

There has been no attempt by the Japanese to come down in great streams to do our men out of jobs at Ravensthorpe. For goodness sake! When members are drawing these political bows I suggest they do not draw them to the extent which makes me, as an individual, responsible for a set of circumstances that do not exist. If Parliament agrees to this Bill, the situation which members fear will not occur. If it does, we will rectify it.

The Hon. H. C. Strickland: How will you rectify it?

The Hon. A. F. GRIFFITH: By Act of Parliament; just as this provision was put into the Mining Act when it was needed.

The Hon. H. C. Strickland: Why don't you bring down a special Bill for this special case?

The Hon. A. F. GRIFFITH: It is not intended to deal with a special case. We have had emphasis laid on what the Japanese are going to do with iron ore. I repeat, there are no Japanese companies mining iron ore. The arrangements the Government has made are with European companies, Australian Companies, British companies, and American companies. There is no arrangement with the Japanese. I do not want to prolong this debate any further. I thank members for their support of the first four clauses, I believe those clauses will rectify certain anomalies, and improve the Mining Act considerably. I hope on reflection that the political atmosphere might be removed from the intention of clause 5 of the Bill, and it will get some support.

The Hon. D. P. Dellar: Not from me.

The Hon. GRIFFITH: Oh, I know that.

Question put and passed.

Bill read a second time.

## ADJOURNMENT OF THE HOUSE: SPECIAL

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [11.51 p.m.]: I move—

That the House at its rising adjourn until 4 p.m. tomorrow (Thursday).

Question put and passed.

*House adjourned at 11.52 p.m.*

# Legislative Assembly

Wednesday, the 11th September, 1963

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

## QUESTIONS ON NOTICE

## IMMIGRATION

*Lonnie Mission: Number of Migrants and Cost*

## 1. Mr. GRAHAM asked the Premier:

- (1) How many migrants have been brought to Western Australia to date as a result of the Lonnie Mission?
- (2) What is the total cost to the State, and the headings and amounts of the principal items?
- (3) What costs, if any, are borne additionally by the Commonwealth?

Mr. BRAND replied:

- (1) 522 skilled workers with their dependants—totalling, in all, 1,855 persons.
- (2) The cost of bringing Western Australian mission migrants to Western Australia has been provided in the overall vote, and separate records in respect of the mission migrants have not been kept.
- (3) The Commonwealth bears the cost of passages by air or ship from Britain to Australia over and above the amount of contribution by individual migrants.

## MOTOR VEHICLE LICENSES

*Number Issued by Victoria Park Traffic Office, and Value*

## 2. Mr. DAVIES asked the Minister for Transport:

- (1) How many motor vehicle licenses (all classes, including motor cycle) were issued by the Victoria Park Police Traffic Office for the year ended the 30th June, 1963?
- (2) What was the value of these licenses?

Mr. CRAIG replied:

- (1) 37,413.
- (2) £232,264.

## KALGOORLIE TRAIN

*Provision of Bassinets*

## 3. Mr. EVANS asked the Minister for Railways:

Will he give consideration to providing a number of collapsible bassinets for both first-class and second-class coaches on the Kalgoorlie train for the benefit of parents travelling thereon with young babies?

Mr. COURT replied:

It is the intention of the Western Australian Government Railways to provide bassinets when required for use in second-class sleeping berth compartments. This is part of the programme to generally upgrade the standard of rail services to the goldfields that has been progressively implemented over the last two or three years.

There are difficulties in making bassinets available in first-class sleeping berth compartments, but it is still under examination.

## FLUORIDATED WATER

*Ill Effects in North-West*

## 4. Mr. HAWKE asked the Minister for Health:

- (1) Is there, in the records of the Health Department, a report from any medical source relating to the ill effects suffered by people in the north-west as a result of consuming fluoridated water?
- (2) If so, who was the medical man concerned, and what is the essence of his report in the matter?

Mr. ROSS HUTCHINSON replied:

- (1) and (2) The annual report of the Commissioner of Public Health for 1948 includes a 'Note on Fluorosis' by E. G. Saint, who was then medical officer in the Pilbara district.

The essence of the contribution is that a man on a pastoral station, who had evidently consumed water from a private well containing 10 parts per million of fluorine, over a period of 50 years, showed abnormalities of the spine consistent with grossly excessive fluoride intake. Also, that several children in the locality had mottled teeth.

It is especially relevant that the name of Professor E. G. Saint appears among the ten prominent medical men supporting the Government's intention to fluoridate water supplies (at a level of one

part per million) in a letter in *The West Australian* on the 31st August this year.

### COURTHOUSE AT NORTHAM

#### Additions and Improvements

5. Mr. HAWKE asked the Minister representing the Minister for Justice:

What recommendations for additions and improvements to the Northam courthouse building have been made following the recent inspection of the building by the Under-Secretary for Law?

Mr. COURT replied:

The Public Works Department has been asked to prepare sketch drawings and an estimate of cost of erecting additions at the rear of the existing building for the magistrate and clerk of courts. The rooms now occupied by the magistrate and clerk of courts can then be used by witnesses and solicitors.

### RAILWAY EXPANSION AT ALBANY

#### New Station

6. Mr. HALL asked the Minister for Railways:

- (1) Has the Railways Commission a tentative plan for the resiting and rebuilding of a new railway station at Albany?

#### Extension of Marshalling Yards

- (2) Is it the intention of the Railways Commission to broaden and expand the marshalling yards at Albany?
- (3) If the answer to No. (2) is "Yes," when will work commence?

Mr. COURT replied:

- (1) and (2) To date no plans have been prepared for the rebuilding and resiting of a new railway station or expansion of the marshalling yards at Albany, but long-range planning for this development is under consideration.

- (3) Answered by Nos. (1) and (2).

### VEHICULAR TRAFFIC ACCIDENTS

#### Number Caused by Tyre Failures

7. Mr. HALL asked the Minister for Police:

- (1) Can he advise the House if statistical information is compiled by the police and local authority traffic control as to the cause of traffic accidents involving vehicles?
- (2) If so, how many accidents occurred as a result of motor tyre failure in each of the years 1959-60, 1960-61, 1961-62, and 1962-63?

- (3) How many accidents occurring from motor tyre trouble were attributable to worn-out tyres, re-cut or regrooved tyres?

Mr. CRAIG replied:

- (1) All accident statistics are compiled by the Commonwealth Bureau of Statistics and the published figures do not show accidents due to tyre defects.
- (2) and (3) Answered by No. (1).

### TOURIST DEVELOPMENT AUTHORITY

#### Grants to Local Authorities and Tourist Bureaus

8. Mr. HALL asked the Premier:

- (1) What amount of money has been advanced by the Tourist Development Authority to municipalities, shire councils and tourist bureaus for the years 1960-61, 1961-62, and 1962-63?
- (2) On what basis were the grants made to the respective bodies over the same years?
- (3) What were the amounts granted by the authority to all towns, including the metropolitan area, for each of the same years?

Mr. BRAND replied:

- (1) The answer to No. (1) is very lengthy. I am surprised at the number of councils we have assisted. The details are—

	1960/61	1961/62	1962/63
	£	£	£
Albany Town Council	8,031	7,534	...
Albany Shire Council	...	643	1,436
Armadale-Kelmscott Shire Council	570	...	...
Augusta-Margaret River Shire Council	...	...	2,693
Boulder Town Council	...	630	...
Bridgetown Shire Council	...	603	...
Brookton Shire Council	...	887	...
Broome Shire Council	...	547	1,222
Bruce Rock Shire Council	...	1,159	581
Bunbury Town Council	...	98	534
Busselton Shire Council	2,802	...	1,078
Cockburn Shire Council	...	...	950
Corrigin Shire Council	...	1,720	...
Cottesloe Town Council	...	2,500	2,500
Cue Shire Council	...	...	1,150
Dardanup Shire Council	...	...	1,181
Denmark Shire Council	509	408	3,805
Donnybrook Shire Council	...	2,170	481
Geraldton Town Council	...	4,695	967
Gingin Shire Council	...	9,700	...
Harvey Shire Council	2,800	1,267	1,534
Irwin Shire Council	3,372	1,181	...
Kalgoorlie Town Council	284	68	...
Kwinana Shire Council	2,334	533	1,287
Mandurah Shire Council	6,754	143	...
Manjimup Shire Council	...	1,388	5,176
Mosman Park Shire Council	...	250	...
Mundaring Shire Council	...	3,403	...
Nannup Shire Council	...	...	920
Narrogin Town Council	...	5,001	...
Northam Town Council	...	...	4,421
Northampton Shire Council	3,562	2,032	1,593
Peppermint Grove Shire Council	...	...	4,284
Perth Shire Council	5,000	...	5,000
Port Hedland Shire Council	...	...	677
Rockingham Shire Council	6,207	3,296	10,995
Shark Bay Shire Council	...	2,319	...
Tableland Shire Council	1,255	290	...
Toodyay Shire Council	2,060	582	2,979

	1960/61	1961/62	1962/63
	£	£	£
Wanneroo Shire Council .....		2,777	...
West Kimberley Shire Council .....		527	179
Wongan-Ballidu Shire Council .....	981	...	...
Wyndham Shire Council .....			1,983
<b>Country Tourist Bureaus</b>			
Albany Tourist Bureau .....	750	1,143	1,121
Augusta-Margaret River Tourist Bureau .....	750	504	565
Bunbury Tourist Bureau .....	496	885	1,678
Bosselton Tourist Bureau .....	562	800	1,000
Geraldton Tourist Bureau .....	750	1,750	1,750
Pemberton-Warren Tourist Bureau .....	319	590	726
Rockingham Tourist Bureau .....			250

(2) The grants were made on the following basis—

- (a) Country town and shire councils £2 for £1 for approved tourist projects.
- (b) £1 for £1 for town and shire councils within the metropolitan area as defined for the purposes of the authority.
- (c) For major beach development within the metropolitan area £1 for £1 repayment of principal and interest on 15 year or longer term loans.
- (d) All approved works had tourist value.

(3) Answered by No. (1) above. Grants are made to respective town councils and shire councils and not to individual towns.

#### INFANTS' SCHOOL AT ALBANY

##### *Enrolments and Erection of New Building*

9. Mr. HALL asked the Minister for Education:

- (1) How many children were enrolled at the Albany Infants' School for the years 1958-59, 1959-60, 1960-61, 1961-62, and 1962-63?
- (2) What is the anticipated number for the year 1963-64?
- (3) Has the Government made provision for the erection of a new infants' school at Albany; and, if so, where is the proposed site situated?
- (4) If the answer to No. (3) is "Yes," when is it proposed to build a new infants' school at Albany?
- (5) What measures will be taken by the Government to alleviate overcrowding at the Albany Infants' School, should that occur in the enrolment year of 1963-64?

Mr. LEWIS replied:

(1) The following are calendar years and not financial years:—

1958—410  
1959—368  
1960—365  
1961—382  
1962—384  
1963—349

(2) The anticipated number for 1964 is 356.

(3) No.

(4) Answered by No. (3).

(5) The additions being made at Spencer Park will have the effect of alleviating accommodation difficulties at all primary schools in Albany by readjustment of boundaries.

#### AGED PEOPLE'S CENTRES

##### *Government Assistance for Establishment*

10. Mr. HALL asked the Chief Secretary:

- (1) Has the Government given assistance to the establishment of centres for the aged in this State?
- (2) If so, what country towns have received assistance, and to what extent—
  - (a) buildings;
  - (b) direct gifts;
  - (c) subsidies; and
  - (d) other means?
- (3) Has assistance been given to the establishing or assisting with the running of age centres in the metropolitan area?
- (4) If so, what has been the extent of such assistance from all sources?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) Kalgoorlie—

(a) £3,000.

(b) and (c) £6,000.

Bunbury—

(a) £500.

Norseman—

(a) £1,000.

(b) and (c) £140 17s. 10d.

(3) Yes.

(4) £25,970.

11. to 13. These questions were postponed.

#### STATE HOUSING COMMISSION LAND

##### *Subdivision of Moore's Sand Pit Area*

14. Mr. JAMIESON asked the Minister representing the Minister for Housing:

- (1) What is the total amount of land owned by the State Housing Commission in the vicinity of Moore's sand pit area in Bentley?
- (2) Now that this sand pit has been re-contoured and made ready for subdivision, is it proposed to proceed with the construction of homes on the adjacent State Housing Commission land?

- (3) If so, how many houses is it proposed will be built in this area by the State Housing Commission?

Mr. ROSS HUTCHINSON replied:

- (1) It is estimated that the land owned by the commission will yield 124 lots after resubdivision.
- (2) Yes; after resubdivision, development and necessary land exchanges to give effect to both the State Housing Commission and adjacent private subdivisions have been completed. These land exchanges have been agreed to, in principle, by both parties.
- (3) Depending on the level of values of the lots resulting from resubdivision, it may be advisable for the commission to assist individual applicants to erect houses on these lots.

### ROWING SHELLS

#### *Buoyancy Tanks*

15. Mr. FLETCHER asked the Minister for Works:

- (1) Has he knowledge of any international standard that could be contravened if rowing shells were fitted with extra inbuilt, or inflatable, buoyancy tanks?
- (2) If not, will he suggest to rowing clubs the substance of the suggestion in No. (1) as a precaution to ensure the buoyancy of such craft, to an extent that it will support all crew members when swamped?

#### *Inflatable Life Jackets*

- (3) As an alternative, or added precaution, will he suggest that crew members wear around the body inflatable life jackets, which can be raised high on the torso of crew members when the craft swamps?
- (4) Will he legislate to such ends if necessary?

Mr. WILD replied:

- (1) No.
- (2) to (4) The Rowing Association has recently convened a special committee of experts to investigate safety precautions for crews of racing shells.

