Legislative Assembly

Tuesday, 15th December, 1953.

CONTENTS.

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTIONS.

ROADS.

As to Forming and Sealing North Coastal Highway.

Mr. NORTON asked the Premier:

In view of the likely development in the Gascoyne-Minilya Road Board area as a consequence of the finding of oil at Exmouth Gulf, will he make moneys available, or approach the Commonwealth Government to make a special grant, for the forming and sealing of the North Coastal Highway as this will be the main road link with the south for all likely oilfields which, according to geologists, parallel this road?

The PREMIER replied:

It is likely that an approach will be made to the Commonwealth Government in this matter in the near future.

LOCAL AUTHORITIES.

As to Composting of Garbage.

Mr. HUTCHINSON asked the Minister for Agriculture:

(1) Are any practical steps being taken or any technical advice being offered to assist and encourage local governing authorities and primary producers in the matter of composting of municipal and household garbage, sewage, sludge and garden refuse?

(2) If not, does he consider that the organised utilisation of such wastes is undesirable?

(3) Is it a fact that all available evidence tends to show that, provided the composting of such wastes is strictly controlled, there is no danger of possible dissemination of pathogenic organisms?

(4) Will he give consideration to the establishment of composting units which will serve the dual purpose of hygienically and economically disposing of obnoxious wastes and of creating a valuable means of helping to preserve the fertility of our soil?

The MINISTER replied:

(1) The Fremantle City Council is actively interested in the conversion of household garbage for use as fertiliser and stock feed.

The equipment for treatment and methods of segregation of garbage by householders is well recorded in literature and experience in large cities.

Adoption is a matter of the economics of collection and treatment. These aspects would necessarily be the consideration of each municipality concerned.

The Department of Agriculture can advise primary producers in methods of composting sludge, garden refuse and other materials.

(2) No, but the cost factor at present in relation to other methods of disposal appears to have prevented any active interest. Sewage sludge is at present used.

(3) Department of Agriculture is not aware of any such danger but the question appears to be one more appropriate to the Minister for Health.

(4) The disposal of municipal and household garbage is a responsibility of the local authorities, but the collection for central composting would under present conditions probably involve costs which would be disproportionate to the results obtained.

FLOUR EXPORTS.

As to Western Australia's Proportion.

Mr. COURT asked the Minister for Agriculture:

(1) Is he satisfied that the Australian flour export quantities are at present being enjoyed equitably between all States?

(2) Has the Western Australian proportion been reduced as compared with the experience immediately prior to the Australian Wheat Board 10s. per ton differential against wheat milled by Western Australian flourmillers for export?

The MINISTER replied:

(1) Western Australia at present appears to be receiving its equitable percentage of export as allotted by the Federal Council of Flour Mill Owners.

(2) The proportion of Western Australian export to flour produced has been reduced as a result of the 10s. per ton freight differential. The basic reason, however, for a reduction in flour export is considered to be due to the lack of export flour orders for the whole of Australia.

MEMBERS' SPEECHES AND SUGGESTIONS.

As to Consideration by Departmental Officers.

Mr. JOHNSON asked the Premier:

(1) As many members make suggestions relative to their electorates and the State in general during speeches upon the Address-in-reply, Estimates, etc., will he describe to the House the method adopted whereby the content of speeches is studied by responsible departmental officers?

(2) What steps are taken to put into effect suggestions made by members in speeches?

(3) How is a member to know whether or not his suggestion has received study, consideration, or been given effect to?

The PREMIER replied:

(1) Departments generally study "Hansard" and consider matters affecting their respective activities.

(2) Suggestions are considered on their merits. Action taken generally depends on Government policy.

(3) Where suggestions made in Parliament are adopted, Ministers would inform the member concerned.

The most effective method for members to follow regarding their suggestions is to make personal representations to either the Minister or the appropriate departmental officer.

That is in addition to whatever a member thinks he should say about the matter in the House.

HEALTH.

(a) As to Dust and Moth Nuisance, North Fremantle.

Hon. J. B. SLEEMAN (without notice) asked the Minister for Agriculture:

As this is the day on which the Minister promised to let us know something about the silo at North Fremantle, I desire to ask him—

(1) Is he aware that the much-talked of silo at North Fremantle, which is such a nuisance to the residents, is actually being built for the State Government by Co-operative Bulk Handling Ltd.?

(2) If not, will he tell the House what is the correct set-up, and when he is likely to do something for these unfortunate people?

The MINISTER replied:

(1) I am not actually aware that the silo, as it is called, is being built for the State Government, but if it is, it is, as I understand the position, only for the purpose of being handed over later to Co-operative Bulk Handling Ltd.

(2) The hon. member has raised this matter on several occasions, and I have made all possible inquiries through the Crown Law Department, and wherever else I thought I could get suitable information, to see what could be done in respect of this menace at North Fremantle. I am definitely informed by the Crown Law Department that the Minister has no power whatever to order a cessation of the work being done at the present time.

The Crown Law Department further advises that an injunction could be taken out against the company, but it is suggested that the house-owners would be the appropriate people to take that action. The opinion of the Crown Law Department is that, even if the people sought an injunction, the court quite likely would not grant it because the nuisance involved is considered to be of a temporary nature only. It is, however, further pointed out that damages might quite possibly be recovered in respect of this nuisance.

This is all I can say, except to amplify my remarks by pointing out that at the present time there are 17 ships' cargoes

of wheat stored awaiting shipment, and all this wheat, involving 4,000,000 to 5,000,000 bushels, has come from the 1952-53 season and, as the total storage capacity at Fremantle is only about 8,000,000 to 9,000,000 bushels, and the present harvest is now coming in, we can imagine what sort of chaos will develop in the port of Fremantle if some arrangements are not made immediately to store the present season's wheat. This is the main reason, so I am informed, why it is necessary to shift the oats, which have caused all this trouble, from the present site or annexe, into the new quarters.

The oats have to be moved to make room for the incoming harvest, because if they are not shifted there will be complete congestion at the port, and it is quite possible we will have to try to arrange for the farmers, all over the country, to store their own wheat, and most of them have no facilities to do that. Bags are unprocurable, or nearly so, today and as a result the company concerned felt obliged to take the action it has taken. So far as I can see, there is nothing that the Minister, as Minister, can do in that connection.

There is one thing I succeeded in doing in regard to the grain elevator which feeds into the new storage shed. As the hon. member knows, that is uncovered at present and the company is of the opinion that about 60 per cent. of the nuisance, on a windy day, is caused by this uncovered elevator. The company has promised that within 48 to 60 hours it will completely cover the grain elevator and although that will not solve the whole difficulty it will eliminate about 60 per cent. of the dust nuisance. I can assure the hon. member that I have taken all possible steps to assist the people in the area concerned, and the hon. member himself.

(b) As to Invoking Existing Legislation.

Mr. J. HEGNEY (without notice) asked the Minister for Agriculture:

The Minister said that he had discussed the position at Fremantle with the Solicitor General. Was consideration given to invoking the amendment to the Shops and Factories Act passed last session?

The MINISTER replied:

The Act was not invoked by me. I am not sure about the position but I think that the Factories and Shops Act or the Health Act, and maybe other Acts of Parliament could cover the position at Fremantle. However, I think action should be taken by the house-owners concerned. They should approach the Minister controlling the Acts covering this aspect, or they should approach the court to take out an injunction against the company. As Minister for Agriculture, I have no power to take any direct action in ordering the company to cease operations.

(c) As to Ownership of Storage Facilities.

Hon. J. B. SLEEMAN (without notice) asked the Minister for Agriculture:

(1) In view of the information the Minister has given to the House, will he inform members whether my information that the silo is to be built for the State by Co-operative Bulk Handling Ltd., and that it will become the property of the State Government, is correct?

(2) Will he also tell the House when the storage shed is to be finished? He told us the other day that it would be finished about Christmas time.

The MINISTER replied:

(1) and (2) I will obtain the information the hon. member requires. I understand that the storage shed, instead of being finished at Christmas time, as the company first thought, will be finished in about six weeks' time.

MIDLAND RAILWAY COMPANY.

As to Conditions of Land Contract.

Mr. JAMIESON (without notice) asked the Minister for Lands:

(1) In view of the report in this morning's Press that the final document in the land contract between the State Government and the Midland Railway Coy. will be handed over at noon tomorrow, has the Minister satisfied himself that all the conditions entered into by John Waddington on the 27th February, 1886, have been adhered to?

(2) If not, will the Minister withhold this document until such time as an inquiry is made to ascertain whether there is any outstanding condition of this contract that has not been honoured by the company concerned?

The MINISTER replied:

(1) and (2) I must confess that I have not looked back in history that far to see whether all previous Governments satisfied themselves with regard to the contract between the State Government and the Midland Railway Coy. As the hon. member says, a contract was entered into between the Government of Western Australia and John Waddington in 1886 for the purpose of building a railway line from Midland Junction to the Greenough Flats.

The line was built on the understanding that for every mile of line laid the State would grant 12,000 acres of land to the company. As some 277 miles were involved, over 3,300,000 acres had to be handed over to the company. The line was completed in 1894, eight years after the agreement was signed, and by that time nearly the whole of the land had been handed over. Only a small parcel of less than 40,000 acres was left and that was handed over in May of this year. That completed the contract.

I am aware of this small parcel of land only and I have no knowledge, nor did I think it was necessary to trace back through the history of the State to see whether all the points of agreement in the contract had been honoured. I assume that they must have been, otherwise there would have been some information on the files. If the hon. member has any doubts in his mind as to how the contract has been observed, I will be pleased to hear from him. If not, I see no reason why this historical handing-over ceremony should be delayed. The company has been of tremendous importance in the economic life of this State and if the hon. member has any reason to doubt the validity of the agreement he should advise the House. As far as I am concerned, I have satisfied myself about the small portion of land that was outstanding until this year.

MOTION—LICENSING.

As to Temporary Facilities, Kwinana.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the motion.

BILL—TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS ACT AMENDMENT (No. 2).

Council's Message.

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

BILL—MEMBERS OF PARLIAMENT, REIMBURSEMENT OF EXPENSES.

Read a third time and transmitted to the Council.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the 11th December of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Labour in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 100 amended:

Hon. L. THORN: I move an amendment—

> That in lines 1 and 2 the following words be struck out:—"The proviso to paragraph (c) of Subsection (1) of."

My reason for doing so is to insert different words after I have moved my second amendment which is to strike out the word "repealed" in line 3 of the clause; that is, to make provisions for the free trading in petrols and oils. I was staggered when I noticed that there were no further speakers on this important Bill. I hope I get some support for my amendment.

The MINISTER FOR LABOUR: This amendment is a direct negation of the provisions of the Bill and if it is accepted, the subject matter of the measure will be redundant. If it is accepted, the position will be that around-the-clock trading can continue. When introducing the Bill I outlined the reasons for doing so and no good purpose would be served by labouring the point now. I oppose the amendment.

Mr. HEARMAN: I support the amendment. The Minister has suggested that the intention of the member for Toodyay is completely counter to the intention of the Government; that might well be so. The reason why the Government introduced the Bill was to try to make watertight a section in the measure. Arbitrary closing will be extremely inconvenient and will limit the opportunities of the person who is not in a position to make provision to supply himself with the full amount of petrol he may require over the week-end; he may not be so well off and be unable to lay out £2 or £3 for petrol on Saturday. This amendment will enable him to buy such petrol as he may require for the week-end.

Mr. ANDREW: I oppose the amendment. As the member for Blackwood has said, the purpose is to have service stations open at all times or any time. The general tendency today in relation to the marketing of goods is for there to be organisation. The member for Toodyay in his speech called it regimentation, but he himself took action along similar lines some years ago. We have had orderly marketing in so many of our essential goods, such as clothing, furniture, foods and so on; we have also had it as it relates to medicines, and other commodities used in our everyday life.

Mr. Oldfield: You can get medicines any time.

Mr. ANDREW: We cannot get those commodities at any time because medicines are only sold in a few shops after hours. Doctors do not finish their surgery work till 8 o'clock.

Mr. Oldfield: Farmers work 22 hours a day sometimes.

Mr. ANDREW: There was a time when the viticulturists were in the same position as service-station owners.

Hon. L. Thorn: Tell us about it.

Mr. ANDREW: We were endeavouring to get a fair return for our products and to find a social position for ourselves. We organised 95 per cent. of the growers into a voluntary body and fixed what was

considered a fair price on the local market. We had to take what we could get on the export market.

Hon. J. B. Sleeman: Was the member for Toodyay in that?

Mr. ANDREW: He was, and he supported the move. The trouble was that a few growers endeavoured to take advantage by selling on the local market which returned a better price. Other growers refrained from doing so. The action of the few broke the organisation down.

Hon. L. Thorn: Price does not enter into this.

Mr. ANDREW: The same thing applies; there are a few who are trying to get a bigger business for themselves.

Hon. L. Thorn: That is enterprise.

Mr. ANDREW: We formed that organisation on three occasions, but fell down on that voluntary basis. There was a deputation which waited on the Minister for Agriculture—at that time Mr. Troy—and the member for Toodyay and I were members of that deputation. The hon. member spoke and asked the then Government to bring in dried fruit legislation because we could not get a fair return for our crops. He was on the taking side in those days, and he adopted an attitude which I consider was the correct one. But now, towards people in the same position as he was in then, he is taking up the opposite attitude. He has turned a somersault. He says he is thinking of the public, but this amendment will do the public a disservice.

If trading is extended to all hours, the expense of selling petrol will be much greater, because there must be staff to work the additional hours. That means that either there will be dearer petrol, or a number of service stations will go broke. I do not know whether a quarter of a century in this Parliament has led to the honourable member's lacking in perception, but he does not seem to be able to realise that the people concerned in this matter today are in the same position as those by whom he did the right thing on the occasion to which I have referred.

Hon. L. Thorn: The arguments are not comparable. The fruit-growers had to pick fruit on Sunday for the Monday market.

Mr. ANDREW: They still do; but they have plenty of Sundays and week-days off: that is a side issue.

Hon. L. Thorn: It is the same issue as we have in this case.

Hon. A. F. WATTS: I support the amendment. This provision has more far reaching effects than the member for Victoria Park would have the Committee believe. I do not think there is a motor-vehicle occupied by passengers that has the capacity to do more than 240 miles on one tank of petrol, and a journey of that kind is comparatively nothing in these days. Many people think nothing of travelling 400 or 500 miles between Saturday lunch-time and late Sunday night or early Monday morning. Many such journeys are taken for most important reasons and cannot be avoided.

Since the proviso was inserted in the Act in 1946 with a view to providing facilities, at least in country districts, where fuel can be obtained by people who want to continue travelling, the number of vehicles in Western Australia has trebled. There is scarcely a family that has not some sort of motor vehicle; those people, whether living in the country, or in the metropolitan area, are entitled to go about their lawful occasions, travel where they please, and be supplied with the means of travelling. When there were restrictions on the sale of petrol, I myself went into a country town where there were five or six service stations and, despite the fact that I was well within the emergency provisions of the Act and could have safely and honestly made the required declaration, I was absolutely unable to acquire any petrol because I could not find a service-station proprietor. What is everybody's business is nobody's business, and the proprietors were not going to hang around the town wondering if somebody would come along who would be able lawfully to make a declaration. It was not worth while.

As soon as the Supreme Court decision was given which opened the door, a service station was always available in that place and members would be surprised at the number of people who have gone there, including myself, to acquire fuel for their vehicles. On the occasion of which I spoke, I travelled to the next town which was 30 miles away, and after an hour's search I was lucky enough to be able to find somebody who could give me petrol on a declaration, and I was thus able to get back to the metropolitan area where I had to be.

That position will continue indefinitely if this Bill is allowed to pass. There will be no hope whatever for a lot of people who travel in rural districts and have to cover long distances, but cannot carry enough fuel to enable them to make the return journey over the week-end. If the Bill is carried, it will be much easier to obtain liquor at the week-end than to obtain petrol; because, in the present circumstances, one can secure liquor up to 9 p.m. on Saturday. Yet petrol is a great deal more essential in this State of long distances than is liquor.

In rural areas in this State one can obtain liquor between noon and 1 p.m. and between 5 p.m. and 6 p.m. on Sundays; but if this Bill is passed, it will not be possible to obtain petrol lawfully because service stations will not open on the off-chance of somebody coming along who can make a

declaration; and a travelling motorist, who is entitled to consideration and service, will not be able to obtain it except under great difficulties. That is not a fair proposition. I trust that the Committee will accept the amendment and reject this unnecessary restriction, which will impose a considerable hardship in many cases.

Mr. WILD: Unfortunately I was out of the Chamber when the vote was taken on the second reading; I was called to the telephone. I have an amendment on the notice paper, which follows that of the member for Toodyay, and I intended to ask the Minister whether he would be prepared to accept it. I consider there should be an unfettered right for people to get petrol over the week-end if they require it. That applies particularly to the country areas. As the previous Minister for Housing, I travelled up north on occasion, and I was not able to obtain petrol at some towns until I knew my way about and discovered that at certain places at certain hours there would be somebody there to supply it.

There have been all sorts of tales about tanks holding so much petrol, and about people knowing on Saturday what they are going to do on Sunday and therefore being able to obtain their supplies beforehand. But do people always know at 5 to 12 on a Saturday that on the Sunday afternoon they may be 200, 300 or 400 miles away? This business of knocking fellows up and signing forms is all poppycock; it does not work out. If it is a case of a closed house, many of these fellows—I would do the same myself—will be away playing golf or bowls instead of waiting around the town.

One man told me a few days ago that he was painting his iron roof when a man came along and begged him to open up and let him have some petrol. It took him about five minutes to climb down and get the keys of the bowser, and the book for filling in the particulars. Then the man took two gallons of petrol, out of which the proprietor made 7d.

The amendment I have on the notice paper should fill the bill. In the country the position should be absolutely free. In the metropolitan area there are some proprietors who want to stay open and some who do not. My amendment meets the position by providing that proprietors within a radius of 20 miles of the G.P.O. can be open between 7 a.m. and 1 p.m. on Saturdays and from 8 a.m. till 11 a.m. on Sundays. I would like to ask the Minister whether he is prepared to accept the amendment I have on the notice paper. It would have to follow approval of the amendment moved by the member for Toodyay.

Mr. McCULLOCH: I think the member for Dale's amendment is better than the other.

The CHAIRMAN: I would point out that the amendment on the notice paper under the name of the member for Dale is not before the Committee and cannot be discussed.

Hon. L. THORN: I regret the Minister will not accept my amendment. I cannot understand his having introduced the Bill, because it affects a service rendered to the travelling public. The case put up by the member for Victoria Park was lamentably weak. I think he became confused between petrol as a spirit and the spirit obtained from dried fruit.

Hon. J. B. Sleeman: He was not confused.

Hon. L. THORN: What he did not tell us was that no arrangement was made for the grower to have Sunday clear.

Mr. Jamieson: He could have Monday off.

Hon. L. THORN: The hon. member shows very slight knowledge of the industry because the grower would have to prepare and stencil his cases on Monday in readiness for Tuesday. I can only conclude that there are petrol stations in Victoria Park whose owners do not want to open and do not want others to do so. According to him, everybody should be regimented. This disease of regimentation was contracted during World War II and many people would be only too pleased to have it continued. It is a system that operates in Russia where one must do as one is told and sign on the dotted line.

The 1946 amendment gave proprietors an opportunity to render this service if they so desired and the business has proceeded smoothly along those lines. If some people are willing to render Sunday service to the travelling public, they should be permitted to do so. A motorist travelling a long distance on Sunday is entitled to receive this service and, in a case of sickness, it might be most important that such facilities should be available. I cannot understand why the Minister wishes to interfere with the Act.

Mr. OLDFIELD: I support the amendment with a view to supporting later on the amendment indicated by the member for Dale. Garage proprietors would not be compelled to open on Sunday; they could do so if they pleased. Members should visit the garages that open on Sunday and see the thousands of cars that pull in for petrol. I cannot understand anybody contemplating the closing down of service stations in our vast country areas. An average car might travel 200 or 250 miles without replenishing petrol supplies, but places like Albany, Geraldton and Kalgoorlie are beyond that limit and replenishment would be necessary. Why should people be virtually prevented from travelling to those places on Sunday? If people wished to visit Merredin or Kellerberrin and return on the same day, they would be unable to do so because of limited tank capacity.

If a motorist had a break-down in the country, a garage that was open for the sale of petrol would doubtless attend to the trouble. A motorist might be held up for lack of a tube or might blow a condenser and under the Bill he would have to remain where he was until Monday. If we make it worth while for the garage proprietor to remain open, he will give the service that people need.

