When the Act was passed in 1909, the main purpose of the provision was no doubt to cover special leases, under the Land Act, of town lots. There were some in the metropolitan area, and I know of some in my electorate.

There are still some in Jolimont and in Daglish. Of course there are a lot in the country districts of Western Australia, but the Act does not extend that far. These people pay a very nominal rent to the Crown. The reason they cannot get a freehold title is simply that the Crown is not prepared to give fee simple title to the land. The Crown is, in effect, the owner and that, I suggest, is the reason redress was not given against the Crown. I would say that Crown instrumentalities are not covered. If the land is in the name of the Minister for Works or anybody else, such as a body corporate, the problem does not arise.

I suggest to the Minister that the case of the Crown resuming land is something which could be looked at. When the Crown, as such, resumes land, the land is, as I understand it in most instances—not all—taken in the name of Her Majesty the Queen, and if the house, or whatever is on the land is let, the water supply board collects the rates from the tenant as occupier, and there would be no right of redress against the Crown. The only fair way would be make a reduction of rent equivalent to the rates, and leave it to the occupier to pay. I would point out, however, that there is no provision in the Act which protects the occupier.

Subsection (a) of section 72 makes it clear that land, the property of the Crown and used for public purposes, or unoccupied, is exempt from rating altogether. In the case of Crown land which is, firstly, used for public purposes or, secondly, unoccupied, a rate cannot be levied at all. So the question does not arise; but if the land is occupied and not used for public purposes a rate can be levied and it would be charged to the occupier who would have to pay; and, as I see it, without a right of redress against the Crown. Where land on which a house is occupied and let is acquired by the Crown for, say, a future road, the rent should be reduced accordingly.

The only other observation I wish to make is in connection with section 103 of the Act. As mentioned by the Leader of the Opposition, the water board has the right to levy the owner direct for rates. Speaking from memory, and having made applications to the water board under this section—and I have always understood that this was the practice in the days of the department—the board automatically exercises its option if the owner owns at least three ratable properties. In that case the owner receives three assessments. However, if a person owns fewer than three ratable properties, the board does not send an assessment to the owner. Presumably the board reckons that the man who owns three properties is of sufficient substance for it to take a fair risk with him.

This is the section under which the State Housing Commission would get its rate notices sent direct to the Housing Commission because it obviously owns more than three properties. With those comments I support the Bill.

Debate adjourned, on motion by Mr. Toms.

House adjourned at 5.54 p.m.

Legislative Council

Tuesday, the 12th September, 1967

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

WEST PROVINCE

Seat Declared Vacant

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.36 p.m.]: I move (without notice)—

That this House resolves that owing to the death of The Hon. Arthur Raymond Jones, former member for the West Province, the seat be declared vacant.

Question put and passed.

QUESTIONS (9): ON NOTICE

CARAVAN PARKS

Applications for Sites

1. The Hon. C. E. GRIFFITHS asked the Minister for Town Planning:

Further to my question on Tuesday the 1st August, 1967, in regard to the number of applications for approval of sites for caravan parks received by the Metropolitan Region Planning Authority during the last 24 months, will the Minister advise—

(1) The name of the applicant, the location and size of the site for—

(a) each of the nine sites approved; and

(b) each of the four sites awaiting determination?

(2) Are developmental conditions contained in approvals granted for such sites?

(3) How many of the nine sites approved have been fully established in accordance with such conditions?

The Hon. L. A. LOGAN replied:

(1) (a) G. M. Best: Lot 495, Elder Parade, Bassendean—4 acres.
K. M. Hedley: Lots 307-308, Welshpool and Treasure Road, Kewdale—2¼ acres.
A. F. Glass: Lot 1150, Location 16, Prince St., Gosnells—2½ acres.
F. Rowley: Lot 13, Maxwell Road, Caversham—5 acres.
Wanneroo Shire Council: Lot 211, Swan Location 1370, Ocean Drive, Quinns Rocks—10 acres.
Kalamunda Shire Council: Lot 435, Railway Road, Adjoining swiming pool—2 acres.
K. A. & M. Fenton: Part Location 319, Hale Road, Forrestfield—12½ acres.
A. T. & R. S. Preece: Lot 521, Location 28, Hawtin Road, Forrestfield—4½ acres.
Belmont Shire Council: Corner Stoneham Road and Daly Street, Belmont—20 acres.

(b) C. J. Wilde: Lot 36, Victor Road, Darlington (now approved)—24 acres.
Mundaring Shire Council: Lake Leschenault (part of reserve) (now approved)—2 acres.
Golden Bay (Beach Estate): Peelhurst (Golden Bay)—2½ acres.
Franklin Caravan Park: Lot 17, Swan Location 591, West Coast Highway, Sorrento (now approved)—6¼ acres.

(2) Conditions relating to such matters as site planning, means of access, drainage etc. are imposed where relevant; and the caravan park by-laws are applied.

(3) Two completed.
One almost completed.

ROADS

Scheme to Finance Relocation of Roads

2. The Hon. V. J. FERRY asked the Minister for Mines:

With reference to work associated with the Warren-Lefroy Advisory Committee—

(1) Has the Government given any consideration to the establishment of a scheme to finance the moving of roads to enable landholders to construct dams in those cases where landholders are unable to do so because of the present location of roads?

(2) Is the Government aware of any move to request the Manjimup Shire Council to move roads so that landholders can build dams to service their properties where, in the present circumstances, they are unable to do so?

The Hon. A. F. GRIFFITH replied:

(1) No.

(2) No.

ELECTRICITY SUPPLIES

Purchases from B.H.P.

3. The Hon. N. E. BAXTER (for The Hon. T. O. Perry) asked the Minister for Mines:

Will he ascertain from the Minister for Electricity the answers to the following questions:—

(1) Has the State Electricity Commission purchased any electricity from Broken Hill Proprietary, or its subsidiaries, in the Kwinana area?

(2) If the reply to (1) is "No," does the State Electricity Commission plan to do so in the future?

(3) If the reply to either (1) or (2) is "Yes"—

(a) what is the anticipated quantity that will be purchased in a full year; and

(b) is it expected that this will increase or decrease annually over the next five years?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) Answered by (1).

(3) (a) Approximately 60,000,000 Kwh.

(b) No variation expected.

POTATOES

Growers' Licenses: Transfer

4. The Hon. V. J. FERRY asked the Minister for Mines:

(1) Is it an established practice for a licensed potato grower to benefit from an equity in his license when he relinquishes potato growing, and sells his property?

(2) Does a potato growing license, granted by the Western Australian Potato Marketing Board to a vendor farming a property on which potatoes are grown under such license, automatically transfer such license to the purchaser of the property?

(3) If the answers to (1) and (2) are in the negative, is the board aware of any instances where a license is advertised as being available to the purchaser of a property?

The Hon. A. F. GRIFFITH replied:

(1) No.

(2) No.

(3) No.

MILK VENDORS

Names and Addresses

5. The Hon. J. DOLAN asked the Minister for Mines:

Will the Minister furnish me with a list of the names and addresses of all milk vendors who operate under the authority of the Milk Board of Western Australia?

The Hon. A. F. GRIFFITH replied:

A list of licensed milk vendors in the metropolitan area is tabled herewith.

The list was tabled.

ELECTRICITY SUPPLIES

Charges for Power and Lighting

6. The Hon. N. E. BAXTER (for The Hon. T. O. Perry) asked the Minister for Mines:

Will he ascertain from the Minister for Electricity the answers to the following questions—

(1) In the metropolitan supply area, does the State Electricity Commission charge different rates for electricity used for power, and, electricity used for lighting, by other than domestic consumers?

(2) If the reply to (1) is "Yes," what are the rates charged for electricity used for lighting?

Street Lighting

(3) What was the total amount of electricity used for street lighting in each of the last five years—

(a) in the metropolitan supply area; and

(b) outside the metropolitan supply area;

in those areas supplied by the State Electricity Commission?

(4) Does any Government department or local governing authority make any payments to the State Electricity Commission for power consumed in street lighting in (a) and (b) of question (3)?

(5) If the reply to (4) is "Yes"—

(a) which were the Government departments or local authorities making these payments; and

(b) what were the total payments received by the State Electricity Commission in each of the last five years?

The Hon. A. F. GRIFFITH replied:

(1) Some consumers other than domestic consumers are charged on separate tariffs for power and for lighting.

(2) Electricity that is sold separately for lighting is charged for as follows:—

First 100 units per month: 5.50c per unit.
Next 500 units per month: 5.00c per unit.
Next 4,400 units per month: 4.25c per unit.
All over 5,000 units per month: 3.40c per unit.

(3) (a)

	Kwh
1963	11,924,743
1964	14,113,270
1965	14,324,515
1966	15,688,172
1967	16,325,304

(b)

	Kwh
1963	1,141,850
1964	1,514,322
1965	1,566,107
1966	1,854,998
1967	2,339,722

(4) Yes.

(5) (a) Main Roads Department. All local authorities where the commission supplies street lighting.

(b)

	$
1963	353,480
1964	395,940
1965	429,602
1966	468,305
1967	511,916

HOUSING

Rural and Industries Bank: Land Acquisitions and Constructions

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

With reference to the Rural and Industries Bank Act Amendment Act No. 49 of 1966—

(1) What progress, as envisaged in the Act, has been made to date regarding—

(a) the acquisition of land; and

(b) the provision of homes thereon?

(2) What has been the cost of—

(a) the land; and

(b) the homes;

to the respective purchasers?

(3) What building firms or contractors have secured the contracts to carry out the work, and what were the conditions of tendering?

(4) Has land been secured in country districts for the purpose of providing homes under conditions provided in the amended Act?

(5) If the reply to (4) is "Yes," would the Minister inform the House—

(a) where land has been secured; and

(b) whether tenders have been requested for the supply of homes thereon?

(6) If the reply to (4) is "No," could the Minister inform the House if it is intended to secure land and provide homes in country districts, as was envisaged in the Bill when it was before Parliament, or was it intended that the provisions now in the Act apply only to the metropolitan area?

The Hon. A. F. GRIFFITH replied:

(1) (a) Sixteen building lots and 25 acres for subdivision at Scaddan, Mt. Lawley, and 231 building lots at Karrinyup, have been acquired.

(b) Seven houses are nearing completion and tenders have been let for a further 24.

(2) (a) Nine lots sold at Scaddan averaged $6,025.
Forty lots sold at Karrinyup averaged $4,809.

(b) No sales of homes have been made yet.

(3) Contracts were let to—

Karrinyup and Scaddan

	No. of House
A. V. Jennings Industries (Aust.) Ltd.	13
K. Rix Bros.	5
T. S. Plunkett Pty. Ltd.	4
D. C. Allen Homes Pty. Ltd.	1
Bromallen Homes	2
C. G. Gardiner	1
Landall Construction & Development Co. Pty. Ltd.	2
Styleline Homes Pty. Ltd.	3
	31

Tenders were called publicly on a "design and erection" basis.

(4) No.

(5) Answered by (4).

(6) The matter of provision of homes in country districts is under active consideration.

NURSES AND NURSING AIDES

Bursaries

8. The Hon. J. M. THOMSON asked the Minister for Health:

Further to my question on Tuesday, the 29th August, 1967, relating to nursing trainees—

(a) what is the bursary amount received by young women entering the nursing profession; and

(b) am I correct in my assumption that no such bursary is provided for girls commencing a nursing aides course?

The Hon. G. C. MacKINNON replied:

(a) Nursing bursaries are provided to encourage girls to remain at school for either one or two additional years before they enter nursing training. The amount of the bursary is—

For one additional year at school—$160.

For two additional years at school—$320.

(b) Yes.

RAILWAY CROSSINGS

Ramsay Street, Norseman: Installation of Flashing Lights

9. The Hon. R. H. C. STUBBS asked the Minister for Mines:

Further to my question on Thursday, the 27th August, 1964, relating to the installation of flashing lights at the Ramsay Street level crossing at Norseman, will the Minister inform the

House whether any review of the position has been made, and if so, is it intended by the Railway Crossing Flashlights Committee to effect the installation in the near future?

The Hon. A. F. GRIFFITH replied:

A review has been made by the Railway Crossing Flashlights Committee, but is has deferred a decision until the Western Australian Government Railways can carry out studies to ascertain—

(a) the practicability of power installation;

(b) whether satisfactory operation will be affected by shunting movements.

LEAVE OF ABSENCE

On motion by The Hon. N. E. Baxter, leave of absence for 12 consecutive sittings of the House granted to The Hon. T. O. Perry (Lower Central) on the ground of ill-health.

MOSMAN PARK

Disallowance of Heights of Buildings By-law: Motion

Debate resumed, from the 29th August, on the following motion by The Hon. J. G. Hislop:—

That the by-law relating to heights of buildings (Saunders Street), made by the municipality of the Town of Mosman Park, under the Local Government Act, 1960-1966, published in the *Government Gazette* on Thursday, the 15th December, 1966, and laid on the Table of the House on Tuesday, the 1st August, 1967, be and is hereby, disallowed.

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [4.50 p.m.]: In rising to oppose this motion moved by Dr. Hislop, I must say I am amazed at the interpretation which can be placed upon the English language. Perhaps I had better commence by reading the original by-law which was published in the *Government Gazette* on the 16th June, 1964. It reads as follows:—

By-law Relating to Heights of Buildings
(Saunders Street).
Heights of Buildings.

1. In that part of the Municipality included in the hatched area on the plan in the schedule hereto the distance from the underside of any part of the footings of a building (other than a conservatory, shadehouse, pigeon loft, aviary or similar structure) to the top of the building immediately above such part shall not exceed eight feet and no part of a building shall be more than six feet above the natural surface of the level immediately beneath such part.

That by-law applied to the portion of Saunders Street shown on the plan. The by-law which is the subject of this motion for disallowance is an amendment to the by-law I have just read, and the amendment reads as follows:—

Replace the plan in the Schedule to the by-law relating to Heights of Buildings (Saunders Street) published in the *Government Gazette* of 16th June, 1964, with the plan in the schedule hereto.

Then there is a plan showing a hatched area, which area is covered by the by-law we are discussing. I would like the wording of the by-law to be remembered. It deals with heights of buildings, and that is all it does deal with. Yet, we find Dr. Hislop talking about roadways, resumptions, the taking of land values, and all sorts of other things. For the life of me, I cannot see how the by-law can be interpreted to have any such meaning. Dr. Hislop said—

Looking at section 433 of the Local Government Act, I should say the local authority has all the power it needs to prevent such a thing happening.