It is considered that this is a domestic matter which could best be left to the association to make its own rules for the protection of crew members consistent with their racing standard conditions.

### RAILWAY BUSES: PERTH-NORTHAM RUN

#### *Number Required*

16. Mr. HAWKE asked the Minister for Railways:

- (1) How many road buses would be required on the Perth-Northam run to carry the same number of passengers and luggage as could have been carried by any one of the diesel-electric trains Nos. 81, 82, and 4?

#### *Standard of Comfort*

- (2) Is it claimed the new road buses will provide as much or more comfort for passengers than was provided by the diesels?
- (3) If so, what are the reasons in support of such a claim?

#### *Carriage of Lightweight Goods*

- (4) Did the diesel trains carry substantial quantities of lightweighted goods as well as passengers?
- (5) If so, how will such goods be transported from Perth to Northam and beyond under the new arrangement relating to the use of road buses?

Mr. COURT replied:

- (1) Three buses, if the trains concerned were filled to capacity, which is not the case.
- (2) Yes.
- (3) New buses of modern design have been provided for this service. These have the latest armchair type reclining seats, controlled air circulation, carpeted floors, draped windows, and other special features, including toilet facilities. For relaxation and comfort on a journey that will take 45 minutes less to Northam and 1 hour 40 minutes less to Merredin, they compare more than favourably with a railcar which has remained basically unaltered since first put into service thirteen years ago.
- (4) Yes.
- (5) By a 5-ton panel van.

### QUESTIONS WITHOUT NOTICE

#### V.L.F. PROJECT AT NORTH WEST CAPE

##### *Freight on Cement*

1. Mr. TONKIN: This question, addressed to the Minister for Industrial Development, has reference to the recent difficulties concerning the supply of cement to be used by the contractors constructing the

base at the North West Cape. I desire to ask the Minister whether, in reaching a successful conclusion to his negotiations, it became necessary to cause the State Shipping Service to change its quote for freight; or, in other words, has the arrangement been made at the expense of the State Shipping Service?

Mr. COURT replied:

First of all, I know of no difficulties that have been experienced in connection with the supply of cement to the contractors for the V.L.F. base. I understand that there have been negotiations between the contractors and the cement company, and that a very satisfactory solution has been found. It is true that I had discussions myself with the contractors, and with the Navy, but that was on a whole range of subjects affecting the V.L.F. base, and because of the Government's anxiety to ensure that Western Australian firms were given ample opportunity to tender for goods, services, equipment, etc., to be used on the base. It was not confined to cement. I have not had discussions with the General Manager of the State Shipping Service about freight rates for the V.F.L. base, and if he has made any arrangement with the contractors it is entirely on his own behalf and in accordance with the ordinary dealings of the State Shipping Service.

Mr. Hawke: What about the drivel in the weekend Press about the matter?

Mr. COURT: The *Weekend News* had a statement regarding prices which was later denied, because no direction was given by the Government; and, in fact, the company itself, I think, gave an effective answer to the report in the *Weekend News*. I think that covers all the points raised by the honourable member.

## AVON VALLEY RAILWAY

### *Inspection by Members*

2. Mr. GRAYDEN asked the Minister for Railways:

In view of the rapid progress made on the Avon Valley railway scheme, is it intended to give members an opportunity to inspect the project during the current session?

Mr. COURT replied:

If there is a general desire by members to inspect the work that has been undertaken in the Avon

Valley I will be only too pleased to arrange a visit for those members of both Houses who wish to go. I would, however, recommend that the visit be undertaken not before October because the exceptionally wet winter has made access to the points of greatest interest extremely difficult. I suggest about mid-October would be a suitable time if members would like to go. I should add that I would be only too pleased for the railways to arrange the necessary transport and other facilities and I would also suggest that, based on past experience, unless members leave early in the morning they will not be back by 4 o'clock in the afternoon.

## BILLS (2): INTRODUCTION AND FIRST READING

1. Totalisator Agency Board Betting Act Amendment Bill (No. 2).
2. Physically Handicapped Children's Welfare Trust Bill.

Bills introduced, on motions by Mr. Tonkin (Deputy Leader of the Opposition), and read a first time.

## BILLS (2): THIRD READING

1. Beekeepers Bill.

Bill read a third time, on motion by Mr. Brand (Premier), for Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

2. Occupational Therapists Act Amendment Bill.

Bill read a third time, on motion by Mr. Ross Hutchinson (Minister for Health), and transmitted to the Council.

## FIREARMS AND GUNS ACT AMENDMENT BILL

### *Third Reading*

MR. CRAIG (Toodyay—Minister for Police) [4.38 p.m.]: I move—

That the Bill be now read a third time.

MR. EVANS (Kalgoorlie) [4.39 p.m.]: I realise it is unusual to speak to the third reading of a Bill, but sometimes unusual steps are necessitated by exceptional circumstances. I believe that this Bill is exceptional in one respect, and one respect only—I speak in relation to and in opposition to the third clause in the measure, the one which intends to amend section 18 of the principal Act. The member for Swan indicated last evening that the Opposition was supporting the other provisions of the Bill; and it is not against those provisions that I protest. I am here to express strong opposition to clause 3 of the Bill.

I must mention that I was unfortunately unable to be here last evening when the Bill was considered at the second reading, and Committee stages. But I understand the member for Swan forcefully appealed to the Minister to review clause 3, and at the same time indicated our ready support for the other provisions of the Bill. The clause in question provides for the deletion of the proviso to paragraph (h) of the principal Act. My objection is actually directed to paragraph (b) of clause 3. Section 18 (h) of the principal Act is one that provides and delegates powers to the Governor by which he may approve regulations. The provision states in effect that the Governor may prescribe fees to be taken under this Act provided that the fee for a license to possess a firearm shall not exceed 5s.

My objection is actually two-fold. First of all, I feel it is a very serious trend that Parliament should delegate powers to subordinate bodies to legislate; and this provision is a perfect example. The purpose of clause 3 (b) is to delete the limiting fee of 5s. per single license from the Governor's power to prescribe licensing fees so that he may be able to prescribe any fee whatever at any particular time in the future. In this regard Parliament has retained some control as to what the prescribed fee shall be. It is instanced in the Act.

But we are asked to agree to the taking out of the limitation fee of 5s., so that some other figure can be introduced by someone else at some future time. This is a dangerous tendency to which we should not agree without protest. In the Minister's second reading speech we were told that it is proposed to levy a new fee of 10s. to apply to a person who has a single license, or to a person who has more licenses than one. But we are only told that by the Minister. The Bill does not clearly indicate what the fee is likely to be.

I do not cast any reflection on the integrity of the Minister. I do make the point, however, that government should be by legislation as a result of action by this Parliament, not by regulation as a result of the action of some subordinate body. I hasten to add that I cast no reflection whatever on the Governor in this respect: I merely stress that this is a dangerous tendency. I agree that at times there is need for it, but I can see no need for it whatever in this instance. I certainly cannot see any need for it expressed by the Minister in his second reading speech.

My second objection is that I feel this is a most objectionable method of tacking a clause on to a Bill which otherwise contains provisions which have met with the approval and ready support of this side of the House. The other provisions in the Bill are such as to be approved by any reasonable thinking person. We

are, however, presented with a Bill, nine-tenths of which is readily acceptable, but in the remainder of which we find one small objectionable provision, with its meaning hidden behind the words, "by deleting the proviso to paragraph (h)". This is nothing more or less than a tax provision in disguise; it is a revenue-raising provision in disguise; and I think it is a most objectionable one.

On the 20th August, 1963, the member for Balcatta asked the Minister for Police the total number of firearm licenses in the State. The question asked was—

How many persons are holders of licenses entitling them to possess firearms?

The Minister replied that there were 83,600 licenses. I note with some surprise, however, that when the Minister was speaking at the second reading stage he mentioned there were two types of firearm licenses—the original and the renewable, the latter being a complete rewrite of the original, and falling due in January of each year. The Minister added that there are approximately 75,000 such licenses. There appears to be some disparity between that figure and the 83,600 given by the Minister in answer to the question by the member for Balcatta.

Be that as it may, I asked a question here yesterday afternoon, without notice; and the Minister was good enough to answer it. I asked him how many of all the total licenses for firearms and guns in current issue had been issued in respect of one firearm per single licensee. The Minister replied that the figure was approximately 44,000. It must be realised that these 44,000 licenses are in respect of one firearm owned by one licensee; and if what the Minister says is correct—that the intended prescribed fee is to be 10s. for one license, or for many licenses—44,000 people who are the present holders of one license will be taxed exactly 5s. each.

The revenue which will be derived from that is not inconsiderable. Assuming those figures are correct, the revenue will amount to £11,000. If that does not constitute a taxing measure, I have yet to learn what one is; and I had better go and see Mr. Holt. In respect of these people to whom I have referred—and there seem to be 44,000 who have one license at present—this increase will mean that in a few short years the licensing rate for a firearm will have been increased not 500 per cent. but 1,000 per cent.

This will have the effect of victimising people who live in the remote areas. I refer particularly to the prospector; the wood-cutter; the men who work for the Vermin Board; and the men who—together with their families at times—rely on one rifle for fresh meat. These men will be victimised by having to pay for

something from which they will not derive any particular or material benefit.

In that regard I will read something the Minister said when introducing the Bill—

With approximately 75,000 such licenses it will be appreciated that there is a great deal of paper work involved in writing a complete renewal form each year at the various police stations, and it is further noted that many mistakes are made in copying these renewals . . .

Let me interpolate here that it does not appear seemly to me to move to increase the license fee to provide for one license or many licenses. That is *non sequitur*—it does not follow.

Let us cast our minds back to the old form of driver's license in respect of one or many vehicles. When it was first issued, this necessitated certain writing. However, when it was renewed all that was required was a small sticker placed inside the license; and that was as effective and permanent a record as, I understand, the Minister is hoping to achieve in respect of firearm licenses, so that these licenses will not be audited and have to go through the cash registers. I am not objecting to that, but I cannot see the necessity for the Minister to say that these licenses must be increased because there cannot be two separate forms. We were able to have a hard-backed license for a motor vehicle, and a person could be licensed to drive one or more vehicles. Different forms were not required at the time of renewal—just a small sticker. Could we not have something similar?

I cannot see the necessity for the increase. I say it is a taxing measure in disguise. I return to the fact that the persons who are the holders of one license will, in future years, be called upon to pay 1,000 per cent. increase in their license fee; and this must affect those who use firearms in the outback and who often have to live off the rifle—and, in some cases, so do their wives and children. These people are being victimised; and we in this Chamber, which is one of the responsible sovereign Houses of Parliament, should be looking for an impetus so that we can encourage men who settle in the outback. We should be looking for legislation that will give them a shot in the arm. All this is going to do is give them a shot in the pants.

I intend to oppose the Bill for the simple reason that I cannot give effect to my protest in any other way. I am not opposed to the earlier provisions in the measure, but I am opposed to this one to the limit. Therefore, I intend to vote against the third reading and call for a division on the vote. I oppose the third reading of this Bill.

**MR. CRAIG** (Toodyay—Minister for Police) [5.3 p.m.]: Mr. Speaker, I think the member for Kalgoorlie is opposed to this measure! I am sorry he was not here last evening, because the points raised by him were also referred to by the member for Swan. To the best of my ability I explained to the member for Swan the reason why these proposals are contained in this Bill. Nevertheless, I must now apparently repeat myself for the information of the member for Kalgoorlie.

Might I say there is no intention of victimising those people in the outback, referred to by the honourable member, who are so dependent upon the rifle for a livelihood and for food. That is not the intention at all. Neither is it a taxing measure. Without going into every detail, the main reason for the increase is that the fee of 5s. has been in existence for over 30 years; and 5s. was considered a reasonable figure back in 1930. Surely in these times, 10s.—

Mr. Evans: Not for a single firearm. A few years ago it was 1s.

Mr. CRAIG: I am quoting the position in the Act of 1931.

Mr. Bovell: You are thinking of the daisy air rifle.

Mr. Evans: No.

Mr. CRAIG: The honourable member said there is an opportunity here to increase the license fee still further. I say that does not apply, because there is no question at all of increasing the existing 10s. license fee for more than one firearm. It still remains at 10s.; but in the interests of uniformity and accounting it is a much simpler arrangement if there is a flat license rate for firearms instead of a number of rates. The reference to the form which I made in my second reading speech was merely an explanation of what is intended so far as procedure is concerned in the police headquarters.

There is one thing that comes to my mind that I did not mention last evening. I should imagine quite a lot of people would possibly have preferred a license fee of £5, because if that were the case it might stop many people rushing in and buying firearms just to try to shoot around the place. If a lad buys a firearm, he will want to express himself, or have an opportunity of shooting at something. Where can he go? We know the laws today so far as indiscriminate shooting is concerned; so he must go to the country to private property, or on a farm, or somewhere like that. After a while he loses interest; and what then happens to the firearm? It is left lying around. Therefore, if a higher fee were applicable to the licensing of firearms it might act as a deterrent against some people buying them.

Mr. Tonkin: I am surprised at your speaking that way after what your Government did with regard to firearms in the country—letting people have them without licenses.

Mr. CRAIG: I do not follow the honourable member.

Mr. Tonkin: You voted for it.

Mr. CRAIG: I do not follow the honourable member. I say there is no victimisation in this move, and I do not think it is inflicting any hardship whatsoever.

Question put and passed.

Bill read a third time and transmitted to the Council.

## OFFENDERS PROBATION AND PAROLE BILL

### Third Reading

Bill read a third time, on motion by Mr. Ross Hutchinson (Chief Secretary), and transmitted to the Council.