The Minister for Lands: I travel a good deal on Sunday and am able to carry all the petrol I need.

Mr. OLDFIELD: An average car could not travel to Albany on one tank of petrol and no motor car could do the Geraldton or Kalgoorlie trip on one tank.

The Minister for Lands: Cars have a boot in which extra supplies can be carried.

Mr. OLDFIELD: Some have not. Many red herrings have been drawn across the trail.

The Minister for Lands: I think you are drawing some.

Mr. OLDFIELD: The Minister is adopting the attitude that he is in office and what he says must go. What we as representatives of half the people say does not matter. This has been proved on every Bill submitted this session.

Mr. JAMIESON: The hon. member was inconsistent in putting up a case for the amendment. Had the Minister introduced a measure to compel garages to open on Sunday, members opposite would have risen with one voice to protest against the passing of such legislation. There is no necessity to keep a bank open on Sunday. What about picture theatres and other establishments that have heavy takings on a Saturday night and must look after the money till the banks open on Monday?

Hon. L. Thorn: They can put it in a safe deposit.

Mr. JAMIESON: They cannot do that in country areas.

Mr. Oldfield: What do Boans and Foys do with the money they take on Saturday?

Mr. JAMIESON: The lazy motorist, of course, desires to be able to get petrol on a Sunday, but I know of an instance where a family could never have Christmas dinner together for 13 years, as some of them were always rostered for duty on the petrol pumps. If some service stations open on Sundays, the others are forced to follow suit or else lose their trade. I oppose the amendment.

Mr. HEARMAN: The Minister did not even reply to the debate on the second reading, but put the measure before the House and adopted the attitude, "I do not care what members opposite say; I will not reply or consider any amendments." That is an unjust method of treating legislation, as members are entitled at least to a reply from the Minister. The Automobile Chamber of Commerce does not object to the sale of petrol on Sundays, but wants some regulation of the trading hours, and I think it would be satisfied in general terms with the amendment proposed by the member for Dale.

The Bill seems to go further than the public or the Automobile Chamber of Commerce wish. Only last week we heard reasons advanced by the Government why people should be allowed to purchase bottled beer on Sundays, but now the attitude of the Government is that the public should not be able to purchase petrol on that day. In 1946 petrol was rationed, service stations were short-handed and there were fewer vehicles on the road.

I do not think the Minister has justified the Government's stand or taken into account the changed conditions obtaining today. He seems to give no consideration to the obvious difficulties that people in the country have to face. He takes the view that the Bill has to go through and he is not prepared to listen to any representations from the Opposition. Even if we are in a minority, it has always been the keystone in the practice in the British system of government that the viewpoint of a minority should be considered. I therefore hope that some member of the Cabinet will endeavour to justify the stand that has been taken.

The MINISTER FOR LABOUR: First of all, I think I can consider the remarks made by the previous speaker. I think it is about the third time he has beaten me to the post. I would point out to members that I will certainly reply to any substantial contribution to the debate. I studied the remarks of the member for Toodyay and found very little to reply to.

Hon. L. Thorn: That is just the attitude I would expect you to adopt.

The MINISTER FOR LABOUR: I did not hear the interjection by the member for Toodyay.

The Premier: He indicated that he is the only one who is intelligent from the shoulders up.

The MINISTER FOR LABOUR: The Government makes no apology for introducing the Bill.

Hon. L. Thorn: That is a great phrase of yours. I have not heard you apologise yet.

The MINISTER FOR LABOUR: I am sorry I cannot say the same for the member for Toodyay, because every time he introduced a Bill as Minister, he was full of apologies. The Government believes in the principles of the Bill.

Mr. Oldfield: That was an election promise.

The MINISTER FOR LABOUR: It was not an election promise, but, from the trend of the remarks made by members of the Opposition, it is quite clear to me that if they had the opportunity they

would systematically break down the industrial conditions in this country. Even at the moment, in Bunbury, one of the traders proposes to revert to a late shopping night on Friday. What do members of the Opposition think of that? The member for Toodyay said that there should be free trading and we should get away from restrictions. I put it to the member for Toodyay and the member for Blackwood: Do we want restrictions in factories and industry generally, or should we throw restrictions and working conditions to the wind?

Mr. Yates: Close hotels on Sunday.

Mr. Nalder: What about the farmer? He works seven days a week.

The MINISTER FOR LABOUR: We are dealing with petrol. Up to 1946, the Factories and Shops Act operated quite successfully. The amendment that was introduced seven years ago had the effect of breaking down the standards of this country. Under it, garage proprietors are obliged to keep open seven days a week, 24 hours a day. Although Opposition members in their own hearts believe there is a great deal of substance in the Bill, they indicate otherwise. Everyone likes to have a rest on Sunday because that is not a day for general activity. Anything we can do to minimise the number of people who are actively engaged in industry on Sunday should be done. If the proviso to Section 100 is repealed, I think the legislation will operate successfully.

The member for Maylands interjected with the remark that this is the result of an election promise, but that is not so. In view of the many garages that are being built and the fact that until comparatively recently Sunday trading was only resorted to in emergencies, it is considered that the time has arrived when we should return to normal conditions. There are many people in the country and in the city who have no refrigerators or ice chests. Meat is as important a commodity as petrol, and so are other standard commodities. Would members suggest that butchers' shops should be open on Saturday afternoons and Sundays?

Mr. Yates: We are dealing with petrol now; deal with one commodity only.

The MINISTER FOR LABOUR: I am saying that the supply of essential commodities is available to the public within certain restricted hours.

Hon. A. V. R. Abbott: What about public transport?

The MINISTER FOR LABOUR: I am not talking about transport, but essential commodities such as meat.

Mr. Hearman: Do you consider that beer is an essential commodity?

The MINISTER FOR LABOUR: I do not know whether the member for Blackwood does or not, but there is no Sunday trading in beer within a 30-mile radius of the city. The Bill has been introduced without urging from any quarter. I was asked by the member for Toodyay whether his amendment would be accepted, but I regret that I cannot accept it, nor can I accept the amendment suggested by the member for Blackwood.

Despite the remark made by Opposition members that the Government will not accept amendments, I point out that the member for Nedlands moved an amendment to a Bill the other day which was accepted, as were amendments moved by the member for Narrogin on another piece of legislation, and those moved by the member for Mt. Lawley to the State Government Insurance Bill. I would also point out that before Bills are introduced in this Chamber, the Government gives due consideration to the need for their introduction. Consequently amendments to Bills are not so necessary as they were when the previous Government was in office.

Hon. L. THORN: It is very refreshing to hear the Minister say that Sunday is a day of rest. He put up a very weak argument. He had to bring meat and the lack of refrigerators into the question.

Hon. Sir Ross McLarty: He said nothing about picture shows.

Hon. L. THORN: That is so. He did not say that the Government is giving picture proprietors a free go on Sundays. He also said nothing about permitting people on the Goldfields to purchase two bottles of beer on Sunday, apart from the trading concessions that they already enjoy. There is no need for the Minister to drag side issues, such as the supply of meat and other commodities, into the discussion when enterprising business people are rendering an essential service to the motoring public. They are prepared to give that service, but the Government does not propose to allow them to continue. It is a crying shame. The Minister referred to industrial conditions and said that when we were in office we were prepared to break them down.

The Minister for Labour: I did not say that.

Hon. L. THORN: Well, what did the Minister say?

The Premier: He will tell you in a minute.

Hon. L. THORN: All right. When the McLarty-Watts Government was in office, it did not break down any industrial conditions. No Government had a better industrial record. More concessions were granted to the working man than ever before. What that Government did was to try to keep industrial conditions on a fair basis, and leave disputes to the decision of the Arbitration Court.

Mr. Brady: What did you do to the Industrial Arbitration Act?

Hon. L. THORN: Members on the Government side are trying to draw me away from the question.

Mr. Brady: Tell us something about the Russian system.

Hon. L. THORN: I will tell the hon. member something presently. I am disappointed at the Government not permitting this service to continue for the benefit of the motoring public. I sincerely hope that drivers of vehicles will not forget those garage proprietors who were prepared to give that service.

Mr. OLDFIELD: I am disappointed at the Minister for not seeing reason and not accepting the amendments that have been put forward. When he drew comparisons and stated that the previous Government aimed at breaking down industrial conditions, I consider that he put up a very illogical argument. He cannot justify the attitude he has adopted if consideration is given to the fact that the Government is seeking to grant the Goldfields people a further concession by allowing them to purchase two bottles of beer on Sunday. By that provision, a man on the Goldfields will be able to buy all the beer he wants on a Sunday, but if he desires to drive his wife to Coolgardie for a run on the same day, he will not be able to buy the petrol in order to do so.

The Minister for Housing: But it does not matter if petrol is warm.

Mr. OLDFIELD: Why does the Government allow barmen and barmaids to work on Saturday afternoon in the city and on Sundays on the Goldfields? If the Minister wishes to be consistent, why does he not introduce a Bill that will allow hotel employees to have their Saturday afternoons free? Why not close restaurants on Saturday afternoons and Sundays?

The Minister for Health: Why not disallow all cooks and waitresses?

Mr. OLDFIELD: That is so. We have to draw the line when considering a service that is to be rendered to the public during normal trading hours. The supply of petrol and small spare motor parts on a Sunday is equally as important as the supply of meals and beer. Therefore, the Minister should not start talking about the breaking down of industrial conditions by the previous Government.

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

Ayes	18
Noes	21
Majority against	3

Ayes.	
Mr. Abbott	Mr. Nalder
Mr. Ackland	Mr. North
Mr. Court	Mr. Oldfield
Mr. Doney	Mr. Owen
Mr. Hearman	Mr. Thorn
Mr. Hill	Mr. Watts
Mr. Mann	Mr. Wild
Mr. Manning	Mr. Yates
Sir Ross McLarty	Mr. Hutchinson
	(Teller.)

Noes.	
Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hawke	Mr. Nulsen
Mr. Heal	Mr. O'Brien
Mr. W. Hegney	Mr. Rhatigan
Mr. Hoar	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Kelly	Mr. May
Mr. Lapham	*(Teller.)*

Pairs.	
Ayes.	Noes.
Dame F. Cardell-Oliver	Mr. Guthrie
Mr. Bovell	Mr. Sewell
Mr. Brand	Mr. Tonkin
Mr. Cornell	Mr. McCulloch

Amendment thus negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

The MINISTER FOR LABOUR: I move—

That the Bill be now read a third time.

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

Ayes	21
Noes	18
Majority for	3

Ayes.	
Mr. Andrew	Mr. Lapham
Mr. Brady	Mr. Lawrence
Mr. Graham	Mr. Moir
Mr. Hawke	Mr. Norton
Mr. Heal	Mr. Nulsen
Mr. J. Hegney	Mr. O'Brien
Mr. W. Hegney	Mr. Rhatigan
Mr. Hoar	Mr. Sleeman
Mr. Jamieson	Mr. Styants
Mr. Johnson	Mr. May
Mr. Kelly	*(Teller.)*

Noes.	
Mr. Abbott	Mr. Nalder
Mr. Ackland	Mr. North
Mr. Court	Mr. Oldfield
Mr. Doney	Mr. Owen
Mr. Hearman	Mr. Thorn
Mr. Hill	Mr. Watts
Mr. Mann	Mr. Wild
Mr. Manning	Mr. Yates
Sir Ross McLarty	Mr. Hutchinson
	(Teller.)

Pairs.	
Ayes.	Noes.
Mr. Guthrie	Dame F. Cardell-Oliver
Mr. Sewell	Mr. Bovell
Mr. Tonkin	Mr. Brand
Mr. McCulloch	Mr. Cornell

Question thus passed.

Bill read a third time and transmitted to the Council.

BILL—TOWN PLANNING AND DEVELOPMENT (METROPOLITAN REGION INTERIM DEVELOPMENT POWERS).

Second Reading.

Debate resumed from the 8th December.

MR. COURT (Nedlands) [6.2]: I support the second reading of this Bill, although there are several important amendments which need attention in the Committee stage. My principal reservations on the legislation are five in number.

Firstly, I feel the measure gives extraordinary powers to the Minister; secondly, there are inadequate compensation provision and inadequate compensation machinery; thirdly, I have a reservation as to whether the Minister will be sufficiently elastic in general and specific development exemptions, and will avoid irksome and unnecessary restrictions, red tape and bottlenecks when he issues his interim development order as provided by the measure; fourthly, I consider there is a very doubtful principle in directing a local authority to levy a specific rating; fifthly, the provisions regarding the restrictions on the Crown, and the power to bind the Crown are very limited and, in fact, have a complete disregard for local authorities in any observations of the metropolitan regional planning requirements.

I have an apology to make to the House because this is a most vital subject—it is one which is intensely interesting—and is a subject in which I have been interested over the years. I found that the lack of time defeated me in making the searching analysis which this and the Town Planning and Development Act amendments warrant. I feel the House is entitled to a very careful explanation and a complete analysis of all that the measure proposes, because it is unlikely that any other legislation dealt with in recent years has such a far-reaching effect on the existing usage, ownership and rights of people in the metropolitan region, and the future development and exploitation of our natural resources and created facilities.

This measure seeks to achieve several important objectives and in considering it we shall have to pay regard to the related measure, namely, the amendment to the Town Planning and Development Act. It seeks to produce a metropolitan regional plan on or before the 31st December, 1955, for approval by this Parliament. It seeks to amend and extend machinery for achieving the metropolitan regional plan and the existing overall town-planning and development law. It also directs local authorities to levy a rate to be paid into the metropolitan regional planning fund, a rate which is fixed on a yearly basis if need be, or in other words, it could be levied by direction more than once during the life of the interim legislation. It also seeks to make this legislation operative to the 31st December, 1955, and no longer. The last point should be borne in mind by members because it is not a permanent measure. Later I shall comment on the need or otherwise of this interim legislation to fill in this period before the plan is adopted.

Hon. Sir Ross McLarty: The term "1955 and no longer" means, in effect, nothing because it can be extended as other Acts have been extended.

Mr. COURT: We must consider the measure as it is at the moment on the assumption that there is no extension beyond the date mentioned, particularly as the Minister indicated that rather than run on to that time, he hopes to finish before that date. I understand that this is quite practicable, if the necessary effort is made.

It is redundant for me to recite to the House the history of town planning development in the State. Suffice to say that the nettle on this particular matter appears to have been grasped when the previous Government appointed that eminent world authority, Professor Stephenson. It can be said that that appointment marked an important milestone in the town planning and development of the State. Through public utterances and conversations, one gathers the impression that he is a man clothed with experience, knowledge and a creative outlook.

Furthermore, he gives the impression of being realistic in his approach to overcoming difficulties, and his approach to the rights of existing authorities and individuals—two very important considerations if the planning is to proceed without any undue hostility. Above all, being removed from the hurly-burly of everyday local experiences and influences, he should be able to bring about an impartial approach to our town-planning and development problems. It is important that hon. members should fully appreciate the significance of the expression "metropolitan region." It should be clearly understood that, as defined in the measure, it does not mean the metropolitan area. Doubtless most members have examined the map that is contained in the Second Schedule of the measure.

The area covered in the map extends north of Yanchep along the coast, and north to Bullsbrook, further inland. It follows a line east past Chidlow and Wooroloo, then it goes south as far as Keysbrook but not as far as Mandurah on the coast. Of course, the measure does provide for exclusions and additions to the area, whether the areas be con-

tiguous or not. I am assured that it is most probable that there will be considerable deletions rather than additions. I understand that the boundaries as shown in the Second Schedule were intended for ease of consideration at this stage. However, I feel that a lot of the country covered by this area is of no immediate town-planning significance, and, in my view, the area will need drastic curtailment if the plan is to be produced on time. When in Committee I propose to move an amendment accordingly.

In the measure only the commissioner is to prepare the metropolitan regional plan and submit it to the Minister. From that I presume that the Town Planning Board, as we know it under the existing legislation, will be confined to such local authority planning as is to be handled, subdivisions and a certain amount of advice on the regional plan. On examination I find no necessity to quarrel with that because, with the appointment of Professor Stephenson, it is important that the authorities get on with the job proposed by the legislation. As I see the position, Professor Stephenson will work in very close co-operation with the local commissioner. The job of producing this plan is highly technical and skilled, and it is best that they get on with it under the name of the commissioner, to produce results in due course for handling by the Minister for ultimate submission to this Parliament.

The Bill provides that the Town Planning and Development Act, the one already on the statute book, is to be read in conjunction with the interim legislation. It provides that the Act shall apply in respect of the metropolitan region unless the interim legislation stipulates otherwise. Initially I took that at its face value and considered that all the compensation provisions of the Town Planning and Development Act would automatically follow in respect of the metropolitan region; I find that is not so, neither was it intended that the compensation sections in the Town Planning and Development Act automatically follow the interim legislation. The Minister might like to make some comment on that point in reply because he may disagree with my viewpoint and because he may have advice to the contrary, namely, that the compensation provisions of the existing town-planning law automatically follow the interim legislation.

The next major question to which I address myself is whether this interim measure is necessary at all. I have very grave doubt as to whether it is absolutely necessary. I fail to see where the existing Town Planning and Development Act, especially as proposed to be amended does not provide all the machinery needed, if it is fully employed. I admit however, that the interim legislation could be the means of focussing the most needed and immediate attention to the metropolitan regional problems. Furthermore, knowing the uncertainty that has existed regarding certain provisions of the existing Act, it could be that the interim legislation is a good means of overcoming any disputes, removing all doubt regarding the powers of local authorities, and generally making it easier for this legislation to function without a lot of litigation.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. COURT: I am rather concerned that this measure should have brought in so late. Try as I might I have found it impossible to research it adequately in the last week. I would say that because of the other measures going through, in which one is interested, at least two weeks is necessary to grasp fully the significance of this Bill, and what it attempts to achieve. Related to these comments is the previous observation I made as to whether the existing law was adequate.

If it should be that another place does not see fit to pass the Bill because of the time or some other factor, I cannot see that there is any need to abandon the project for the metropolitan region scheme because, with some ingenuity and drive, I am sure results could be achieved with the present legislation. The measure contains a definition of "development" which is of the utmost importance. Of necessity it is wide and all-embracing, and virtually means that development is any use of an area other than that use which existed at the date of the coming into operation of the Act. The Bill contains provision for co-operation and consultation with local authorities, Government departments, persons, organisations and the like who might be affected by the proposed metropolitan regional plan, and full consideration of their views. It is vital to the preparation and the smooth working of the plan that this co-operation and consultation be carried out to the fullest extent, and I trust that on these points the Minister or commissioner will err on the side of excess rather than insufficiency.

Some members are inclined to treat the work of local government far too lightly. After all, it is the third leg in our Australian system of government following after the Commonwealth Government and the State Government. We must admit that in many respects the local authorities are closer to the people in their particular areas than are some of the State and Commonwealth members.

I feel there is a tendency on the part of some Government departments to show a degree of intolerance to local authorities. We should appreciate that their work is done in an honorary manner, and it makes exacting demands on the councillors and road board members. For my

own part I cannot praise too highly the work done by local authorities, and I deplore any Government or Government-employee attitude which displays intolerance to their efforts. We, as members of this Parliament, should set an example in our attitude towards their admirable work. Likewise I oppose any move made to over-centralise our local government.

Let us tidy up the boundaries, by all means, but not have wholesale absorption of authorities with the consequent dangers of over-centralised administration, perhaps political intrusion, and, in the final outcome, the state of affairs which has developed in certain other States where so-called "greater areas" are achieved, and an authority is superimposed between the State Government and the local authority. We all know only too well the disastrous effect of some of these arrangements in recent weeks.

This brings me to the biggest query of all under this interim legislation, and that is: What will be the attitude of the Minister? In spite of his denials—I am referring to the Minister for Local Government—there is still a strong body of opinion inclined to the view that he is dogmatic in his attitude to local authorities. It is an atmosphere that needs urgent removal. Co-operation and goodwill form the only basis on which these planning schemes can succeed.

In the final analysis, the local authority is the vital link in implementing such plans. The Town Planning Board's administration would break down under the sheer weight of detail if the local authorities did not have the maximum responsibility, subject, of course, to a guiding rather than a dictating hand. Then there is the question of public interest and co-operation. Legislate as much as we will, unless the local authorities and the public become planning and development conscious, the future could be a stormy one in this particular field.

It is much easier to undertake necessary but often unpopular actions, such as resumptions and restrictions, if there is an informed public. Much needs to be done to interest the public in a problem which vitally concerns their future welfare and amenities. I suggest to the Government that coincidental with the implementing of this measure there should be an intensification of publicity regarding town planning and development. Some of the avenues which could be followed by the Government would be to arrange for a well prepared and carefully conceived series of lectures to be given to, say, parents and citizens' associations, progress associations, ratepayer organisations, professional bodies, and the like.