I cannot understand that statement because the local authority has used section 433. Yet Dr. Hislop takes exception to that and wants the by-law disallowed. I do not know what he is getting at when he says the local authority has the power, and then he moves for a disallowance of the by-law. Dr. Hislop then went on to say—

Therefore, what is behind the introduction of the by-law? All the people to whom I have spoken have become very heated about the position and say they cannot get a definite statement.

All the people concerned knew about this by-law in 1963. They were told about it in 1963, and were again advised in 1964, 1965, and 1966. So they knew exactly what was going on all the time. Dr. Hislop went on to say—

Because of it, these people believe they are having taken from them a considerable amount of the value of their property.

I repeat: We are not taking any land from those people. The by-law is a restriction as far as building heights in that particular area are concerned. I would have thought that rather than take value away from the area, it would increase its value. If somebody wanted to buy a property, and knew very well that the future of the escarpment was assured, and people could not be built out, surely this would put value on and not take it away. The honourable member continued—

I cannot see why the people concerned should not be permitted to retain the land they have.

Again, I repeat, we are not taking any land. The owners retain the land in the same way as any individual with an ordinary building block where the building has to be set back 25 feet from the roadway. Such a person does not lose his land. All that happens is that they cannot build on portion of it. In industrial areas, where the set-back is 30 feet or 50 feet, the land is not lost; it just cannot be built on. The same principle applies here.

The Hon. J. Heitman: What is the distance of the set-back at the back of the lots concerned?

The Hon. L. A. LOGAN: The distance varies according to the high-water mark of the river.

The Hon. C. E. Griffiths: He means the back of the blocks.

The Hon. L. A. LOGAN: The usual 25 feet back.

The Hon. J. Heitman: That is the distance from the road. I meant the distance from the river.

The Hon. L. A. LOGAN: That distance varies according to the river and the cliff face. It could be 50 feet or 60 feet in places. The blocks concerned are well over 400 feet in depth.

The Hon. C. E. Griffiths: A lot of the land cannot be used.

The Hon. L. A. LOGAN: Dr. Hislop went on to say—

> This matter has been looked at very carefully by men of experience; and I have a document which I intend to read, a copy of which I will lay on the Table of the House if required.

Earlier in his speech the honourable member said—

> Following that letter a reply was also sent to Mr. McMahon in which it was stated that it was intended to preserve the beauty of the area so that not only those who owned property in the area, but also other people, could take advantage of the beautiful sight from the escarpment.
>
> This seems rather extraordinary, because if the by-law was introduced to make it possible for the public to have access to the area, either a roadway or a walk would have to be built. Such a roadway would follow on from the roadway to the institution, which is on top of the hill, and it would probably be some considerable time before such a roadway could be built.

How anybody could interpret the by-law to mean the land would be used for the building of a road, I do not know. I think all members know—and I have repeated this—that the land in question is under freehold title. A road cannot be built on freehold land. There was mention of reducing the value of the land so that the local council could take it over. The council would not resume the land without the permission of the Minister for Local Government. Even if the Minister for Local Government gave permission it would still have to be subject to the provisions of the Public Works Act, as far as resumptions are concerned.

There has never been any thought of a roadway. Do not let us get confused about roadways because there are none in mind, and they are not likely to be. If anybody wanted to buy the land and put in a roadway, the cost would be prohibitive. There is no thought of a roadway, and by no stretch of the imagination can the building of a roadway be read into the by-law.

The same principle applies to footpaths, and would apply if one wanted to put in a walk. The land would have to be bought from the individuals concerned. As I have said, the land still belongs to the individuals who hold the title deeds.

The Hon. R. F. Hutchison: Does that mean that the council cannot resume it compulsorily?

The Hon. L. A. LOGAN: No shire or council could put in a roadway without resuming the land necessary for it, and the land cannot be resumed without the approval of the Minister. In any case no-one would want to put a road in that location.

The Hon. R. F. Hutchison: That is what I thought.

The Hon. L. A. LOGAN: Dr. Hislop then wanted to know what it was all about. He said the people concerned could not find out what it was all about. The honourable member wrote a letter dated the 1st July, 1966, to the council. Part of the letter reads as follows:—

> Would I be asking too much of you to explain to me what is the intention behind the amended height by-law which I believe is being discussed by your council at the moment?
>
> I would be very interested to know just exactly what is expected if this amended by-law became accepted.

The Council's reply, dated the 8th July, 1966, was as follows:—

> The purpose of the amendment is to extend an existing building height control area along the riverfront land in Saunders St., Mosman Park. In so doing a line of building uniformity will be achieved in lots backing upon the Swan River and whose rear boundaries are the several high water marks of the river. Under the present uniform Building By-laws nothing can prevent the superimposition of residences over the clifface. Construction of this type can only impair the views of present landholders and destroy the natural beauty of the escarpment of of the cliff.

> It is my Council's intention to retain these aesthetic virtues both for the public and individual landholders and by the restriction of building height in this area no intrusive structures of this nature can be erected.
>
> I trust that these comments will answer your query but if this is not the case please do not hesitate to contact me further.

Despite the fact that the honourable member was asked to contact the council again if he was not satisfied with the information given, he did not do so. It was left to the council to contact the honourable member a day or two prior to his introducing the motion into the House. The honourable member had the opportunity, from the 8th July, 1966, to go back to the council and discuss the matter with its officers if he was not satisfied about the by-law. However, the honourable member did not accept the offer of the council.

The Hon. H. K. Watson: What does the town clerk mean by "retaining the aesthetic virtues both for the public and individual landholders"?

The Hon. L. A. LOGAN: There is a fairly large stretch of water in front of this area and many people use it every day of the week.

The Hon. H. K. Watson: For speedboats?

The Hon. L. A. LOGAN: And for other purposes. Everybody—or at least I should say many people use it. However, what I am trying to say is that the honourable member said he did not know what the by-law was all about; and he also said the landholders did not know what it was all about. From my reading of the letter sent to the honourable member it is perfectly clear. The letter states—

> The purpose of the amendment is to extend an existing building height control area along the riverfront land in Saunders St., Mosman Park. In so doing a line of building uniformity will be achieved . . .

Surely that is plain English—language which everybody ought to be able to understand. Whether we agree with what is to be done is a different matter. The intention was plain, clear, and straightforward. It was language which everybody could understand; and if somebody says he does not understand language like that he is not being truthful.

In answer to a question regarding how many owners were affected the honourable member said—

> Quite a number in the last instance. The plan I have before me shows the portions which are occupied, and the portions which are to be taken away.

The honourable member knows perfectly well that this land is not being taken away. Therefore, why make the statement to the House that land is being taken away when he knows that is not the case. The honourable member then went on to say—

> The owners should not be told by the council that they cannot do anything with the land, even though it belongs to them.

In that instance the honourable member says that the land belongs to these people, but just prior to that he said it was being taken away from them. In the next breath the honourable member said—

> When the time comes for the land to be subdivided the parts which back against the high wall will probably be taken from them by the council, without cost.

The honourable member knows perfectly well that no land can be taken away by a council in a subdivision. Subdivisions of land come under the control of the Town Planning Board, and this has been the position in Western Australia since 1928. Subdivisions are under the control of the Town Planning Board and not a council; and any land taken from a subdivider by the Town Planning Board, for public open space purposes, is transferred to the Crown and becomes the property of the Crown, and not the council in whose area the subdivision takes place. The land may be vested in a council to be used for recreational purposes, or for public open space, but that is all that can be done.

The Hon. H. K. Watson: As it not infrequently is.

The Hon. L. A. LOGAN: In the instances to which I have referred the land belongs to the Crown. However, where in this by-law is there a reference to subdivisions? There is no reference to subdivisions, because there cannot be any such reference. This by-law has nothing to do with subdivisions so why raise the red herring of subdivisions when it is not relevant? The honourable member then goes on to say—

> No one in the area to which I am referring is certain of what is taking place. The people concerned consider that, at least, they should be made aware of the intentions of the council.

If the intentions of the council are not made clear in the letter which I have quoted then I do not know how they could be made clearer. The intentions were perfectly clear to everybody. The honourable member then went on to say—

> If this by-law is to be implemented I feel certain that legal action will result.

I do not think it is my job, your job, Mr. President, or the job of any other member in this House, to say whether, legally, this by-law is correct or not. I think we would be wrong if we tried to give a legal interpretation to it because we are not set up as a court to decide whether something is or is not legally correct.

This by-law was first introduced in 1964, laid on the Table of the House, and not

queried. It has been in existence since that time and up to now has never been queried. The by-law was drafted by a legal firm and not by the Crown Law Department. I am not going to say whether, legally, it is right or wrong. Legally it could be wrong, but I do not think it is up to us to decide that. If the people concerned want to query the legality of the by-law they are perfectly free to go to court to test the matter, but it is not our job to set ourselves up as a court.

I can only repeat that the honourable member, at one stage, talked about the people retaining their land; in the next breath he said they will lose it; and further on he said that they will not. This by-law as I have already said, has nothing to do with subdivisions; subdivisions are the prerogative of the Town Planning Board. The honourable member then said—

> Finally, I want to bring forward one of the major aspects of which the owners concerned disapprove. They consider that the mayor of the council has it firmly fixed in his mind that a roadway shall be built around the base of the cliff.

I ask members: Is that the sort of statement that ought to be made in the House regarding a by-law which deals purely and simply with height restrictions in an area around the river? As I have already said, where could a road be built in this area? Mr. Watson then asked the honourable member a question whether this work would be free of cost, and the honourable member said, "Yes, completely free of cost."

The honourable member was talking about the road which he said the mayor had firmly fixed in his mind to build. In other words, if a road was to be built around this beautiful escarpment—and the land is held freehold by the individuals concerned—it will not cost the council anything. The honourable member continued by saying that he could not see the reason for the by-law and neither could the owners of the properties concerned.

Dr. Hislop invited members to make an inspection of the area to see what has been done by the owners, and what will have to be done by them. He went on—

> In the case of Mr. Clough, he contemplates a considerable amount of filling. Other properties, such as those belonging to Mr. McMahon, Mr. Campbell, and Mr. Kent, have been beautifully landscaped.

They have been beautifully landscaped, and the properties are a credit to the owners. This is what we want them to do—landscape the escarpment in front of their houses so that the beauty of the area can be retained. Mr. McMahon's property is a credit to him, and I think all the other owners will follow suit. However, nobody is stopping them from doing this work; we want to encourage them; and the by-law, which the honourable member wants disallowed, does not stop these owners from improving their properties in this way.

From what has been said in the House nobody would think that these landowners had any right to certain parts of their properties. Let us be factual about the position. As I said, what Mr. McMahon has done to his property is a credit to him; and I am sure the other landowners there will follow suit. Surely that is what we desire rather than to have somebody build in front of Mr. McMahon's house, or the houses of Mr. Kent, Mr. Campbell, or any of the others. It is much better for people to build back off the escarpment and to have the properties landscaped at the front.

One of the reasons for putting the word "aviaries" in the by-law was to cover the position of Mr. McMahon. I did not think it right that this type of structure should be excluded; and so I told the council to include that provision in the by-law. As a result, aviaries and similar structures can be built in this area.

The Hon. R. Thompson: In the main, to retain some of the structures that have been built there.

The Hon. L. A. LOGAN: Yes. Then the honourable member goes on to talk about Mr. Clough, and he said—

> On the plan is shown the property belonging to Mr. Clough, who has been tormented by the council for about two years.

Mr. Clough has not been tormented by anybody. He made an application, dated the 22nd December, 1965, to the Town Planning Board, and the letter in reply, written by the secretary of the board, reads as follows:—

> Re: Lot 68, Swan Loc. 807,
> W. H. and M. Clough.
>
> Further to your application of 22nd December, 1965, the Local Authority have requested that—
>
> > "In order to adequately study the effect and assess the Council requirements it is requested that the site be physically pegged showing the location of all blocks and the levels of all access and services.
> >
> > In addition it is required that a plan be produced indicating the subdivision in relation to contours."
>
> You are requested to liaise with the Local Authority on the above matter to enable investigations to proceed.

The Hon. H. K. Watson: What is the date of that letter?

The Hon. L. A. LOGAN: The 1st April, 1966.

The Hon. H. K. Watson: Thank you.

The Hon. L. A. LOGAN: To my knowledge Mr. Clough has not made any further representations to the Town Planning Board regarding the subdivision.

The Hon. J. G. Hislop: Do you realise he has been out of the country during that time?

The Hon. L. A. LOGAN: But the honourable member said this man had been tormented for two years. Yet he has not been here.

The Hon. H. K. Watson: You say the letter was written on the 1st April, 1966, and the by-law came down that month—the 28th April, 1966.

The Hon. L. A. LOGAN: The original by-law was brought down in 1964.

The Hon. H. K. Watson: This by-law was introduced in 1966.

The Hon. L. A. LOGAN: At that time it was known the by-law was to be extended.

The Hon. C. E. Griffiths: How would they know that?

The Hon. L. A. LOGAN: Because they were told. They knew because I have had the people concerned in my office. The by-law was published in the *Government Gazette* on the 15th December, 1966.

From the 1st April to the 19th December is roughly eight months, so there is much disparity between the dates of the letters which I quoted and the gazetting of the by-law. If the by-law was disallowed a farcical situation would arise, because in the neighbouring Town of Claremont the same by-law would still apply.

Why is the by-law under discussion regarded as being so bad, when the one which applies in Claremont—and which has been in force since 1964, and extended in 1967—is satisfactory? The original Claremont by-law was approved by His Excellency the Governor in Executive Council on the 13th February, 1964, and it dealt with plot ratios, site coverage, and heights of buildings. It states, *inter alia*, as follows:—

> In that part of the Municipality included in the hatched area on the plan in the Schedule hereto the distance from the underside of any part of the footings of a building to the top of the building immediately above such part shall not exceed eight (8) feet and no part of a building shall be more than six (6) feet above the natural surface of the land immediately beneath such part.

I am certain this wording is the same as the existing wording in the by-law we are discussing, except that the reference to aviaries, etc., has been included.

The Hon. J. G. Hislop: Are the conditions of the two by-laws exactly the same?

The Hon. L. A. LOGAN: I have here the heights by-law which applies to Claremont, but not one objection has been received from the owners of the 30 blocks concerned.

The Hon. R. Thompson: How would the set-back compare?

The Hon. L. A. LOGAN: I do not know the exact scale, but I would say it is greater in Claremont; yet not one objection has been received, although the same wording was used for both by-laws. Of course, in the Mosman Park by-law the reference to aviaries, etc., has been included. On the 6th February, 1967, that by-law was repealed because it dealt with plot ratios and sites; and these aspects were covered by the town planning scheme and the residential code.

The Hon. H. K. Watson: Why were the ordinary conditions relating to the building of houses deleted?