## APPOINTMENT OF A PARLIAMENTARY COMMISSIONER

### Introduction of Legislation: Motion

MR. TONKIN (Melville—Deputy Leader of the Opposition) [5.8 p.m.]: I move—

In the opinion of this House the appointment of a Parliamentary Commissioner (Ombudsman) is highly desirable and it is recommended to the Government that the necessary legislation be introduced this session so that the provision may be made.

This motion can be no more than an expression of an opinion; but it is hoped that if I can get this expression of opinion from the House, it will subsequently result in action being taken by the Government. But if the Government does not see fit to take such action, then I have no hesitation in saying that upon a change of Government, if and when it occurs, such action will definitely be taken, because we are, on this side of the House, convinced that something should be done along the lines suggested by the motion, and done as quickly as possible in the interests of the people. I hope I will be able to submit a sufficiently strong case to ensure the support of a majority of the members of this House.

Over the last 20 or 30 years the scope of governmental and local administration has very greatly widened. Legislatures have taken up a great variety of subjects for regulation; and these developments have, in various countries, brought to the fore the question of the adequacy of citizens' guarantees against mistake, against negligence, or direct abuse of power by public authorities; and also of the adequacy of legal remedies which now exist.

It is true that some grievances which people experience are quite unsuited to our courts, or they go beyond the jurisdiction of our courts, and many people can suffer at the hands of officials without being able to point to any infraction of any Statute or regulation. I have been able to obtain some illustrations which I propose to read to indicate the extent to which individuals may suffer and may be left to suffer unless there is some person or organisation to which they can turn for assistance.

There was an informative article in the *Daily News* of the 5th April this year. The heading was, "Democracy Finally Beats Bureaucracy"; and the article was written by Douglas Wilkie. I quote—

In one of the most blistering judgments ever delivered, the Victorian Supreme Court has upheld the citizen's right to what lawyers call "natural justice", and what most Australians would call a "fair go."

And it has sided with those of us who believe that democracy must find new tribunals to guard it from the corruptions of bureaucracy.

Mr. Justice Smith was ordering the Victorian Board of Land and Works to hear, and quickly determine the claim by 79-year-old widow Mrs. Jane Mudge for compensation for improvements to a Mallee farm, paid for with her own and her dead husband's money, before the board compulsorily acquired the land back in 1950.

Reviewing Mrs. Mudge's 12-year fight for a hearing, Mr. Justice Smith found that officials of the board, and, by implications, the Lands Department had first sought refuge from Mrs. Mudge's claim . . .

And here I quote from the judge's remarks—

... "in a succession of reasons that were mistaken in fact or in law."

They had then refused to answer correspondence . . .

Here again I quote from the judge's remarks—

... "in order to defend their conduct from examination."

Finally, the board had not complied with an order made in the Supreme Court in 1959 that it give Mrs. Mudge a hearing.

In language stripped of legal niceties, officialdom was convicted of being stubborn, ill-mannered and callous. It had abused the truth, evaded the law, and shown itself contemptuous of natural justice.

There is a saga to be found here, in which the trumpets call across 15 centuries of battle for British freedom.

The splendid Anglo-Saxon name of Mudge, redolent of tenacity drawn from the good earth through the soles of the feet, wins Norman justice from a Smith of Smiths.

But there is a less reassuring side to this saga.

How many other Australians are suffering, in greater or lesser degree than Mrs. Mudge, from a denial of natural justice by an increasingly powerful and impersonal bureaucracy, entrenched above the law, or at least far above the heads of ordinary citizens?

How many will go on suffering, either because they lack Mrs. Mudge's tenacity or cannot afford the legal costs of justice?

Or because they find themselves up against a welter of bureaucratic buck-passing, prevarication, and evasion even more formidable than that which beset Mrs. Mudge?

There are no such victims, according to a statement last July by (of all people) the Victorian Lands Minister Turnbull. His quaint argument was that "I've had only one abusive letter in the past seven years."

At the time, Turnbull was chorusing Premier Bolte, Chief Secretary Rylah and other Victorian Ministers in their refusal to consider the creation of some readily accessible appeal tribunal, to guard against abuses of bureaucracy.

Mr. Justice Smith thinks differently.

He said that the martyrdom of Mrs. Mudge provided "a striking illustration of the need for legislation, such as was enacted in England in 1958, giving the right of appeal against the decision of administrative tribunals, as an addition to the inadequate legal remedies for abuse or error that now exist."

A further illustration can be found in the *Sunday Telegraph*, a New South Wales newspaper, under the heading of "You Can't Win" Says Despairing Sheep Farmer." The following is the story of this particular case:—

This is yet another chapter in the story of a small grazier's struggle against bureaucracy.

It's the story of Mervyn Mansfield, a "Mountain Man" grazier who lives several miles from Adaminaby at the end of a track which winds towards the range separating his homestead from Lake Eucumbene. Mervyn Mansfield's people have lived on the mountains for more than 90 years—they were there before the roads.

His troubles were born in 1956 when he added to his modest property by buying 2,000 acres, known as The Gulf, now just below the Tantangara Dam wall.

He bought the land, reassured by pledges that anyone whose property was interfered with would be compensated.

So he wasn't worried when the SMA locked off the Murrumbidgee at Lake Tantangara, removing his natural river boundary.

His stock crossed the riverbed into a trackless wilderness, and a muster, as could only be expected, counted short.

The SMA refused to accept liability, and bureaucracy stepped in.

The Government told him he would have to fight every legal inch of a test case. This he cannot afford.

Alan Reid told of Mr. Mansfield's plight in the *Daily Telegraph* on July 8.

The following week the Lands Department trod on Mr. Mansfield again. It gave him notice that it would resume his 2,200 acres below Tantangara.

Then on Wednesday, a taste of honey, when the SMA made him an *ex gratia*, without prejudice, payment of £1,250 for his sheep.

But Lands Minister Compton the next day reaffirmed the decision to resume.

Mr. Mansfield yesterday told Alan Reid: "You can't win . . ."

Mr. Mansfield's livelihood is being crushed out of existence between the giant grindstones of the Snowy Mountains Authority and the N.S.W. Lands Department.

He has good reason to despair.

This week he received news that the Minister for Lands (Mr. Compton) had declared he was not prepared to review the decision to resume Mr. Mansfield's Snowy Mountains property.

Nevertheless, Mr. Mansfield invited Mr. Compton to make a personal inspection—"with a quiet horse guaranteed"—of the inaccessible perpendicular mountain country which Mr. Compton's advisers think will provide Mr. Mansfield with a "substantial home maintenance unit" in the years to come.

Mr. Mansfield extended his invitation after he had studied Mr. Compton's statement made about the resumption of the Gulf, his 2,200-acre property.

"Mr. Compton's advisers must live in a different country from the one I live in," said Mr. Mansfield.

"On what he has said so far the only way in which he'll ever be able to disentangle the facts from the fiction being served up to him is if he comes up here and has a look for himself.

"I'm sorry I won't be able to take him by car over what his advisers call this substantial home maintenance unit, because you couldn't get a wheeled vehicle into the country.

"But I'll guarantee a quiet horse."

Possibly unaware that it has such a feeling, the bureaucracy in Australia has an anti-grazier complex which manifests itself with a dangerous consistency.

Tell them that a man has 3,000 sheep and they seem to classify him immediately as a wealthy squatter.

They seem incapable of realising a man can have 3,000 sheep, can find in their handling a rewarding way of life which adds significantly to the nation's export income, and yet himself has not much more than a bare living.

The erosion experts are possibly the worst offenders.

Mostly dedicated men, they seem to have a completely wrong understanding of their basic function.

They behave often as though their mission in life is to drive stock off as much land as they can, whereas their task should be to instruct the landowner on how to use the land in such a fashion that running stock on it, not only does not damage it, but improves it.

This bureaucratic anti-grazier complex comes through Mr. Compton's statement, which as he has no personal knowledge of Mr. Mansfield and his plight, was presumably prepared for him by his departmental advisers.

Mr. Mansfield owns 3,000 sheep, so according to Mr. Compton's statement he is not "a battler," but a man of considerable substance.

"I'm willing to give Mr. Compton access to all my records, including my bank book," said Mr. Mansfield.

"At the moment, I'm in the red at my bank for £300.

"I paid no income tax last year.

"By the time my expenses in running the place were deducted my taxable income was nil.

"When the SMA resumed my country which is now under the waters of Lake Eucumbene, I asked the SMA to resume my homestead block which was not a living area.

"It'll run about 400 sheep.

"But the SMA said no, because I had a living, taking into account The Gulf, which Mr. Compton is now resuming to add to the 1,250,000 acres already in the Kosciuszko Park Trust.

"Members of the Trust like Mr. Seiffert say this is already too much area for the Trust to handle.

"I run about 400 sheep on the homestead block now and about 1,400 on The Gulf.

"The rest of my sheep are out on two big rough leases that I rent, one from the SMA and the other from the Lands Department.

"These leases can be taken from me at the drop of a hat, though one nominally has another 12 years to run.

"They're dear, and rated as being capable of carrying 1,400 sheep, but no self-respecting stockman would put more than 1,000 on them.

"Even now with 3,000 sheep—all but 300 are dry sheep—I get a living, and not much else.

"If those fellows in Sydney claim that I'll have a living area left when The Gulf goes they must think I'm a crow, not a man."

The Lands Department knew prior to October 8, 1962, that it intended to take away Mr. Mansfield's livelihood, as it advised the Trust of the proposed resumptions on this date.

Yet, though it must have known it was taking away a man's livelihood, it did not bother to tell him until July 8, 1963.

And this was only incidentally mentioned in reply to a letter.

Now it can be seen from the illustrations I have quoted that in Australia today there exists this bureaucracy which imposes upon the individual a very great hardship from which it is very difficult for him to extricate himself. It would seem that here, as in other countries, there is a real need to do something to provide an authority to which a person who is in such difficulty can turn with some hope of redress. The question arises: What should be done?

I do not think there would be anyone in this Chamber who would stand for the kind of treatment that has been explained in those two newspaper articles; but we would have different ideas as to what ought to be done to effect a remedy. It is obvious we cannot leave things as they are because it just goes on, and many people suffer in silence. It is only the odd one who shows the tenacity that Mrs. Mudge showed who kept on to the department for a period of 12 years. Most people would have given up long before that.

Action has already been taken in some countries, but in others it still is only a question for academic discussion, mostly by professors of law and by lawyers at the bar. That is going on in Australia today and in the United States and Great Britain. I have seen journals which are published by law societies and in which frequent reference is made to the need for some tribunal or authority to which an aggrieved person can turn. But, as yet, very little has been done outside the Scandinavian countries, with one exception; and that is New Zealand, to which I will come a little later.

The first country to take any action in this direction was one which has always been foremost in social legislation; where the people seem to be wonderfully enlightened and are usually the first with some innovation. I refer to Sweden. Sweden has had a parliamentary commissioner or, as they call him, an ombudsman, for over 150 years. Their commissioner was appointed in 1809; and one wonders how the rest of the world could be so far behind. Next to follow their lead, as could be expected, was a country close at hand; and I refer to Finland, which appointed a parliamentary commissioner in 1919, to be followed later on by Denmark in 1953; and in 1962 Norway followed the other Scandinavian countries, and also New Zealand.

The way in which the idea got to New Zealand is an interesting story. In 1959, under the aegis of the United Nations, a seminar was held at Kandy, and the then Minister for Justice in New Zealand—it was a Labor Government at the time—attended this seminar with his under-secretary. The Minister was so impressed with the paper which was delivered by Professor Hurwitz, who was the Danish Ombudsman, that he immediately set inquiries in train for the purpose of establishing a parliamentary commissioner in New Zealand.

I am pleased to say that the incoming Government saw the merit in the proposition, and in 1962 the necessary legislation was put through in that country and a parliamentary commissioner is now functioning there; and I have with me his first report, some excerpts from which I shall read a little later.

Members might ask: What is the principal function of a parliamentary commissioner; what does he do? Obviously his primary job is to inquire into complaints. He has to be set up so that people who do not know which way to turn, and people who are weighed down by a grievance, can go to him and say, "This is troubling me; I have not had a fair deal." He starts from there and looks into the problem for them and advises them accordingly. So his principal function is to inquire into complaints from members of the public.

He can also, on his own initiative, start inquiring. If he feels there is something which ought to be remedied, he does not have to wait for a complaint from the general public; he can start, on his own initiative, inquiries for the purpose—

Mr. A. W. Manning: Is he not excluded from inquiring into certain types of cases?

Mr. TONKIN: I cannot give a general answer to that question, because the conditions under which parliamentary commissioners are appointed in different countries vary from country to country. The position is not the same in Denmark as it is in Sweden, or as it is in Finland, or, again as it is in New Zealand. Basically the primary purpose is the same and the jurisdiction is somewhat similar in extent, but there are variations to suit particular conditions. For example, in Sweden the ombudsman does not inquire into the activities of Ministers, because there is a special provision in other legislation to cover that aspect. But in Denmark the parliamentary commissioner does inquire into the administration of Ministers. So one has to know the particular circumstances obtaining in order to determine the type of inquiry which is to be authorised.

The commissioner is expected to keep himself informed as to whether any person in his jurisdiction pursues unlawful ends or takes arbitrary or unreasonable decisions or otherwise commits mistakes or acts of negligence in the discharge of his or her duties.

It is very necessary that the parliamentary commissioner shall have wide powers; otherwise it would be a waste of time and money appointing him. If he is to be set up to do a job, he must be clothed with the authority to do it properly so as to get results. Therefore, on receipt of a complaint, or on his own initiative, he can examine any activity performed in the service of the State which comes within his defined jurisdiction; and, of course, that would be defined by the Act of Parliament which establishes him. He can inspect any office, and he can demand information and the production of documents and records. If he finds that a Minister or a former Minister should be called to account for his conduct, he submits a recommendation to Parliament.

