vested in the Commonwealth for 40 or 50 years. Mr. Hoar, who was then Minister for Lands, and an officer of the Commonwealth department investigated this matter, and the Commonwealth Government eventually decided to hand this land back to the Cockburn Road Board, as it was known at that time. The Minister for Lands issued an ultimatum to the Cockburn Road Board by saying, "If this land is vested in the Cockburn Road Board we will expect the board to develop the beaches, and assistance will be given for such development only after close consultation between the Minister for Lands and the board itself."

The Cockburn Shire Council now objects to its being overridden without any of its members being consulted as to what is proposed. I am not blaming the Minister, because, as he said, anything to do with planning is a responsible job for anyone to handle.

The Hon. H. C. Strickland: Especially if one is planning to save on the railways.

The Hon. F. R. H. LAVERY: Yes. If the Committee agrees to this clause I think it will be making a mistake. However, if the clause is held up for a while the department responsible could consult with the Cockburn Shire Council in regard to the groyne.

The Hon. A. R. JONES: If the best site possible has been chosen for this shipbuilding company, I am interested in seeing that the rights and the assets of the go-kart club will be protected. It seems wrong that the company should be given a 10-year contract without any approach being made to the Cockburn Shire Council, particularly after it has spent £5,600. Naturally, we want to attract industry to this State, but we do not want any industry established on a beach that can be used by members of the public. Surely this is not the only site that could be used for shipbuilding! Unless the Minister can assure me that the interests and rights of the go-kart club are protected, I cannot agree to the clause.

The Hon. L. A. LOGAN: During the debate on this clause I have repeated about six times that the rights of the go-kart club will be protected until such time as the railway line is deviated.

In regard to the shipbuilding activity mentioned by Mr. Lavery, I agree with his remarks in so far as they relate to the building of large ships. However, this is more of a luxury type of craft, or speed boat craft, that is to be built by this company, and should not be mixed up with large shipbuilding activities. I do not think the area mentioned by Mr. Lavery will be set aside for the building of large ships.

The Hon. R. THOMPSON: I will explain briefly the relationship between the beach and this particular area. Roughly six acres was quarried to a depth of four chains at one end, and six chains at the other end, and the overall length was about 12 chains. That is where the go-kart club is situated. Immediately above the go-kart track there is a cliff about 12 chains long and 20 ft. high. It would be impossible to build the railway through there. The line will go a mile further south before any deviation takes place, otherwise it will run through the middle of a quarry. When the alumina plant is built, this will be the only strip of beach accessible to the public between Coogee and Rockingham. That, in itself, is sufficient to warrant this stretch of beach being retained for use by the public.

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

Ayes—10.

Hon. C. R. Abbey	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. J. G. Hislop
	(Teller.)

Noes—14.

Hon. E. M. Davies	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. S. T. J. Thompson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. F. R. H. Lavery	Hon. W. F. Willesee
Hon. A. L. Loton	Hon. F. J. S. Wise
Hon. H. C. Strickland	Hon. J. J. Garrigan
	(Teller.)

Pair.

Aye.	No.
Hon. N. E. Baxter	Hon. G. E. Jeffery

Majority against—4.

Clause thus negatived.

Title put and passed.

Report

Bill reported with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and returned to the Assembly with an amendment.

MINE WORKERS' RELIEF ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th November.

THE HON. E. M. HEENAN (North-East) [2.53 p.m.]: This Bill proposes to amend the Mine Workers' Relief Act; and, as far as it goes, it is a worth-while measure; although I am not happy about the change that is proposed regarding sufferers from tuberculosis who are certified as having had the condition arrested.

As the Act now stands, sufferers from tuberculosis obtain benefits until such time as they are certified as being free of the complaint. It is now claimed that because doctors are hesitant about giving such a certificate it is necessary to water the condition down by allowing those doctors to give a certificate that the condition has been arrested.

The change proposed is very important because the issue of such a certificate will determine whether or not a sufferer's payments are to be continued or discontinued. Concern is felt on the goldfields regarding this proposed change and I hope it may be possible to have an amendment accepted in Committee. It will be interesting to hear the views of Dr. Hislop on this issue. I know he has read the Bill.

I want to make it clear to all members that in the past sufferers from tuberculosis have received compensation from the fund until such time as a doctor's certificate was issued to the effect that they were free of tuberculosis. The Bill proposes to modify that state of affairs by allowing

the doctors to say that the condition has been arrested and that the sufferer is fit to undertake full-time employment in some industry other than the mining industry. That is the only proposal in the Bill which causes me some anxiety.

The other proposals are worth while and will effect benefits. There is one provision which I particularly like. When introducing the Bill the Minister said this—

> There is a provision contained in the Bill for the benefits as prescribed by scale 1 of the second schedule to be paid to ex-mine workers who are registered with the department as early silicotics and who have continued to subscribe to the fund and who are—
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> (1) unable to work through incapacity due to some malady or disease not compensable under the Workers' Compensation Act; or
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> (2) invalid pensioners; or
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> (3) old-age pensioners.

In my opinion, that is a worth-while step in the right direction and I applaud its introduction, because it has to be borne in mind that this Mine Workers' Relief Fund, which has been established for the purpose of paying benefits to miners who suffer from degrees of silicosis or tuberculosis, does not apply to all miners.

At the present time every miner subscribes 1s. a week; the mining company subscribes 1s. a week for each employee; and the Government subscribes a like amount. And those contributions comprise the fund. But a miner can subscribe to the fund for years and years and not get a penny out of it. It is really only a form of insurance against advanced silicosis and tuberculosis; so I emphasise that the fund only pays benefits to sufferers from advanced silicosis and tuberculosis.

I have stated that although the Bill has some merit and will effect certain worthwhile improvements to the present Act, it does not attempt to break much new ground or to deal with the real problem of compensating men who, as a result of years of working underground, find their health irreparably impaired.

The two Acts on our statute book affecting these men are the Workers' Compensation Act and the Mine Workers' Relief Act, with which we are now dealing; and although both of these have been amended from time to time, the benefits provided for miners are still inadequate and unsatisfactory.

Both of these Acts are based on the premise that almost the only disabilities from which miners suffer are tuberculosis and silicosis. Time and time again, however, I have pointed out—and my colleagues from the goldfields and Dr. Hislop have pointed out — that some miners who contract only a minor degree of silicosis nevertheless become very ill through bronchial troubles which develop over the years and which undoubtedly are due to the nature of their employment over a long period.

At the present time these men get no compensation under the Workers' Compensation Act, and they get no benefits from the Mine Workers' Relief Act. They have to go on working until they die, or become so ill that they have to cease work and apply for either the old-age pension or an invalid pension.

I think the time has arrived when we have to make more serious efforts than we have made in the past to do something for these men. It means a revision of the outlook which has existed for many years. It will mean a revision of the provisions in the Workers' Compensation Act and in the Mine Workers' Relief Act. As a matter of fact, I think the time has come when these two Acts, which deal largely with similar problems, could be consolidated into one Act.

The Hon. A. F. Griffith: The Workers' Compensation Act?

The Hon. E. M. HEENAN: Yes; and I have in mind, perhaps next year, trying to persuade the Government to appoint either a Royal Commission or a Select Committee to consider the whole question.

I applaud this small measure. I am a little anxious about the provision which relates to the proposed change in certificates by doctors. However, I hope the Bill will give us the opportunity of doing some re-thinking on this important measure.

We have a number of miners on the goldfields who have been working underground for years and years—thousands of feet down in the mines—and some of them, in their later years, become very sick. They have bronchial troubles, they catch colds, and they are prone to penumonia. Yet, strangely, they go to the Commonwealth laboratories for X-rays, and these reveal they are not suffering from tuberculosis—they have only got a comparatively minor degree of silicosis. Yet they are very sick men who should no longer be working underground; they should be out in the fresh air or perhaps pensioned off.

As things stand, we are doing nothing for those men for the simple reason that the Workers' Compensation Act and the Mine Workers' Relief Act make no provision for them. That is a regrettable state of affairs, and I am pleased that this small Bill has given me the opportunity of reiterating the remarks I have previously made in this connection.

THE HON. J. J. GARRIGAN (South-East) [3.8 p.m.]: In supporting the second reading of this Bill, I commend any Government which brings in any Act which will benefit miners who practically give their lives to the goldmining industry.

Clause 22 of this Bill deals only with tuberculosis and not silicosis. I would be in favour of deleting the whole of that clause on grounds which I will give to members in the Committee stage. At this point I support the second reading.

THE HON. J. G. HISLOP (Metropolitan) [3.9 p.m.]: The people who will receive benefit from this Bill will accept it with a certain amount of gratitude. I do not intend to go very deeply into the benefits which the Bill confers on those people, but merely to have a look at the Bill and its manner of presentation, and see whether it really does all that is required for those few.

I want to reiterate quite frankly right from the start that I agree entirely with Mr. Heenan that this does not meet the main problem. It works on the old premise that the only disease a miner gets is silicosis, and one must establish silicosis before one can make a claim for any other disease.

Tuberculosis is added, but tuberculosis does not worry me so much from a compensation point of view since the Commonwealth has stepped in and is now looking after those men so well, and paying them reasonably whilst they are under treatment. What happens when the Commonwealth no longer looks after these men must also be considered.

In dealing with a problem like this, to take only one sector of it is like passing a tin that a blind man holds out and throwing a small coin into the tin from a long distance away, hoping that it will make a loud noise and that the blind man will think he has got what he deserves; whereas he has not.

There are men in this industry who have been neglected by every Government ever since I have been here; and I have talked about it every year. Sometimes I wonder what is the use of a man with a lifetime of experience, having seen so many of these men and having watched what happens to them, coming to this place and giving his own views of the experience he has had, telling of the results that have been achieved and the investigations made in almost every country of the world, and having them simply neglected year after year.

The Hon. F. R. H. Lavery: You are only a member of Parliament.

The Hon. J. G. HISLOP: Yes; it does not count. I am not a member of the Government, or of a department. They are the only people who actually do anything in this regard and were I to introduce a Bill it would not be accepted because it would be a charge upon the Crown.

Sometime somebody has to start and take notice of the fact that silicosis and tuberculosis are not the only diseases from which a goldminer or an asbestos miner is likely to suffer. For years and years, because we have accepted the basic principle of the silicotic nature of this legislation, we have failed completely to look at the problem in its real sense. I hope that one of these days somebody will listen to what is being said about this problem.

To me this Bill has some curious aspects because it is designed purely as an amendment to the Mine Workers' Relief Act. Again, it comes back to the old idea that the silicosis or tuberculosis must be obvious within a short time after a man has left the mine before he can receive any relief from the board. I would say that one of the outstanding examples of lack of understanding in respect of this legislation is the idea that the tuberculosis has to be established at a fixed date; because if a person is a silicotic, and that condition has been caused by working in a mine, he is a candidate for tuberculosis at almost any stage of his life.

There are many individuals today who are regarded purely as silicotics but who, underneath, have tuberculosis lying there. I shall refer extensively during the time at my disposal to what Dr. Schepers of Dupont's in America said about this matter. He made it quite clear that from what he saw in Kalgoorlie he felt there were many men who were not diagnosed as tuberculosis sufferers but who would be obvious within the next few years. That is borne out by the fact that we cannot get tuberculosis out of the mines.

If any member reads reports from the tuberculosis section of the Public Health Department he will find that they still have the problem of tuberculosis cropping up in the mines year by year. Therefore to say that a person must have this disease at a fixed time, it is obvious that it is done with the idea of protecting the fund and not protecting the man. It is the fund that seems to be the main point in the Bill.

The Hon. A. F. Griffith: That's what you think.

The Hon. J. G. HISLOP: That is what a lot of people think. I would say it is quite probable that the fund, right from the start—at least from my knowledge of its working—has had to be kept in a condition to ensure that its provisions did not expand too far or else it would not remain solvent.

The Hon. A. F. Griffith: Doesn't any fund have to accept that responsibility?

The Hon. J. G. HISLOP: Not to the extent of being unjust to the people who are working in the industry. There should have been some report from the Mine Workers' Relief Fund that it was not doing the job as required in regard to the men in the industry.

The Hon. N. E. Baxter: The way the fund has gone it is rather the other way round.

The Hon. J. G. HISLOP: I think if anybody in charge of a fund, such as this, goes on accepting the legislation as it is at present, without making certain alterations to it in the light of present-day circumstances, he has not carried out his duties as I would expect them to be carried out if I were a member of the fund; because this fund has been proceeding in the same way for a long period of time.

There are a number of other aspects in regard to this matter to which one must also pay careful attention. An appeal board is to be set up purely for the purposes of this Act. This medical board, as far as I can see, will not be able to work under the Workers' Compensation Act; because it is set up purely for the purpose of this Act.

The Hon. E. M. Heenan: That is so.

The Hon. J. G. HISLOP: Surely the Act that wants altering is the Workers' Compensation Act; but that is not going to be affected by this legislation.

The Hon. A. F. Griffith: My word! I would like to hear what you would say if we introduced an amendment in one Bill which would have an effect upon other legislation.

The Hon. J. G. HISLOP: If the Minister would listen instead of interrupting he might gain some knowledge. He would realise that, as well as this measure, legislation which really wants amending is the Workers' Compensation Act; because this Bill does not affect more than one section of the affected miners.

As regards the point that one Bill might affect other legislation, I would tell the Minister that the real amendment should have been made through an amendment to the Workers' Compensation Act. This board will be able to act only in relation to the Mine Workers' Relief Fund.

The Hon. A. F. Griffith: That is so.

The Hon. J. G. HISLOP: Which means that the man who acquires silicosis, and who is compensable, if he does acquire it, under the Workers' Compensation Act, will still have to battle as he does now. If he is given a small amount then it is his job to battle for the rest; and it is only when it comes to the question of receiving compensation from this fund that he will be able to go to the medical board. Where the medical board is really wanted is under the Workers' Compensation Act, in relation to silicosis, tuberculosis, bronchitis, cardiac enlargement, and so on. Under this legislation it will affect only a very small number of cases.

Let us look at the Bill itself. It states—

> A Medical Board shall consist of three members of whom—
>
> (a) one shall be the medical officer appointed under section seven of this Act, who has given the certificate showing a diagnosis against which an appeal to a Medical Board under this section has been made.

He will surely always be a member of the State service. He will be the medical officer of the Chest Hospital, or the Commonwealth-State Medical Officer, Dr. McNulty, or his successor. Then the next member is to be—

> (b) one shall be a qualified medical practitioner registered under the Medical Act, 1894, nominated by the Commissioner of Public Health.

That man should not be a member of the State service. The third member is to be—

> (c) one shall be a qualified medical practitioner registered under that Act, nominated by the appellant.

That is the man's own doctor who has probably given him a higher percentage of inefficiency than has been given to him by the medical officer designated in (a). I do not think the board should be weighted against the individual; because to be quite honest and frank about it I know there is a tendency on the part of anyone—I do not mind who it is; even in our own profession—to appoint a certain element to a board. To some extent it colours the judgment of the individual.

I feel that to make this board a really fair board we must have the provision set out in para (a)—the medical officer will no doubt be a State officer in the vast majority of cases—and then the Commissioner of Public Health can nominate a person in actual practice. If that were done the board might work satisfactorily. Once that has been decided, the workings of the board would be quite good.

I would like to know how, if I were a member of the medical board, I would be able to determine whether the tuberculosis found in the person at any time during the second year of his carrying on operations resulted from his employment in that industry; especially if he had silicosis. I have to say that if he had silicosis, the tuberculosis which was apparent two years after his leaving the mine would have been unavoidable because the silicosis would have made him liable to it.

So it shows there is a deficiency in the approach to some of these problems. I do not propose to make a long speech, because when this Bill is passed somebody will be grateful for it. But there will come the time when we will have to go a long way further to protect these men who work in the mines.

I understand from a recent amendment we made to the Coal Mine Workers (Pensions) Act that if an individual has been 15 years in a mine he would be liable to a pension, and that if a man has been in a mine for five years his widow would be eligible for a pension. But there is no

provision for a pension for a widow to any great extent. I was interested in the statement which the Minister made when introducing the Bill. He said—

> This Bill extends the scope of those benefits. While the benefits are a valuable assistance to ex-mine workers qualifying for them, there are other deserving cases to which the Government has given sympathetic consideration.

Here again, as I have stressed frequently, not one of these persons is eligible unless he presents early silicosis, because reading the Minister's speech further he said—

> There is a provision, therefore, contained in the Bill for the benefits, as prescribed by the scale 1 of the second schedule to be paid to ex-mine workers who are registered with the department as early silicotics, and have continued to subscribe to the fund and who are—
>
> (1) unable to work through incapacity due to some malady or disease not compensable under the Workers' Compensation Act; or—
>
> (2) invalid pensioners; or—
>
> (3) old-age pensioners.

We must always establish this question of silicosis, but let me remind the House that silicosis is not the only problem with which one deals. Some of the most urgent problems confronting miners are such things as bronchitis, emphysema—distention of the lungs—and even an enlarged heart developing as a result of conditions of work. These are the conditions which cause so much distress.

I received a letter not long ago after Dr. Schepers had returned to America. I would like to quote one or two extracts from it. Dr. Schepers made reference to the fact that apparently there was some annoyance at his having disclosed to the newspapers that there was a fair amount of tuberculosis amongst the miners at Kalgoorlie. I quote—

> It seems that I also sprung something in announcing that the Kalgoorlie miners are a whole lot healthier than are gold miners in Johannesburg. Now I am informed that there is an enormous amount of bronchitis among them.

That opinion did not come from me—

> This makes me wonder whether I was shown all at Kalgoorlie. Perhaps I should come back for a second look.
>
> If it is true that there is quite so much bronchitis (it could be, since bronchitis is a very common feature of dust exposure), your Government should consider something after the nature of the South African Pulmonary Disability Legislation. Something ought, also, to be done to render industrial tuberculosis compensable in the same way that silicosis is. Something should also be done to improve the official medical diagnostic services for these miners.

That is a pretty trenchant letter. I think the House will remember that I went to considerable trouble to obtain information about legislation concerning the protection of gold miners in South Africa. I presented this information to the House so that it could be used for reference.

It is not my custom to bring to this House the history sheet of a sufferer. I am probably breaking a certain amount of professional secrecy in doing so now, although I have no intention of providing the House with his name. But I would like to give the high-lights of this man's history.

He is a man of 53 years of age who has been mining for 32 years. In one mine he was employed from 12 to 13 years. He has been on a light job for two years. The laboratories advised him each time for the last five years to leave the mine, and a chest clinic advised him to do so for the last two years. He has no dust ticket, but is said to have bronchitis. He is short-winded, and walking is difficult on this account. He cannot climb, or do a little digging around the house. Chopping wood exhausts him. If he has one day in a damp place he has a couple of weeks off work. He gets colds easily. His breathing then becomes very uneasy; and he coughs up large amounts of phlegm, sometimes blood-stained. He has a continuous pain in the left part of his chest, and occasional headaches.

