

two countries, namely, New Caledonia and Canada, where approximately 80 per cent. of the world's production is obtained. Minute quantities have been discovered in Germany, Scandinavia and the United States of America, but an immense amount of capital is required, firstly, to investigate and find the nickel, and then to set up the requisite plant to carry out the work of treating.

Thus, in supporting the Bill to permit of a company being formed in Western Australia, which I understand is to be predominantly of overseas capital, we shall be providing an opportunity for large investors of overseas funds to come here and find out whether nickel exists, and if it does, to carry on with the necessary work of treating it and putting it into production. I understand that the cost of this work will be something in the vicinity of £250,000, and no company would come here to investigate unless it had reasonable security regarding the areas in which it could prospect for this mineral. I can see that nothing but good could come from the passing of the Bill. It will encourage outside capital and possibly the establishment of another industry in this State. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

ADJOURNMENT—SPECIAL.

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

That the House at its rising adjourn till Thursday at 2.15 p.m.

Question put and passed.

House adjourned at 10.55 p.m.

Legislative Council

Thursday, 6th October, 1955.

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

QUESTIONS.

DRIVE-IN PICTURE SHOWS.

Amplifier Nuisance.

Hon. J. McI. THOMSON asked the Minister for Local Government:

(1) Has he had his attention drawn to the nuisance being created in certain areas by amplifiers in drive-in picture shows?

(2) Will the Government introduce legislation or gazette uniform by-laws to combat this nuisance?

The MINISTER replied:

(1) No, because as yet there are no theatres of this nature operating in the State.

(2) Each application for a drive-in theatre in Western Australia is referred to a committee appointed by me in July last to consider all aspects of each case and to make recommendations accordingly. If control of the nature suggested by the hon. member is found to be necessary, appropriate steps will be taken.

TRAFFIC.*Gazetted Highways and Country Roads.*

Hon. L. A. LOGAN asked the Chief Secretary:

(1) What is the difference between the status of the highways in Western Australia, as gazetted from time to time under the Land Act, and an ordinary country road?

(2) What priority has a motorist using these highways, over a motorist using the ordinary roads which intersect or junction with these highways?

The CHIEF SECRETARY replied:

(1) Highways are not gazetted under the Land Act, which in Section 10 (5) only provides authority for the Governor by notice in the "Government Gazette" to define or alter the name of any street, square, terrace, road or lane. Roads are dedicated for public purposes under the Road Districts Act or the Municipal Corporations Act. They are gazetted as main roads under the Main Roads Act. The Main Roads Department is responsible for the upkeep of main roads and local authorities are responsible for all other public roads.

(2) Motorists are required to give way to vehicles on the right at all intersections and junctions, whether on main roads or otherwise.

**WAR SERVICE LAND SETTLEMENT
SCHEME.**

Debiting of Improvement Costs.

Hon. L. A. LOGAN asked the Minister for the North-West:

(1) With reference to the letter dated the 8th September, 1952, written by the Federal Minister for the Interior to the then Minister for Lands, and quoted in 1952 "Hansard," pages 1217 and 1218, and with particular reference to Clause 7 thereof on page 1218, will he inform the House how this ties up with the answer to Nos. (1) and (3) of the questions asked by me on Tuesday, the 27th September, 1955, which indicates that instead of work done at the expense of the settler being credited to him, such cost will be included in the total cost on which the settler's commitments will be calculated?

(2) How does he account for acceptance by the Government in 1953 of conditions as above referred to contrary to those set out as mentioned in 1952?

(3) Referring to question No. (5) of those asked by me on the 27th September, 1955, will he state definitely whether the work actually done by the settler at a cost less than the State's estimate, is charged to the settler at the lower and not the higher figure?

The MINISTER replied:

(1) The hon. member's question of the 27th September, 1955, specifically referred to Clause 5 of the conditions governing war service land settlement. This clause sets out the method of arriving at valuations on an estate or project basis.

The statement from the Federal Minister for the Interior, recorded in 1952 "Hansard," pages 1217 and 1218, is now, and always has been, the basis for the determination of an individual property within an estate or project.

Planned works, whether carried out by the settler or by the board, are all included for the purpose of arriving at the total costs of an estate or project.

When determining the final valuation of an individual property, any work carried out by the lessee on that property is credited in full, and does not appear in his final valuation.

(2) The method of final valuation laid down in 1952 does not differ from the conditions accepted by the State Government in 1953.

(3) The settler gets full credit for any work carried out by him in that such work does not appear in the final valuation.

BILLS (2)—FIRST READING.

- 1, Constitution Acts Amendment (No. 2).
- 2, Local Authorities, University of Western Australia Medical School Appeal Fund Contributions Authorisation.

Introduced by the Chief Secretary.

MOTION—ROAD DISTRICTS ACT.

To Disallow Petrol Pumps By-laws.

Debate resumed from the 4th October on the following motion by Hon. L. A. Logan:—

That amendments to Road Districts (Petrol Pumps) By-laws, 1934, made by the Department of Local Government under the Road Districts Act, 1919-1951, published in the "Government Gazette" on the 27th May, 1955, and laid on the Table of the House on the 9th August, 1955, be and are hereby disallowed.

HON. H. HEARN (Metropolitan) [4.39]: I believe that we have never had so many adjournments on a motion after speeches by so few members. I have been reading the speeches that have been made and I intend to support Mr. Logan in his attempt to get the by-law disallowed because, although the ground has been covered, I believe, that this is tantamount to a restraint of trade, and I feel that if the Government wanted to restrain any more petrol stations from operating, it should

have brought down legislation to effect that purpose. In the circumstances, I am going to vote for the disallowance of the by-laws.

On motion by Hon. L. C. Diver, debate adjourned.

MOTION—WAR SERVICE LAND SETTLEMENT SCHEME ACT.

To Disallow Fee Simple Regulation.