In addition, brochures of an attractive type, explaining the aims and objects of planning, could be published. Any avenue which lends itself to help gain public confidence and support should be followed. The maximum amount of publicity should be given to the work of Professor Stephenson, Mr. Hepburn and any other people directly concerned with the preparation of the proposed plan. I feel sure that the Press would gladly co-operate in a programme of education of the public so that they would support these schemes. To achieve this, of course, there must be a prompt release of progress reports of what is going on in this planning field.

Some might say that certain information regarding planning is essentially of a confidential nature, and with that I agree, but we do not want to take that view too far, because there are certain times when it is better to have an understanding public, and take a risk regarding exploitation, than to come to light at the last minute with a scheme which brings with it nothing but hostility. The expense of publicity would be well merited, and I am sure that an informed, enthusiastic and co-operative public would be worth untold money and time in the actual implementation of the scheme.

Proceeding further with the Bill itself, there is a feature to which I invite the attention of members and that is this, that when the measure becomes law, all local authorities in the metropolitan region will be deemed to have resolved to prepare a scheme. The effect of this is a little hard to follow. I have tried to find the real implications of it, and I have been informed in one quarter that if this provision were not in this measure, it would not be significant. But, it is here. Perhaps the Minister will comment on it.

I can see that it might have the effect of producing a greater degree of control during the immediate planning work where development is contemplated within the local authority area. If it is of no significance, I would like the Minister to say so. There is no need for it to be deleted if it has no significance, but I have a feeling that it has some significance, if only we can ascertain what it is. Under the measure, the local authorities are automatically regarded as being the responsible authority for their own district. The responsible authority is to be the local authority responsible for the enforcement and the observance of the scheme or for the execution of any works which under a scheme or this measure are to be executed by a local authority.

It is important that this clause be read in conjunction with later clauses. For instance, there is a reference to existing schemes in respect of the metropolitan regional plan, and the Bill provides that these existing schemes are to be classed as interim schemes when the measure becomes law.

There in the legislation, we find a rather important provision. Although in one part of the Bill the local authorities are not

permitted to make further by-laws governing town planning, they are, in fact, permitted to amend and revoke existing by-laws. That could be most important because when existing by-laws or schemes are revoked or amended, the question of compensation could very easily arise. I can see some local authorities being sorely embarrassed because of the provisions in the measure as it stands.

I am informed that it is not intended that the compensation provisions of the Town Planning and Development Act shall be tied to this measure, in spite of the fact that in one part of the Bill it says, "This Act is to be read in conjunction with the Town Planning and Development Act, 1928-1947, and applies only to the metropolitan region." An explanation has been given that this is purely a planning measure and is not a measure for the implementation of the scheme. If one accepted that theory and relied on the fact that the scheme is subject to the approval of Parliament, presumably after objections had been considered, everything would be easy. But I feel that the matter goes further than that.

To achieve the purpose of the interim legislation, certain wide powers are created; powers to refuse authority for development, powers to amend or revoke existing orders and the like. For my part, I can see that injurious affection could result during the planning stages. Although we all hope it will not happen, I can see that if this plan is to be pressed on with vigour with the object of achieving or producing a metropolitan regional plan before the 31st December, 1955, many actions will have to be taken by the commissioner, the Minister and the local authorities which could provoke claims for injurious affection, as we undertand it under the existing town planning and development law, and as we would understand it when considering what is fair and proper for the owners of proerties.

Therefore, I feel that we have a duty to amend this legislation, where necessary, to provide compensation machinery for use during the planning stages in anticipation of the adoption and the final implementation of the metropolitan regional plan. If the prospects of compensation are remote during the planning stages, the machinery will not hurt. It is there and will not be used. But I can see that from the moment the commissioner starts to get to work on this plan, all sorts of situations could arise where injurious affection claims could be made on local authorities, in particular, under this measure. It is really for the local authorities, as well as for the individual owners, that I seek some compensation machinery because when one studies the measure closely one finds that local authorities could be forced into a position, because of a direction or a decision by the Minister, where they would be involved in a considerable sum, and it is unfair for them to be placed in that position. For one thing, most local authorities would not have the money to pay some of the claims that one could imagine under the scheme.

I have prepared some amendments for consideration during the Committee stage and these amendments make provision for compensation machinery and for appeals. I had in mind originally that we might include some all-embracing clause such as "where a claim against a local authority for any reason whatever arises from the operation of this Act as a result of a decision or direction under this Act by the Minister, the local authority shall be indemnified against such claim by the Minister." I realise that such a clause would be unacceptable to most Governments, but it was an approach that I thought would overcome the problem of possible claims against a local authority which were not of its own making.

Coincidental with this legislation we have to consider some amendments to the Town Planning and Development Act. It is significant to mention that those amendments will have a direct bearing on this particular legislation inasmuch as they extend the cases to which compensation is not payable. As a result of that extension, a grave injustice could be done to owners and to local authorities if adequate machinery for compensation were not provided. Summed up, as far as compensation is concerned, I would say that there is grave uncertainty in the measure as to the rights of compensation, the method and machinery of assessing and claiming compensation and as to who is liable to pay that compensation.

The term, "interim development order" which is defined in the measure will permit progress and avoid stagnation. Under a provision in the Bill the Minister can issue an order. I can see the need for that if a complete cessation of development is to be avoided. But the crux of the whole situation will be the degree to which the Minister ties things up—that is, the extent to which he is prepared to exempt certain developmental projects and the extent to which he wants to prohibit other developmental projects. In this order he will provide the machinery, in effect, for the local authority to handle development during the period of this interim legislation. He will be able to specify exemptions and prohibitions of developmental work.

I feel that the wide powers under the relevant clause are open to objection and I suggest that either an appeal authority be created or there be some curtailment of the power. There again I have suggested to the Minister an amendment which I think will overcome the situation. I submit to the Minister that this is the occasion for a bold approach if the machin-

ery to be used during the planning stage is not to be too cumbersome and is not to retard progress. Those who have had experience under the British Town Planning Act of 1947 have told me that the machinery was extremely cumbersome and cluttered up with red tape. If we had such a state of affairs here, it could very easily bring about the defeat of the proposed new town planning under this interim measure.

Under the Bill there is an allowance of 90 days for a local authority to consider an application for an authority to proceed with some development. When I first saw that provision I thought the term was rather long, but on reflection I can see that it will be rather difficult for the local authority to have a look at all the problems, pass them on to the commissioner, receive them back again with the discussions that will ebb and flow between the local authority and the commissioner, and then convey its decision.

The significant feature of the 90-day limit is that if the local authority decides to do nothing about an application to obtain approval for the developmental work, and just sits, at the end of the 90 days the local authority is deemed to have refused the application. Then the applicant can set in motion certain machinery provided in the Bill. He will go to the Minister who can, of course, confirm the action of the local authority in doing nothing—in other words, refusing the order—or the Minister can direct that the application be approved, subject to certain conditions as he thinks fit. But in some cases there will be tremendous delay; especially in the case of a timid local authority that wants to side-step an issue. Such a local authority would know that it had 90 days and if it had done nothing by that time it is deemed to have said, "No." Of course, it could, prior to that date, give a decision and say, "No," which would be the proper thing to do if its members had made up their minds.

But the important point is that the person who makes an application will have to wait 90 days before he can invoke the machinery whereby the Minister has a say in the matter. It cannot be denied that the measure greatly restricts the powers of local authorities. The suggestion has been put to me that it does not do that, but that it extends their powers. I fail to see that. As far as the town-planning activities of local authorities are concerned, in my opinion the Bill greatly restricts them. In fact, it virtually puts them into a state of suspended animation for the term of the Bill, subject to any unfreezing that the Minister has power to do under an interim development order.

I do not think it is asking too much to request the Minister to give us some information, even if it is of a fairly general nature, as to what the responsible Minister has in mind to prohibit and exempt under his interim order. Surely at this stage he has envisaged a broad outline of it. If he could give us some information on that aspect it would relieve our minds. At present the measure leaves far too much to the personal opinion of the Minister. As we know, there are already arguments between the Minister and certain local authorities concerning brick areas and so on about which, in my opinion, the local authorities, in most cases, have more local knowledge than any of us, even the Minister.

The next provision I want to mention concerns binding of the Crown. It was stated, when the Bill was introduced, that the measure provided for binding the Crown, and to a certain extent that is true. But I would point out that Section 32 of the Town Planning and Development Act sets out wide powers with regard to the binding of the Crown and, in fact, in my opinion, would achieve as much as, if not more than, is proposed in the Bill. As I see it, the weakness is this: The measure says that "The Crown shall comply, as far as is reasonably practicable, with the recommendations of the commissioner." I should imagine that those words would be interpreted fairly widely by some Government departments if they wanted to get on with a particular project. I can visualise some first-class wrangles between the commissioner and certain Government departments.

Furthermore, there is no suggestion in that part of the measure that the Government authorities will have any regard for the views of local authorities. I would like to have seen some reference to the reasonable requirements of local authorities. In fact, it might be better to leave the existing Section 32 of the Town Planning and Development Act as it is. The metropolitan regional town-planning rate is a rather contentious matter in the Bill. It provides that this will be struck to assist towards the cost of preparing a plan and to assist towards the cost of payments under Clauses 11, 14 and 16. I can see that the Government cannot expect the proceeds of that rate to meet the total cost of preparing this plan. Maybe it can. The Minister can inform us whether this estimated £23,000 a year is sufficient for the planning stage—the preparation of the metropolitan regional plan.

I can see that it could be grossly inadequate and could need quite serious supplementation by the Government. Not only is it necessary for the actual cost of preparing the plan, but it also has to be available to meet what could be considerable claims under appropriate sections. The Minister could probably give us some indication, when replying to the debate, as to how much the Government expects it will have to contribute from other sources, and what sources it plans to use.

My big objection to the present provision is that it directs a local authority to levy a rate. I feel the principle is bad. Once we do this and find that it works and we say to those local authorities, "You strike that rate and give us the proceeds," it will be, in effect, a nice, easy and costless system of taxing as far as the Government is concerned. Whilst we are only thinking in terms of town planning costs at this stage, it could be carried further.

We could have other people sitting on the Government benches and saying, "That was very painless; let us try it again." I do not like the principle of saying that to the local authorities. We should try to encourage them to improve their administration and to improve their responsibility in their approach to their problems. I do not think we should direct them as to what they should do regarding a specific rate.

The method of assessing is also open to some doubt. The measure provides it will be 1d. in the £ on the annual value when annual values are used, and ½d. in the £ where unimproved values are used. It would appear to me, having surveyed the Second Schedule, that the money will not necessarily be raised in the proportion that the benefits are to be received. For instance, as a rough guess I would say that the Perth City Council would provide approximately £14,000 or £15,000 of the total £23,000. I think that is a disproportionate amount for the final benefits to be received under the proposed scheme. We would also have the spectacle of one of these areas, say Mundaring, levying this rate and paying a disproportionate amount for the benefit it will receive, compared with, say, Cottesloe or Subiaco.

Let us take Subiaco, for instance. There we roughly have 1,500 acres and it is very largely a built-up area and an old area. I doubt very much whether it would receive a great degree of immediate benefit under the scheme. The fact that the local authorities will benefit from the plan is not disputed. We will all benefit from it, whether we live in Mundaring, Subiaco or South Perth. Even people who live outside the proposed metropolitan regional area will gain a great benefit from it, as they use the area from time to time.

But I feel that planning and development of the particular type under consideration in the interim measure is usually general in its effect; it is designed to link up on an overall basis and is not local in its effect. As I see it, this plan will be approached on the broadest possible basis, to affect the whole of the metropolitan region, and it will not be designed to benefit one particular suburb or part of the metropolitan region. Accordingly I would have felt happier if this particular cost had been borne by the State as a whole rather than we should start to wrangle as to how much certain people will pay, rather than establish this principle of directing a local authority to impose a specified rate.

I have put forward an amendment for consideration on this particular point, to try to relate the reimbursement from the local authorities—if we insist they must reimburse the Government—to a basis more directly related to the benefits they will receive under the scheme, and also to avoid directing the local authorities that they shall do this; in other words, that they shall make and levy this particular rate. If some of them want to pay their account without paying their rate, let them do it; but give them power to levy a rate and recover from the ratepayers if they so desire. I would like to deal with that further at the Committee stage.

In conclusion, I would like to say that I acknowledge the need for positive action in planning. Far too long have we been inclined to hope for something better. If we do grasp the nettle now, I am sure we can achieve a result in the metropolitan regional plan and in a broader plan for the whole State, without unreasonable cost and unreasonable inconvenience to any person. Admittedly, some risks are necessary in respect of powers we have to give to the Minister, but we have not the right to hand out those powers without some reasonable safeguard. Above all I would appeal to members when considering this measure to make sure they are satisfied that the rights of the people and of the local authorities are duly protected in the machinery provided.

If we do not do that, I am sure we will have nothing but resentment from the local authorities; we will have adverse public reaction; and instead of helping the scheme, they will hinder it. I would again reiterate that should the interim measure not become law this session, I cannot see why the Minister could not obtain the goal he has set out to achieve. I hope he will press on with a deadline for this metropolitan regional plan and force it to its conclusion with the maximum co-operation of the local authorities and any other interested party. I support the second reading, though I propose to move certain amendments at the Committee stage.

HON. A. V. R. ABBOTT (Mt. Lawley) [8.10]: I support the second reading of the Bill, but I regret that the Government has seen fit to bring it down so late in the session. This measure is of great importance to the State and, in my view, it should have been brought down early enough to enable it to be fully considered by Parliament. I do not propose to deal with all the provisions of the Bill. The member for Nedlands has forecast certain amendments and I think it very unfortunate that they will not appear on the notice paper. We know that that is not the hon. member's fault.

It is regrettable that the debate could not have been adjourned in order to enable the amendments to be placed on the notice paper for every member to examine carefully. I appreciate the difficulties confronting the Premier in his endeavour to get his legislative programme through. There are many Bills that could well have been left to the next session.

In dealing with this legislation we must ensure that Western Australia develops along the proper lines. It will be an advantage not only to the individual who lives in the area affected but to every other citizen. Yet, as I understand it, the entire cost is to be charged to the local metropolitan area. By far the greater portion of the cost must be charged on the central city block, and it will not receive any direct advantage from this town planning. The city block and its immediate surroundings will pay by far the greater portion of the cost and will not receive much direct advantage from it. I think the expenses of the interim provision should have been borne by the people as a whole and should have come out of the general revenue fund; it should not have been a tax on the land owner.

If any land owner does achieve a considerable advantage as a result of this town-planning scheme or by any order made, it probably increases the value on the basis of which he will have to contribute towards it. There is a betterment tax provided in the Act itself. Accordingly it is "Heads the owner loses and tails he still loses." He is taxed for the plan, and if he gets any advantage out of it, he is taxed again. So I think the Government might well have borne the expense.

The other point I would like to make is that I cannot conceive of this plan operating without the creation of a number of arterial roads. If they are declared as such they must be treated as such, and the Minister has the right to require any necessary work in connection with them to be done, but there is no provision for the assistance to be rendered to a local authority. In my view arterial roads are not roads the expense for which should be borne by a local authority. They are not used peculiarly for the residents of a particular area, but for the whole of the metropolitan area in the city. But there is no provision for the assistance of local authorities in that connection, and I think something should be done.

If the Bill were not an urgent one I would vote against the second reading because of its late introduction. However, it would appear that it is essential. We have certainly got to take advantage of Professor Stephenson and his colleagues while they are available. We cannot wait. I agree with the member for Nedlands that we could have achieved something by going on with the existing Act for the present and by bringing down a Bill which would have had comprehensive operation on a permanent basis, where provision could be made for arterial roads, and who was to provide for them; and where perhaps some form of taxation could have been introduced which could have been borne by the people of the whole State—or at least a portion of it. However, we have the Bill before us, but I hope the Premier will agree to adjourn the Committee stage until tomorrow so that amendments can be placed on the notice paper for consideration.

HON. A. F. WATTS (Stirling) [8.16]: I listened with interest to most of the speech of the member for Nedlands, but I regret that I was unable to be here for ten minutes of it. With all that I heard I am in very strong agreement. I propose to vote for the second reading, but I do hope that some alteration will be made in the Bill in order that it may be possible for me, and perhaps other members, to give it continued support.

There are a number of major objections to the terms of the Bill. First of all, I think the proposed metropolitan region is far too big. I cannot contemplate that for any reasonable period of years the purely rural areas on the eastern, northern, and south-eastern sides of the region as set out in the schedule can ever require the very stringent provisions of this measure to be applied to them. It seems to me that, in addition to that aspect, the Minister is imposing upon himself, and upon the town-planning organisation—such as it is in this State—a very considerable amount of work and thinking, which is, in my view, very doubtfully required.

The areas on the fringes of this proposed metropolitan region are completely rural; in fact, in some parts there is little or no development of any kind. I cannot contemplate a state of affairs where the metropolitan area of the City of Perth is going to extend over a distance of about 75 miles from north to south and 35 miles from east to west, such as this proposal envisages. It would be a terrifically sprawling city if that were so, capable of holding about 4,000,000 people, a state of affairs that I trust will never be reached in the metropolitan area of Perth. We surely have had sufficient experience of what has taken place in other parts of the Commonwealth in the way of centralisation of sprawling cities on the coast to discourage a similar happening in this State to the utmost of our ability.

Therefore I suggest, on those two counts, that the Minister give very close consideration to a proposal to narrow down this area to one where it may confidently be expected that town planning and development under the Town Planning and Development Act may be essential in relation to the expansion of the population and industries of the metropolitan area within a reasonable period of years. That is the first aspect that strikes me.

Then, of course, the Bill proposes that by force of the measure itself every local authority within the region specified in the Second Schedule, and covering all the areas to which I have referred, shall be deemed to have resolved to prepare a scheme under the Town Planning and Development Act. The necessity for that, if we continue to cover the area I have referred to, seems to me to be quite unlikely. For what purpose, for example, should the Wanneroo Road Board at the moment be deemed to have resolved to prepare a scheme for its district, comprising an area from about 14 miles from Perth to some 10 or 12 miles north of Yanchep on the west coast? It appears to me that the extensiveness of this proposal is its chief objection.

Another one arises out of the same thought. By force of the measure, all the local authorities within that region are, as the member for Nedlands said, to be required to strike a rate of 1d. in the £ on the annual value—if they use that basis—and ¼d. on the unimproved capital value, if they use that basis. A total of £23,000 is expected to be raised in one year by a rate of that kind. That means that areas situated far from the centre of the City of Perth, far from any likely town-planning development, in the next decade of two—and, I trust, in any future time—are to be required to pay that rate.

Hon. Sir Ross McLarty: Some will be 30 miles away.

Hon. A. F. WATTS: Quite; and some further. They are going to be required to pay this rate as a contribution towards the metropolitan regional planning fund from which, on the face of it, they will acquire no benefit whatever. So it seems to me again, on that count, that there is strong ground for reconstructing the area which is suggested in this measure.

Then we come to the question of the very extensive and somewhat unnecessary —or at least undesirable—powers that are to be vested in the Minister. I question whether this Bill is really required at all. I do not think that there is anything that could not be done—though not quite so easily or forcibly perhaps—under the existing Town Planning and Development Act, that is to be done under this measure except, of course the striking of the rate and the declaration of the region, and one or two other things.

The major thing required to be done by local authorities under this measure could be done, if there were co-operation between the Town Planning Board and the local authorities, under the parent Act. I do not know whether there is any intention, in producing this measure in its present form, to coerce some of the local authorities who hitherto have not been particularly willing to take steps under the parent Act. I know that in respect of one metropolitan local authority there have been grave doubts as to whether zoning under the Town Planning and Development Act would not, when it came to enforcing the scheme, land it in compensation claims which it would be in no way able to pay. For that reason, I understand, it has been reluctant to enter into a town planning scheme or enforce such proposals because of its belief that it could not pay the compensation claims that would arise.

But, if that is so, there is nothing in this Bill, so far as I can see to assist it in that direction; because, while there is to be a metropolitan regional planning fund, it is only to be derived from this rate which is to be struck; and so far as I can gather, the rate is going to be struck only for two years. Therefore, a maximum amount of £50,000 will be available, and that will go a very short distance indeed towards meeting some of the claims that could be assessed for compensation if any extensive developmental zoning plans were imposed on some of the larger local authorities of the metropolitan area.