The Hon. L. A. LOGAN: Because they were covered by the town planning scheme and the residential code, so that part of the by-law was *ultra vires*. In the by-law which was gazetted on the 1st June, 1967—and incidentally it was passed by the town council on the 6th February, 1967—the following is stated:—

> In that part of the Municipality included in the hatched area on the plan in the schedule hereto the distance from the underside of any part of the footings of a building to the top of the building immediately above such part shall not exceed eight (8) feet and no part of a building shall be more than six (6) feet above the natural surface of the land immediately beneath such part.

Exactly the same wording is used, and exactly the same principle is involved. The by-law I have just read applies to the Freshwater Bay area, and Dr. Hislop lives behind one of the blocks covered by it. There has only been one appeal of any moment which has been made under that by-law. Somebody wanted to build a block of flats at the water's edge, but was refused permission. That was why the by-law was extended.

If the by-law referred to in the motion is disallowed, then four blocks will still be covered, but the other seven will be excluded. I repeat again that this by-law has nothing to do with roadways, footpaths, resumptions, or 10 per cent. open space. It merely provides that in the area concerned the owners cannot construct a building more than six feet above the natural surface of the land, and that the distance from the underside of the footings to the top of the house immediately above shall not exceed eight feet. This by-law does not take away any of the rights contained in the title deeds. The owners can landscape their land, and they can grow whatever they like on it—tomatoes, cabbages, or pumpkins.

The letter which was sent to Dr. Hislop contained the same information as that

given to all the owners of the land concerned. They knew the exact situation, and if the wording used is not clear then I do not know what is. I cannot understand why the owners claim they do not know what it is all about. I am satisfied that everyone concerned should, and does, know what it is all about.

I have been dealing with this matter since 1963, and it is now 1967. I have spent more time on it than any Minister should, in trying to resolve the disagreement which has arisen between the owners and the council because I was not satisfied with the original proposal of the council. I did not accept it, but in all that time, between 1963 and 1967, I have had many discussions with the owners. I have even inspected the sites, and walked along the cliff face—not once but three times, in the middle of summer. I endeavoured to find a line which would satisfy the wishes of the council, and which, as far as possible, would be equitable to the owners. I have directed the town planning officers and surveyors to make inspections and examine the sites. More time and money has been spent on this problem than on any other. I would not like all the work which I have done to come to nought, merely because this House wishes to disallow the regulation in question.

I have been credited with being pretty fair in my assessment of matters such as this. I repeat that I have dealt with these problems for nearly four years, and the one in question for nearly 2½ years. I have here a plan which shows the alteration I made to the original by-law produced by the council. The red line is the council building line, and the blue line is the one I eventually agreed to.

I cannot understand the opposition to this by-law, or the reason for the heat which has been engendered. The owners of the Claremont properties are satisfied, and no argument has arisen; yet when a neighbouring council adopts the same wording and the same principle, there is an uprising. I cannot find out what all the fuss is about.

I repeat that none of the land is being taken from the owners; that the value of the land is not reduced; and that the owners are not prevented from landscaping the land. It would be a different matter if there was a doubt about the position of the land, but there is not because there is a 25 feet set-back from Saunders Street. These blocks are very big, and there is plenty of room to build behind, at the escarpment. For the reasons I have given, I trust the motion to disallow the by-law will not be agreed to.

THE HON. H. K. WATSON (Metropolitan) [5.26 p.m.]: The Minister has dealt extensively and, perhaps, trenchantly with the speech made by Dr. Hislop a week or so ago. That speech is to be found on pages 600 to 604 of the current *Hansard*, and I suggest it is well worth rereading by every member of the House. As I see it, the subject matter of this motion is one more appropriate for discussion on the spot; therefore, for the benefit of those who are unacquainted with the locality in general, and with Saunders Street in particular, I would like to make a few preliminary explanations.

The riverside portion of Mosman Park is pretty hilly and rugged country. Saunders Street is cut into the side of a hill, or a series of hills which are fairly steep and a couple of hundred feet high, and runs down to a cliff at the water's edge. The cliff is about 30 to 50 feet above the water's edge.

The properties on the high side of Saunders Street enjoy a commanding view of the river; and so do the properties on the low side of Saunders Street but their view is obtained from the rear of the premises. It is in respect of properties on the low side of Saunders Street that this motion is concerned. The front boundary of the properties faces Saunders Street, and the rear boundary is the high-water mark of the Swan River.

It is worth emphasising that the title to these properties—and particularly to those we are discussing—ends at the high-water mark. The individual has full title to property right down to the high-water mark. There are those who feel that a person should not enjoy such a privilege, but that is quite beside the point. The fact is the title gives the owners full title right down to the high-water mark.

The fall of the cliff is fairly steep. I would say it is a fall of one in three, or one in four. Perhaps I could best illustrate the position by imagining that Harvest Terrace is Saunders Street, and the top of the door to the Press gallery is the top of the cliff. It comes down from the top of the door to the Press gallery to the far end of the Table of the House, where it laps the river. The distance from the far end of the table to the entrance of the Chamber is roughly 30 feet. I know it is 30 feet because I stepped it out a few moments ago, and I was so preoccupied in doing so that I forgot to make obeisance to you, Sir, and for that I tender my apologies.

Most of the properties in question have convenient and attractive access ways from the top of the cliff down to the water's edge—a series of steps, or miniature Jacob's ladders usually with a retaining wall right down to the foreshore, which is of the Swan River in that particular district. In some cases the owners on some part of the face of the cliff, or at its base, have erected protective stonework to prevent erosion. In most cases it can be fairly said that the owners have done their best, as the Minister has freely said, to beautify the amenities at the face of the cliff.

If members will keep that picture in mind, they will more readily understand what the motion is about and why, in my opinion, it should be carried and the amending by-law disallowed. The amending by-law seeks to extend the area covered by the original by-law of 1964. As the Minister has already indicated, the 1964 by-law is headed, "By-law Relating to Heights of Buildings (Saunders Street)." The by-law reads—

> 1. In that part of the Municipality included in the hatched area on the plan in the schedule hereto the distance from the underside of any part of the footings of a building (other than a conservatory, shadehouse, pigeon loft, aviary or similar structure) to the top of the building immediately above such part shall not exceed eight feet and no part of a building shall be more than six feet above the natural surface of the level immediately beneath such part.

Then the plan which is annexed contains four lots, numbers 1 to 4.

The amending by-law, which is now under discussion, seeks to cover a further 12 lots on the lower side of Saunders Street, some to the right and some to the left of the four blocks which are set out on the plan annexed to the original by-law.

The position is that the original by-law as amended by the by-law now before the House, would cover and sterilise about 1,200 feet of river frontage to a depth of about 60 feet, because the by-law covers not merely the land running from the edge of the river to the top of the cliff, but also a further 30 feet beyond the top of the cliff, making 60 feet altogether.

The Hon. F. R. H. Lavery: That is above high-water mark?

The Hon. H. K. WATSON: It is because the by-law covers not merely the 30 feet which occupies the cliff face, but also a further 30 feet of good building ground, that the owners are so concerned. The amending by-law, as I have said, substitutes a new plan for the original one, with the intent that whereas the original plan included only four lots, the new plan covers those four lots plus another 12, or something like that.

The Minister and Dr. Hislop made reference to subsection (8) of section 433 of the Local Government Act. That is the section which empowers a council to make by-laws for regulating the height of buildings; and I assume this by-law now under discussion is purported to have been made pursuant to the powers conferred upon the council by subsection (8) of section 433. However, I point out that the power conferred by that section is a power to regulate the height of buildings, not to prohibit the erection of buildings; and in many cases the courts have explained how the power to regulate is not the power to prohibit.

The Minister implies that this regulation does not prohibit building, but my answer to that is that for all practical purposes it does prohibit the erection of habitable buildings; because we know that under the Uniform Building By-laws the minimum height from floor to ceiling is nine feet. This by-law tells us that a building shall not be higher than six feet above the natural surface, and if that is not prohibiting building I do not know what is.

It seems to me this is much the same as saying that we shall not prohibit traffic from using the roads, but in order to ensure safety on the roads, no-one shall drive a motorcar on them; or, alternatively, no-one shall drive a vehicle exceeding one-half horse power.

The Hon. L. A. Logan: You cannot drive a motorcar down the wrong side of the street, or the wrong way on a one-way street, without breaking the law.

The Hon. H. K. WATSON: No; but it is still possible to use the car. With due respect to the Minister, I suggest it is the duty of those in this House to concern themselves with matters which come before them, and they should definitely decide whether the matter dealt with is *ultra vires*.

It has been suggested in this case that it is *ultra vires* because the council is using a restricted power to regulate buildings as a means by which to prohibit buildings; and in my submission there is no power under the Act for a local authority to make a regulation prohibiting buildings.

Why has the reference to six feet been specified? Why was it not made six inches? Had Gilbert and Sullivan been looking at this, they would say that the six feet was inserted in the by-law to "add an air of verisimilitude to an otherwise bald and unconvincing story."

The Hon. L. A. Logan: They took the wording from the Claremont by-law.

The Hon. H. K. WATSON: The Uniform Building By-laws state that the height of a room must be not less than nine feet from the floor to the ceiling. Therefore, when a by-law states that a building cannot be higher than six feet, if that is not a prohibition I do not know what is. I suggest the by-law is void because it is beyond the power of the local authority; or, at any rate, it has been made under a section to which it has no relation, because if the council could, over 60 feet of one's land limit the height of a building to six feet, it would have equal power so to limit the height over the whole of one's property.

That is the clear principle involved in this. If it is valid, it could sterilise not 60 feet of a man's land, but the whole of it; and although the Minister made play on the words used by Dr. Hislop, when he said the local authority proposes to take away so much land, I would suggest that Dr. Hislop, quite contrary to his usual

custom, was expressing himself with a lack of felicity of language. What he probably meant to say, and what I say, is not that the council is taking away 60 feet, but that it is sterilising 60 feet of land.

The Hon. J. Dolan: Not necessarily.

The Hon. H. K. WATSON: Not necessarily! Well, not to any extent, except that the council is saying that a building cannot be erected to a height of more than six feet!

The Hon. J. Dolan: That is right.

The Hon. H. K. WATSON: Someone might suggest that if the height of Parliament House were limited to six feet, it could still be used. I find it difficult to accept that proposition.

The Hon. F. J. S. Wise: Except as an air raid shelter.

The Hon. H. K. WATSON: Another point is that subsection (2) of section 432A of the Local Government Act provides that where a by-law of a municipality conflicts with the Uniform Building By-laws, the Uniform Building By-laws shall prevail, and the provision in the council's by-law shall, to that extent, be invalid. I suggest that this limit of six feet in the council's by-law is in direct conflict with the Uniform Building By-law requirement of nine feet for habitation purposes.

Therefore, I would suggest that for two reasons this by-law is *ultra vires*. Members should also bear in mind that these days all councils work under the Uniform General Building By-laws, which are contained in a very thoughtfully drafted volume of 120 pages, and deal with every conceivable angle connected with the erection of buildings. Nowhere in the whole of these Uniform General Building By-laws is there a by-law of the nature of the one we are discussing.

The Hon. L. A. Logan: Therefore, there cannot be any conflict.

The Hon. H. K. WATSON: The town clerk freely admitted that this rather extraordinary proposal by the council was not covered by the Uniform General Building By-laws and therefore required an extra by-law. In respect of all building construction, I consider there is something radically wrong these days if it is necessary to go outside the Uniform General Building By-laws. However, let us assume that the by-law, as a strict matter of law, is valid. I still say it is none the less misconceived for it is either an abuse or a misuse of a power to regulate the height of buildings, and it ought to be disallowed by the House.

If it applied only to the 30 feet from the river up to the top of the cliff it would be bad enough. After all is said and done, the property belongs to the owner and if he desires to make use even of the cliff face, then I consider it is presumption on someone's part to tell him he should not, and to preclude him from building over the cliff face. That would be bad enough; but, as I say, the real bone of contention with all the landowners concerned with this proposal is the further 30 feet back from the top of the cliff—that is, going back from the top of the cliff towards Saunders Street. I can find no legitimate reason why the owners of that land should be deprived of the use of habitable buildings on it.

The question for the House to consider is: Why has this by-law been created in this form? Everyone still seems to be waiting for an intelligent answer to that question; because we have been told that all the by-law is intended to do is to stop a man from building a house which overhangs the top of the cliff.

If that were the position, I would have thought the proper nature of the regulation would be to say so; that is, no person should build a house any part of which extends over the top of the cliff. I see no reason at all—

The Hon. L. A. Logan: Because a by-law cannot be made to that effect.

The Hon. H. K. WATSON: Yes, it can.

The Hon. L. A. Logan: No, it cannot.

The Hon. H. K. WATSON: I see no reason why it should not be made.

The Hon. L. A. Logan: A by-law is made according to specific conditions in the Act, and what you are saying is not in the Act.

The Hon. H. K. WATSON: It is in the Act. I refer the Minister to subsection (14) of section 433.

The Hon. L. A. Logan: That refers to the height.

The Hon. H. K. WATSON: The Minister will find in the part of the Act which I have mentioned that the council has power to make regulations regarding parts of buildings. Under that section the council would be entitled legitimately to say that no part of a building shall extend over the face of the cliff, in the same way as the section provides that no part of a building shall be built closer to the adjoining boundary fence than either 4 feet or 2 ft. 6 in.—whatever the case may be. In my opinion, any attempt to deal with the matter could have been made under that section which, as I have said, relates to parts of buildings or to sites.

There is adequate power for the council to make by-laws in respect of sites and, of course, that includes the general provision of a building line in connection with the street frontage. It is stated that no building line in respect of the street frontage shall be nearer to the street than 25 feet. There are many equally simple and much more equitable ways of achieving the desire of the council than doing what it has done.

I would also suggest it is no answer to say that Claremont has a similar by-law for a special area in its district, and notably in Richardson Avenue. I would

like to compare the two positions. At Claremont there is a sheer drop of 100 feet, which is extremely dangerous, and there are no access ways, because of the sheer drop of 100 feet.

The Hon. L. A. Logan: Not all the way around. The by-law applies, too.

The Hon. H. K. WATSON: At the area under discussion—that is, Richardson Avenue—the drop is 100 feet, whereas at Mosman Park the drop is only 30 feet to 50 feet. Unless the Swan River has receded, or the cliffs have fallen in since the days I went crabbing at Osborne steps, I would say the drop is at least 100 feet.

The Hon. L. A. Logan: In one spot, but you are covering a big area.

The Hon. H. K. WATSON: And it is extremely steep.

The Hon. V. J. Ferry: You are still getting a few bites.

The PRESIDENT: Order!