If other persons have committed criminal offences, he may instruct prosecuting authorities to proceed, and he may institute disciplinary action in connection with misdemeanours which he uncovers. He is not entirely punitive; he should also exercise a guiding influence in administration. If he discovers erroneous conditions, it is his responsibility to suggest how they can be corrected, and also to suggest a revision of general procedure so as to avoid

a repetition of the errors which have already been made. In some cases he is free to recommend legal aid to persons in order that action may be taken and justice obtained.

Mr. Brand: What sort of a salary will a man like this get?

Mr. TONKIN: I will come to that shortly and will tell the Premier what it costs in New Zealand and other places—and it is not the tremendous sum that the Premier envisages. Anyhow, we give thousands away in certain directions, so we need not be worried about £10,000 or so.

In order to show that Ministers do err and that they should be pulled up, I am going to quote from the United Nations paper which was delivered by Professor Hurwitz at this seminar in Kandy in May, 1959. I obtained this paper through the kindly offices of the United Nations Organisation in Perth. The document, at page 4, says this—and this is a statement that was made by the ombudsman himself, the Danish Ombudsman, Professor Hurwitz, who was describing to the people assembled just how he operated in his office in Denmark. This is what he said—

As examples may be mentioned two cases concerning practices, several years old, of the Ministry of Justice in special questions of family law. In both cases the practices were based on doubtful interpretations of legal provisions, and in both cases the High Court, and on appeal the Supreme Court, disallowed the Ministry's practices.

The Danish Ombudsman, upon complaint, brought these two Ministers to book. He reported the matter to Parliament, and then Parliament took action. There were appeals against the decision to the High Court and to the Supreme Court, and the final judgment was that the action of the Ministry of Justice was an incorrect action; in other words, the persons who complained had a genuine grievance. It is a fair assumption that if there had been no parliamentary commissioner or ombudsman in Denmark those grievances would have gone unredressed.

The parliamentary commissioner is not to have any authority to change administrative decisions, and the Administration is not bound to follow the commissioner's decisions. But in those cases where the Administration refuses to follow the commissioner's decisions, he has recourse to Parliament, and he can report the matters to Parliament so that Parliament is then in a position to take the necessary action, if it thinks fit.

According to this paper, however, the experience of the Danish Parliamentary Commissioner was that the Administrations were ready to comply. When it was pointed out to them that they were in

error and their judgments were harsh or incorrect, they were quite ready to comply, and to redress the grievance.

In addition to control of this nature, the commissioner has authority to notify Parliament and the Minister concerned of cases where, in his opinion, defects are revealed in existing Acts or regulations. So we have an expert who, because of the complaints which are coming before him, is able to detect the weaknesses in legislation which, normally, would go unrecognised or undetected, and therefore uncorrected.

The commissioner may propose measures to improve administration, and, according to the Danish Ombudsman, good results in this direction have already been achieved.

Of course, he requires to be a legally qualified person, and he wants to be well qualified and experienced in order to do his job satisfactorily. He must have an easy contact with Parliament, and in Denmark this is facilitated by means of a specially appointed parliamentary committee through which the parliamentary commissioner reports. The committee invites him to attend its meetings so that he can explain to the members of the committee the difficulties which are arising. He can make his suggestions, and the members of that committee can then take them to Parliament.

There is a very interesting table in this paper which gives figures to indicate whether or not there is real value in this office. I quote from page 10—

Until recently there has been some increase in the number of cases from year to year. In 1955 (April-December) the Commissioner received 565 complaints, 315 of which were taken up for regular investigation. In 1956 the corresponding figures were 869 and 438, and in 1957, 1,029 and 384. In 1958 there were 1,101 cases of which about 300 have been taken up for detailed investigation.

The result of the investigations is that in most cases there is no basis for criticism either of the civil servants or of the service branch. This does not mean that these complaints have always been unreasonable. As the administration often indicates no reason for its decisions, and as the complainant may have an incomplete knowledge of the facts of the case or be unable to appreciate the facts, he does not understand a decision which maybe he finds unreasonable or unjust. By giving the complainant an explanation it has often been possible for the Commissioner to set his mind at rest.

In about 10 per cent. of the investigated cases, the Commissioner has found it necessary to make criticism or to put forward recommendations of one kind or another to the authority

concerned. This may be thought a rather small percentage of the total number of cases investigated, but in appreciating the commissioner's work it should be realised that it is not only the number of such cases that is significant, but also, and perhaps mostly, the preventive effect of his office on the administration, and through that, an increased confidence in the soundness of the administration and its decisions.

The complaints received cover the whole field of civil and military administration. The greatest part concerns the ministries (especially the Ministries of Justice and of Finance), the local State authorities, the prison authorities and the police. Before the passing of the Bill some members of Parliament expressed fear that the new institution would victimise the minor civil servant who used his common sense and perhaps failed to follow the rules and regulations in every detail.

In my opinion these fears have proved to be unfounded. Certainly, the Commissioner receives complaints against minor civil servants, but this is only a small part of the total number of complaints. The majority of these are not directed against the individual civil servant, be he of higher or lower grade, but against institutions and, as mentioned above, especially, against the Ministries.

The commissioner pointed out that his office was not a rallying ground for quarrelsome individuals, but represented an opportunity provided for the people, and indeed was some place to turn to in order that one might feel that a proper and unbiased investigation was being carried out to solve the problems of the people. In his paper the commissioner laid great emphasis on the fact that the knowledge that he was there to make inquiry was very useful as a preventative because persons who might be inclined to use their authority harshly would think twice before doing so. So the causes for complaints would be reduced as well as the number of complaints which, necessarily, must be expected to follow.

One important part of the whole set-up is the friendliness of the Press and the fact that the newspapers in Denmark gave prominence to the decisions of the commissioner and frequently commented upon them and, by their doing so, the people generally were apprised of the activities of the office and could further appreciate the benefits which were flowing from the expenditure. I cannot imagine that if the office had not justified itself it would have continued in Sweden for 150 years; and I cannot imagine, either, that after all that

example, the countries of Finland, Norway, and Denmark would have followed suit if it had not been any good.

Mr. Bovell: The Commonwealth Government does not seem to be impressed.

Mr. TONKIN: We will see. It might have to be. I have noticed that the Liberal Party carried a resolution recently asking the Commonwealth Government to do something. So I will remind the Minister of that when I come to it.

Mr. Guthrie: You said the ombudsman had to be legally qualified. By that, do you mean he has to be a lawyer?

Mr. TONKIN: Yes; I consider he has to be a lawyer.

Mr. Guthrie: The New Zealand Act does not provide for it. Is the New Zealand Ombudsman a lawyer?

Mr. W. A. Manning: No; he has a legal adviser.

Mr. Guthrie: Yes; I notice he has a legal adviser. If I held office for three years you boys would kick me out.

Mr. TONKIN: I cannot find that information at the moment; but I fancy he is a lawyer. In addition to those countries which have already taken action, many countries all over the world are now considering taking similar action. Let us start with Great Britain, our own kith and kin. I have here a page taken from *The Times Weekly Review* dated Thursday, the 2nd May, 1963, on which the following article appears:—

Should Britain Have An Ombudsman?

By Geoffrey Marshall, Fellow of Queen's College, Oxford.

In various fits of absence of mind British governments have provided Parliament with its few primitive pieces of machinery for getting information about the working or misworking of administration. The Tribunals of Inquiry (Evidence) Act, 1921, is one such instrument. Some good may yet emerge from the unhappy Vassall case if Parliament is able to persuade the Government to enter into a genuine argument about the whole machinery for investigating alleged maladministration.

The perfunctoriness with which the Government recently rejected the conclusions of the unofficial inquiry conducted by Justice into the Scandinavian *ombudsman* procedure was disappointing. Both Houses were simply offered a short statement repeating the familiar dogmatic misrepresentation that the work of such an official as that suggested is incompatible with the responsibility of Ministers to Parliament in a cabinet system on the British model. The unsoundness of this view is at present being demonstrated in a cabinet system precisely on the British model—namely, New

Zealand, where an office for the investigation of grievances against the administration was set up in October, 1962, under Sir Guy Powles—the first Commonwealth ombudsman. Ministerial responsibility may imply that Ministers must monopolize decision-making: it does not follow that they must monopolize all inquiry into decision-making.

Inquiry by an ombudsman or parliamentary commissioner might have been preferable in the Vassall affair to the procedure of the 1921 Act.

This article then goes on to say that something should be done to remedy the existing system. I now quote an excerpt from this same article—

And it is occasionally worth reminding ourselves that the rules of evidence, whatever their merits in the criminal and civil processes, do not necessarily represent the pinnacle of perfection among systematic methods of arriving at truth.

I say "Hear, hear" to that. When grievances are submitted we want a vehicle by which we can arrive at the truth and ensure that justice is done. The mere appearance of this article and its reference to an inquiry being carried out by justice shows that there are people in England considering the advisability of following in their own country the Scandinavian experiment.

Now let us turn to the United States of America—another democracy. I will quote from the *Christian Science Monitor*. Unfortunately, I do not know the date when this article was published in that journal. It reads—

An Ombudsman for the U.S.?

By Ralph Nader.

Will the Ombudsman take root in America? It wasn't many months ago when the proposition that this Scandinavian public guardian against government maladministration could be adapted to American soil was mostly a subject for discussion by law professors. Now, the idea of an office, both on federal and state levels, to handle citizen complaints against administrative abuse and inefficiency is receiving support.

In February, Congressman Henry S. Reuss of Wisconsin proposed in the House of Representatives that serious thought be given to establishing a congressional Ombudsman. In support, he read into the Congressional Record several pages of elaboration. The belief is that just as the General Accounting Office searches for misuses of federal expenditures, so the Ombudsman (which means "representative" in Swedish) will look into deficiencies in the administration of federal laws.

Also, significantly, the American Bar Association is sponsoring in Congress legislation to create an independent office of federal administrative practice which, among other functions, would "receive complaints regarding matters of practice and procedure and make investigations or recommendations as deemed appropriate."

Many countries are deliberating the advisability of a public "check" on government action. The highly successful Scandinavian experience with the Ombudsman has brought much attention to this institution. First established in Sweden (1809) and followed by Finland (1919) and Denmark (1954), the Ombudsman inspired the creation last year of similar offices in Norway and New Zealand. A proposed parliamentary commissioner, similar in function, has been advocated in England's House of Commons. A number of prominent English political and legal figures favor adoption of the office.

According to the Swedish Ombudsman, former High Justice, Alfred Bexelius, and the Danish Ombudsman, Prof. Stefan Hurwitz, inquiries and visitors are coming from all over the world, particularly from the newly independent countries in Asia. Last summer a United Nations Seminar on remedies against the abuse of administrative authority met for two weeks in Stockholm attended by representatives from 26 countries. Close scrutiny was given to the Ombudsman institution and its relevance to other nations.

Many legal scholars in the United States think the Ombudsman's potentialities would be greatest at the state level. If the experience in Scandinavia is pertinent, one Ombudsman with a few assistants could handle adequately the job in most states. For example, Sweden's Ombudsman, with jurisdiction over local as well as national officials, has nine legal assistants. In 1961, with this staff, he received 983 complaints and initiated 97 matters himself in a country of seven and one-half million.

The first state Ombudsman bill, and it was called just that, is now before the Connecticut General Assembly. Introduced by Assistant House Majority Leader, Nicholas B. Eddy, its stated purpose is to authorize an Ombudsman to investigate, either on complaint or on his own motion, decisions, acts and other matters of the civil administration. He is to see that no public servant pursues unlawful ends or takes unreasonable, arbitrary or negligent action in the discharge of his official duties.

The article continues in support of the idea, and towards the conclusion of it, this appears—

Many people can suffer at the hands of officials without being able to point to the infraction of any statute or regulation.

But the fundamental justification of the Ombudsman's work is to strengthen the people's confidence in their government by helping to make sure that they receive the best possible public service.

Coming back to our own country, I will now quote from the *Sydney Morning Herald* of the 9th August, 1963. This was part of a subleader, and it reads as follows:—

#### Ombudsman To The Rescue.

In May, at the U.N. seminar in Canberra on the role of the police in the protection of human rights, two New Zealand delegates expressed the view that the appointment of an Ombudsman in their country had been worthwhile. Both said that the value of the Ombudsman was more psychological than practical. Perhaps so; but the first report to Parliament by the holder of the office, Sir Guy Powles, suggests that the practical benefits of having an official "grievance man" are by no means negligible. These appear from the interesting statistics he has provided.

In his first six months in office, he investigated 117 complaints and found 26 of them (22.2 per cent.) justified—a "rather high" proportion indeed. Of these, 13 were rectified by the department or organisation concerned after he had made preliminary inquiries. One may fairly deduce, therefore, that—as in the case of Denmark—the Ombudsman's judgment commands respect.

New Zealand's experience seems likely to swell the chorus (not a very big chorus, admittedly) of Australian voices demanding the appointment of similar officials in this country. There is a need for persons aggrieved by the sometimes inadequately explained decisions of bureaucracy to cry on somebody's shoulder.

I now refer to an article which appeared in *The Bulletin* of the 24th August, 1963. It is as follows:—

#### An Ombudsman

Lessons from New Zealand  
From Richard Hall in Sydney

Anyone who has watched the blind and stubborn obstinacy of a Minister's defence of his department has a right to be sceptical about the prospects for the success of any appeal against administrative injustice through airing a grievance in Parliament.

It is against this sort of background that there are moves for a study by lawyers in both Victoria and New South Wales for an investigation into the whole question of administrative justice. In Victoria a committee has already been established and in Sydney a committee within the N.S.W. branch of the Australian Section of the International Commission of Jurists is in the process of formation.

Basic material for both committees is provided in the second report of the New Zealand Ombudsman, Sir Guy Powles, now becoming available in Australia, after being tabled in the New Zealand Parliament recently.