There is no suggestion in the Bill that any money should be appropriated by Parliament for the purpose. So far as I have been able to ascertain in the short time that has been available to me, there is no method whereby money can be raised other than by this rate. If that is so, the fund that is suggested will be totally inadequate for the purpose, and will not relieve the local authority I have in mind of any of the fears it had in relation to compensation claims that might be payable by it if it ventured on the substantial town planning scheme that has been contemplated and thought about by it and the Town Planning Board a number of times in the last few years.

That again seems to be another weakness in this measure. It does not improve to any degree the position that obtains under the existing law and, except for one or two parts, it could very well have been dispensed with altogether. It is true that the Bill brought down in 1951 made provision for a metropolitan planning fund, but that was not to be comprised only of the rate to be struck for the limited area comprised in the measure. Funds were also to be appropriated by Parliament, and in other ways, but there is nothing in this measure to show that money will be raised in any other way than by the striking of the rate proposed.

I can, too, express some regret that a rather involved measure of this nature should have been brought down considerably late in the session. I realise that there were probably difficulties encountered in having it prepared; that the new commissioner has not been very long in office, and doubtless has taken time to acquaint himself with some of the problems that exist in the metropolitan area and its surroundings; and that the preparation and scanning of the Bill took some time. But it is a very important subject, and

anyone who attempts to dovetail this and the accompanying Bill into the parent Act finds himself engaged for a very considerable time. It is not a matter of an hour or two, especially when one adds to that, the endeavour to obtain an understanding of what the proposals actually mean, and how they will be applied, and what the result is likely to be; and at the same time the endeavour to contact one or two in local authorities who may be able to give one some idea of the reaction to the proposals of interested persons who are members of local authorities in the region.

So the week that has passed has only just enabled me to get somewhat of a grasp of the contents of these two measures and some idea of what their effect might be, and I am not particularly slow at this business. When the same process has to be repeated in another place, which apparently will have less time than we here have had, it is going to be extremely difficult to get a unanimous opinion on a desirable class of measure.

I ask the Minister to give favourable consideration not so much to narrowing down the powers of the Minister under this measure as to incorporating in it some qualifications of those powers, such as I believe have been suggested by the member for Nedlands, so that local authorities and others concerned may feel that there is recourse to someone other than the Town Planning Board itself in arriving at final decisions on some of the vexed questions. Quite obviously, the Minister in charge of the Town Planning and Development Act is the one who is to make the final decisions to which the Bill refers in three or four places. He is not an expert in town planning; I suppose he knows no more about it than any other member, and therefore he is bound to be guided by his departmental officers.

This really amounts to an appeal from Caesar to Caesar, because undoubtedly in many instances the plans will have been recommended by the town planning officer, and the decision of the Minister given as a result of an appeal to him will almost undoubtedly be affected by the opinion of that officer, given to the Minister in the course of his inquiries. Therefore, the views of the town planning officer will be paramount in both instances.

This would not be a very satisfactory method from the point of view of people who are, or think they are, being injuriously affected by whatever proposal is under discussion, whereas, by giving some right of appeal to a judge of the Supreme Court or other qualified authority of that nature, there would immediately be removed from the minds of those folk the idea of any unnecessary or unfair bias against them. That course would make the Bill more acceptable to me and, in the ultimate, would assist the Minister for Town Planning in his solution of the problems that come before him.

There is much to be said for making the rate a more optional business than is proposed in the Bill. I should imagine that it would be just as easy for the Minister to assess the amount that a local authority ought to pay in respect of the cost and contributions referred to in the Bill. He could say to the local authority, "Subject to the right of appeal, this is the amount you should be paying to the metropolitan planning fund in respect of the work done in or in connection with your district." Then the local authority would have two options—(1) Having finally determined the amount, to pay it from its ordinary revenue; or (2) to strike a rate to enable the money to be paid immediately or by instalments over a period of time. I could raise one or two other objections to the Bill, but the best place to mention them will be in Committee. For the time being, I propose to support the second reading, but hope the Minister will give consideration to the major objections that I and other members have voiced.

THE MINISTER FOR HOUSING (Hon. H. E. Graham—East Perth—in reply) [8.36]: I fully appreciate the difficulty that has been stressed of properly correlating the two Bills and the Town Planning and Development Act, and at the same time endeavouring to obtain a clear idea as to how the scheme of things envisaged will work. I say this with some feeling, because, while members have had a week in which to study the subject, my first meeting with town planning occurred some 30 minutes or so prior to being called to my feet to introduce the two measures. However, it has been possible for me, to a greater or lesser extent, to make myself more familiar with the subject than I was a week ago.

I appreciate the attitude of members in supporting the principle embodied in the measure—a measure that is designed to hold the fort. There are, of course, many things to follow later on, and these will take place under the Town Planning and Development Act, with, I trust, the amendments that will be considered here shortly. There is in some respects a misconception as to what this regional plan is to be. Judging by the discussion, there appears to be envisaged a drawing of a plan or a map setting out in considerable detail what is intended. I imagine that there will be a plan, indeed many plans, but the chief basis will be something appearing in writing laying down conditions and other requirements to give effect to some of the broad principles designed on the map.

Detailed planning, of course, is something that will follow later. I say this advisedly because, from the remarks, particularly of the member for Mt. Lawley, one could gather the impression that the town planning to be done is detailed subdividing; and something of that nature

has apparently been passing through the minds of other members as they spoke of the benefits that will accrue to the people in certain local areas and none at all, or very few, in other areas. It is not my intention—because this will be the task of Professor Stephenson and his staff—to draw up the whole design and scheme of things, but my conception is something very different indeed.

Concern was expressed by the member for Nedlands as to the position of local authorities. While this interim Bill has been drawn on very broad and general principles, the whole spirit of the town planning that is to take place is one of co-operation and consultation. It was merely for the purpose of removing so far as possible any foreseeable or unforeseeable obstacle that might obstruct the even process of the planning to be undertaken by Professor Stephenson and the staff that will serve under him.

With regard to the costs to be met, there is much speculation as to what actually will be the sum involved. It should be remembered that the expense of setting up the organisation, equipping it and paying members of the staff is being met from Consolidated Revenue at the present time. While I do not know for certain, I expect that the Treasurer will have commitments of considerable proportions in that direction. It might happen that the imposition of this levy or special rate may be necessary for only one year. It does not automatically follow that for the second year the rate will be struck, but I should say that at the expiration of 12 months there ought to be a pretty fair appreciation of what the costs are likely to be.

It should not be thought that everything required in the way of resumptions or alterations of purpose on any area of land will be achieved in that short space of time, namely, two years. This measure, I repeat and emphasise, is to lay the foundation for subsequent planning and development. Concern has also been expressed at the powers that will be vested in the Minister controlling the Act. I am prepared to concede that at first glance it gives the impression that the Minister will be all-powerful. In Committee, I shall be willing to meet, in part, the objection that has been voiced, but, as I said when introducing the measure, we have to make up our minds here and now whether we want a proper town planning scheme for the greater metropolitan area or whether we do not.

If it is thought that we can bow to the whims and fancies, wishes and requirements of certain interests or people, then I say that the plan is destined to be a hotchpotch of compromise. The foundations that we shall lay through the passage of this measure and subsequent legislation will determine what sort of a city, in its broadest sense, will be the lot of generations to come. Therefore, although it may be unpalatable to some to have an authority make certain determinations, I think it is absolutely unavoidable in the best interests of the public. Every endeavour will be made by those who are fully qualified, to see if an alternative can be found to impose the least possible hardship and the various interests concerned, including local authorities, will be consulted to the utmost.

The Leader of the Country Party and the member for Nedlands questioned the necessity for such a tremendous area being brought under the provisions with a view to town-planning decisions being made covering all or part of the affected areas, but again I must stress that town planning is not a matter of close subdivision but is a question which must be viewed from afar as an overall plan. Provision will be made for dwellings—that is, suburbs as we know them—and beyond that there will probably be—I merely hazard a guess—a fence put around the City of Perth beyond which it will not be allowed to spread.

Still beyond that fence there will be established various types of activities in the interests of the State—such undertakings as food basins, heavy and offensive industries, and so on. Still beyond that there may be satellite cities. We have in this metropolitan area which, I repeat, like Topsy, just growed, a most unsatisfactory state of affairs.

As members know, there have been several moves made and put into effect in our railway system. I refer to the transfer of the loco. running sheds from West Perth to East Perth, and the current talk of Bassendean and proposals for further afield. Because of the location of our railways, the business portion of the City of Perth seems locked between Perth central station on the one hand and the water, a few hundred yards away, on the other. We do not want a repetition of such undertakings as the cement works being established in an area where it is having a terrifying effect upon many homes and the conditions under which people must live.

On many previous occasions, I have said that we have in the City of Perth something which was determined only a few short years ago, with the result that what will be one of the main arterial roads, Wellington-st., passes through what in time will be the centre of Western Australia's central general hospital, so that plans have had to be developed for ways to go over Wellington-st. Those examples give some idea of what is required and what in all probability will be done in laying down this plan. It will be a shocking thing and against the interests of the State if some of the land north of the city, which is developed and is being further developed for market gardening purposes for the feeding of the ever-growing metropolis

were to be subdivided into quarter-acre blocks with suburban cottages built on them.

It will be appreciated from the examples I have given and from the vision that is necessary in the provision of main arterial roads, that this question goes further than the inner metropolitan area. Thought must be given to the requirements not only of today but of the next generation and many generations thereafter, as far as it is possible for those qualified in town planning to see into the distant future.

As has been said, the greater part of our deliberations on this measure will centre round the various clauses and for that reason I do not intend to speak further at this stage. I hope and trust that members will approach the Committee stage in a spirit of sweet reasonableness and I give the assurance now that I do not intend to stand fast on the various clauses. I am to some extent running a risk of emasculating the Bill of a colleague, but providing I am satisfied there is merit and substance in any amendment submitted, I am prepared to give it sympathetic consideration.

Question put and passed.

Bill read a second time.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Housing in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Interpretation:

Mr. COURT: I move an amendment—

> That in line 1 of the definition of "metropolitan region," after the word "means," the words "so much of" be inserted.

I must apologise for not having my amendments prepared in time to go on to the notice paper and for not having sufficient copies available to circulate among members. The object of my proposed amendments is to bring the metropolitan region into what I think will be a sizeable area. A fifteen-mile radius is the metropolitan area under the Industrial Arbitration Act and in my amendment I provide for certain areas in respect of Kwinana to be included. The 15-mile radius passes through the centre of the Darling Range Road Board area and goes down to Lake Jandakot and two miles south of Woodman's Point and thence to the Kwinana area. It goes a mile past Upper Swan and past Wanneroo township, through Kelmscott, and takes in Glen Forrest and reaches the Canning Dam water reserve. I think that coverage is ample.

The Minister for Housing: I think it is a one-inch radius round the city of Perth as shown on the map.

Mr. COURT: I think it will cover all the planners will want for the purpose of the scheme. It seems that they, through the Minister, will want to excise a large portion of this area because it would be only a burden to them.

The MINISTER FOR HOUSING: I have discussed this with the Town Planning Commissioner and he feels that the amendment would too far restrict the area. It is proposed at the earliest possible moment to survey all the areas which will be particularly required for the overall plan and those not required will be excised from it. The area may then be compressed to a size not much greater than that covered by the amendment, but probably assuming an entirely different aspect. It will be governed by necessity and facts as they appear and for that reason I must oppose the amendment.

Mr. BRADY: If the member for Nedlands examined the First Schedule of the Town Planning and Development Act, I think he would see the necessity for the board having a huge area to work on. I can imagine the difficulties of the Swan or Wanneroo Road Boards in assessing the various areas unless the schedule is left in its present form. As a case in point I will refer to the Town Planning and Development Act. The Town Planning Board must have regard for parks and open spaces, particularly public reserves, children's playgrounds, etc. The member for Nedlands should realise that the Wanneroo area, particularly Yanchep, is becoming one of the major playgrounds for the people in the metropolis. To exclude that area from a town planning scheme would be wrong. If we are to have a scheme worthy of its name and a Town Planning Board that is worth while, we should leave the Bill as it is.

Mr. OWEN: The Minister said that it was probable that the area eventually would not be much more than that encompassed within a radius of 15 miles of the G.P.O. What I am concerned about is that the whole of the Darling Range and Mundaring Road Board areas are included in this schedule, and I presume that a rate would be struck over both of them. However, if the overall area is to be reduced, is the rate still to be struck over the area outlined in the schedule?

Hon. Sir ROSS McLARTY: I would like the Minister to tell me if the local authorities concerned, particularly those coming under the Road Districts Act, have been consulted on this proposal. If they have not, I consider that the provisions in the Bill are premature and not fair to those local authorities. It is proposed they shall be rated and they will have to do certain things whether they like it or not. I feel inclined to support the amendment because I do not think it would have any serious effect at present on the proposed planning. As the planning develops and it is found that a wider area has to be taken in, the planning of the outer areas can go on without including them now.

The MINISTER FOR HOUSING: I am unable to answer authoritatively whether local authorities have been consulted on the question of whether their area should be included in the whole scheme. However, I do not think that is relevant. In view of the authority that has been appointed to the task, it is necessary that those areas should be embraced in order that the job may be done properly.

Hon. Sir Ross McLarty: Surely it is relevant when these local authorities have to be rated.

The MINISTER FOR HOUSING: The rates to be struck are not heavy by any means.

Hon. Sir Ross McLarty: They are already heavy.

The MINISTER FOR HOUSING: At this stage I was going to reply to one of the points raised by the member for Nedlands that there may be some local authorities that, from their ordinary revenue, can pay the commitments that are proposed by the Bill. If that is so, they can reduce their rates by 1d. in the £ for the forthcoming year.

Hon. Sir Ross McLarty: That is not even a possibility.

The MINISTER FOR HOUSING: They could then make a 1d. levy in order to conform with these proposals.

Hon. Sir Ross McLarty: Their costs have risen considerably.

The MINISTER FOR HOUSING: I know that, and I know the development that has gone on within the borders of the local authorities concerned. However, I think we will be tying the hands of the town planning consultant and his staff if we agree to the amendment. Professor Stephenson will be here for six months only as from the beginning of next year. He wants to do the best job possible without any hindrance. In his opinion this is the minimum requirement in order to carry out the task that is necessary. Therefore, I cannot accept the amendment.

Mr. COURT: It is unfortunate that members cannot see more clearly what is envisaged by the amendment to have this radius of 15 miles from the G.P.O. and to include that additional area which extends from the southern end of Kwinana. They would be surprised at the magnitude of the area and what it embraces. I appreciate that ground features are more important than merely drawing a circle around an area on a map. Further, many people have a misconception of what this planning will be. I appreciate that most of it will be expressed in the written word which eventually will become part of regulations.

I do not think other speakers have made out a case to show that there is any great danger in contracting the area. From my reading of Clause 21 it provides that other areas, whether they be contiguous or not, can be included. My understanding is that the town planner can add areas to suit himself. On reconsideration I am sure that the Minister will realise that this 15-mile radius will preserve a better plan for the local authorities. I do not think they have been consulted as to whether they want this legislation or not, and there are probably good reasons why they should not be consulted, one of them being that a local authority could delay these proposals.

The member for Guildford-Midland referred to the requirements of the First and Second Schedules in the Town Planning and Development Act. I am thoroughly acquainted with those schedules but I can still visualise that the reduced area will be sufficient. There will be main arteries outside those defined in the Second Schedule. I commend the amendment to members and trust that the Minister will see fit to either accept the proposal for a 15-mile radius or, alternatively, put up some other proposal which is more logical than the area outlined in the Second Schedule.

Amendment put and negatived.

Clause put and passed.

Clauses 6 to 9—agreed to.

Clause 10—By-laws of local authorities to be regarded as an interim scheme:

Mr. COURT: I move an amendment—

That Subclause (5) be struck out.

If members will study Subclause (4) they will note that a local authority may, from time to time, amend the existing by-laws and yet Subclause (5) expressly prohibits a local authority from making any further by-laws in respect to town planning during the operation of this legislation. I suggest that there is a degree of inconsistency and, in view of the wide powers given to the Minister under this legislation, I consider that Subclause (5) should be deleted.

The MINISTER FOR HOUSING: I regret that I am unable to meet the member for Nedlands in this amendment. What is sought by this provision is that steps taken by local authorities shall be under town-planning legislation rather than under by-laws made according to the provisions of the Road Districts Act or the Municipal Corporation Act.

Under the Town Planning and Development Act more publicity has to be given to the contemplated town-planning steps, whereas by-laws are submitted to the Local Government Department and, by and large, they are then put into effect. It is appreciated that, all the way through, the master mind on town planning should be fully conversant with all steps that are taken to conform with the overall plan. The provision merely seeks to direct the powers and responsibility of local author-

ities into one channel. Nothing can be gained by accepting the amendment of the member for Nedlands.

Hon. A. V. R. ABBOTT: Does this provision mean that under no circumstances can by-laws be made? There is no authority that this can be done even with the consent of the town-planning authorities. The provision is very wide and covers practically everything local authorities can do. Perhaps the Minister can clarify that point.

The MINISTER FOR HOUSING: Section 30 of the Town Planning and Development Act enables by-laws to be made to carry into effect any of the purposes mentioned in the Second Schedule. In previous days that might have been all right, but for the purpose of the master plan it is desired that the by-laws instead of going to the local authority—

Hon. A. V. R. Abbott: They cannot make any at all.

The MINISTER FOR HOUSING: —shall be under the control and direction of the town-planning authorities.

Mr. COURT: No town-planning authority can explain how this provision will work with the inclusion of Subclause (5), which puts a blanket on the by-laws in the Second Schedule. I would refer to Section 30 of the Town Planning and Development Act. Furthermore there is ample protection for the Minister under Section 31 of the Act which gives him adequate power to make by-laws which override those of the local authority. I cannot see what machinery exists, if the town-planning authorities put a blanket on local authorities issuing by-laws. If a local authority approached the commissioner with a scheme that is approved, what does it do? Unless it gets the sanction of the Governor under Section 31 of the Act it is prevented from going any further and nothing happens, yet the Minister might want it to go on with the job.

The MINISTER FOR HOUSING: In the previous clause provision is made for a local authority to prepare a town-planning scheme which can be approved. All this subclause does it to require local authorities to use the powers which they will be given by the adoption of that scheme, rather than use by-laws made under the Municipal Corporations Act or the Road Districts Act. If a person desires to erect a factory in a residential area and the local authority considers that undesirable, what it now does is to disapprove of the plan. In recent years business concerns seeking to erect premises in the circumstances just mentioned have appealed to the Minister on the ground that the local authorities had exceeded their powers because the plans had been submitted in conformity with the building by-laws. To bring about a town-planning scheme under this measure, local authorities will be able to direct building operations under town-planning legislation rather than under building by-laws.

Mr. COURT: I do not disagree with that. After a local authority has put up an interim scheme which is approved, it automatically comes under Clause 9 of this measure. With the inclusion of Subclause (5), how is it proposed to implement that scheme?

The Minister for Housing: This refers to by-laws of local authorities.

Mr. COURT: If a local authority puts up a scheme there will be no machinery under this Act to carry it out without issuing by-laws.

Mr. JOHNSON: In my opinion under Clause 10 (1) everything that has happened is adopted and endorsed. Under Clause 10 (5) local authorities are prevented from exercising powers under any Act but this, to change or make new by-laws. The question is one of having a plan, or having no plan. Local authorities are prevented from changing any by-laws except under Clause 9 which means that any local authority which opposes the plan will be prevented from accepting the plan forced on it, but it cannot evade the provisions of this measure by resorting to another Act.

This provision ensures that any regulations made in regard to town-planning would be made under this measure and no others. There is ample power to make any by-laws for an approved plan. Further this Bill has limited duration, and there is freezing for only two years. For that period local authorities come under this measure and no others, but when this legislation expires, local authorities will revert to the present-day position.

Mr. Court: Can the Minister clarify the point I raised?

The MINISTER FOR HOUSING: I cannot add anything more. I would refer to Clause 9 (3) of the Bill. If it is part of the scheme that no business premises can be erected in a residential area, then if the scheme takes effect the local authority can enforce that scheme. This clause goes further and says that where a local authority has already some measure of control, however restricted under its by-laws, it will have force and effect. Anything I may have omitted has been covered by the member for Leederville. The object is to centre all the activities within the framework of the one Act instead of under separate pieces of legislation. I cannot see any difficulty in the point raised by the member for Nedlands.

Amendment put and negatived.

Clause put and passed.

Clause 11—agreed to.