Debate resumed from the 4th October on the following motion by Hon. J. McI. Thomson:—

That regulation No. 23 made under the War Service Land Settlement Scheme Act, 1954, published in the "Government Gazette" on the 4th February, 1955, and laid on the Table of the House on the 9th August, 1955, be and is hereby disallowed.

HON. J. McI. THOMSON (South—in reply) [4.42]: When speaking to the debate on this motion, the Minister gave certain information which has a considerable bearing on the matter. I wish, firstly, to refer to the questions asked by Mr. Logan and the answer given previously—that the settler who completed the planned work by his own capital and labour should be charged the same amount as the settler whose work had been completed under the war service land settlement scheme.

It was clearly stated by the Minister that the improvements effected by the man himself would not be taken into consideration; and he also stated that a Taxation Department officer, and not a land settlement scheme officer, would investigate and make the valuation. In conclusion, I trust that the Taxation Department valuer will be fully aware of the position and approach the job with a full knowledge of his responsibility towards the settler. I have nothing further to add, as the Minister gave the information desired.

Question put and negatived.

BILLS (3)—FIRST READING.

- 1, State Government Insurance Office Act Amendment.
- 2, Parks and Reserves Act Amendment.
- 3, Mining Act Amendment.

Received from the Assembly.

MOTION—PERTH CITY COUNCIL.

To Disallow Central Districts Classification By-Law.

Debate resumed from the 4th October on the following motion by Hon. H. Hearn:—

That new by-law No. 33 made by the City of Perth under the Municipal Corporations Act, 1906-1953, and the Town Planning Act, 1928-1953, published in the "Government Gazette" on

the 18th February, 1955, and laid upon the Table of the House on the 9th August, 1955, be and is hereby disallowed.

HON. J. G. HISLOP (Metropolitan) [4.45]: It must be seldom that this Chamber has heard such a clear and concise statement put before it by a member making a plea for the disallowance of a regulation. This House owes a debt to Mr. Hearn for the amount of information that he gave and the manner in which it was delivered. He left very little for anyone else to add, in the way of detailed criticism, with the exception, possibly, of one or two points.

Probably if Mr. Jessop, of the Melbourne and Metropolitan Board of Works, had visited Perth before this by-law was issued, and before this set of conditions was laid down for the citizens of Perth, all this might not have happened in the way in which it has. The difference between that way suggested by Mr. Jessop and that which has actually occurred is extraordinarily great. Mr. Jessop's whole idea, and apparently that of the planning committee of the Melbourne Metropolitan Board of Works, was to take unlimited time, if necessary—within reason—and endeavour to meet all the difficulties put forward by citizens and make the whole of the population of the metropolitan area—and any others who desired to learn—aware of the conditions which they would like to see adopted for the City of Melbourne. But very little opportunity has been given to citizens here to understand or even to see the plan as laid down for the future of our city.

I am not at all certain that I want to live in a completely organised city. I do not want to feel that when I enter one block I will find nothing but offices; in another block, nothing but showrooms; and in yet another, nothing but tenement houses, and so on. Part of the beauty of a city is coming on the unexpected. I wonder what would have happened to the little church in New York if this set of conditions had been applied there. I wonder what would have become of the beauty of so many of the cities of Europe if these conditions had been laid down there in the past. We would have lost half the beauty of the cities which we now desire to go and see.

It seems to me that the needs of persons living or working in certain blocks—such as offices and showrooms—could be met by the provision of eating-houses and so on within that particular area. One recalls that in the American cities one will find a block of offices alongside blocks of shops; and not very far from a hotel there is generally an eating-house, such as Foster's, because there the habit has been that people do not necessarily eat in the hotel in which

they reside but go to a nearby coffee-house or whatever it is termed. There they have their meals. Right in between that and offices, one might find a shop that was selling something which tourists desire to see and purchase.

All those things make these cities attractive to tourists. However, if one moves out a bit, one may find long streets, as when one walks along the edge of the lake in Michigan, Chicago, where one finds long lines of blocks of flats. The tourist, when left to himself, finds something in the polyglot beauty which has been created in a growing city.

So I am not happy about the prospect of living in a completely marshalled city. In fact, I do not know how one can completely marshal a city, from the point of view of planning. We may find that if the city grows far enough the whole area might, with planning, be well divided into residential and factory sites. Many of the objections which Mr. Hearn raised the other night about the siting of homes in relation to factories were well taken.

I may be accused of being interested in this matter because this planning will affect a property which I own, but I have no hesitation in speaking about it. I am now referring to the planning of Mount-st. On one side of the proposed road there will be offices, but on the other side there will be only residences. How do we know, for instance, that, in view of the noise of the traffic, people might prefer not to continue residing there. It might be that people would want offices or professional rooms in that area.

Some years ago I bought a property in Mount-st., taking the long-range view that I might be forced out of my present rooms by rising rents and that, if I were still practising, I might build a residence and consulting rooms on the land. But if this proposal is accepted, that goes by the board, like everything else. I am not interested in the amount of compensation that would be paid if that should happen. It does bring me back to the question which was raised in a statement by Mr. Jessop that, if progress were to take place by proper planning which was to the benefit of the majority of citizens, generosity must be shown to the individual whose property diminishes in value. We have not yet seen such generosity exhibited here, but maybe we will see it in the future.

However, I doubt if there is much need for any such changes in our city at the moment or, should I say, for such rigidity, because even in the planning of Melbourne there is a gradient between what shall be such and what shall be something else. I do believe it is correct that an area may be gazetted as being divided between one class of buildings and another because of the fact that some merger of business and residential interests

will occur. Also, there will be people who prefer to live close to their place of business. Yet, if the present proposal is rigidly enforced, that might not be possible.

There are certain doubts in people's minds about some of the planning being placed before the citizens of Perth at the moment. I do not think it would do the slightest harm to disallow this by-law to allow further time for the public to get used to what the Perth City Council desires to be the future organisation of the city area.