I do not propose to read the rest of this article, because it refers to details of the particulars in the cases I have mentioned. The article concludes—

What might come of the tentative Australian investigations is a long-range guess, and legal reforms are generally the most tardy of all, but at least some questions will be at last asked about the operation of administrative justice in Australia.

To deal with the point raised by the Minister for Lands by interjection earlier this evening I make my final quotation, from the Melbourne *Sun* of the 1st August, 1963—

#### At the State L.C.P. Conference Narrow Win in Call for Ombudsman

In a close vote, the State Council of the Liberal and Country Party decided yesterday to ask the Federal and State Governments to appoint an "ombudsman."

The resolution, moved by Mr. A. J. Missen (Kew North branch), called for the appointment "of an ombudsman or public officer empowered to investigate and take action to protect the individual against arbitrary and unfair use of the bureaucratic powers of government."

Voting on a count of hands was 111 for and 105 against.

Two State Ministers—Mr. Meagher (Transport) and Mr. Bloomfield (Education)—opposed the move.

Mr. Missen said that the ombudsman originated in the Scandinavian countries and one was recently appointed in New Zealand.

He said that if an ombudsman were appointed now it would ensure that the individual would get justice in the event of another Government coming into power.

Of course, I would not agree with the inference made. However, that was Mr. Missen's point of view.

Mr. Bovell: That does not make it obligatory on the Victorian Government to appoint an ombudsman.

Mr. TONKIN: No; but I think it will be difficult for the Liberal and Country Party Government to sidestep the proposal by the State council of that party to take action.

Mr. Lewis: They must have thought it necessary for action to be taken when there was a change of Government.

Mr. TONKIN: They were anticipating there was likely to be a change of Government, and I hope that their anticipation will be realised. The article continues—

It would increase the faith of the people that they were getting good government, the knowledge that an ombudsman existed would keep Government officials alert, and it would mean a great saving in human distress.

Mr. H. M. Hamilton (McKinnon) said that most civil servants, particularly at the senior levels, were aware of their responsibilities.

But some junior civil servants had not heard of the word "civil."

Mr. Meagher said that the resolution, if carried, would amount to a vote of no confidence in the Parliamentary system.

#### "Adequate Power"

Ombudsmen had been introduced in countries far more socialistic than Australia, which already had adequate power to control the bureaucrat.

The proposal amounted to setting up a superior bureaucrat, superior even to members of Parliament.

Mr. Bloomfield said that it would be intolerable if Ministers were subject to the type of inquiry which would result from appointment of an ombudsman.

He said that the appointment would not be of only one man.

It would involve setting up a large public office system of permanently appointed people with powers superior to those of the people who were now controlling public departments on behalf of the people, he said.

Despite that type of argument, the conference carried a resolution to request an ombudsman to be appointed.

Earlier the Premier asked what would be the cost to set up such an institution. I read somewhere that the New Zealand office cost £9,000 a year to set up. A similar office in Western Australia would not have to be as large as the New Zealand office, because the population of our State is smaller. As the population grows, so will our revenue grow, and we will be able to cope with a far larger expenditure. We would have to appoint a first-class officer and pay him a good salary, so as to make it worth his while to take on this job, which is one of very great responsibility. I would be one to support a

proposal to make the job attractive from that point of view, because to just set up the office and appoint a mediocrity to be in charge would defeat the purpose for which the office was being established. The holder of the office would require to be an outstanding man, with plenty of experience, and plenty of moral courage and strength, in order that he could obtain from the people that confidence which would be so necessary for the successful discharge of his duties.

Mr. Lewis: Would the £9,000 cover the cost of all the staff?

Mr. TONKIN: I understand that to be so.

Mr. Bovell: The ombudsman under that set-up does not receive very much.

Mr. TONKIN: The office of the New Zealand Ombudsman, operating on a budget of only £9,000 a year, received 334 complaints in its first six months of existence.

Mr. Guthrie: That is also mentioned in the report you have in your hands.

Mr. TONKIN: Even if the cost were double that amount, it would be justified. Such an office having been established in Sweden 150 years ago, I cannot believe that country would continue to spend money on it for all that time, if it had not justified itself in every respect. It would have been perfectly easy to discontinue that office if it had been a failure; instead it was continued. Very tardily other countries have followed suit with, of course, variations as to jurisdiction. Now the big democracies are starting to take notice.

I am as certain as I stand here that, whether we appoint an ombudsman next year or the year after, there will be an ombudsman in Western Australia some time in the future—I have not the slightest doubt about that—and there will be ombudsmen in the other States as well. With the New Zealand experience developing under our very eyes, and with the indications that it has already proved to be successful, what else can be expected? Public opinion will force us to follow suit. We want only a few more cases like that concerning Mrs. Mudge, and there will not be much dilatoriness in connection with the appointment of an ombudsman.

If we can ensure that people who are not getting a fair deal and not receiving natural justice will get justice, we should strive to achieve that objective. That requires some authority like the one I am referring to. It has to be accepted that Ministers who are busy men, will back up the officers in their departments. They have not the time themselves to go carefully into all the matters that crop up, and they accept in good faith what they are told. They feel there is a responsibility on them to defend the officers of their departments, and that is the general attitude.

Cases are not unknown where officers have been badly at fault. It is only by having some superior authority, who can probe and determine whether the right thing is being done, that the position can be rectified. The case of Mrs. Mudge is a dreadful one. That case dragged on for a period exceeding ten years, when this poor widow fought for justice and faced nothing but obstruction, and finally met with a refusal to answer her correspondence, so that the official could take refuge behind it. It is dreadful when we think the judge finally felt obliged to make the scathing remarks which he did make about the occurrence. Surely some step should be taken as a safeguard against a repetition of such a case.

Mr. Guthrie: You appreciate that under the New Zealand set-up the ombudsman probably would be debarred from investigating the case of Mrs. Mudge.

Mr. TONKIN: I do. I hope that if we establish a similar office in Western Australia it will not be under the same restriction. This proposal needs careful thought by persons who are prepared to take a broad view of the situation, and are not scared stiff like the two Victorian Ministers, who feared that someone would be appointed to investigate what they were doing. We have to realise the possibility—I go further and say in some instances the probability—that each year cases will arise where some people receive a pretty rough deal. Our legal procedures which exist at present are inadequate to meet such a situation, and it is desirable for something to be done to remedy that inadequacy. The setting up of an office similar to the New Zealand one, appears to be the answer.

Apparently in Great Britain the Government is groping for some other method, and I read quite a lot about the need for such a position in that country. Most countries agree there is a real need to take some action, but there is considerable divergence of opinion as to what ought to be done. Some countries do not like the idea of a parliamentary commissioner, because they think he will be subservient to Parliament and will have to be backed up by Parliament. The fact that he will be backed up by Parliament gives him tremendous strength in connection with what he has to do in the course of his duties.

We should not delay in this matter. I hope the Government will see merit in the proposition, and take the necessary steps to do something about setting up such an office as quickly as possible, in order that our people shall have the advantage of this institution which, in my view, has proven its worthiness in every place where it has been established.

It would do members good to read Professor Hurwitz's paper which he delivered to the United Nations; to peruse the report of the New Zealand ombudsman; and to examine the Bills relating to this matter. I have the New Zealand Act and the explanatory notes which were issued when the Bill was before Parliament. This is not a proposition which comes only from Labor parties. People of all political colour have expressed the desirability for taking such a step.

Debate adjourned, on motion by Mr. Court (Minister for Industrial Development).

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

## WORKERS' COMPENSATION ACT

*Amending Legislation: Motion*

MR. W. HEGNEY (Mt. Hawthorn) [7.32 p.m.]: I move—

That in the opinion of this House the Government should introduce during the present session of Parliament appropriate and necessary amendments to the Workers' Compensation Act including, among others, the following:—

- (1) Removal of limit on hospital and medical expenses.
- (2) Insurance cover to be provided for workers travelling to and from place of residence and place of employment.
- (3) Substantial increases in compensation and other payments referred to in the Act (including schedules).
- (4) The provision of more reasonable treatment for incapacitated workers in certain circumstances.

Members will immediately realise that the terms of this motion are not new to the Chamber. I regret that circumstances have compelled me, as a representative in Parliament, to focus attention on the urgent need for comprehensive amendments to this very important industrial legislation.

I moved a similar motion some few years ago—I have moved it since and make no apologies for moving it again—and I recollect that two or three years ago the Minister of the Government gave an assurance that legislation would be introduced. This is the fifth year the Government has been in office; and although numerous types of legislation have been introduced, no substantial amendments have been effected to this legislation. Therefore I feel impelled again to draw the attention of the Government to the necessity for doing something. The pre-

sent Minister for Transport may recall that when he was a private member he fell into a trap.

Mr. Craig: Oh no!

Mr. W. HEGNEY: He was given an assurance that legislation would be introduced; and he was the mover of an amendment to the effect that "this House views with satisfaction the assurance of the Government that legislation will be introduced at an early date." He has been a member of the Cabinet for quite a considerable time now and apparently he has not been successful in inducing the Minister for Labour and other members of the Cabinet to do something in this regard. I would like to point out that the matters referred to in this motion were the subject of legislation during the term of the Labor Government on more than one occasion. As a matter of fact, speaking from memory, on four or five occasions one of the matters listed here was the subject of a Bill which passed this Chamber but was defeated in another place.

For the purpose of clarification I propose to deal as expeditiously and as clearly as I can with the items listed in the motion; and then to briefly point out other matters which should receive the attention of the Government without any delay.

In regard to item No. (1), which deals with the removal of the limit on hospital and medical expenses, I feel I would be safe in saying that most members of Parliament have been approached by injured workers and have had to point out to those workers that the limit on hospital and medical expenses had been exceeded. Consequently, the injured workers were legally liable for the excess over the amount mentioned in the Act.

The State of Victoria is a classic example of where reasonable medical and hospital expenses are provided for. This also applies to New South Wales; and I think that, in addition, in Tasmania, £1,000 is provided for medical and hospital expenses. Under the Western Australian Act, in round figures, £300 is provided. I feel this should be pointed out: I do not know whether it will interest the Minister for the North-West or not, but it should on a personal ministerial basis as, with the possible increase in the number of workers in the north-west, it is reasonable to assume, unfortunately, that the number of industrial accidents will tend to increase.

Often, as a result of these accidents, it is necessary for an injured worker to be flown from far-flung places in the north to the metropolis for specialised treatment. Of course, the transport in the aeroplane, nursing services, attention, and so forth, will all be debited against the injured worker. I say that, without any further delay, that position should be

altered and reasonable medical and hospital expenses should be provided for the injured worker; and if there is any difference or any dispute as to what would be reasonable medical and hospital expenses—and I use those terms in their widest sense—it should be a matter between the employer and the particular doctor or hospital. The worker should not be liable in any way whatsoever. I make that point very clear.

As a point of interest, this provision was included on more than one occasion in amending legislation when we were the Government, and that legislation was defeated on the same number of occasions by the Legislative Council. As a matter of fact, at one time we introduced a provision that whilst there would be a specific amount for medical and hospital expenses, the Workers' Compensation Board—a statutory body set up under the Act—should be allowed to use its discretion, and where necessary and where deemed expedient, give something over and above the amount specified in the Act. But that legislation was defeated in the other place. I say it is very necessary that this injustice be removed and the item I have listed in the motion agreed to by the Government.

I will not deal extensively with insurance cover for workers travelling to and from work, because members know the importance of it. They possibly know some of the arguments—real or alleged—against the provision. Suffice to say this provision operates in at least three of the other States, and has operated for some considerable time. As far as I am aware, there has been no violent opposition by insurers in the States concerned.

Without going into the detail that should apply, I would say, in passing, that this would include provision of insurance cover for apprentices travelling from their home to their place of employment, and from their place of employment to technical school and return, when such travel is necessitated in the course of their receiving proper apprenticeship training under instruction. That provision has been introduced by Labor Governments in the form of Bills quite a number of times; and, as I said earlier, it has been rejected in another place.

The payments under the Act—lump sum payments, weekly payments, allowances for children, and funeral and medical expenses—should be substantially increased. As a matter of fact, I would say that the present maximum of £3,000 in the first schedule and £2,400 in the second schedule should be increased to at least £5,000. The other rates under the Act should be increased proportionately. I refer to dependent children. At the present time, with the basic wage adjustments, the amount is £90 for children under 16 years

of age. That amount should be raised to either £150 or £200, and the weekly payments should be increased.

A tradesman now receives approximately £15 per week; his margin is about £5, and quite a number of them receive something over award rates of pay for skill, efficiency, and so forth. Therefore, while actively engaged at work they would receive £24 or £25 per week. However, if they are unfortunate enough to have an accident and be incapacitated the total maximum payment under the Act of this State with the basic wage adjustment is approximately £14 8s. While injured, these people have their commitments to meet just as they did while they were working. They have to pay off their homes, they have to maintain their children, and they have to maintain their homes, as well as pay rates and taxes and meet all the ordinary everyday obligations.

I say there should be some improvement in the maximum payment, with the proviso that any payment should not exceed a worker's average weekly earnings. The payment for dependent wives should be increased, as well as the other allowances. I am not going to refer in detail to all the payments in the first schedule, but all payments in the various parts of the Act should be increased proportionately.

Referring to the second schedule, I propose to read a few of the injuries and the actual amount which is payable in respect of those injuries. At the present time, for the total loss of the sight of both eyes, a worker is entitled to £2,400. I think I have mentioned before that that is less than one year's salary and allowances received by a member of Parliament. The worker who loses the sight of both eyes could be a man between 21 or 25 years of age. He could lose his sight permanently and receive an amount of £2,400. There is another one: the total loss of the sight of an only eye. The compensation is the same as if a man were totally blind as the result of an injury. For loss of hands the compensation is £2,400. I will not read any more. Those members who are interested can see the injuries which are listed and the amounts which are payable.