The Hon. H. K. WATSON: In addition, Richardson Avenue is virtually level and runs almost in a straight line on flat land, whereas Saunders Street is zoned for single-unit occupancy of, say, 12 persons to the acre. In comparing Richardson Avenue with Saunders Street there is still one very important difference; namely, Richardson Avenue is virtually level and runs almost in a straight line on flat land, whereas the terrain in Saunders Street is extremely hilly and the road circulates around the hillside.

The Hon. L. A. Logan: It is still part of the cliff.

The Hon. H. K. WATSON: One further point is that, so far as Claremont was concerned, the by-law was no burden on the owners, because the land was subdivided into convenient and large lots and the by-law did not unduly restrict the owners' rights on that land, having regard to the size of the subdivision. That land had been subdivided into convenient lots. However, at Saunders Street the position is quite different. Some parts are not subdivided at all, and some of the land which is subdivided requires resubdivision to make proper use of it. Therefore, the Minister should not say, "Why worry about subdivision? The owners have nothing to worry about with subdivision."

The Hon. L. A. Logan: I did not say that at all. This has nothing to do with subdivision.

The Hon. H. K. WATSON: The Minister says it has nothing to do with subdivision. I say it has plenty to do with subdivision. In the opinion of two competent town planning experts, I am advised that this by-law has quite a lot to do with subdivision, and it will unduly restrict development. The two gentlemen who express the view that the by-law will unduly restrict development are Mr. Justin Seward and Mr. W. A. McI. Green.

I have no idea of the latent propensities of these two gentlemen as television news analysts; but as town planning and subdivisional experts, I submit that their opinions are well worth consideration by the House. After all, at least one of the gentlemen is not altogether unacquainted with the Local Government Act, local government, town planning, subdivisions, and building by-laws. I hope I have not overstated that position in making my remarks.

The Hon. L. A. Logan: It all depends who you are working for.

The Hon. H. K. WATSON: In addition, I gathered from the speech made by Dr. Hislop the other evening at least one of the objecting landowners is not altogether unacquainted with the law. Therefore, I submit that this by-law will restrict development in respect of land which is, as yet, not subdivided, or in respect of land which requires resubdivision. In respect of lots already containing residences, it will unduly restrict expansion over available building land.

For example, Mr. McMahon and his property have been mentioned. He has ample land on which to build another room in order to extend his house if he wished, but under this regulation he would be precluded because the building line has to be 30 feet back from the cliff face. He is precluded from going beyond that building line. His next-door neighbour is in the same position, as is his neighbour on the other side. This is a serious matter. Even if Mr. McMahon or his neighbours had no desire to extend their living premises, if they were selling their properties it may be that the prospective buyers would desire to do so. Nevertheless, under this regulation, and for no real reason at all, they would be precluded from doing so.

I submit it is no answer to say that Claremont has such a by-law. After all, Claremont has a mental hospital as well.

The Hon. L. A. Logan: No, it has not. It is the Government's mental hospital.

The Hon. H. K. WATSON: I have already said that the uniform by-laws which govern the heights of buildings and everything else have no provision which is comparable to the by-law we are considering today.

The Minister has referred to the Claremont Town Council fairly extensively as part of his defence for this regulation. One has only to read of the efforts of the Claremont Council to do what has been done in Mosman Park to realise the confusion into which one can get when one departs from accepted standards and the orthodox manner of formulating regulations. The Claremont Council had two bites at the cherry, plus a complementary, or implementary bite. The Minister referred to two of the three efforts. I would like to refer to the third operation of the Claremont Town Council as made

in conjunction with the building line by-law imposed in respect of that part of Freshwater Bay governed by the Claremont Town Council.

Here is one significant feature of the efforts of the Claremont Town Council which was not mentioned by the Minister. In the *Government Gazette* of the 25th January, 1962, the following appears:—

> By-law No. 132 Relating to Foreshore Building Line—Freshwater Bay.
>
> In pursuance of the powers conferred upon it by the abovementioned Act and by the Town Planning and Development Act, 1928, and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 30th day of October, 1961, to make and submit for confirmation by the Governor the following by-law:—
>
> 1. A building line is made and fixed as shown on the plan in the schedule hereto at a distance of thirty (30) feet inland from high water mark as delineated on such plan.
>
> 2. No building or part of a building shall hereafter be erected between the said building line and the said high water mark.
>
> 3. The Town of Claremont shall be the authority responsible for carrying this by-law into effect and enforcing the observance thereof.

I draw your particular attention, Mr. President, to the next one—

> 4. The time limited for making claims for compensation for injurious affection by the making of this by-law is six months from the publication thereof in the *Government Gazette*.

There is no mention of "taking away" there. If one is injuriously affected, one has six months in which to complain and to lodge such complaint. Similarly there is power under the Local Government Act for a council to resume, but only in accordance with the usual provisions of the Public Works Act which provide for compensation. The Minister then went on to refer to Mr. Clough's case, and said that on the 1st April, 1966, the Mosman Park Town Council requested him—

The Hon. L. A. Logan: No; it was the Town Planning Board.

The Hon. H. K. WATSON: Very well. That board requested him to do some physical pegging and to liaise with the council. That was on the 1st April, 1966. But within four weeks—namely, on the 28th April, 1966—the council brought down this regulation. In those circumstances, how can the Minister criticise Mr. Clough for not doing anything?

The Hon. L. A. Logan: I did not criticise him.

The Hon. H. K. WATSON: His hands were tied.

The Hon. L. A. Logan: They were not tied. He could have gone on with his subdivision if he had carried out what he was asked to do, and it would have been dealt with by the Town Planning Board.

The Hon. H. K. WATSON: I am holding up, for all members to see, a plan of Mr. Clough's property, and the short reply to the Minister's interjection is that Mr. Clough could have gone on with a subdivision with that part of the land which is coloured yellow virtually excised from his subdivision or certainly sterilised for the purpose of such subdivision. Members can see from looking at the plan that the part coloured yellow is a substantial part of his block. Therefore it is no answer to say that Mr. Clough did not do anything after the 1st April, 1966. On the contrary, I suggest that, inasmuch as the regulation covering his property was brought down three weeks later, the Minister's explanation is rather remarkable as to why, between that date and this, Mr. Clough has not submitted a plan for subdivision.

I have already told the Minister that Mr. Green has indicated that the by-law unduly restricts development on Mr. Clough's property.

The Hon. R. Thompson: Is there any problem of access to Mr. Clough's property?

The Hon. H. K. WATSON: I understand there is a problem, but that is for Mr. Clough and his advisers to sort out. It is by no means insuperable. As I understand the position, what he wants to do is to make the best available use of his land. If the land is to be subdivided, recognising the requirements of this by-law, he has to consider a subdivision very different from that which he would make if this by-law did not exist.

The Hon. L. A. Logan: It is not completely different at all.

The Hon. H. K. WATSON: I also join issue with the Minister when he says this by-law will not preclude any building on the face of the cliff, such as the building of access ways and retaining walls. Assuming one had a small Jacob's ladder ascending from the base of the cliff to the top of the cliff face, I would suggest that is a structure that would be more than six feet high from the land on which the base of the ladder rested. It would therefore be prohibited by the by-law, because we must bear in mind that under the Local Government Act a building is defined as including a structure, and the structures under the by-law in question can only be built six feet up from the ground at the point from which they start.

I suggest that an access way of the nature I have just described would be prohibited. Similarly, if one wanted to build a retaining wall higher than six feet from the base of the land where the wall starts

that also would be prohibited, and yet, through sheer necessity, one may have to build a retaining wall 15 feet or 16 feet high. So the sum total of this amending by-law is that it will sterilise some 50,000 square feet of land which, in all common sense, ought to be available for the erection of habitable buildings.

It has been suggested that the Mosman Park Town Council has a town planning scheme in mind, and I would suggest that if it does, at some time or another, construct a roadway at the foot of the cliff at the river's edge, the proper way to do it would be under the town planning scheme, as the Minister has suggested.

The Hon. L. A. Logan: I did not suggest any such thing. I said there was no thought of building a road there.

The Hon. H. K. WATSON: I understood the Minister to say that if a road were to be built there it would be a matter for town planning.

The Hon. L. A. Logan: No, I did not.

The Hon. H. K. WATSON: I apologise to the Minister, then.

Sitting suspended from 6.12 to 7.30 p.m.

The Hon. H. K. WATSON: I think everyone will agree that a town council should not play fast and loose with its building by-laws in order to depress values for any future resumptions, either in relation to town planning schemes under the Town Planning Act, or under section 282 of the Local Government Act. But in this case there are some owners who fear that the Mosman Park Town Council is doing just that, and that this is the real and ulterior motive for the by-law.

For myself I am quite prepared to accept the council's explanation of its reason for bringing down the by-law—that is the explanation given in the letter addressed by the council to Dr. Hislop, which was read earlier in the evening by the Minister.

But, as I have said, it seems to me that the by-law is misconceived, and from the manner in which it has constructed this by-law the council is really burning down the house to roast the pig; or it is using a steamroller to crack the peanut. If members have read the town clerk's letter they will know that it says, in effect, that under the present Uniform Building By-laws nothing can prevent the superimposition of residences over the cliff face, but that by the restriction of building heights in that area, no intrusive structure of this nature can be erected.

If members study section 6 of the Uniform Building By-laws they will see that it deals with site requirements. In my view the professed desires of the council could more logically and sensibly be achieved through a by-law relating to sites, or a by-law relating to parts of houses, rather than through a by-law relating to building heights. When regulations are tabled, this Chamber has the right to disallow such regulations or by-laws; and it is entitled to exercise that right without substituting any alternative plan itself. The House can simply dismiss the by-law and instruct the authority—whichever it might be—that it has been disallowed.

As my parliamentary life is drawing peacefully to its close, I venture to assume the role of troubleshooter and peacemaker and I have a suggestion which I feel is a real and practical solution of the problem before the House, and to the conflict which very clearly and definitely exists between the ratepayers of Mosman Park, who are concerned, and the Town Council of Mosman Park.

My suggestion is that the Mosman Park Town Council should prepare a plan which, like that gazetted on the 16th June, 1964, delineates both the base of the cliff and the top of the cliff in respect of the 16 properties. If members look at the plan which is annexed to the 1964 by-law they will see that in the hatched portion of that plan there are two lines, one indicating the top of the cliff and the other indicating the base of the cliff. It is quite clear and intelligible to anybody reading that plan just where is the base of the cliff, and just where is the top of the cliff.

My suggestion is that the Mosman Park Town Council should draw up a similar plan covering the 16 properties— including the four referred to—and on that plan it should show the base of the cliff and the top of the cliff, as it has done in the 1964 plan. They should then repeal the by-law of 1964, and the by-law before us, and proclaim a new by-law to read something like this—

> By-law Relating to Sites (Saunders Street.)
>
> (a) In that part of the municipality included in the hatched area on the plan in the schedule hereto, a person shall not construct or erect any building of class I, II or III occupancy (as classified in Section 4 of the uniform general building by-laws) so that any part of the building extends or projects over the top of the cliff as delineated on the said plan, or has its base structure or any part of its base structure (in piers or piles or otherwise) resting upon the base or side of the said cliff.
>
> (b) Paragraph (a) of this by-law shall in no way preclude the construction of—
>
> (i) access ways from the top of the said cliff to the base thereof.
>
> (ii) retaining walls and safety fences on and about the top or face of the said cliff.
>
> (iii) protective stonework at the base of the said cliff where necessary to prevent erosion.

All the items in paragraph (b) are really not essential in such a proposed by-law, because without paragraph (b) which I have just read, they will all still be permis-

sible, or not prohibited, under paragraph (a). But I have inserted paragraph (b) to make the whole picture complete.

I feel that a by-law of the nature I have just proposed in lieu of the old by-law of 1964, and the one before the House would, as I see it on the information before me, achieve the legitimate desires of the Town Council of Mosman Park, and at the same time meet the legitimate objections of the landowners.

As a first step towards that end—and as an indication that that ought to be the end—I support the motion moved by Dr. Hislop. I urge the House to carry the motion, because I very deeply believe it involves an important principle.

THE HON. R. THOMPSON (South Metropolitan) [7.40 p.m.]: Unlike Mr. Watson, I propose to urge as strongly as possible that this by-law be not disallowed, because I feel the Mosman Park Town Council has acted in the best interests of the majority of the ratepayers and, in particular, in the best interests of those people who use the river and can get a view of the escarpment.

Last night I had an opportunity to watch a programme on television called "Project '67," which dealt with a similar matter. The caption given to that programme was, "Australian Outrage." That hour-long programme dealt with all the problems of defacement which had taken place throughout Australia, and it drew a comparison with some parts of Europe where planning had taken place.

Since I have been in this Chamber I do not think I could be accused of ever having patted the Minister on the head in connection with town planning. On this occasion, however, I support him. Let us look constructively at the area in question.

If forward thinking had been in evidence in the early days—before the turn of the century, when most of the roads were dedicated—a roadway would have been planned to border both sides of the Swan River from its mouth to where it branches away into its tributaries. I still think it is most desirable that roadways should be constructed around all rivers, wherever possible. If members have not seen the area of land in question, I suggest they ought to do so before they exercise their vote; because when I was originally approached in connection with what the Mosman Park Town Council is doing in respect of the ratepayers—though I did not say anything—my first reaction was that here was another local authority which was filching the rights of the people.

On visiting the area and studying it closely—and I requested a plan before I did visit the area—I came to the conclusion that the Mosman Park Town Council is doing the right thing. I would be the first to criticise the Minister if he allowed structures to be placed on this area of land which constitutes the rear portions of the properties. That is what we must take into consideration. There would not have been any of this controversy if the people concerned had built on their building lines, or on their 25 foot set-back.

They elected, however, to build where they have done because of the rather beautiful outlook across the river which is afforded them. Good luck to them! I would like to have something similar myself. I do not think, however, this sort of thing is wise planning, it would be very foolish planning. If we allowed a subdivision to take place, and in another 10 or 20 years resumptions were made in this area—though I do not know whether that will be the case—it would be a shame to see such beautiful homes of the type that would be constructed pushed down to fit in with future planning.

If we cast our minds back several years to the CSBP Bill that was before us in regard to the erection of the nitrogenous super works at Kwinana. I think members will recall that this company, which has premises just around the corner from Mosman Park, has to quit those premises in the year 2007, if my memory serves me correctly.

The Hon. L. A. Logan: It is 2008.

The Hon. R. THOMPSON: If that is the case, and the planners of the future consider it might be desirable to have a scenic drive around the river, would it not be narrow thinking on our part if we made it necessary for beautiful homes in the area to be resumed and then bulldozed down to make way for the road? However, at the present juncture there is no intention of resumption by the council or anyone else. On the contrary, the council is preserving the aesthetics of the cliff face and its surrounds.