Many of us believe that, despite the real benefit and the tremendous good contained in Professor Stephenson's report, his one mistake was the siting of the access roads from the proposed Narrows bridge to take people to the north of the city; and there is a fear in many other people's minds that, even if this bridge is built in conjunction with the proposed access roads, it may be found that the Government will run short of money and that the road coming from George-st. and Malcolm-st. will never be built because it will be expensive. There are many who believe that, in this area, in a spread-out city such as Perth, there are other routes for an access road. If that road is not built, the proposed Narrows bridge will bring more and more people into a congested area which is growing more congested every week.

In view of the fact that we have Professor Holford coming to our city to give advice to his company on the proposed bridge, I consider that, while he is here, we should also ask his opinion on the access roads. He is one of the most expert town planners that will ever visit our city, yet his advice is going to be entirely confined—according to the information given to me—to the type of bridge that is to be built, and his design will be based on the access roads.

If Professor Holford does give advice on the type of bridge to be built, the route of the access road and the best method of getting to and from that bridge, and it proves to be the same as that tendered by Professor Stephenson, I am certain that the citizens of Perth will accept the result without question. If there is any change in the proposed route of the access road it will make a considerable difference to the town planning as laid down by the Perth City Council. Therefore, I believe that this is too early a date on which to lay down a rigid proposal for the zoning of the City of Perth. For that reason I am going to support the motion for the disallowance of this by-law.

May I make the plea that those people who are in authority come nearer and nearer to the people? There is a growing tendency—probably all over Australia, but I think more so here lately than ever before—for bodies, even though they are

elected, to become autocratic. That is not going to lead to any real public satisfaction; nor will it react to the benefit of the community. Even we here who have authority, and those who have authority in local government might well learn a lesson from the methods outlined and adopted by Mr. Jessop and the Melbourne Metropolitan Board of Works in seeking to be certain that everyone's objections are made as far as possible before any actual action is taken on town planning. It might react not only on town planning but with regard to other things that occur in our city.

I think that every member must have had the experience, no matter what government has been in power, of having had suggestions negatived almost before they have been made because they had not been first in the minds of those in authority. One has seen that occur frequently, and it has grown somewhat intensely in the last few years. I would make the suggestion that with the disallowance of this by-law—if that takes place—we should all learn the lesson that, in the ultimate, it is the people's good that should be our first thought and our actions towards that end should be in consultation with the people.

It may be that Parliament fought Charles the First in order to retain or even develop power in its hands. At the same time, I do not think it is wise for those in authority to forget the people in their actions lest ultimately the people do with Parliament as they have done with kings. I support the motion.

HON. E. M. DAVIES (West) [4.52]: I am sorry Mr. Hearn has submitted this motion. On the other hand, I have no objection to the debate that will take place as a result of its having been moved; no doubt it will do good. I feel, however, that if we are to start planning, it is no use a local authority bringing forward a scheme, after a great deal of consideration and work, and the expenditure of a large amount of money, if that scheme is to be disallowed. It might have been better if some other means had been sought whereby further consideration could have been given to this matter, and I have in mind the fact that the proposed zoning of the City of Perth has been gazetted. My own point of view is that town-planning schemes have to be sold to the people.

Hon. H. Hearn: Hear, hear!

Hon. E. M. DAVIES: It is somewhat unfortunate that the Perth City Council did not adopt that attitude prior to the gazettal of the proposed zoning of the City of Perth. Nevertheless, looking at the plan, I believe that there are quite a lot of good points in it, though there are some which are not good, and one with which I myself do not agree. At the

same time, I do not feel disposed to support the motion, because that would disallow the whole plan, into which a great amount of work has been put.

Hon. H. K. Watson: Not necessarily conclusively and finally.

Hon. E. M. DAVIES: That is what I want to ascertain—whether there are other ways and means by which this matter could be brought forcibly before the Perth City Council with the intimation that there is dissatisfaction with the proposed zoning. I feel that if that could be done, wiser counsels might prevail.

Hon. H. Hearn: I mentioned that in my speech.

Hon. E. M. DAVIES: I am well aware of that. I know the hon. member has given his reasons and some very good ones. But I feel that it would not be wise to disallow the zoning plan. This is one of the youngest States in the Commonwealth, and we have reached a stage where some planning should be done before Western Australia is developed to any greater extent. I have no doubt whatsoever that, no matter what plan is submitted, somebody will not be satisfied with it.

Hon. H. Hearn: I said that, too.

Hon. E. M. DAVIES: Yes. Something must be done whereby we can sell a plan; and I think that wiser counsels could prevail and that some ways and means could be found whereby the owners of property in Perth could, through their representatives—both on the Perth City Council and in Parliament—have the matter further discussed. I am rather loth to vote for the disallowance of the plan, because I know that the local authority with which I am associated has for some time been trying to devise a scheme for the City of Fremantle that will prove suitable.

To my way of thinking it is necessary to try to educate the people, to explain to them what is intended, and to give them the opportunity to raise suggestions and iron out any difficulties that may arise in connection with any town-planning scheme. Unfortunately, however, the Perth City Council has had its plan gazetted before giving the people of the city an opportunity of discovering what it would mean. I am not in any way reflecting on the hon. member for having introduced his motion.

Hon. H. Hearn: It was the only course I could take.

Hon. E. M. DAVIES: No doubt it will be the means of bringing before the public generally a lot of the anomalies that exist. But I feel it would have been better if the hon. member could have thought of some other way of having the matter dealt with.

Hon. L. C. Diver: What other way?

Hon. E. M. DAVIES: I would have preferred that. If the hon. member can make some suggestions along those lines, I will be one of the first to support them; but I do not think it is right and proper that when a local authority has submitted a plan in the correct way, that plan should be disallowed as a whole.

Hon. H. Hearn: That was the only course open to me.