All those payments should be increased substantially. While on the matter of schedules, I should like to refer to the third schedule, which relates to compensation for industrial diseases. I do not know whether the Minister has done anything or proposes to do anything in this connection, but I think some provision should be made for an inclusion in the third schedule of items such as occupational deafness, which would be incurred during employment in an occupation where the worker is or was exposed to excessive noise. This would include a disease, incapacity, or malady commonly known as boilermaker's deafness. Due to the nature of this type of work I would say that practically 100

per cent. of those workers engaged in boilermaking have their hearing impaired to a greater or lesser extent; and numbers of them have to use hearing aids. They are at a disadvantage on the social side of life as a result of their occupation.

Other items I refer to are the effects of X-rays and radiological substances or other ionizing radiation; poisoning by chemical substances; and chronic bronchitis in the mining industry. I do not propose to deal extensively with the matter of industrial diseases incurred by miners. I will leave that subject to the members for Eyre and Boulder, or to any other members who have miners in their electorates. Something should be done in that direction, and I hope the Minister will take some cognisance of my remarks.

I have dealt extensively with incapacitated workers on occasions, and I propose to speak briefly on the subject now. Under the provisions of the Act an incapacitated worker is entitled to only 66½ per cent. of the difference between his post-injury earnings and his pre-injury earnings. When that is worked out it can easily be seen that it operates unjustly for the worker who might be seriously incapacitated. We consider that the 66½ per cent. provision should be removed and an injured worker should receive the difference between his post-injury earnings and his pre-injury earnings.

There is another provision in connection with those workers who are incapacitated as a result of an injury. The worker may be obliged to be examined by two doctors, and both doctors could declare him fit for light work. That is all right so far as it goes. A man might be a fitter, a carpenter, a plasterer, or a shearer. He is declared fit for light work, and the insurance company acting on behalf of the man's employer says, "You have been declared fit for light work; the doctors can do no more, and you are going to get no more compensation." That is very unjust. A man might be offered clerical employment, but he might not be suited to clerical employment, and yet he is cut off from receiving compensation. That is very unjust.

It is considered that the Act should be amended to provide that where a worker is declared fit for light work, and there is no question of his being fitted for light work, then until suitable work is obtained for him he should continue to receive compensation, because it is not his fault that he was injured in the course of his employment. I hope the Minister will give some consideration to that particular matter.

Under the present Act the provision is that the worker must be injured by accident before he is entitled to compensation. In other States, notably New South Wales and Victoria, a worker can receive compensation if it can be shown that his disability is of gradual onset or if he is

suffering from a disease. The definition of "disease" is mentioned; it is only a brief definition. The words "by accident" are cut out of the New South Wales Act. In that Act "disease" includes any physical or mental ailment, disorder, defect, or morbid condition, whether of sudden or gradual development; and also includes the aggravation, acceleration, or recurrence of any pre-existing disease as aforesaid, if it can be shown that a worker has contracted a disease and such disability was incurred arising out of or during the course of his employment. It is considered that the Act in this State should be widened to provide for that definition.

I propose to touch briefly on a few matters which I regard as being of great importance, in view of a recent decision of the High Court regarding a particular case. The case concerns a widow who tried to obtain compensation under the provisions of the Workers' Compensation Act. I do not propose to read the wording of suggested amendments. I refer, firstly to taxi drivers. There are a number of taxi drivers in the city of Perth. Some people think they are independent workers or independent agents. Actually, they are in the relationship of man and servant. They are working under a contract of service. They are really wages men, and we consider they should be provided for and that provision for their insurance coverage should be made in a suitable amendment.

The same applies to other workers. I am leading up to a timber worker's case, which is of very great importance. There has been a tendency in late years for certain builders to let out certain work as piece work, task work, or on contract. Whether we use the term "contract" or "piece work", it applies to bricklayers, plasterers, and carpenters. To all intents and purposes these particular workers provide only their labour. A carpenter would supply his tools; but substantially they are workers within the meaning of the Workers' Compensation Act, I should say. But there is very grave doubt as to whether they would be entitled to compensation, because it might be argued that they were not workers but independent contractors.

The Minister could arrange for a particular provision, if he feels so disposed, to be included in an amendment to the Act. Recently a case was heard in the High Court. It is becoming known as the Marshall case. A man named Marshall was engaged by Whittakers timber company to supply certain timber for the company. He was known as a contract faller. He had his own log-hauling truck, power saw, and gear, and he also hired a swamper to help him. He was recognised as an expert faller and timber worker.

Whittakers had a permit from the Forests Department to cut die-back trees in and around Serpentine, to cart them

to the company's mill and to cut them into timber. The company entered into a verbal contract with Marshall to fall marked trees and transport them to the company's mill. He was to be paid at the rate of £3 per load "hoppus" measurement; and he was required to conform to the conditions of the permit laid down by the Forests Department, but otherwise no control was exercised over him by the company.

Marshall's total earnings in the 12 months prior to his death were £4,238, out of which he had paid the sum of £1,380 for running expenses and maintenance of his truck and gear, leaving him a balance of £2,850, from which he still had to pay his swamper.

Apparently, when Marshall was killed by a falling limb, his widow sought compensation, and it was refused. The case was referred to the Workers' Compensation Board, which unanimously gave a verdict in favour of the widow. The matter went to the Supreme Court of Western Australia, where there was a unanimous decision against the widow. The matter was then taken to the High Court and, with one judge dissenting, the widow lost the case.

One might say that this man was an independent contractor; but the Workers' Compensation Board held unanimously that he was not. As a layman, I am of the opinion that the Workers' Compensation Board was on sound ground. This goes back to 1923, when a provision was placed in the Act which specifically dealt with the timber industry. With your permission, Mr. Speaker, I would like to read the provision. The Act was amended in 1923, and the amendment was to section 5 of the Act. It says that the term "worker" includes—

any person working in connection with the felling, hewing, hauling, carriage, sawing, or milling of timber or firewood, or both for another person who is engaged in the timber industry or firewood industry, or both, for the purpose of such other person's trade or business under a contract for service, the remuneration of the person so working being, in substance, a return for manual labour bestowed by him upon the work in which he is so engaged.

The matter came before Parliament in 1923, when Sir James Mitchell was Premier. I propose to read an extract from the speech of the late Sir James Mitchell when he introduced amendments to cover the particular type of worker that Marshall was. Sir James Mitchell was speaking during the second reading stage, on the 18th January, 1923. The House must have

been sitting in the summer of that year. He was dealing with amendments to the Workers' Compensation Act, and he said—

It is proposed to bring two sets of people within the scope of the Workers' Compensation Act, the person working in connection with the felling, hauling, carriage, sawing or milling of timber for another person who is engaged in the timber industry, and the person employed at group settlements. Regarding the former, it is necessary to amend the Act, . . . Sometime back a timber hewer was killed and a claim for compensation was lodged. The claim was resisted.

The case was taken to the High Court, and was lost. The then Premier, in introducing the amendment, sought to protect such workers in the timber industry or in the firewood industry.

The late Sir Hal Colebatch—he was then Mr. Colebatch—had this to say in the Legislative Council on the 30th January, 1923. He was then Minister for Education. He was referring to amendments to the Workers' Compensation Act to protect timber men. He said—

By paragraph (b) it is intended to remove any doubt between contracts of service and contracts for service to be rendered. The amendment, however, is limited to the timber industry. It will be remembered that it was in the timber industry that this particular case arose.

The principal Act does not apply to the relation of employer and contractor as distinguished from that of master and servant.

Further on he says—

The object of paragraph (b) is to remove this distinction of contracts of service or contracts for service, where persons are employed in the timber industry, and the remuneration is in substance a return for manual labour bestowed by the employee on the work on which he is engaged.

He then goes on to read the proposed amendment which I have just read out. Mr. Colebatch further said—

This is a proper amendment. It is in accordance with the spirit and intentions of the Act. It was never intended that a person, merely by letting his work out as piecework—

or contract I suppose—

should be able to protect himself against his obligation under the Workers' Compensation Act. It must be agreed that it is desirable not only in the interests of the worker, but of the general community that all workers should be protected in this way.

He then went on to say—

I do think it is contrary to public policy that any employer should be able, by letting his own work out on piecework, simply to save himself from possibly a small amount for insurance, to allow a person to become injured and have no redress whatever. An employer lets out piecework because it is more advantageous to him. But the mere fact that he finds it advantageous, should not relieve him of his obligations to his employees. The effect of the clause will be that the question of liability will not depend upon the question of how far the employee is overlooked and directed in his work: if he is engaged by an employer in the timber industry under contract of service and paid for manual labour bestowed on the work he will be deemed a worker.

As a result, the provision that I read from the Workers' Compensation Act was introduced by the then Premier for the specific purpose of protecting workers in the timber industry, many of whom were and still are pieceworkers.

The worker I mentioned—Marshall—was performing manual work. He was working all the time in the course of obtaining timber for Whittakers, and it was thought that his widow would be able successfully to contest a claim under the provisions of the Act. At the time, Sir James Mitchell said the provision was confined to the timber industry because it was felt that industry was a dangerous occupation and that all workers in it should be protected, whether or not they were regarded as pieceworkers. I think the Minister might agree to an appropriate amendment to tidy up that section and ensure that, if there are any further casualties, the dependants of those workers will be protected.

We believe there are a few other items in the Act which need clarification. The Act provides that the dependent children of an injured worker shall receive an allowance, but that does not apply to ex-nuptial children. I think that point should be given consideration.

There is another item we believe should be given further thought, and that concerns cases where a couple are living as man and wife, on a domestic basis, and the man sustains an injury at work. If people like that have been living together for a period of years they have contracted certain obligations, and where the worker suffers an injury he should be regarded as having dependants.

I was going to make reference to what used to be section 16. That section, which was repealed in 1960, referred to principals, contractors, and subcontractors being liable

in cases of injury to a worker. It is considered that the section should be restored to its proper place in the Act.

There is one other matter the Minister might consider and that is the question of costs incurred when cases are taken before the Workers' Compensation Board. We do not think the board should order costs against a worker unless it is satisfied the application is frivolous, dishonest, or fraudulent.

I do not intend to make any reference, except in passing, to the question of industrial diseases in the mining industry. I know that the member for Eyre, the member for Kalgoorlie, and possibly other members representing mining constituencies would like to contribute something in that direction. I feel my purpose would be served if I merely made reference to the fact that there is grave discontent among miners over the administration, or over the amendment to the Act which was effected a couple of years ago regarding payments to incapacitated workers due to their contracting silicosis or pneumoconiosis. I am sure the members to whom I have referred will deal with those aspects of the motion when they speak to it.

In conclusion, let me say I know that when a similar motion was before the House last year, the Minister, in speaking to the debate, impressed on the House that workers' compensation legislation was very complex. I think he told us about a half a dozen times that it was complex legislation. But of the provisions I have mentioned very few are complex or complicated in any way. I think they are straightforward; and if the Government has the will to do something about it, the question of its being complex legislation is of secondary consideration.

The Minister did say he was against the motion last year because next session—that is the present session—he intended to introduce legislation quite early so that the Workers' Compensation Act could be amended. The Government has had 4½ years—this is its fifth session—to do something about the Act. A number of other Bills have been introduced, but this one has been left in abeyance, which shows a great disregard by members of the Government for the interests of the working people of this State who may be injured in the course of their employment. It shows they are uninterested in the welfare of the industrial workers of Western Australia.

I would like to know from the Minister, firstly, whether he proposes to introduce a Bill this session, because he gave an assurance on more than one occasion; and, secondly, if so, when it is likely to be introduced. I ask that because I have a recollection of introducing Bills to amend the Workers' Compensation Act comparatively early in a session, and members

of the present Government, who were then adorning this side of the Chamber, had various excuses for not agreeing to them. Our Bills were very often emasculated or mutilated in another place; and if a measure was introduced a little late in the session the excuse was that Bills of this nature, which are so important, should be introduced much earlier because their introduction at a later stage does not give members an opportunity to consider them. Consequently they were put aside because members said they were not going to deal with legislation hastily, which was just another excuse for their defeat.

Therefore I would like to know from the Minister, firstly, whether he is going to introduce legislation; and, if so, when. I was about to say that I had a lot of pleasure in moving this motion, but that is not really so because I am sorry that the present circumstances necessitate my having to move it.

Debate adjourned, on motion by Mr. Wild (Minister for Labour).

### BILLS (3): RECEIPT AND FIRST READING

1. Foreign Judgments (Reciprocal Enforcement) Bill.
2. Dog Act Amendment Bill.
3. Legal Practitioners Act Amendment Bill.

Bills received from the Council; and, on motions by Mr. Court (Minister for Industrial Development), read a first time.

### ELECTRICITY AND GAS SUPPLIES

#### *Uniformity of Charges: Motion*

MR. HALL (Albany) [8.14 p.m.]: I move—

That in the opinion of this House, the Government should investigate fully the rates charged respectively in the metropolitan area and country districts by the State Electricity Commission for electricity and gas supplies, with a view to ascertaining whether and in what manner, a greater degree of uniformity, or complete uniformity of charges can be achieved.

My aim in moving this motion is to endeavour to get some uniformity in electricity charges throughout the State, and to bring the charges for country areas as near as possible to the same level as those obtaining in the metropolitan area. I would like it to be clearly understood that I do not wish to impose any extra charges upon metropolitan consumers. My aim is to try to keep the *status quo* in the metropolitan area, but to bring the decentralised areas into some degree of uniformity with the metropolitan area in regard to charges.