I received a submission from the town council which may answer a question asked earlier by Mr. Watson when the Minister was speaking. Mr. Watson asked what was meant when it was said that the aesthetics would be retained for landowners and the general public. Part 7 of the submission I received from the town council reads as follows:—

> Metropolitan Region Scheme
>
> Examinations of the Region Scheme plan shows the river foreshore in this locality as being reserved for public purposes. Therefore restriction on building within that area ensures reservation in this respect.

Members will note that this submission says "reservation" and not "resumption"; and I trust for the sake of the people that that will be so.

If members have been down to the area —and I trust those who have not will do so before they exercise their vote—and driven down to the Coombe, which is a built-up area shown on the plan—it is re-

claimed and is accessible to the public as an "A"-class reserve—they will find that one of the landowners is tending the lawns that have been planted for the shire. He welcomes children and adults to his property. There is no restriction whatsoever on the movement of people in that area. However those members may have noticed that directly south of the Coombe, under construction at the present moment, is a house on concrete piers. I would not know how high these piers are, but the house is suspended over the cliff face. The piers would be about as high as the gallery of this Chamber, and the house is virtually suspended between the cliff and the piers.

If a subdivision was allowed to take place, and no restriction was placed on height in the area, we could find that these people would be building down to the high-water mark, thereby defacing the cliff face and the escarpment generally. It would look ugly—it would not be beautiful at all.

Last year I had the pleasure of taking a launch trip as a member of a party from the United Friendly Societies of Australia when that body held a conference in this State. When the launch reached this area the person in charge was asked to slow down the launch so that people could take photographs of some of the homes, which are really beautiful. If the town council did not exercise some control over this area, and there was no height or plot ratio restriction, what would happen if a group of developers tried to move in and, with the sanction of the town council, built a series of home units? They would completely block out the views of the people there, some of whom have been established for the past 25 years. I think the town council is very far-sighted in wanting to retain the beauty of this area.

We have heard a lot tonight about a Mr. Clough's property. I had a close look at this property. I believe the town council's gradient is one in eight, and I think Mr. Watson produced a map showing subdivision of the area that will be sterilised —I think that is the word he used. I doubt whether Mr. Clough can successfully get to his property unless he purchases from an adjoining landowner some land for an access way.

I am not an expert on these matters, but on looking at the gradients, the retaining walls that will have to be built, and the embankments that will have to be provided, I think it would be most difficult for any subdivision to take place. I can well understand the request that a physical pegging be carried out in this area. In regard to the property of the Chief Justice (Sir Albert Wolff), we find a roadway has been constructed practically to the rear of the area, and he is in the position that the gradient is too steep for the roadway to be taken further. Therefore I consider it is unfair to say that the landowners cannot subdivide. They have to satisfy the local authority and the town planning authorities that access can be provided to these properties, and that is where the matter rests.

The Hon. L. A. Logan: They were told to get together and provide a town planning scheme for themselves.

The Hon. R. THOMPSON: That is the solution. I feel the Minister has spent sufficient time on the matter. I do not say that Dr. Hislop should not exercise his right to bring the matter before Parliament, because I have taken the same opportunity on many occasions in regard to other matters.

The Hon. J. G. Hislop: You are just as guilty.

The Hon. R. THOMPSON: Let us say that I was more justified. However, I have not always won; sometimes I have had a win, but on other occasions I have lost. I hope Dr. Hislop loses when this matter goes to a vote.

I do not think there is much more I can say, because the case was well answered by the Minister, with whom I agree entirely. If I could have picked any flaws in his answer I would have done so, but I must agree with him.

The Hon. L. A. Logan: I must be improving.

The Hon. R. THOMPSON: No; but the Minister can be right sometimes. It has been suggested that this by-law is *ultra vires* the Act. I cannot concede this, because one of my learned friends who has land in the area would have smartly pointed this out to the town council, which would, at least, have amended its by-laws.

I trust the House will support the by-law as promulgated and laid on the Table of the House. I think that if a private member had moved a motion to disallow regulations for the Town of Claremont, that motion would have received a different form of treatment than I hope this motion will receive, because the boot would have been on the other foot. It would have been said that the Town of Claremont was right. One cannot be right and the other wrong. There must be two rights or two wrongs.

My observation is that the Claremont area is not very different from the Mosman Park area, and I trust that a little common sense will prevail when members record their vote. I oppose the motion.

Debate adjourned, on motion by The Hon. N. E. Baxter.

BILLS (2): RECEIPT AND FIRST READING

1. Albany Harbour Board Act amendment Bill.
2. Bunbury Harbour Board Act Amendment Bill.

Bills received from the Assembly; and, on motions by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

DENTISTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th September.

THE HON. J. G. HISLOP (Metropolitan) [7.59 p.m.]: This Bill interests me considerably and, if possible, I will try to make a suggestion to the Minister which may help him and might prove to have longlasting effect. I have often wondered why it takes so long for an apprenticeship in the field of scientific education. I wonder why it has been established that it takes five years for a dentist to qualify when, in one more year—in six years—we are able to train a physician or a surgeon who can go on to a hospital and achieve a higher position.

Of course, a dentist can also carry on in a dental hospital; but in this, I believe, there lies a considerable amount of our trouble regarding scientific education. In his training a dentist is limited to the upper section of the human body; and yet in an extra year's training we require a full investigation of the whole human body by a student who desires to become a member of the medical profession.

Throughout Australia there has been a curious set-up in regard to the terms and conditions necessary to obtain a diploma or a degree, or even an entry into the lower trades. Let us have a look at another side of the picture. I wonder why it takes five years to train a hairdresser. I believe this has recently been changed, but it seems to me to be completely ludicrous. I should think three years would be long enough to teach any boy to become a hairdresser.

The Hon. F. R. H. Lavery: That would be a case of employing labour at a cheap rate.

The Hon. J. G. HISLOP: What has to be realised is that in a very short space of time children will be staying at school two years longer, and they will not be 16 years of age when they seek apprenticeships. They will be 17 or 18 years of age. I think they will make better tradesmen because of their higher education, and they will gain proficiency quicker in their chosen vocations.

I would suggest to the Minister that it might be a good idea to have a look at the five-year period for dentistry to see if it could not be reduced to four years. I am certain it could be reduced. I am also certain that in many organisations—scientific and otherwise—there is a redundancy in the syllabuses. I can remember, when I qualified in medicine nearly 50 years ago, we all wondered why we were required to learn natural philosophy and the drawing of squares and triangles, which had no bearing on our future lives. That was regarded as culture.

The medical course now takes six years, and the curriculum is looked at very closely from time to time. However, I wonder if a close examination has been made of the requirements necessary for a young man or woman who wishes to become a dentist. It is the last year, to a large extent, which is the crippling year for a student. When a student qualifies he is usually in financial difficulties and the present cost of dental equipment is exorbitant. This applies especially to the rapid-drilling equipment which is not only a godsend to the patient, but also allows the dentist to treat twice as many caries as was the case in the past. It is expensive, right through the sciences, for a young person to get a start.

If I were in the Minister's place I would think very cerefully about reducing the training period for dentists to four years, if one could get the Dental Board to agree. Some attempt should also be made to assist young dentists to purchase the equipment necessary for their trade. The purchasing of equipment is one of the greatest stumbling blocks for young students of the sciences today. The cost of starting out is prohibitive. I would be willing to offer any services I might be able to give because I believe that if we were to reduce the training period to four years, and give these young people some financial assistance so that they could at least have the machinery and tools to work with, we might see a considerable number of them wanting to do dentistry.

Medicine used to be regarded as a much more lucrative occupation than dentistry, but I doubt if that is the position today. I think that dentists, with their modern equipment, are able to make a reasonable, or indeed a very good living. However, that applies only if the young people have been able to set up in practice. I know quite well because I have been through the experience myself. When I came here in 1922 I was probably the only qualified physician—apart from Dr. Moxham—but I still had to spend a period of time as superintendent of the Children's Hospital before I could go out and practise. This applies generally throughout Australia.

In Australia we seem to have a curious outlook towards young men who go abroad. This has been a matter for criticism at almost every meeting that we have been able to hold regarding postgraduate training and the placement of medical officers. I do not want to say too much about this because I have a son in exactly the same position. However, he has informed us that he knows of six Australian medical men of high calibre who will not return to Australia because of the finance which will be necessary to enable them to start up again here. Those men have been accepted in America after about three years' training there. They are snapped up by many of the hospitals or universities and their commencing salary is something like $17,000 or $18,000 a year. In another

couple of years they will possibly be making $50,000 a year. This does not happen in Australia.

What does happen, of course, is that if an individual goes abroad to receive higher education he goes to the bottom of the list when he returns. All the knowledge he has acquired while away from Australia does not matter with regard to placement. Those who stay in the country and work on the local aspects receive the hospital appointments. All the positions are filled by the time the individual who has spent years abroad comes back to his own home city. We have to look at all these matters in a fresh light.

Simply to allow graduates from other universities to practise here would not in any way increase the number of dentists we have in this State. I would seriously suggest a conference between the Minister and the Dental Board to discuss the question of training, and the provision of equipment for young people when they start out in their profession. Such finance could be arranged by a bank. Of course, they would have to pay interest on the money they borrowed but it would mean they could start work, and it would take only a couple of years for them to become established. I do not think allowing graduates from overseas universities to practise here will be of very great value to us. Let us try to stick with our own people. I am certain that if our system of training were altered we might see a very different position.

As I have said, until recently it took five years to make a boy proficient in hairdressing. A bricklaying apprenticeship takes five years, and I am told that everything associated with that trade can be learnt in less than three years. It takes five years to become a meat cutter; but these days a meat cutter becomes proficient in a very short time.

This is what we have to look at; and we should elevate our young fellows to the point of qualification. This not only applies to the tutorial aspect, but also to the domestic conditions which we need so much in this life. If we do not do something of this sort there will be a continual falling-off in the numbers of those who desire to join a profession.

I would not stand in the way of this Bill but I would like the Minister to look at what has been postulated to see if he thinks there is any real value in it. I feel certain that if we could reduce the number of years involved in training young people it would make a world of difference. It takes five years to acquire all the knowledge necessary—knowledge concerning the neck, teeth, throat, and probably the chest, as well as a knowledge of anaesthetics, and so on—to become a dentist; but only one more year is necessary to make an efficient surgeon or physician. I think we could easily look at the dental aspect and reduce the training period by one year.

THE HON G. C. MacKINNON (Lower West—Minister for Health) [8.15 p.m.]: I am grateful to Mr. Dolan and Dr. Hislop for their comments. As a matter of fact, I have little argument with either of those gentlemen, but I would like to comment on some of the points they raised.

It will be recalled Mr. Dolan said he could not see this Bill as a solution of all our problems. Neither can I, in the same way as I cannot see any single action as the complete solution of the dentistry problem. However, I think it behoves us all to follow every possible course, and this is what Mr. Dolan also said, in effect.

There is a possibility that the Bill may lead to some more dentists coming to Western Australia, and, therefore, it is reasonable we should take this action. I think perhaps Mr. Dolan was a little pessimistic in his analysis of the figures given by me to Mr. Davies, through Mr. Ross Hutchinson, in another place. We hope to ease one small bottleneck in the Dental School in time for the 1968 academic year; and we hope it will be possible to ease one or two others a little earlier than that.

Members will recall the figures Mr. Dolan gave. They show an appreciable number of students in the first year, and then the numbers drop alarmingly towards the end of the course. There are some bottlenecks with laboratories and certain clinical equipment, and it is hoped some of these can be alleviated before the next triennium, although, of course, we must wait until then before we can get sufficient money to enlarge the school as we would like to see it enlarged.

However, by and large, the measure is part of an overall process, as I said when I introduced it. We hope fluoride will have its effect; the provisions of the Bill will have their effect; our new dental scheme will also have its effect; and the general dental education of the people of the State will have its effect, too, and each of those items, in a small or big way, depending on the item under consideration, will help to ease the problem of the care of the teeth of the people of the State over a number of years. We must make a start somewhere, and that is what we are doing.

It is obvious Dr. Hislop's suggestion, if we could reduce the training period to four years, would materially assist the position; and this idea, in fact, has been tackled in the apprenticeship field. In some trades, if a boy has his Leaving Certificate, the apprenticeship can be reduced to as low as three years, on application, and it can be cut to four years under certain other cir-

cumstances. There are certain other fields in which the time during which a trainee is maintained in the job is not solely a matter of the training and education of the person concerned.

I know of several spheres, particularly where girls are concerned, where this system is used in order to hold a girl for a period of time. The same system is used also in some cases with young lads who tend to leave and move around. It is done in order to get some degree of value because apprentices are not cheap labour any more. With this system these young people are tied for a number of years. It is done in certain specific trades with girls to overcome the tendency for them to get married at an early age.

In many other spheres the time of training is being reduced. I do not say it is a good thing or a bad thing to hold a person in a particular trade, but it is being done in certain instances. However, it is difficult for the Government to control the period occupied in educating a person for a certain trade so that he may become qualified.

When Dr. Hislop was speaking I had an idea in the back of my mind that he discussed the same proposal when a Bill regarding the Pharmacy Act was introduced in 1964. I had a quick look through the speech the honourable member made on that occasion and, rightly so, I think, he was in favour of the changes being made to the old Pharmacy Act, which meant a prolongation of the education of young pharmacists. In the short time I had to glance through what the honourable member said on that occasion I noticed he said, the art of pharmacy was the art of prescribing, and the position with the profession today could not be compared with that which existed some years ago.

I think Mr. Wise had spoken just prior to Dr. Hislop and the Bill was subjected to some close examination. However, if I might be so bold as to suggest, I think there is room for someone in Dr. Hislop's position, or some similar person in the field of medicine, to make the approach suggested by the honourable member about reducing the time spent at university or college. It is an approach which needs to be made by someone on the academic side rather than a member of the Government.

Like Dr. Hislop, I view with alarm the tendency for virtually every group to demand that its qualifications be increased, and the time spent in securing those qualifications be extended. This applies to a tremendous number of groups and I do not think there is a member of Parliament—certainly there is not a member of Cabinet—who has not at some time received an approach from a group of people that its members should be granted registration so that they can be singled out and perhaps given more—

The Hon. C. E. Griffiths: Exclusive rights.

The Hon. G. C. MacKINNON: Yes, or more stature. I view this tendency with some alarm. I suppose, as individuals, we would all like this to happen. As politicians we would like to see ourselves more highly regarded, and I suppose there is a tendency for every group to try to cover more and more fields. This is noticeable in the field of medicine. A very small percentage of general practitioners are graduating from the Western Australian Medical School. This is an extremely worrying facet.