Hon. E. M. DAVIES: I know there are difficulties and I appreciate them; but I trust that during the debate, there will be some other suggestions whereby we can overcome the necessity of disallowing the plan.

HON. A. R. JONES (Midland) [5.7]: I support the motion mainly because the by-law amounts to regimentation. That is a word which I do not like; and I do not like the meaning implied in it. I am thoroughly in accord with a city having a plan, and I feel that the plan submitted by Professor Stephenson and his associates is one that will receive due consideration by the committee set up for the purpose, before any major portion is adopted. I do not consider that the council, whether it has reached its conclusions hurriedly or after a long deliberation, should impose such restrictions as are embodied in this zoning plan. It adds up to nothing else but regimentation, and the people have been fighting that sort of thing all their lives. I have no doubt we will go on doing so as long as we belong to the British Commonwealth of Nations.

The Chief Secretary: The word today is not "regimentation" but "planning."

Hon. A. R. JONES: The Chief Secretary can put any name to it that he likes, but it amounts to the same thing in my mind. As Mr. Hearn wanted to know, why should people be told what they shall do with land of which they have held the freehold for so many years? We know that properties have to be resumed to fit in with an overall plan; and if such resumption is for the good of the public generally, nobody has any great argument against it, provided fair compensation is given. But when the Perth City Council seeks to tell a person that he shall not set up in a particular type of business except in a special area, I think it is time the council was told by this responsible House that we will not have such regimentation at any cost.

The Chief Secretary: If that is the attitude, you can forget all about planning.

Hon. A. R. JONES: Certainly not! We have to plan and have authority to stipulate where roads and bridges shall be placed and where railways shall terminate. But we do not want anybody to tell people where they shall erect buildings, except Government hospitals and other institutions, and we do not want free enterprise interfered with.

Hon. H. Hearn: We do not want people put in an impossible position.

The Chief Secretary: You could have a foundry in the middle of a residential area.

Hon. A. R. JONES: The Chief Secretary is going to an extreme. We know perfectly well that a cement factory could not be erected in St. George's Terrace, and I do not think any sane person would attempt to establish one there.

The Chief Secretary: It could be done if there were no planning.

Hon. A. R. JONES: The council would be in the position, under its health laws, to ban any such enterprise. But why should not a barber set up business in Hay-st. if he wants to do so rather than have to go to the east end or the west end of Perth, where other barbers are operating? Why should a person who wants to sell groceries be unable to set up a grocery business wherever he desires, provided nobody was thereby inconvenienced; and why should professional people be all put into one particular area? On that ground alone, I support the motion. I am not worried about its inconveniencing the Perth City Council, because the council has not taken the people into its confidence; and if the by-law is disallowed, it will have an opportunity to submit a further plan.

HON. SIR CHARLES LATHAM (Central) [5.17]: I am afraid I shall be out of step with those who have spoken in favour of the motion. During my recent trip to England, I went through the old parts of London where the congestion is terrific. Even in the olden days there was some semblance of laying out the city. Banking institutions and commercial houses were established in very narrow streets, and today it is almost impossible to move along them.

I also went out to the newer suburbs and saw how business centres had been laid out with double roadways and gardens, such as we have in some of our suburbs, and I found it a pleasure to walk through those places. It was pointed out to me that heavy industries were concentrated in one locality where people were not residing, and could not therefore be inconvenienced by them. Then there was a circle of lighter industries; and finally a residential area, with a convenient shopping centre. It struck me that that was a very nice lay-out.

Like other members, I know Perth very well; and when one thinks of the congestion that exists today in our streets, and the traffic problems that arise, one cannot help wondering what will be the situation in another 50 years. This State has grown very rapidly within the last two or three years, and its population will con-

tinue to increase with the number of new industries that are being established and with people coming from overseas. The result is that we must have some kind of planned system to meet the future needs of Perth.

I know of no city in Australia that can equal this for beauty. When it is properly laid out, it will be the queen city of Australia. But there must be planning. Who is competent to do the planning? We educate town planners; and Professor Stephenson, whom we brought out from England, and who planned the city for us, is supposed to be one of the leading town planners. I understand that we have now appointed a State planner. I do not know anything about his qualifications, but they are reputed to be high. At the time he was appointed, it was suggested that he was the best man who applied for the position. In company with Professor Stephenson, he has, I understand, more or less planned the city for the future. I would not like to think that with my limited knowledge I would stand up in this Chamber and say he was wrong.

I have had a look at the plan, and I know there are some problems associated with it at the moment; but in time to come—it might take 75 years—Perth will be a model city. It is not proposed to tear down all the buildings, but only those that are 75 per cent. destroyed. I look a long way into the future before I can envisage much alteration being made to the city. I live on the south side of the river, and I know what is being done there.

Some firms appreciate the traffic and transport problems, and they are to a certain extent planning, by providing parking areas, to overcome those problems. Even so, when people want to cross the road at busy times to get to those places, the problem is terrific. I understand that the plan attempts to provide shopping centres as close as possible to the residential population. If that is done, the transport problem will, to a certain extent, be solved. Mr. Hearn made out a good case for the disallowance of the regulation, and he was ably supported by Dr. Hislop. But I ask: Are they qualified to put up anything better?

Hon. H. Hearn: That is not the point I raised.

Hon. Sir CHARLES LATHAM: I say they are not. Even if the motion is carried, it may not do a great deal of harm, because the by-law will be sent back to the Perth City Council. It is of no use complaining about the Lord Mayor and the councillors of the city for preparing the by-law and sending it here. The by-law would be prepared by the Town Planner, I presume, and it would then be sent to

the council for adoption. The councillors are, I believe, like us, not highly qualified to criticise; but at least they are people with a local knowledge, who can say whether or not the plan fits in with their ideas. The by-law would then go to the Minister, and I assume he would not simply sign on the dotted line—he would not if I know him—but would refer it to the town planning people under his control. Eventually the by-law would reach this place, as it has done. I would not be too critical about who is right or wrong; but do not let us kill this. Let us lend a helping hand to improve it.