This man received no compensation from the Workers' Compensation Fund, or the Workers' Relief Fund; and he has done 32 years' work. He had the 15-year pension qualification for himself and the five-year pension qualification for his wife. I would now like to read a letter I have; but again I do not propose to mention any names. The letter reads—

> Thank you for referring this patient to me. On discharge there was considerable improvement, but I doubt whether his improvement will last very long. We referred his case to Dr. McNulty but unfortunately due to present legislation there seems no way of awarding this man any compensation, unless on further admission we are able to examine the positive proof of silicosis by lung biopsy.

Lung biopsy is a method of examining the living tissue by inserting a small needle between the ribs and taking living material which is examined very minutely. The pathologists are so skilled in their work that very often they can tell not only where the specimens come from but also the condition of the patients. An attempt was made to do that in this case, but it was not very successful.

I stress the need for something to be done in this matter because a recent address by Professor Saint at the Royal Perth Hospital indicated that the post-mortem examination of patients who suffered from bronchitis showed symptoms of silicosis in some cases; conversely many of the cases which were affected by silicosis showed signs of bronchitis in the post-mortems. There does not seem to be any way of evading this problem by sticking to the ancient idea of examining the X-ray film to ascertain whether the silicotic condition was present.

The Hon. J. D. Teahan: In the post-mortems of bronchitis cases, silicosis was not present during the lifetime of those people.

The Hon. J. G. HISLOP: That is so. This is a matter of the reaction of the body to a small amount of silica, which indicates silicosis. Last year I referred to a report of a man who had been working in the mines for a long period and he was dying from a heart condition. Dr. Schepers to whom I related this case told me that in most countries this case would be accepted as a compensable one, because the extension of the lungs was the primary cause and that was brought about by his environment.

The case I have just referred to concerned a person who was 53 years old, who had worked for over 30 years in the mine, whose tubercular condition had been arrested, and who was the father of five children. His wife asked me, almost in tears over the telephone, how the family would live. No doubt that family would receive Commonwealth social service assistance, firstly by receiving sickness benefits, and later on pension payments and child endowment. Not one pinch of gratitude was received from those for whom that man worked for so long.

There is a provision in the Bill which suggests that when medical opinion indicates that the tubercular condition has been arrested the worker loses his compensation. That is not fair. He should be entitled to compensation even after his tubercular condition has been arrested, until he is able to find some other occupation. There could be a long period between the arresting of the condition and the time the person found other employment. Many of these men are between 50 and 60 years of age, and are in the stage of life when they are not fit to work any more.

I hope I have said sufficient to enable members to understand the problems of the miners. Early next session I hope to bring to this House a request that a Royal Commissioner from abroad be appointed to investigate the whole problem. I could not start a motion for the appointment of a Select Committee because I would be regarded as being biased if I were a member. The same remark would apply to members from the Goldfields if they urged the appointment of such a committee. The only way to bring relief to the miners is to appoint from outside of Australia a Royal Commissioner to deal with the whole problem.

THE HON. J. D. TEAHAN (North-East) [3.35 p.m.]: Dr. Hislop has just expressed in far better language the matters which are well known to us members from the goldfields. He read out the medical history of a worker who was not receiving relief from the fund. I felt I almost knew that case, because personally I am familiar with many workers in the mines who would answer that description.

Whenever I go back to the goldfields I meet half a dozen miners who would answer to the description of approximately 53 years of age, over 30 years working in the mines, and slowly fading away. The signs are written all over their faces, and their condition is indicated in their body movements. Yet laboratory tests say that they are not affected. They are invariably told that they are fit for work. I, myself, do not possess any medical knowledge, but their condition can be clearly seen in their appearance; that is, the appearance of miners who have worked for 30 years inhaling silica dust. Those workers who have completed 30 years underground and are not in receipt of compensation should be receiving some relief.

I know men who previously were healthy; in many cases they were good athletes and weight lifters. Over the years they faded away slowly as a result of working underground. Yet they are told they are not affected by silica dust. We cannot understand that attitude. Dr. Hislop has quoted instances where silicosis has shown up in the post-mortem examination of people who died from bronchitis but who in life were not supposed to be suffering from silicosis. He has said sufficient to indicate that an awakening of this problem in the mining industry must take place.

This seems to be a case where the relief fund provided by the Act is being used in proportion to the amount that it contains, instead of being used to meet all the claims which should legitimately be paid by it. I do not think this fund has ever been sufficient, but the mining industry is still flourishing. I wonder what happened in the days when the industry was flourishing to a much greater degree. In those days contributions from the industry should have been increased so that the present-day miserable benefits could have been increased.

The miners have indicated how little they receive each week from the fund, and how badly they have to be affected before they become eligible for payment. Any relief which will be conferred by this Bill is welcome in the mining industry. Under clause 22 which seeks to amend

section 49 of the Act, a mine worker certified to be suffering from tuberculosis will receive the appropriate benefits from the Mine Workers' Relief Fund. He is then sent to a chest hospital and is covered by Commonwealth social service payments. Not only is the miner himself covered for the period he is under treatment, but also his wife and family.

When he is subsequently certified medically as fit—that is his tubercular condition has been arrested—the assistance from the Commonwealth in respect of himself and his family ceases. I understand that the benefits he receives from the fund will also cease. Even if the person's condition is certified as being arrested, his health has deteriorated and his earning power has been affected. I will therefore oppose clause 22 whilst supporting the second reading of the Bill.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [3.40 p.m.]: I cannot but receive the views expressed by members with some mixed feelings. I could not help but be very sorry for the plight of the man in the circumstances outlined by Dr. Hislop, but I would like the House to appreciate just exactly what this Bill is and what Act it amends, because I am inclined to think that the whole position has been forgotten.

This is a piece of legislation which is called the Mine Workers' Relief Act Amendment Bill. Subscriptions are obtained from the Government, from the Chamber of Mines, and from 1s. a week paid by the miners. Naturally as a result there is a limitation of funds. It has been suggested that the benefits are made to fit into the size of the fund rather than the reverse situation. What other Act, embodying a fund of this description, does anything to the contrary?

Dr. Hislop mentioned the coal mine workers' fund, but the two cannot be compared really. They could be if the goldminers were paying as much as the coalminers are paying. Believe me, I am not suggesting that the coalminers Act is not a generous one, but at least the coalminers were paying 6s. a week for the benefits gained. In fact they were prepared to make an increase and the sum is now 7s. 6d. a week. The position is under review again.

As I mentioned when introducing the Bill, this board comprises representatives of the Chamber of Mines, representatives of the mining division of the A.W.U.—and the secretary of the A.W.U. is on the board—and an independent chairman in the person of the warden or magistrate of the day.

The amendments contained in this Bill were submitted with the full knowledge and accord of the miners' representatives. I do not know whether the miners' representatives took the whole of the details of the proposed amendments to their people, but they certainly should have done so.

They certainly took to them the problem of the state of the funds and the warning of the actuary which was that the fund was not in a very sound position even to provide the present benefits, without any improvement. The actuary told us that we should make some increases in the benefits and in the contributions. The men have agreed to that.

I understand that at an aggregate meeting of the members of the mining division of the A.W.U. it was agreed to increase their contributions to 1s. 9d. a week. I take it that the representatives of the union would describe in detail—and I repeat that if they did not they should have done because theirs was the responsibility to convey it to their members—what was to take place. Now we are faced with the situation where a Bill has been introduced but a particular part of it is opposed.

It has been said with little praise that some of the Bill is all right but there is one part which is not right. Let me say that I realise that this Bill does not—as I said when introducing the second reading—go as far as it should, and could, or as far as it would be desirable to go in the interests of the people who work in the mining industry; but we are not dealing with the Workers' Compensation Act. This has no relation to it. The Workers' Compensation Act has an appeal board of its own. Dr. Hislop said that the appeal board set up under this Act would have no relation to the Workers' Compensation Act; and it will not, because—

The Hon. J. G. Hislop: There is no appeal for a man with silicosis.

The Hon. A. F. GRIFFITH: I am not saying that. I understood Dr. Hislop to say that the appeal board would have no effect on the Workers' Compensation Act. This particular fund is, in its entirety, a fund all of its own.

At least give us credit. This year we introduced a Bill to give the limited reliefs which have been described to me this afternoon. Last year we did something about extending to three years the term in which silicotics may apply for compensation. But what had been done before? It is all very well for Kalgoorlie members to say that this does not go far enough and that it is poor compensation. I appreciate that too. But what did members of the Opposition do when they were in power? Did they draw attention to the state of the fund and indicate that it was nearing a state of impoverishment? Did they intimate that in order to keep it financial, contributions would have to be increased? Because if they did, nothing was done.

So whilst members of the Opposition criticise this legislation at least they must say it is a small step forward; and it is a step which has not been taken before, to the best of my knowledge.

I do not think I will endeavour to go through all the points raised because probably some of them will be dealt with in Committee. But let me say again with regard to the use of the word "cured" that the medical profession is reluctant to say a man is cured. The Bill states—again with the concurrence of the representatives of the union, so it is no good blaming me—when a man is fit to return to the industry and the disease has been arrested. Is it not reasonable that if a man is fit to return to the industry—

The Hon. J. D. Teahan: He is not with T.B.

The Hon. A. F. GRIFFITH: I know; he is not permitted to return to the mining industry; but if he is fit to return to normal work, is it reasonable that he should continue to obtain compensation while working full time in another job? That is a handy way of living.

Sitting suspended from 3.48 to 4.4 p.m.

The Hon. A. F. GRIFFITH: Prior to the suspension I was making some comments on the proposed amendment dealing with men who have had the disease arrested, rather than the provision at the moment which refers to it as having been cured.

I repeat, and it is important to say this, that the board as constituted—it is composed of Mr. Collard and Mr. Kelly—put forward this suggestion and agreed to it. So, on that board we have the secretary of the A.W.U.

It is not the intention of the board simply to say to a mine worker, "Here is a certificate to say the disease has been arrested and from this moment you are on the labour market." That will not be the position at all. The board—again let us realise the constitution of the board—will have some discretion which it will exercise.

I am obliged to say again that we must get this Act into the right perspective. It is a fund that is small in its contemplation, and small in its return to the workers in the way of contributory benefits, but so are the contributions small.

Until such time as a different approach is made in connection with this fund—

The Hon. F. R. H. Lavery: Can you say how much the fund stands at?

The Hon. A. F. GRIFFITH: The honourable member wants to know how much the fund will stand.

The Hon. F. R. H. Lavery: No, how much is in the fund.

The Hon. A. F. GRIFFITH: I thought the honourable member said, "How much will the fund stand?" That would have been a very appropriate interjection. I cannot say off-hand what is in the fund, but I think it is in the order of £200,000, but that is purely from memory, and I might be wrong. The point is that it is the responsibility of the people in charge of the fund to keep it solvent; and in order to get the improvements mentioned in the Bill it was first necessary to have the contributions by the men, by the Chamber of Mines, and by the Government increased in their respective proportions.

The report that came to me from the Mines Department concerning the amendments did contain a warning in respect of the obligation that the fund was going to accept with these increased benefits, and the warning was that it was not known just how far the obligation would go. However, the Government is prepared to take that risk. We know that if in a year or two the fund gets back to the position in which it is today, then the question of the contributions might have to be reviewed again. That also is part of the undertaking given by the board to the Government in considering the whole matter.

I do not think there is any other comment I need make now except to say to Dr. Hislop that widows do get a pension under this Act.

The Hon. F. R. H. Lavery: It is very small.

The Hon. A. F. GRIFFITH: Yes, and so are the contributions to the fund. But it is quite unrealistic to expect a fund of this nature to get into the position of paying benefits that it cannot afford and so become impoverished. We have to keep the fund solvent. Surely that is the No. 1 responsibility so that the people who should derive a benefit can receive the benefit laid down in the Act.

What Mr. Heenan said about men contributing for years and not receiving any benefit is perfectly true; and I hope—I do not want this to get in the wrong perspective—that such a position will continue, because when men do not receive a benefit from the fund they are in good health.

I hope no attempt will be made to amend the Bill, because the whole question has received a great deal of consideration and we have gone as far as we can in connection with the benefits. Benefits are given commensurate with the contributions that are made.

Every phase of this matter has been agreed to by the Chamber of Mines, the union representatives and the Government. Give the measure a try as it is. If members want to amend it substantially, I will not be able to accept the responsibility for carrying on with it.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Section 13 amended—

The Hon. J. G. HISLOP: The word "tubercular" appears in this clause. There has always been some discussion about the words "tubercular" and "tuberculous." According to the dictionary, "tubercular" is regarded as being covered with spines. The general term used in the medical profession is, however, "tuberculous." The board could, perhaps, have a look at the word "tubercular" to see whether it is the correct one.

The Hon. A. F. GRIFFITH: This is an accepted term. Dr. Hislop would know more about the correct expression than I would, and if he considers it worth while to have clarification, I shall delay the third reading of the Bill.

The Hon. J. G. HISLOP: I am not very worried about the matter, but it might be worth the while of the board to see whether the right term is used.

The Hon. A. F. Griffith: I will look into the question at a later date.

Clause put and passed.

Clauses 9 to 21 put and passed.

Clause 22: Section 49 repealed and re-enacted—

The Hon. J. J. GARRIGAN: I oppose the clause for reasons I outlined in my second reading speech. The Act introduced in 1932 has stood the test of time up to date. By this Bill it is now intended to repeal section 49, which will mean that those who have suffered from tuberculosis and have had to leave the mining industry as a result will come down to Perth and die after giving their services to the mines for 25 or 30 years. Under the Act, as printed, their dependants will continue to obtain relief. However, immediately this clause becomes law those men who are receiving mine workers' relief will be deprived of those few shillings which they have been receiving for many years. I do not think the Minister explained adequately why these people should be deprived of the few shillings they are now receiving.

The Hon. J. G. HISLOP: I would like this clause clarified because I do not think it will carry out what is intended. Recently, a sick miner who was referred to the Chest Hospital was discharged from that hospital as being fit for work. That had no bearing on the position whatsoever. What was meant by that was that he was fit for work so far as his silicosis—or whatever his disease may have been—was concerned. But he was quite unable to work full time because of his other physical disabilities.

What will result, if this clause is agreed to, is that if a man is discharged from the Chest Hospital as being fit for work he will be immediately referred to the Commonwealth Employment Service, and that office will then look for a job for him. Unless it has full warning of what the man's condition is, it might suggest that he should work on the trans.-line.

What the clause means is that a man is fit in relation to his tuberculosis or silicosis, but not fit for full-time and gainful employment. I draw the attention of the Committee to paragraph (b) of subclause (3). A man might be an applicant for an invalid pension, but, nevertheless, he still receives a certificate that he is fit for full-time and gainful occupation. But all the laboratory does is to examine a miner's chest for silicosis, and give a report on the X-ray film that is taken. I think we can achieve all that is desired by saying that a man is fit as far as his tuberculosis is concerned. The passing of this clause could prove to be difficult for both the board and the worker.

The Hon. A. F. Griffith: It is not silicosis under this section.

The Hon. J. G. HISLOP: No, it is tuberculosis. All the laboratory can do is to issue a certificate in regard to tuberculosis. The major part of the work done in the laboratory is to submit men for a major examination of the chest.

The Hon. A. F. Griffith: It does a clinical examination first.

The Hon. J. G. HISLOP: Yes, I have seen that happen. It is quite obvious that a certificate could be issued to a man that he is fit for work. Therefore, he would have to submit to a further examination in order to obtain a certificate from someone else. I had a man in my rooms the other day with a certificate stating that he was fit for work, but I signed his application stating that he was eligible for an invalid pension. This clause will not achieve what the board is seeking, and it might prove to be injurious to the worker.

The Hon. J. D. TEAHAN: The Minister is opposing continuous payments to affected mine workers under the Mine Workers' Relief Act. It must be borne in mind that those payments are not great. He stated that we cannot have a man working full-time somewhere and also receiving payments under the Mine Workers' Relief Act.

The Hon. A. F. Griffith: If he is fit.

The Hon. J. D. TEAHAN: That man cannot return to the industry. Mining is the only work he knows because he has worked in the mines for 25 or 30 years. As an unskilled man he can only take on a light storeman's job, for example. For that work he would earn only the basic wage, or even less. With his

tubercular or silicotic condition the extra payments he would get under the Mine Workers' Relief Act would not be too much.

The Hon. A. F. GRIFFITH: The Act at the moment refers to the cure of the disease. Dr. Hislop would tell us that the medical profession would be reluctant to say that a man is cured of silicosis.

The Hon. E. M. Heenan: Free of it.

The Hon. J. G. Hislop: The word "arrested" is the correct one.

The Hon. A. F. GRIFFITH: Let us get the right perspective in regard to this clause. A mine worker pays 1s. per week to the fund. When he reaches a certain condition he receives a benefit of £3 10s. per week for his contributions. That benefit is to be increased to £4 10s. per week. He receives the benefit as a result of his unfortunate condition, for which he has a certificate. On his laboratory test he reaches a point where the disease has been arrested, and the Bill states, "and that he is fit for full-time gainful employment."

The Hon. J. D. Teahan: But he is not allowed to return to the industry.

The Hon. A. F. GRIFFITH: No; for the very reason that it would not be desirable for him to be allowed to return to the industry in which he became diseased. Mr. Garrigan asked me a question in relation to this point a short time ago, and I told him then that the board did not encourage a silicotic man to return to the industry that had been responsible for putting him in that condition. Nobody suffering from silicosis would want to return to the industry that was responsible for causing his condition, especially against medical advice.

That man reaches a stage where his disease is arrested and, in the opinion of the laboratory, he is in the position of being able to accept some full-time gainful employment. If we took that argument to a health benefit society, or to one of those organisations to which we contribute in regard to some illness or complaint, we would expect to be compensated whilst we were suffering from the complaint, but we would not expect to draw the benefits once the complaint had been arrested. Is not that reasonable?

A mine worker, if the disease is arrested, is able to take on full-time and gainful employment. Surely it is not suggested that it is unreasonable to have his compensation stopped! If, on the other hand, we find that the man has suffered a recurrence of his complaint, the benefits payable under the Act will be received by him.

The application of this clause will lie a good deal with the board, which will have to exercise its discretion. It must be remembered that on this board we have the best men in the world as the representatives of the industry; that is, the mine workers themselves and the representatives of the Chamber of Mines, with the warden as an independent chairman. Nobody could know the conditions of the industry better than those four men. Mr. Kelly and Mr. Collard have agreed to this provision, because they consider it will be in the interests of the workers.

I suggest we give the clause a trial, and if it does not work it can be reviewed later. The compensation payable under the Act is to be increased; and the position is that the mine worker cannot have his cake and eat it too.

The Hon. J. G. HISLOP: Despite the long explanation given by the Minister, it has not dealt with what I have suggested. The mine worker concerned need not be fit for full-time and gainful employment, but could be fit so far as his tuberculosis is concerned; and that is all the board is interested in. If we grant a worker a certificate stating that he is fit for work, I repeat that what will happen is that he will be immediately referred to the Commonwealth Employment Service for full-time work.

The Hon. A. F. Griffith: What is the position of a man who has had his disease arrested?

The Hon. J. G. HISLOP: It is not my intention that the board should stop paying him. I want the man to be put in the position that he can, without great upset to himself, ask for relief from someone else and, should he deserve it, get it. If he is given a certificate that he is fit for full-time gainful employment he may have a terrible struggle to receive unemployment benefits or an invalid pension. I do not think the Minister understands the position, although I am certain his adviser does. If this man has a certificate marked, "Fit for full-time gainful employment," he will find it very hard to obtain any other form of relief.