As Dr. Hislop pointed out, the five-year dental course is so long and arduous that many lads take up other professions. This is a matter of grave concern to all of us, but it is something which ought to be receiving the real thought and consideration of those qualified in the various professions.

Dr. Hislop mentioned the expense of setting up as a dentist and I think I should mention something about this aspect. In actual fact, it is more expensive for a young dentist to set up in practice than it is for a young doctor. However, in the country districts an excellent system is in operation which makes it possible for young dentists to set up in practice. The local authorities are building houses with a two-chair surgery attached. Every endeavour is made to have these houses and surgeries built near schools so that they fit in with our proposals for the school dental service.

These surgeries are fully equipped with modern facilities and are let to the dentists on a leasehold basis. This has two distinct advantages: It lets a young fellow without a great deal of capital move in and set up as a dentist. He might buy some personal furniture, but that is all. The second advantage is that it does away with the system of goodwill. If the dentist wants to move he simply takes his personal belongings and leaves. The local community then advertises the situation and obtains the services of another dentist. That is happening not only with dentists but also with doctors. The local authority owns the houses and surgeries and, to some extent, virtually owns the practices. Frankly, I think this is a good idea. The doctor, or the dentist, does not have to buy his way in and, by the same token, he cannot sell his way out.

The Hon. R. H. C. Stubbs: He is under a guarantee under this system.

The Hon. G. C. MacKINNON: Under some circumstances they are guaranteed, but generally speaking far more than the guarantee can be made. A dentist will examine the situation and he can tell how much he will earn. He knows what the population will stand because he knows how many people there are in the district

and how many per hundred will look for dental treatment. It is a good system and it is working well. Many young dentists are taking advantage of it.

Dr. Hislop mentioned a salary of $17,000 for a young fellow starting off in America. It may be of some interest to members that I know of three practices in the country into which any young doctor could walk and I would be horrified if he did not make better than $17,000 in his first year; and $17,000 in Western Australia is probably equal to $30,000 in America. He certainly might not increase the figure to $50,000.

The Hon. F. J. S. Wise: How would that horrify you?

The Hon. G. C. MacKINNON: Perhaps I used the wrong word. I should have said I would be surprised if such a young doctor did not make $17,000 in his first year. I have seen the books of these three practices and perhaps I should have said I would be horrified if the figures were falsified to show anything below that figure. However, I am sure they would not be. I would be surprised if young doctors in these three practices could not make between $17,000 and $20,000 in the first year.

The local authorities concerned are having difficulty in getting someone to take on those practices. However, I do not think it is money that is making it difficult to get young doctors to go to country districts.

I would be glad to co-operate with Dr. Hislop if he can think of any way in which we could suddenly convince people that students should not spend quite so much time at the University. Good arguments are put up to show that the time should be extended—learning is becoming more complex and it takes so long to absorb it all.

There is a solution, of course, in having doctors and dentists graded. Doctors are graded to a certain extent now. We have a third year doctor, a fourth year doctor, and a fifth year doctor with the G.P. and the specialists.

The Hon. J. Dolan: Do not the public fix the grades of dentists and doctors?

The Hon. G. C. MacKINNON: I think so, to a large extent. This is a problem which is besetting all of those concerned with the fields of medicine and dentistry. There is no easy solution of the problem but it is interesting to discuss it from time to time.

I thank the two members for their support of the Bill, and I hope it is passed by the House.

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.

INDECENT PUBLICATIONS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.31 p.m.]: I move—

That the Bill be now read a second time.

This Bill to amend the Indecent Publications Act of 1902 proposes to amend the parent Act in three main directions: Firstly, to increase the £20 penalty appearing in section 2 to a realistic $200 on present day values; secondly, to exclude from the provisions of the Act, works of an artistic and scientific nature; and thirdly, to bring the Act up to date in the matter of prosecution procedures, together with excluding from the penal provisions persons tendering advice to the responsible Minister on any work submitted to him under or for the purposes of any law of the Commonwealth or of the States in the administration of the Act.

It may be of interest to members if I comment that the parent Act was explained in this Chamber on the 9th October, 1902, by a Minister without portfolio, The Hon. M. L. Moss, as a measure which had been found necessary for the reason that section 204 of the Criminal Code, enacted in the preceding year, had not been "strong enough to grapple with the very serious difficulty which exists in this country and which has existed in other parts of Australia and in Great Britain where the law is not adequate to the punishment of persons guilty of many of the acts the Bill aims at preventing."

The parent Act was based largely on an Act in force in New South Wales and, in many respects, similar to an Act of the Imperial Parliament. It has not been amended up to this point, and therefore can be considered to have withstood the test of time.

At the present time, censorship laws in respect of books and publications operate under Commonwealth jurisdiction and in the six Australian States. The Commonwealth deals with the matter under the Customs Act, and the States under their appropriate legislation through statutory boards or departmental jurisdiction.

This diversity of statutory requirement has led to a great deal of confusion with publishers, distributors, and others claiming that, because of such varied laws throughout the Commonwealth, they sometimes do not know where they stand.

It is conceded, I suggest, that a certain degree of confusion does exist in the matter of censorship. Several ministerial and officers' conferences have been held objectively to reach a degree of uniformity; it being agreed that the most pressing need is to clarify attitudes to those types of books and publications which may be obscene, but about which literary, artistic, or scientific merit is claimed.

In other words, the Commonwealth and the States have been seeking to provide a standard national outlook on works of this nature. Protection will thus be given to the publishers and distributors of works which conform to standards applied by an advisory board proposed.

The Commonwealth applies censorship by restricting a book or publication as a prohibited import. In general, screening is done at a departmental officer level, but certain books are referred to a literary censorship board. Appeals may be made to an appeals board.

Commonwealth powers do not extend to locally produced works and the fact that, in some States, there has been strong disagreement with the Commonwealth over works released but held to be obscene under State laws, makes it essential, I suggest, for Australia-wide agreement.

I am able to inform members that agreement, as between the Commonwealth and the States, has been reached under four main headings: Firstly, a widely based joint Commonwealth-State advisory board be substituted for the Commonwealth Literary Censorship Board, comprising adequate representation from the Commonwealth and the States, to examine both imported and locally produced books; secondly, the Commonwealth and the States to recognise the decisions of the board that it is proper a book should be allowed to be published; and, thirdly, publication shall not be the subject of a prosecution if it has been approved by the board. On the other hand, the States shall not be bound to institute proceedings in respect of a book not so approved.

Finally, the obscenity of any book, which has not been examined by the board, may be made the subject of action in terms of any State law concerning obscenity, but if the book is then submitted to the board with a claim that it is one of literary, artistic, or scientific merit, or a *bona fide* medical work, the proceedings would be stayed pending a decision by the board.

A draft agreement upon these lines has been made by the Commonwealth after extensive consultation between both States and Commonwealth. The proposal is that the agreement be made between the several Governments and not the Commonwealth and the States. The effect of this, we are told, is that the agreement has no legal force in the sense it can be litigated. Nevertheless, it will make provision for the machinery to provide for a widely based joint Commonwealth-State advisory board, to be substituted for the Commonwealth Literary Censorship Board, comprising adequate representation from the Commonwealth and the States to examine both imported and locally produced books. It is intended there be a provision that a State may, by a month's notice in writing, be no longer bound by it.

It will also provide that the States will legislate to ensure that the proposed board and its members will be indemnified against all actions and proceedings that may be brought, arising out of the book or of their decisions.

I invite the attention of members to subsection (2) of the proposed re-enacted section 6 of the Act, which appears in the Bill. There will be no necessity for the agreement itself to be ratified by legislation, though it requires certain legislation being introduced by the consenting parties and this is the purpose of the Bill now before members.

As the prepared agreement gives effect in all respects to the matters mentioned in the agreements between the States and the Commonwealth, following the consultations which have been made, the Government agreed to its recognition; and this Bill comes in its logical sequence. A consequential amendment will also be necessary to the Police Act of 1892, and this is the subject of current complementary legislation.

With particular reference to clause 3, which extends the expression "any work of recognised literary merit" to read "any work of recognised literary, artistic or scientific merit," it is submitted that the section as it now stands is too narrow by reference to literary merit only, though, indeed, later in that section there is reference to *bona fide* medical works.

Under the parent Act, prosecutions may be brought by any person in respect of any indecent book except against a newspaper, in which event the authority of the Attorney-General is required. If we are to place any value upon the reference of works to the board, it is required that there be a general restraint on prosecutions by requiring ministerial consent in each case affecting the material contained in subsection (1) of section 6, and as defined in the agreement. Were it not so, the uniformity, which it is hoped to obtain from the board's decisions as to literary, artistic, and scientific merit, would be frustrated and the whole purpose of the consultations which have been carried out brought to no effect. In view of the fact that it could well be necessary for the Minister to obtain advice on the merits of any particular book locally, in order to ascertain whether or not it should be submitted to the board, it is logical that such a person or persons offering such advice should be indemnified in a manner similar to that in which the members of the board will be; and the Bill accordingly makes such a provision.

The Minister, when explaining this measure in another place, indicated he could foresee the time when statutory action would be taken to cover films, particularly if the present arrangement as

between the States and the Commonwealth proved successful in the handling of books.

I submit there is need for some legislative protection against people who wish to step over the line and publish works which are of a perverted or pornographic nature; and this Bill is a first attempt by the States and the Commonwealth to get some degree of uniformity in the question of book censorship in the first instance.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

POLICE ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.42 p.m.]: I move—

That the Bill be now read a second time.

This Bill is a brief complementary measure foreshadowed when I introduced the Bill to amend the Indecent Publications Act of 1902.

The purpose of this Bill is to ensure that the matter of prosecution, with regard to obscene books, will be dealt with under the Indecent Publications Act and not under the Police Act. It is considered that it would be more appropriately dealt with in this way.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

IRON ORE (NIMINGARRA) AGREEMENT BILL

Second Reading

Debate resumed from the 7th September.

THE HON. F. J. S. WISE (North) [8.43 p.m.]: Members would almost be pardoned for saying on this occasion, "Not another iron ore agreement Bill." That is the situation; and this is another such Bill. This one deals with the mining, the transport, the shipment, and the processing of Pilbara iron ore and manganese. Within the agreement there is provision for export overseas of iron ore at the rate of not less than 2,000,000 tons in the aggregate in the first three years, and 1,000,000 tons a year thereafter.

The agreements in existence involve thousands of millions of tons of iron ore from the Pilbara district. What an amazing situation this is! It is interesting to observe that there are 13 present members of this House who did not hear the debate surrounding iron ore in the year 1957. In that year a stocktaking was made of the iron ore resources of Australia, and I recommend all members who are students of the legislation passing through to have a look at *Hansard* No. 2 of 1957 from pages 1460 and 1505 onwards. I will quote from that *Hansard* shortly.

Since the admission of vast iron ore discoveries in Western Australia about six or seven years ago, we now acknowledge not hundreds of millions of tons, but thousands of millions of tons. Indeed it is doubtful whether enough noughts have been added to the tonnage estimate. To fit the up-to-date picture into yesterday's framework, I intend to quote from a letter read to this House by the present Leader of the House from the Acting Prime Minister of Australia of almost 10 years ago, a letter written to the then Premier of the State. Members will find it in the bound volume to which I have referred. The following is a part of the letter written by Sir Arthur Fadden, then Treasurer of Australia, to the then Premier of this State:—

> Australia's known resources of high grade iron ore are relatively small, both in relation to reserves of other countries of similar size and to prospective long term requirements. Virtually all the reserves of commercial value are contained in three deposits —Middleback Range in South Australia and Yampi Sound and Koolyanobbing in your State.
>
> There are numerous other deposits, but they are all small and of no real importance to peacetime development of the steel industry. However, as experience in two world wars has shown, they have been found most useful in emergency periods when cost was a minor consideration.
>
> It is estimated that if reserved for use by the Australian steel industry and not supplemented by ore from other sources, the life of the three commercially useful iron ore reserves will not be more than 40 years. This estimate is based on conservative assumptions as to the growth in demand for steel products in Australia; it does not allow for Australia attaining complete self sufficiency in steel products or for growth in export of steel products which are now commencing to assume considerable importance. The value of steel imports in the year ending 30th June, 1957, is estimated to have been £30,000,000.
>
> It would be safer to assume therefore that high grade reserves if not supplemented from other sources, will be approaching exhaustion in 30 to 35 years. Thirty years from now Australia will be consuming iron ore at the rate of not less than 10,000,000 tons per annum—a rate which will exhaust the Koolyanobbing deposit in about seven years.
>
> A large outcropping iron ore deposit would be conspicuous, and it is not likely that similar deposits of the same order of size as those mentioned above will be discovered in the future.

Those words were written to the Premier of this State and are in *Hansard* of the 12th September, 1957. Today is the 12th September, 1967. Sir Arthur Fadden went on to say—

> If we were once to establish the principle that our resources of iron ore could be exported so as to finance the expansion of particular development projects, as we would if we agreed to your proposal to export Koiyanobbing ore, we should be faced with other proposals of a similar nature, not only by State Governments but by private enterprise. Clearly, the national interest would be jeopardised.
>
> In fact your proposal, if adopted, could have even more serious consequences. It would be an open invitation to Japanese steel industry to sponsor or finance the setting up of plants in Australia to make pig iron for export to Japan, a process which would rapidly defeat the purpose for which the embargo on export of ore exists, and which with the utmost goodwill to Japan we could not contemplate.
>
> With these facts before you I think you must agree that it is our natural duty to conserve the high grade ore which largely makes possible the manufacture of cheap steel in Australia, a factor which is such an important element in our economy and in providing a favourable basis for our drive for export markets in steel products.
>
> Against this background the Government feels that it must refuse your request.

That was 10 years ago. I repeat: How remarkable it is and what a very different position we have in the framework which depicts the resources of iron ore in Australia today, and particularly in Western Australia.

Hundreds of millions of dollars have been spent in this State already since that time in the development of massive deposits. Ports, railways, and towns have been established at very little cost to the Government, but with an enormous amount of foreign capital, including Japanese.