There are many good reasons for this. As all members, know decentralisation is linked particularly with electricity charges; and one could elaborate, quite enthusiastically, upon that point. If the present position is allowed to continue one could understand the feelings of the users of domestic power in the decentralised areas on the south-west scheme as compared with those in the metropolitan area. I mention that because, as we go through the machinery of reading out the rates, we will find that the whole basis of the argument is centred in the domestic supply. We do come to the point of the industrial atmosphere where the charges are more or less equal, particularly as they get further into the high production bracket.

Another point I would like to make is that the bigger industries are being attracted to the metropolitan area because of the lucrative conditions which have been offered by both present and previous Governments. Those Governments have offered industries from overseas and from other States very attractive conditions to establish themselves in more densely populated areas. No-one would doubt the practicability of such a move for one moment, particularly when one compares this with the decentralised areas.

But if we are to tackle the problem enthusiastically we must provide similar facilities and conditions for our decentralised areas; we must give the same concessions on the higher production of electricity, and reduce the cost to the people who are prepared to establish themselves in the decentralised areas.

I would now like to strike a new note on uniformity. If we have a careful look, and draw the necessary comparisons, we will find that our postal charges are uniform throughout Australia. If uniformity can be attained in connection with our postal charges, I see no reason why similar uniformity cannot be achieved in our electricity charges in the country area and the metropolitan area.

There will, of course, be certain difficulties, and I do not say they will be overcome in five minutes. That is the reason why I did not press for a Select Committee to be appointed. I felt there was little sense in doing that until we had given the commission time to have a look at the possibility of reducing the country charges, and bringing them into line with those in the metropolitan area.

There is another point which is worth considering. We all know that our newspapers circulate throughout Western Australia at the same price, the only difference being the air freight charges which are added to the cost of distribution. A further point I wish to make is that the people in the decentralised areas, and the metropolitan area—and I make no discrimination here—all subscribe to the loan of the State Electricity Commission

when it goes to the public. If we were able to get an itemised statement from the State Electricity Commission we would find we were getting very lucrative investments from our country and primary areas. Accordingly, I would say that on a quota basis, these areas have the right to seek uniformity of charges throughout Western Australia.

We must also look at the other side of the picture. We all know that the primary producers who today are coming on to the contributory scheme, are laying out considerable sums of money to have power connected to their premises. I know of one case where a man has laid out £700 for this purpose. Other people have laid out £200 or £300 to have their farms connected to the State Electricity Commission power scheme on a contributory basis. When we consider the assets that emanate from the primary producers and the stabilising effect they have on the metropolitan area and the State generally, there is undoubtedly a case for giving these people uniformity in their electricity charges. Of course, we cannot all live on farms, nor can we all live in the city; but we should strive to provide some sort of equality between the country areas and the metropolitan area. Perhaps uniformity might be a better word for what I am trying to get at.

During the years there has been a considerable drift from the country areas to the metropolitan area. As I continue I hope to verify, by means of some figures that I will give, what is taking place, to the ultimate detriment of the country areas. This might not be quite as applicable to the larger and more established towns of Bunbury, Albany, and Kalgoorlie, but it is very evident in the smaller towns where we are unable to keep our youth fully occupied, or to stabilise our industries. That, however, might be possible if the rates in the country areas were similar to those charged in the metropolitan area. If it were at all possible to reduce the price of electricity we would see such towns as Katanning and Narrogin branching out into industrial development which would, of course, be for the betterment of the State.

It has been suggested that Bunbury is enjoying the establishment of industries in that area with the result that more men are being employed. In this connection I would like to refer to a statement by Sir Ross McLarty on the 19th October, 1950. On page 1344 of *Hansard* for the year 1950 we find the following:—

A site has been selected on the west side of Leschenault Estuary, approximately one mile north of the town of Bunbury, on which the next power station is to be erected. The foundations are now being tested by boring, and an early commencement will be made on the design of the first section

of this power station. Provision will be made for the ultimate development on this site of a power station with a capacity three or four times that of South Fremantle "A" and "B" stations combined, but of course this will only be constructed progressively as the demand on the system grows.

The station at Bunbury will supply electricity both for the South-West system and to the metropolitan area and will ultimately be linked by mains running directly north through Waroona and Pinjarra to Perth, and by a ring main connecting through Collie, Narrogin, Brookton, Pingelly, York and Northam to Perth.

My point in referring to that is that an insinuation has been made, in correspondence I have sighted, that Bunbury is enjoying this tremendous privilege. Might I say that the power house was established at Bunbury for distribution of electricity by the most economical means possible. If Bunbury is that close, I believe it should enjoy the privileges of cheap electricity. I see no reason why it should be shovelled off because it is getting a few men employed in the area, and that be given as a justification for its having to pay a higher price than that in the metropolitan area.

To blow that argument to pieces I would go further and say that if the manager of the State Electricity Commission makes reference to the fact that Bunbury is enjoying an upsurge of employment by the establishment of this power house, then I could justly put the case of Albany and other centres. We have lost at least two power houses from our area as a result of the State Electricity Commission taking over the supplies from Albany. It would naturally follow that we would lose a certain number of men. We have also lost industries: in fact, we have not gained at all.

All we have obtained is an assured supply of electricity from the State Electricity Commission. This, however, is a very vulnerable supply. On many occasions we have had blackouts, which we put down to teething troubles after the early commencement of the scheme. This supply to Albany is completely exposed to the whims of storms, particularly when we consider the long transmission line from Bunbury. When the power house is established at Muja and Collie we will find that we are still exposed, even though we hope we will get cheaper electricity by the establishment of that power house. Here I have a plan which was tabled, showing where the metropolitan area starts, and also giving the country areas. This would take us from the transmission line going through the Great Southern, past Kojonup, indicating how vast is the expansion of the line and how vulnerable the supply will be.

I would aim for the establishment of a ring main system as soon as possible, because a town of that size and potential in industrial development must have an assured and continuous supply of electricity at the right price. I say that because that will be the deciding factor in establishing industries in the decentralised areas I represent. I hope other country towns will also enjoy the privileges of decentralisation of industry, which must take place if we are to expand.

At this stage I must pay some tribute to my old enemy, Bunbury. The member for Bunbury did at least assist my cause by asking certain questions, thus preventing the necessity for my having to do so. I am sure the Clerks of the House were glad of that. I would like to read the questions asked by the member for Bunbury of the Minister for Electricity. The questions and answers are as follows:—

Mr. WILLIAMS asked the Minister for Electricity:

- (1) What was the price paid per unit by the metropolitan power scheme for electricity purchased from the south-west power scheme during the year 1962-1963?
- (2) What was the price paid per unit by the south-west power scheme for electricity purchased from the metropolitan power scheme during the year 1962-1963?
- (3) Will he supply the total monthly charges, not the per unit rate, levied by the S.E.C. against consumers for the use of electricity in the quantities listed under—
  - (a) south-west power scheme;
  - (b) various applicable metropolitan schedules: Quantities used by householders for light and power—

23 units per month;  
100 units per month;  
400 units per month;  
700 units per month.

The Minister replied—

- (1) 1.910d. per unit.
- (2) 1.443d. per unit.
- (3) (a) —

units per month	£	s.	d.
23 ....	13	5	
100 ....	1	14	7
400 ....	5	15	10
700 ....	9	17	1

(b) —

23 ....	6	4	
100 ....	1	7	0
400 ....	5	8	0
700 ....	9	9	0

That brings me back to the point that as we get nearer to the higher range bracket in the country areas it is necessary to completely revise the domestic rate, and get an assurance from the Minister and the Government that the same lucrative conditions will be offered to the big industries when they come forward, as they will. We must assure them of a continuous supply at a uniform rate.

The two commodities essential for the establishment of industry are an assured water supply and an assured supply of electricity at the right price. It is most unlikely that we could hope to compete with centralised industry, because the electricity cost is much lower there.

Another thing we must remember is the freight involved. The metropolitan area has it all over the country areas once again, because the freight must be loaded on to the price of the commodity. It would not be so bad if this imposition on those in the country were restricted to the legitimate freight costs; but it is the mythical freights which are added to the legitimate freights which should be abolished.

I believe we can tackle the problem. It is not beyond our capacity to get down to the fundamentals. On the 20th April this year, an article appeared in the *Albany Advertiser* headed, "The Growth Problems for Country Towns." It is a report which more or less appertains to the industrial seminar called by the Minister for Industrial Development with the idea of developing industrial thought and interest so that people would be able to overcome the difficulties of centralisation of industry. Portion of the article reads as follows—

Seven major problems facing country towns seeking industrial develop-

	1933	1947	1954	1961
Metropolitan ....	207,440	272,586	348,647	420,133
Other Urban ....	44,805	51,810	105,418	125,734
Rural ....	183,409	175,195	183,439	187,745
	228,314	227,005	288,857	313,479
Percentage :				
Metropolitan ....	47%	54%	54%	57%
Other Urban ....	10%	10%	16%	17%
Rural ....	42%	35%	29%	25%

If this drift of population is allowed to continue we must find ourselves in difficult circumstances. We must arrest the drift to the metropolitan area and stabilise the industry and domestic life in country areas, otherwise we will find ourselves in dire straits eventually.

Other problems will be faced if this drift is allowed to continue. Eventually we will find that supplies of water in the metropolitan area will become very scarce. There will be an abundance of electricity coming

ment were listed at the first of a series of seminars on decentralisation of industry last week. . . . .

Mr. Ridgway said the seven problems were—

Water and the cost of water.

Power costs and the need for the development of S.E.C. supplies.

Freight charges and the need for standardising country fuel prices with those of the cities.

Improved housing conditions.

Improved medical and dental services.

Improved educational facilities and school bus services.

Improved cultural and sporting facilities.

One could go on elaborating for evermore on what is actually required to bring about the decentralisation of industry. I made reference to the drift to the metropolitan area. I would like to mention here, so that members will be sure of the position, that the information given in figures I am about to read is based upon the divisions of population, these being (a) metropolitan; (b) other urban; (c) rural; and (d) migratory. It is expedient to dispense with the migratory figures which were of the moving population at the time of the census. Another point to be remembered when considering these figures is that the 1933 and 1947 "Other Urban" figures do not include country towns which were not separately incorporated. The 1954 and 1961 figures do include these towns. The table is as follows:—

into the city and also reserve stocks, but there is a limit to what we can do and how far we can go.

On this subject I asked a question as to whether any plan had been made for a second city in Western Australia. The reply was "No". I say that is a shocking state of affairs. To think that we have no foresight and no vision to plan for the future! Here we are today trying to establish people in the outer areas, so we must give them the same amenities as

are enjoyed by the people in the metropolitan area.

The following is an extract from the annual report for the year ended the 30th June, 1962, of the Electricity Trust of South Australia:—

Legislation providing for subsidized electricity supplies in country areas has drawn attention to the question of cheap power for country areas. This is a matter which has always been treated as important by the Trust.

The cost of providing power, per consumer, in the country is, of course, much higher than in closely built-up city areas. In many cases a mile of transmission line must be constructed to supply one country consumer, whereas in city streets there will normally be more than 100 consumers per mile of street mains. It must also be borne in mind that with the type of agriculture common in much of South Australia the amount of electricity used by many country consumers is very little different from that of city consumers.

That is the point which must be remembered. These plants consume a considerable amount of electricity. Otherwise I would be prepared to say that the State Electricity Commission would never have tackled the contributory scheme because it is out to sell the wares and cares. Electricity is the No. 1 item with which it is concerned. This report continues—

The supply of power to country areas becomes economically feasible because it can be built on to an existing power system constructed to supply an urban load. All major transmission networks in Australia, including that of the Electricity Trust, have radiated outwards from an existing well-developed power system supplying a large city.

In Western Australia we have supplied electricity from the city and also had a feeding system from the South-West and Bunbury stations, and will have one from the Muja power station when it is established on the site of cheap manufactured coal which should provide a cheaper transmission of power. The report continues—

Because of the overall growth of the Trust's electricity undertaking involving the use of larger and more efficient plant; because of the development of the use of Leigh Creek coal and because of close attention to general economy it has been possible to retain the overall level of electricity tariffs in South Australia.

I think we can take a lesson from that report and I hope the Minister will bear it in mind and give it consideration. It has to do with the economy of the commission. This State should establish the single-line transmission with the earth return because it must reduce the actual cost of the transmission of electricity. We are sticking to the traditional method of the double line and wire return, which is much more expensive.

Questions have been asked about any proposed reduction in electricity charges. In this regard I think we should congratulate ourselves because I believe that what has transpired has been as a result of this motion being introduced, and questions raised by the member for Bunbury, to whom I pay tribute in this connection.

According to the Press report, the commission has shown some reluctance to extend the reduction to the country areas. I may be doing the commission an injustice here; because, although I cannot remember which article contained the information, it did include the words "and also the country areas."

Mr. Davies: Is it a real reduction?

Mr. HALL: We do not know; but I am prepared to concede that the suggestion was made only after the motion was introduced, and the series of questions was asked. I think it was as a result of the pressure.

The member for Victoria Park, having seen the correspondence, is well aware that the manager of the commission made no mention or suggestion of a reduction. He submitted the view that Bunbury people were enjoying the benefits from the power house in that work had been provided for the unemployed in that area. If we look at the balance sheet of the commission, we will see that it is within the power of the commission to grant this reduction. For the year 1960-61, the revenue for the metropolitan system was £8,159,191 and the expenditure was £7,803,167. There was no loss, but a profit of £356,024. The revenue for the south-west scheme for the same year was £891,903; and the expenditure, which looks very high, was £1,130,519. The loss on that particular occasion was £238,616.

I would like to remind members that the commission had taken over other undertakings in that particular year, these including the Katanning scheme, which represented a considerable outlay. In addition to that, the commission was continuing with its extensive development programme throughout the south-west, linking up the towns. Therefore it is logical to realise that there would not be any profit

under such circumstances; and that is rightly so when development is in progress.