The Hon. E. M. HEENAN: I agree with the Minister in his remarks that this is a very good board. It comprises the local magistrate at Kalgoorlie, two men elected by the companies, and two men representing the unions. From my experience of the board, I am quite satisfied that the Act will be interpreted generously. I will also agree with the Minister when he says that the fund has to be protected for the benefit of all the contributors. It would be unfair for a man who has reached the stage where he is fit enough to obtain full-time employment—and does obtain it—to keep on drawing compensation from the fund, because that is not the basic principle behind the fund.

Dr. Hislop has cited the man who has been suffering from tuberculosis and who has been receiving compensation from the fund for, say, two or three years. Then he receives treatment and arrives at the happy stage where the laboratory is able

to certify that his condition has been arrested and he is fit for full-time gainful employment other than in the mining industry. The laboratory has to abide by two conditions: it has to declare the condition has been arrested; and it has to certify that the man is fit for full-time gainful employment. Therefore, it is a far-reaching certificate that is given to a person who has been on compensation, and one which will automatically prevent him from receiving further compensation.

The Hon. A. F. Griffith: Not automatically.

The Hon. E. M. HEENAN: No. However, the board will interpret it generously, I am sure. Once the laboratory has certified that the condition has been arrested and the person concerned is fit for full-time employment, the board cannot go on paying compensation out of the fund, no matter how generous the board might be in its interpretation. I am wondering whether the Minister will accept this amendment: Page 14, line 31—Insert after the word "for" the words "and can obtain." I think that might meet the position.

The Hon. A. F. Griffith: You want him to be given a certificate that he can obtain a job. That is what the amendment is seeking to do.

The Hon. E. M. HEENAN: Yes; it might be a solution. I envisage a case where a man's payments have been discontinued and he cannot obtain employment. It is all right to be certified fit for full-time employment, but when a man has been a tubercular patient, quite a lot of people are unwilling to give him a job.

The Hon. A. F. Griffith: I am advised it is the intention of the board to see that that sort of person is treated rightly.

The Hon. E. M. HEENAN: If that is the case I am quite happy, and I will not proceed with my amendment.

The Hon. J. G. HISLOP: I can see that the board will get itself into a lot of difficulties. Following the views of Mr. Heenan and the remarks of the Minister, it now appears that the board will continue to make payments from the fund when a person's tuberculosis is arrested, so long as that person cannot find full-time gainful employment.

The Hon. A. F. Griffith: Within reason.

The Hon. J. G. HISLOP: What does the Minister mean by "within reason"?

The Hon. A. F. Griffith: Not to carry a man who will make no attempt to get work.

The Hon. J. G. HISLOP: I have had experience in these things. All we can expect to do under this measure is to give a certificate that the man's tuberculosis has been controlled and that he is fit for work so far as his tuberculosis is concerned.

It may be that tuberculosis is the only thing stopping the man from obtaining employment and he can either obtain a job for himself or he can apply for unemployment benefits if he cannot find a job. However, if I or any other medico can refer him to the Social Services Department and say, "Apart from this man's tuberculosis, he will never work again," he is then able to receive the invalid pension from the Commonwealth Government.

If this board tries to keep that man between the time his tubercular condition is cleared and when he gets full-time employment, the fund will not last. How many men who have worked 40 years in the mines do not speak a word of English? Many have come to me accompanied by an interpreter. How can they find full-time employment? They cannot. The board should be in the position to say that a man is fit so far as his tuberculosis is concerned.

The Hon. A. F. GRIFFITH: I appreciate Dr. Hislop's help.

The Hon. J. G. Hislop: Make use of it now and again.

The Hon. A. F. GRIFFITH: The doctor is not always right.

The Hon. J. G. Hislop: And the Minister is not always right.

The Hon. A. F. GRIFFITH: No; I am frequently wrong. However, I try to be patient with the honourable member, but he is getting to the point where he is being impatient with me. The board does not want to put itself in the position where it says, "This man's T.B. has been arrested." I take it this is the function of the Tuberculosis Control Board. Once that condition is determined the board does not want to say that a man will obtain no further relief.

The clause says, "The benefits payable to the mine worker and his dependants (if any) under this section cease as soon thereafter as the Board determines." A man's tuberculosis may be arrested, but he may not be fit for gainful employment.

The Hon. H. K. Watson: Perhaps he cannot find gainful employment.

The Hon. A. F. GRIFFITH: The board, in its discretion, would place these fellows in different categories. I can imagine this board operating something like this: it could deal with a man whose tuberculosis has been arrested. The man is a trier, but he just cannot get a job. The board then makes a determination and carries him on in such a way as it thinks fit.

On the other hand, one might get a fellow whose tuberculosis has been arrested; but the man may be a loafer and not interested in getting a job. Should we then expect the board to continue paying compensation? Under the Act this compensation is payable in respect of an ailment. When the ailment has been cured,

it is not reasonable to expect that the compensation should continue.

Clause put and passed.

Clauses 23 to 28 put and passed.

Clause 29: Section 56A added—

The Hon. A. F. GRIFFITH: I regret the necessity to move an amendment here. I tried to arrange for this to be done in another place, but I believe it would have necessitated the reprinting of the Bill. It was therefore left for us to consider the amendment here. It is not a difficult matter, and the explanation is quite simple. I move an amendment—

> Page 18, lines 32 and 33—Delete the words "is no longer a mine worker or prospector" and substitute the words "has left the mining industry."

A person who is registered under section 50 is not included in the definition of a mine worker, and he is often loosely referred to as a mine worker. In order to remove any doubt as to what type of person he is, this amendment is proposed.

Amendment put and passed.

The Hon. A. F. GRIFFITH: I move an amendment—

> Page 19, line 9—Delete the words "physical disability" and substitute the word "malady."

The words "physical disability" are being deleted as they have a broader application than was intended. They can apply to anything, really, and cover a wide variety of complaints.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 30 put and passed.

Title put and passed.

Report

Bill reported with amendments and the report adopted.

Third Reading

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

TAXES AND CHARGES

Imposition by Present Government

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.53 p.m.]: I seek the permission of the House to table the information desired by Mr. Lavery in respect of his question, which is the first question, on today's notice paper. The information is as follows:—

(1) New Taxes and Charges Imposed by the Present Government

Licensing:

Amendments to the Licensing Act in 1959 permitted the licensing of restaurants. These licenses, effective from 3rd December, 1959, were subject to a minimum annual license fee of £25.

An application fee of £1 was introduced from 30th December, 1959, on applications for permits to admit extraordinary honorary members to clubs.

Stamp Duty:

A stamp duty of 2d. in the £ of the proceeds of sale of butterfat was imposed from 1st July, 1961. Proceeds of the tax are credited to a Trust Account and disbursed as compensation to farmers whose diseased dairy cattle are destroyed.

Metropolitan Region Improvement Tax:

From 1st July, 1959, a tax was imposed of ½d. in the £ of the unimproved value of land within the metropolitan region.

Betting Taxes:

Investment Tax.—From 21st December, 1959, an Investment Tax was levied on all bets placed in licensed betting premises. The rates of tax were 3d. in respect of bets of £1 or less and 6d. on bets over £1.

Totalisator Agency Board Betting Tax.—From 31st December, 1960, a Totalisator Agency Board was constituted to take over the function of the existing off-course bookmakers. A Totalisator Agency Board Betting Tax was imposed at the rate of 5 per cent. of all moneys paid to the Totalisator Agency Board in respect of bets made through or with the Totalisator Agency Board. Investment Tax is payable in respect of all betting transactions in Totalisator Agency Board Agencies.

(2) Increases to Taxes and Charges Imposed by the Present Government

Stamp Duty:

Duty on hire purchase agreements was increased from 2s. 6d. per cent. to £1 per cent. (increase of 700 per cent) from 1st January, 1960.

Betting Taxes:

Stamp duty on off-course betting tickets which was previously 1d. on all tickets was increased from 21st December, 1959, to 1½d. on bets of £1 and less and 3d. on bets over £1 (percentage increase 50-200 per cent.).

Bookmakers Betting Tax:

From 21st December, 1959, the bookmakers betting tax payable by licensed premises bookmakers was increased from a rate of 2 per cent. to a sliding scale which varied from 2¼ per cent. on a turnover of £25,000 up to 4¾ per cent. on the turnover between £125,000 and £150,000 during each year. Any turnover in excess of

£150,000 was subject to tax at a rate of 3½ per cent. This variation represented an increase over the previous rate of approximately 50 per cent.

Totalisator Duty:

From 31st December, 1960, the commission on gross takings of on-course totalisators was increased from 13½ per cent. to 15 per cent. The additional 1½ per cent. was payable to the Government for transfer to the Totalisator Agency Board.

Education:

Annual fees of Narrogin, Denmark, Harvey and Cunderdin Agricultural High Schools were increased on 1st January, 1961, from £90 to £120—increase of 33⅓ per cent.

Forests:

Royalty rate on log timber was increased by 3s. per load from 1st January, 1961—increase of approximately 14 per cent.

Police:

On 1st January, 1960, motor drivers license fees were increased from 10s. to £1 (100 per cent. increase); conductors license fees from 5s. to 10s. (100 per cent. increase); motor car license fees from 4s. to 5s. per powerweight (25 per cent. increase); motor wagons up to 50 powerweights from 5s. 3d. to 6s. per powerweight (14.3 per cent. increase). From 1st July, 1960, premiums payable to the Motor Vehicle Insurance Trust for Third Party Insurance were increased by approximately 15 per cent. On 1st November, 1961, the fee payable for the issue of duplicates of motor vehicle license papers was increased from 2s. to 5s. (150 per cent. increase).

Licensing:

Fees on permits to admit extraordinary honorary members to clubs were increased from 30th December, 1959. The rate was increased from 5s. to £1 (300 per cent. increase). On 22nd November, 1960, a revised basis was introduced. The new scheme provided a fee of 10s. where the permit authorised up to 20 extraordinary members and a fee of £1 where the permit authorised more than 20 extraordinary members. The application fee for this type of permit, which had previously been £1, was also amended to 10s. for up to 20 extraordinary members and £1 for more than 20 extraordinary members.

Mines:

Wardens Court fees were increased from 28th September, 1960, to a similar scale to Local Court fees. Various increases up to 110 per cent. were involved.

School of Mines fees were increased by 50 per cent. from 5th February, 1960.

Government Printing Office:

The price of statutes was increased from 1st July, 1961, as follows:—

	Previous Charge	Revised Charge	Percentage Increase
	£ s. d.	£ s. d.	%
Loose statutes of the Session	1 0 0	2 0 0	100
Bound statutes	2 5 0	3 0 0	33⅓
Reprinted statutes—per volume	3 0 0	3 10 0	16⅔

Health:

Hospital fees were increased from 1st June, 1960. The relevant figures are:—

From :	
1 bed ward	72s. per day
2 bed ward	60s. per day
3–5 bed ward	48s. per day
Other beds	36s. per day
To :	
1 bed ward	80s. per day
2–4 bed ward	68s. per day
All other beds	56s. per day

Pensioners—no increase.

These alterations represented an increase of 11 per cent. for 1-bed wards and an increase of 56 per cent. for the minimum priced accommodation.

Metropolitan (Perth) Passenger Transport Trust:

Fares charged by the M.T.T. were increased by an average of 11½ per cent. from 21st August, 1960.

Harbour and Light Department:

Handling charges at ports under the control of the Harbour and Light Department are varied in accordance with movements of the Commonwealth Basic Wage. Rates in April, 1959, and the present time and the percentage increases involved are as follows:—

	April, 1959 per ton	November, 1961 per ton	Percentage Increase
	£ s. d.	£ s. d.	%
Geraldton and Busselton	1 11 2	1 13 0	6
Carnarvon	17 10	1 1 8	22
Onslow	18 10	1 5 11	38
Pt. Sampson			
Pt. Hedland			
Broome	19 10	1 5 11	31
Derby			
Wyndham	1 2 9	1 10 2	33

Fremantle Harbour Trust:

At 1st April, 1959, the Fremantle Harbour Trust regulation charge for handling cargo was £1 plus 56 per cent. or £1 11s. 2d. per ton. Since that date the percentage has been varied by three increases in the Commonwealth basic wage and a decrease in the stevedoring industry charge to £1 plus 65 per cent. or £1 13s. per ton —an increase of 6 per cent.

Midland Junction Abattoir Board:

Revised rates for slaughtering applied from 28th March, 1960. The relevant figures are:—

	Previous Rate	Revised Rate	Percentage Increase
	s. d.	s. d.	%
Cattle according to weight	25 0	32 6	30
	30 0	39 0	30
	35 0	45 6	30
	40 0	52 6	31
Calves according to weight	7 6	8 9	16⅔
	10 0	11 9	17½
	21 0	24 6	16⅔
Sheep	4 0	5 0	25
Lambs	3 6	4 6	29
Pigs according to weight	9 0	11 3	25
	11 0	13 9	25
	13 0	16 3	25

Metropolitan Water Supply, Sewerage and Drainage Department:

Differential water rating which was put into operation on 1st July, 1961, involved a decrease of one-third in the water rate levied on private dwelling houses, together with increases in the prices of excess water.

The scale of prices per 1,000 gallons charged for sales of excess and other water now ranges from 1s. 9d. to 4s. 9d., being in each case an increase of 9d. per 1,000 gallons over the levels applicable at 21st March, 1959. The corresponding percentage increases vary from 75 per cent. in respect of water used for cooling purposes to 18¾ per cent. in the case of water supplied to shipping at Fremantle.

Railways:

Railway freights were increased on 1st September, 1960. The increase application to various types of traffic were as follows:—

Freight rates—approximately 8 per cent.

Parcels rates—approximately 5 per cent.

Suburban rail fares were increased 20 per cent. on 1st September, 1959, and 12½ per cent. on 1st September, 1960.

1. Water Supplies:

Rate in £—

Town	As at April, 1959	As at November, 1960	Percentage Increase
	s. d.	s. d.	%
Northam	1 6	2 6	67
Mundaring	1 9	2 6	42
All towns served off the G.W.S. System which were on or under the previous Statutory Maximum Rate of 2s. in £ were increased to 2s. 6d. when the Act was amended....	2 0	2 6	25
Serpentine	2 6	3 0	20
Derby			
Brunswick Junction	2 9	3 0	9

2. Sewerage:

Rate in £—

Town	As at April, 1959	As at November, 1960	Percentage Increase
	s. d.	s. d.	%
Geraldton	1 4	1 5	6
Northam	1 1	1 2	8

3. Drainage:

Increase of Minimum Rate—

Town	As at April, 1959	As at November, 1960	Percentage Increase
	s. d.	s. d.	%
Wungong	4 0	7 6	87
Stirling	5 0	7 6	50
Wilson	9 0	13 6	50
Waroona			
Serpentine-Mundijong			
Pinjarra	11 3	13 6	20
Harvey			
Collie			
Busselton			

Alteration to Method of Rating:

An alteration to method of raising rates for the Wilson drainage undertaking was made on 1st September, 1960, causing a general increase of rates in the district as a whole. Decreased charges applied to some properties and others experienced increases.

4. Land Grading for Settlers:

Charges are based on recovery of actual cost. On 13th September, 1959, the hourly charge was £4 and present hourly charge is now £4 5s. 6d., representing a net increase of 5s. 6d. per hour.

5. Slipways:

No. 2 Slipway came into existence as from 1st May, 1959, at a charge of 1s. 3d. per ton per day for each vessel. Increased to 1s. 3d. per ton per day with a minimum of £80 per day on vessels of 200 tons and upwards.

No. 1 Slipway increased from £54 per day to 1s. 3d. per ton per day with a minimum of £80 per day on vessels 200 tons and upwards.

KATANNING ELECTRICITY SUPPLY UNDERTAKING ACQUISITION BILL

Report

Report of Committee adopted.

Third Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.54 p.m.]: I move—

That the Bill be now read a third time.

THE HON. J. G. HISLOP (Metropolitan) [4.55 p.m.]: I have heard the suggestion that the State Electricity Commission has no intention of proceeding beyond the State for its legal advice. If that is true

and if an appeal were pending which could finish this matter by March, there would be a different complexion on the Bill before the House. In those circumstances some of us might consider the question of recommitting the Bill to take out the clause which was added at the last sitting.

If the Minister could confirm the rumour and make a statement to the House that the State Electricity Commission does not intend to go beyond its present pending appeal, and that no legal advice will be sought outside the State—and therefore the whole affair can be fixed within a short time by reference to the arbitrator—I for one would have a different viewpoint about this Bill.

I can see there would be difficulty in not allowing the State Electricity Commission to go on with this appeal for the simple reason it is like tossing a penny. From reading the debate I have the belief that no suggestion was made, prior to the case going before Mr. Justice D'Arcy, that his opinion was to be taken by both sides. It was apparently agreed afterwards by one side that it would accept his findings, but I do not know whether there was anything that suggested that one side had lost and the other side had won.

I feel it could be not more than six months before this company's matters are finalised. In the Collie electricity undertaking, the matter went on for three or four years. The Collie people went on appealing from court to court. Here we have the understanding that the present appeal will be the final one and the whole matter will be finalised in a matter of months.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.58 p.m.]: The request of Dr. Hislop is not an easy one. For me to say that the State Electricity Commission will not, under any circumstances, appeal against the decision of the court takes away the freedom of the commission because of the guarantee given in this House. I do not think that is a guarantee we should ask the commission to make. I could possibly say that we have some reason to believe the commission would be quite satisfied with the ruling of the Full Court of Western Australia; but for me to say that the commission will not go any further is, I think, asking me to go a little beyond what I am entitled to go.

The amendment which was accepted by the House the other evening ensures that the State Electricity Commission will pay the costs of the Full Court. Apart from a few words which need tightening up, the Government and the State Electricity Commission will accept that position.

I do not think the commission will go any further; but I cannot make a direct statement, which must have some effect if I make it from here.

I suggest to members that they do not take away from the commission the legal right which it has. I am fairly sure that the commission will not carry this on for ever and anon. It wants to see this matter finalised as well as anybody else; and I would ask the House to give some consideration along those lines.

Question put and passed.

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

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.1 p.m.]: I move—

That the Bill be now read a second time.

This Bill has been designed to protect the Civil Service Association of Western Australia, as regards membership, in the same manner that other unions registered under the Industrial Arbitration Act are protected.

As the parent Act now stands, any group of members of the Civil Service Association is at liberty to create a breakaway union, and apply to the court for registration. The Civil Service Association has no power to prevent that under existing law.

Upon registration, such breakaway group would cease to be Government officers within the meaning of the Act, though continuing, in fact, as officers of the Government. The Government believes that all persons who are, in fact, Government officers, should be eligible for membership of the Civil Service Association.

The passing of this Bill would ensure protection for the interests of other unions, some members of which are Government officers having industrial coverage within such unions.

The Bill provides a means for any group within the Civil Service Association, which feels it is not convenient to belong to the association, to apply for registration as a separate union, but empowers the association to object.

There is a further provision for the court to declare any group of Government officers not to be Government officers for the purpose of the Act. That ensures the rights of persons who feel they cannot be satisfactorily represented by the Civil Service Association.