Clause 12—Interim development orders:

Mr. COURT: I move an amendment—

That paragraph (b) of Subclause (4) be struck out.

I also want to move for the deletion of similar words further on in the clause with a view to inserting another subclause, to stand as Subclause (6), as follows:—

> Any local authority dissatisfied with the decision of the Minister under Subsection (4) of this section, and any applicant dissatisfied with the decision of the Minister under Subsection (5) of this section may within 21 days of becoming aware of the Minister's decision in either case appeal in the prescribed manner to a judge of the Supreme Court who may hear and determine the appeal in chambers, or in open court, as he thinks fit, and may award costs of the appeal to either party in his discretion. The decision of the judge is final.

This amendment seeks to remove an objection which has been freely expressed to the legislation, namely, the excess power vested in the Minister. The submission of this matter to a judge is not new in town-planning legislation. The restriction to 21 days is an adequate safeguard against obstructionists who want to delay applications or references to the judge. If they allow the 21 days to pass without taking action, they forfeit their right to appeal to the judge.

The MINISTER FOR HOUSING: I can sympathise with the member for Nedlands in what he seeks to do. However, I feel it is esssential that the Minister who is associated with, and knows the objects of the plan, shall be the one to make the decision.

Mr. Yates: What time have you got to know? You admitted tonight that you knew nothing about it.

The MINISTER FOR HOUSING: I did not. I think the hon. member might go back from where he came instead of rudely interrupting.

Mr. Yates: I have the right to interject.

The MINISTER FOR HOUSING: I do not think the hon. member has. We would get on far better if the member for South Perth would restrain himself.

Mr. Yates: The Minister wants restraining.

The MINISTER FOR HOUSING: Where it is a matter of payments to be made for the settlement of claims, whilst I have not consulted with the Minister controlling town planning, I am prepared to meet the member for Nedlands at least part of the way or perhaps the whole of the way in a different amendment. This is not a matter of law or equity, but of what is best in the interests of the overall plan. The chief purpose of the Minister, as I see it, would be to decide whether there had been any favour or prejudice shown to a particular party.

I do not know whether in view of the concession I have indicated, the member for Nedlands wants to press the point and have these words deleted. If what I have said is satisfactory to him, I shall discuss seriously, stressing his viewpoint, this matter with the Minister controlling town planning, and see whether he is prepared to move some amendment to conform with the views of the member for Nedlands. I feel that the greatest objection will be overcome if in Clause 14 we remove from the Minister the right of having the final say in the question of settling claims.

Mr. COURT: I submitted the amendment because I felt that if we were not careful, the very wording of the Act could be the start of unnecessary friction between the planners, the Minister, the local authority and any other persons directly affected. The whole of Clause 12 vests in the Minister some extraordinary powers. Whilst we know that the Minister is governed by his oath of office, these matters largely get down to the personal opinion of the Minister concerned. I am quite prepared to accept the Minister's assurance having regard to what he said concerning Clause 14. I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 13—Permission for development to be obtained:

The MINISTER FOR HOUSING: I move an amendment—

> That in line 3 of Subclause (1) the word "area" be struck out and the word "region" inserted in lieu.

This is merely to ensure the use of the term generally employed throughout the Bill.

Amendment put and passed.

The MINISTER FOR HOUSING: I move an amendment—

> That in line 2 of Subclause (2) after the word "region," the words "if granted" be inserted.

The subclause does not make sense as it stands, because permission may not be granted.

Amendment put and passed; the clause, as amended, agreed to.

Clause 14—Local authority may revoke or modify decision:

Mr. COURT: I move an amendment—

> That in line 5 of Subclause (4) after the word "established," the words "wholly or partially" be inserted.

This amendment is related to other amendments which I wish to move and of which the Minister has a copy. If these amendments are adopted, the measure will provide that the Minister shall pay the amount out of this particular

fund. At present it says that he may direct that the amount be paid. I want to make it mandatory, and not optional.

The Minister for Housing: I have no objection to the amendment.

Amendment put and passed.

Mr. COURT: I move an amendment—

That in line 6 of Subclause (4) the word "may" be struck out and the word "shall" inserted in lieu.

I think this is consequential on my previous amendment.

The MINISTER FOR HOUSING: I have no rigid objection to the amendment, but I am wondering how it will work out in practice. This will make it obligatory, where there is a claim established, for the Minister to pay the amount of the claim from the planning fund. I wonder what the position would be if there was nothing in the fund. One of the objects is to keep the amount that is levied by way of a special rate to a minimum and it is hoped that it may be found that there will be no need to impose it for a second year.

I assume that if no funds were available, because it is not sought to use the provision as a taxing measure, moneys would be made available in the ordinary way for compensation to affected persons. In the absence of the Treasurer I have no one to whom I can turn, and I do not know for certain whether it would be possible for the Treasurer to make grants to this fund for the purpose of meeting commitments of one sort or another; or whether this fund will stand by itself. I am half disposed to take the risk and accept the amendment, but perhaps the hon. member might be prepared to accept my word that I will discuss the question with the Crown Law Department to see if we can give effect to his wishes in some other way.

Hon. A. F. WATTS: I feel satisfied with the attitude of the Minister, but there are one or two aspects that he should take into consideration. This subclause applies when the Minister has directed the applicant to lodge a claim and the claim is established. There is only one thing for the Government to do in that case and that is to pay up. That is why I support the amendment and I suggest the Minister overcome his temporary qualms and take the risk. If he finds the position impossible, he can have it altered in another place.

The MINISTER FOR HOUSING: I am prepared to take the risk. I agree that where the Minister directs there is only one authority responsible for meeting claims and that is the Government. I will accept the amendment.

Amendment put and passed.

Mr. COURT: I move an amendment—

That in line 6 of Subclause (4), after the word "claim" the words "so established" be inserted.

This is a consequential amendment.

Amendment put and passed.

Mr. COURT: I move an amendment—

That in lines 3, 4 and 5 of Subclause (5) the words "a further contribution may be made by the local authority or the Minister, as the case may be, towards" be struck out and the words "the local authority or the Minister, as the case may require, shall pay the amount of" inserted in lieu.

I think this is a reasonable amendment because the claimant must satisfy the local authority or the Minister that he is entitled to the claim and therefore should be paid.

Amendment put and passed.

Mr. COURT: I move an amendment—

That in line 5 of Subclause (6) all words after the word "referred" be struck out and the following words inserted in lieu, "where the amount in dispute does not exceed £250 to the nearest local court, or where the amount in dispute exceeds £250 to a judge of the Supreme Court in either case within 30 days of the disagreement and in the prescribed manner. The decision of the local court or the judge, as the case may be, shall be final."

This will enable the matter to be referred to some independent authority apart from the Minister, where there is a dispute. The time factor has been imposed to prevent people from being obstructionists.

The MINISTER FOR HOUSING: As I indicated earlier, I am in accord with the principle sought by the hon. member. If he refers to Subsection (4) of Section 11 of the Town Planning and Development Act he will see that provision is made for a matter in dispute to be determined by arbitration. I feel that it would be advisable to use the same type of machinery in this Bill and I think that will fit in with what the hon. member wants. I shall move in that direction if the hon. member will withdraw his amendment.

Mr. COURT: After looking at the wording and as the Minister has indicated his amendment, I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The MINISTER FOR HOUSING: I move an amendment—

That in line 5 of Subclause (6) all words after the word "dispute" be struck out and the words "shall be determined by arbitration under and in accordance with the Arbitration

Act, 1895, unless the parties agree on some other method of determination" inserted in lieu.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 15 and 16—agreed to.

Clause 17—Application of Section 32 of Town Planning and Development Act, 1928-1947:

Hon. A. V. R. ABBOTT: Perhaps the Minister could explain the meaning of Subclause (3). Does it envisage that a local authority will have to carry into effect certain work? The Minister said this was merely a planning Bill, that no great expenditure of money was required, and that no local authority would be required to do planning work. Under this subclause, I think they might be required to do certain work.

The MINISTER FOR HOUSING: The position is that local authorities and the Government will be proceeding over the next couple of years with plans for roads, parks and other public facilities, and this is to ensure that they will conform with the overall concept. It is not envisaged that those works will be carried out at the direction of the town planning authority; it is merely the normal work the authorities will be carrying out over the next few years.

Clause put and passed.

Clause 18—Metropolitan region planning rate:

Mr. COURT: I move an amendment—

That all the words after the word "Act" in line 7 down to the end of Subclause (1) be struck out with a view to inserting the following words in lieu:—

"the Minister shall, as fairly as possible, having regard to the extent to which the district of each local authority is affected, apportion, at the end of each financial year, the amount of such costs, contributions, payments or expenses among the local authorities whose districts, or part of whose districts, are within the metropolitan region, and thereupon (subject to the right af appeal hereinafter mentioned) the amount so apportioned shall become a debt due by each local authority to the Metropolitan Region Planning Fund, and in default of payment may be recovered by the Minister in any court of competent jurisdiction.

Provided that no local authority shall be required in any one financial year to pay a sum greater than would be raised by the making and levying of the maximum rate hereinafter mentioned.

For the purpose of paying to the fund the amount so apportioned by the Minister a local authority may, under the provisions of the Municipal Corporations Act 1906-1951 or the Road Districts Act 1919-1951, as the case may be, make and levy a rate called the Metropolitan Region Planning Rate.

If any local authority is dissatisfied with the apportionment made by the Minister in respect of its district as aforesaid, it may, within 21 days of becoming aware of the apportionment, appeal in the manner prescribed to a judge of the Supreme Court, who may confirm or vary the amount of the apportionment. The decision of the judge shall be final, and the amount of the apportionment determined by him shall become the debt due by the local authority to the Metropolitan Region Planning Fund, in lieu of that determined by the Minister and shall be recoverable accordingly.

The import of the amendment is that instead of directing the local authorities that they shall make and levy this rate, it provides that they may make and levy this rate. In other words, they are given adequate authority to levy a rate should they need it to pay the amount levied upon them by the Minister. Some local authorities may have strong views on being directed to levy a rate, and might prefer to make their own arrangements and pay the amount from their ordinary revenue. The right given to a local authority to go before a judge is not inconsistent with the existing provisions in the Town Planning and Development Act which in certain cases gives local authorities the right to go before a judge in connection with matters in dispute.

The amendment proposes to limit the time factor so that people cannot delay in lodging their claims. Twenty-one days is allowed in which to take the required action, and it would do much to remove any feeling of direction that may be apparent in the Act. The Minister did suggest that those concerned could very easily overcome the problem of the rating factor by levying this rate and reducing their general rate. I almost fell for that at the time, but I do not think it would be practicable because if they reduced their rate and still paid this other amount, the people would want to know why they did not reduce the 1d. anyhow.

There could be a much better atmosphere in which to approach the local authorities. I would like to see this phase of the planning borne by the Government. It would have avoided discontent which might be caused by the levying of this rate. But if it is the Gov-

ernment's view that it must get this revenue from the local authorities, then I would press the amendment I have moved.

The MINISTER FOR HOUSING: I am unable to accept the amendment. Firstly, it would ask the Minister to attempt something impossible, namely, to assess the value of the planning work being done in the area of each local authority. Important and far-reaching decisions made in connection with planning could be those that are most easily made. I do not know what basis could be used to endeavour to make an assessment. Furthermore, the machinery proposed by the member for Nedlands would be an invitation to 28 local authorities to appeal to the court in the hope of getting some reduction in their commitments.

The overall plan will be of such importance and value to the people in the local governing authorities' areas that they will be paying a very small sum for the benefit they will derive. I guarantee that people who might have a woodyard opened next door to them would be prepared to pay a considerable penny to have machinery to prevent that. Enormous benefit would be derived by people in relation to essential foodstuffs which may be obtained from several hundred miles away. The member for Mt. Lawley mentioned the city block having to find a substantial proportion of the total amount. If this town-planning proposition solves some of the problems, business concerns will have an excellent investment.

From documents I have seen, the centre of the city will be benefited by the provision of arterial roads right to the heart of the city itself. Practically speaking, it will be impossible for the Minister fairly to assess the value of the work to be done in the area of any local governing authority, or to say what ultimate value it may prove to the people living in that district. There is only one fair and equitable way, and that is that those affected by the overall scheme should make a humble contribution.

Mr. COURT: I am sorry the Minister has adopted his present attitude. I feel that in my amendment lies the means of overcoming a grave objection from local authorities. The greatest criticism has been that the Government is going to direct local authorities to impose that rate; they are taking strong exception to it. I would much have preferred at this stage that the entire cost involved should be borne by the State, because the approach is of such a general nature concerning the whole of the metropolitan region, and the subsequent planning schemes are such that they will affect the whole State, and it would have been better, therefore, to keep off the sore point of directing a special rate to be levied. The amendment gives an alternative. Under it the Government would get revenue from the local authorities, but would leave power in the hands of those authorities to work out how the money should be raised.

I do not agree that it would be difficult for the Minister to assess the apportionment of this cost. I am not advocating that the city interests should not pay their just proportion. They are probably better able to do so than the authorities in many of the outer areas. But I would mention that those who will lose most will be those in the present city blocks when the ultimate aim of this planning is achieved; because rather than attempt to pour more people into this shopping area of Perth, if this plan is successful in 25 or 30 years' time we hope that people will be attracted elsewhere. So it could not be said that in the long term the tightly knit city block, which is so congested, will get the major gain.

Amendment put and negatived.

Hon. A. V. R. ABBOTT: I intend voting against the clause. The Minister's own argument has shown that that would be wise. He said that quite possibly this area will be reduced. That means that people pay their rates and then their area is taken out, which is not very satisfactory. Again, the Minister admits that it is possibly unreasonable that rating should be in the same proportion throughout the whole of the area; that somebody in the outskirts should have to pay rates on the same basis as people who are much more in the centre of the scheme. But he says it would be impossible for the Minister to distinguish between the claims of 28 road boards and municipalities. With that I entirely agree. I think the Treasurer was a little bit anxious for this small amount of money, and I think he could well have abandoned this proposal. I believe that if the Minister in charge of the Bill were to see the Treasurer, he would find that gentleman would not have very much objection.

The Minister for Housing: You try to persuade him now, will you?

Hon. A. V. R. ABBOTT: Perhaps the Treasurer will undertake to give some consideration to the matter. Only £23,000 is to be raised. I think it is unwise to make any rate at present. This is an interim Bill, and an interim rate is being created, which is not very satisfactory. It is to be imposed for two years. I admit the rate is fairly low, but the local authorities have to create the machinery to collect it. Moreover, there is a very wide area. Under the circumstances it would be wiser for the Crown to pay, and there would be no objection to the width of the area. It is only the rating that has caused many local authorities to make representations through the member for Nedlands.

The MINISTER FOR HOUSING: I do not think the arguments of the member for Mt. Lawley are valid. He gave some twists to what I had said earlier; and if he reflects, he will see that he drew wrong conclusions from what I stated. While, without question, specific provision has been made for the striking of a special rate, it is still at the option of the Minister. He may direct or approve a special rate to be paid. So if it is possible for the member for Mt. Lawley to prevail upon the Treasurer, he will no doubt use his influence with the Minister controlling town planning to see that a rate is not struck.

Hon. A. V. R. Abbott: It must be struck, because you must establish a fund.

The MINISTER FOR HOUSING: Wait a minute! I would indicate to the member for Nedlands that I am accepting the further amendments he has in mind, so as to allow for some lesser amount than 1d. in the £ and the rest of the formula to be struck, if it is found that such special amount will serve the purpose. I think that may be a fair compromise.

Mr. COURT: I do not propose to proceed with my other amendments in view of the fact that the whole basis of my approach to Clause 18 has been defeated. I did not like the idea of any rate at all, and I would have preferred this issue of making a charge against the local authority to be avoided at this stage.

The MINISTER FOR HOUSING: I think you would prefer a maximum of 1d. rather than a statutory 1d.

Mr. COURT: I am now dealing with the principle of the clause. I do not like the direction to the local authority about rating, and would much have preferred the charge to be borne by the revenue during this interim planning stage. It would have saved a lot of unnecessary friction that could arise. I find myself in the position of having to oppose the whole of Clause 18, because the remaining amendments of which I gave notice were consequential on my being successful with the first. There is no object in my moving amendments to arrange for rates to be the maximum instead of arbitrary amounts.

Hon. Sir ROSS McLARTY: I shall certainly oppose this clause. I would like to hear what the Premier thinks about it. Surely it is undesirable to have legislation that gives power to a Minister to direct a local authority to impose a tax —and in this case the rate in any one financial year will be 1d. in the £ on the annual value or ¼d. in the £ on the unimproved capital value. What is the position with the outer local authorities if work is going to be carried on in the metropolitan area? Are they to be rated in regard to that work? If they are, surely that is most unfair.

Getting back to the power given to the Minister to force a local authority to impose a rate, we know the trouble we had in regard to town planning, and the way that authority was used in the past. This is giving greater authority to the Town Planning Commissioner than ever the previous Act did. After all is said and done, the imposition of this rate will be on the recommendation of the commissioner and the Minister will act on the advice given to him by the commissioner. I think it is a power which goes too far, since it gives to one man the right to say to a local authority, "You shall impose a tax on the ratepayers amounting to thousands of pounds. You shall impose that tax whether they like it or not."

Surely it is still part of our democratic set-up that the ratepayers of a district should have a say as to whether an additional tax shall be imposed on them. I hope the Committee will reject the proposal. I do not think it will have the effect of preventing operations under this Bill continuing. Let us see how it works, but do not let us accept a provision such as this, which is both undemocratic and thoroughly unjust.

Mr. JOHNSON: The Leader of the Opposition has completely mistaken the situation. He speaks about work being done under this Bill. The only work done will be the preparation of a plan.

Hon. A. V. R. Abbott: Not necessarily.

Mr. JOHNSON: This is an interim Bill to produce a plan, but it is not one under which arterial roads can be built or any major work undertaken. As a country member, the Leader of the Opposition will have seen that this is probably the fairest way of raising money needed from the people most affected. If the money is to be provided by the State it will be supplied by all the taxpayers. But under this provision it will be raised by the people directly affected.

Hon. Sir Ross McLarty: Some of the people may not receive any benefit.

Mr. JOHNSON: The people nearest the city will be those most affected. There may be individual cases in which there is nothing to be gained. There are always marginal cases in connection with every type of tax. But I feel sure that the provisions of the measure providing that the major cost shall be covered by the people within a limited area are quite democratic. The amount is small, and the suggestion that local authorities are crying about it is not one of which I am aware; and I represent an area which is in the territory of one of the most important local authorities. I have not received a telephone call, let alone an approach on this matter; and generally, when that local authority has problems it desires taken up with the responsible Minister, I am approached.

Hon. A. V. R. Abbott: Did you give them a copy of this Bill?

Mr. JOHNSON: In cases of this kind, the Minister sees to that. I feel sure that the local authority must know of it, and be keenly aware of the position. If it does not know of the proposal, I shall be surprised.

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

Ayes	20
Noes	20
A tie	0

Ayes.

Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Moir
Mr. Hawke	Mr. Norton
Mr. Heal	Mr. Nulsen
Mr. W. Hegney	Mr. O'Brien
Mr. Hoar	Mr. Rhatigan
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Kelly	Mr. May

(Teller.)

Noes.

Mr. Abbott	Mr. Nimmo
Mr. Ackland	Mr. North
Mr. Court	Mr. Oldfield
Mr. Doney	Mr. Owen
Mr. Hearman	Mr. Perkins
Mr. Hill	Mr. Thorn
Mr. Mann	Mr. Watts
Mr. Manning	Mr. Wild
Sir Ross McLarty	Mr. Yates
Mr. Nalder	Mr. Bovell

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Guthrie	Dame F. Cardell-Oliver
Mr. Tonkin	Mr. Brand
Mr. Sewell	Mr. Cornell
Mr. Lapham	Mr. Hutchinson

The CHAIRMAN: The numbers being equal, I give my vote with the Ayes.

Clause thus passed.

Clauses 19 to 24, Schedules, Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT.

Second Reading.

Debate resumed from the 8th December.

MR. COURT (Nedlands) [10.37]: This measure deals with amendments to the Town Planning and Developmment Act and, unlike the interim legislation we have just dealt with, it is of a permanent nature, although an important revision is already foreshadowed to coincide with the metropolitan regional plan which will probably involve serious resumption and other difficulties.

The Bill proposes to reduce the term of office of board members from three to two years, and that obviously is intended to coincide with the implementation of the metropolitan regional plan after its approval. As may be imagined, it might be necessary to bring down a completely new Bill to deal with the changed complexion in respect of town planning in Western Australia when the metropolitan regional plan has been dealt with. I understand that the appointment of members of the board is in abeyance, and it would be of interest if the Minister indicated whether the existing members will be reappointed or whether the Government has in mind some drastic changes in respect of the personnel. The existing appointments expired some weeks ago.