The revenue for the different schemes over a number of years was as follows:—

	1957-58	1958-59	1959-60	1960-61	1961-62
Revenue—	£	£	£	£	£
Metropolitan System .....	6,680,331	7,040,167	7,502,488	8,159,191	8,319,337
South-West Scheme .....	745,651	787,593	838,842	891,903	939,216
Other Country Undertakings .....	199,698	191,876	229,498	300,019	304,806
Albany Gas Undertaking .....	9,594	9,957	10,908	11,576	11,501

I would point out that in that last year the Albany gas undertaking lost money and I will explain the reason in the next few minutes. The Albany gas undertaking has suffered much humiliation regarding cost to consumers and the comparison between the metropolitan system and the Albany gas undertaking reveals a staggering figure. Under the metropolitan system the first 7,000 units cost 1.55d. per unit. The next 7,000 cost 1.50d. per unit and the next 7,000, 1.40d. per unit. All over 21,000 cost 1.30d. per unit. Comparing the Albany gas undertaking with the metropolitan system the minimum charge in the metropolitan area is 5s., while in Albany it is 10s. At Albany the first 280 units cost 2.10d. per unit, which is higher than the first thousand units in the metropolitan area. The next 1,120 per month cost 1.80d. per unit, and all over 1,400 units per month cost 1.60d. per unit.

Is it any wonder that this undertaking cannot function economically and cannot expand? I would say that as long as there is an attitude that affects the growth of a particular industry—that is, while we have an industry controlled by a body lacking uniformity, it will not endeavour to sell. The Albany gas undertaking has no protection whatsoever, whereas the metropolitan area has full protection against the sale of liquid gas and other types of bottled gas. Albany should enjoy this protection to enable the gas company to become a substantial industry. But it will never do so while the sale of bottled gas is allowed in that particular area. The shortage of mains also restricts the growth of that area as, I would say, it would restrict growth in any city.

The SPEAKER (Mr. Hearman): I do not think the motion has anything to do with gas works.

Mr. HALL: I think it has, Mr. Speaker. It refers to the supply of electricity and gas. A reading of the motion will indicate that mention of gas is clearly made therein.

I will quote from an article which appeared in *The West Australian* on the 4th September, 1963, and which brings out very forcibly the comments by the Deputy Leader of the Opposition about monopolies and takeovers. If this industry is allowed to reach the stage where it becomes run down and cannot compete economically

with liquid gas, we will have a fine comparison with the circumstances mentioned in the article to which I have referred, and which reads as follows:—

#### Overseas Capital and Takeover Bids

A takeover bid with a difference is exercising the minds of many company directors. Who would have thought that a public utility such as an Australian gas company would attract the interest of a great American concern?

Going along steadily for very many years minding its own business and expanding it, the Gas Supply Co. Ltd. has suddenly received an offer from Bitumen and Oil Refineries (Aust.) Ltd., about one-quarter of which is owned by Caltex Oil.

I would point out that it is the B.P. oil company in this State which is competing against the local gas undertaking at Albany, which is a Government utility. If this is allowed to continue we will see the same company moving in, even if it takes over just so that it can sell its own products. The Government's policy seems to be to sell everything. It might be going broke, but that seems to be the tendency: to raise revenue wherever possible.

I have gone to some trouble to compare the tariffs imposed by the other States of Australia. I have the figures from South Australia and Queensland. It is hard to make a comparison because of the different methods of supplying electricity, but nevertheless it is a very wide and comprehensive tariff schedule and it covers some of the points submitted in my schedule.

I would say at this juncture that in trying to establish uniformity throughout the State—or as much uniformity as possible—we should try to arrive at a maximum rate for the power charges, domestic and commercial, in the decentralised areas under the south-west scheme.

Debate adjourned, on motion by Mr. Court (Minister for Industrial Development).

### TOWN PLANNING AND DEVELOPMENT ACT

#### Disallowance of Regulations: Motion

MR. D. G. MAY (Canning) [8.59 p.m.]: I move—

That the regulations made under the Town Planning and Development Act, 1928-1962, as published in the *Government Gazette* of Tuesday, the 6th

August, 1963, and laid upon the Table of the House on the 13th August, 1963, be, and are hereby disallowed.

I would like to make a short dissertation on this motion because it has been discussed at some length in another place. Although the motion discussed there is not as comprehensive as mine, it does more or less deal with the same regulations. They relate to the preparation and administration of town planning schemes by local authorities and revoke the previous regulations of 1930. They also provide for a model scheme text and set out the interpretation to be applied to various aspects of the scheme. When these regulations were laid on the Table of the House several of the shire councils in my electorate—there are three: the South Perth shire, the Gosnells shire, and the Canning shire—contacted the members of Parliament representing their areas and requested that the regulations be disallowed until such time as they could be further investigated.

The reason for this was that, in the opinion of the shires, the final regulations would be very cumbersome and the administration would be very lengthy when compared with the previous scheme and regulations. The shire councils were so concerned that they arranged for the main contents of the regulations to be conveyed to a well-known barrister in Melbourne who specialises in law practice in Melbourne and is a lecturer on local government and law of planning in the University of Melbourne. He is also the general editor of *The Town Planning and Local Government Guide* published and distributed to local authorities throughout Australia.

The contents of our regulations were sent to this barrister with a request for his advice as to whether they would, in actual fact, assist the various shires in the town planning scheme. The reply received is very comprehensive and I do not intend to go into it entirely, because it comprises approximately 17 or 18 sheets of foolscap. But there are certain items I would like to bring to the attention of the House. The Melbourne barrister considers that the disallowance of these regulations should be invoked. On the 15th August, 1963, the member for Beeloo asked the Minister representing the Minister for Local Government the following question:—

- (1) Before gazetting new regulations in respect to Town Planning on the 6th August, 1963, did he or the Department of Town Planning have discussions with local authorities who may have been affected, or the Local Government Association?
- (2) If not, why not?

The Minister replied—

- (1) The regulations which have been under consideration for several years have been discussed with a number of councils and their legal advisers. The only material changes from the 1931 regulations are the introduction of a model text, standard notation and interpretation designed to simplify the local authorities' task in making planning schemes and in their administration.

- (2) Answered by No. (1).

The majority of shires are quite adamant that the particular regulations which have been laid on the Table of the House were not discussed with them and they are very perturbed because, as is known, it is the desire of the shires to work in very close liaison with the Town Planning Board, the Metropolitan Regional Board, and also the Minister.

In these regulations it is provided that during the preparation of any scheme by a town planning authority or a shire council town planning officer, it shall be under examination by the town planning department on three different occasions, and laid on the table of the Minister for his approval four times. It will be necessary for five advertisements to be inserted in the newspaper and for three advertisements to be inserted in the *Government Gazette*. We have gone into this matter at some length with the shires and had several discussions on the matter and attempted to go along with the regulations as they would affect the town planning scheme, and the minimum time it would take for the gazettal of the town planning scheme would be 45 weeks from the time the local shire council made up the scheme.

The regulations are quite cumbersome. As I said before, the local shires have to work very closely with the Town Planning Board, and they feel they should have been brought into the discussion when the regulations were framed.

There are several questions I would like to mention, some of which were asked of the barrister in Melbourne. This is the first question—

Will the latter part of the Town Planning Regulations 1963 be of assistance to obtain uniformity in maps, symbols, and interpretations?

This is the answer that was given—

Appendix B of the Regulations should provide uniformity in maps and symbols and will therefore be of assistance. Appendix D contains many definitions that need revision and in its present form it would be detrimental rather than of assistance to municipalities.

The next question—

Will the procedure under the Town Planning Regulations 1963 involve more administratively than is the practice at present?

The answer was "Yes." This was the next question—

Will the new procedure under the Town Planning Regulations 1963 be lengthy and cumbersome?

This is the answer given by the barrister—

Additional procedures have been introduced by the 1963 Regulations but some of these procedures are likely to be beyond the resources of certain of the local authorities and others of these procedures involve undesirable features from the local viewpoint.

A further question—

Should a local authority have a right of appeal to the Minister or to some other body in the case of disagreement with the Town Planning Board?

Naturally the answer was "Yes." The next question—

Under the Town Planning Regulations 1963 would any town planning action taken by a local authority be dependent on the Town Planning Board's recommendation to the Minister?

The answer—

Yes, assuming this question relates to the preparation and adoption of a planning scheme.

A further question—

Will the initiative of Councils to proceed with redevelopment plans be hampered by the lengthy procedure with which it must comply under the Town Planning Regulations 1963?

The answer once again was "Yes." A further question—

Are the introduction of a model text standard notation and interpretations the only material changes from the Town Planning Regulations 1930?

The answer—

No. There are numerous changes which have a very material effect from the local government viewpoint.

Quite a number of other questions were asked by the various shires, and they are all answered in this brochure that I have here.

Not all of the regulations, however, are considered by the shire councils, to be cumbersome or to be such as would restrict the time in which the town planning scheme could be put into operation. Some of them are very good. As a matter of fact, most of the shires are quite happy with a number of the regulations, but they feel that if we are to have a town planning

regulation at all, then it should be workable and should be able to expedite any town planning scheme that the shires put up from time to time.

I have not mentioned the name of the gentleman to whom I have been referring, but it is available if it is required. He went on to say that the question posed to him raised issues that go to the very heart of town planning. It is also stated that a correct solution of the issues will encourage and assist the development of town planning in Western Australia, whereas a failure to provide that solution will be to the detriment of the town planning board and the local authorities. So, as I have already said, quite a number of the regulations are said to be very good and to adequately cover the needs of the shires.

Mr. Jamieson: That is all in Mr. Gifford's opinion.

Mr. D. G. MAY: Yes. He goes to some lengths to make that point. I think the Shire of Canning at the moment is up to scheme No. 9 in connection with its local town planning.

That shire has quite a good record in the promulgating and compiling of the schemes. It has a very big area which is being developed in the Riverton-Rossmoyne district. A considerable amount of reclamation work has been done along the foreshore of the Canning River, and a number of problems have arisen; but because of the efficiency of the administrative staff in the Canning Shire it has been able to put forward schemes that have been acceptable to the Town Planning Board. But there again, even though they have been acceptable to the board, a considerable period elapses before the approval of the Minister is obtained. That occurred under the old regulation—the 1930 regulation.

In the opinion of the shire, the 1963 regulations which are at present tabled, are far more cumbersome and will mean that it will take longer to introduce schemes than would be the case under the old regulations.

There are several features of the regulations, especially in regard to the symbols, which I feel are very ambiguous. In particular, some of the wording is much the same as other wording although they deal with entirely different subjects. For instance, the words used with respect to the symbol for a reclamation area are "diagonal black hatch", whereas those for a proposed road closure are "black diagonal hatch". The first is "diagonal black hatch" and the next is "black diagonal hatch". I do not know where we draw the line; they seem to be pretty much the same to me.

Then again, the symbol for a reclamation area, a proposed road closure, an existing port installation, and a proposed port installation all provide for a diagonal hatch. Thus, "existing and proposed

noxious industry—regional special industrial area” and “existing and proposed hazardous industry” provide a cross hatching.

If you peruse the regulations, Mr. Speaker, you will see that some are broken hatch and some just ordinary lines across the square, but there is no actual line of demarcation; and they are closely knitted, and there is much affinity as far as the meanings are concerned. As this particular barrister pointed out, it might be all right for town planning experts—they can read the symbols quite quickly and interpret them—but it is difficult for an ordinary layman to understand and appreciate them.

All the shires that I have had contact with are of the opinion that the symbols are quite good. They say they will serve the purpose but will need some reviewing in regard to the wording and the actual interpretation.

The various shires are quite conscious of their responsibility in drawing up these schemes, especially in regard to the ratepayers, and in most instances they endeavour to talk the matter over with the ratepayers. On numerous occasions they have, in the Canning district, had protest meetings and invited the ratepayers along to discuss any scheme that has come up.

As I said previously, the Canning shire is at present working on scheme No. 9; and any time a scheme is published or gazetted, naturally there is a barrage of protests. But on each occasion that various landowners have come forward and have had the matter explained to them, they have gone away quite satisfied. I think that is all due to the fine administration that is carried out by the shire.

These shires have quite a big job to do. One of the shires in my area has appointed a town planning officer who works very closely in conjunction with the Town Planning Board, and quite close co-operation has eventuated from these appointments of town planning officers.

The Minister should give close attention to discussing matters of this nature with the shires. They should be brought into all the discussions because, after all, the Town Planning Board should be very pleased that a local government has an administrative staff to draw up local schemes. It must help the Town Planning Board. Therefore I feel the board should assist the shires wherever possible.

I believe the Minister in another place has received a deputation from the association of shires or councils and has agreed to give the matter good consideration. He has seen some of the information that has been obtained from the authorities in the Eastern States, and I think he appreciates there are certain features of the regulations which will have to be amended.

I have not spoken to the Minister in regard to the matter; and, although it was discussed at length in the other House, it was not quite as comprehensive as the disallowance motion I have moved.

I will not delay the House any more. The motion is quite clear. The shires in my area feel that the matter can be resolved as a result of a little get-together of the Minister and the association, and they feel that any future gazettal or compilation of town planning regulations should be made with the knowledge of the shires in the various districts.

Debate adjourned for 14 days, on motion by Mr. Lewis (Minister for Education).

*House adjourned at 9.14 p.m.*

## Legislative Council

Thursday, the 12th September, 1963

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4 p.m., and read prayers.

### QUESTION WITHOUT NOTICE

#### SITTINGS OF THE HOUSE

##### Thursday Nights

The Hon. F. J. S. WISE asked the Minister for Mines:

Can he indicate to the House when he thinks that longer sittings on Thursdays may be necessary to include sittings after tea?