Hon. H. Hearn: How can we do that without disallowing the by-law? It is the law of the land.

Hon. Sir CHARLES LATHAM: It is easy to disallow a by-law if we have a sufficient number to support the disallowance; and it is easy to criticise, particularly if we have not the qualifications. I have not got them. I look at the map hanging on the wall there, and I can picture something I saw, not only in London but in the industrial cities of England which are growing terrifically.

Hon. H. Hearn: Were they—

Hon. Sir CHARLES LATHAM: Would the hon. member mind not interrupting? He has even awakened the Minister. I went into the central counties where I saw places like Birmingham and Wolverhampton which were quite separate when I was there last—about 20 years ago—and I was amazed at the growth that had been made. Even in those places they have their problems. In York there is a big engineering works almost alongside the leading hotel and close to the railway station. The authorities there are waiting for the day when they can shift the works right out of the city of York so that they can replan. They have a replanning scheme there, the same as we have.

While members will probably disallow the by-law—I am not supporting the motion—I would like the Perth City Council to take advice—perhaps not advice, but it might take into consideration the speeches made in this House by men who are, in their own minds, justified in trying to help. If the by-law is disallowed I do not want the position to be that we simply say, "Let us tear it down. Do not let us put up anything constructive." We cannot do that, but we might accomplish something if we gave the council encouragement by saying, "We have had a look at the plan." If members can say they are qualified to make a better plan than that, then they have a higher opinion of themselves than I have.

Hon. J. G. Hislop: Do you not think—

Hon. Sir CHARLES LATHAM: I think that if we had a hall large enough it would be a fine thing for the Lord Mayor,

together with his town planner and other officials, to call a meeting of the people and say to them. "You are interested in the city planning, and so are we." If the plan were explained to the people it might help things, although I would not expect a multitude like that to do more than, perhaps, adversely criticise the scheme. There would not be much constructive criticism. We would get more results from this House as members here are elected because they are regarded as being a cross-section of the intelligent public. I am sorry that the motion has been moved. I think that, probably, the Perth City Council has been rather hasty in its submission. This can be amended.

Hon. H. Hearn: How?

Hon. Sir CHARLES LATHAM: Not by the hon. member. We cannot amend this any more than the council can amend the laws of the State. We only give power to the civil servants to do that.

The Chief Secretary: You are spoiling a good speech.

Hon. Sir CHARLES LATHAM: That is perfectly true. I would not like the Perth City Council to amend our laws, and we should not expect to be able to amend its laws. I am sorry it did not give a little more time to this matter. The best thing to do is to educate the public in regard to town planning. When that is done and the plan has been given effect to, we will see some results. If I were able to come back a second time, I would probably admire the city more than I do now. As I have said, I have seen nothing nicer than Perth can be under proper control and planning, and as it will be in 50 years' time. I believe we will have a population here from overseas that will appreciate the city as much as I do. I must support the motion.

The Chief Secretary: You mean "I must not support the motion."

Hon. Sir CHARLES LATHAM: Yes. I am supporting the Minister.

Hon. H. K. Watson: You are assuming the Minister is going to vote against the motion.

Hon. Sir CHARLES LATHAM: The Minister has signed these papers, as the hon. member will see if he looks at them. I am sure that those members who have spoken have not condemned the whole of the by-laws. If this particular one does go back to the council, I hope the council will not be disappointed because of what has happened in this Chamber. Mr. Hearn made out a wonderful case, from his angle; but it was a bit destructive, I thought. He has not offered anything better. He said, "You have prepared this and submitted it to us, but it is no good because I do not agree with it."

Hon. H. Hearn: You have misrepresented my speech.

Hon. Sir CHARLES LATHAM: I do not think the hon. member is qualified in this matter. If he is, there are good positions for him, as a town planner, in other parts of the world.

HON. L. C. DIVER (Central) [5.26]: I trust that no division will be taken on the motion. I suggest to the Minister that he use his influence with the Perth City Council to have the by-law and plan withdrawn so that we shall not, right at the outset of town planning in Western Australia, create a situation of fermentation. I do think that if we sent the by-law back to the people concerned, we would give them the opportunity to study, in consultation with the Perth City Council, the implications of it. If that were done, much good would eventuate without either side in this debate having to declare itself. To start off requesting the disallowance of a town-planning by-law is unhealthy for town planning in general, and it is definitely undesirable.

On the one hand, I agree with Mr. Hearn that if the plan stays here until a division is taken on it, and the division is successful, a position will be created by which we will get opposition from the people to town planning. That is something we do not want—we desire their co-operation. The Perth City Council is an elective body; and as a result of this motion, its members, or some of them, might incur the wrath of the ratepayers, so that those members would pay the penalty by losing their seats; and we do not want to see that state of affairs. We want town planning to be carried out in intelligent manner. We do not wish to see any cards pulled from up the sleeve, so to speak. A majority of the ratepayers might find that they are tied up in a manner that they did not expect. On the other hand, I trust that those citizens who are penalised a little by the plan, will be big enough, for the benefit of posterity, to realise that someone has to make a sacrifice.

I could talk on in this strain for some considerable time, but I do not feel it would get us anywhere. I believe the plan and by-laws should be withdrawn, and that the council should hold the matter up until the whole of the town planning Act is passed. Certain people are endeavouring to knock it into shape so that it will be acceptable to Parliament. The whole thing could then be taken over and a properly constituted appeal body appointed so that those who think they have a grouse or complaint could lodge their appeal and have it heard. The plan could then be implemented on a fair and just basis. If my suggestion were adopted it would be in line with Mr. Davies' proposal that something else should be done. I think we could get away with it

like that and if the proposal were temporarily withdrawn until legislation was passed it would not interfere with the overall scheme.