There is a requirement that an application in that regard be supported by two-thirds of the membership of the classes of persons concerned. That provision ensures that dissatisfaction would need to exist within a substantial majority of such group. This Bill also deals with some important technical points.

When the Bill goes into Committee I wish to move an amendment. I apologise for the lateness of the introduction of the Bill, but there have been some deliberations among the affected persons. I suggest to the Leader of the Opposition that he or some other member obtain the adjournment of the debate until a later stage of the sitting.

THE HON. H. C. STRICKLAND (North —Leader of the Opposition) [5.4 p.m.]: I think it can be taken for granted that the amendment which the Minister intends to move is the result of consultations with the Civil Service Association, which is so vitally interested in this matter. If that is so, and if the Government and the association have reached a point of agreement, I do not see any need to further delay discussion on the measure.

The Hon. A. F. Griffith: I will not take the Committee stage until later on, and will show you a copy of the amendment.

Question put and passed.

Bill read a second time.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; The Hon. L. A. Logan (Minister for Town Planning) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 28A added—

The Hon. R. C. MATTISKE: When speaking to the second reading I expressed certain fears concerning this proposed new section, and since then I have had the opportunity, in the comparatively brief time available, of discussing various aspects with those directly concerned with town planning. Among those whom I contacted was the Town Planning Commissioner, and I was grateful for the opportunity to hear his views on the matter and to have his assurance that what he proposes to do under this proposed new section will not be in any way drastic so far as those connected with subdivisions are concerned.

At the same time certain people who are closely connected with town planning have contacted me because they are deeply concerned with what operations could take place if this proposed section became law. By amendments which I have on the notice paper, and others which have been circularised among members, I have tried to do something to put the clause into what I consider will be more workable order; but at the same time I am still far from happy about it. If we go ahead and amend the clause we may, because of the lack of time at our disposal, finish up with something which is undesirable both to the Town Planning Board and commerce.

I believe the best thing we can do is not to proceed with the clause. I do not see any urgency for having it passed this year; and if we have further time to consider it, and if those who are interested from various angles can have the opportunity of discussing the matter with the Town Planning Board and the Minister, we will be able to evolve something which will give effect to what is required officially and which will also be suitable and acceptable to the business community.

The best thing I can do is not to proceed with my amendments at this juncture but vote against the clause. If the clause is put and passed in its present form I will move to recommit the Bill in order to deal with the amendments I have on the notice paper.

The Hon. H. K. WATSON: I support the view which has just been expressed by Mr. Mattiske: That the enactment of the principle in this clause could well be deferred until next session. The clause has all the appearances of having been drafted hastily. With its principle I am in accord inasmuch as I understand the principle to be this: That where a subdivider of a substantial area of land is compelled to construct roads then if an adjoining owner subsequently subdivides his land he shall bear half the cost of the road as constructed by the first divider.

I think there is a lot of merit in that principle, but when we read the clause we find it goes much further than that. As it stands it would permit of an action for recovery from the owner of land in Adelaide Terrace who was making a subdivision, not of 10 or 20 acres, but simply a block with a frontage of 200 ft. If he were wanting to subdivide it into two blocks of 100 ft. he would be liable to pay the cost of the construction of Adelaide Terrace or St. George's Terrace; although, of course, it has been made very clear to us that that is not the intention of the clause. As it stands, it is using a steam-roller to crush a nut.

I am reminded of circumstances which occurred in 1956 and 1957. Under circumstances almost identical with those under which we meet today, the late Hon. Gilbert Fraser, who was Chief Secretary, brought down a Bill to amend the Town Planning Act. It was designed for one purpose only: To prevent some subdivider up Yanchep way, who had conceived a way of getting around the Act in order to avoid constructing roads—leasing the land with an option of purchase—

The Hon. N. E. Baxter: It was only a mythical subdivision.

The Hon. H. K. WATSON: Yes, and a Bill was brought down on the last day of the session to deal with that particular case. We all agreed that in principle it

was a practice that should be stopped and the Bill was passed. But to our astonishment, after Parliament had risen, we found that we had in fact invalidated every lease made during the ensuing 12 months in Western Australia. In 1957, of course, we had to rectify the position.

I had a very red face during 1956 and I would be very sorry to see an analogous set of circumstances arise through the passing of this clause, which clearly goes beyond what is intended; and even with the amendments which have been suggested by Mr. Mattiske, it still leaves room for doubt. I think that we, the town planning authorities, the Minister and, the general community should be given more time to consider this principle and to ensure that the Act does what is intended of it and nothing more.

The Hon. A. R. JONES: If a person subdivides 100 acres of land which he has held for 20 years, and on which he has paid rates and taxes; and a road has been constructed past it in the last 10 years, either by the road board or somebody else, it does not seem fair that when the subdivision goes through he should be called upon to pay half the cost of the road which any part of his land which has been subdivided fronts or abuts. This is not fair, particularly as he has paid his rates and taxes for the past 20 years.

The Hon. L. A. LOGAN: This Bill has been delayed as a result of the very careful scrutiny given it by departmental officers and myself. I assure Mr. Watson it was not hastily drawn up. If the clause were defeated it would allow some individuals to get away without paying their just dues. We should not permit that.

The suggestion that it might apply to the south end of Hay Street or to St. George's Terrace is quite absurd, because the Town Planner would not be so irresponsible. Such a thing has never been done by the town planning authorities. No town planner is going to ask anybody to pay half the cost of St. George's Terrace. Provision must be made in the Act to cover all eventualities.

In reply to Mr. Jones, I would ask whether he does not think that the man he has in mind should contribute something towards the cost of the road, particularly when the fellow on the other side has paid a lot more because of the subdivision. This provision is not likely to be applied drastically. Commonsense will be used. I know that members have disagreed with certain subdivisions in the country, and that is why appeals to the Minister have been upheld. We should not give people a chance to dodge their obligations.

The Hon. H. K. WATSON: I understand that up to date the Town Planning Board has not had power when approving a subdivision to make it a condition of the granting of permission that a person shall contribute to the cost of the road.

The Hon. F. J. S. Wise: The local governing bodies have the power.

The Hon. H. K. WATSON: Alternatively, if they have the power there is no need for this clause.

The Hon. L. A. Logan: They have the power but no legal right to enforce it.

The Hon. H. K. WATSON: In dealing with the point raised by Mr. Jones, the Minister referred to the clause as it stands. There is, in the clause as it stands, no discretion vested in the Town Planning Board or anybody else. It is a straight out enactment by Parliament that where a person subdivides he shall do so-and-so. In the case of the country it does not apply to a subdivision as we understand a subdivision.

Let us consider a man with 10,000 acres facing a road which was constructed by a local authority years ago. He decides to subdivide this land into two 5,000-acre farms. This subdivision is not like a metropolitan subdivision of 5,000 acres; and taking it within the meaning of this clause he would have to pay a proportion of the cost of the road which has been running along his 10,000 acres for the last 20 years—a road which was constructed by the local authority, and in respect of which he has paid rates and taxes for the last 20 years. That would be absurd and is not intended. What is intended can only be gathered from what the clause says; and the clause is quite clear.

The Hon. A. R. JONES: I have been misunderstood by the Minister. I was referring to a person who owned a hundred acres on which he had paid rates and taxes for 20 years. Let us say that 10 years after he had taken up that property somebody on the other side subdivided and it was necessary to make a road available; and let us assume land was made available for this purpose and the cost met by the subdivider. If after a further 10 years the man wishes to subdivide he should not be called upon to pay the entire cost of the road, particularly after he has paid rates and taxes for 20 years. Some provision should be made in this clause to help the person who has paid his rates and taxes for so many years. He might have paid £200 or £300.

The Hon. F. J. S. Wise: That would only cover the case of a municipality but what about a private owner?

The Hon. A. R. JONES: The same would apply.

The Hon. F. J. S. Wise: No, it would not. That part of the clause deals with a municipality.

The Hon. N. E. BAXTER: In some respects I agree with the Minister, while in others I agree with some members who have spoken. Mr. Mattiske's amendment will almost cover the situation. I would not like people to be forced to pay for a road that had been constructed alongside their property before they came to subdivide. Unless the clause is amended it could lead to a number of anomalies. Where a road has been constructed for years I do not think it is the responsibility of the subdivider to pay half the cost of that road. According to the Minister he would be liable. The Minister referred to the right of appeal, but what ground would there be for an appeal with the provision as it stands?

The Hon. L. A. LOGAN: The illustration used by Mr. Watson is absurd. It could be applied to any Act of Parliament. What Parliament did a few years ago is entirely different from what is proposed now. The reason for putting the clause in this form is to ensure that it will have legal force.

The suggestion to take out the amount of rates that have been paid would be difficult to implement, because the owners of the land in a subdivision would have paid for the cost of the roads and they would be paying much more in rates.

If a road had been built 10 years ago, the amount that will have to be paid is half the original cost, because the new subdivider will benefit from the increased valuation of the blocks as a result of the roadway being built. I agree that at first glance the provision might sound harsh, but in actual fact its application will be fair.

That was the recommendation made by the town planning authorities. The board has power to lay down conditions but it has no power under the law to enforce those conditions, because an appeal to the Minister is permitted. The board does not impose unnecessary conditions. This clause should be given a trial. If it is found to be harsh in its application an amendment could be introduced next session.

The Hon. F. J. S. WISE: There is an angle under which the subdivider is subject to a great deal more cost than has been mentioned or ventilated. In the main this clause provides for the original subdivider to pay to the municipality, if the municipality has constructed the road which fronts the land, half the cost of such road. If the road was constructed solely at the expense of the original subdivider, then a second subdivider would be chargeable with half the cost of the road.

A local authority, in its road programme, enjoys the receipt of rates according to the development of the land through which the roads pass, at the time of the construction of the roads and for all time thereafter, irrespective of how the area might be developed as a result of such road construction; or even before any roads are built.

If it is a case of subdividing suburban land the local authority benefits from an original subdivision in that the total cost of all the internal roads of that subdivision would be borne by the original subdivider. When those roads are constructed they are passed over to the local authority; and they have to be built to the specifications of the local authority. This cost can run into tens of thousands of pounds.

Many real estate companies in Perth hold areas of land around the periphery of the city. They release periodically small portions of these holdings. On such release it is their obligation to construct roads, together with kerbing and other requisites, according to the standards laid down by the local authority. They then have to present those roads to the local authority.

The Hon. J. G. Hislop: Plus another 10 per cent.

The Hon. F. J. S. WISE: Ten per cent. goes to the Town Planning Board. I do not know the cost of construction of these roads.

The Hon. L. A. Logan: Approximately £90 to £100 a chain.

The Hon. F. J. S. WISE: A small subdivision might involve the construction of one and a half miles of road which would cost £12,000. The local authorities have the responsibility to levy rates on the community to ensure an income from the whole community, not merely from portions of land which has been subdivided, or which will in the future be subdivided.

When I raised this matter initially I posed the question whether this clause was fairly drawn up. I appreciate the problem which confronts the Minister and the officers of the department. I doubt very much whether the load has been distributed fairly. I do not think it has. This clause will give to local authorities more relief than they should receive under the circumstances.

The Hon. L. A. Logan: Those are the conditions laid down by the town planning authority.

The Hon. F. J. S. WISE: I am aware of that. The proposal in the Bill will impose a burden on people who are already making a substantial contribution, whereas local authorities have a very wide ambit of collection of revenue for all time in respect of a subdivided area whether it involves 100 or 1,000 acres.

Whilst I support the objective which the Minister is trying to achieve, I think the issue is too clouded. I doubt whether the amendments of Mr. Mattiske will entirely solve the problem. I hold the view that the original subdivider is already making a very substantial contribution, and he is being asked to contribute far too much under this clause.

The Hon. L. A. LOGAN: I appreciate the fact that members have accepted the principle of this clause It seems that the problem is the application of the principle. If the owner of land desires to subdivide it, he has to construct the perimeter road as well as the internal roads at his own cost because he will be the only one initially to gain any benefit from the roads. However, if the owner of adjoining land desires to subdivide he should bear half the cost of the perimeter road.

The Hon. F. J. S. Wise: The local authority is placing too big a burden on the original subdivider.

The Hon. L. A. LOGAN: The burden has been placed on him but I want him to get some of his cost back. The problem is how to achieve that. This principle has been accepted but it cannot be put into practice unless the clause is agreed to.

The Hon. A. R. Jones: A local authority might have been collecting rates on such land for 20 years. Both the owners mentioned should receive some compensation for that.

The Hon. L. A. LOGAN: Local authorities refuse to build roads to enable a subdivision to be made. By building the perimeter roads as well as the internal roads the subdivider derives a benefit from the sale price of the blocks. The cost of the construction of these roads is added on to the cost of the blocks, so instead of the original subdivider paying the total cost of the roads, in actual fact the purchasers of the blocks pay for them. When the owner of adjoining land wishes to subdivide he will not be involved in any of the cost of the perimeter roads, and there is no way to compel him to pay half the cost.

The Hon. R. THOMPSON: I would like the Minister to give me some information. If an owner subdivides 100 acres of land into 2-acre blocks, and constructs the required perimeter roads and internal roads, will he be required to bear the total cost should those blocks at a later stage—when the area is reclassified as residential—be subdivided into half-acre blocks? Under the provisions of this Bill the total cost of the roads has to be borne by the original subdivider, and the local authority will have the right to claim half the cost of the construction of a road which fronts adjoining land which is subsequently subdivided.

The Hon. L. A. Logan: That has already been paid for.

The Hon. R. THOMPSON: Under this legislation the local authority can claim half the cost.

The Hon. L. A. Logan: It cannot.

The Hon. R. THOMPSON: It can. That is the point the Minister has overlooked. Under this Bill there could be an area of 52 acres. At a future stage the individual owners of the blocks comprising the 52 acres could subdivide them and although the local authority had not spent a penny on the construction of roads, it could make the owners pay half the cost of the roadway fronting their blocks. If this Bill were passed that is what would happen.

The Hon. A. R. JONES: That is the point I have been trying to make all along: That whenever A and B subdivide their land, they must both give the local authority something. I am not saying that A should not be recompensed by B. I think he should be. What I am complaining about is that the local authority should receive everything and give nothing when it has received rates for, perhaps, 20 years in respect of the land involved. If it could be worked out equitably so that A could get a fair share of what he has paid out, from B, and the local authority stands its share to the extent of rates already paid, I would be happy.

The Hon. L. A. LOGAN: There is one thing we are forgetting. Under this Bill there must be someone who is eligible to claim before the cost can be put on to anyone. The Town Planning Board is not likely to do anything unless it knows someone has a justifiable claim.

The Hon. H. K. Watson: It has nothing to do with the Town Planning Board.

The Hon. L. A. LOGAN: It has everything to do with it because this will never apply until the board lays down the conditions. That is the message I am trying to get over. Someone has to be able to make a claim for this money and I do not think the Town Planning Board is likely to create a set of conditions where no-one will have the right to apply.

In the case instanced by Mr. Ron Thompson, if the road had been constructed by the subdivider, no-one would have asked him to pay twice.

The Hon. H. K. WATSON: The Minister has clearly convinced me that he does not know what is in the Bill or what he is driving at.

The Hon. L. A. Logan: Oh yes, he does!

The Hon. H. K. WATSON: There is nothing in this clause which says that the impost may or may not be imposed as the Town Planning Board thinks fit. It is entirely different from section 24 of the principal Act. However, this clause has nothing to do with any order or discretion of the Town Planning Board; it is a positive enactment that when a subdivision is made an amount shall be paid to the municipality.

The Minister has stated that no payment will be made until someone makes a claim. That is nonsense, because this amount is not paid to an individual. The municipality puts it into a trust fund and if a person wakes up to the fact that he has a right to claim from the municipality, he does so. But there is no question of the Town

Planning Board exercising discretion. It is a straight-out enactment and is as positive as the metropolitan region tax.

The Hon. R. C. MATTISKE: It is very obvious from the debate which has ensued this afternoon that this clause does present quite a problem, and rather than have unsound legislation passed I think it would be better to wait for 12 months in order that the matter may be more thoroughly examined. The Minister himself admits that during recent weeks he has had two or three attempts at getting the desired solution.

As I said earlier, there is no denying the principle involved. We are all more or less agreed upon that, but we do want to ensure that the mechanics are such that it will operate fairly to all the parties concerned. Therefore I hope that the clause will not be passed.

The Hon. L. A. LOGAN: We can get to the stage where year after year we can introduce amendments which will be defeated because although we agree with the principle we do not agree with the way the amendments are worded. As I have said to Mr. Watson, we can read anything we like into a lot of Acts. I think Mr. Wise will understand what I am saying.

I do not want these fellows getting away from their obligations. Unfortunately people who have bought land from the State Housing Commission and who cannot really afford to pay for road construction have had to pay in order to obtain their blocks; but the persons who want to subdivide on the other side get away with it. I want to make sure that people do not get away with things if they should pay, or if they are gaining a benefit as a result of someone else having paid. However, it does not seem as if I am getting very much support.

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

Ayes—11.

Hon. C. R. Abbey	Hon. C. H. Simpson
Hon. N. E. Baxter	Hon. S. T. J. Thompson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray
Hon. A. L. Loton	*(Teller.)*

Noes—15.

Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. R. Thompson
Hon. E. M. Heenan	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. A. R. Jones	Hon. F. R. H. Lavery
Hon. R. C. Mattiske	*(Teller.)*

Majority against—4.

Clause thus negatived.

Clauses 7 and 8 put and passed.

Clause 9: First Schedule amended and Clause 22A added—

The Hon. J. G. HISLOP: Since this Bill was first introduced I have had an opportunity to study it and the impact it will have, and there is no doubt that what is required and what the Bill sets out to do is very praiseworthy. However, I just wonder whether the Minister would not be wise to review this clause and have it worded in a more practical manner.

Having studied clause 22, it seems to me that the whole aspect is looked upon as a scheme. I am not going to oppose this provision, because I think it has a good deal of merit in it, but as there is no doubt that playing areas will be required, I would like a much more careful study to be made of the cost of buying and selling land. I understand, for instance, that it would be possible to buy land for a number of subdivisions, and then set aside an area out of those subdivisions for a park, or a cricket ground, or something of that sort; and that would be met out of the tenth of the property or the cost of a tenth of the property.

The Hon. L. A. Logan: Or of a percentage of the tenth.

The Hon. J. G. HISLOP: I do not know how the land would be sold back to the owner. The whole matter wants to be set out in detail. When the land is taken over by the local authority, the area can be sold back to the original owners.

The Hon. L. A. Logan: It might be used for recreation.

The Hon. J. G. HISLOP: I thought the Minister said the owners would have the opportunity of buying back the land. The most valuable portion of the land might have been included in the tenth. At what cost would the owner have the opportunity to buy it back?

The Hon. L. A. Logan: It is worked out on the overall plan.

The Hon. J. G. HISLOP: More detail is required, but it is an excellent scheme. I support it at the moment, but I ask the Minister to look at the clause and have it redrafted next year as portion of the Act and not as portion of the schedule, because it only hangs by a thread.