A provision in the Bill allows for indemnity to members of the board. With that I am in complete agreement, because people holding difficult and responsible positions such as these members do should not be embarrassed by being placed in the position in which they recently found themselves when they were in danger of having a claim made against them. The original measure provided for the board to be indemnified, and I have submitted to the Minister some amendments that would remove the indemnity from the board and make it apply to the members only. It seems to me to be wrong that the board should be indemnified because such a body should at all times be responsible for its actions as a board.

There are amendments by the Minister on the notice paper and, so far as I can judge, they will achieve this purpose. It seems to be the intention to make the board responsible and indemnify the members only.

The Minister for Housing: They are only drafting amendments.

Mr. COURT: The ultimate town-planning legislation, after this Act has been amended, will, of necessity, involve compensation, which subject has already been discussed in connection with the interim legislation, and it is some comfort to the local authorities to know that in Section 11 of the principal Act, they have at least the protection of the Arbitration Act. Nevertheless, we can envisage that the local authorities could face very large compensation problems if and when a scheme such as the metropolitan regional plan becomes law. Doubtless the approach to that major compensation factor will be the subject of special legislation that will have to be introduced to coincide with the adoption of the plan. It appears to me that the potential claims under the implementation of the scheme as distinct from the actual planning stage of the proposal could be beyond the capacity of any local authority in the State.

A radical amendment is proposed to Section 12 of the principal Act. This deals particularly with cases where compensation is not payable. I consider that the section proposed to be re-enacted could be harsh in its effect and that the local authority or the Government should pay when the whole character of an area and its usage is changed Further than that, land

may be excised for public purposes. I have been told that it is not intended under the re-enacted section that the land which is excised will be devoid of a compensation claim.

On this point I should like the Minister to make some reference in the course of his reply. I consider that under the proposed legislation in respect of cases where compensation is not payable, it would be possible to completely excise pieces of land for parks, open spaces, parking areas or for other purposes without any compensation factor applying. If it is intended that this shall apply to the planning stage only, it may be different.

The suggestion has been made that, while the preparation of a plan which excludes these open spaces is not subject to compensation, the actual taking of the land itself will be subject to compensation under the Public Works Act. My view is that, if we believe in freehold ownership—and that is the law of the land—we must acknowledge the rights of the individual owner. He should not receive any exploitation figure, but he should be granted fair compensation. In that regard I am particularly concerned about land held in good faith as distinct from the opportunity buyer who exploits an area.

The Minister for Housing: How would you distinguish between them?

Mr. COURT: It is possible. If a person holds, say, 20 acres in order to develop an industry, builds a factory and develops from one acre to two and then to three, it should be obvious to all concerned, from the records and like history of the concern, that the ultimate object was to develop the whole 20 acres for that industry. Then this plan comes in and says, "Finish." As I read the Act, the proprietor would not be stopped from using the area he occupied, but would be stopped from expansion. The whole character of the area owned is then changed. He held it in good faith and not as an opportunity buyer and I feel it is wrong to change the whole character of that area without compensation.

I think the most vexed question in the County of Cumberland, in Sydney, is that of compensation for changes in classification of areas. Under this same section there is provision for parking areas and unloading areas to be provided, again without compensation. Apparently it is envisaged that if one erects a building such as the Prudential Assurance Coy. plans to build, one has to provide sufficient car parking space off the street for the people who would reasonably be expected to use that building, and, in my view, it would not work.

Most such offices provide some parking or unloading space, but I do not think they could be expected in a city allotment to provide adequate parking for all the people likely to use a 10-storey building, and that could easily be the result of Section 12 of the principal Act if the Bill becomes law in its present form. In the establishment of a factory, at Welshpool for instance, it might be desirable to say that so much space around the factory should be provided for playing or exercise fields for the employees, and I am all for that.

It would also be desirable there to say that a certain parking area must be provided, but to have that provision mandatory and without compensation for all types of building is taking it too far. I disagree with the proposed provision for no compensation on the declaration of a building line. Many problems arise there and I can imagine a building line set down with a building in the middle of it. That building must go some day as we cannot retard progress and I do not suggest that we should run around that building, but I think the person concerned is entitled to proper recompense for the inconvenience of having to remove to another place or get out of business.

There again the amendment may mean to avoid compensation on the mere declaration of the building line, but not if and when the line is physically taken over. It provides for compensation in the clause under consideration only where the land is made unusable. It often happens that half the land could be taken and the remainder could still be used, but would have comparatively small value. I have studied the City of Perth machinery—I think Section 5 of the City of Perth Act—which seems to have certain advantages.

I do not say it is a perfect scheme, but at least when they declare a building line they open the way for claims for vacant land and in respect of buildings when they are rebuilt. There is another advantage, that the values used for the ultimate compensation are as at the date of the declaration of the building line. That might at first appear unfair to the owner because when they actually shift the building it might be claimed that the value is much higher, but the answer is that the owner has had the use of the land for perhaps 20 years and has had compensation for any unearned increment in the meantime.

If passed as printed, this clause could result in hardship and I am sure the authorities do not intend that. The measure contains no provision to restrict certain leases to 10 years without approval and I agree that it is a desirable provision because it defeats the people who seek to use lease provisions to get around survey requirements in the original Act. I think they should be made to conform and this loophole in the machinery should be removed. As I read the principal Act there appears to be some conflict in Section 21, which is not amended, and perhaps the Minister is bringing forward an amendment to cover that.

The Minister for Housing: Yes, I have a note of that.

Mr. COURT: There is a further section of the principal Act that is to be amended. It deals with the question of objections and recommendations. I refer to Section 24. Already there is possibility of Subsection (3) of that section being harsh. It is not being amended by the Bill, but it can be harsh through the affixing of conditions to allow certain land to be taken over for parks or surrendered to the State without compensation. The proposed amendment which is to stand as Subsection (4), could be a little dangerous if harshly interpreted and the Minister might comment on that when replying. It provides for a survey and plan within 12 months, or transfer, etc., where a survey is not required. After that, the approval for this particular area would lapse. Large subdivisions are usually dealt with on the basis of progressive surveys because it is impracticable to deal with the whole area in one survey and areas are only developed as they are required.

It would be uneconomic and unfair to embarrass these people by insisting on a complete survey. In any case I would say it just cannot be done at the moment owing to lack of sufficient surveyors to undertake the work. There is a discretion as to a part survey vested in the board from which there is no appeal, and I would like the Minister to give an assurance that it is not the intention of the board to be unreasonable and harsh in its interpretation of that section.

It has been represented to me that this is aimed at certain areas of land where people want to progressively survey them and subdivide and sell the blocks. If they are holding up land unnecessarily, I am all for the provision in the measure, but if they are showing a genuine interest in developing their area along economic and sensible lines, I would not like to feel that the board could say arbitrarily, "We will not approve of your plan. You must get the lot surveyed and you have to complete this task within 12 months."

There is a similar problem in connection with existing approvals which are liable to lapse within 12 months if the conditions of the measure are not complied with. I can see that that could be unfair, involving unnecessary resubmissions to the board, a considerable amount of inconvenience, expense and red tape, and it is quite unnecessary. I do not propose to move any amendment in respect of that provision, but would like the Minister to give his assurance as to how it will be interpreted by the Town Planning Board. I support the second reading and propose to move an amendment during the Committee stage.

THE MINISTER FOR HOUSING (Hon. H. E. Graham—East Perth—in reply) [10.55]: I think the member for Nedlands will appreciate my viewpoint when I inform him that I am reserving my comments until the Committee stage of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Brady in the Chair; the Minister for Housing in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Section 5A added:

The MINISTER FOR HOUSING: I move an amendment—

> That in line 6 of Subsection (1) of proposed new Section 5A the word "or" where first occurring be struck out.

Amendment put and passed.

The MINISTER FOR HOUSING: I move an amendment—

> That in line 9 of Subsection (1) of proposed new Section 5A the words "neither the board nor the member is personally" be struck out and the words "the member or any other member of the board is not personally" inserted in lieu.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 5 and 6—agreed to.

Clause 7—Section 12 repealed and re-enacted:

Mr. COURT: In the limited time available to study this clause, I have not been able to frame any amendment to submit to the Committee to overcome my objections to paragraphs (b), (c), (d) and (e). I think it would be just as well if the Minister did not proceed with the clause at this stage. Section 12 of the Act gives considerable power, and to raise this other contentious issue, which is directly related to compensation factors, is ill-advised. The Minister promised that he would give some explanation in regard to this clause while I was speaking on the second reading. I have been told that when land is physically taken, the Public Works Act will prevail, but as I read the proposed re-enacted clause, any land can be taken without compensation.

The MINISTER FOR HOUSING: I hope the Committee will vote for the retention of the clause because it looks far worse than it really is. It occurs to me that my predecessors were more venturesome and far-seeing than some of us today. It is a quarter of a century since the legislature agreed to what is contained in paragraphs (a) and (b). They are merely the existing provisions of the Act re-written. Therefore, the fear expressed by the member for Nedlands that land might be taken for the use of parks, etc., is groundless in view of the experience over the last 25 years. Quite a number of people and com-

panies owning large tracts of land welcome such a provision because they realise that although these reserves subtract from the total area in their possession, they do enhance the remainder.

Mr. Court: They do that voluntarily; it is part of their own plan.

The MINISTER FOR HOUSING: They are often required to do it. It could be that it would be their desire to divide the area into small closely-knit blocks, if it were not for the Town Planning and Development Act.

Mr. Court: It is only recently that this matter has been raised and it will become more important in the future.

The MINISTER FOR HOUSING: I agree. As our population grows, so will there be more necessity for areas to be set aside for communal use. Surely the member for Nedlands is not serious in his objection to the zoning of areas.

Mr. Court: I am, if they change the whole area, apart from what is required, without compensation.

The MINISTER FOR HOUSING: If I have purchased a block of land for industrial use and the town-planning authorities decide that it is to be exclusively a residential area, I do not know that I would suffer any loss as a consequence. If my block of land is worth £300 it would still be worth £300, despite what action was taken.

Hon. A. V. R. Abbott: What if one is carrying on a business in a factory already built?

The MINISTER FOR HOUSING: Where is it provided that such a business or factory shall be removed?

Mr. Court: If 20 acres are bought and only five acres are being used, with the idea of using the other 15 acres for expansion at a later date, what would be the position then?

The MINISTER FOR HOUSING: I know of suburbs that have businesses dotted all over them, and if we are to allow them to expand haphazardly, the residential area will be destroyed. With regard to the other paragraph, I concede that it is exceedingly wise that owners of land should make provision for the parking of vehicles for loading and unloading. That is so essential that it hardly warrants any argument to support it. I had the same experience with the proposed Subiaco flats. That proposition was agreed to unanimously by the Subiaco Municipal Council. The only aspect that it was worried about was whether provision had been made for the parking of vehicles.

Anyone who has driven through the centre of Perth and other large townships will realise that with vehicles parked on either side of the street and with double parking, unless there is to be a plan which provides for the parking of vehicles in business areas and for through traffic only, some arrangement has to be made for car parking so that the business of firms shall be dealt with off the street. I believe that in other cities provision is being made for the parking of vehicles.

The final provision, to which exception is taken, is in regard to the building line. From the information given to me, I can assure the member for Nedlands that this will only grant power to allow a building line to be declared. The only effect it will have is that when a new building is erected it will have to be on that building line. The payment of compensation for the land acquired is a different matter. Although not on all fours with what is provided in the City of Perth Act, it is, nevertheless, something akin to it. Of course, when the road is eventually widened on a new building line, compensation will have to be paid. Even if there be some doubts about these powers going too far in respect of the compensation that is to be paid, I consider that in the interests of the community we should be just as courageous as those who lived 25 years ago. I ask the Committee to agree to the retention of the clause.

Clause put and passed.

Clause 8—agreed to.

Clause 9—Section 21 amended:

The MINISTER FOR HOUSING: As pointed out by the member for Nedlands, there is conflict between this clause and Section 21 of the Act. Therefore, I move an amendment—

> That a new paragraph be added to read as follows—"(d) deleting the word 'twent-one' in line 2 of Subsection (1) and inserting the word 'ten'."

Amendment put and passed; the clause, as amended, agreed to.

Clause 10—Section 24 amended:

The MINISTER FOR HOUSING: I move an amendment—

> That in line 2 of proposed new Subsection (4) (a) (ii) the word "cause" be struck out and the word "caused" inserted in lieu.

Amendment put and passed.

Mr. COURT: I have some doubt on the question of passing surveys and the attitude of the Town Planning Board respecting applications for partial surveys as distinct from complete surveys of a whole area.

The MINISTER FOR HOUSING: The town-planning authority would be most sympathetic and co-operative. What is sought to be overcome is the state of affairs in the following example:—A subdivision was approved in 1922 since when the matter has rested. This clause gives the town-planning authorities power, where it is obvious there is no attempt to take advantage of what has been approved, to permit its continuance.

Clause, as amended, put and passed.

Clauses 11 to 13, Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 11th December.

HON. A. F. WATTS (Stirling) [11.20]: I support the second reading of this Bill. I entirely agree with the member for Maylands, however, that it is desirable to insert in the measure some authority to determine bus stops. I do not intend to dwell on that question. I hope some such provision will be made. What the Bill proposes to do other than that, is to increase the radius from the centre of the metropolitan area within which road transport may operate without licence, that is to increase it from 20 to 35 miles. I have no objection to that.

If that extension is to be made, which really means that from the coast at Fremantle road transport will be able to operate for a distance of about 50 miles, it seems to me that some consideration should be given to extending the area in which road transport may operate in other ports of entry. As I understand the position, the provision does not apply north of the 26th parallel; where, because there is no other form of transport available, road transport has virtually unlimited rights. In the amendment, which I propose to move, I shall not go further north than Geraldton. That is the limit to which this concession should be applied.

Undoubtedly the ports of Esperance, Albany, Bunbury and Geraldton are centres through which goods enter the State. If there is to be any extension from the centre of the metropolitan area within which road transport may operate under the conditions set out in this measure, then there is no reason why the same consideration should not be applied to road transport in at least those four places. If we are to confine the concession to the metropolitan area only, then it will have the effect of restricting the rights of people who do not live in the metropolitan area, and it will make another contribution towards the belief that most of the reforms and improvements are confined to the bigger centres of population.

I do not think that is the intention at all, but that is the idea which prevails in many quarters. The refusal to extend the operation of the proposed measure to transport emanating from the ports of entry which I mentioned will, I am sure, definitely accentuate that belief. Without enlarging on the question, I hope the Minister will see fit to agree to the concession being extended to those places. In my opinion, that is very desirable and I look forward to his agreement when I put forward an amendment.

THE MINISTER FOR TRANSPORT (Hon. H. H. Styants—Kalgoorlie—in reply) [11.25]: The proposal is to extend the distance from 20 to 35 miles, not where a vehicle can operate without a licence but for which a vehicle-owner, on making application, can obtain a licence as a right. The Transport Board will have no authority to refuse it.

Hon. A. V. R. Abbott: Why does he have to get a licence?

The MINISTER FOR TRANSPORT: That is something the hon. member should have thought of when he was on the Government side of the House. If he had asked himself that question, then, he might have arrived at an answer before now. Since 1933, when the Act was introduced the free radius was 15 miles, and the previous Government increased that radius to 20 miles; we propose now to increase it to 35 miles. People who represent private enterprise must agree that this is a generous gesture on the part of the Government.

Hon. A. V. R. Abbott: Why do they have to get a licence to operate up to 35 miles?

The MINISTER FOR TRANSPORT: There is some question as to why the distance should be increased at all. Figures presented by the Railway Department indicate that up to 35 miles it would lose revenue of from £20,000 to £25,000 per annum. The member for Maylands was under the impression that this meant a loss of that amount to the railways. That is not the case. The Railway Department estimates that it would take at least as much expenditure to earn £25,000 revenue.

The member for Maylands spoke at some length on the proposal to form a statutory committee to deal with the question of bus stops. There are already too many people interfering with traffic in the State. The Transport Board has the undisputed right to fix the routes, arrange time-tables, and determine fares. In my opinion, it was an omission that the board was not given the undisputed right to fix bus stops as well. It is logical to assume that the board should have the power. To put the question beyond doubt, the amendment is submitted. That will give the Transport Board the right to fix bus stops. The member for Maylands said the provision in the Bill would give dictatorial powers to one person.

Then again, the board does not consist of one person, but of three. Further, it has always consulted the omnibus companies concerned, the Police Department and the local authority affected, on proposed regulations. Up to date the board of three has not had any serious differences. There have been occasions when the members could not come to an agreement, and

consequently this matter needs to be put beyond doubt. There is no different set-up. It is merely a question of the board conferring with the parties concerned. The board, if given this power, will act in exactly the same way as it has in the past. It will confer with those concerned, but when a disagreement takes place it will have the right to declare the bus stops. There are two or three amendments in the Bill which I do not propose to discuss now. They can be dealt with when the measure is considered in Committee.

Question put and passed.

Bill read a second time.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Transport in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 25 amended:

Mr. OLDFIELD: I move an amendment—

> That in line 3 of proposed new Subsection (4) after the word "omnibus" the words "on the recommendation of the committee mentioned in the proviso to this subsection" be inserted.

If I am successful with this amendment, I shall move another as a result. I move this amendment on the basis of the very argument used by the Minister when introducing the Bill. All I propose to do is to allow the present position to continue. The quarrel here is not with the Transport Board but with the proposition that an official of the board shall make the decision. The man concerned will be able to disregard what the police say. We do not know who the man may be in the future. Furthermore, the present Minister will not always be the Minister. We may have a most unreasonable person in charge in the future.

The man whose responsibility this will be might disregard the advice of the National Safety Council, the police and the local authorities who are concerned when it comes to the provisions of bus bays and footpaths for the convenience of ratepayers who use the bus service. The officer concerned may also disregard any suggestion from the omnibus operator. The Minister can raise no argument against the police having some say as to where bus stops shall be. Surely he has confidence in his own department.

My amendment does not include a representative of the local authority. The Minister did not mention local authorities in his second reading speech, and I thought it would be more agreeable to him if I stuck to what he said. According to the Minister's remarks, the legislation is really unnecessary. Until such time as legislation is necessary, why introduce it? If the present system is working, why not retain it?

The MINISTER FOR TRANSPORT: Although, generally speaking, amicable agreement has been arrived at, there have been occasions when it could not be reached and it is considered that the Transport Board should be the deciding authority. It is not proposed to disregard the advice of the Police Department, the omnibus companies or the local authorities. The local authorities are amongst the most important to be consulted because frequently they have to finance the alteration in the alignment of the street to make a convenient bus stop. Because the Act provides that the Transport Board shall fix the route, time-table and schedule of fares, I think it is only logical that it should be the authority to say where the stops shall be for picking up and setting down passengers.

Mr. OLDFIELD: The Minister has not put up any logical argument against my amendment, but has argued in favour of it. I agree that the board should have the authority, but the Bill does not state that the board shall have regard for the opinion of the other interested parties. The board will be represented on the committee I suggest. Does the Minister think that an officer of the Transport Board, especially because of inter-departmental jealousy, who is given power to define every bus stop in the metropolitan area, will ask the police and the local authority where they consider certain bus stops should go? He will say, "I say it is to go there," and there it will go. Today it is all right because the Minister for Transport is also the Minister for Police, and if the police officers appeal to their Minister, they will be appealing to the man who administers the other department, and he may bring about an amicable agreement, but in the next Government the Minister for Police may be in another House.

The Premier: What next Government?

Mr. OLDFIELD: This Government will not be in power forever. In any case, Ministers come and go, even in the same Government. After seeing the brains that have come into the House, and on looking at the front bench, I think there will be a lot of new faces in the next Cabinet, even if the same Government is returned.

The CHAIRMAN: Order! The hon. member cannot discuss the brains of the Ministry under this amendment.

Mr. OLDFIELD: I cannot discuss the brains of the present Ministry because we cannot discuss what is non-existent. I would like to know from the Minister what is wrong with providing that what obtains today shall be a statutory obligation?

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

Ayes	17
Noes	20
Majority against	3

Ayes.	
Mr. Abbott	Mr. North
Mr. Court	Mr. Oldfield
Mr. Doney	Mr. Owen
Mr. Hearman	Mr. Perkins
Mr. Hill	Mr. Watts
Mr. Manning	Mr. Wild
Sir Ross McLarty	Mr. Yates
Mr. Nalder	Mr. Bovell
Mr. Nimmo	*(Teller.)*

Noes.	
Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Moir
Mr. Hawke	Mr. Norton
Mr. Heal	Mr. Nulsen
Mr. W. Hegney	Mr. O'Brien
Mr. Hoar	Mr. Rhatigan
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Kelly	Mr. May
	(Teller.)