HON. L. CRAIG (South-West) [5.31]: The adoption of Mr. Diver's proposal would satisfy me.

Hon. H. Hearn: It would satisfy most of us.

Hon. L. CRAIG: I think it would, too. The object of Mr. Hearn's motion is to delay the coming into operation of the by-law which has been put forward by the Perth City Council. Only by the passage of time will we be able to discover the implications of all this planning. To some it is apparent that their properties will be enhanced in value; they are going to do well by this planning. Areas that have not had a great value placed upon them will be increased in value because they have been zoned into areas where good quality buildings will be erected. Of course, on the other side, the reverse will happen.

Only today I was dealing with a case where the equity in a property has already greatly deteriorated. An application had been made by an industry for a substantial loan. The valuation of the land was there, but the buildings—substantial buildings—were used for a factory, and that area has been zoned as a residential area. So the factory buildings have ceased to be of any value, because once the area ceases to conform the buildings have no value. In other words, the lender or the mortgagee would not be able to take the buildings into account, because in case of liquidation of the company, or if the mortgagee had to foreclose, the factory buildings would be useless since no one could use them immediately they ceased to conform.

Hon. J. G. Hislop: Ceased not to conform.

Hon. L. CRAIG: No, immediately they ceased to conform to the plan.

Hon. J. G. Hislop: Ceased not to conform.

Hon. L. CRAIG: That is so—immediately they ceased not to conform. Immediately the ownership changed the buildings would be of no value. They would have to be abolished because the locality had been classified as a residential area. Right throughout the metropolitan area cases of that sort will arise. All I have in mind is some delay, so that the implication of all these things shall be forcibly brought before the owners or occupiers of these properties.

Hon. H. Hearn: That is all I have in my mind.

Hon. L. CRAIG: There is no other reason for my attitude. Anybody who thinks at all must agree with planning, and the planning as set out on the plan looks all right to me, a layman. But let us delay for some months, so that the implications and the real purport of it to those so vitally concerned can be looked at. These people

should be given an opportunity to get advice, or at least have the time to look at the position and see where they stand, because there will be tremendous claims for compensation—claims which now cannot be seen.

Hon. N. E. Baxter: There is no compensation under these regulations.

Hon. H. Hearn: If it is made after the 18th October they will not entertain a claim.

Hon. L. CRAIG: That is so. Let us delay this for a while. Unless the by-law is withdrawn the only way we have of delaying the position is to disallow it. By doing so we would not be censuring the Perth City Council. We would be showing the members of that body that we wanted to hold horses for a while until everybody had had a look at the position to see the vast implications that are in it and how they would be affected. Consequently I shall support the motion.

The Chief Secretary: Defeat this and you will let everything run loose.

HON. H. K. WATSON (Metropolitan) [5.35]: I intend to support the motion; but, like Mr. Diver, I would welcome an opportunity of being spared the necessity of going to a division on it. Sometime between now and the time when it is necessary, in the ordinary course of events, to vote on the motion, I would like to see the by-law withdrawn by the Perth City Council.

The Chief Secretary: Or the motion withdrawn.

Hon. H. K. WATSON: On the contrary, that is the last thing that should happen. I think the mover of the motion is to be congratulated for bringing the matter under notice with a view to saving the day and temporarily postponing what cannot be described as other than a precipitate action on the part of the Perth City Council.

I am in no way opposed to planning on broad, general principles. I think we all agree that areas must be set apart for residential on the one hand, and business premises and factories on the other. But the plan which we are considering goes much further than that. It is rigid to the utmost degree. I was going to say that it was rigid to the uttermost farthing; but instead, I will say that it is rigid to the uttermost block of land—and it deals with virtually every block of land in the City of Perth.

The various illustrations which Mr. Hearn gave when moving the motion show that in many respects it will operate anomalously, irksomely and, I think, questionably. For example, I noticed in looking at the plan that it provides that the whole of Hay-st., from Barrack-st. or beyond up to George-st., is henceforth to be

zoned for retail shops. It may be that in the course of the economic and general development of the State during the next 50 years, we will find that area occupied by retail shops. But I think it is questionable whether here and now the Perth City Council should say that henceforth only retail shops shall be commenced in that area.

Throwing my mind back 20 or 30 years and visualising the city as it then was—and I invite other members to do the same—I remember Murray-st. between William-st. and Barrack-st. Forrest Place was built and even in those days there was Faulk's warehouse and Beath, Scheiss & Felsted's warehouse alongside it. Today the same premises are retail shops. One always finds that the retail establishment will find its own spot where the needs of the community and the circumstances of the business demand. One always finds, in the main, that what is being planned for one gets as a result of economic development. I should say that in 50 years' time it may well be that retail shops will come right up to George-st. In the meantime there should, in my opinion, be a little more latitude in regard to the use of these premises if and when they become vacant.

I realise that the plan which has been produced is virtually a replica of the Stephenson plan. Therefore it has much to commend it. But as Mr. Davies said, we are on the verge of bringing in a comprehensive plan for the City of Perth—and indeed, for the metropolitan area. I feel that, as the whole of the Stephenson plan—of which the Perth City Council plan forms a part—is at the present moment being considered by a parliamentary committee, with a view to appropriate legislation being introduced and considered by the general public, so that there may be informed public opinion on the question, the Perth City Council was precipitate in beating the gun and in adopting its plan, by virtue of its own by-laws, instead of first allowing the Stephenson plan to be adopted.

It will be known by Mr. Davies, who is a member of the Fremantle City Council, that the Stephenson plan, in just the same way as it provided a detailed plan for the City of Perth, provided a detailed plan for the City of Fremantle. I think it is to the credit of the hon. member, and his fellow councillors in the City of Fremantle, that they did not precipitately rush in and adopt the plan prepared for the City of Fremantle. That is being allowed to take its ordinary course; it is being sold to the public. Presumably, in due course, it will be adopted as part of the Stephenson plan, after that plan has been considered by Parliament, and the City of Fremantle plan in particular has been considered by the citizens of that city.