The. Hon. H. K. WATSON: I agree to some extent with Dr. Hislop, but I part company with him on this point: I think the time to do the thinking is before the clause is enacted and not afterwards. For the reason I opposed clause 6, I intend to oppose clause 9.

The Hon. R. C. MATTISKE: I share the views expressed by Mr. Watson. I am not happy with the clause as printed. However, since I had a discussion with the Town Planning Commissioner I can see what the intention is; but we have to be guided by what is here in black and white.

Certain town planning schemes are highly desirable. Where a person owns a fairly large tract of land and is subdividing it, he will be called upon in different ways to make more and more concessions to the local authority or to the Town Planning Board, and I think the impact upon him will be unfair.

If he is asked to set aside up to 10 per cent. of the land for recreational and other public purposes, and if that will have the effect of improving the overall value of the remaining portion of his property, it is a good scheme and one that he would be a fool not to fall in with.

On the other hand there have been instances where local authorities have not wanted the land which had to be made available to them under this 10 per cent. arrangement; and we have had other instances where certain individuals have been called upon to make sacrifices, but those sacrifices have not been applied towards improving their own properties, but have had a considerable benefit on adjoining properties.

The Hon. L. A. Logan: You are referring to one that was not a scheme. Do not confuse the two.

The Hon. R. C. MATTISKE: Although the word "scheme" is referred to in the interpretation as "a town planning scheme," I feel the word is far too-embracing and not specific enough. If we do not know what is to be involved in a scheme as distinct from other arrangements, how will the people who will be working under this legislation know?

Here again we would be wise to make haste slowly. I would rather see the clause postponed for another 12 months than agree to its being passed now; but in case it should be passed I propose to move an amendment to it, notice of which was distributed to certain members.

The Hon. L. A. Logan: I am the Minister in charge of the Bill, and I have not got it.

The Hon. R. C. MATTISKE: I move an amendment—

> Page 9, line 4—Delete the word "purpose" and insert the words "benefit of such scheme".

If my amendment is carried it will give effect to what the Town Planning Commissioner has in mind; namely, that if any land or money is contributed by a subdivider up to 10 per cent. of the value of the area that he proposes to subdivide, that contribution will be applied for the benefit of his particular scheme.

The Hon. L. A. LOGAN: If I have been given a copy of this amendment, I have not seen it; and I would have thought that I, as Minister in charge of the Bill, would be the first to get a copy of it.

The Hon. J. M. Thomson: You are not the only one.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): I think you will find it on the bottom of the page.

The Hon. L. A. LOGAN: It has only just been handed to me. This is just another subclause to the first schedule. If members will read the first schedule they will find the powers are very wide. This amendment will simply ensure that under the scheme we will get all the recreational facilities in one area and not dotted all over the place.

The Hon. A. R. Jones: And at no cost to the local authority.

The. Hon. L. A. LOGAN: No. Do not forget that no scheme is to be put into effect unless it will be of benefit to the people; and the people have to agree to it in the first place.

Some subdivisions around the city are monstrosities. People cannot subdivide today because of subdivisions in the past. There is no way of getting a road system in or of subdividing blocks to the best advantage, without a scheme. When the local authorities realise the position, they go to the people and say, "We will plan the subdivision properly. Instead of your land being worth £50, it will be worth £2,000." In that event, do not members think the people who subdivide their land are entitled to pay something? None of these schemes is put into effect unless the individual concerned gets great monetary value out of it.

Mr. Jones might recollect the scheme at Geraldton. The individual owners of land, which was a sandhill, bucked the local authority when it tried to introduce a town planning scheme. The late Hon. G. Fraser and I were both in favour of it, but one or two of the stubborn owners dug their toes in. Eventually, however, they agreed to the scheme. The blocks were sold at an upset price of £300, and today they are bringing £800 or £900. That is due to the influence of the scheme. The owners got value out of it; and why should they not pay something towards the cost of putting value on their own property?

All this provision seeks is 10 per cent. of the land, or a percentage of the 10 per cent., to make sure there is one decent recreation reserve in the scheme. It does not matter to me if members wish to include the words "town planning scheme". Why take out the word "purpose" when it is the purpose of the scheme? I hope members will allow the clause to stand as it is.

The Hon. F. J. S. WISE: This clause goes very much further than the outline given by the Minister.

The Hon. H. K. Watson: That is my objection.

The Hon. F. J. S. WISE: Let us deal with land which may be the subject of a scheme. Under the proposal 10 per cent. is required before a plan is approved as an overall scheme, and a person who has not 10 per cent. of his land taken but perhaps 2 per cent.—some persons may give 3 per cent. and others 5 per cent.—has to pay cash into the fund to the value of the other eight per cent. of his land.

The Hon. L. A. Logan: No; only a percentage of the cost of the scheme.

The Hon. F. J. S. WISE: That is right.

A member: He is getting the overall benefit.

The Hon. F. J. S. WISE: The other evening I gave the illustration of a widow who may have left to her no cash, but an area of land that she is anxious to sell to the best advantage. But before any blocks are sold she must pay, for some of her own land, an amount in proportion to 10 per cent. of the whole scheme. I suggest that that is not fair; that it is wrong. She has no cash, anyway; she is trying to get some cash upon which to live.

Let us go a bit further. This 10 per cent. provision does not apply only in regard to the scheme; it is the requirement of the Town Planning Board in respect of any subdivision anywhere.

The Hon. L. A. Logan: It is only limited to the scheme here.

The Hon. F. J. S. WISE: I know. But it applies whether a subdivision is on the outskirts of Geraldton, Carnarvon, or anywhere else. Indeed the Town Planning Board will approve a design subject to specified requirements; and at times such requirements have exceeded 10 per cent. It could be, and it has been, that the areas demanded at times would be quite inappropriate to the need.

I am concerned because this provision is one which could operate adversely to people in humble circumstances whose sole possession is an equity in property they have inherited, and if the property is subdivided they have to make a donation to the public estate for open spaces; and in cases where that donation is not required, they have to pay cash for the part handed back to them.

Sitting suspended from 6.15 to 7.30 p.m.

The Hon. N. E. BAXTER: I have had a further look at this clause since speaking on it during the second reading, and have also consulted certain parties in regard to it. It is not as bad as it looks at first glance. The situation is that where a local authority sets aside any area of land under a town planning scheme for public or local authority purposes, the adjoining landholders shall contribute for the establishment of that reserve a percentage of the land they own which is to be embraced by the scheme.

Mr. Wise referred to 10 per cent., but the figure could be less than 10 per cent. Putting it simply, if the scheme involved 1,000 acres to be put aside by the local authority, and, say, only 60 acres of an owner's land was taken, the figure would be only 6 per cent. and not the full 10 per cent.

There is one point about which I am concerned, and that is: the area to be reserved might be a low-lying area within a particular scheme. It might not be entirely suitable for a housing subdivision, but quite suitable for a playing field, or for anything else for which the local authority desires it to be used.

This land might be valued at a lesser value, even if it were subdivided, than land in a particular scheme which had commanding views, or some particular feature which caused it to be assessed at a higher value than the low-lying land. In these circumstances would the subdivider have to contribute 6 per cent. of the land with the lesser value, or 6 per cent. of the other land, which has a higher value than the area in which the reserve is to be created? A problem arises there in regard to valuations.

Although the area of land concerned may not be great, it could involve a large sum of money if the reserve is a large one. On the other hand, we must look at the other side of the picture. A man may own land of a lesser value which comes within a particular scheme, and the land embraced by the reserve might have a greater value. In that case, he may get more for the reserved area than he would get for the subdivision of his blocks. I would therefore ask the Minister, when he replies, to clarify the position in regard to this figure of 6 per cent., or 10 per cent.

The Hon. C. R. ABBEY: To me, it would seem that the amendment moved by Mr. Mattiske would have the effect whereby even if one or two acres were subdivided, the 10 per cent. set aside would still have to remain as an area affected. That would seem to me an extremely silly situation.

The Hon. R. C. Mattiske: No; you have a scheme.

The Hon. C. R. ABBEY: It would appear to me that the amendment would have that effect, and I would like the honourable member to clear up that point. It does not say that it will apply to the whole scheme.

The Hon. R. C. MATTISKE: If the amendment is carried the proposed new clause will read as follows:—

> Power of a responsible authority to provide that where it sets apart in a scheme, land for public or local authority purposes and such land is within the scheme area in order that the land may be so set apart or funds provided for the benefit of such scheme each owner of land within that area—

shall contribute 10 per cent. either in land or in cash.

The Hon. L. A. LOGAN: To delete the word "purpose"—

The Hon. F. J. S. Wise: Would serve no good purpose.

The Hon. L. A. LOGAN: Absolutely. To delete the word "purpose" and substitute the words proposed by Mr. Mattiske would serve no good purpose whatsoever. I cannot answer, offhand, every question in regard to the details of each particular

scheme. In an overall plan one takes the cost of the whole plan, and the cost of each particular block in proportion to the overall plan.

The Hon. N. E. Baxter: That is the cost of the overall reserve?

The Hon. L. A. LOGAN: The cost of the overall plan in relation to the reserve. I do not see how it can be done otherwise. The point raised by Mr. Wise in regard to the winding up of an estate, and to people who have not any money, could react the opposite way. In other words, because those people have land which is not worth anything and which cannot be subdivided, the person who is going to get the benefit is the real estate agent who can buy this land cheaply.

That is what is happening all along the line, and that is why I regret that clause 6 has been deleted. Most of those agents have not paid one penny in rates, but after buying the land cheaply they are going to get the benefit from the sale. That is what will happen now that clause 6 has been removed from the Bill. However we are dealing with clause 9, and I hope it will be left as it is.

Amendment put and negatived.

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

Ayes—10.

Hon. C. R. Abbey	Hon. A. L. Loton
Hon. N. E. Baxter	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. F. D. Willmott *(Teller.)*

Noes—14.

Hon. E. M. Davies	Hon. R. C. Mattiske
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. W. F. Willesee *(Teller.)*

Pair.

Aye.	No.
Hon. J. Murray	Hon. G. E. Jeffery

Majority against—4.

Clause thus negatived.

Clauses 10 and 11 put and passed.

Title put and passed.

Report

Bill reported with amendments and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Town Planning), and returned to the Assembly with amendments.

MINES REGULATION ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

RESERVES BILL

Assembly's Message

Message from the Assembly received and read notifying that it had disagreed to the amendment made by the Council.

In Committee

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

The CHAIRMAN: The amendment made by the Council, to which the Assembly has disagreed, is as follows:—

Clause 22, page 9—Delete.

The Assembly's reasons for disagreeing to the amendment are as follows:—

(1) Parliamentary approval is necessary now to enable the building of a 140 ft. vessel on order and the contract for which requires it to be completed in time for the 1962 Empire Games.

(2) The successful completion of this vessel could materially assist in the establishment of a ship building industry in W.A. to build ships larger than those at present being built in this State.

(3) The Town Planning Commissioner has advised that there is no suitable land available on the Swan River foreshore and the logical place for such shipyards is in the Kwinana area, and he has recommended the site in question which conforms with town planning proposals in the Cockburn-Kwinana area.

The Hon. L. A. LOGAN: I move—

That the amendment be not insisted on.

The reasons I have given previously are supported by those given to us by the Legislative Assembly. Therefore, I hope the Committee will not insist upon its amendment.

The Hon. R. THOMPSON: I took the opportunity of listening to the debate which took place in another place in respect of this clause and I can honestly say the Minister who spoke had no appreciation of facts whatsoever. I agree with the Town Planning Commissioner that this industry should be in the Kwinana area. There is no dispute about that. However, I have previously suggested it should be sited adjacent to the alumina refinery.

In another place the argument centred on go-karts, and go-karts only. The beaches were not taken into consideration. On Thursday evening, I traced on a map an area from the Fish Markets jetty to Rockingham and pointed out that apart from Coogee beach, which is very narrow, beaches are virtually non-existent. This

means that if people want to swim they have to go to Port Beach, which is completely surrounded by industries.

The go-kart club has been established with the blessing of the Cockburn Shire Council. Everything has been done through its solicitors and advice was forwarded on the 29th August to the Minister for Lands, who did not have the grace to acknowledge the letter. I do not want to re-hash the whole thing again, but I hope the Committee will insist on its amendment as the people of Fremantle and the hinterland are being deprived of a beach, a fishing facility, and a recreational and camping facility.

This area is used for camping, and I now propose to read a letter dated the 21st February, 1961—and there have been others but unfortunately permission was granted in respect of them and they were not put on the file—written to the secretary of the Cockburn Sound Road Board. It reads as follows:—

> I am seeking information and permission to take a troop of boy scouts, approximately 30 in number, camping in an area controlled by your board.
>
> I had in mind the area near the old wreck between the main coast road and the ocean, immediately in front of where the old military camp stood.
>
> I was wondering if we could obtain permission to camp in this area, from the 3rd to 6th March, both days inclusive.

And so it goes on. Because of there being no beach available to the people they have been directed to this particular point; and prior to that, other boy scouts and girl guides utilised the area because fresh water was available. In addition, temporary toilet facilities were available; and these have now been replaced by modern toilet facilities. Therefore, the area could be utilised in the future as a camping resort by local people and people coming down from the country to spend their holidays.

I suggest that there are three alternative sites where deep water is directly accessible. There is the area between Bradford Kendall Ltd., which is in an industrial site south of South Beach, and the power house; the bay south of Woodman's Point, where the submarine base was established during the war and where there are jetties and sheds available; or the Naval Base area, which is adjacent to the alumina refinery.

It is no good anyone arguing that these sites are not readily accessible or that in their use anyone who wanted to set up an industry would be hindered or deterred in any way. I support the industry, but I do not support the proposed site as it will take some beach away from the Cockburn Shire Council; and, as I have indicated to the Committee before, it will be taken without, in the first place, the knowledge of that council.

The Hon. A. L. LOTON: I would like to ask the Minister one question: Does he insist that the location in this reserve is the only location in the area on which a boat-building works can be established?

The Hon. L. A. LOGAN: It is the best position for this particular industry.

The Hon. A. L. Loton: In the opinion of someone.

The Hon. L. A. LOGAN: It is in line with the planning of the whole area. It is no good planning the Kwinana area piecemeal. The whole area has been planned and we are only waiting for the opportunity to make it public. This particular area has been planned in conjunction with the whole Kwinana area; and it was decided it was the best spot by the manufacturers who want to build the boat, the Town Planning Authority, the Department of Industrial Development, and the Harbour Trust.

The Hon. H. K. Watson: What was it used for five years ago?

The Hon. L. A. LOGAN: There is a ramp there from which boats are now launched. I think quite a number of small boats are launched there. The company has gone to quite a lot of trouble to arrange finance and it now wants to go ahead and build this £100,000 boat. This is only the beginning of quite a large-scale shipbuilding industry in that area. I am referring to the smaller type of boat and not vessels of about 15,000 tons. It may be that other shipbuilders as they are being pushed away from the Swan River foreshore, will want to build there too. The Kwinana area has been set aside for industry; and because of all the circumstances the Government considers this is the right site.

The Hon. E. M. DAVIES: I trust the Committee will insist on its amendment. I do not know that it matters very much about the go-kart club, because, although it has established itself there and may have to move, means may be found to compensate it for what it has spent. Although we are in full agreement with the establishment of this industry, it should not be established on this particular site which is a Class "A" reserve. There is plenty of room available further down the coast towards Kwinana; and that is where this shipbuilding industry should be established. In addition, the water is deeper further down than at the proposed site.

When discussing this matter earlier, I said that Hamilton Hill and Spearwood had a large residential population; and this site is frequented by many people for recreational purposes It is a Class "A" reserve, and the local authority was not in any way consulted when conferences were taking place.

This leads me to believe that someone has been endeavouring to do something without the full knowledge of the people. The members of this Chamber are the representatives of the people and they should prevent this sort of thing happening. Therefore, I trust the Committee will insist on its amendment.

The Hon. H. C. STRICKLAND: The Minister is not quite correct when he says it is in line with planning. The Stephenson Plan sets aside a particular area as open space for public use. This clause proposes to take the whole of that area —110 acres—and set it aside for industrial use—for shipbuilding purposes. It is then intended to revest the balance in trust for purposes of recreation and camping.

The area which is to be set aside for shipbuilding is the only part that contains a beach. South of that area the part which is to be revested consists of rock to the water's edge. I raise no objection to the shipbuilding people using this part of the area because it is absolutely useless for camping.

The Hon. L. A. Logan: But you cannot build ships there, either.

The Hon. H. C. STRICKLAND: Those people who wish to establish a shipbuilding works naturally pick the cheapest place on which to build. If they were prepared to go south of the groyne on this particular reserve I would raise no objection to their doing so because the area would not be suitable for anything else. It is just as close to the water; the only difference is that they would have to do something about the cliffs. They would have a ready-made slipway made for them merely by putting through a cutting. This particular area is useless for camping because it consists of stone outcrop. From the information the Minister has given us I hope the Committee will insist on this amendment.

The Hon. L. A. LOGAN: On the point raised by Mr. Strickland with regard to planning, the planning committee consists of seven highly respectable men in highly responsible positions. This committee planned the whole of this area from the point of view of future industrial development. We must remember that the proposals were discussed with the Cockburn Shire Council, the Kwinana Shire Council, and the Rockingham Shire Council. The future of the area was discussed with those three authorities. The planning committee decided this area was a suitable site for shipbuilding. I have nothing further to say.

The Hon. F. R. H. LAVERY: This afternoon the Minister said, "Who wants to go swimming in an industrial area?" I agree that the town planning people have been planning this area for some time. When we visit water-front areas of other cities in Australia we find that some industries have closed up water fronts for one, two three, four, and five miles at a stretch. At the back of the industries there is a big population of working people connected with those particular industries.

The Minister said this was the only area where the shipbuilding company could be established. I only wish that I could conduct members over the area. There is beach frontage available without going, as Mr. Strickland said, to the cliffs. The town planning people did not discuss this particular area with Cockburn Shire Council; and the council had this land vested some years ago for recreational purposes.

Leaving the go-kart club out of the matter altogether, we have the situation that there are many places down that stretch of coast where this particular type of industry could go. The new bridge will not allow for the passage of big ships. I am surprised that the authorities allowed the new silos for Co-operative Bulk Handling to be constructed where they are, as I consider they should have gone into this area. I hope the Committee will insist on the amendment.

The Hon. R. THOMPSON: One thing which has not been pointed out, and which is most important, is that this area between the water's edge and the railway line is very narrow. It is a very narrow beach. This ship is not going to be constructed fore and aft to the water; it is going to be constructed side-on. For anyone to say this is the beginning of future development is merely to fool the public. The most that could ever be constructed on that site would be one ship. The dimensions of the ship which is going to be constructed would be practically the maximum.

Mention has been made of the broad gauge railway. I cannot see the broad gauge railway passing through a five-acre quarry. In my opinion it would have to continue south for another mile. The area is small and there is no future for any large-scale shipbuilding activity.

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

Ayes—11.

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. N. E. Baxter	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. H. K. Watson
Hon. G. C. MacKinnon	*(Teller.)*

Noes—15.

Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. S. T. J. Thompson
Hon. G. E. Jeffery	Hon. W. F. Willesee
Hon. A. R. Jones	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. M. Thomson
Hon. A. L. Loton	*(Teller.)*

Majority against—4.