Pairs.	
Ayes.	Noes.
Dame F. Cardell-Oliver	Mr. Guthrie
Mr. Brand	Mr. Tonkin
Mr. Cornell	Mr. Sewell
Mr. Hutchinson	Mr. Lapham

Amendment thus negatived.

Clause put and passed.

Clause 3—Section 26 amended:

Hon. A. V. R. ABBOTT: Why is it necessary to regulate where people shall get on and off buses? I think that is unreasonable. I move an amendment—

That paragraph (c) be struck out.

Amendment put and negatived.

Clause put and passed.

Clause 4—Section 35A added:

Hon. A. F. WATTS: I move an amendment—

That in line 4 of Subsection (1) of proposed new Section 35A after the word "Perth" the words "or within thirty-five miles of the post office at Albany or Bunbury or Esperance or Geraldton" be inserted.

I said something about this on the second reading. Originally the distance was 15 miles from the G.P.O. and that distance applied in other places in the State. In Perth the distance was increased to 20 miles but no alteration was made elsewhere. Now the distance is to be increased to 35 miles, and I seek to ensure that that distance is applicable to at least the four places I mentioned.

Mr. BOVELL: With the mover's permission, I seek to add the words "or Busselton" to the amendment. I discussed this matter with the hon. member and at the time I did not think it would be necessary; but I think we should add the words as a precaution.

Hon. A. F. Watts: I have no objection.

The CHAIRMAN: The words "or Busselton" will in that case, be inserted in the amendment after the word "Bunbury."

The MINISTER FOR TRANSPORT: I do not propose to agree to the amendment. The generosity that members display when they leave the Ministry and take up positions on the Opposition side of the Chamber is quite remarkable. The member for Stirling knows perfectly well that if this amendment is agreed to, many important industries within a radius of 35 miles of the ports mentioned will be affected. While he was a Minister he realised his responsibility to see that the railways were protected from unfair competition. They do not require protection when it comes to trading on a fair and reasonable basis as a common carrier, carting all classes of goods.

But we have had experience of road transport before, particularly during the metal trades strike. I can understand the member for Maylands because while his party was in power he had the muzzle put upon him. I can remember when we were dealing with the period of training required for a nurse, the hon. member voted with the Opposition and quickly the whip was cracked and the muzzle was put upon him.

Hon. Sir Ross McLarty: He did not have the muzzle put upon him.

Mr. Oldfield: I voted on more than one occasion with the Opposition.

The MINISTER FOR TRANSPORT: Dealing with Albany, the amendment would mean that road hauliers could operate to points taking in Mt. Barker, Denmark and intermediate places which comprise the only towns of any consequence in that area. In the near future Albany will become a terminal point of some magnitude. Bunbury will include such towns as Donnybrook, Kirup, Busselton, Harvey and Yarloop, and most of those towns are fairly large centres. That would deprive the Railway Department of the high-priced freight. Geraldton would cover many areas such as portions of the Ajana branch, the extension to Yuna and so on. At Esperance it would extend to Scaddan and on both sides of the existing line the areas are gradually being opened up.

There are occasions when the road haulier is permitted to cart goods for 35 miles and that could operate under certain circumstances from Bunbury. Item 11 of the First Schedule of the State Transport Co-ordination Act provides that so long as an operator is working from a railway station or feeding into a railway station he can operate for distances of 35 miles. Of course, there are firms that take their goods from Perth to Bunbury by rail and if they have a branch at Busselton they are permitted, under the State Transport Co-ordination Act, to take their goods by road from Bunbury to Busselton. In many circumstances, providing they are carting from or to a railway station, they are permitted to operate for a distance of 35 miles. While the Opposition increased the distance from 15 to only 20 miles, we are prepared to increase it to 35 miles.

Hon. A. V. R. Abbott: On payment of a licence fee.

The MINISTER FOR TRANSPORT: I think we have adopted a reasonable attiture. Up to 35 miles, at least, it is not economical for the railways to handle any class of goods because they are not compensated for the time which the wagons are standing idle waiting to be loaded and unloaded. Therefore the proposition in the measure is reasonable and I oppose the amendment.

Mr. OLDFIELD: The Minister said it is not economical for the railways to handle goods up to 35 miles, but if it is uneconomical for them to handle goods up to 35 miles from the G.P.O., it must be uneconomical for them to do so from those ports in question. So I cannot see why the Minister has pursued that line of argument, and I think he should report progress.

Mr. HILL: The Minister talks about fair play, so can he explain why there should be one law for the metropolitan area and another for the outports of the State. If it is to be given at all. Albany should be particularly entitled to it. There are wholesale firms establishing their businesses there and they should get this concession if the firms in the metropolitan area obtain it. The question of uneconomical haulage up to 35 miles would apply from Mt. Barker to Albany. My main objection is that there is one law for the metropolitan area and one for the outports of the State.

Hon. A. F. WATTS: I am surprised at the Minister's attitude. This is a very substantial alteration; it is 75 per cent. of the figure he quoted. It is important, and is one which I would certainly have to explain. I hope members representing the areas adjacent to other outports will also have to explain why the metropolitan area can get this concession and not the out-ports. As the member for Maylands has pointed out, the Minister established that a haulage of 35 miles is uneconomical, so if it is uneconomical for the metropolitan area it would also be uneconomical for the other areas. Justice demands now with the substantial increase that equal treatment shall be meted out.

Amendment (as altered) put and a division taken with the following result:—

Ayes	17
Noes	20
Majority against	3

Ayes.

Mr. Abbott	Mr. North
Mr. Court	Mr. Oldfield
Mr. Doney	Mr. Owen
Mr. Hearman	Mr. Perkins
Mr. Hill	Mr. Watts
Mr. Manning	Mr. Wild
Sir Ross McLarty	Mr. Yates
Mr. Nalder	Mr. Bovell
Mr. Nimmo	*(Teller.)*

Noes.

Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Moir
Mr. Hawke	Mr. Norton
Mr. Heal	Mr. Nulsen
Mr. W. Hegney	Mr. O'Brien
Mr. Hoar	Mr. Rhatigan
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Kelly	Mr. May
	(Teller.)

Pairs.

Ayes.	Noes.
Dame F. Cardell-Oliver	Mr. Guthrie
Mr. Brand	Mr. Tonkin
Mr. Cornell	Mr. Sewell
Mr. Hutchinson	Mr. Lapham

Amendment thus negatived.

Hon. A. V. R. ABBOTT: By interjection I have been trying to get some information from the Minister as to why there should be strings attached to this question of distance. The Minister says he is prepared to allow transport up to 35 miles. Section 24 of the Act says no licence shall be necessary in respect of any commercial vehicle, trailer, or semi-trailer which operates within a radius of 15 miles. I think that was altered to 20 miles. Why make the driver of a commercial vehicle waste time getting a licence? The Bill states that a licence fee shall be charged and it is to be fixed at the discretion of the Minister. The Minister must know whether there are any strings attached, or not.

The MINISTER FOR TRANSPORT: The reason is that up to 20 miles is what is known as "a free distance". The hon. member says it may be for the purpose of imposing a licence fee. If that were so, I should say it was fair because these people will have the use of roads which cost the local authorities a considerable amount of money to put down. They should be prepared to pay something for the use of those roads. The hon. member will realise that any surplus funds at the end of the year are distributed to the local authorities for the purpose of maintaining roads, bus routes and that sort of thing. The member for Mt. Lawley knows that there is a provision in the State Transport Co-ordination Act which sets out the fees that can be charged. In no case have those licence fees in Western Australia been more than 50 per cent. There is also a provision in the Act where power plus weight and other conditions are taken into consideration in assessing licence fees.

Clause put and passed.

Clause 5, Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and transmitted to the Council.

MOTION—STATE FORESTS.

To Revoke Dedication.

Debate resumed from the 2nd December on the following motion by the Minister for Forests:—

> That the proposal for the partial revocation of the State Forests Nos. 25, 27, 29, 37 and 39 as laid on the Table of the Legislative Assembly by command of His Excellency the Governor on the 1st day of December, one thousand nine hundred and fifty three, be carried out.

MR WILD (Dale) [12.15]: This is the normal motion for the revocation of portions of the State forests that comes before the House at the end of each session. I have examined the proposals laid on the Table of the House and, as far as I can see, there are no objections from the country members concerned. So I have no objection to the proposals whatever.

Question put and passed.

On motion by the Minister for Housing, resolution transmitted to the Council and its concurrence desired therein.

BILL—RESERVES.

Second Reading.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren) [12.15] in moving the second reading said: This is the usual Reserves Bill brought down at this time of the session, and I handed a copy of the file relating to it to the Leader of the Opposition a week or so ago. The Bill undertakes to do the usual excising and vesting of land. The reserves dealt with are as follows:—

Clause 2, Reserve No. A.20841 at Kendenup: In 1926, the Crown acquired ten adjoining lots at Kendenup for the purpose of a schoolsite, the whole area being renumbered as Plantagenet Location 5100. In 1931, the balance of the same section, comprising 10 more lots, was acquired for the purposes of a schoolchildren's playground and public recreation, the land being renumbered as Plantagenet Location 5099. Action was taken in 1932 to revest both areas with a view to creating separate reserves; but, through a misunderstanding, both locations were made the subject of Reserve No. 20841, classified as of "A" class, and set apart for the purposes of a schoolchildren's playground and public recreation. The Kendenup school is built on Location 5100 which it is necessary to excise from Reserve 20841 so that a separate reserve for a schoolsite can be declared.

Clause 3, Reserve A.1665 at Mosman Park: This Class "A" reserve at present comprises a total area of 56 acres and is set apart for the purpose of recreation and vested in the Mosman Park Road Board. The Education Department requires a site for a primary and residential school for handicapped children which will offer living accommodation, supervision, and suitable education to country children who, because of their physical disability, need specialised medical attention and education which they cannot receive in their home districts. The selected site is portion of Reserve A.1665, and the Mosman Park Road Board has no objection to the necessary amendment of the reserve to excise an area of about 10 acres 3 roods 34 perches as comprised in Mosman Park lots 40, 41 and the portion of lot 42 east of the prolongation southerly of the eastern boundary of lot 41.

Clause 4, Reserve No. A.7953 at Nanson: This reserve of 55¾ acres was set apart for recreation purposes, but the Upper Chapman Road Board, in which the reserve is vested, desires to utilise portion of the reserve for a showground and has requested that the purpose be amended accordingly. The board also holds a vesting order over the adjoining Reserve No. 6991 of 231 acres set apart for racecourse, showground and recreation, which is not a classified reserve. It is proposed to alter the purpose of this reserve to recreation, racecourse and golf links.

Clause 5, Reserve A.10887, Perth Botanical Gardens: This reserve originally contained an area of about 7¼ acres to which Perth lot No. 462 was allotted, but the reserve was not completely surveyed until recently. In 1921, the roadway along the south side of the Supreme Court buildings was closed and the land therein was numbered as Perth lot No. 566 which was not surveyed. The new lot was added to Reserve A.10887 which is set apart for the purpose of botanical gardens and which it is intended shall be vested in the City of Perth in trust for that purpose. To protect the access to the Supreme Court buildings, it is desired to excise from Reserve A.10887 the land comprised in the pathways on the south side of the buildings and connecting Barrack-st. and Terrace-rd. An adjustment of the proposed boundary between Reserve No. 10887 and the Supreme Court reserve No. 18392 has been accomplished by the survey of Perth lot 462 to comprise an area of 7 acres 1 rood 13 perches which it is proposed shall be the future extent of Reserve 10887. Lot 556 is to be cancelled and the portion thereof not included in lot 462 as resurveyed will be added to the Supreme Court Reserve No. 18392.

Clause 6, Reserve No. A.22094 at Wokalup; This reserve, comprising Wellington Location 4472, of 2269 acres 1 rood 14 perches, was set apart in 1939 for the purpose of a site for a mental hospital, but is not considered suitable for that purpose. In 1950, the then Premier agreed to a proposal to make the land available to the Department of Agriculture for the purpose of a research station, but no action was taken to alter the purpose of

the reserve. It is not considered necessary to classify, as of "A" class, any reserve for an agricultural research station, so it is proposed that the existing Class "A" reserve be cancelled and that a fresh reserve for the Agricultural Research Station be declared in the ordinary manner. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Reserve No. 22094 at Wokalup:

Hon. Sir ROSS McLARTY: I presume it is intended to carry on with the farm and research station at Wokalup?

The MINISTER FOR LANDS: Yes, they are definitely being carried on.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and transmitted to the Council.

BILL—ROAD CLOSURE.

Second Reading.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren) [12.25] in moving the second reading said: The file relating to this Bill was also made available to the Leader of the Opposition. The following closures are dealt with in the measure:—

Clause 2, Closure of Pit-rd., Albany: The above-mentioned road was provided to give access to portion of Plantagenet Location 2 which had been surveyed as lot 1 on Land Titles Office Diagram No. 5668, which land, together with the other land adjoining the road, has been acquired and is held in fee simple by the Albany Superphosphate Company Proprietary Ltd. The separate access to lot 1 is no longer required, and it is desired that the road be closed and that the land contained therein be sold to the company so that it may be consolidated with the compan's adjoining land in the one certificate of title.

Clause 3, Closure of Range-st., Albany: The Albany rifle range has been removed by the Commonwealth to a new site, and the Albany Municipality has acquired the old site for additions to the adjoining recreation reserves. Range-st., which severs the land acquired by the council, was originally provided as a deviation in lieu of portion of North-rd., which was closed and acquired by the Commonwealth but is now part of the area transferred to the council, and it is proposed that it be reopened as a public road. The closure of Range-st. as provided for in this section will enable the council to consolidate the contiguous areas for recreation purposes.

Clauses 4 and 5, Closure of portion of Glyde-st. and portion of a certain right-of-way (Georges-st.) at Bayswater: To enlarge the Bayswater school site reserve No. 4747, the Public Works Department resumed certain adjoining land which is separated from the main site by portions of a public road and a private right-of-way which it is desirable should be closed in order that the school site can be consolidated into one area. The Bill provides for the closure of the portion of Glyde-st. and also the portion of the right-of-way known locally as Georges-st. and for the revestment of the land in Her Majesty as of her former estate with the intention that the land therein be included in the school site reserve.

Clause 6, Closure of a right-of-way at Boulder: Boulder lot 1389, originally comprising 1 acre and 9.8 perches, was granted in fee simple in 1903 to John Ryan, who subdivided the land into four lots separated by a right-of-way as shown on Land Titles Office Diagram No. 2607. The four lots were subsequently acquired by the Municipality of Boulder and have since been surrendered to the Crown and revested in Her Majesty. The fee of the land in the right-of-way remains in the certificate of title which is still registered in the name of John Ryan. It is proposed to resubdivide the area to dispense with the right-of-way and it is necessary to revest the land contained therein in Her Majesty as of her former estate. It is proposed that the new lots will be leased to certain applicants who have taken over the houses erected thereon under a municipal housing scheme.

Clause No. 7, Closure of a right-of-way at Boulder: Boulder lot 658, containing a quarter acre, is held in fee simple by the Boulder Municipality in trust for a municipal endowment, and the council proposes to erect on the lot extensive buildings to include infant health clinic, St. John's Ambulance Depot and residential quarters in connection therewith. The buildings as designed require additional ground and it is desired to include in lot 658 the western half of the contiguous right-of-way for which closure is now sought. The other half of the right-of-way would be included in the adjoining lot 2241 which is the subject of Public buildings reserve No. 9911. A corrugated galvanised iron fence 6ft. high is already erected along the centre line of the right-of-way.

Clause 8. Closure of portion of Johnson Parade, Mosman Park: In 1914 an area of land was resumed from Swan Locations 82 and 83 for the purposes of providing a road one chain wide along the river foreshore at Mosman Park and the road

was gazetted on the 12th June, 1914. A macadamised road was subsequently constructed on the western side of the surveyed road and the local authority developed the eastern or river side as a park or recreation reserve which has become very popular as a river beach resort both with the local residents and with visitors from other parts of the metropolitan area. The riverside portion has been grassed and planted with trees and to protect this development from encroachment by cars a fence has been erected which carries a top rail consisting of a two-inch water pipe from which the lawns and gardens are watered. Owing to the liability for possible accidents through obstructions on the gazetted road the local authority has requested that its width be reduced to exclude the portion fenced off with the intention that the area in question be proclaimed a Class "A" reserve for park, gardens and recreation.

Clause 9. Closure of portion of Woodstock-st. Mt. Hawthorn: For the purpose of increasing the size of the Mt. Hawthorn schoolsite, which was badly overcrowded, the Public Works Department resumed certain land on the opposite side of Woodstock-st. and later resumed the land comprised in the intervening portion of Woodstock-st., the closure of which is now sought. This portion of the street has a bituminised roadway 15ft. wide and footpaths either side for which the council will require compensation. Although Woodstock-st. is regarded as an important road facility for east and west traffic between two main traffic arteries, viz. Charles-st. and Scarborough Beach-rd., it is considered that the need for the increased area for the school site is paramount to the traffic requirements.

Clauses 10 and 11. Closure of Portion of Ocean Parade and portion of a certain right-of-way at North Fremantle: Negotiations have been completed with the Commonwealth of Australia for the State to acquire certain land at North Fremantle which is required for wheat storage purposes and which will ultimately be included within the Fremantle harbour boundaries and will be vested in the Fremantle Harbour Trust Commissioners. Separating certain portions of the area to be acquired from the Commonwealth is a small portion of a private right-of-way provided for in the subdivision of North Fremantle lot 32, and which it is desired to close so that the land comprised therein may be re-incorporated in the adjoining land. Portion of Ocean Parade, comprising an isolated, unused and undeveloped road, is also part of the area which it is desired to vest in the Fremantle Harbour Trust Commissioners, and its closure is sought for that purpose.

Clause 12. Closure of a certain right-of-way at Tambellup: A private right-of-way was provided in a subdivision of freehold land at Tambellup for the benefit of appurtenant owners who desire that the right-of-way be closed and that the land be divided between them. The Tambellup Road Board concurred in the proposal which cannot be effected in the ordinary way under the Road Districts Act owing to difficulty in interpreting the relevant section dealing with the vesting of the land, and it is necessary for direction to be given in this measure for the division of the area between the two owners of the appurtenant land.

Clause 13. Closure of a right-of-way off Patricia-st., Victoria Park: A certain right-of-way off Patricia-st., Victoria Park is no longer required by the appurtenant owners who have agreed to the closure of the portion of it contiguous to G. W. Sanders's property comprising lots 10 and 11 on Land Titles Office plan No. 2010 and all are argreeable to his acquiring the contained land. The City of Perth and also the Town Planning Board have consented to the proposed closure. It is intended to dispose of the land in the right-of-way to G. W. Sanders whose house encroaches thereon

Clause 14. Closure of portion of Kitchener-st., Wagin: The Wagin Municipal Council has acquired some freehold land on the north-western side of the agricultural showground as an addition thereto and to consolidate the area, desires to close the intervening portion of Kitchener-st. and to include the contained land in the showground reserve also. A new road will be provided out of and along the north-western side of the newly-acquired area which comprises portions of Wagin lots 338 and 341 to 343 inclusive.

Clause 15. Closure of portion of road No. 3691 at Kwinana: In connection with the resubdivision of Crown land at Kwinana in accordance with designs approved by the Town Planning Board, it is necessary to close certain roads in favour of new roads in more suitable positions. Other roads are being closed under the ordinary provisions of the Road Districts Act, but as the land comprised in the portion of road No. 3691 was resumed from land not then under the Transfer of Land Act, which land was later resumed by the Crown, it is necessary to provide for revestment of the land in the road to remove any doubts as to the legal position.

Clause 16. Closure of Napier-st. level crossing at Cottesloe: In 1906 the Railway Department opened up a level crossing through the railway reserve connecting roads Nos. 931 and 932, now named respectively Cottesloe Avenue and Railway-st., Cottesloe. The crossing, which has been known as the Napier-st. crossing, has been in continual use, but owing to a number of fatal accidents at the crossing it has been decided to close it in the interests of public safety. The land on which the roadway has been constructed remains portion of the railway reserve but, to remove any doubts as to the legal authority

of the Railway Department to close the crossing, it is desired that Parliament authorise the closure. I move—

That the Bill be now read a second time.