I think, too, I would be pardoned for reading some observations made on the 12th September, 1961. I will quote from a reprint of what is known as the Arthur Mills oration of 1961, when, before an audience of 700 in Winthrop Hall, I happened to be the person selected to deliver the oration. I say this with due humility. The speech suggests nothing except that people of those days were all wondering and hoping what might happen in regard to the use of our national mineral resources. I quote as follows:—

> Mineral resources are known to be varied and considerable in our sparselands, and in them lies a great hope for towns to be developed even in remote places. Millions of acres still await careful prospecting. The enormous wealth from and in the massive deposits of silver-lead-zinc ores at Broken Hill, the vast deposits of copper ore at Mt. Isa, the asbestos at Wittenoom, which exceeds £300,000,000 in value, the gigantic bauxite deposits on Cape York Peninsula and at Gove in the Northern Territory, the iron ore of Yampi Sound and Mt. Goldsworthy, Roper River and other places, the thousands of tons of manganese of the desert areas, the radioactive materials so widely scattered, the mica at Harts Range, and the gold, beryl, nickel, tin, semi-precious and precious stones of the Pilbara and Coober Pedy are in our sparse areas.
>
> In recent years large deposits of various minerals have been found in much-walked-over country, and in 1961 opportunities still await the prospector. The mineral possibilities are of the greatest, but real incentive must be given to both speculator and investor in mining enterprises. The climatic disadvantages, the isolation and the high installation and operational costs justify generous taxation concessions to residents and to all investors.
>
> The mining industry makes a significant contribution to our overseas trade—£70 million and more in value annually. It gives us a stimulated internal industry. The demands of industry are so varied nowadays that no nation possesses all the minerals required for its own use.
>
> Our mineral resources are superior to some of the highly industrialised European countries. No other comparable area in the world contains so many untested mineral prospects. Roads, airports, harbour facilities and other amenities are quickly inspired by a good mining operation. Artisans, shareholders and companies must all be assured of reward, over and above that obtainable in more favourable regions. The resources are there, perhaps enough to pay our national debt. Let us go forward, therefore, through the medium of experts from the Government Bureau of Mineral Resources, by the use of scintillometer and aerial surveys, and giving full encouragement to experienced companies and skilled prospectors.

I stop there. Those words were written by me and delivered in part of the Mills oration of 1961 to, I repeat, a very large audience at the University of this State. But what a different picture today. In that utterance, the things happening today were almost forecast—quite accidentally I assure members. I made an endeavour

to think and submit my thoughts on the prospect of peopling our empty spaces, and that was the subject. Those words, in one's lifetime, have come true. It has all happened. In 1967 only six years from the date when those last words I read were delivered in lecture form, we are exporting millions of tons of iron ore a year; and, in regard to this export, Japan has a vital interest in Australia and in her homeland.

Australian mineral industry exports have jumped from $186,000,000 in 1961 to nearer $500,000,000 in 1967, thanks a great deal to Western Australia's resources. But this is only a beginning. It has only made a start on the use—exploitation if you like —of our national resources in minerals.

Mt. Whaleback alone, to which there is not yet even a railway line, but which is proceeding, has at least 1,000,000,000 tons of the richest iron ore in the world, and from that deposit it is expected that 40,000 tons a day will be mined and sent by rail to Port Hedland. Those are the Minister's figures—40,000 tons a day from one mine.

So what a remarkable situation it is—this tonnage from the area which from Dampier's time until 1960 was considered to be a place unsuitable for living creatures, let alone human beings; a place which, because of the nature of the pastoral industry, had no prospect for other than a sparse population for all time, unless the mineral resources could be used and exploited.

If members will take the trouble to read the reports of the officers of the Minister for Mines they will find a lot of information in them—the annual reports of the achievements of the geologists of that department, and of the department itself. They will find most entertaining statistics of what our real wealth is. I think the Minister recently used a figure of $2,600,000,000 which will be gained in the next 25 years from nickel ore in this State. What a fantastic situation and sum it all adds up to.

The agreement in this Bill differs somewhat from those that have been previously ratified by Parliament. It covers the initial export of iron ore, but later it provides for the establishment of a plant for the production of metallised products from iron ore, or a plant for the production of ferro manganese. That is what this agreement is all about.

If members have examined the Bill, they will find that ferro manganese is described in the definitions clause and, for the purposes of this Bill, means—

> "ferro manganese" means for the purposes of this Agreement a metallic alloy which basically comprises manganese and iron but having a content of not less than 16% manganese;

Actually, huge deposits of manganese are being operated to the south-east of the Nimingarra deposits. Prospecting is being carried out right in the desert itself and not just on the edge of the desert. It appears that prospecting is being carried out as far east as Ragged Hills. Nevertheless, it seems that in the Nimingarra deposits there has been a geological spillover of manganese. It is interesting to consider the preparations that have been made in the agreement for the development of the deposits. Whether manganese jointly occurs with iron or whether iron is produced by itself, provision is made for them to be developed side by side and exported in their different roles.

The royalties expected under the agreement on direct shipping ore are exactly the same as in other iron ore agreements. However, there is a note that a special rate of 15c per ton for manganiferous ore, and for manganese ore, will apply. That suggests there has been an attempt by the department to assess the manganese market also. Of course, we do not know just how close to real values either now or in the future that figure may be, but we should appreciate that some attempt has been made by the department.

The Hon. A. F. Griffith: The manganese market has been very variable.

The Hon. F. J. S. WISE: The history of Port Hedland shows how variable it has been. Port Hedland depended on the shipment of manganese ore for its very existence for some years. The question as to whether the manganese industry would continue had a bearing on whether six State houses, or none, would be built at Port Hedland only a matter of 3½ years ago. It is a fantastic situation. D. F. D. Rhodes Pty. Ltd. and other companies did not know whether they could continue to employ their large numbers of operatives and continue to haul ore from hundreds of miles inland.

The royalties on exported iron ore will mean $23,000,000 in the next five years plus $7,000,000 from Mt. Newman. What a remarkable stimulus for the revenue of the State. I am sure the forecast I recently made from this seat will apply; that is, we will shortly cease to be a claimant State. This fact must be obvious and inevitable. I think it could be said, once again, that there are sufficient untapped mineral resources, together with those which are scheduled, specified, and legislated for, easily to pay the national debt and the *per capita* debt of this State. Let us hope it will be used in the best interests of Western Australia as well as in the interests of the vast and wealthy companies which are operating the deposits.

In any case, the prospect of such gigantic revenue—that is, $23,000,000 in the next five years—is the sort of atmosphere which we can anticipate when we read the Bill. There is not any doubt that Parliament will pass the Bill. In doing so, it will ratify

an agreement which has already been made and signed by the Premier, with the signatures of The Hon. C. W. M. Court and The Hon. A. F. Griffith attached.

Parliament must pass agreements which have been made in good faith by the Government of the day, even though members may disagree with some of the principles and some of the particulars contained in both the Bill and the agreement, and may also disagree with the generosity which has been shown in regard to the State's resources. However, even if the agreement itself were objectionable, Parliament would pass it, because no Parliament of Western Australia would say in any words or terms that the word of the Government of the State, which has already been given, would not be honoured by the Parliament of the State, or by any succeeding Government.

However, honouring the agreement does not necessarily mean that we all agree entirely with the Bill or with some of the conditions of the agreement, in the same way as it does not suggest that all the conditions are wholly desirable. The measure and the schedule do take much authority away from Parliament. For example, under this measure we propose to contract out of the need to apply other laws. In my view—and I stress I have always held this view—this is a bad principle. Parliament will be declaring that the agreement is not to be subjected to other laws. It will be saying that section 36 of the Interpretation Act is to be suspended; that is, Parliament is not to have the right to consider by-laws made between the Government and the company under the agreement. Parliament will only have the right to view by-laws when they have been made. By agreeing to this measure we will be saying there is no need to comply with the labour conditions imposed under the Mining Act. Parliament will be saying that by-laws can be formed, cancelled or altered, and be unchallenged by members at a future date.

The Hon. R. Thompson: The Mosman Town Council does not have that provision.

The Hon. F. J. S. WISE: Parliament will be saying that the agreement may be cancelled or varied in any or all particulars. I am sorry, but I did not hear the interjection made by Mr. Ron Thompson.

The Hon. H. K. Watson: Mr. Ron Thompson said that the Mosman Town Council does not have that provision.

The Hon. F. J. S. WISE: There would not be a place for the Mosman Town Council up north. The north is most properly controlled by shires and road districts.

I acknowledge that there must be certain authority and elasticity permitted under an agreement of this kind. This fact must be acknowledged, because the company may require a date to be extended, or it may require consideration for assistance in transport, manufacture, and development in very many aspects. However, members who have read this and other agreements will realise there is a difference in this measure within the variation clause from those which obtained in other agreements.

The Hon. A. F. Griffith: There is a slight difference.

The Hon. F. J. S. WISE: The difference will be passed by Parliament. I do not wish to labour this point if I can avoid it. I can quote to interested members the various sections of the agreement in which they will find the provisions I have referred to; that is, Parliament will be contracting out of the application of certain of our laws. I wonder whether there is a tendency for us in this Parliament to reach the stage where one Bill a session could be passed. I imagine just one Bill with a title something like the following:—

> A Bill for an Act to authorise a Minister of the Crown to declare inapplicable or varied in principle any section of any Statute in force and having been heretofore passed by the Parliament of Western Australia, and to render unnecessary any reference to Parliament in variations of any law, by-law, or agreement.

The Hon. L. A. Logan: It would save a lot of time.

The Hon. F. J. S. WISE: When I wrote those words this morning I looked at them very critically, and I stress that they are not nonsense.

The Hon. A. F. Griffith: You must have had your arm stretched out a long way to reach that conclusion.

The Hon. F. J. S. WISE: Under the very agreement we are discussing, the title I have suggested is applicable, appropriate, and possible. Even if we applied the Statute of Westminster, and even if we studied the 17th edition of Erskine May's *Parliamentary Practice* on the limits of the authority of Parliament, we would find there is opportunity for a Parliament such as ours to pass such authorities and have them approved. In fact, we would find that Parliament is a spent force.

I repeat: This is the tendency and the trend in this kind of legislation. I should like to quote from the 17th edition of Erskine May's *Parliamentary Practice* at page 28. It reads as follows:—

> The constitution has assigned no limits to the authority of Parliament over all matters and persons within its jurisdiction. A law may be unjust and contrary to sound principles of government; but Parliament is not controlled in its discretion, and when it errs, its errors can only be corrected by itself. To adopt the words of Sir Edward Coke, the power of Parliament "is so transcendent and absolute, as it cannot be confined either for causes or persons within any bounds."

Of course, I could read the suggested title of a Bill either facetiously or seriously, but I do suggest very seriously that, year by year, we are taking away from

the Parliament the rights and authorities which belong to it. I have a great respect for the Executive. I have a great respect for a Government in office. However, I consider that Governments ultimately will lose respect if, in their enthusiasm and ecstasy, they are prepared to write into a Bill and into an agreement, which they know Parliament will ratify, a weakening of what Parliament stands for. We have not yet reached the stage where a Bill of the sort I have mentioned would be introduced. However, I would like to see Parliament kept in the forefront of its requirements and its influence. There is no prospect of retracing our steps with this agreement; but we do know that the heritage of the people consists of our natural resources. Is it not extremely important that all of Australia, and particularly the citizens of Western Australia, should be the beneficiaries of our assets? The beneficiaries should not be multi-million dollar companies as such.

We should ensure that all our resources are not handed over as if we had only 100 years to go. I might have only 100 days or 100 hours to live, but I look forward to this State having 1,000 years of advancement and development based on its own resources; and, as I read to the House earlier, it was stated we had only sufficient iron ore in Australia to last a meagre 30 years, but it is now reported we have sufficient iron ore to last 200 years. If this is so, surely we should harbour these resources. Let us look after them so that they will serve this nation and our people for 1,000 years if necessary, in order that the people who have the proper right to, and the ownership of, those assets may enjoy the greatest profits from them.

We have ratified several agreements in recent years, and they are all worth millions of dollars to the companies that have signed them. I agree that each agreement has something tangible to say to those who have entered into negotiations with the Government. We are saying to the company or companies, "Here is something that is likely to be worth thousands of millions of dollars." Minor though it is, that is the sort of document this agreement is; that is, minor when compared to the other agreements we have ratified over the years.

I also agree that these agreements impose certain responsibilities on the companies, but the opportunities and the privileges that flow from assuming such responsibilities are enormous. Implicit in them are responsibilities that are tremendous; that absolve Governments from expenditure on towns, ports, and railways. So I repeat that surely we do not need to tie up all our resources to be used in one generation!

I made it clear initially that I am not opposing the Bill, but I am trying to invoke some provocative thought on certain aspects. Are we handing over too easily, and too cheaply, assets which other laws are designed to protect? Are we casually ignoring the rights, perhaps inadvertently, of our own citizens in Western Australia and our Australian citizens in their national assets? Are we treating them too casually by this sovereign authority of Parliament?

I admit that I am delighted to be still alive when such use of our resources is contemplated, but I would have less misgivings if, looking ahead in the nation's interests, we provided for the continual use of our resources in perpetuity, as I said earlier.

I support the Bill. I hope that other members may, from some of the remarks I have made, be provoked into reading it thoroughly to make sure what it means; to compare it with similar legislation we have already dealt with, and to realise that although we see almost weekly headlines in the Press indicating that somebody is spending $59,000,000 on an iron ore retort, and that Hamersley Iron—reported only four days ago—has signed a $217,000,000 contract, we have to appreciate that these are the resources of the nation; and we must never lose sight of that fact.

THE HON. N. E. BAXTER (Central) [9.20 p.m.]: It was very interesting to listen to the speech by Mr. Wise and to return to 1957 to check on the production of iron ore as reported in the Mines Department annual report of that year. In that publication there is only a slight reference to iron ore. In the report of the State Mining Engineer appearing on page 21 we read of the iron ore that was produced at Cockatoo Island and at Koolyanobbing. Another paragraph of the report refers to minerals other than gold. On page 13 of the annual report, table 7 shows the quantity and value of minerals, other than gold and silver, reported to the Mines Department during 1957, and the production of iron ore from the Yilgarn mineral field is shown as 21,838.50 tons. That is an infinitesimal amount compared to the huge quantities that are now being produced and exported from this State.

It is not surprising, therefore, that in 1957 a letter such as that read by Mr. Wise was received from Sir Arthur Fadden. Probably the information contained in this report on iron ore deposits was all that the Federal Government of the day had at its disposal.

The Hon. A. F. Griffith: What did you say the Yilgarn figure for 1957 was?

The Hon. N. E. BAXTER: According to the report 21,838.50 tons of iron ore were produced in 1957.

The Hon. A. F. Griffith: Are you sure that is not millions instead of thousands?

The Hon. N. E. BAXTER: There is no indication in the report that it is millions.

At the head of the table is shown the year and the quantity in tons and the figure given for the iron ore produced in the Yilgarn mineral field is 28,838.50.

The Hon. H. C. Strickland: Perhaps it is a misprint.

The Hon. N. E. BAXTER: It could be, but that is the figure quoted in the 1957 Mines Department annual report.

The Hon. H. C. Strickland: It would be bad luck if Sir Arthur Fadden based his report on a misprint.