Question thus negatived; the Council's amendment insisted upon.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

MINE WORKERS' RELIEF ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 143 amended—

The Hon. A. F. GRIFFITH: When making my concluding remarks on the second reading I foreshadowed an amendment. The Leader of the Opposition very generously supported the Bill, but I did not want to take the Committee stage straightaway because I wanted him to have a look at the amendment. I move an amendment—

> Page 2, lines 6 to 12—Delete subparagraph (iv) and substitute the following:—
>
> > (iv) any person who is a member or eligible and qualified to become a member of an industrial union that is, on the coming into operation of the Industrial Arbitration Act Amendment Act, 1961, registered under the provisions of Part II of this Act;

The reason for the amendment is that on closer examination it has been found that the original subparagraph (iv) would have had the effect of unfairly prejudicing unions which already have industrial coverage over employees in certain Government and semi-Government establishments.

In the original form it would have meant that the situation would have developed very quickly where some of the employees in an office at the time of the passing of this Bill could continue as members of an industrial union, and others, who entered the service of the same office after the passing of the Bill, but doing exactly the same work, could only be members of the Civil Service Association. That was not intended.

The new subparagraph will enable those who are members, or eligible and qualified to become members, of an industrial union that is registered under the provisions of part II of the principal Act, on the coming into operation of the Bill, to continue with their present industrial union.

The new subparagraph will not, of course, protect the members, or those eligible and qualified to become members, of an industrial union which was registered after the passing of the Bill. Such employees would then have to rely on the provisions of the proposed new section 150A that is in the Bill. It will enable the court to declare a body of workers not to be Government officers for the purposes of part X of the Industrial Arbitration Act if the court considers that such workers could not conveniently be members of the Civil Service Association.

To amplify the position, I am told that the professional engineers have an application before the court at the moment and, if granted, the Bill in its present form would actually take them out of its scope. That was not intended. I hope no further explanation is necessary because it is an attempt to clear up the obvious confusion that would take place if subparagraph (iv) were left in its present form.

The Hon. R. THOMPSON: Rather than deal with this Bill at the second reading, I decided to let it go until the Committee stage so that I could see the effect of the Minister's amendment. I am not altogether happy with it, because I think it would tend to destroy the purpose of the Bill. Most parties have from time to time received communications from the Civil Service Association which was trying to get something to protect its members from what is commonly called body-snatching. I know that the engineer's organisation has sent out a letter to all members.

Trade unions generally are sympathetically disposed towards the profession I just mentioned because over many years it has battled in the Commonwealth sphere to obtain increases for its members; and the profession will now have the way cleared to get court registration as a professional salaried engineers' association of industrial workers. The words "industrial workers" have to be used in every application to the Arbitration Court for registration.

However, we find that the engineers are already represented on the Civil Service Association, and when this Bill was submitted to the association no objection was raised. It was also submitted to the Trade Union Industrial Council and practically every union around the place to see whether the unions had any objection to the Civil Service Association covering the people within its ambit. No objection was raised. But now we see that the professional engineers have raised an objection. I had some inquiries made in respect of this matter and I would like to quote some information I have for the benefit of members. It reads—

> Amendment Part 10—Industrial Arbitration Act.
>
> Regulations, agreements, etc. negotiated by this association from inception have in all cases been on behalf of professional, clerical and general division officers of the public service and of those instrumentalities and quasi-Government bodies represented.

As provided in clause 20 of the Public Service Salaries Agreement, the salaries of professional, clerical and general division officers, are based on the margin received by a male clerical officer, at age 27 years, rate as shown on an automatic salary scale. Clause 21 of the salaries agreement illustrates the method in force for six-monthly adjustment of these rates. The maximum adjustment on each occasion occurs at salary level applicable to age 27 years (automatic range). This age 27 adjustment is applied to all salaries above that figure.

The association was aware of the necessity for some adjustment to the salaries applicable to engineers generally and within the service particularly. In a Press statement on the matter of increases awarded to engineers following the A.P.E.A., the General Secretary, C.S.A., stated that he considered the increases disappointing.

I think most members would remember the case and would consider the increases most disappointing. It goes on—

> The new rates when dissected and shown as a margin over the Commonwealth basic wage, do not reach the level which would be attained when such margins were placed over the State basic wage.

That is because the Commonwealth basic wage is below that of the State. To continue—

> The subject of engineers' salaries has been under study within the association office for some time, and it is considered that the Federal Award should form a basis only for adjustment of the salaries of our own engineers. Engineers within the service either are members of or are entilted to membership of a sub-association known as the Association of Graduate Professional Officers. This body has been particularly active in the interests of professional officers generally and engineers in particular. A member of that sub-association has the right to a seat on the association council. This right is exercised. No objection was raised by this body to the association's loudly-proclaimed intention of seeking to amend the Industrial Arbitration Act along the lines contained in the Bill passed by the Assembly during the current session.
>
> Preliminary discussions have been held on the application of new salary rates in respect to engineers. Australia-wide conferences of Public Service Commissioners etc., have to a degree clouded the issue and no certain date of application can at this stage be quoted. The association is in the meantime continuing to press for adjustments to the salaries of all engineers represented.

I think the amendment would act to the disadvantage of the Civil Service Association. As can be seen by what I have just read, the Civil Service Association is right behind the engineers and will press for their just rights. The Bill would still give the professional engineers the right to go to the court, providing the requisite number of members decided that they wanted to break away.

The court could not raise any objection, because they could say, "We consider ourselves out of the class of Government employees", and I think the president would take that into consideration. Professional engineers do not join the Civil Service at the age of 14 and work themselves up. Most of them go in as professional men; and I would be surprised if the President of the Arbitration Court did not grant their application to form their own union.

I do not think the Civil Service Association would object to their forming their own union. The amendment would mean that the "body snatching" that has taken place over the years will continue under this clause. They may hold the membership they have, but industrial coverage could be sought for different groups employed in the Civil Service. I prefer the Bill left as it is.

From my inquiries, professional engineers would not in any way be held by the Public Service Association on their application to the court. They have not objected in the nine months during which this legislation has been forwarded to all organisations for approval. Objection was only raised after the Bill passed the Legislative Assembly, so the Minister should reconsider the amendment.

The Hon. A. F. GRIFFITH: I went to some pains to explain that a situation had developed which the Government did not intend should develop. Would it be fair to pass the Bill as printed without the amendment and then say to any person—it should be noted that "any person" is mentioned, not "any union"—who happens to be a member of a particular union, "From the date of the passing of the Bill you come under the conditions of the Bill"; and then say to another person who joins the same office in which the remaining union members work, doing the same work under the same conditions, "Because Parliament put into this subclause (4) something which we did not intend should apply, you cannot belong to that union"? That would be the situation.

The amendment will get over the difficulty. In its present form it will mean the development of a situation where some of the men in an office at the time of the passing of the Bill could continue as members of an industrial union, and others who subsequently entered the service of that same office could not belong to that union. They could do little else but join the Civil Service Association.

It is surely reasonable that when a person joins a group of people working in an office, belonging to a particular union, he should be entitled to join the same union as his friends are in.

The Hon. R. THOMPSON: The way I see it is that a man could belong to the Fire Brigade Employees Union as long as he continued to work in the fire brigades; but as soon as a new man comes in he would belong to the Civil Service Association. I was told it was not intended to take away the entitlements of anyone.

The Hon. A. F. Griffith: We are not at cross purposes then.

The Hon. R. THOMPSON: That is so. The provision is in the Bill. It is not the intention of the Civil Service Association to body-snatch. If this amendment were put in it would tend to weaken the civil service.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported with an amendment and the report adopted.

Third Reading

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

COMPANIES BILL

Further Recommittal

THE HON. H. K. WATSON (Metropolitan) [8.40 p.m.]: I move—

> That the Bill be again recommitted for the further consideration of clauses 5, 39, 126, 162, 165, 184, and 354, and the eighth schedule; and for the purpose of considering a proposed new clause.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [8.41 p.m.]: It is no surprise to me that the honourable member has moved to recommit the Bill because he did place some of his amendments on the notice paper. But in some respects it is a surprise that Mr. Watson should ask us to reconsider some of the clauses we have already considered.

I do not object to the basic principle of a member asking for a Bill to be recommitted, because I do it myself of necessity on a number of occasions. I think this would be the appropriate place to tell the House that this Bill in the form it was introduced, as I reiterated a number of times previously, was so introduced in the interests of getting closer to uniform company law.

I also indicated on a number of occasions, and probably will again later, that the amendments envisaged by Mr. Watson do get away from uniformity to some extent. I was asked by the honourable member not to adopt the Committee's report on the understanding that if I let it go we could see what further developments occurred in the Eastern States as a result of further conferences that might take place. On that basis I refrained from asking the Committee to adopt its report. However, I repeat, it was not with the intention of reconsidering some of the questions that the Chamber has already decided.

When the honourable member gets to the point of discussing the clauses one by one, I would like the Chamber to take into consideration the fact that the object is to get the Bill on the statute book in its present form; and I have given an undertaking that the Bill will not be proclaimed either here or in the other States before an opportunity has been given to reconsider certain phases of it and, if necessary, to move certain amendments to it in the next session of Parliament. Then at a later date it can be proclaimed and become law.

Such organisations as the Chartered Institute of Secretaries, the Australian Society of Accountants, the Stock Exchange, Perth, the Law Society of Western Australia, and the Perth Chamber of Commerce, all of which were asked for their views in connection with this Bill, were good enough to express their views on paper. All the letters bar one have been addressed to me personally. One has been addressed to the Registrar of Companies. But each letter contains the same request.

In the case of the Perth Chamber of Commerce the hope was expressed that the Bill may be assented to, but without local amendments, before this Parliament rises. The letter from the Law Society asks that the Bill be passed in its present form. The Stock Exchange couches its letter in the same terms and hopes the House will pass the Bill in its present form without amendment. The Australian Society of Accountants does the same thing, as does the Australian Institute of Secretaries. They all express the same wish: that the Bill be passed without amendment.

I do not object to the recommittal of the Bill, but I ask members to have regard for the circumstances of the passing of the Bill. They should consider the fact that it is a step further to uniformity. Members should also appreciate the fact that if we pass the amendments put forward by Mr. Watson we will be stepping out of line with uniformity; and that is not desired.

So I hope members will have regard for the number of conferences that have taken place by the Attorneys-General and by officers and staffs of each State; and for the fact that other conferences will follow before the Act is proclaimed and becomes law next year. It is certain that between

now and the time it is proclaimed the Attorneys-General and their staffs will meet again to further consider the matter.

Question put and passed.

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 5: Interpretation—

The Hon. H. K. WATSON: I would like to make a brief statement of a general nature which will facilitate and shorten the consideration of these clauses. The Minister said he would accede to my request that the motion for the adoption of the report be delayed as late as possible in this session, to see what occurred in the other States.

Since we last considered this measure I have obtained a copy of the speech made by the Attorney-General of Victoria when he introduced the Companies Bill in the Parliament of that State. This gentleman was the chairman of the seven Attorneys-General which presented the draft Bill. I want to quote from his speech and I invite members to compare the statements and the underlying principles mentioned by him, with the statements which have just been expressed by the Minister in this Chamber. Mr. Rylah. the Victorian Attorney-General said—

> However, the Parliament of Victoria, like the Parliaments of every other State, is a sovereign Parliament and no person or body outside Parliament can fetter its independence, and this measure must be acceptable to this Parliament if it is to become the law. The Government has no desire to limit the debate on this measure in any way. It must be accepted or rejected by this House on its merits.
>
> We intend to give every opportunity for a full second -reading debate within a reasonable time, and then to adjourn the Committee stages so that all suggestions made can be fully considered by us and the other States. In this way the other States will obtain the benefit of the criticism and suggestions offered in this House.

In reply to an interjection as to whether the Bill must be passed as it was, he said—

> No. I should like it to go through substantially as presented to this House, but I wish to make it clear that Victoria in no way commits itself, nor has the Government attempted to commit this Parliament to pass this measure as it stands.

Further on in his speech the Attorney-General said—

> Later in this speech I propose to indicate that the Government will submit an amendment to the Bill as it stands, and I trust that Parliament will accept it. If it does, I hope other Parliaments will be influenced to accept the amendment also because I believe it will be an improvement on what has already been prepared. I repeat that no attempt is being made by the Government or by the interstate conference to fetter the rights of this Parliament.

In the concluding paragraph of his speech he said—

> The Tasmanian and South Australian Governments will introduce the legislation into their respective Parliaments as soon as their legislative and Parliamentary programmes will permit. I feel sure that the debates in those Parliaments which have introduced the Bill will be of assistance to members in other States. To assist in the process, I feel that it would be highly desirable if the second-reading debate in this House could commence in a fortnight's time so that the views of every member would be available not only to me but also to Parliamentarians throughout Australia. In suggesting that the debate be adjourned for a fortnight, I undertake, following that debate, to consider suggestions made during it and to allow an ample period of adjournment before the Bill is dealt with in Committee.

The views expressed by the Attorney-General in Victoria were not dissimilar to the views I expressed during the second reading debate. The amendments which I moved during the Committee stage were rejected not so much on their merits, but on the insistence of the Minister that the Bill should be passed without amendment —a view which I deeply regret to hear the Minister reiterating this evening. Apparently that is not the view of the Attorney-General of Victoria.

We have before us a Bill consisting of 475 pages; it has been put through the Committee stage without amendment. Even with the few amendments appearing on the notice paper being agreed to the Bill would, for all practical purposes, still be a uniform Bill. In substantial respects it would not cause any serious lack of harmony with the Bills which might be passed by the other States.

We should remember that up to date not one similar Bill has been passed by any of the other States. If this Parliament passes the Bill, it will be the first to do so in this country. The Minister has suggested that the Bill be passed in its present form so that any amendments which are agreed to by the seven Attorneys-General can be made during the next session. I suggest that unless certain amendments, which I consider to be necessary in the best interests of Western Australia, are dealt with now we will not have the opportunity subsequently to deal with them.

I make this very urgent request to the Committee: Upon the consideration of the amendments which I shall move, if members feel that on their merits they should be agreed to, then they should vote in favour of them on the understanding that between now and the time when the Bill is proclaimed—that is in October next—should it be demonstrated conclusively that any of these amendments are likely to wreck the uniformity of the legislation, they could be withdrawn.

Inasmuch as we have been virtually invited by the Attorney-General of Victoria to submit our proposals and amendments, and to allow them to be debated and considered, I trust that members will bear these remarks in mind when they deal with the amendments. I move an amendment—

> Page 9, line 22—Insert after the word "company" the words "and includes a proprietary company which is, by virtue of section six, a subsidiary of any such exempt proprietary company".

In respect of this particular problem the Attorney-General of Victoria has indicated his intention to rectify the position when the Bill is before that Parliament. As the provision stands, it restricts unnecessarily the definition of an exempt proprietary company. Now it produces what is a patent absurdity, because there are circumstances where a wholly-owned subsidiary of an exempt proprietary company will not be an exempt proprietary company. That position offends all commonsense.

It is no defence of this weakness to say that the provision was propounded by the seven Attorneys-General. Force is added to that point by virtue of the fact that the chairman of the committee of Attorneys-General has announced his intention in the Victorian Parliament to introduce a correcting definition of "exempt proprietary company" which really means a family company. The whole intention is that family companies shall be treated as they always have been and shall not have to lodge their balance sheets at the court.

The Hon. A. F. GRIFFITH: In the first place the assertion made by Mr. Watson that the Committee made its determinations upon the basis that we wanted uniformity and that is all, is not quite correct, because members will recall that each time the honourable member brought forward one of his amendments—and this is the second time this one has been submitted, is it not?

The Hon. H. K. Watson: No; I did not move it before. I merely asked questions about it.

The Hon. A. F. GRIFFITH: Each time there was an amendment moved or a question asked, to the best of my ability I explained the set of circumstances prevailing.

I think it is rather a pity that we have to discuss another Minister in particular in dealing with this matter. Nevertheless it has been done already and I must follow it up. At the conference which took place in the Eastern States last week, I understand that Mr. Rylah, the Attorney-General for Victoria, said he was going to move certain amendments.

It must not be forgotten that previously he was a party to the whole basis of uniformity, and it might even be suggested that some other set of circumstances prevailed which caused Mr. Rylah temporarily, anyway, to change his mind. I say this because his second reading speech was not in conformity with what he said at the meetings he attended over quite a long period of time.

It still remains to be seen, as far as Victoria is concerned, what is going to happen; but it is certain that this Parliament, unless some very untoward circumstances occur, will not meet until next August and there will not be any opportunity between now and then to do the things foreshadowed by Mr. Watson.

Mr. Watson said the other night that the debate had served the purpose of placing on record his reasons for the amendments he desired to move and my reasons why the Committee should not agree.

I oppose this amendment because I am advised that the interpretation of an exempt proprietary company, referred to in clause 5 of the Bill, was uniformly agreed upon by the standing committee of the Attorneys-General and Ministers for Justice. The effect of the honourable member's amendment, if agreed to, would be to lift the roof off in respect of exempt proprietary companies when, in fact, the exemptions are now limited to three. Is that not right?

The Hon. H. K. Watson: The way you are expressing it, yes. It does not explain it fully.

The Hon. A. F. GRIFFITH: Whether it explains it fully or not, it explains it enough to see that that is the effect. I cannot see any reason to do anything further at this stage and I hope the Committee will not agree to this amendment.

The Hon. W. F. WILLESEE: This new material brought forward has created some confusion in my mind as to what the ultimate situation could be if in the Western Australian Parliament we amend this Bill and it is amended in New South Wales, Victoria, and ultimately in the other States. At what point does it become a uniform companies Bill?

With regard to the amendments, following my discussion with one person, I was equipped with sufficient information to submit about 25 amendments, but because of the principle of uniformity and the fact that it was late in the session I was of the opinion that we should stick to the Bill as printed, although I expressed at the time

the thought that it would not be as big a benefit to Western Australia as one would imagine. But now we are going from a possible uniformity to a legal conglomeration, and while I must have great respect for the amendments that would be put forward by Mr. Watson, the letters read out by the Minister tonight weigh very heavily in my mind.

The Hon. H. K. WATSON: I would suggest that if this definition of mine were accepted, our legislation would at least be uniform with that in Victoria.

The Hon. A. F. Griffith: What about the others?

The Hon. H. K. WATSON: I do not know about the others, but I should say that if the chairman of the committee has since seen the weakness in the definition, the others might reasonably be expected to see the weakness also, because after all we are not only dealing with what is an exempt proprietary company.

The Hon. A. F. Griffith: Tell me whether the amendment he proposed is the same as this one.

The Hon. H. K. WATSON: I do not think the amendment had been proposed. Mr. Rylah did make reference to the situation with which we are now dealing; that is, that we could have two natural persons owning all the shares in an exempt proprietary company. If that company owns all the shares in another proprietary company, that likewise is an exempt proprietary company; and if that company owns all the shares in another proprietary company, that likewise is an exempt proprietary company. However, if that company owns all the shares in another proprietary company, the last one is not an exempt proprietary company, even though all are owned by the one family.