I cannot help thinking that that was clearly the course that should have been taken by the Perth City Council. On the other hand, the method and manner in which the plan was brought into operation by the Perth City Council does, in my opinion, leave much to be desired. There was a notice in the "Government Gazette," which was virtually unintelligible to the average, intelligent person. There was only one plan which could be inspected, and it was stuck away in the City Building Surveyor's private office and not in the public hall. I would have thought that the council would have a dozen plans available for inspection in the public halls in much the same way as the whole of the Stephenson plan has been printed so that he who runs may read.

I should have thought the City Council would have acted in a similar manner. I would have imagined it would have had a plan printed, even if it charged 10s. or £1 for it, and publicised the fact that it was about to be implemented, so that all interested persons could have studied it and, on inspection, realised its full implications, after which they could have made such recommendations or protests as they felt disposed to make.

The circumstances under which the plan was introduced were almost hush-hush. There was not the slightest publicity. I am prepared to give the Perth City Council the benefit of the doubt, and I am not questioning its bona fides at all. I would put it down to an excess of zeal, and that it certainly was. Unless the by-law is withdrawn, I feel that, reluctant as we are, or as we ought to be, to disallow it, that is the only course available to us in the circumstances.

In moving for the by-law to be disallowed, Mr. Hearn made it very clear that we are not endeavouring to do so in a destructive manner. We are not moving to disallow it for ever and a day, or conclusively, but simply to allow time for further consideration. We wish to allow for the greater publicising of the plan, so that those who are vitally affected may have time, on further consideration, to make such representations as they may desire for the modification or easing of the plan as they consider necessary.

In the light of the remarks already made by Mr. Hearn, I think the Perth City Council itself would be first to realise, upon considering all the facts as they were presented to us by the hon. member, that some reconsideration is required. I feel the regulation should be disallowed. It cannot be left merely to the whim or caprice of the Perth City Council to override its own by-laws or to depart from them in the future. I again emphasise that this motion is simply to allow further publicity of the scheme, and further time for the public to consider it. For those reasons I support the motion.

HON. N. E. BAXTER (Central) [5.49]: In supporting this motion, I agree that there should be a plan for the City of Perth; but I do not agree with the method in which it is being carried out. It has been done by means of a sudden-death by-law, which was published in the "Government Gazette" in February. If property-owners wish to know what the by-law intends, they must get a copy of it, only to find that there is no plan attached.

This means that it is necessary to go to the City Building Surveyor's office, as Mr. Watson has said, and study the plan and the by-law before one is able to discover its full implication. There is no map or plan with the by-law and one might just as well be reading a lot of jumbled nonsense. It contains no information whatever. Why it was not possible to include a small printed plan of the whole set-up when the by-law was printed, I do not know. It would have been the sensible thing to do, even if it was found necessary to charge 5s.

I have had a look at the by-law and the map, and one has to go to and from the city surveyor's office to get a full picture. It is necessary for property-owners to obtain a copy of the by-law and then constantly visit the city surveyor's office to study the by-law and the map together. Unless they do this, they do not know where they stand.

I object to the action taken because of the sudden-death manner in which it has been carried out. Property-owners have been given no opportunity to consider what they should do with their properties in the future. In other words, if a person has a property that is leased, and the lease expires and the lessee does not wish to renew it, then on the date on which it expires, the premises are to be converted to the use prescribed in the plan. That may entail a cost of many thousands of pounds to the owner.

Unless he has plenty of capital, his property must stay empty because he would get no return from it; it has to be reserved for a certain type of business under the by-law. It is not much use even if the Perth City Council allows to the 18th October for compensation claims to be made, because during that time the property may be leased to a certain party and the owner may not know what he proposes to do. The way this matter has been implemented is entirely unfair to the city property-owner. If it is considered there will not be any large alteration in the city's industry for five years, why not stipulate a five-year period and say that such-and-such will happen five years from February, as outlined on the plan? A man would then be in a position to know what to do with his property and make plans accordingly.

When one has a property valued at several thousand pounds, it is difficult to decide what to do for the best in a few short months. It may take years before one is able to come to a decision on the matter. It is wrong for the City Council to gazette a regulation such as this, in a sudden-death manner, and say to property-owners that they cannot do what they like with their property, but that they must do what the council says. It is a type of socialism.

If an opportunity is given for the whole set-up to be reorganised, people will know where they are. That would be quite reasonable and fair. Owners would know where they stood in relation to compensation. I cannot agree with the method by which this has been done. I do agree to some extent that a plan is required, and that there is need for one. The method, however, is wrong; and for those reasons I support the motion.

On motion by Hon. F. R. H. Lavery, debate adjourned.

BILLS (2)—THIRD READING.

- 1, Honey Pool.
Returned to the Assembly with an amendment.
- 2, Police Act Amendment.
Passed.

BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.56] in moving the second reading said: Members will recall that last session the principal Act was amended to give the Governor power to make regulations for prescribing the measures that should be taken for the safety of persons working on roofs sheathed with asbestos cement or other brittle material. At the time it was intended that these regulations should have State-wide application.

However, the fact was overlooked that Section 1 (2) of the principal Act states that unless otherwise expressly stipulated, any requirement in the Act applies only to an area within a 25-mile radius of the General Post Office. The Bill seeks to rectify this error, as obviously it would be just as dangerous to work on asbestos roofs in the country as in the metropolitan area.

Two small amendments are required to bring this about. One provides that the precautions and safety measures gazetted shall be mandatory throughout the State. The other ensures that the regulations will apply whether gear or scaffolding is or is not being used at the time. This proposal comes within the ambit of the Act, the long title of which provides for the inspection of scaffolding and other purposes.