The Hon. N. E. BAXTER: It would be bad luck, but that would be the information he received. Even if the figure were 21,000,000 tons at that stage, it would not have been a sufficient quantity for the Federal Government to grant the right to export. The position is that in the intervening period huge quantities of iron ore have been discovered in this State, otherwise the 1957 Mines Department report would have indicated much larger resources.

As Mr. Wise has said, one wonders how many more of these iron ore agreements we will be asked to ratify, and whether we should continue to export large quantities of iron ore in the future and perhaps deplete the resources we have at our disposal. These iron ore deposits may not last 1,000 years, as predicted by Mr. Wise. Perhaps the Mines Department officers are aware of other deposits that can be reserved for posterity.

At present it appears that the Government is making undue haste, by entering into these iron ore agreements whenever they are presented by the interested company or companies. To a certain extent that is understandable, because we know the Government is anxious to improve the finances of the State by the payment of royalties from the iron ore companies. We know it is also keen to populate the northern sector of our State for many reasons, one of the most important being defence. Nevertheless, as Mr. Wise has said, I agree we should look at this problem and deal with it on the basis of a long-term policy with a view to obtaining some guarantee as to what will happen in the future.

As other members have said, we could not, of course, defeat a Bill of this nature, because the Government has entered into a contract which must be honoured. However, I think more information could come before Parliament before the agreement is signed by the Government. We should be given some indication of what is contained in the agreement, such as the quantity of iron ore that is to be produced, or the minerals that are likely to be included. We should also be acquainted with such facts as the quantity of iron ore that is to be exported annually; and, after Parliament has considered the agreement, the Government could then complete its negotiations with the company.

This particular company has been making its investigations for some time and, to a degree, the Government would have been aware of its progress and could, I believe, have obtained information from the company in the meantime; because, according to the information available to us, the company has spent a huge sum of money in endeavouring to determine the iron ore reserves. The Government must have had some knowledge from the company as to what was required in the way of an agreement, especially in the light of the experience gained from negotiating with other companies in the past.

I believe there is no need for any undue haste on the part of the Government to sign the agreement and to have it completed by the date specified, as this agreement could have been made available 12 months ago. A number of explanations could have been made in the Parliament and some indication given on the possibility of the agreement being entered into.

The Hon. A. F. Griffith: If the agreement had been available 12 months ago, don't you think we would have brought it before Parliament 12 months ago?

The Hon. N. E. BAXTER: I did not say the agreement was available 12 months ago. I said the Government would probably know that it would have been possible to make the agreement 12 months ago.

The Hon. A. F. Griffith: Of course it did.

The Hon. N. E. BAXTER: It would have done no harm for the Government to have given some indication to Parliament at that time of the possibilities of entering into such an agreement and what the agreement was likely to contain. I think Parliament should be forewarned of the type of agreement that is likely to be brought before it for ratification.

The Hon. A. F. Griffith: You cannot negotiate under those conditions.

The Hon. N. E. BAXTER: I disagree with the Minister. I believe we could negotiate under those conditions. As this agreement does not appear to be much different from those we have ratified in the past, I think the Government could have apprised Parliament, or even the public, of what was likely to take place. I have not read all the clauses in the schedule, but I would say they would be very similar to those contained in past agreements.

The Hon. F. R. H. Lavery: Except that these excessive agreements override the authority of Parliament.

The Hon. N. E. BAXTER: The honourable member may be right, but I will not debate that aspect with him.

The Hon. F. R. H. Lavery: I know I am right.

The Hon. N. E. BAXTER: I cannot agree with the Minister that something of this nature could not have been done 12 months ago. We have the agreement before us, the contract has been made, and we must support the Bill.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [9.30 p.m.]: The remarks made by Mr. Wise when speaking to this Bill were indeed most interesting. I think the three dates—the 12th September, 1957; the 12th September, 1961, and the 12th September, 1967—do provide a remarkable coincidence; but it is nothing more than a coincidence. The history of iron ore in Western Australia makes very interesting reading. On one occasion I had an opportunity to browse through that history.

The Hon. F. J. S. Wise: It must be a nice feeling for the Minister to know that these things are happening.

The Hon. A. F. GRIFFITH: In a humble way it is very nice to know that these things are happening. I would like to go back quite a long way on this question of iron ore. I could remind Mr. Wise of the terms of the Brassert agreement. I could also mention the fact that in those days the Japanese were going to get iron ore from Cockatoo Island at 3d. per ton, but the Government could not get anybody to work the iron ore until B.H.P. came along; and the Brassert agreement fell through.

The letter written by Sir Arthur Fadden on the 12th September, 1957, is a most interesting document. I listened with great interest to the utterances made by Mr. Wise to the University in 1961, because the words he uttered on that occasion constituted, exactly, the policy the Government has put into effect.

The Hon. F. J. S. Wise: I am glad I helped you.

The Hon. A. F. GRIFFITH: I am glad we are in agreement on the policy that should be followed in these matters. I do not want to get too deeply involved in this matter, but the refusal of the Commonwealth Government in 1957 was based on what it considered at the time to be a shortage of iron ore in Western Australia.

Ten years ago I think our estimate was 247,000,000 tons. The figure that Mr. Baxter read out about Yilgarn was correct, but in brackets we have the words, "For pig iron." That is what made me query the quantity mentioned.

All this does show what can be achieved by a partnership between the Government and private enterprise.

The Hon. H. C. Strickland: Where is the partnership? It is like comparing a horse with a mouse.

The Hon. A. F. GRIFFITH: While it is possible that some people feel the agreement is inclined to treat the company generously, we must not forget the obligations which are imposed upon the company under the agreement. It is this type of agreement that has resulted—as Mr. Wise correctly said—in the magnificent development that is going on in the north at the moment.

The basis of the export license that was requested by the Government in 1957 for 1,000,000 tons of iron ore was to enable the State to establish an iron and steel industry in the southern part of the State —I think Bunbury was mooted. I have never been able to check correctly the price from the files I have gone through from time to time. I understand all sorts of figures were given, and at one stage it was thought that the iron ore might be sold at £8 or £9 per ton. Let us take the best figure and say it was £10 a ton. This would mean £10,000,000.

The Hon. R. Thompson: You mean dollars?

The Hon. A. F. GRIFFITH: I am talking about 1957—it would be $20,000,000 in our money today. That was a mere drop in the ocean when compared with the money that has been invested in these projects.

Despite what Mr. Baxter thinks about the situation, the Government just cannot negotiate an agreement of this type in the atmosphere suggested by the honourable member—that of making a periodical report to Parliament as to how far we are getting with the agreement. This would surely prejudice negotiations in an agreement of this nature.

Mr. Wise said that the citizens of the State should benefit from the State's assets. I cannot agree more; and, of course, the citizens of the State will benefit. The royalties we are to receive from these iron ore agreements over a period of years will amount to a large sum of money. The basic benefits the people of Western Australia are to get will not come, in fact, from royalties, but from the job-creating activity of the companies associated with these agreements.

Agreements of this nature are negotiated with a number of factors in mind, and the one important result is that the State gets the benefit of development without having to find the money for that development. Surely it would be a physical impossibility for a State like Western Australia to provide enough money—and now I am talking in pounds and in terms of the year 1957—to establish a State-owned iron and steel industry at Bunbury. From where would we get that sort of money?

Millions of dollars have gone into investments in the Pilbara and the Yilgarn districts, and these investments will be of benefit to the people of Western Australia. The assets, which belong to the people of the State, are still there. If the covenants and conditions laid down are not met and fulfilled by the companies, the agreements are considered to be broken. Let us consider

the discovery of iron ore over the last 10 years, and apply the same sort of thinking to the discovery of nickel in the last two years. For 70 years goldminers have walked over this area; they have gone over this land from which the nickel was taken, and the School of Mines did a test on it a few years ago.

The Hon. F. J. S. Wise: Is the amount $2,600,000?

The Hon. A. F. GRIFFITH: That is only an estimate, and it could change. As members know, the great Kambalda project is to be opened on Friday. It just goes to show how the wheel of fortune turns in matters of this nature. For two years we did not know whether the nickel would be available at Kambalda; or whether the incidence of nickel in the country would be as promising as it appeared.

The Hon. F. J. S. Wise: Will any royalties come to the State from the freehold areas?

The Hon. A. F. GRIFFITH: I think so. This is one of the very few freehold holdings. It is within our province to apply a royalty payment in respect of these freehold areas. I would, however, like the opportunity to check this point. The Kambalda deposit itself is on Crown land, and royalties will be applicable to it.

We could expect there would be a revision of the royalty scale that is now shown in the Mines Regulation Act. It is pretty low on nickel, which has not been regarded as a mineral of great importance; but it is assuming great importance at the present time. I want to say again that all these agreements are negotiated in the spirit that the State will not have to find the money for development because, in fact, it could not. The obligation is on the companies to fulfil the conditions under these agreements and find the finance.

These agreements arose out of what might be termed a moral obligation on behalf of the parties. Some time ago, when the Commonwealth Government decided to partially lift the embargo on iron ore, a number of temporary reserves were granted to prospecting companies, and single identities. There were terms and conditions attached to the granting of these temporary reserves and obligations to do certain things; and at a point when the holder of a temporary reserve discovered a mineral—in this case iron ore—there was an obligation on the part of the Government to meet him and negotiate around the table with a view to reaching an agreement. In respect of the temporary reserves that have been granted, a number of these agreements have been made.

The actual reserve of high grade iron ore in Western Australia at the present time is estimated by the department to be of the order of 15,000,000,000 tons; and I would venture to suggest there would be many more millions of tons of reserves of lower grade ore.

These agreements have always provided that where the treatment of the ore is to be carried out in Western Australia under conditions that will give us a secondary industry, the royalty rates shall be lower and made attractive to the companies in order to encourage them to treat the ore in this State. All of these agreements have their phases. Firstly, export; and, secondly, processing; and a number of the companies have an obligation to go to steel.

This agreement is a little different for the reasons so adequately explained by Mr. Wise. I do not think this can be regarded as an objectionable agreement. Surely nothing that gives the State the sort of progress these agreements are giving can be regarded as objectionable. Look at our economic situation today in comparison with that of the rest of Australia. How do we stand when we compare our situation with that of the other States? Look how much the other States depend upon us for their livelihood because of the imports we obtain from them. Look at our employment figures. We should be very grateful indeed that the Government has been able to negotiate agreements of this nature.

This agreement, as with the others, still has a long way to go. A considerable amount of money has been spent in exploration; and the company is still exploring the area. However, I would like to say this in relation to the Acts out of which this agreement contracts, if I may use that expression: It is necessary in agreements of this nature to contract out of many Acts, particularly the Mining Act. The Mines Regulation Act in respect of labour conditions provides that so many men have to be employed over an area—I cannot remember the number of men. Over these large areas it would be impossible to fulfil that labour condition. Many men would be working in a field of this nature making compliance with the Act absolutely impracticable. The working conditions on mining leases were laid down in the old goldmining days and today they are not always practicable.

It is necessary that the Government have the power—as Mr. Wise said—to renegotiate some phases of these agreements. Look at the very substantial change that was made in the Mount Newman agreement. Mount Newman did not want to use Port Hedland, but because there was a change of attitude on the part of the company, Port Hedland, without any doubt, is destined to be a huge mineral exporting port in the years to come, with a population to support it that would never have been obtained but for the development of the minerals in that area.

As Mr. Wise has said, it is only reasonable that Governments of the future will honour agreements of this nature. I think people of the State would want Governments of the future to honour them. It is

true to say that there are big profits for the companies concerned; but there is also a big profit for the State in the way of employment opportunities and other things that go with this type of agreement.

The Hon. F. R. H. Lavery: Such as the Kwinana refinery brought.

The Hon. A. F. GRIFFITH: That is a worth-while observation. One has only to have regard to the figure Mr. Baxter mentioned a while ago and the relatively small deposit at Koolyanobbing to realise that gave us a broad gauge railway line and an integrated iron and steel industry based at Kwinana.

The Hon. H. C. Strickland: It did not give them to us; we paid for them.

The Hon. A. F. GRIFFITH: The honourable member knows as well as I do that is the only thing that would have given us the broad gauge railway line. All the talk about defence and the need to link the east with the west would not have given it to us.

The Hon. H. C. Strickland: Tourists.

The Hon. A. F. GRIFFITH: Nor tourists. The iron ore deposit was responsible. We can be grateful for the fact that the agreement in relation to Koolyanobbing resulted in the broad gauge railway line and a steel industry at Kwinana. There is no more I can say other than to thank Mr. Wise for his support of the Bill and also Mr. Baxter for his support and remarks.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 to 3 put and passed.

Clause 4: Power of Company to enter certain Crown lands—

The Hon. F. J. S. WISE: I would not like the Minister to hurry through the clauses or the schedule, because I wish to raise many matters, not unreasonably. However, they will take some time. For example, I think we are entitled to an explanation as to the wide scope of this and the two succeeding clauses, and I am prepared, not to insist on, but to ask for an explanation of these matters. How wide is to be the authority of the company to have an influence on Crown land and to enter it for the purposes of the agreement?

The Hon. A. F. GRIFFITH: It is not my desire to rush this Bill through and I am quite happy to report progress at this stage. However, I would like an opportunity to study any remarks the honourable member may make in relation to these clauses so that I will not have to give him an off-the-cuff answer. Therefore we could report progress tonight and resume in Committee at another convenient time.

The Hon. F. J. S. Wise: I would assist the Minister to get it through by Thursday.

The Hon. A. F. GRIFFITH: A date is mentioned in the agreement, and we must have regard for that. However, I do not want to hurry it through. Mr. Wise may like to address himself to the clauses now. He could do this, or I could report progress.

The Hon. F. J. S. Wise: That would be better.

Progress

Progress reported and leave given to sit again, on motion by The Hon. A. F. Griffith (Minister for Mines).

House adjourned at 9.53 p.m.

Legislative Assembly

Tuesday, the 12th September, 1967

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

SWEARING-IN OF MEMBERS

THE SPEAKER (Mr. Hearman): I have received the writs for the by-elections for Mt. Marshall and Roe. I am ready to swear in Mr. Walter Raymond McPharlin, the member for Mt. Marshall, and Mr. William Gordon Young, the member for Roe.

The honourable members took and subscribed the Oath of Allegiance and signed the roll.

IRON ORE (HANWRIGHT) AGREEMENT BILL

Tabling of Plans

MR. COURT (Nedlands—Minister for Industrial Development) [4.35 p.m.]: Have I your permission, Mr Speaker, to table a plan showing the temporary reserve area in respect of the Hanwright agreement, and, in addition, a location plan which shows in a simple form the actual locations of the areas in question?

The SPEAKER: Permission granted.

The plans were tabled.