I do know of one company in this State which has made representations to the Attorney-General in connection with this particular amendment. This is the significant point: It was assured by the Attorney-General that that particular matter was being looked after; and yet, notwithstanding the conference, the Minister tells us that apart from Victoria, it could be that some other States will not be making the correction.

I submit that we should not place family companies in any worse position than they have been in for the last 20 years, and I would remind the Committee that in this State there are 3,500 companies, about 3,300 of them being private family companies or proprietary companies. I would be sorry to see the Committee seriously depart from the accepted definition of what we used to know as a proprietary company, what was colloquially known as a proprietary company, and what is still colloquially known as such but is technically known as an exempt proprietary company.

The Hon. A. F. GRIFFITH: I would only make one or two brief remarks. Although Mr. Rylah did foreshadow some amendments when he was making his second reading speech, to the best of my knowledge he has not, in fact, introduced any amendments. Therefore, until he does, the argument that Western Australia would at least reach uniformity with Victoria does not hold much water.

As against that, New South Wales and Queensland have, in fact, introduced their legislation which contains this same provision. As far as is known, all the others are going to do the same and I cannot see any reason why it should not remain as it is and be considered later in the light of circumstances which would develop in a number of conferences that will no doubt take place between the Attorneys-General and the Ministers for Justice and their staffs.

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

Ayes—8.

Hon. N. E. Baxter	Hon. J. D. Teahan
Hon. F. R. H. Lavery	Hon. H. K. Watson
Hon. R. C. Mattiske	Hon. F. J. S. Wise
Hon. H. C. Strickland	Hon. J. J. Garrigan
	(Teller.)

Noes—18.

Hon. C. R. Abbey	Hon. A. L. Loton
Hon. E. M. Davies	Hon. G. C. MacKinnon
Hon. A. F. Griffith	Hon. J. Murray
Hon. E. M. Heenan	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. S. T. J. Thompson
Hon. G. E. Jeffery	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. W. F. Willesee
	(Teller.)

Majority against—10.

Amendment thus negatived.

Clause put and passed.

Clause 39: Contents of prospectuses—

The Hon. H. K. WATSON: I move an amendment—

> Page 61, line 35—Insert after the word "contain" the words "a statement that notwithstanding the provisions of subsection (1) of section three hundred and forty-four the company undertakes to comply with the provisions of sections three hundred and fifty-four to three hundred and sixty and shall also contain".

At a previous committee we approved the principle that a foreign company carrying on business in Western Australia should have a share register and a register of debentures and notes in Western Australia. The previous amendment related only to foreign companies carrying on business in Western Australia.

It is quite common for foreign companies not carrying on business in this State to issue a prospectus in Western Australia and raise money here. For example, in *The West Australian* yesterday, there appeared a full page advertisement of a Queensland company intending to

operate in no State other than Queensland, but inviting Western Australians to subscribe for shares and debentures.

It seems to me that in the same way as a foreign company carrying on business in Western Australia should have a share register here, so it is desirable, both for stamp duty purposes and for the convenience of the public, for it to have a share register here. The object of my amendment is to ensure that any foreign company raising money in Western Australia, whether the company does or does not carry on business here, shall maintain a share register, and other similar registers, in this State.

The Hon. A. F. GRIFFITH: Clause 39 was drafted as a result of a decision of the standing committee. Rather than refer to the Attorneys-General and the Ministers for Justice I will refer to the standing committee, and members will understand what I mean. Primarily there have been many difficulties in the various State laws in the prospectus conditions relating to foreign companies. It was with this in mind that the present clause 39 was agreed upon by the committee.

In the form proposed, the amendment is not capable of being implemented because the company would have to comply with clauses 357 to 360, because they are merely a statement of the law.

If the amendment is agreed to, a foreign company which circularised a prospectus and received one application for shares and allotted shares or debentures would be obliged to maintain a branch register in this State; and under the law that means carrying on business in the State, and so it must then register in the State.

The expense of keeping a branch register, and the cost of registration as a foreign company, and the cost involved in maintaining a registered office in the State, would not be warranted by the gain to the local share or debenture holders.

In this regard it is pertinent to point out that by virtue of clause 95 it is to be no longer necessary to have a grant of probate or administration resealed in the State where shares or debentures are registered, before a transfer of those documents can be recorded.

If the amendment is accepted, a company which issued a prospectus in accordance with the amendment would find itself in this position—

(a) The company would not be registered in the State.

(b) The directors would be out of the State.

(c) There would be no agent in the State.

(d) A prosecution for non-compliance with sections 354 to 360 would be completely abortive.

For those reasons, I oppose the amendment.

The Hon. H. K. WATSON: Mr. Rylah in his speech mentioned that one matter that was exercising the minds of himself and the Attorney-General for New South Wales was the growing practise of establishing share registers at Canberra, where there is no stamp duty. Victoria and New South Wales were concerned at the registration of shares, debentures and notes in Canberra, where there was no duty, rather than in New South Wales and Victoria where duty applied. But neither of those two gentlemen was, not unnaturally, concerned with the prospect of having shares on the Sydney and Melbourne registers which, in all justice, should have been on the Perth register and liable to Western Australian stamp duty. It is to establish that principle that I have moved the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 126: Register of directors' shareholdings, etc.—

The Hon. N. E. BAXTER: I move an amendment—

> Page 158, line 1—Insert after the word "company" the passage "(other than an exempt proprietary company)".

This is a simple amendment. In this State there are approxmately 3,500 companies and possibly 3,200 or 3,300 of them are small family companies which would more or less come within the class of an exempt proprietary company. Under the Bill they will be subject to the petty obligation of having to keep a register of shareholders and a register of directors. For whose benefit those registers will have to be kept, I do not know. It will mean a little extra work that is not necessary. There are small family proprietary companies right throughout the country and not only in the city. I do not see how the inclusion of my amendment can affect the issue of uniform legislation.

I consider that it is irksome to include small family proprietory companies in the legislation where, by excluding them, matters will be simplified. There is enough to be done in a small company without having to bother about doing extra little bits of work. I appeal to members to support the amendment.

The Hon. A. F. GRIFFITH: This is a similar amendment to the one moved by Mr. Watson when the Bill was last before the committee, and the explanation I gave then still applies. However, I will again explain the position as I understand it.

The requirement that a register of directors' shareholdings shall be maintained by every company was unanimously agreed to at conference level. It was emphasised that the provision in the Bill is the same in scope as section 195 of the English Companies Act of 1948.

The form in which the amendment is moved excludes exempt proprietary companies from maintaining a register of shares held by or on behalf of their directors, and of shares for which the directors have the right to become the holders. As I stated earlier, the English provision is applicable to every company, and that provision was adopted in the 1948 Act of England on the recommendation of the Cohen committee on company law which sat for some years in England.

The variation of the requirements which would exempt proprietary companies is undesirable as being a departure from uniformity between the States, and is insupportable otherwise.

The clause, as drafted, requires a director to disclose, in addition to the shares directly held by him, the shares held by his nominee; and the requirement also extends to shares held by a director in a company which is related to the subject company. This disclosure could be of real significance to other directors and shareholders, even in a group of exempt proprietary companies. For that reason, I hope the amendment will not be agreed to.

Amendment put and negatived.

Clause put and passed.

Sitting suspended from 9.30 to 10.13 p.m.

Clause 162: Profit and loss account, balance-sheet and directors' report—

The Hon. N. E. BAXTER: I move an amendment—

> Page 201, line 7—Delete the words "statutory declaration" and substitute the word "certificate."

If this clause is left as it is at the present time the secretary of a company will be put to quite a lot of inconvenience. After preparing the balance sheet and profit and loss account the secretary will then have to go down the street and obtain a statutory declaration, take it to a justice of the peace, get him to witness it, pay his 2s. 6d., and then go back and debit the company with the 2s. 6d., or charge the company 10s. or more for his trouble, whereas a certificate would suffice as it has in the past.

This could apply to every company in Western Australia. Does a statutory declaration give more protection to the shareholders than a certificate? If there were defalcations in the accounts it would not help the shareholders very much if the secretary presented a statutory declaration or a certificate. I cannot see any sense in a secretary having to go to all this trouble to obtain a statutory declaration.

We have heard a lot about this legislation being uniform throughout Australia. However, will the amendments we are seeking affect the other States to any degree? After all is said and done, this piece of legislation is not going to be proclaimed immediately; and before it is proclaimed the Government of the day will probably introduce amendments.

Therefore any objection to inserting amendments into the Bill at the present time does not carry any weight at all. We do not know what the other States of Australia are going to do. Every State will introduce amendments, and next year we may have to sort them out before the legislation is proclaimed in order to see which amendments are acceptable and which are not.

If we as legislators in Western Australia put in our amendments tonight they can be considered during the period before this legislation is proclaimed, and if they are not suitable to apply throughout Australia they can be taken out of the measure at the next session of Parliament. I hope the Committee will accept this amendment.

The Hon. A. F. GRIFFITH: The Committee dealt with this problem when the Bill was previously before it. At the time I explained the position and will do so again. This is one of the things that the conference of Ministers decided should be part of the uniformity—that there should be provision for a statutory declaration rather than a certificate. Its application will mean only one statutory declaration per annum.

The Hon. G. C. MacKinnon: That is not a particularly good argument.

The Hon. A. F. GRIFFITH: I thought it was a good one in comparison with the point put forward by Mr. Baxter.

The Hon. G. C. MacKinnon: I do not think it is.

The Hon. A. F. GRIFFITH: The honourable member should get on his feet instead of making his speech sitting down.

The Hon. A. R. Jones: How many times would you have to submit a statutory declaration?

The Hon. A. F. GRIFFITH: I am told once a year. We should leave the clause as it is.

The Hon. H. C. Strickland: Every general meeting.

The Hon. W. F. WILLESEE: When this amendment was first put up it looked as though it would be simple in its application to small companies; but there are some big companies involved. The Broken Hill Proprietary Company Ltd. would have a secretary and it would not be too much trouble for him to put his signature to a statutory declaration. Two leading institutes in connection with company administration—I cannot remember their names—submitted a recommendation for a statutory declaration in lieu of a certificate.

Probably the basic factor behind this is the fact that it lends some standing to the viewer who looks at the balance sheet and finds it is certified by a secretary on the basis of a statutory declaration. It lends tone, in the mind of the public, to the company's balance sheet; and it is a further implementation of the document disclosures.

The Hon. N. E. BAXTER: I have listened to the reply given by the Minister, and also to the words of Mr. Willesee that a statutory declaration lends something to the shareholder. After all, what does it mean? If the secretary or the accountant handling the books of a company big or small presents a balance sheet and a profit and loss account which are not according to the books and not according to the financial affairs of the company, is the shareholder any more protected than if he is presented with a certificate that the balance sheet and profit and loss account are in accordance with the financial operations of the company? I cannot see it; and I do not think any other member of this Committee can.

The point arises that if a certificate is presented it is a statement by the secretary or accountant of a company that it is in accordance with the financial affairs of the company. To present a statutory declaration is the same thing. By a statutory declaration being false an offence is committed; and by a certificate being false, an offence is still committed; either way the shareholder is not protected.

The Hon. W. F. WILLESEE: I cannot see the logic of that reasoning. There would be greater protection to a small company or organisation if a statutory declaration rather than a certificate were signed. Mr. Baxter was drawing them together, but there would be a penalty for a false statutory declaration. If we are going to have uniformity, I think it will be all to the good in the ultimate.

Amendment put and negatived.

Clause put and passed.

Clause 354: The branch register—

The Hon. H. K. WATSON: I move an amendment—

> Page 368—Insert after the words "debenture notes" being the last words in subclause (9) inserted at a previous committee, the words "and any reference to a member shall likewise be construed as including a reference to a debenture-holder, a note-holder or a depositor."

At a previous Committee, the Committee adopted the principle that there should be as well as a share register a register of debenture-holders and note-holders. At the time that amendment was accepted by the Committee the Minister mentioned that it could be improved; and all this amendment does is to round off and make complete the amendment which was agreed to by the Committee when this clause was last considered.

The CHAIRMAN (The Hon. W. R. Hall): I think the word "debenture" in the second line of the honourable member's amendment should read "deposit". The amendment would then refer to deposit notes.

The Hon. H. K. Watson: That is right.

Amendment put and passed.

Clause, as further amended, put and passed.

The Hon. H. K. WATSON: I am concerned at the fact that this Bill is likely to be passed in the manner in which it is and in its relation to the other States. But in view of the previous decision of the Committee, I will not move the new clause which is on the notice paper in my name, but instead I will move as follows:—

> That the Chairman do now leave the Chair.

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

Ayes—10.

Hon. N. E. Baxter	Hon. J. D. Teahan
Hon. E. M. Davies	Hon. R. Thompson
Hon. F. R. H. Lavery	Hon. H. K. Watson
Hon. A. L. Loton	Hon. F. J. S. Wise
Hon. H. C. Strickland	Hon. J. J. Garrigan

(Teller.)

Noes—15.

Hon. C. R. Abbey	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. S. T. J. Thompson
Hon. R. F. Hutchison	Hon. J. M. Thomson
Hon. G. E. Jeffery	Hon. W. F. Willesee
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. E. M. Heenan
Hon. R. C. Mattiske	

(Teller.)

Majority against—5.

Motion thus negatived.

Further Report

Bill again reported, with a further amendment, and the report adopted.

Third Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [10.32 p.m.]: I move—

> That the Bill be now read a third time.

THE HON. H. C. STRICKLAND (North —Leader of the Opposition) [10.33 p.m.]: I have followed the debate on the Bill, and as the primary object is to have on the statute books throughout Australia a uniform Companies Act, it seems to me that we could be passing a measure here which is rather premature.

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

The Hon. H. C. STRICKLAND: I listened to the Minister in charge of the House state that the Attorney-General of Victoria is not satisfied with this Bill.

The Hon. A. F. Griffith: You heard Mr. Watson say that.

The Hon. H. C. STRICKLAND: I also heard the Minister refer to a letter containing the thoughts of the Victorian Attorney-General; and Mr. Watson also read portions of that letter and referred to them. That honourable member told us that he has not yet been advised whether the Victorian Attorney-General proposed any amendment to the Companies Bill in the Victorian Parliament, although amendments were foreshadowed. We have not yet been told what has happened in other States, and it seems to me that they are still at variance in regard to the Australian law on companies. If that be the case, we would be passing an Act which would not be an Act.

It has been said that even if this Bill passes through the Western Australian Parliament there is no likelihood of its being proclaimed by October of next year. In that event, would it not be far better to lay the Bill aside so that members in each State can read the debates that have taken place in the State Parliaments, and then the Attorney-General or the Minister in charge of the legislation in each of the various States could confer again to iron out the difficulties which no-one can deny exist? If there are going to be higgledy-piggledy amendments to a uniform law, it could never become a uniform law throughout Australia.

So I feel that while this House will not meet again prior to August, 1962, and, following the usual course of events, the legislation could not be dealt with before early September of next year, it would be rather futile to pass an Act upon which all States do not agree. Those are my views and, because of them, I propose to vote against the third reading of the Bill.

THE HON. N. E. BAXTER (Central) [10.39 p.m.]: I intend to join with Mr. Strickland in his remarks on the third reading of the Bill. This measure was first introduced on the 24th October. It is now the 14th November. So we have had approximately three weeks in which to consider a Bill of 384 clauses and 10 schedules. I can recall the passing of the Local Government Bill through this House last year. If my memory serves me correctly, that Bill, with its ups and downs, took 12 years before it was finally passed through both Houses of this Parliament. Yet, within a period of three weeks, we have received this Bill and passed it through both Houses practically without amendment. I should think that the passing of a Bill of this size through both Houses of Parliament within three weeks, from its receipt on the 24th October, would constitute a record.

It is going to be interesting to witness, in the future, the reaction to this piece of legislation when those concerned, not only in Western Australia, but also in other parts of the Commonwealth, have a chance to examine the Bill and see what it contains. I trust that throughout Australia it will give satisfaction, although I have my doubts.

THE HON. H. K. WATSON (Metropolitan) [10.41 p.m.]: There is one other important point Mr. Rylah made when he indicated that he would amend the Victorian Bill. It was an amendment I intended to move when in Committee on this Bill, but in view of the mood of the Committee I refrained from moving it. It referred to the publication of the accounts of a subsidiary of a public company. Mr. Rylah said that when the Bill was in Committee he would introduce an amendment—

> to provide that the subsidiary of a public company which is listed on the Stock Exchange need not file its separate accounts so long as its results are included in the consolidated accounts of the holding company and so long as the holding company is prepared to accept responsibility for any liabilities incurred by the subsidiary. These two conditions will ensure that creditors are not prejudiced by the failure to publish the accounts and that investors will have all the information that they need in relation to the company, but they will obviate the possibility of vital information becoming available to the competitors of a company. I shall circulate these amendments to honourable members as soon as possible, so that they can be given full consideration on their merits.

That amendment is one I moved during the previous Committee, to which the Minister intoned the usual reply, "This has been agreed to by seven Attorneys-General"; but Victoria has not indicated that it will not agree to it. In regard to having a uniform Bill, this House, in its wisdom, has decided against it, and I will oppose the third reading.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [10.42 p.m.]: It is quite within the rights of this House to vote against the third reading of any Bill, but before members vote against the third reading of this one I would like them to have a full appreciation of the result of what they propose to do. This Bill contains 384 clauses. It has been the result of two years of solid work by the Attorneys-General and the Ministers for Justice in the various States of Australia.

The Hon. N. E. Baxter: We have had three weeks to consider it.

The Hon. A. F. GRIFFITH: We have not had three weeks to consider it at all, and the honourable members knows that is not true. This Bill was introduced last

year. It was in the Legislative Assembly last year, and if my memory serves me correctly it was in the Legislative Council last year, but for certain reasons we were unable to go on with it. Therefore, to say that members have had only from the 24th October to the present day to consider it is a misstatement, because they have had a much longer time to consider it.

As I have said, there are 384 clauses in the Bill which represents two years' work; yet, because this House in its judgment will not agree tonight to the alteration of seven clauses, Mr. Baxter would seek to destroy the Bill and the result of two years' hard work.

The Hon. H. K. Watson: He seeks only to postpone it.

The Hon. A. F. GRIFFITH: No; not to postpone it, but to destroy it, because if the Bill is not read a third time tonight we will be back in the same position as we were this time last year. Let members consider that fact before they register their vote against the third reading of the Bill; and let them have a little regard for the fact that undertakings that have been given to the House tonight, and that this has been the result of two years' work.

The idea was to get some measure of uniformity with this legislation. Let us not rest entirely on what Mr. Rylah said when he introduced the Bill in the Victorian Parliament. He may have spoken out of turn; but why bring in his comments? Why not get down to what the other States will do in respect of this legislation?

The Hon. N. E. Baxter: We do not know what they will do.

The Hon. A. F. GRIFFITH: We know this: If the Bill is passed by this Parliament, although it will be the first to do so, at least a start will have been made by some State. Is this Parliament to wait until similar Bills are passed by all the other States before it passes the Bill before it; or is it prepared to move at least one step forward towards uniformity?

Let me refer to the comments made by Mr. Watson the other evening when the Committee rejected the great majority of his amendments. He adopted the policy which he usually adopts. When he had the opportunity to state his case he adopted the view that his comments would be taken up when the Attorneys-General and Ministers for Justice of the respective States meet at conference. I give the honourable member full credit for adopting such an attitude.