Members may ask why all the provisions of the parent Act do not apply throughout the State. The reason is that, generally speaking, buildings in country areas are smaller than in the city and the accident ratio is much less. In view of this, the considerably added cost of policing the whole State has not been found to be warranted. This, however, as I have said, is not the case where roofs of brittle materials are concerned. I move—

That the Bill be now read a second time.

On motion by Hon. J. McI. Thomson, debate adjourned.

**BILL—POLICE BENEFIT FUND
ABOLITION ACT
AMENDMENT.**

Second Reading.

HON. E. M. DAVIES (West) [5.59] in moving the second reading said: This small measure deals with the question of officers who were members of the Police Benefit Fund. That fund closed down on the 29th June, 1939, because of the introduction of the superannuation and family benefits scheme. Most of the police officers who were members of the Police Benefit Fund transferred to the superannuation scheme, but there were a few of them, approximately 19, who did not do so. If I read from "Hansard" No. 2, 1939, members may have some idea of what actually took place. When introducing the Bill on page 2240, the then Premier said—

The purpose of this Bill is to abolish the Police Benefit Fund and to make provision for the winding up and disposal and distribution of the moneys in the fund. The reason why the fund is being abolished is that provision is made in the Superannuation and Family Benefits Act of 1938 for pensions to police officers, in common with other members of the Public Service, on retirement from the service. The Superannuation and Family Benefits Act, Section 32 (2), provides that a contributor to the Superannuation Fund who is employed in the Police Department and who is liable to contribute to the Police Benefit Fund, shall cease to be liable to contribute to that Fund or be entitled to benefit from it, but he is entitled to have placed to his credit with the Superannuation Fund his share of the Police Benefit Fund, as is in the opinion of the Government Actuary fair and just.

If the condition of the Police Benefit Fund, had been normal there would have been no occasion for the present Bill, because after investigation by the Government Actuary the share of

those members of the Police Benefit Fund who desired to join the Superannuation Fund could have been certified and paid over to the Superannuation Board. Unfortunately, the condition of the Police Benefit Fund is that it is almost insolvent. The history of the Police Benefit Fund is that it was established under an Ordinance of 1866, which provided that moneys collected from members of the Police Force by means of fines and subscriptions should be set aside to form a fund out of which gratuities, rewards, retiring allowances or superannuation to police officers could be paid. Since that time the regulations governing the fund have been amended from time to time, and until recently the position was that police officers contributed 3 per cent. of their salaries and the Government contributed an amount equal to the sum of these contributions to the fund. Officers on retiring were entitled to a gratuity varying from a fortnight's to four weeks' salary for each year of service.

There were approximately 19 officers who did not take advantage of the superannuation fund, and all the moneys in the Police Benefit Fund at the closing date—the 29th June, 1939—had to be paid into the Police Benefit Fund Distribution Trust Account to be kept at the Treasury and administered by the Treasurer. Moneys from the trust account would only be paid out in accordance with Section 13, which reads as follows:—

- (a) Where any member of the Police Force named in the statement aforesaid has become a contributor or a qualified contributor under the provisions of the Superannuation Act, the amount shown by the said statement to be payable to him out of the Police Benefit Fund Distribution Trust Account, shall, subject to Section 14 of this Act, be payable and be paid forthwith to the Superannuation Board for the benefit of such member of the Police Force in accordance with the provisions of the Superannuation Act;
- (b) Subject to paragraph (a) hereof no member of the Police Force shall be entitled to any payment whatsoever out of the Police Benefit Fund Distribution Trust Account until he has retired from or ceased to be employed in the service of the State, but as and when a member of the Police Force retires from or ceases to be employed in the service of the State, he shall be entitled to payment of and shall be paid in full the amount shown in the statement aforesaid to be payable to him; provided such amount has not already been paid for his benefit to the Superannuation

Board in accordance with the requirements of paragraph (a) hereof;

- (c) Where a member of the Police Force, to whom a payment is shown by the statement aforesaid to be payable, dies whilst still employed in the service of the State, then, provided the amount shown to be payable to him as aforesaid has not already been paid for his benefit to the Superannuation Board in accordance with the requirements of paragraph (a) hereof, the amount payable to such member shall be a debt owing by the Treasurer to the estate of the deceased member and shall be paid to the executor or administrator of the will or estate of such deceased member of the Police Force on demand.

We have dealt with the person who has transferred to the superannuation fund, with the person who is deceased, and with the officer who has retired. Those with whom it is sought to deal by an amendment of the Act are the officers who did not take advantage of the Superannuation and Family Benefits Act. The money they had paid into the Police Benefit Fund was transferred to the trust account at the Treasury. It has not been invested because it amounts to only £178. There are only three officers who have not yet retired under the Police Act, and it is felt that as the sum of £178 is small and the Treasury would not be likely to invest it with a view to drawing interest, it is only right that the officers concerned should be able to draw it before retiring from the Police Force. I trust that this fact will receive the consideration of members.

The Bill provides for an amendment to Section 13 by deleting all the words after the word "hereof" in line 1 of paragraph (b) down to and including the word "shall" in line 9 and substituting the words "when-ever a member of the Police Force who is entitled to a payment out of the Police Benefit Fund Distribution Trust Account requests that such payment be made to him, he shall forthwith." A further amendment is to insert after the word "paid" in line 6 of paragraph (c) the words "to the member himself, or."

The amendments simply mean that the three members of the force who have not yet retired and have paid into the benefit fund may receive their money. The Treasury has not invested it, and there is no objection to the money being made available when application is made for it. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

House adjourned at 6.9 p.m.

Legislative Assembly

Thursday, 6th October, 1955.

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The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.

EDUCATION.

Wembley School Extension.

Mr. NIMMO asked the Minister for Education:

(1) In view of the increasing growth of Floreat Park and Wembley, is it intended to build two more rooms on to the Wembley school to bring it up to the fifth standard?

(2) If the answer is in the affirmative, will he give an approximate date for the commencement of the rooms?