On motion by Hon. J. B. Sleeman, debate adjourned.

BILL—ADOPTION OF CHILDREN ACT AMENDMENT (No. 2).

Council's Amendments.

Schedule of seven amendments made by the Council now considered.

In Committee.

Mr. J. Hegney in the Chair; the Premier in charge of the Bill.

No. 1. Clause 2, page 2—Add a subsection to proposed new section 13A as follows:—

(3) In this section the expression "Order of Adoption" includes an order varying, reversing, or discharging an Order of Adoption.

The PREMIER: This will provide for the registration under this Act of the birth of a child born in the State whose birth has not been registered here. I move—

That the amendment be agreed to.

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

No. 2. Clause 3, page 2—Delete the words "born in this State but" in line 37.

The PREMIER: This will make this portion of the Bill apply to any child irrespective of whether it was born here or not. I move—

That the amendment be agreed to.

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

No. 3. Clause 3, page 3—Substitute for all words in lines eight to twenty-one inclusive the following:—

the Registrar of the Supreme Court shall forthwith give to the Registrar General a certified copy of the Order of Adoption together with particulars in respect of the date and place of birth of the child and the name (commonly called the Christian name) by which the child shall be known after the adoption, the surname conferred on the child by adoption and the name and surname and place of residence of the adopting parent or parents.

(2) (a) On receipt of the certified copy and particulars referred to in the last preceding subsection the Registrar General shall in the prescribed form, register the birth of the child in accordance with the particulars disclosed.

(b) The registration of the birth of the child shall not be open to inspection and a certified copy of the registration of birth shall not be issued, except with the approval of the Registrar General.

The PREMIER: This will make it obligatory on the Registrar of the Supreme Court to forward to the Registrar General a certified copy of any order of adoption. When the Registrar General receives it, he shall register the birth in accordance with the particulars supplied, but the registration of the birth shall not be open to inspection and a certified copy of the registration shall not be issued except with the approval of the Registrar General. I move—

That the amendment be agreed to.

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

No. 4. Insert the following new clause to stand as Clause 2:—

Section five of the principal Act is amended by—

(a) substituting for the word, "the" in line one of paragraph (9) of subsection (1) the word, "any";

(b) substituting for the word and figure "paragraph (4)" in line two of paragraphs (9) of subsection (1) the words and figures, "paragraphs (4) or (5)";

(c) repealing subsection (11).

The PREMIER: This was recommended by one of the judges after the Bill had been introduced. The proposal will give judges discretion not to require the consent of the natural parents to adoption. Cases have occurred in which one of the natural parents has been willing to agree to the proposed adoption but the other has not. These instances have occurred in connection with divorce cases. I move—

That the amendment be agreed to.

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

No. 5. Insert the following new clause to stand as Clause 3:—

The principal Act is amended by adding the following section:—

9A. Where an Order of Adoption is varied, reversed or discharged and the particulars of the terms and conditions of the variation, reversal or discharge are filed with the Registrar of the Supreme Court, he shall forthwith give to the Registrar General the particulars, whereupon the Regis-

trar General shall endorse in accordance with the particulars given to him—

(a) the registration of the birth of the child concerned made pursuant to Part IV of the Registration of Births, Deaths and Marriages Act, 1894-1948;

(b) the re-registration of the birth made pursuant to sections twelve A or thirteen of this Act; or

(c) the registration of the birth made pursuant to section thirteen B of this Act.

The PREMIER: This to some extent is consequential on an amendment already agreed to. I move—

That the amendment be agreed to.

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

No. 6. Insert the following new clause to stand as Clause 4:—

Section twelve A of the principal Act is amended by—

(a) adding after the word "made" in line three of subsection (1) the words "under the provisions of this Act or filed under the provisions of section thirteen A of this Act";

(b) repealing subsection (3);

(c) adding the following subsections:—

(4) The index of the register which is kept in the office of the district registrar and in the office of the Registrar General respectively, shall in each case be amended so as to refer to the re-registration.

(5) The original entry of the birth of the child, the duplicate of that original kept in the general registry shall not be open to inspection and a certified copy of the original entry of the birth of the child or the duplicate of that original which is kept in the general registry or the entry relating to the re-registration of the birth of the child shall not be issued, except with the approval of the Registrar General.

(d) Substituting for the subsection designation "(4)" in line one of subsection (4) the subsection designation "(6)";

The PREMIER: This will enable local adoption matters to be treated by the registrar in a similar manner to adoption orders made outside the State. I move—

That the amendment be agreed to.

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

No. 7. Insert the following new clause to stand as Clause 5:—

Paragraph (a) of subsection (1) of section thirteen of the principal Act is repealed and re-enacted as follows:—

(a) Where before the commencement of the Adoption of Children Act Amendment Act, 1949, an order of adoption has been made under the provisions of this Act or a certified copy of an Order of Adoption has been filed in the Supreme Court under the provisions of the next succeeding section in respect of a child whose birth is registered pursuant to the provisions of Part IV of the Registration of Births Deaths and Marriages Act, 1894-1948, the Registrar General on application being made to him in the prescribed form and on production of a certified copy of the Order of Adoption and on payment of the prescribed fee by the adopting parent or a person having knowledge of the true facts of the case shall in the prescribed form re-register the birth of the child in accordance with the particulars disclosed in the Order of Adoption, and in the first-mentioned prescribed form.

The PREMIER: This repeals and redrafts paragraph (a), the present wording of which makes it appear that in all cases where a certified copy of an order of adoption has been filed in the Supreme Court under Section 13A, application and payment of fee must be made before registration is effected by the Registrar General. This was not the intention of the provision, which desired that only those orders which had been filed subsequent to the coming into operation of the amendment of 1945 and prior to the amendment of 1949 should be subject to such application and payment of fees. It is also considered undesirable to make any reference to the order of adoption as this is not done in Section 12A which also refers to registration of orders or adoption. I move—

That the amendment be agreed to.

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

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

BILL—INCOME AND ENTERTAINMENTS TAX (WARTIME SUSPENSION) ACT AMENDMENT.

Council's Amendment.

Schedule of two amendments made by the Council now considered.

In Committee.

Mr. J. Hegney in the Chair; the Premier in charge of the Bill.

No. 1. Clause 3, page 2—Insert after the word "two" in line 16 the word "four."

The PREMIER: If the amendments made by another place were agreed to, there would be no State entertainments tax at all until Parliament brought down a Bill to enact a new law in regard to the matter. The Government is certainly not able to see its way clear to accept the amendments made by another place. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 2. Clause 3, page 2—Delete all words from and including the word "and" in line 20 down to and including the word "fifty-three" in line 25.

The PREMIER: For the reasons I have already given, I move—

That the amendment be not agreed to.

Hon. Sir ROSS McLARTY: We on this side of the House opposed the Bill and are not going to oppose the amendments made by another place. We still believe that this tax should not be reimposed.

Question put and passed; the Council's amendment not agreed to.

Resolutions reported and the report adopted.

A committee consisting of the Minister for Labour, Hon. Sir Ross McLarty and the Premier drew up reasons for not agreeing to the Council's amendments.

Reasons adopted and a message accordingly returned to the Council.

BILL—CRIMINAL CODE AMENDMENT.

Council's Amendments.

Schedule of two amendments made by the Council now considered.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Justice in charge of the Bill.

No. 1. Clause 13—Delete.

The MINISTER FOR JUSTICE: I move—

That the amendment be agreed to.

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

No. 2. Title—The Title was amended by deleting all words after the word "Code."

The MINISTER FOR JUSTICE: I move—

That the amendment be agreed to.

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

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

BILL—BEE INDUSTRY COMPENSATION.

Council's Amendments.

Schedule of three amendments made by the Council now considered.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Agriculture in charge of the Bill.

The MINISTER FOR AGRICULTURE: This Bill provides for a committee to administer the compensation fund, but in some parts of the measure, instead of the word "committee" the word "board" was used inadvertently. The amendments made by the Council are to substitute the word "committee" for the word "board" in each instance, and I propose to accept them.

No. 1. Clause 7, page 4—Delete the word "Board" in line 18 and substitute the word "Committee".

No. 2. Clause 8, page 4—Delete the word "Board" in line 33 and substitute the word "Committee".

No. 3. Clause 14, page 7—Delete the word "Board" in line 13 and substitute the word "Committee".

On motions by the Minister for Agriculture, the foregoing amendments made by the Council were agreed to.

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

BILL—ADOPTION OF CHILDREN ACT AMENDMENT (No. 1).

Council's Amendment.

Amendment made by the Council now considered.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Health in charge of the Bill.

The CHAIRMAN: The Assembley's amendment is as follows:—

Clause 2—Page 2—Delete all words after the word "State" in line 9.

The MINISTER FOR HEALTH: The amendment proposed by another place broadens the provisions in the Bill and I move—

That the amendment be agreed to.

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

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

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT (No. 1).

Council's Amendment.

Amendment made by the Council now considered.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Railways in charge of the Bill.

The CHAIRMAN: The Assembly's amendment is as follows:—

Clause 3: Delete.

The MINISTER FOR RAILWAYS: The amendment by the Legislative Council proposes to delete Clause 3 which deals with the period spent by an employee in an acting capacity. In the past, when a vacancy in the Public Service occurred and it was decided that the position should be filled, a man may have been occupying it in a temporary capacity for six months and up to 12 months and, as a result, he would have gained a certain amount of experience. When the acting appointee was appointed permanently to the position, any other applicant was entitled to appeal against his appointment.

Such a procedure has been the subject of much complaint by Government employees because when, in such circumstances, an unsuccessful applicant appeals against the appointment, it is only natural that the board will take cognisance of the fact that the man appointed had gained experience by acting in a temporary capacity. Therefore, an officer who had greater efficiency or seniority when the position fell vacant would be prejudiced when making an appeal to the board. The intention of the clause was that when the position fell vacant applications should be called to fill the vacancy immediately. An unsuccessful applicant would then be placed in a more advantageous position when his appeal was being heard.

I have read the "Hansard" report of the discussions that took place in the Legislative Council and, in my opinion, the real purport of the clause was not understood. Therefore, I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

Resolution reported and the report adopted.

A committee consisting of Mr. Yates, Mr. Johnson and the Minister for Railways drew up reasons for not agreeing to the Council's amendment.

Reasons adopted and a message accordingly returned to the Council.

BILL—NURSES REGISTRATION ACT AMENDMENT.

Council's Amendments.

Schedule of four amendments made by the Council now considered.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Health in charge of the Bill.

No. 1. Clause 4, page 2—Delete the word "the" in line 30 and substitute the word "any".

The MINISTER FOR HEALTH: I intend to agree with all the amendments made by the Council. They now provide that any type of nurse will be able to undertake a shortened course in order to qualify as a dental nurse. The course will be prescribed by regulation according to the category of nursing. The total period of the course is to be 3½ years so that a general nurse who had qualified would do six months training as a dental nurse. The same would apply to children's and mental nurses. A nurse who has qualified for a mothercraft certificate which involves a period of 15 months training, would serve two years and three months in order to qualify as a dental nurse. I move—

That the amendment be agreed to.

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

No. 2. Clause 4, page 2—Delete the words "which relates to the nurses" in line 32.

No. 3. Clause 4, page 2—Delete the words "paragraph (a) of subsection (1) of" in line 33.

No. 4. Clause 4, page 2—Delete the words "of not less than one year" in lines 36 and 37 and substitute the words "for the period prescribed for nurses registered in that division of the Register in which the person is entitled to be registered."

On motions by the Minister for Health the foregoing amendments made by the Council agreed to.

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

BILL—ELECTRICITY ACT AMENDMENT.

Council's Amendments.

Schedule of two amendments made by the Council now considered.

In Committee.

Mr. J. Hegney in the Chair; the Premier (for the Minister for Works) in charge of the Bill.

No. 1. Clause 4, page 2—Insert after the word "labelled" in line 34, the words "if and".

The PREMIER: The Minister for Works has no objection to the amendment. He does not think it really necessary, but it will do no harm if the words are included. I move—

That the amendment be agreed to.

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

No. 2. Clause 4, page 5—Delete proposed new Section 33D:

The PREMIER: The Legislative Council wishes to delete proposed new Section 33D contained in that clause. The Minister for Works is willing to compromise with the Council in this regard. He thinks a compromise might be best worked out in a conference and he is anxious that we should at this stage disagree to the Council's amendment. I move—

That the amendment be not agreed to.

Mr. YATES: We cannot accept that. Members on this side were most insistent that the proposed new section should be deleted. It was pointed out that it was a dangerous provision because of its implications regarding certain officers of companies which had been fined more than three times. Under this provision they would suffer the highest penalties. It was mentioned that a firm might be convicted today, again in five years' time and then again in 15 years' time, when different people would be in control. Because the firm had been convicted on three occasions, the penalties would be higher, although the staff might have changed completely. It also implied that the whole corporate body should suffer the penalty. It means that instead of a fine imposed on a firm being £100, it could be £1,000. We consider that proposed new Section 33E provides sufficient penalties for all those who might offend under this Act. I therefore oppose the motion.

Hon. J. B. SLEEMAN: I cannot agree to the motion. Under the proposed new clause, if one member of a corporation committed an offence, all the responsible officers could be penalised. Therefore I support the amendment of the Legislative Council.

The PREMIER: The Minister for Works is prepared to meet the Council to some extent in connection with this matter and his agreement would follow the lines suggested by the member for Fremantle. If this amendment is agreed to completely, then a firm which happens not to be a corporation will not be guilty in the same sense as a business corporation. A corporation can be brought in under proposed new Section 33E and would not be treated on the same basis as a company which was not a corporation. We should ensure that corporations should not only come under new Section 33E but that they should have no advantage over other firms. In the circumstances, it would be wise to disagree with the Council's amendment and allow the matter to proceed to a conference. I am sure the main objections to proposed new Section 33D could be overcome, which would ensure that a corporation was not put in a favourable position under this law, compared with an ordinary business.

Mr. YATES: The Minister was adamant when we asked him to give some relief under this clause. He refused to make any amendment when we pointed out the difficulty. I do not know where his change of heart has taken place. I oppose the Premier's request.

The PREMIER: All I want to say in addition is that I give the Committee the Minister's assurance on the point. Corporations should not be allowed to get off as easily as they would be if the Council's amendment were agreed to.

Hon. J. B. SLEEMAN: I cannot see anything which will prevent an officer of a company from being convicted and a heavier penalty imposed on him than the offence warranted. I cannot see how any conference can solve this matter.

The PREMIER: I only wish to add that the proposed section can be improved considerably and I could do it straight away, but the Minister is anxious to disagree.

Hon. J. B. SLEEMAN: If the Premier thinks he can make a job of it, he should put forward his amendment now.

The CHAIRMAN: At this stage the Premier has moved to disagree with the Council's amendment.

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

Ayes	18
Noes	18
A tie	0

Ayes.

Mr. Andrew	Mr. Kelly
Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Moir
Mr. Hawke	Mr. Norton
Mr. Heal	Mr. Nulsen
Mr. W. Hegney	Mr. O'Brien
Mr. Hoar	Mr. Rhatigan
Mr. Jamieson	Mr. Styants
Mr. Johnson	Mr. May

(Teller.)

Noes.

Mr. Abbott	Mr. Nimmo
Mr. Court	Mr. North
Mr. Doney	Mr. Oldfield
Mr. Hearman	Mr. Owen
Mr. Hill	Mr. Sleeman
Mr. Lawrence	Mr. Watts
Mr. Manning	Mr. Wild
Sir Ross McLarty	Mr. Yates
Mr. Nalder	Mr. Bovell

(Teller.)

The CHAIRMAN: The voting being equal, I cast my vote with the Ayes.

Question thus passed; the Council's amendment not agreed to.

A committee consisting of Mr. Yates, the Minister for Labour and the Premier drew up reasons for disagreeing with the Council's amendment No. 2.

Reasons adopted and a message accordingly returned to the Council.

BILL—ADMINISTRATION ACT AMENDMENT (No. 1).

Council's Amendments.

Schedule of three amendments made by the Council now considered.

In Committee.

Mr. J. Hegney in the Chair; Mr. Oldfield in charge of the Bill.

No. 1. Clause 2, page 2—Delete the word "ten" in line 30 and substitute the word "five".

Mr. OLDFIELD: I propose to agree to the three amendments submitted by the Legislative Council. They seek to halve the amounts contained in the original Bill. I move—

That the amendment be agreed to.

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

No. 2. Clause 2, page 2—Delete the word "ten" in line 35 and substitute the word "five."

No. 3. Clause 2, page 2—Delete the word "ten" in line 36 and substitute the word "five."

On motions by Mr. Oldfield, the foregoing amendments were agreed to.

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

ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. A. R. G. Hawke—Northam): I move—

That the House at its rising adjourn till 5 p.m. today (Wednesday).

Mr. BOVELL: Some time ago I rose in this Chamber and asked the Premier to give consideration to country members so that they could attend the Christmas festivities in their electorates. The target date for the end of the session was then the 11th December, and most country members have made arrangements to attend, in connection with their parliamentary duties, certain functions in their electorates. We have recently had special adjournments in connection with various happenings—last week there was the Christmas party at Parliament House, and tomorrow there is to be a cricket match. Today I came up from Busselton at considerable inconvenience to myself to attend the parliamentary sittings.

In view of the fact that we have not discussed the Estimates, I consider it would be advisable to commence our next sitting an hour earlier than usual rather than half-an-hour later. For the information of the Premier, these are the functions that I have been invited to attend this week, and have attended during the past six years that I have been a member of the Assembly. It was the custom of the previous Government to adjourn at the end of the second week of December. Tomorrow, the Busselton Junior High School will have its annual speech day, at which I have always presented the trophies and been a speaker.

The Busselton brass band on Thursday is having its Christmas dinner and Christmas tree. I have had to decline invitations to attend these functions. The Busselton Bowling Club has asked me again to perform the official opening of its greens for this season. The Country Women's Association in the district is having, this week, a monster party, to which it has invited me, but I have had to decline the invitation. The Farmers' Union's annual picnic and sports day at Rosa Brook is to be held this week. I have had to decline the invitation of this organisation.

This is Christmas time, and most of us have at one time or another read Charles Dickens's classic, "A Christmas Carol." Now, I put the Premier in the shoes of Scrooge, and myself in the shoes of his crippled nephew. This is what the unfortunate young fellow said to Scrooge—

> Christmas time, the only time I know of in the long calendar of the year when men and women seem by one consent to open their shut-up hearts freely and think of people below them as if they were really fellow-passengers to the grave, and not another race of creatures bound on other journeys.

I ask the Premier to give consideration to getting the session over as soon as possible. Despite these remarks, I wish him every success in his cricket match tomorrow.

Hon. Sir ROSS McLARTY: I shall address myself briefly to the motion because, while not opposing it—we lose only half-an-hour as a result—I do think there is a good deal in what the member for Vasse has said. It is true that at this time of the year many functions are held in country districts and, no doubt, many are held in the metropolitan area. It is the time of the year when we have school break-ups, and great numbers of people foregather. It is natural that members would like to have an opportunity of being in their constituencies at this particular period. While I am not guiltless myself in this respect I did have in mind that I

would suggest to the Premier that next year every possible effort should be made to finish Parliament some time before Christmas—I would say at least two, if not three, weeks before, even if it meant calling Parliament together a little earlier. Whether that is the remedy, I do not know; but I think we owe it to members to give them an opportunity to get into their constituencies some considerable time before the Christmas festivities take place, when I know their constituents would welcome them and be glad to see them. This Christmas season they will be deprived of the opportunity of attending these many functions, some of which have been outlined by the member for Vasse.

The PREMIER (in reply): I would always be anxious to finish the session as early as possible in December, as the Leader of the Opposition would know. I was impressed with what the member for Vasse had to say. As far as I could understand one part of his speech, he has somehow made himself a nephew of mine. I shall have to give more attention to this matter tomorrow and see what it means in law. What I am prepared to do for the hon. member in response to his appeal, which was very well put and impressed me considerably, is, on behalf of the Government, to offer him a live pair for the remainder of the session.

Question put and passed.

House adjourned at 1.45 a.m. (Wednesday).

Legislative Council

Wednesday, 16th December, 1953.

CONTENTS.

The PRESIDENT took the Chair at 5.30 p.m., and read prayers.

QUESTIONS.

KINDERGARTENS.

As to Application of Subsidy to Country Areas.

Hon. J. McI. THOMSON asked the Chief Secretary:

In view of the £22,350 subsidy the Government proposes paying to the Kindergarten Union for 1954, and for each succeeding year, and because the union recently stated, when turning down an application from a country centre, that the