Let us not destroy what we have done over a long period of time in considering this Bill, and what the Ministers in the other States have done in the last two years.

I ask members not to accept the statement of Mr. Baxter that this Parliament has only had an opportunity, since the 24th October last, to consider the Bill. That statement is not correct. Substantially this Bill is the same as that introduced last year. Because in this instance this House is not prepared to consider a half-dozen amendments affecting a Bill of 384 clauses, Mr. Baxter would like to toss the whole Bill to the winds.

I hope that the better judgment of the House will prevail and that the Bill will be read a third time. If it is, members can rest assured that in the months to follow an opportunity will be given to the States, at conference, to consider the whole measure with all its virtues and its defects, so that next year we will have a chance to consider amendments. We will then be able to agree on the date on which this legislation will be proclaimed. There will be a uniform time for proclamation, and a uniform basis on which the legislation is framed.

Personal Explanation

The Hon. N. E. BAXTER: May I have permission to make a personal explanation?

The PRESIDENT (The Hon. L. C. Diver): The honourable member may proceed.

The Hon. N. E. BAXTER: I would like the House to understand that I did not say during the third reading that I would vote against the measure.

Debate Resumed

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

Ayes—17.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. A. F. Griffith	Hon. R. C. Mattiske
Hon. W. R. Hall	Hon. J. Murray
Hon. E. M. Heenan	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. S. T. J. Thompson
Hon. R. F. Hutchison	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. W. F. Willesee
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	*(Teller.)*

Noes—9.

Hon. E. M. Davies	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. H. K. Watson
Hon. F. R. H. Lavery	Hon. F. J. S. Wise
Hon. H. C. Strickland	Hon. G. E. Jeffery
Hon. J. D. Teahan	*(Teller.)*

Majority for—8.

Question thus passed.

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

PAINTERS' REGISTRATION BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

KATANNING ELECTRICITY SUPPLY UNDERTAKING ACQUISITION BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to amendment No. 1 made by the Council, and had agreed to amendment No. 2 subject to further amendments.

In Committee

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

The CHAIRMAN: The amendment made by the Council, to which the Assembly has agreed, subject to further amendments, is as follows:—

No. 2.

Clause 7, page 4, line 33—After the word "thereto" insert a new subclause to stand as subclause (2) as follows:—

(2) All legal costs incurred after the ninth day of November, one thousand nine hundred and sixty-one by the Commission or the Company in respect to any appeal to the Full Supreme Court of Western Australia in or about the proper interpretation of the Agreement or the arbitration thereunder shall be borne and paid by the Commission as also shall the costs arising from any appeal by the Commission against any judgment of the aforesaid Court.

The Assembly's further amendment No. 1 is as follows:—

Add after the word "costs" in line one of new subsection (2), the words, "as between solicitor and client to an amount approved by the Master of the Supreme Court that are".

The Hon. L. A. LOGAN: I move—

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

The purpose of this and the following amendments is to enable the Master of the Supreme Court to determine the costs as between solicitor and client. Under the amendment moved by Mr. Watson the method of determining the costs was not laid down. The first amendment of the Assembly is a much more generous method of dealing with the costs on a party to party basis. The following amendments will set out the correct interpretation of "Full Court," by giving it the correct name.

The Hon. H. K. WATSON: I would like the Minister's assurance that the words "as between solicitor and client" cover the full costs, and not only half of the costs.

The Hon. L. A. LOGAN: With the words "as between solicitor and client" included, there will be much more guarantee of the full costs than there would be with the words "from party to party." I think those who have a knowledge of law will agree with me.

The Hon. H. C. Strickland: Under this amendment will the costs be restricted to appeals to the Supreme Court?

The Hon. L. A. LOGAN: At the moment we are dealing with an appeal to the Full Court of Western Australia; and the Master of the Supreme Court would lay down the costs as betweeen solicitor and client.

The Hon. H. K. WATSON: At the moment we are dealing with an appeal to the Supreme Court and contingent appeals to some higher court. But I assume that under the amendment made by the Legislative Assembly, the Master of the Supreme Court of Western Australia would tax any costs involved.

The Hon. L. A. LOGAN: If by any chance the State Electricity Commission went to the High Court of Australia, although I do not think it would, I do not know that we could ask the Master of the Supreme Court of Western Australia to lay down the costs.

The Hon. H. K. Watson: That is what this clause proposes.

The Hon. L. A. LOGAN: Having read the original amendment in conjunction with the amendment made by the Assembly, I take it that if the matter went further than the Supreme Court of Western Australia the costs would be as laid down by the Master of the Supreme Court.

Question put and passed; the Assembly's amendment No. 1 to the Council's amendment agreed to.

The CHAIRMAN (The Hon. W. R. Hall): The Assembly's further amendment No. 2 is as follows:—

Add after the word "Full" in line five of new subsection (2), the words "Court of the".

The Hon. L. A. LOGAN: All this amendment does is to give the Supreme Court of Western Australia its correct title, and I therefore move—

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

Question put and passed; the Assembly's amendment No. 2 to the Council's amendment agreed to.

The CHAIRMAN (The Hon. W. R. Hall): The Assembly's further amendments Nos. 3 and 4 are as follows:—

Substitute for the word "the" in the third last line of new subsection (2) the word "such".

Substitute for the words "the aforesaid" in the last line of new subsection (2) the word "that".

The Hon. L. A. LOGAN: These are consequential amendments, and I move—

That amendments Nos. 3 and 4 made by the Assembly be agreed to.

Question put and passed; the Assembly's amendments Nos. 3 and 4 to the Council's amendment agreed to.

Report

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

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

BUILDING CONTROL

Motion

Debate resumed from the 1st November on the following motion by The Hon. G. E. Jeffery:—

> That in the opinion of this House the Government should treat as urgent and introduce legislation immediately to exercise a reasonable degree of control over the erection of Government, semi-Government and private buildings adjacent to Parliament House and Kings Park, such control to embody maximum height restriction, appearance, colour and texture of materials of exterior construction.
>
> This House is also of the opinion that the legislation should provide for a committee to be established, having the necessary power to make decisions which would be subject to appeal, but only to the Parliament of Western Australia, and comprising representatives of the Government, the Town Planning Board and the Perth City Council, together with representatives of other public bodies which in the opinion of the Government should be represented.
>
> This House also desires that these opinions be forwarded to the Legislative Assembly and its concurrence requested.

THE HON. L. A. LOGAN (Midland—Minister for Town Planning) [11.11 p.m.]: I think it is rather ironical that within one minute of Mr. Jeffery having supported a motion for the disallowance of City of Perth by-law No. 65, which gave protection to this central zone of the City of Perth, he moved a resolution asking the Government to introduce legislation to protect one small part of that particular area, purely for the benefit of Parliament House.

He supported a motion which took away all protection from the central city zone. It is ironical that he should then ask for the House to give protection to a certain portion of it. It leaves me, as Minister, in rather an awkward and peculiar position because I was one of those looking for protection for Parliament House in respect to its environs.

I am now left in the position where this House has said that the rest of the area is to be denied any protection, so how can I as Minister ask for protection for one particular part? I do not know what the public or the Press would think if I tried to go ahead with any protection at present. I think I would really be slated.

The Hon. H. C. Strickland: You have not much faith in the Press, have you?

The Hon. L. A. LOGAN: As one who initiated this move and who has been looking for some way of making sure that further buildings such as the one going up in Mount Street are not erected, thus spoiling the already mutilated—to a certain extent—vista from Parliament House, I am left with no alternative but to forgo any attempt to provide protection until the next session of Parliament.

It is all very well to say that the zoning by-law was tossed out on account of one small part of Beaufort Street. That is not the case at all. It is the whole of the central city zone which has been denied protection from a zoning point of view.

The Hon. F. R. H. Lavery: That was not the intention.

The Hon. L. A. LOGAN: That is exactly what has happened; and if we are going to have a policy that because three owners out of 31 decide against certain zoning, we must apply their decision throughout the whole of the zone—

Several members interjected.

The Hon. L. A. LOGAN: There are 31 owners in the area concerned, and because three of them objected and kicked up a fuss, the zoning was disallowed. No thought was given to the other 28 owners in the area. They accepted the zoning.

The Hon. R. Thompson: How many protested against it?

The Hon. L. A. LOGAN: Only three.

The Hon. R. Thompson: What about the other 28?

The Hon. L. A. LOGAN: They accepted it; but this House did not take into consideration the other 28 but only the three who put up all the representations about the matter.

The Hon. F. R. H. Lavery: You only tell us that after the motion is lost.

The Hon. L. A. LOGAN: Members should have thought of that before when they voted for the disallowance of the regulation.

The PRESIDENT (The Hon. L. C. Diver): I would draw the attention of the Minister to the fact that we are dealing with another motion before the Chair and not the one to which he is referring.

The Hon. L. A. LOGAN: Yes, I appreciate that, but I have to take cognisance, of course, of the fact that this motion provides for the protection of a certain portion of the central city for which this House has denied protection; and it is pretty difficult to deal with one apart from the other.

All I can do is to thank Mr. Jeffery for the material he has made available to me. I have passed this on to the Town Planning Commissioner and asked him to study it to see whether he can produce in the next session of Parliament something which will be of benefit, and as a result of which some control can be introduced to save the rest of Parliament House and its environs not only in regard to the height of buildings but also in regard to architectural features.

It could quite easily be that the height of the building referred to would not make very much difference to this place, but the architectural features of it could be such that it could very easily have an effect on it, particularly when we consider the ceremonial drive down through Parliament Place to Parliament House, and the area around Havelock Street and up along King's Park Road. If the architectural features do not fit in with the whole of the area it could have some effect.

I am reminded that already the erection of two buildings which had been refused by the City of Perth because they did not comply with the zoning scheme will now be erected. Already we have lost that protection; and I am only sorry that those buildings will now be allowed to be erected, because there is no way of stopping them. That is the decision.

It is unfortunate, of course, that *The West Australian* in the subleader the other morning, because of ignorance of town planning, was rather wrong in its thinking. But that is the position, of course, with people who do not understand, and who do not attempt to find out, what is going on. Naturally their thinking is somewhat confused on the issue.

However, it is too late this session to do anything with regard to the motion before the House. I thank Mr. Jeffery for the material he has made available. We discussed this matter a month or six weeks ago when he told me he was going to introduce a motion asking the Government to bring in some ordinance in this respect.

I repeat: Had the House not disallowed the zoning by-law, whereby it took away the protection of zoning in this area, although the time was short, I might still have been able to find some method—although it would not have been easy—of getting some interim control. But unfortunately circumstances are such that it is impossible for me to do anything at this stage.

Until we get protection for the rest of the area I cannot very well advocate protection for one section only. As this is the last night of the session it would be useless to pass the motion, but I give the House a guarantee that the material given to us by Mr. Jeffery will be closely studied and attempts will be made, through the Town Planning Commissioner, for some method of control which will be presented to this House next session.

THE HON. G. E. JEFFERY (Suburban) [11.17 p.m.]: In reply to the comments of the Minister, I would like to say that during the six years I have been a member of this Chamber I have never listened to such a speech; it was one of the most astounding and unusual outbursts it has been my privilege to listen to. To tie the subject matter of this motion to another debate is to say the least peevish and spiteful.

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

The Hon. G. E. JEFFERY: As regards the disallowance motion before the House on that occasion, I think the Minister could have done one of two things; and I assume now we are much wiser in the light of subsequent events.

On the occasion when the point was debated he could have adjourned the debate in order to get further information, and he could have placed before the House the fact that the carrying of the motion on that occasion would disallow a lot of other things, too.

I still think that the carrying of that motion—I voted for it and I make no excuse for that—indicated one case where the Minister was wrong. I think there was enough time left for him to have done something in that portion of the City of Perth town planning scheme regarding protection of Parliament House.

I have two thoughts now in view of the shortsighted attitude of the Minister. It was not six weeks ago but within a fortnight of the opening of this session of Parliament that I first raised the matter; and I would have moved the motion then had I had the information that I believed was true.

I was not actually aware of it, but on obtaining the information I placed it before the Chamber; and the Minister was kept fully informed of the moves I was making and what I was attempting to do. I regret having to move the motion in view of the statements made by the Minister, but I have never been one to pull my punches. I hit hard, but I hit clean, so the Minister's statement tonight was purely a political one.

The Hon. L. A. Logan: No.

The Hon. G. E. JEFFERY: As I said, in some respects I regret that I introduced the motion. The Government could have introduced legislation to protect the position; and if the Minister has another look at the Stephenson Plan he will see that what I suggested is contained therein.

I regret moving the motion because there will be some who will take advantage of the present situation as they have very little time in which to move. Between now and the next session of Parliament those who wish to take advantage of the present situation will do so, and all those things in respect of which I expressed fears are likely to happen.

There was nothing political about my move; this is the sort of motion that anyone can support but in doing so one can attract a good deal of personal criticism. Instead of rendering a service, as I thought I was doing, I can see by the attitude of the Minister, which is a shortsighted one, and I think a peevish one, that all I have done is awaken those who will take advantage of the situation and go on their merry way until Parliament brings in legislation to protect the position.

In regard to the Minister's attitude I told him privately on numerous occasions, and within a fortnight of the opening of the session, that I thought something should be done. I discussed it not only with the Minister but also with several other members; and I did not move the motion for personal reasons. Frankly there were numerous members in this Chamber and in another place who supported my attitude, and I think the Minister, had he so desired, could have protected the position.

All that will now happen, as we can see from letters in the Press yesterday, is that those who wish to take advantage of the present situation of the law will do so, and instead of protecting what I thought would be something for posterity those gentlemen, as I said, will go on their merry way until such time as legislation is introduced.

I hope I am proved wrong in what I say but I am afraid that they will go for their lives and that all the things about which I have expressed fears are likely to happen between now and when Parliament meets again.

Question put and passed.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 2nd November.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [11.22 p.m.]: This Bill, introduced by Mr. Jeffery, is identical with one introduced into this Chamber last year. It is different in one respect only—not in regard to its drafting, but merely in regard to its time. Last year the honourable member did in fact introduce the Bill a little earlier in the session, but on this occasion it has been left until very late in the session.

I do not know the explanation for a set of circumstances like that, but some Bills have to be left until last, and it has been necessary to give this one a place low down on the notice paper in the interests of Government legislation. However, I gave an undertaking that all the legislation on the notice paper would be dealt with and we have now reached this point.

When a similar Bill was before the House last year I made a somewhat brief speech on the matter and I intend to do the same this evening because there is not much I can say about it except to reiterate what I said last year, that the provisions in the Bill encroach upon or assume power already enjoyed by the court. The maximum penalty is already set in the Act, and a minimum is not specifically set; it is left for the court to exercise its discretionary power in that regard.

The purpose of the Bill is to exert an influence on the court to the extent of having a minimum penalty under certain circumstances. This was not intended when the Act was passed. It was intended to leave the decision as to an appropriate penalty for a particular offence, taking into consideration all the circumstances at the time, to the judiciary. Mr. Jeffery's Bill places an emphasis on one circumstance alone: that the offence has been committed more than once; and that is hardly a logical premise on which to base a penalty. The fact that the offence has been committed is what should determine the penalty, and whether it has been committed more than once should not have to be considered.

I am against this sort of legislation because in the first place it usurps and encroaches upon the power which the court now enjoys. I do not think it is up to Parliament to dictate to the court on matters which come before it. With those few brief remarks I am obliged to oppose the Bill.

THE HON. J. M. THOMSON (South) [11.26 p.m.]: I rise to say a few words in regard to the Bill. Last session I opposed a similar measure, but I must admit that after taking notice of what has transpired in the intervening period. I think it calls for a little further thought on this occasion. I agreed with what the Minister had to say on this matter last year, but in the meantime I have witnessed, in country districts particularly, various contractors who have come into the country areas and have secured contracts when tendering against local contractors, and these outside contractors have not carried out the terms of the Arbitration Court awards.

They have been able to get away with it, and by that means they have been undercutting contractors who tendered legitimately for the jobs and who knew from their quotations and costing structures that their prices were fair and reasonable.

As much as I do not like to take away from the court power that I have always held it should have in regard to these matters, I am forced by circumstances which I have witnessed, and which have been presented to me from time to time, to recast my thinking on this question.

The maximum penalty is £500 and, of course, we do not expect to see that imposed. But from time to time we see various contractors appearing before the Arbitration Court for breaches of the award while other contractors, because of their desire to stick hard and fast to award conditions, are losing out on contracts. In my view this Bill will be a means of rectifying the position. I do not like the move, but on this occasion I propose to support the Bill for the reasons I have given.

I did not want to cast a silent vote because my views on this occasion are contrary to those I held last year. However, one is entitled to offer one's opinions and views because of one's experience and what one sees when one moves around the community. I support the second reading, not very happily but because I think the President of the Arbitration Court summed it up very well when he said that it devolves upon the shoulders of the industrial unions to implement their arbitration awards; and that is exactly what they do. Those who are caught acting contrary to the awards know what to expect and are not very happy as a result. I support the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading: Defeated

THE HON. G. E. JEFFERY (Suburban) [11.32 p.m.]: I move—

That the Bill be now read a third time.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [11.33 p.m.]: I regret I cannot see a Bill of this nature go on the statute book without first asking the House to express an opinion; because I would like members to realise that while I appreciate the motives that have activated Mr. Jeffery in presenting the Bill to the House, if the House agrees to it we will in fact be usurping the powers of the Arbitration Court.

In practice that is extremely bad and I do not think the House should be a party to it. The Bill has so far been agreed to through the processes of our procedure, but I must oppose it at the third reading stage.

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

Ayes—13.

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

Noes—14.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. S. T. J. Thompson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Murray
	(Teller.)

Majority against—1.

Question thus negatived.

Bill defeated.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [11.37 p.m.]: I move—

That the House at its rising adjourn until 2.30 p.m. tomorrow (Wednesday).

The Hon. H. C. Strickland: Is it possible for the House to meet when there is nothing on the notice paper to discuss?

The Hon. A. F. GRIFFITH: While we have discharged the matters on our notice paper, at this point of time there are messages in transit from the Legislative Assembly. There is still other legislation to be referred to the Legislative Council; in particular the Loan Bill. So whilst we may not have a notice paper we will certainly have business to discuss.

The PRESIDENT (The Hon. L. C. Diver): Standing Orders are suspended, and by the time we assemble at 2.30 p.m. there will be business on the notice paper.

THE HON. H. C. STRICKLAND (North —Leader of the Opposition) [11.38 p.m.]: I thought that so much of the Standing Orders were suspended as to enable messages and Bills to be put through at one sitting. I did not know Standing Orders were suspended to enable us to deal with nothing. Our notice paper is clear. The Minister says that there may be something which will come from another place.

The Hon. A. F. Griffith: I said there will be.

Suspension of Sitting

THE PRESIDENT (The Hon. L. C. Diver) [11.39 p.m.]: The best way to resolve the question is for me to leave the Chair till the ringing of the bells which will take place at 2.30 p.m. tomorrow.

Sitting suspended from 11.40 p.m. until 2.30 p.m. tomorrow (Wednesday).

(Continued on page 2776)